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## Part 2

# LAWS AND REGULATIONS

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2 August 2023 / Volume 155

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**PROVINCE OF QUÉBEC**

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 6 JUNE 2023

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 6 June 2023*

This day, at ten to two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

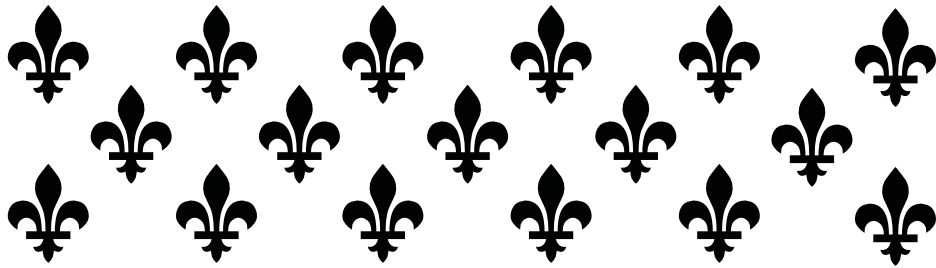
- 12 An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

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*Québec Official Publisher*





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 12  
(2023, chapter 13)

**An Act to reform family law with regard to  
filiation and to protect children born as a  
result of sexual assault and the victims of  
that assault as well as the rights of  
surrogates and of children born of a  
surrogacy project**

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**Introduced 23 February 2023  
Passed in principle 30 March 2023  
Passed 31 May 2023  
Assented to 6 June 2023**

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**Québec Official Publisher  
2023**

## EXPLANATORY NOTES

*This Act amends the Civil Code with regard to filiation.*

*The Act allows a child, where born as a result of a sexual assault, to contest his filiation with regard to the assailant or to object to such a filiation being established. It also makes the assailant responsible for contributing to meeting the child's needs by paying a financial contribution as support to the victim of the sexual assault. The Act also makes it possible for the child to be considered a descendant in the first degree of the assailant for the purposes of the rules regarding legal devolution or of testamentary provisions.*

*The Act provides that the presence of sexual violence must be taken into consideration in decisions concerning a child. The presence of sexual violence is given as an example of a situation that could lead the court to declare deprivation of parental authority. It is also provided that the court must, at the request of any interested person, declare a person who has been found guilty of a criminal offence of a sexual nature involving a child to be deprived of parental authority or find the person liable for injury resulting from an act which could constitute such an offence, unless it is shown that such a measure would be contrary to the interest of that person's child.*

*The Act codifies certain recognized principles and certain rules derived from jurisprudence and clarifies and harmonizes certain measures. In addition, it exempts actions relating to filiation from prescription. It recognizes surrogacy and regulates it in order to protect the interests of the child and to protect surrogates in the context of surrogate pregnancies. It therefore makes it possible, in the context of a parental project, to resort to surrogacy in order to have a child and it prescribes the terms and conditions which must be met. To that end, it provides, among other things, for the obligation to enter into a surrogacy agreement before the beginning of the pregnancy and the obligation to obtain, after the child is born, the consent of the person who gave birth to the child to the bond of filiation with the child being established exclusively with regard to the intended parents. The Act provides for the legal establishment of the filiation of a child born of such a parental project where all the parties to the agreement are domiciled in Québec on the condition, in particular, that the agreement is entered into by notarial act en minute after an information session is held on the psychosocial*



*implications and ethical issues the parental project involves. The Act also sets out the rules that apply where the person who agreed to give birth to a child is domiciled in another State designated by the Government, such as the obligation to have the parental project authorized beforehand by the minister who is responsible for social services. The Act amends the Act respecting parental insurance, the Act respecting labour standards and the Act to ensure the protection of trainees in the workplace to take account of surrogacy, among other things, in the granting of the benefits and leaves provided for in those Acts.*

*The Act recognizes the right of any person born of procreation involving the contribution of a third person to know their origins so they may be informed, in certain circumstances, of the name and profile of the third person and given the information making it possible to contact the third person, unless the latter has registered a contact veto. The Act also gives that person the right to obtain, subject to certain conditions, the documents provided for in the Act. To enable the exercise of those rights, the Act entrusts the Minister of Employment with the responsibility of keeping a register containing the relevant information and documents and it provides for the communication of information to that Minister by various persons and bodies, among which are the parents, the registrar of civil status and the centres for assisted procreation. The Act also proposes to facilitate the communication of medical information in respect of assisted procreation involving the contribution of a third person if a person's health warrants it.*

*Lastly, the Act makes consequential amendments and contains transitional measures.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Civil Code of Québec;
- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);
- Health Insurance Act (chapter A-29);
- Act respecting parental insurance (chapter A-29.011);

- Code of Civil Procedure (chapter C-25.01);
- Act respecting labour standards (chapter N-1.1);
- Notaries Act (chapter N-3);
- Act to ensure the protection of trainees in the workplace (chapter P-39.3).

## Bill 12

### AN ACT TO REFORM FAMILY LAW WITH REGARD TO FILIACTION AND TO PROTECT CHILDREN BORN AS A RESULT OF SEXUAL ASSAULT AND THE VICTIMS OF THAT ASSAULT AS WELL AS THE RIGHTS OF SURROGATES AND OF CHILDREN BORN OF A SURROGACY PROJECT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

**1.** Article 33 of the Civil Code of Québec is amended by inserting “or sexual violence,” after “spousal violence,” in the second paragraph.

**2.** Article 113 of the Code is amended

(1) by replacing “, or by either of them,” by “or by the parents, or by one of them,”;

(2) by adding the following paragraph at the end:

“Where a parental project involving surrogacy is carried to completion, the declaration must be accompanied by an authentic copy of the notarized surrogacy agreement and by a copy of the written statement of consent referred to in article 541.9. If the woman or the person who gave birth to the child dies or becomes incapable of giving consent before expressing their will, the declaration must be accompanied by a document indicating the death or by a certificate establishing the incapacity, as the case may be.”

**3.** The Code is amended by inserting the following article after article 113:

**“113.1.** The mother or the person who gave birth to the child shall, subject to the rules of filiation for a child born of a parental project involving surrogacy, declare the filiation of the child with regard to themselves.”

**4.** Article 116 of the Code is amended

(1) by inserting “or parents” after “mother” in the first paragraph;

(2) by inserting “or of the parents” at the end of the second paragraph;

(3) by adding the following paragraph at the end:

“Where the child is born of a parental project involving surrogacy, the person making the declaration shall also provide the documents required under the second paragraph of article 113. If the person making the declaration does not have access to an authentic copy of the notarized surrogacy agreement, the person shall provide the information held in that regard. The registrar of civil status may then obtain from the depositary of the original agreement an authentic copy of the agreement.”

**5.** Article 130 of the Code is amended by replacing “by an act” in the second paragraph by “by the acknowledgement of a bond of filiation in the declaration of birth”.

**6.** The Code is amended by inserting the following article after article 132.1:

**“132.2.** The clerk of the court that has rendered a judgment recognizing an act of birth drawn up by a foreign competent authority or recognizing a foreign decision regarding the filiation of a child born of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec notifies the judgment to the registrar of civil status as soon as the judgment becomes final.

On receipt of the judgment, the registrar of civil status, as the case may be,

(1) inserts the act of birth that has been the object of a judicial recognition in the register of civil status; or

(2) draws up the act of birth from the foreign decision that has been the object of a judicial recognition, indicating the particulars consistent with the foreign decision and, where that decision has established the child’s filiation with regard to only one of the spouses who formed the parental project, the particulars consistent with the judgment rendered following an application made under the second paragraph of article 541.34.”

**7.** The Code is amended by replacing the heading “*GENERAL PROVISION*” before article 522 by the following:

## “CHAPTER I

### “GENERAL PROVISIONS”.

**8.** The Code is amended by inserting the following article after article 522:

**“522.1.** The filiation of a child is proved by his act of birth, regardless of the manner in which filiation is established.”

**9.** Chapter I of Title Two of Book Two of the Code is amended by replacing the portion before article 523 by the following:

**“CHAPTER II**

**“FILIACTION BY BIRTH**

**“DIVISION I**

**“GENERAL PROVISION**

**“522.2.** All children have a right to the establishment of their filiation in accordance with the conditions provided for in this chapter, without further consideration.

**“DIVISION II**

**“FILIACTION BY ACKNOWLEDGEMENT OR BY BLOOD”.**

**10.** Article 523 of the Code is replaced by the following article:

**“523.** The filiation of a child is established with regard to the mother or parent by the fact of their having given birth to him and, with regard to the father or other parent, by the acknowledgement of a bond of filiation in the declaration of birth in accordance with the rules prescribed by this Code.

In the absence of such an acknowledgement in the declaration of birth, uninterrupted possession of status is sufficient.”

**11.** Article 524 of the Code is amended

(1) by replacing “the persons of whom he is said to be born” by “the person who acts toward him as his parent. For possession to be uninterrupted, such conduct must begin at the child’s birth and continue for a minimum period of 24 months, except in exceptional circumstances”;

(2) by adding the following paragraph at the end:

“Uninterrupted possession of status may not be established in cases where it is exercised by more than one person simultaneously.”

**12.** The Code is amended by striking out the following before article 525:

“§2. — *Presumption of paternity*”.

**13.** Subdivision 3 of Division I and Division II of Chapter I of Title Two of Book Two of the Code, comprising articles 526 to 537, are repealed.

**14.** Chapter I.1 of Title Two of Book Two of the Code is replaced by the following:

**“DIVISION III**

**“FILIACTION OF CHILDREN BORN OF PROCREATION INVOLVING THE CONTRIBUTION OF A THIRD PERSON**

*“§1. — Parental project involving the use of a third person’s reproductive material”.*

**15.** Article 538 of the Code is replaced by the following article:

**“538.** A parental project involving the use of the reproductive material of a third person is formed from the moment a person alone or spouses have decided, in order to have a child, to use the reproductive material of a person who is not party to the parental project and who agrees to their material being used for that purpose.

The reproductive material may be provided through assisted procreation activities carried out in a centre for assisted procreation. The material may also be provided through artisanal insemination or sexual intercourse.

The parental project comprises all children born of it and it must not entail their being dissociated.”

**16.** Article 538.1 of the Code is replaced by the following article:

**“538.1.** The filiation of a child born of a parental project involving the use of the reproductive material of a third person is established with regard to the mother or the parent by the fact of their having given birth to the child.

Filiation is established with regard to the other parent, if applicable, by the acknowledgement of a bond of filiation in the declaration of birth in accordance with the rules prescribed by this Code. In the absence of such an acknowledgement in the declaration of birth, uninterrupted possession of status is sufficient.

Uninterrupted possession of status is established by an adequate combination of facts which indicate the relationship of filiation between the child and the person who acts toward him as his parent. For the possession to be uninterrupted, such conduct must begin at the child’s birth and continue for a minimum period of 24 months, except in exceptional circumstances.

Uninterrupted possession of status may not be established in cases where it is exercised by more than one person simultaneously.”

**17.** Article 538.2 of the Code is replaced by the following article:

**“538.2.** A child born of a parental project involving the use of the reproductive material of a third person may not claim filiation with regard to the third person who provided such reproductive material for the purposes of the project. Likewise, that third person may not claim a bond of filiation with regard to the child.”

**18.** Article 539 of the Code is replaced by the following article:

**“539.** Where a necessary condition for the validity of the parental project is not met, the filiation of the child is established in accordance with the rules of filiation by acknowledgement or by blood. However, no bond of filiation may be established with regard to the person who agreed to provide their reproductive material as a third person for the purposes of the project or with regard to the person who wanted to form the project but did not give birth to the child.”

**19.** Articles 539.1 and 541 of the Code are repealed.

**20.** The Code is amended by inserting the following after article 541:

“§2. — *Parental project involving surrogacy*

“I. — *General provisions*

**“541.1.** A parental project involving surrogacy is formed from the moment a person alone or spouses domiciled in Québec have decided, in order to have a child, to resort to a woman or a person who is not party to the parental project to give birth to the child.

The parental project comprises all children born of it and must not entail their being dissociated.

**“541.2.** The person alone or the spouses who have formed the parental project must, prior to the planned pregnancy, enter into a surrogacy agreement with the woman or the person who has agreed to give birth to the child. No other person may be a party to the agreement.

The woman or the person who has agreed to give birth to the child must be 21 years of age or over at the time the agreement is entered into. If the woman or the person is the sister, ascendant or descendant of the person alone or of one of the spouses who formed the parental project, there may be no combining, whatsoever, of the reproductive material of the woman or the person with that of a sibling, ascendant or descendant of the woman or the person.

**“541.3.** The contribution made to the parental project by the woman or the person who has agreed to give birth to a child must be gratuitous. However, the woman or person is entitled, in accordance with the standards determined

by government regulation, to the reimbursement or payment of certain expenses and to compensation, where applicable, for loss of work income resulting from that contribution. If domiciled outside Québec, the woman or person is also entitled, as provided for by the law of the State of their domicile, to the reimbursement or payment of certain expenses and to compensation for loss of work income.

The person alone or the spouses who formed the parental project may not claim reimbursement of the amounts they paid under the first paragraph for the sole reason that the project was not carried to completion.

**“541.4.** For the parental project involving surrogacy to be carried to completion, the woman or the person who gave birth to the child shall, after the birth, consent to the filiation of the child being established exclusively with regard to the person alone or both spouses who formed the parental project.

**“541.5.** Renunciation by the woman or the person who has agreed to give birth to the child of their right to express, after the child’s birth, their will as to the establishment of the child’s filiation is without effect.

A clause tending to prevent the woman or the person who has agreed to give birth to a child from expressing consent in a free and enlightened manner, after the child’s birth, is without effect. A penal clause intended for the same purpose is also without effect.

**“541.6.** The child may not claim filiation with regard to the woman or the person who gave birth to him in the context of a parental project involving surrogacy to which the woman or person contributed. Likewise, the woman or person may not claim a bond of filiation with regard to the child once their consent to the filiation of the child being established exclusively with regard to the person alone or both spouses who formed the parental project has been given or is deemed to have been given.

*“II.— Children born of a parental project in which the parties to the agreement are domiciled in Québec*

*“1.— General provisions*

**“541.7.** The person alone or the spouses who formed the parental project and the woman or the person who has agreed to give birth to the child must have been domiciled in Québec for at least one year prior to entering into the surrogacy agreement in order for the rules allowing the legal or judicial establishment of the child’s filiation to apply to the parental project involving surrogacy.

**“541.8.** Only the woman or the person who has agreed to give birth to a child in the context of a parental project involving surrogacy may, at any time before the child’s birth, unilaterally terminate the surrogacy agreement; the woman or the person must then do so in writing and notify a copy to the person alone or the spouses who formed the parental project. In the latter case,



notification given to one of the spouses is deemed to have been given to the other spouse.

Where there is a termination of the pregnancy, the surrogacy agreement is terminated without further formality.

**“541.9.** To give consent, the woman or the person who gave birth to the child must expressly consent to their bond of filiation with regard to the child being deemed never to have existed and to the establishment of a bond of filiation with regard to the person alone or both spouses who formed the parental project.

Consent shall be given by notarial act *en minute* or by a private writing before two witnesses who have no interest in the surrogacy project. In the latter case, the author and the witnesses sign it, indicating the date and place the consent is given. Consent may also be given by a judicial declaration, in the course of proceedings relating to the filiation of the child. Refusal to consent is subject to no formal requirement.

Consent given in a language other than French shall be accompanied by a translation authenticated in Québec.

A government regulation may determine other elements to be covered by the consent as well as the contents of the document in which it is stated.

**“541.10.** The amounts reimbursed for certain expenses and, if applicable, paid as compensation for loss of work income to the woman or the person who has agreed to give birth to the child, in consideration of their contribution to a parental project involving surrogacy, are exempt from seizure. However, compensation paid for loss of work income is seizable with regard to a debt of support in accordance with articles 694 and following of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications.

“2.—*Prior conditions and legal establishment of filiation*

**“541.11.** Before the beginning of the pregnancy, the woman or the person who has agreed to give birth to the child must meet, without the presence of the person alone or the spouses who formed the parental project, with a professional qualified to inform the woman or the person of the psychosocial implications of the surrogacy project and of the ethical issues it involves. The same applies to the person alone or the spouses who formed the parental project.

At the end of the meeting, the professional gives a signed attestation to each person the professional met with confirming that they attended the meeting.

The professional must be a member of a professional order designated by the Minister of Justice. The latter determines, by regulation, any standard relating to the conduct of the information meeting.

**“541.12.** Following the information meeting, the parties to the surrogacy project who wish to pursue it must, by notarial act *en minute*, enter into a surrogacy agreement.

The agreement is drawn up in French. The parties may be bound only by a version in a language other than French if, after examining the French version, such is their express wish.

The notary shall obtain from each of the parties the attestation received at the information meeting, and shall mention having done so in the agreement.

**“541.13.** The surrogacy agreement establishes the nature of the expenses that may be paid or reimbursed to the woman or the person who has agreed to give birth to the child and provides whether the woman or person is entitled to compensation for loss of work income, in accordance with the regulation referred to in article 541.3. The agreement also provides for the deposit, in a trust account of the notary who executes it, of an amount to allow the performance of the obligations of the person alone or the spouses who formed the parental project.

The agreement also contains the information determined by government regulation concerning the profile of the woman or the person who has agreed to give birth to the child and of any other party to the agreement who intends to provide their reproductive material.

A government regulation may provide for any other standard relating to the content of the agreement or to the deposit referred to in the first paragraph, including cases in which such a deposit need not be made.

**“541.14.** After his birth, the child is entrusted to the person alone or the spouses who formed the parental project, unless the woman or the person who gave birth to the child objects to it. In the event that the person alone or the spouses are deceased or unable to act, the child is entrusted to the director of youth protection.

Entrusting the child entails, by operation of law, the delegation of the exercise of parental authority and of tutorship to the person alone, the spouses or the director of youth protection, as the case may be.

Where the delegation is evidenced in writing, it shall be evidenced by notarial act *en minute* or by a private writing drawn up before two witnesses who have no interest in the surrogacy project. In the latter case, the author and the witnesses sign it, indicating the date and place of execution.

**“541.15.** The consent of the woman or the person who gave birth to the child must be given within 30 days from the birth of the child, but not before seven days have elapsed since the birth.

**“541.16.** If the conditions for the legal establishment of filiation are met, the child’s filiation is deemed established exclusively with regard to the person alone or both spouses who formed the parental project from the child’s birth.

The child’s birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

**“541.17.** If the woman or the person who gave birth to the child disappears with the child before expressing their will concerning the establishment of the child’s filiation or refuses to have their bond of filiation with regard to the child be deemed never to have existed and to have a bond of filiation be established with regard to the person alone or both spouses who formed the parental project, as the case may be, the filiation of the child is established in accordance with the rules of filiation by acknowledgement or by blood.

However, the presumption with regard to the spouse of the woman or person who gave birth to the child does not apply. Furthermore, no bond of filiation may be established with regard to the person who has agreed to provide their reproductive material as a third person for the purposes of the project.

**“541.18.** Where the woman or the person who gave birth to the child dies before expressing their will concerning the establishment of the child’s filiation, their consent is deemed to have been given. Filiation is then deemed established exclusively with regard to the person alone or both spouses who formed the parental project from the child’s birth.

The same applies in cases where the woman or the person became incapable of giving consent before expressing their will, provided the incapacity is certified by a member of a professional order designated by the Minister of Justice. Such certification may be communicated to the person alone or to the spouses who formed the parental project, despite the professional being bound by professional secrecy with regard to the person to whom the certificate pertains. This presumption applies only if 30 days have elapsed since the child’s birth.

The child’s birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

**“541.19.** Should the person alone or the spouses who formed the parental project, or one of them, die, be unable to act or disappear, the child’s filiation is deemed established exclusively with regard to that person alone or those spouses, subject to the consent of the woman or the person who gave birth to the child.

The child’s birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

“3.—*Judicial establishment of filiation*

“**541.20.** Where a prior condition for the legal establishment of the child’s filiation is not met, the filiation of the child is established in accordance with the rules of filiation by acknowledgement or by blood. However, the presumption with regard to the spouse of the woman or person who gave birth to the child does not apply. Furthermore, no bond of filiation may be established with regard to the person who has agreed to provide their reproductive material as a third person for the purposes of the parental project.

Only the court is then authorized to change the filiation. An application to that effect must be submitted to the court within 60 days after the birth of the child, except in exceptional circumstances.

“**541.21.** Where the court is seized of an application to change the child’s filiation, it ascertains that the general conditions relating to the parental project involving surrogacy have been met. It therefore ascertains, in particular, that the woman or the person who gave birth to the child has consented to their bond of filiation with regard to the child being deemed never to have existed and to such a bond being established with regard to the person alone or both spouses who formed the parental project, as the case may be.

If the court finds the parental project to be compliant, it confirms the existence of a parental project involving surrogacy and changes the child’s filiation to establish it with regard to that person or to the spouses. Filiation is then deemed established exclusively with regard to them from the child’s birth.

If the court finds otherwise, it declares the parental project involving surrogacy null and dismisses the application.

“**541.22.** Where the child’s filiation is changed with regard to the person alone or the spouses who formed the parental project, the change is made despite their death, their inability to act or their disappearance.

“**541.23.** In the event that the woman or the person who gave birth to the child dies before expressing their will concerning the establishment of the child’s filiation, their consent is deemed to have been given.

The same rule applies in the event that the woman or the person who gave birth to the child becomes incapable of giving consent before expressing their will. This presumption applies only if 30 days have elapsed since the child’s birth.

“**541.24.** In the event that the woman or the person who gave birth to the child disappears without the child before expressing their will concerning the establishment of the child’s filiation, their consent is presumed to have been given if 30 days have elapsed since the child’s birth.

**“541.25.** Where the court is seized of an application related to the filiation of a child born of a parental project involving surrogacy, it rules, if need be, on the fees payable to the advocate or, as the case may be, to the notary representing the woman or the person who gave birth to the child, which are borne by the person alone or by the spouses who formed the parental project, who are solidarily liable for them.

*“III. — Children born of a parental project in which the woman or the person who gave birth to the child is domiciled outside Québec*

*“1. — Prior conditions*

**“541.26.** Every parental project involving surrogacy in which the woman or the person who has agreed to give birth to a child is domiciled outside Québec must comply with the general conditions applicable to any parental project involving surrogacy and those prescribed by this subdivision, regardless of the nationality of the person alone or the spouses who formed the project, of whether they have a residence in the State of the domicile of the woman or the person who has agreed to give birth to the child or otherwise have a right to act in a foreign State under the applicable law in that State and regardless of whether the filiation of the child born of such project has been established in a foreign State.

**“541.27.** The parental project shall, before the process is set in motion, be submitted for prior authorization to the Minister of Health and Social Services by the person alone or the spouses who formed the project.

The authorization is given on condition, in particular, that the person alone or the spouses who formed the parental project provide the attestation received after the information meeting, that the State chosen by the person or the spouses is designated by the Government and that the project meets the other conditions prescribed by law.

The Government may, by regulation, prescribe additional conditions the parental project must meet for the authorization to be obtained.

The Minister notifies the registrar of civil status of every parental project the Minister receives for authorization, whether the project is authorized or not.

**“541.28.** The person alone or the spouses who formed the parental project must have been domiciled in Québec for at least one year before applying for prior authorization.

Where the woman or the person who has agreed to give birth to the child is domiciled outside Canada, the person alone or at least one of the spouses must, in addition, be a Canadian citizen or a permanent resident. If the parental project does not involve a Canadian citizen, the reproductive material provided for the conception of the child who is the subject of the parental project must be the permanent resident’s reproductive material.

The Government may, by regulation, determine other conditions that must be met by the person alone or the spouses who formed such a parental project.

**“541.29.** The person alone or the spouses who formed the parental project must meet with a professional qualified to inform them of the psychosocial implications of such a project and of the ethical issues it involves.

At the end of the meeting, the professional gives a signed attestation to each person the professional met with confirming that they attended the meeting.

The professional must be a member of a professional order designated by the Minister of Justice. The latter determines, by regulation, any standard relating to the conduct of the information meeting.

**“541.30.** The consent of the woman or the person who gave birth to the child must be given in express terms, in writing or by a judicial declaration in the course of proceedings relating to the filiation of the child.

Consent given in a language other than French shall be accompanied by a translation authenticated in Québec.

**“541.31.** The parental project may be carried out only if the woman or the person who has agreed to give birth to the child is domiciled in a foreign State designated by the Government.

The Government may only designate a foreign State where the rules and practices relating to surrogacy are not contrary to public order and respect the interest of the child once born, including the child’s safety and integrity, as well as the safety and integrity of the other persons involved in a surrogacy project. The Government may also take into account any other criteria it considers appropriate.

Such a designation is made on the joint recommendation of the Minister of Justice and the Minister of Health and Social Services as well as, as the case may be, the Minister of International Relations or the Minister responsible for Canadian Intergovernmental Affairs.

**“541.32.** Once the prior authorization has been obtained, the surrogacy agreement, accompanied by the information concerning the profile of the woman or the person who has agreed to give birth to the child and the documents determined by government regulation, must, before being signed, be submitted to the Minister of Health and Social Services for authorization, according to the terms prescribed by such a regulation.

If the Minister considers that the agreement is compliant, the Minister issues an authorization to proceed with the parental project involving surrogacy.

A copy of the signed agreement is filed with the Minister, together with the necessary documents, by the person alone or the spouses who formed the project. Any modification to the agreement must be authorized by the Minister.

**“541.33.** The Minister of Health and Social Services must be notified, by the person alone or the spouses who formed the parental project, of every birth resulting from a project that the Minister has authorized. The Minister then ascertains that the project is compliant as a whole and may require any information or any document he considers necessary from that person or those spouses.

In analyzing the project, the Minister shall, among other things, ascertain that the child was born in a designated State.

If the Minister considers that the implementation of the project is compliant with the project the Minister has authorized, the Minister issues a certificate of compliance to the person alone or the spouses who formed the project. If the Minister finds otherwise, the Minister informs the person or the spouses of the refusal to issue such a certificate and of the reasons for the refusal.

*“2.—Judicial recognition of filiation*

**“541.34.** An act of birth drawn up by a foreign competent authority proving the child’s filiation with regard to the person alone or the spouses who formed a parental project or one of them must be recognized by the court in Québec. The same applies to a decision rendered abroad that establishes such a filiation.

In the case of a filiation that is proved or established with regard to only one spouse, an application to claim status concerning the other spouse must be attached to the application for recognition.

**“541.35.** The steps necessary for the recognition of an act of birth drawn up by a foreign authority or of a decision establishing filiation rendered abroad shall be undertaken by the person alone or the spouses who formed a parental project as soon as possible after they receive the certificate of compliance from the Minister of Health and Social Services or a notice of the Minister’s refusal to issue the certificate.

If the steps for recognition are not undertaken or completed within a reasonable time, the director of youth protection may, at the request of the Minister of Health and Social Services, take, in the place and stead of the person alone or the spouses who formed the parental project, all necessary measures to undertake or complete those steps or put an end to them.

**“541.36.** The court, where called upon to recognize an act of birth drawn up by a foreign competent authority proving filiation with regard to the person alone or the spouses who formed the parental project involving surrogacy or one of them or to recognize a decision establishing such a filiation rendered abroad, ascertains that all the rules applicable to such a project have been complied with, both according to the law of Québec and the law of the State from which the act of birth or decision originates.

It thus ascertains, in particular, that the woman or the person who gave birth to the child gave their consent, after the birth of the child, to the child's filiation being established exclusively with regard to the person alone or both spouses who formed the parental project. Where the woman or the person who gave birth to the child died before expressing their will concerning the establishment of the child's filiation, their consent is deemed to have been given. The same applies where the woman or person became incapable of giving consent before expressing their will after the child's birth.

The court also ascertains that the Minister of Health and Social Services has issued a certificate of compliance. In the absence of such a certificate, the court hears the parties, including the Minister, and, if it finds that the surrogacy project does not comply with the general conditions applicable to any parental project involving surrogacy, it refuses to recognize the act or decision.

Recognition may, for serious reasons and if the interest of the child demands it, be granted even if no steps have been undertaken with the Minister by the person alone or by the spouses who formed a parental project or if steps are only partly completed.

**“541.37.** The recognition of an act of birth drawn up by a foreign competent authority or of a decision rendered abroad produces, from the date on which the child's filiation took effect in the foreign State with regard to the person alone or the spouses who formed the parental project or one of them, the same effects as if that act had been drawn up in Québec or as if the decision had been rendered there.”

**21.** Article 542 of the Code is replaced by the following:

*“3.— Confidentiality of personal information and documents relating to the procreation of a child involving the contribution of a third person and rules for communicating such information and documents*

*“1.— Confidentiality of personal information and documents relating to the procreation of a child involving the contribution of a third person*

**“542.** Personal information and documents relating to the procreation of a child involving the contribution of a third person and held by a centre for assisted procreation, a professional or a public body, as the case may be, are confidential, except as otherwise provided by law.

However, the court may allow such information and those documents to be examined for the purposes of study, teaching, research or a public inquiry, provided that the anonymity of the child, of the third person who contributed to the child's procreation and of the person alone or the spouses who formed the parental project is preserved.



*“II.—Rules respecting communication of personal information and documents related to the procreation of a child involving the contribution of a third person*

**“542.1.** A person born of procreation involving the contribution of a third person, including one under 14 years of age who has obtained the approval of his father and mother, of his parents or of his tutor, has the right to obtain, from the authority designated by law and among the information contained in the register referred to in article 542.10, the name of the third person, the information concerning the third person’s profile determined by government regulation and, unless a contact veto bars its disclosure, the information making contact with the third person possible.

The person also has the right to obtain, according to the terms determined by government regulation, a copy of the surrogacy agreement, of the judgment concerning the person’s filiation, if applicable, as well as of the other documents contained in the judicial file and of any other documents determined by the regulation. The communication of any document must, however, be made in keeping with any contact veto registered, and the passages that provide information making contact with the third person possible must be deleted or redacted accordingly.

**“542.2.** It is the responsibility of the child’s parent to inform the child of the fact that he was born of procreation involving the contribution of a third person.

It is also the parent’s responsibility to inform the child of the rules concerning the disclosure of the third person’s name, the information concerning the third person’s profile, the information making contact with the third person possible and the documents to which the child is entitled.

**“542.3.** A person 14 years of age or over born of assisted procreation involving the contribution of a third person who makes a request with the authority designated by law is entitled to be informed whether he was born of procreation involving the contribution of a third person, provided that the information is available in the register referred to in article 542.10. The designated authority also informs the person of the rules concerning the disclosure of the third person’s name, the information concerning the third person’s profile, the information making contact with the third person possible and the documents to which the person is entitled.

**“542.4.** The descendants 14 years of age or over in the first degree of a person born of procreation involving the contribution of a third person may, if the person born of such procreation is deceased, obtain from the authority designated by law the same information and the same documents that the person may obtain under this subdivision, subject to the same conditions.

**“542.5.** A third person who has contributed to the procreation of a child shall, at the time of the first request for information about them, be informed of the request by the authority designated by law so as to have the opportunity to express their will regarding contact, indicating, if applicable, the conditions under which contact is authorized. If the third person is untraceable or incapable of expressing their will, disclosure of the third person’s name entails, by operation of law, a contact veto. In the event the third person is found or again becomes capable of expressing their will, the third person must be given the opportunity to maintain or withdraw the veto.

A third person who has registered a contact veto following a first request may, at any time, withdraw the veto by so notifying the authority designated by law.

**“542.6.** In the event the person sought is deceased, only the person’s name, the information concerning the person’s profile and, if applicable, the documents referred to in the second paragraph of article 542.1 are communicated.

**“542.7.** Where a contact veto is registered or where contact is authorized on conditions, the name of the person sought is disclosed on the condition that the contact veto or the conditions on which contact is authorized be complied with.

The person who obtains the information on that condition but violates the condition is liable towards the person sought and may also be required to pay punitive damages.

**“542.8.** Where the request concerns the woman or the person who gave birth to the child in the context of a parental project involving surrogacy while domiciled outside Québec, communication of the information making contact with the woman or person possible is subject to the woman’s or person’s consent, unless the law of the State of the woman’s or person’s domicile provides otherwise.

**“542.9.** Psychosocial support services are offered to any person who undertakes steps to receive communication of information and documents to which the person is entitled, and also to any other person who is the subject of such steps, where they express the need for such services to the authority designated by law.

The authority refers those persons to the person or institution designated by the Minister of Health and Social Services for the provision of such services.

**“542.10.** The Minister of Employment and Social Solidarity keeps a register containing the information and documents to which a person born of procreation involving the contribution of a third person is entitled as well as those relating to the third person’s will regarding contact with that person.

**“542.11.** The Minister of Employment and Social Solidarity is the designated authority for disclosing to any person born of a parental project involving the use of reproductive material from a third person or involving surrogacy in which all the parties are domiciled in Québec, or to his descendants in the first degree, if applicable, who apply to the Minister, the information and documents held by the Minister and that they are entitled to obtain under this subdivision. The Minister is also the designated authority for disclosing, to a physician who provides to the Minister a certificate confirming that the health of the person born of such a project, of the third person who contributed to it or of a close relative genetically linked to them, as the case may be, warrants the communication of medical information, information held by the Minister under this subdivision which the physician is entitled to obtain under article 542.18.

If the Minister has grounds to believe that information or documents are lacking or incomplete, the Minister may make a summary investigation to obtain the required information.

**“542.12.** The Minister of Health and Social Services is the designated authority for disclosing to any person born of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, or to his descendants in the first degree, if applicable, who apply to the Minister, the information and documents contained in the register kept by the Minister of Employment and Social Solidarity and that they are entitled to obtain under this subdivision. The Minister of Health and Social Services is also the designated authority for disclosing, to a physician who provides to the Minister a certificate confirming that the health of the person born of such a project, of the third person who contributed to it or of a close relative genetically linked to them, as the case may be, warrants the communication of medical information, information contained in that register which the physician is entitled to obtain under article 542.18. In addition, the Minister is responsible for entering in the register the information and wishes collected in the exercise of the Minister’s functions as the designated authority and for depositing the documents received in the register.

**“542.13.** The Minister of Employment and Social Solidarity and the Minister of Health and Social Services may require from public bodies holding information or documents necessary for locating the third person who contributed to the procreation the communication of such information or documents. They may also have access, if applicable, to the judicial file relating to the filiation of a person born of a parental project involving surrogacy.

**“542.14.** In the case of a surrogacy project in which all the parties are domiciled in Québec and at the end of which the child’s filiation was established by law, the registrar of civil status deposits in the register the authentic copy of the surrogacy agreement, in the form of a notarial act *en minute*, which accompanies the declaration of birth.

After drawing up the child's act of birth, the registrar enters the child's name and date of birth and any other information determined by government regulation in the register.

**“542.15.** In the case of a parental project involving the use of a third person's reproductive material through artisanal insemination or sexual intercourse, the name of the third person, the information making it possible to contact them and the information concerning their profile, determined by government regulation, are collected by the person alone or the spouses who formed the parental project. The same applies in the case of a parental project involving the use of reproductive material from outside Québec in the context of assisted procreation activities carried out in a centre for assisted procreation, to the extent that the information is known.

In the case of a parental project involving the use of reproductive material from Québec in the context of assisted procreation activities carried out in a centre for assisted procreation, the third person's identifier assigned by the centre is collected by the person alone or the spouses who formed the parental project.

The information is transmitted, at the time the child's declaration of birth is made, to the registrar of civil status by the person alone or the spouses who formed the parental project. After drawing up the act of birth, the registrar of civil status enters that information, the child's name and date of birth, and the other information determined by government regulation, in the register.

**“542.16.** Once the judgment recognizing an act of birth drawn up outside Québec or a foreign decision has become final, the Minister of Health and Social Services files that judgment and the surrogacy agreement in the register and enters therein the name of the woman or the person who gave birth to the child and the information making it possible to contact the woman or the person. The Minister also enters in the register the information concerning the profile of that woman or that person, determined by government regulation, that accompanied the agreement that was submitted to the Minister for authorization by the person alone or by the spouses who formed a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec.

**“542.17.** For the purposes of this division, where no bond of filiation is established between a child born of procreation involving surrogacy and a party to the parental project who has provided their reproductive material, that party is considered to be a third person having contributed to the procreation of the child; the woman or the person who gave birth to the child is then considered to be a person alone having formed a parental project involving the use of the reproductive material of that third person.

In such a case, the woman or person sends to the registrar of civil status, at the time the child's declaration of birth is made, the name of the third person, the information making it possible to contact the latter and the information concerning the latter's profile, determined by government regulation. After

drawing up the act of birth, the registrar of civil status enters that information, the child's name and date of birth, and the other information determined by government regulation in the register.

*“III. — Disclosure of medical information*

**“542.18.** Where a physician is of the opinion that the health of a person born of procreation involving the contribution of a third person, of that third person or of a close relative genetically linked to them warrants it, the physician may obtain the necessary medical information from the medical authorities concerned, subject to the consent of the person whose information is requested. In the absence of such consent, the court's authorization is required to obtain such information.

The authority designated by law shall, after obtaining the consent of the person whose medical information is requested, disclose the information making it possible to identify that person and to contact that person or the person's physician to a physician who provides the authority with a written attestation confirming that the health of the person born of procreation involving the contribution of a third person, of that third person or of a close relative genetically linked to them, as the case may be, warrants the disclosure of medical information. Where the information requested concerns a woman or a person who gave birth to a child in the context of a parental project involving surrogacy who is domiciled outside Québec, that obligation applies, provided such disclosure of information is not prohibited by the State of their domicile.

The anonymity of the persons concerned must be preserved. A physician who receives information referred to in the second paragraph must take appropriate security measures to ensure its confidentiality.

**“DIVISION IV**

**“ACTIONS RELATING TO FILIATION**

**“542.19.** No one may claim filiation contrary to that assigned by their act of birth and the uninterrupted possession of status consistent with that act.

Unless otherwise provided by law, no one may contest the status of a person whose uninterrupted possession of status is consistent with their act of birth.

Where uninterrupted possession of status cannot be established because it is exercised by more than one person simultaneously, the person who is biologically related to the child takes precedence. However, in the case of a child born of procreation involving the contribution of a third person, the person who formed a parental project with the child's parent takes precedence.

**“542.20.** No one may contest the filiation of a child on the sole ground that he was born of a parental project involving the contribution of a third person.

However, the filiation of a child whose uninterrupted possession of status is not consistent with his act of birth may be contested by providing proof that the person with whom the filiation is established was not a party to the parental project or, as the case may be, that the child was not born of that project.

**“542.21.** Any interested person, including the father or mother or one of the child’s parents, may, by any means, contest the filiation of a person whose uninterrupted possession of status is not consistent with his act of birth.

**“542.22.** A child may contest his filiation on the sole ground that he was born as a result of sexual assault committed by his father or by the parent who did not give birth to him, whether or not there is uninterrupted possession of status consistent with his act of birth. The contestation can only be granted if the interest of the child demands it.

The child may apply for the definitive restoration of the bond of filiation that was withdrawn at his request, unless he has been adopted.

**“542.23.** A child whose filiation appearing in his act of birth is not consistent with the filiation established by uninterrupted possession of status may claim his filiation before the court. Similarly, the father and mother or the parents may claim a bond of filiation with regard to a child whose uninterrupted possession of status is not consistent with his act of birth.

If the child already has another filiation established by the acknowledgement of a bond of filiation in the declaration of birth, by uninterrupted possession of status, or by the effect of the presumption with regard to the spouse of the woman or person who gave birth to him, an action to claim status may not be brought unless it is joined to an action contesting the status thus established.

**“542.24.** A child born as a result of sexual assault may object to a bond of filiation being established between him and the person who committed the assault.

The child’s objection shall not prevent the child from claiming such a bond of filiation.

**“542.25.** Actions are directed against the child and, if applicable, against the person who is the subject of the claim or contestation.

**“542.26.** Proof of filiation may be made by any mode of proof. However, testimony is not admissible unless there is a commencement of proof, or unless the presumptions or indications resulting from already clearly established facts are sufficiently strong to permit its admission.

**“542.27.** Commencement of proof results from the family documents, domestic records and papers, and all other public or private writings originating from a party engaged in the contestation or who would have an interest therein if the party were alive.

**“542.28.** Every mode of proof is admissible to contest an action concerning filiation.

**“542.29.** For the purposes of articles 542.22 and 542.24, sexual assault may be proved, among other means, by the production of a judgment recognizing its existence.

**“542.30.** Where the court is seized of an action concerning filiation, it may, on the application of an interested person, order the analysis of a sample of a bodily substance so that the genetic profile of a person involved in the action may be established.

However, where the purpose of the action is to establish filiation, the court may not issue such an order unless a commencement of proof of filiation has been established by the person having brought the action or unless the presumptions or indications resulting from facts already clearly established by that person are sufficiently strong to warrant such an order.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.

The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.

**“542.31.** The court may establish the filiation of a child born of an assisted procreation activity with regard to a person who was deceased at the time the activity was carried out if it is shown to the court that

- (1) the person was a party to the parental project at the time of the death; and
- (2) the child was conceived using the reproductive material of the person or, as the case may be, the reproductive material that the person had decided to use to have a child.

Participation of that person in the parental project is presumed if that person and the parent with regard to whom filiation with the child is established were spouses at the time of the death and if the child is born of the transfer of an embryo created before the death.

**“542.32.** Actions concerning filiation are not subject to prescription.

In the event that the child or the child’s father or mother or parent is deceased, the heirs must act within three years of the death, under pain of forfeiture.

#### **“DIVISION V**

#### **“FINANCIAL CONTRIBUTION AS SUPPORT FOR THE NEEDS OF A CHILD BORN AS A RESULT OF SEXUAL ASSAULT**

**“542.33.** A person who commits a sexual assault must, in the absence of a bond of filiation with the child born as a result of the assault, pay to the victim of the assault a financial contribution as support, in the form of a lump sum, to meet the child’s needs from his birth until he attains sufficient autonomy.

The sexual assault may be proved, among other means, by the production of a judgment recognizing its existence.

The Minister of Justice may, by regulation, determine standards according to which the contribution is set, including the minimum amount of the contribution.

**“542.34.** If there is a significant change in the child’s state of health due to circumstances unknown or unforeseeable at the time the initial contribution was determined and the change is such as to substantially alter the child’s needs or significantly delay or prevent the child from attaining autonomy, the person who committed the sexual assault must pay a contribution to meet the child’s additional needs until he attains autonomy, given the circumstances.

**“542.35.** If the victim of the sexual assault does not exercise the rights conferred by this division, the child of full age may apply to have the part of the contribution intended to meet his needs from the time he reaches the age of majority paid directly to him. The application must be notified to the victim.

The contribution may not extend to a need whose existence dates back more than three years before the application.

**“542.36.** For the purposes of article 542.33, where the sexual assault is proved, the court may order the analysis of a sample of a bodily substance, so that the genetic profile of the person who committed the sexual assault may be established.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.



The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.

**“542.37.** Where an action to claim a contribution to meet the needs of a child born as a result of a sexual assault is brought by the victim of the assault, it is not subject to prescription.

In the event that the person who committed the sexual assault is deceased, the action must be brought within six months after the death. The same applies where the action is brought by a child of full age.”

**22.** Chapter II of Title Two of Book Two of the Code becomes Chapter III of that Title.

**23.** Article 543 of the Code is amended by replacing “filiation already established by blood” in the second paragraph by “a filiation already established by birth”.

**24.** Article 569 of the Code is amended by replacing “of filial relationship between the child and his parents by blood” in the second paragraph by “of the child’s filiation under the rules of filiation by birth”.

**25.** Article 578 of the Code is amended by replacing “by blood” in the first paragraph by “by birth”.

**26.** Article 578.1 of the Code is repealed.

**27.** Article 606 of the Code is amended

(1) by inserting “or sexual violence,” after “spousal violence,” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“The deprivation of parental authority is, however, declared with regard to a person where a judgment that has become final finds the person guilty of a criminal offence of a sexual nature involving a child or finds the person liable for injury resulting from an act which could constitute such an offence, unless it is shown that such a measure would be contrary to the interest of that person’s child.”

**28.** Article 655 of the Code is amended by replacing “ties of blood or of adoption” by “bonds of filiation by birth or of filiation by adoption”.

**29.** The Code is amended by inserting the following articles after article 658:

**“658.1.** A child born as a result of sexual assault is considered as the descendant in the first degree of the person who committed the assault, despite the absence of a bond of filiation with regard to that person, for the purposes of the devolution of that person’s succession and of the succession of that person’s relatives.

Sexual assault may be proved, among other means, by the production of a judgment recognizing its existence.

**“658.2.** For the purposes of article 658.1, where the sexual assault is proved, the court may order the analysis of a sample of a bodily substance so that the genetic profile of the person who committed the sexual assault may be established.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.

The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.”

**30.** The Code is amended by inserting the following articles after article 742:

**“742.1.** A child born as a result of sexual assault is considered a descendant in the first degree of the person who committed the assault, despite the absence of a bond of filiation with regard to that person, for the execution of the person’s testamentary provisions or those of the person’s relatives, subject to the sufficient expression by the testator of a different intention.

Sexual assault may be proved, among other means, by the production of a judgment recognizing its existence.

**“742.2.** For the purposes of article 742.1, if the sexual assault is proved, the court may order the analysis of a sample of a bodily substance so that the genetic profile of the person who committed the sexual assault may be established.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.

The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.”

**31.** The heading of subdivision 4 before article 3091 of the Code is amended by replacing “*by blood and filiation by adoption*” by “*by birth and filiation by adoption*”.

#### ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

**32.** Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended by inserting the following paragraph after paragraph 3.1:

“(3.2) the information and documents relating to the procreation of a child involving the contribution of a third person and contained in the register kept by the Minister of Employment and Social Solidarity, in accordance with article 542.10 of the Civil Code;”.

#### ACT RESPECTING CLINICAL AND RESEARCH ACTIVITIES RELATING TO ASSISTED PROCREATION

**33.** The Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) is amended by inserting the following section after section 10.2:

**“10.2.1.** Before carrying out any assisted procreation activity in the context of a parental project involving surrogacy within the meaning of the Civil Code, the physician must first obtain an attestation from the notary confirming the existence of a surrogacy agreement in the form of a notarial act *en minute* between the person alone or the spouses who formed the parental project and the woman or person who has agreed to give birth to the child, if the parties are domiciled in Québec.”

**34.** Section 36.1 of the Act is amended by inserting “, section 10.2.1” after “10.2”.

**35.** The Act is amended by inserting the following section after section 43:

**“43.1.** For the purposes of articles 542 to 542.18 of the Civil Code, a centre for assisted procreation must, as concerns the third person who provides reproductive material for the purpose of contributing to the assisted procreation of a child, collect

(1) the information concerning the third person’s profile determined by regulation in accordance with article 542.1 of that Code;

(2) the third person’s name; and

(3) the information making contact with the third person possible.

If the reproductive material of a third person is used to contribute to the assisted procreation of a child, the centre must, as soon as possible, send that information and the identifier assigned to the third person to the Minister of Employment and Social Solidarity for entry in the register kept in accordance with article 542.10 of that Code. However, if the reproductive material used to contribute to the assisted procreation of a child comes from outside Québec, the centre must instead send to the Minister, for entry in the register, the name and location of the enterprise from which the reproductive material was obtained.

The centre must inform the person alone or the spouses who formed the parental project of their obligation to send to the registrar of civil status the information referred to in article 542.15 of that Code.

A government regulation prescribes the other information that must be sent by the centre to that Minister.”

#### HEALTH INSURANCE ACT

**36.** Section 65 of the Health Insurance Act (chapter A-29) is amended

(1) by inserting “or of each of the parents” after “father” in the seventh paragraph;

(2) by inserting the following paragraph after the tenth paragraph:

“The Board must, on a request by the Minister of Employment and Social Solidarity or by the Minister of Health and Social Services and to allow the Minister to identify or locate, for the purposes of articles 542.1 and 542.18 of the Civil Code, the third person who contributed to the procreation of a child or, as the case may be, the child born of procreation involving the contribution of a third person, transmit to the Minister the names, date of birth, sex, address or phone numbers of a person entered in the Minister’s register of insured persons as well as, if applicable, the person’s date of death and address at the time of death. The name of the spouse of a person entered in its register may also be transmitted if the other information does not make it possible to locate the third person who contributed to the procreation of a child or, as the case may be, the child born of procreation involving the contribution of a third person.”

#### ACT RESPECTING PARENTAL INSURANCE

**37.** Section 2 of the Act respecting parental insurance (chapter A-29.011) is amended by adding the following at the end:

“(5) in the case of a surrogacy project, benefits for the woman or the person who has agreed to give birth to a child and paternity benefits or exclusive benefits for each of the non-birthing parents, exclusive or shareable parental benefits in connection with the birth of the child born in the context of the project as well as welcome benefits relating to a parental project involving surrogacy.

For the purposes of this Act, the benefits provided for in the first paragraph shall be granted to a parent where the child’s filiation with regard to that parent is established in accordance with the provisions of the Civil Code.”

**38.** Section 8 of the Act is amended by replacing “gestation” in the first paragraph in the French text by “grossesse”.

**39.** The Act is amended by inserting the following subdivision after section 12.1:

“§4.2. — *Benefits relating to a surrogacy project*

“1. — *Benefits for the woman or the person who has agreed to give birth to a child in the context of a surrogacy project*

“**12.2.** The maximum number of weeks of exclusive benefits for the woman or the person who has agreed to give birth to a child in the context of a surrogacy project is 18 or, in the case of an election pursuant to section 18, 15. Payment of the benefits shall begin not earlier than the 16th week preceding the expected week of delivery.

A termination of pregnancy occurring after the 19th week of pregnancy gives entitlement to the same benefits as those provided for in the first paragraph.

Payment of the benefits ends not later than 20 weeks after the week of delivery or the week during which the termination of pregnancy occurs. However, payment may end after the expiry of the 20-week period, but may not exceed the 52nd week after the week of delivery or the week in which the termination of pregnancy occurs if, in the cases and for the time determined by regulation of the Conseil de gestion, the benefit period is extended.

“**12.3.** Where the filiation of the child born in the context of a surrogacy project is established in accordance with the rules of filiation by acknowledgement or by blood, the woman or the person who gave birth to the child may be entitled to the same benefits as those provided for in sections 10 to 10.3, as applicable.

Payment may begin the week of the birth of the child at the earliest if the child is not entrusted to the parents who are parties to the parental project involving surrogacy or, if the child was entrusted to them, the week in which the parents subsequently entrust the child to the woman or the person who gave birth to the child. Payment may not exceed the benefit period.

*“II. — Benefits for parents who are parties to the parental project involving surrogacy*

**“12.4.** The number of weeks of benefits to which parents who are parties to a parental project involving surrogacy may be entitled is

(1) 5 weeks of paternity benefits or exclusive benefits for each of the non-birthing parents or, in the case of an election pursuant to section 18, 3 weeks; and

(2) 32 weeks of shareable parental benefits or, in the case of an election pursuant to section 18, 25 weeks.

Payment may begin, at the earliest, the week in which the child is entrusted to one of the parents who is a party to the parental project involving surrogacy. It may not exceed the benefit period.

In the case of a birth outside Québec, payment may begin, at the earliest, five weeks before the child is entrusted to one of the parents who is a party to the parental project involving surrogacy. If the surrogacy project does not materialize, the benefits paid during the weeks preceding the moment at which the child was to be entrusted to one of the parents are not recoverable, up to the number of weeks provided for in this paragraph.

**“12.5.** For the birth of more than one child in the context of a single parental project involving surrogacy, five weeks of exclusive parental benefits shall be granted to each parent who is a party to the project or, in the case of an election pursuant to section 18, three weeks.

**“12.6.** Where only one parent who is a party to the parental project involving surrogacy is mentioned in the act of birth, except in cases of death referred to in section 17, five weeks of exclusive parental benefits shall be granted to that parent or, in the case of an election pursuant to section 18, three weeks.

**“12.7.** Where each of the parents who are parties to the parental project involving surrogacy has received eight weeks of shareable parental benefits or, in the case of an election pursuant to section 18, six weeks, the number of weeks of shareable parental benefits is increased by four weeks or, in the case of an election, by three weeks.

*“III. — Welcome benefits relating to a parental project involving surrogacy*

**“12.8.** The number of weeks of welcome benefits relating to a parental project involving surrogacy to which the parents who are parties to the project may be entitled is 13 weeks of shareable benefits or, in the case of an election pursuant to section 18, 12 weeks.

The second and third paragraphs of section 12.4 are applicable to the welcome benefits provided for in the first paragraph.”

**40.** Section 14 of the Act is replaced by the following section:

**“14.** The benefits payable under this plan, except benefits provided for in sections 7 and 12.2, shall be granted only if the parent ensures a regular presence to take care of the child whose birth or adoption gives entitlement to the payment of benefits.

If the parent no longer ensures a regular presence with the child, the child is deemed to be present with the parent until the end of the week in which separation occurs or, if the child is deceased, until the end of the second week following the week of the child’s death.

In the case of a surrogacy project, the fact that the child is entrusted by the woman or the person who gave birth to the child to the parents who are parties to the parental project involving surrogacy or the fact that the child is subsequently entrusted by those parents to the woman or the person who gave birth to the child, as the case may be, is deemed to be a separation.

If the child is hospitalized, the child is deemed to be present with the parent throughout the child’s hospitalization, except in the case where the child was born in the context of a surrogacy project and separation has occurred.

When two or more weeks of benefits provided for in section 7 or 12.2 are payable after the week of the child’s death, the presumption of presence provided for in the second paragraph does not apply to the mother or to the person who gave birth to the child. If only one of those weeks of benefits remains payable after the week of the child’s death, the child shall be deemed to be present with the mother or the person who gave birth to the child during the second week following the week of the child’s death, except if the child was born in the context of a surrogacy project and separation has occurred.

In the case of the birth of more than one child as a result of a single pregnancy or in the case of the adoption of more than one child at the same time, entitlement to exclusive benefits under sections 10.1, 11.1 and 12.5 ends as of the end of the week in which the parent ensures a regular presence with only one of those children or, in the case of a surrogacy project, as of the end of the week in which separation occurs. However, in the event of a child’s death, the child is deemed to be present with the parents until the end of the second week following the week of the child’s death, except in the case where the child was born in the context of a surrogacy project and separation has occurred.”

**41.** The Act is amended by inserting the following section after section 14:

**“14.1.** For the purposes of this Act, where a parent’s eligibility to benefits provided for in any of the subdivisions of Division I of Chapter II has been established while benefits provided for in another subdivision have already been received for the same event, the number of weeks of benefits payable is reduced by the number of weeks of benefits already received for each category of benefits.”

**42.** Section 15 of the Act is amended

(1) by inserting the following paragraphs after the first paragraph:

“In the case of a surrogacy project, the birth of the child shall be considered a separate event for the woman or the person who gave birth to the child, except where the child is not entrusted to the parents who are parties to the parental project involving surrogacy and the child’s filiation is established in accordance with the rules of filiation by acknowledgement or by blood. In that case, the benefits granted are those provided for in sections 7, 9 and 10 to 10.3, as applicable.

In the case where the filiation of the child established with regard to the woman or the person who gave birth to the child is changed by the court in favour of a parent who is a party to the parental project involving surrogacy, the birth is considered a separate event for that parent and the benefits to which that parent may be entitled are those provided for in sections 12.4 to 12.8, as applicable.”;

(2) by adding the following sentence at the end of the third paragraph: “In addition, in the case of a surrogacy project, the weeks of benefits provided for in section 12.3 and those provided for in sections 12.4 to 12.8 may not be paid concurrently to the woman or to the person who gave birth to the child and to the parents who are parties to the parental project involving surrogacy, except during the week in which separation occurs, if applicable.”

**43.** Section 16 of the Act is amended

(1) in the first paragraph,

(a) by replacing “The” by “Except in the case referred to in the third paragraph of section 15, the”;

(b) by replacing “and the weeks of welcome and support benefits relating to an adoption” by “, the weeks of welcome and support benefits relating to an adoption and the weeks of welcome benefits relating to a parental project involving surrogacy”;

(2) by adding the following paragraph at the end:

“In the case of a surrogacy project, shareable parental benefits may not be shared between the woman or the person who gave birth to the child and one of the parents who is a party to the parental project involving surrogacy, unless the filiation of the child has been established in their regard in accordance with the rules of filiation by acknowledgement or by blood and the child has not been entrusted to the parents who are parties to the parental project.”



**44.** Section 17 of the Act is amended

(1) in the first paragraph,

(a) by replacing “maternity or paternity benefits” by “benefits provided for in section 7 or 9 or in subparagraph 1 of the first paragraph of section 12.4”;

(b) by inserting “, except in the case referred to in the third paragraph of section 15” after “surviving parent”;

(2) in the third paragraph,

(a) by replacing “and of” by “, of”;

(b) by inserting “and of the welcome benefits relating to a parental project involving surrogacy” after “relating to an adoption”;

(c) by striking out “adoptive”;

(3) by inserting “or of the non-birthing parent” after “father” in the fourth paragraph;

(4) by adding the following paragraph at the end:

“In the case of a surrogacy project, despite the first paragraph and subject to the second paragraph of section 15, the weeks of exclusive benefits that have not been paid as at the date of death of the woman or the person who gave birth to the child shall not be added to the weeks to which the parents who are parties to the parental project involving surrogacy may be entitled. Similarly, the weeks of exclusive benefits that have not been paid as at the date of death of those parents or one of them shall not be added to the weeks to which the woman or the person who gave birth to the child may be entitled.”

**45.** Section 18 of the Act is amended

(1) in the first paragraph,

(a) by replacing “and paternity benefits” in subparagraph 1 by “benefits or exclusive benefits for the person, in connection with pregnancy or delivery, and the weeks of paternity benefits or exclusive benefits for the non-birthing parent”;

(b) by inserting the following subparagraph after subparagraph 1:

“(1.1) 70% for the weeks of exclusive benefits for the woman or the person who has agreed to give birth to a child, the weeks of paternity benefits or of exclusive benefits for each non-birthing parent, the first seven weeks of

shareable parental benefits provided for in section 12.4, the weeks of exclusive parental benefits for each of the parents provided for in section 12.5 and the weeks of shareable parental benefits added under the first paragraph of section 17;”;

(c) by replacing “and 11.2” in subparagraph 3 by “, 11.2 and 12.6”;

(d) by inserting the following subparagraph after subparagraph 4:

“(4.1) 70% for the weeks of welcome benefits relating to a parental project involving surrogacy provided for in section 12.8;”;

(e) by replacing “and 11.3” in subparagraph 5 by “, 11.3 and 12.7”;

(f) by replacing “and 11” in subparagraph 6 by “, 11 and 12.4”;

(2) by inserting the following sentences after the first sentence of the last paragraph: “In the case of a surrogacy project, the election made by the woman or the person who gave birth to the child shall not apply to the application made by the parent who is a party to the parental project involving surrogacy, except in the case provided for in the second paragraph of section 15. Furthermore, the parent referred to in the third paragraph of section 15 shall not be bound by the election made by the other parent.”

**46.** Section 23 of the Act is amended

(1) by replacing “delivery” in the second paragraph by “birth”;

(2) by inserting the following paragraph after the second paragraph:

“In the case of a surrogacy project, unless it is extended in accordance with the regulations of the Conseil de gestion, the benefit period for the parents who are parties to the parental project involving surrogacy may not exceed the 78th week following the week in which the child is entrusted to one of the parents. Where the filiation of the child born in the context of the surrogacy project is established in accordance with the rules of filiation by acknowledgement or by blood, the benefit period for the woman or the person who gave birth to the child may not exceed the 78th week following, as applicable, the week of the child’s birth if the child was not entrusted to the parents who are parties to the parental project involving surrogacy or, if the child was entrusted to them, the week in which they subsequently entrust the child to the woman or the person who gave birth to the child, unless the benefit period is extended in accordance with the regulations of the Conseil de gestion.”

**47.** Section 24 of the Act is amended by replacing “12.1” in paragraph 3 by “12.8”.

**48.** Section 84 of the Act is amended by replacing “the following bodies of the Government:” in the second paragraph by “the following department and bodies of the Government: the Ministère de la Santé et des Services sociaux.”

#### CODE OF CIVIL PROCEDURE

**49.** Article 303 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) the filiation of a child born of a parental project involving surrogacy;”.

**50.** The Code is amended by inserting the following article after article 412:

**412.1.** An action, by a victim of a sexual assault, to claim a financial contribution as support to help them provide for the needs of a child born as a result of the assault may be joined with an action to claim or contest the filiation of that child.

An application to deprive the person who committed the assault of parental authority may be joined with an action to claim the filiation of such a child with regard to the person who committed the assault.”

**51.** The Code is amended by inserting the following chapter after article 431:

#### “CHAPTER IV.1

#### “APPLICATIONS RELATING TO THE FILIATION OF A CHILD BORN OF A PARENTAL PROJECT INVOLVING SURROGACY

**431.0.1.** Applications relating to the filiation of a child born of a parental project involving surrogacy are presented jointly by the parties to the surrogacy agreement or by one of them.

Such applications must state the child’s name, date and place of birth, place of residence and domicile, nationality and status as a Canadian citizen or permanent resident.

They must also state the name of the woman or the person who gave birth to the child, their place of residence and domicile, nationality and status as a Canadian citizen or permanent resident, if applicable.

Applications must contain the same information concerning the person alone or the spouses who formed a parental project involving surrogacy.

**431.0.2.** Applications relating to the filiation of a child born of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec are notified to the Minister of Health

and Social Services and the latter may intervene as of right as regards those applications.

**“431.0.3.** To be admissible, an application relating to the filiation of a child born of a parental project involving surrogacy in which all the parties are domiciled in Québec must be filed together with the information determined by government regulation concerning the profile of the woman or the person who gave birth to the child and of any other party to the surrogacy agreement who provides their reproductive material.

**“431.0.4.** To be admissible, an application for recognition of a filiation established outside Québec must be filed together with the child’s foreign act of birth or the decision establishing the filiation and the foreign legislation. It must also, if applicable, be accompanied by the certificate of compliance for the project issued by the Minister of Health and Social Services. An application to claim status must also be attached, if applicable.”

**52.** The Code is amended by inserting the following article after article 456.1:

**“456.2.** The court clerk notifies every judgment concerning the filiation of a child born of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec to the Minister of Health and Social Services.”

**53.** The Code is amended by inserting the following article after article 457:

**“457.1.** The court clerk sends to the Minister of Employment and Social Solidarity, so that the Minister may file it in the register kept under article 542.10 of the Civil Code, the judgment regarding the filiation of a child born of a parental project involving surrogacy in which all the parties involved are domiciled in Québec, as soon as the judgment has become final. The court clerk also sends to the Minister, for the same purpose, the information filed with the application under article 431.0.3.”

**54.** Article 696 of the Code is amended by inserting “or the payment of a financial contribution as support to meet the needs of a child born as a result of a sexual assault” after “compensatory allowance” in the third paragraph.

**55.** Article 698 of the Code is amended by replacing “or for the payment of a support debt or a compensatory allowance” in the fifth paragraph by “or for the payment of a support debt, a financial contribution as support to meet the needs of a child born as a result of a sexual assault or a compensatory allowance”.

## ACT RESPECTING LABOUR STANDARDS

**56.** Section 81.1 of the Act respecting labour standards (chapter N-1.1) is replaced by the following section:

**“81.1.** An employee may be absent from work for five days at the birth of the employee’s child, including a child born in the context of a surrogacy project, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence shall be remunerated.

The employee who gave birth to a child in the context of a surrogacy project is entitled to the leave provided for in the first paragraph.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother or of one of his parents or, if applicable, after the termination of pregnancy. In the case of a surrogacy project, the 15-day period applies, for the employee who gave birth to the child, from the birth of the child and, for the employee who is a party to the parental project involving surrogacy, from the moment the child was entrusted to the employee.

The employee must advise the employer of such an absence as soon as possible.”

**57.** Section 81.2 of the Act is replaced by the following section:

**“81.2.** An employee is entitled to a paternity leave or leave for the non-birthing parent of not more than five consecutive weeks, without pay, on the birth of the employee’s child, including a child born in the context of a parental project involving surrogacy.

An employee who adopts a child is entitled to the leave provided for in the first paragraph in connection with that adoption.

The leave shall not begin before the week of the birth of the child or, in the case of a parental project involving surrogacy or of an adoption procedure, the week the child is entrusted to the employee or the week the employee leaves work to travel outside Québec to be entrusted with the child. The leave shall not end later than 78 weeks after the week of the birth or, in the case of an adoption or a parental project involving surrogacy, 78 weeks after the week the child is entrusted to the employee.”

**58.** Section 81.2.1 of the Act is amended

(1) by replacing “paternity leave” in the first paragraph by “leave provided for in section 81.2”;

(2) in the second paragraph,

(a) by inserting “or the moment the child is entrusted to the employee” after “birth of the child”;

(b) by replacing “date” by “date of birth or of that moment”.

**59.** Section 81.10 of the Act is amended by replacing “of a newborn child, and” by “or the parents of a newborn child, including a child born in the context of a parental project involving surrogacy, and”.

**60.** Section 81.11 of the Act is replaced by the following section:

**“81.11.** Parental leave may not begin before,

(1) in the case of a birth, the week of the newborn’s birth or, if the birth occurs in the context of a parental project involving surrogacy, the week the child is entrusted to the employee who is a party to the project or the week the employee leaves work to travel outside Québec to be entrusted with the child; or

(2) in the case of an adoption, the week the child is entrusted to the employee in accordance with the adoption procedure or the week the employee leaves work to travel outside Québec to be entrusted with the child.

It shall end not later than 85 weeks after the week of the birth or, in the case of an adoption or of a parental project involving surrogacy, 85 weeks after the week the child was entrusted to the employee.

However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of an adoption or of a parental project involving surrogacy, 104 weeks after the week the child was entrusted to the employee.”

**61.** Section 81.12 of the Act is amended

(1) by replacing “the employee must stay with the newborn child or newly adopted child, or with the mother” by “the employee must stay with the newborn child, including a child born in the context of a parental project involving surrogacy if the child has been entrusted to the employee, with the newly adopted child or, if applicable, with the mother or the person who gave birth”;

(2) by replacing “the state of health of the child or of the mother” by “their state of health”.

**62.** Section 89 of the Act is amended

(1) by replacing “du salarié” in paragraph 3 in the French text by “de la personne salariée”;

(2) in paragraph 4,

(a) by replacing “d’un salarié” in the introductory clause in the French text by “de la personne salariée”;

(b) by replacing “du salarié occupé” in subparagraphs *c*, *d*, *e* and *f* in the French text by “de la personne salariée occupée”;

(c) by replacing “du salarié” in subparagraph *g* in the French text by “de la personne salariée”;

(d) by replacing “workers” in subparagraph *h* by “employees”;

(e) by replacing “de salariés visés” in subparagraph *i* in the French text by “de personnes salariées visées”;

(3) by replacing paragraph 6 by the following paragraph:

“(6) the other benefits an employee may receive during an absence for any of the reasons provided for in section 79.1 or in connection with a leave provided for in section 81.2, 81.4 or 81.10, which may vary according to the nature of the leave or, where applicable, its length;”;

(4) by replacing “of adoption, 104 weeks after the child was entrusted to the employee” in paragraph 6.1 by “of an adoption or a parental project involving surrogacy, 104 weeks after the child was entrusted to the employee”;

(5) by replacing “maternity, paternity or parental leave” in paragraph 6.1.1 by “leave provided for in section 81.2, 81.4 or 81.10”.

## NOTARIES ACT

**63.** Section 40 of the Notaries Act (chapter N-3) is amended by adding the following subparagraph before subparagraph 1 of the second paragraph:

“(0.1) the woman or the person who has agreed to give birth to a child in the context of a parental project involving surrogacy;”.

**64.** Section 44 of the Act is amended by inserting “, unless the act is a surrogacy agreement, in which case the disbursements and fees shall be borne by the person alone or the spouses who formed the parental project” after “fees”.

## ACT TO ENSURE THE PROTECTION OF TRAINEES IN THE WORKPLACE

**65.** Section 15 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3) is amended

(1) by inserting “including a child born in the context of a surrogacy project,” after “their child,” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“A trainee who gave birth to a child in the context of a surrogacy project is entitled to the leave provided for in the first paragraph.”;

(3) by adding the following sentence at the end of the last paragraph: “In the case of a surrogacy project, the 15-day period applies, for the trainee who gave birth to a child, from the birth of the child and, for the trainee who is a party to the parental project involving surrogacy, from the moment the child is entrusted to the trainee.”

## TRANSITIONAL AND FINAL PROVISIONS

**66.** The rules concerning the filiation of a child born of a pregnancy that began before 6 June 2023 and that results from a surrogacy project are those that existed before that date.

**67.** Any application for an order of placement for the purposes of an adoption based on special consent whose object is to carry a surrogacy project to completion is inadmissible if the pregnancy began after 5 June 2023.

**68.** Where a child is born of a surrogacy project in which the parties are domiciled in Québec and the pregnancy began during the period from 6 June 2023 to 5 March 2024 or on an earlier date set by the Government under paragraph 1 of section 86,

(1) article 541.7 of the Civil Code, enacted by section 20, is to be read as if “in order for the rules allowing the legal or judicial establishment of the child’s filiation to apply to the parental project involving surrogacy” were struck out; and

(2) article 541.20 of the Civil Code, enacted by section 20, is to be read as if “Where a prior condition for the legal establishment of the child’s filiation is not met, the” were replaced by “The”.

**69.** Where a child is born of a surrogacy project in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec and the pregnancy began during the period from 6 June 2023 to 5 June 2024 or on an earlier date set by the Government under paragraph 2 of section 86,



the first paragraph of article 541.28 of the Civil Code, enacted by section 20, is to be read as follows:

“The parties to the parental project must have been domiciled in Québec for at least one year prior to entering into the surrogacy agreement.”

**70.** Until the date of coming into force of the first regulation made by the Government under the first paragraph of article 541.3 of the Civil Code, enacted by section 20, that paragraph is to be read as follows:

“The contribution made to the parental project by the woman or the person who has agreed to give birth to a child must be gratuitous. However, the woman or person is entitled to the reimbursement of expenses and to compensation, where applicable, for loss of work income as allowed by the Reimbursement Related to Assisted Human Reproduction Regulations (SOR/2019-193) adopted under the Assisted Human Reproduction Act (Statutes of Canada, 2004, chapter 2). If domiciled outside Québec, the woman or person is also entitled to reimbursement or payment of certain expenses and to compensation for loss of work income provided for by the law of the State of their domicile.”

**71.** For the purposes of the judicial recognition of an act of birth drawn up abroad or of a foreign decision referred to in article 541.34 of the Civil Code, enacted by section 20, the provisions of articles 541.27, 541.29, 541.31 to 541.33 and 541.35 and of the third and fourth paragraphs of article 541.36 of the Code, enacted by section 20, do not apply if the pregnancy results from a surrogacy project and began during the period from 6 June 2023 to 5 June 2024 or on an earlier date set by the Government under paragraph 2 of section 86.

**72.** Until 5 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, the second paragraph of article 542 of the Civil Code is to be read as follows:

“However, if the health of the person born of procreation involving the contribution of a third person, of that third person or of a close relative genetically linked to them warrants it, the court may allow the necessary medical information to be sent, confidentially, to the medical authorities concerned.”

**73.** Within one year after 6 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, every centre for assisted procreation within the meaning of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) must send the following information to the Minister of Employment and Social Solidarity for entry in the register kept in accordance with article 542.10 of the Civil Code, enacted by section 21:

(1) the name of any person who provided their reproductive material in Québec before the date referred to in the first paragraph, and whose reproductive material was used to contribute to the assisted procreation of a child, the information making it possible to contact that person, and the information

concerning the profile of that person collected at the time the material was provided; and

(2) where reproductive material from outside Québec was used to contribute to the assisted procreation of a child before the date referred to in the first paragraph, the name and location of the enterprise from which the reproductive material was obtained.

The centre must also send to the Minister of Employment and Social Solidarity, within the same time, the information it holds and that makes it possible to connect the information sent under the first paragraph to the child conceived using that material, including the name of the persons who used the reproductive material.

**74.** Until the coming into force of section 72 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), section 19 of the Act respecting health services and social services (chapter S-4.2) is to be read

(1) as if “or in section 43.1” were inserted after “41.2” in paragraph 15; and

(2) as if the following paragraph were added at the end:

“(22) to a person alone or to spouses having formed a parental project involving surrogacy for the purposes of the second paragraph of article 541.18 of the Civil Code.”

**75.** The person alone or the spouses who formed a parental project and who, during the period from 6 June 2023 to 6 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, used reproductive material from outside Québec in the context of assisted procreation activities carried out in a centre for assisted procreation must, once the information concerning the profile of the person who provided the reproductive material is known by them, send it to the registrar of civil status together with the declaration of birth of the child conceived using that material.

The registrar of civil status keeps the information and, in the year after 6 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, enters it together with the name and date of birth of the child to whom the information relates in the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 21.

**76.** From 6 June 2023 to 5 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, the office of the court that rendered a judgment relating to the filiation of a child born of procreation involving surrogacy where all parties are domiciled in Québec keeps the information concerning the profile of the woman or the person who gave birth to the child

that was filed together with the application relating to the filiation of the child in accordance with article 431.0.3 of the Code of Civil Procedure (chapter C-25.01), enacted by section 51.

In the year following the end of the period referred to in the first paragraph, the court office sends any judgment relating to the filiation of such a child that has become final, together with the information kept, to the Minister of Employment and Social Solidarity so that the Minister may deposit the judgments and enter the information in the register kept in accordance with article 542.10 of the Civil Code, enacted by section 21 of this Act.

**77.** From 6 March 2024 to 5 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, the registrar of civil status keeps the authentic copy of any surrogacy agreement accompanying the declaration of birth of a child made to the registrar in accordance with article 113 of the Civil Code, amended by section 2 of this Act.

In the year following the end of that period, the registrar deposits the authentic copies of the agreements so kept in the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 21 of this Act, and enters the name and date of birth of the child to whom each such agreement relates.

**78.** From 6 June 2024 to 5 June 2025 or any earlier date determined by the Government under paragraph 3 of section 86, the Minister of Health and Social Services keeps the information concerning the profile of the woman or the person who gave birth to a child born of a parental project involving surrogacy in which the woman or the person is domiciled outside Québec that is deposited with the Minister under the third paragraph of article 541.32 of the Civil Code, enacted by section 20.

In the year following the end of that period, the Minister deposits every surrogacy agreement received under the third paragraph of article 541.32 of the Civil Code, enacted by section 20, and every judgment that has become final and that the Minister received under article 456.2 of the Code of Civil Procedure, enacted by section 52, in the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 21, and enters the kept information in the register.

**79.** Despite article 542.1 of the Civil Code, enacted by section 21 of this Act, the confidentiality of the name of the person who provided their reproductive material in Québec before the date of coming into force of that article in the context of assisted procreation activities is preserved. However, that person may, after that date, express their will to the authority designated by law in accordance with article 542.10 of the Civil Code, enacted by section 21 of this Act, as to the communication of their name and of the information making it possible to contact them to the person conceived using that person's contribution or, if applicable, to the descendants in the first degree of the person so conceived.

Unless consent concerning the other information has been given, only the information that concerns the profile of the person who provided their reproductive material that was collected at the time the material was provided and that does not make it possible to identify the person is to be communicated, insofar as it is available, to the person conceived using that contribution or, if applicable, to the descendants in the first degree of the person so conceived.

**80.** Until the date of coming into force of the first regulation made by the Government under the first paragraph of article 541.13 of the Civil Code, enacted by section 20, for the purposes of the transitional provisions and those enacted by this Act, the profile of the third person who contributed to the procreation of a child includes

(1) the following general information:

(a) their age;

(b) their ethnic origin;

(c) their civil status;

(d) their level of education, as well as their diplomas and field of studies, if applicable; and

(e) their profession, if applicable;

(2) the following information regarding physical characteristics:

(a) their height;

(b) their skin colour;

(c) their eye colour; and

(d) their hair colour and texture; and

(3) information relating to their personality traits, special skills, preferences and hobbies, if applicable.

**81.** Articles 542.22, 542.24 and 542.33 of the Civil Code, enacted by section 21 of this Act, and article 658.1 of the Civil Code, enacted by section 29 of this Act, apply regardless of the date on which the sexual assault was committed.

**82.** Section 742.1 of the Civil Code, enacted by section 30 of this Act, applies regardless of the date on which the sexual assault was committed and of the date on which the testamentary provisions were drafted.

**83.** Articles 658.1 and 742.1 of the Civil Code, enacted by sections 29 and 30, respectively, apply only to the succession of a person who died after 5 June 2023.

**84.** Subparagraph 5 of the first paragraph of section 2 of the Act respecting parental insurance (chapter A-29.011), amended by section 37 of this Act, sections 12.2 to 12.8 of the Act respecting parental insurance, enacted by section 39 of this Act, section 14 of the Act respecting parental insurance, replaced by section 40 of this Act, section 14.1 of the Act respecting parental insurance, enacted by section 41 of this Act, and sections 15, 16, 17, 18, 23 and 24 of the Act respecting parental insurance, amended by sections 42 to 47 of this Act, apply only to a birth resulting from a surrogacy project that occurred from 6 March 2024, unless it is shown that the pregnancy began after 5 June 2023.

**85.** The Minister must, not later than 6 June 2030, report to the Government on the implementation of the provisions concerning parental projects involving surrogacy.

The report is tabled by the Minister in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**86.** The provisions of this Act come into force on 6 June 2023, except

(1) paragraph 2 of section 2, paragraph 3 of section 4, section 20 insofar as it enacts articles 541.11 to 541.19 of the Civil Code, sections 33, 34, 63 and 64 and paragraph 2 of section 74, which come into force on 6 March 2024 or on an earlier date to be set by the Government;

(2) section 20 insofar as it enacts articles 541.27, 541.29, 541.31 to 541.33 and 541.35 and the third and fourth paragraphs of article 541.36 of the Civil Code, section 51 insofar as it enacts article 431.0.2 and the second sentence of article 431.0.4 of the Code of Civil Procedure, and section 52, which come into force on 6 June 2024 or on an earlier date to be set by the Government;

(3) section 21 insofar as it enacts articles 542.1 to 542.18 of the Civil Code, sections 32 and 35, paragraph 2 of section 36, section 53 and paragraph 1 of section 74, which come into force on 6 June 2025 or on an earlier date to be set by the Government;

(4) sections 19 and 26 insofar as they repeal articles 539.1 and 578.1 of the Civil Code, which come into force on the date to be set by the Government.



## Regulations and other Acts

Gouvernement du Québec

### O.C. 1192-2023, 19 July 2023

Application of the definition of employee provided for in the Labour Code to certain public servants of the Conseil du trésor

WHEREAS, under subparagraph 3.2 of paragraph 1 of section 1 of the Labour Code (chapter C-27), in that Code, unless the context requires otherwise, the expression employee means a person who works for an employer and for remuneration, but does not include a public servant of the Conseil du trésor, except in the cases that the Government may determine by order;

WHEREAS it is expedient that the public servants of the Conseil du trésor who report to the Secrétariat à la Capitale-Nationale be included in the definition of employee provided for in paragraph 1 of section 1 of the Labour Code;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, the Minister Responsible for the Capitale-Nationale Region and the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the public servants of the Conseil du trésor who report to the Secrétariat à la Capitale-Nationale be included in the definition of employee provided for in paragraph 1 of section 1 of the Labour Code (chapter C-27).

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106399

Gouvernement du Québec

### O.C. 1251-2023, 19 July 2023

Tobacco Control Act  
(chapter L-6.2)

#### Regulation

Regulation to amend the Regulation under the Tobacco Control Act

WHEREAS, under the first paragraph of section 1 of the Tobacco Control Act (chapter L-6.2), the term “tobacco” includes in particular electronic cigarettes and any other devices of that nature that are put to one’s mouth to inhale any substance that may or may not contain nicotine, including their components and accessories;

WHEREAS, under the first and second paragraphs of section 28 of the Act, the Government may make regulations determining standards relating to tobacco containers, packaging and display and prohibiting certain standards, and requiring a tobacco product manufacturer to print on packaging in particular the information determined by the Government;

WHEREAS, under the first paragraph of section 29 of the Act, the Government may make regulations determining standards relating to the composition and characteristics of tobacco products manufactured in Québec for sale in Québec;

WHEREAS, under the first paragraph of section 29.3 of the Act, the Government may, to the extent provided by regulation, render the provisions of section 29.2 of the Act applicable to electronic cigarettes or such devices, including their components and accessories, which provide that it is prohibited to sell, offer for sale or distribute a tobacco product that has a flavour or aroma other than that of tobacco, including a menthol, fruit, chocolate, vanilla, honey, candy or cocoa flavour or aroma, or whose packaging suggests it is such a product;

WHEREAS, under section 41 of the Act, the Government or the Minister, as the case may be, is to determine the provisions of a regulation made under the Act the violation of which constitutes an offence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation under the Tobacco Control Act was published in Part 2 of the *Gazette officielle du Québec* of 19 April 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health:

THAT the Regulation to amend the Regulation under the Tobacco Control Act, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation under the Tobacco Control Act

Tobacco Control Act  
(chapter L-6.2, s. 28, 1st and 2nd pars., s. 29, 1st par., s. 29.3, 1st par. and s. 41)

**1.** The Regulation under the Tobacco Control Act (chapter L-6.2, r. 1) is amended by inserting the following after section 6.4:

“**6.5.** It is prohibited to sell electronic cigarettes or any other devices of that nature, including their components and accessories, that contain a liquid if they do not display the following information on the product and packaging:

(1) the nicotine concentration, in milligrams per millilitre;

(2) the volume of the liquid, in millilitres, including in the case of liquid refill containers;

(3) an indication that the liquid has a tobacco flavour or aroma or that it has no flavour or aroma.

**6.6.** A manufacturer or a distributor may not sell electronic cigarettes or any other devices of that nature, including their components and accessories, that are not consistent with the following standards:

(1) have a nicotine concentration of 20 milligrams per millilitre or less;

(2) have a volume of liquid of 2 millilitres or less or, in the case of liquid refill containers, 30 millilitres or less;

(3) not have the form of a toy, jewellery, food, animal or real or fictional character, or any other form, appearance or function that may be attractive to minors.

For the purposes of subparagraph 3 of the first paragraph, a form or appearance that conceals the intended use may be considered to be attractive to minors.

**6.7.** Despite section 29.3 of the Act, section 29.2 applies to electronic cigarettes or any other devices of that nature, including their components and accessories.”

**2.** Section 7 is amended by inserting “or sections 6.5 and 6.7” after “sections 2 to 6.3”.

**3.** This Regulation comes into force on the ninetieth day following the date of its publication in the *Gazette officielle du Québec*.

106401

Gouvernement du Québec

**O.C. 1272-2023, 19 July 2023**

Act respecting industrial accidents and occupational diseases  
(chapter A-3.001)

Workers' Compensation Act  
(chapter A-3)

**Regulation to designate a specialized nurse practitioner as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act**

Regulation to designate a specialized nurse practitioner as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act

WHEREAS, under subparagraph 17 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations determining any professional within the meaning of the Professional Code (chapter C-26) who may act as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases;



WHEREAS, under subparagraph *c.1* of the first paragraph of section 124 of the Workers' Compensation Act (chapter A-3), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations determining any professional, within the meaning of the Professional Code (chapter C-26), who may act as a health professional for the purposes of the Workers' Compensation Act;

WHEREAS, under the fifth paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, where the Commission determines a professional under subparagraph 17 of the first paragraph of section 454, it may adapt the rules and standards set out in the Act concerning the roles and responsibilities of that professional, or exclude some of those rules and standards;

WHEREAS, under the second paragraph of section 124 of the Workers' Compensation Act, where the Commission determines a professional under subparagraph *c.1* of the first paragraph of section 124, it may adapt the rules and standards set out in that Act concerning the roles and responsibilities of that professional, or exclude some of those rules and standards;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to designate a specialized nurse practitioner as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2023 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation without amendment at its sitting on 15 June 2023;

WHEREAS, under the first paragraph of section 455 of the Act respecting industrial accidents and occupational diseases, every draft regulation made by the Commission under subparagraphs 1, 2, 3 to 4.1, 14 and 17 of the first paragraph of section 454 or under section 454.1 of the Act is to be submitted to the Government for approval;

WHEREAS, under section 125 of the Workers' Compensation Act, a regulation made by the Commission under section 124 of that Act is subject to the approval of the Government with the exception of a regulation made under subparagraph *d* of the first paragraph of that section;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to designate a specialized nurse practitioner as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## **Regulation to designate a specialized nurse practitioner as a health professional for the purposes of the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act**

Act respecting industrial accidents and occupational diseases  
(chapter A-3.001, s.454, 1st par., subpar. 17, and 5th par.)

Workers' Compensation Act  
(chapter A-3, s.124, 1st par., subpar. *c.1*, and 2nd par.)

**1.** For the purposes of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the Workers' Compensation Act (chapter A-3), a specialized nurse practitioner within the meaning of the Nurses Act (chapter I-8) is a health professional.

**2.** The care and treatment provided by a specialized nurse practitioner who is an employee of an institution referred to in paragraph 2 of section 189 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) are covered by the standard agreement and the specific agreements made in accordance with section 195 of that Act.

**3.** The Commission des normes, de l'équité, de la santé et de la sécurité du travail pays directly to a specialized nurse practitioner who is not an employee of an institution referred to in paragraph 2 of section 189 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or, where the specialized nurse practitioner is an employee of an employer, to the employer, the cost of the services provided according to the same terms and conditions as those provided for in the agreement made under section 195 of the Act respecting industrial accidents and occupational diseases.

To obtain a payment, the specialized nurse practitioner or, where the specialized nurse practitioner is an employee of an employer, the employer, must send an account to the Commission within 180 days after the service is provided.

**4.** The Commission publishes on its website the agreement respecting the cost of services that may be provided by specialized nurse practitioners.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106402

Gouvernement du Québec

## O.C. 1273-2023, 19 July 2023

Act respecting collective agreement decrees  
(chapter D-2)

### Security guards — Amendment

Decree to amend the Decree respecting security guards

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting security guards (chapter D-2, r. 1);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed to the Minister of Labour an application for amendment to the Decree;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting security guards was published in Part 2 of the *Gazette officielle du Québec* of 26 April

2023 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Decree to amend the Decree respecting security guards, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting security guards

Act respecting collective agreement decrees  
(chapter D-2, ss. 2, 4, 1st par., s. 6, 1st par. and s. 6.1, 1st par.)

**1.** The Decree respecting security guards (chapter D-2, r. 1), amended in section 1.01 by section 1 of the Decree to amend the Decree respecting security guards made by Order in Council 1530-2022 dated 10 August 2022, is again amended in the first paragraph of section 1.01

(1) by replacing subparagraph 6 by the following:

“(6) “P-3 premium” : benefit paid to a guard who works in an institution within the meaning of section 94 of the Act respecting health services and social services (chapter S-4.2) and who, during the 2 preceding years, underwent crisis management training given by an instructor recognized by the Crisis Prevention Institute Inc., of a minimum duration of 16 hours and further to which a training certificate was issued by the instructor. The P-3 premium is also paid to a guard working in another sector if such training is required by a customer;”;

(2) by replacing subparagraph 7 by the following:

“(7) “P-4 premium” : benefit paid to a guard who, during the 3 preceding years, underwent first-aid, CPR and defibrillator training given by a training agency

recognized by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, of a minimum duration of 16 hours and further to which a training certificate was issued by the instructor;”;

(3) by inserting the following after subparagraph 10:

“(10.1) “P-8 premium” : benefit paid to a guard who works in the judicial sector or extra-judicial sector (judicial or quasi-judicial courts and premises where they are located including courthouses) or who performs a duty related to those sectors (monitoring of inmates, witnesses and juries) and who, during the 2 preceding years, underwent use-of-force training given by an instructor recognized by the Association provinciale des agences de sécurité (A.P.A.S.), of a minimum duration of 20 hours and further to which a training certificate was issued by the instructor. The P-8 premium is also paid to a guard working in another sector if such training is required by a customer;”;

(4) by inserting the following after paragraph 10.4:

“(11) “P-11 premium” : benefit paid to a guard for the hours worked between 10:00 p.m. and 6:00 a.m.;

(11.1) “P-12 premium” : benefit paid to a guard who, during the 2 preceding years, underwent customer service training given by the Association provinciale des agences de sécurité (A.P.A.S.) or a training school recognized by the Bureau de la sécurité privée, of a minimum duration of 4 hours and further to which a training certificate was issued by the instructor;

(11.2) “P-13 premium” : benefit paid to a guard who works when a public health emergency has been declared by the Gouvernement du Québec throughout the territory of Québec under the Public Health Act (chapter S-2.2);”.

**2.** Section 3.04 is amended by adding “, excluding P-4 and P-12 premiums which are included in the calculation of overtime” at the end of the first paragraph.

**3.** Section 4.07, amended by section 3 of the Decree to amend the Decree respecting security guards made by Order in Council 1530-2022 dated 10 August 2022, is again amended by replacing the first paragraph by the following:

“The hourly rates and premiums to which employees are entitled are at least those set in the following table:

	As of 2 August 2023	As of 30 June 2024	As of 29 June 2025	As of 28 June 2026	As of 4 July 2027
<b>Class A employee</b>	\$19.34	\$19.69	\$20.09	\$20.60	\$21.10
<b>Class B employee</b>	\$19.59	\$19.94	\$20.34	\$20.85	\$21.35
<b>Premiums</b>					
P-1 premium*	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35
P-2 premium*	\$0.55	\$0.55	\$0.55	\$0.55	\$0.55
P-3 premium*	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00
P-4 premium*	\$0.60	\$0.60	\$0.60	\$0.60	\$0.60
<i>(struck out)</i>	—	—	—	—	—
P-6 premium*	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50
P-7 premium*	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
P-8 premium*	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00
P-9 premium*	\$0.15	\$0.15	\$0.15	\$0.15	\$0.15
P-10 premium*	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
P-11 premium*	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
P-12 premium*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
P-13 premium*	\$0.50	\$1.00	\$2.00	\$2.00	\$2.00

\* More than one premium may be applicable at the same time.

””.

**4.** Until 2 August 2025, the P-3 premium is also paid to a guard who works in an institution within the meaning of section 94 of the Act respecting health services and social services (chapter S-4.2) and who has undergone, after 2 August 2023 and before 2 August 2025, the “OMEGA” training or the “ITCA” training and further to which a training certificate was issued by the instructor.

**5.** This Decree comes into force on 2 August 2023.

106403

Gouvernement du Québec

### **O.C. 1274-2023, 19 July 2023**

Act respecting collective agreement decrees  
(chapter D-2)

#### **Automotive services industry – Québec — Amendment**

Decree to amend the Decree respecting the automotive services industry in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is also to bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed to the Minister of Labour, Employment and Social Solidarity an application for amendment to the Decree;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister of Labour may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the automotive services industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2023 and in a French language newspaper and in an English language newspaper on 18 April 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Decree to amend the Decree respecting the automotive services industry in the Québec region, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

### **Decree to amend the Decree respecting the automotive services industry in the Québec region**

Act respecting collective agreement decrees  
(chapter D-2, ss. 2, 4, 1st par., s. 6, 1st par. and s. 6.1, 1st par.)

**1.** The Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) is amended by replacing section 9.01, as amended by section 2 of the Decree to amend the Decree respecting the automotive services industry in the Québec region, enacted by Order in Council 41-2023 dated 11 January 2023 (2023, G.O. 2, 48), by the following:

“9.01. The minimum hourly wage rates are as follows:

Trades	As of 2 August 2023	As of 2 August 2024	As of 2 August 2025	As of 2 August 2026
<b>(1) Journeyman*:</b>				
Class A	\$29.52	\$30.41	\$31.32	\$32.26
Class A/B	\$28.51	\$29.37	\$30.25	\$31.15
Class B	\$27.50	\$28.33	\$29.17	\$30.05
Class C	\$26.39	\$27.18	\$28.00	\$28.84
<b>Apprentice – Journeyman:</b>				
1st year	\$19.29	\$19.87	\$20.46	\$21.08
2nd year	\$20.20	\$20.81	\$21.43	\$22.07
3rd year	\$21.98	\$22.64	\$23.32	\$24.02
4th year	\$23.71	\$24.42	\$25.15	\$25.91
<b>(2) Journeyman – Parts clerk:</b>				
Class A	\$24.12	\$24.84	\$25.59	\$26.36
Class A/B	\$23.73	\$24.44	\$25.18	\$25.93
Class B	\$23.44	\$24.14	\$24.87	\$25.61
Class C	\$23.14	\$23.83	\$24.55	\$25.29
<b>Apprentice – Parts clerk:</b>				
1st year	\$18.65	\$19.21	\$19.79	\$20.38
2nd year	\$19.61	\$20.20	\$20.80	\$21.43
3rd year	\$21.24	\$21.88	\$22.53	\$23.21
4th year	\$22.86	\$23.55	\$24.25	\$24.98
<b>(3) Messenger:</b>				
	\$16.53	\$17.03	\$17.54	\$18.06
<b>(4) Dismantler:</b>				
1st year	\$18.43	\$18.98	\$19.55	\$20.14
2nd year	\$20.21	\$20.82	\$21.44	\$22.08
After two years	\$21.99	\$22.65	\$23.33	\$24.03
<b>(5) Washer:</b>				
	\$18.25	\$18.80	\$19.36	\$19.94
<b>(6) Semiskilled worker and Service attendant:</b>				
1st year	\$17.34	\$17.86	\$18.40	\$18.95
2nd year	\$18.99	\$19.56	\$20.15	\$20.75
After two years	\$20.64	\$21.26	\$21.90	\$22.55

Trades	As of 2 August 2023	As of 2 August 2024	As of 2 August 2025	As of 2 August 2026
<b>(7) Service salesperson – Adviser:</b>				
1st year	\$20.97	\$21.60	\$22.25	\$22.91
2nd year	\$22.31	\$22.98	\$23.67	\$24.38
3rd year	\$23.65	\$24.36	\$25.09	\$25.84
4th year	\$24.11	\$24.83	\$25.58	\$26.35
5th year	\$25.00	\$25.75	\$26.52	\$27.32
After five years	\$25.89	\$26.67	\$27.47	\$28.29

\* The notion of journeyman includes the trades of mechanic, diesel mechanic, electrician, bodyworker, wheel aligner, automatic transmission specialist, painter and bodyman.”

**2.** Section 9.01.1 is amended by replacing “\$0.25” by “\$0.50”.

**3.** This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

106404

## Notice of adoption

Charter of human rights and freedoms  
(chapter C-12)

### Human Rights Tribunal

In accordance with sections 110, 114 and 115 of the Charter of human rights and freedoms (chapter c. C-12), the members of the Human Rights Tribunal, at a meeting held for that purpose in Montréal on 12 July 2023, adopted by a majority in its final version the Regulation of the Human Rights Tribunal. The Regulation of the Human Rights Tribunal is from now on the Regulation attached to this notice. The Regulation replaces the Regulation of the Human Rights Tribunal (chapter C-12, r. 6) adopted on 17 December 2015.

*The President of the Human Rights Tribunal*  
THE HONOURABLE MADELEINE AUBÉ, J.C.Q.

## REGULATION OF THE HUMAN RIGHTS TRIBUNAL

### CHAPTER I GENERAL

**1.** The purpose of this Regulation is to simplify, facilitate and expedite application proceedings before the Tribunal. It must be construed and applied in a manner

that will ensure proper case management and efficient processing of cases, within the framework of the proper administration of justice. It completes the rules of proof and procedure set out in the Charter of Human Rights and Freedoms (chapter C-12).

Except as provided in the Charter or in this Regulation, the Code of Civil Procedure (chapter C-25.01) applies, with the necessary modifications, to proceedings brought before the Tribunal.

In a proceeding, a judge of the Tribunal may, in the interests of justice, modify a rule or exempt a party or a person from its application.

**2.** The parties must ensure that their actions, their pleadings and the means of proof they use are proportionate, in terms of the cost and time involved, to the nature and complexity of the matter and the purpose of the application.

The Tribunal must ensure that any stage of the proceeding is in keeping with the same principle.

**3.** The parties are duty-bound to co-operate and, in particular, to keep one another informed at all times of the facts and particulars conducive to a fair debate. They must refrain from acting with the intent to cause prejudice to another person or behaving in an excessive or unreasonable manner, contrary to the requirements of good faith.

### CHAPTER II OFFICE

**4.** The registers, records, orders and judgments related to the proceedings before the Tribunal are kept in accordance with the Regulation of the Court of Québec (chapter C-25.01, r. 9), unless the president gives directives to the contrary where circumstances warrant.



**5.** The pleadings and exhibits are received and recorded, throughout the proceeding, at the office of the Court of Québec in the district where the application is filed.

**6.** The clerk of the Court of Québec of the district where the application is filed maintains a register containing:

- (1) the record number;
- (2) the names of the parties;
- (3) the nature of the application;
- (4) a description and the date of receipt of each pleading, exhibit or document filed at the office of the Court of Québec;
- (5) the date and nature of any decision rendered during the course of the proceeding;
- (6) the date of the hearing;
- (7) the date on which the matter was taken under advisement;
- (8) the reason for closing the file and the date on which it is closed and, where applicable, the date on which a true copy of the decision was sent to the Superior Court;
- (9) the date of filing a leave to appeal and a notice of appeal;
- (10) the date on which the judgment was rendered on leave to appeal and the Court of Appeal's record number;
- (11) the date on which the record was sent to the office of the Court of Appeal;
- (12) the date on which the record was returned from the office of the Court of Appeal; and
- (13) the operative part of the judgment of the Court of Appeal and the date on which it was rendered.

**7.** The clerk of the Tribunal is chosen by the Minister of Justice among the clerks of the Court of Québec and assigned to the Tribunal.

The clerk verifies that the records are complete and, if they are not, asks the parties to complete them.

The clerk prepares the roll in accordance with the directives given by the president.

**8.** The clerk of the Court of Québec of the district where the application is filed immediately informs the clerk of the Tribunal of all pleadings, exhibits and evidence that have been filed. The clerk of the Court of Québec promptly sends to the clerk of the Tribunal a copy of every document received at the office.

**9.** Subject to the law or an order from a tribunal, any person may consult the registers, records, orders and judgments of the Tribunal at the office of the Court of Québec in the district where the application is filed, in accordance with the provisions of the Regulation of the Court of Québec applicable to the Civil Division.

**10.** The clerk of the Court of Québec sets the indemnity and allowances of witnesses at the request of the Tribunal, the parties or the witnesses themselves.

**11.** The clerk of the Court of Québec homologates or, in case of an opposition, verifies the bill of costs.

### CHAPTER III PROCEEDINGS

#### DIVISION I PLEADINGS AND EXHIBITS

**12.** All pleadings must be legibly written on a letter-format document measuring 21.5 by 28 cm (8 1/2 x 11 inches).

A document that is not on a technology-based medium must be written on one side only.

**13.** The pleading specifies the judicial district, the record number, the names of the parties, the nature or object of the proceeding and the amount in dispute, if any.

Parties' attorneys specify on a document accompanying the proceeding their name, address, postal code, telephone number, email address, fax number and permanent court number.

Parties that are not represented specify, on a document accompanying the pleading, their name, address, postal code, telephone number and email address and, where applicable, fax number.

**14.** All pleadings are signed by the parties filing them or by their attorneys.

**15.** The allegations contained in a pleading must be clear, precise, and concise, presented in logical order and in separate paragraphs numbered consecutively.

**16.** The parties must file 2 paper versions of the pleadings and exhibits at the office of the Court of Québec in the district where the application is filed.

The parties also send the documents to the Tribunal on a technology-based medium that allows a search by keyword and contains hyperlinks between the table of contents and the proceedings and exhibits.

The Tribunal may request additional copies, in particular where the party cannot send the documents on a technology-based medium.

**17.** An originating application must include:

(1) the date of the filing of the complaint with the Commission des droits de la personne et des droits de la jeunesse;

(2) the date of the notification of the Commission's decision;

(3) the facts, exhibits and means to be invoked;

(4) the questions of law at issue; and

(5) the conclusions sought.

The originating application must be accompanied by a summons, in keeping with the model provided for in Schedule 1, informing the defendant that a defence may be filed and informing the other parties that they may file written observations, within 45 days after the application is served.

After service, these documents are filed at the office of the Court of Québec in accordance with section 114 of the Charter.

**18.** In the case of a substitution in accordance with section 84 of the Charter, the applicant must attach to the application a copy of:

(1) the Commission's decision not to seize the Tribunal and the document communicating such decision; and

(2) proof of the date of receipt of the decision.

**19.** A person to whom the originating application is served must complete a contact information form in keeping with the model provided for in Schedule 2. Within 45 days of the service, the person notifies it to all the parties and files the form at the office of the Court of Québec in the district where the application is filed.

In the case of a change of address, the parties or their attorneys, as the case may be, must complete without delay the change of address form provided for in Schedule 3, notify it to the other parties and file it at that office. They must also send a copy by email to the clerk of the Tribunal.

**20.** Within 45 days of service of the originating application, the defendant may file a defence at the office of the Court of Québec in the district where the application is filed, setting out the following:

(1) the facts and exhibits to be invoked;

(2) the questions of law at issue; and

(3) the conclusions sought;

Within the same time limit, any other party may file written observations at the office of the Court of Québec in the district where the application is filed.

Proof of notification of the defence or observations must be filed at that office.

**21.** At the written request of a party, a judge of the Tribunal may extend the time limits provided for in sections 19 and 20, if the interests of justice so require.

**22.** Where a change is made to a pleading in accordance with the Code of Civil Procedure, the party must underline or indicate the additions or substitutions in the margin with a vertical stroke and all deletions must be indicated with a dotted line between parentheses.

The party files the amended pleading at the office of the Court of Québec in the district where the application is filed.

The same applies where the Tribunal orders a party to clarify a pleading.

**23.** Each page of an exhibit must be numbered and each exhibit must bear the record number and a classification code, made up of a number preceded by an identifying letter specific to each party.

Exhibits and other evidence are listed and identified in a list of exhibits, which bears the record number, the judicial district, the names of the parties and the date. It specifies the nature and the classification code of each exhibit.

Exhibits and other evidence along with the list are disclosed to the other parties as soon as possible, according to the terms and conditions agreed between them.



**24.** Unless the Tribunal decides otherwise to ensure the proper administration of justice, the parties file any additional exhibit and other evidence with an updated list at the office of the Court of Québec in the district where the application is filed, not later than 30 days before the hearing.

The Tribunal may, where warranted by the circumstances, refuse the admissibility in evidence of the exhibits or evidence filed after that time limit.

**25.** References to a statute or a regulation in pleadings must cite the title and reference and the provision referred to.

A party that cites a regulatory or legislative provision other than those of the Charter, the Canadian Charter of Rights and Freedoms (Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c. 11), the Civil Code of Québec and the Code of Civil Procedure, provides a copy of the provision to the Tribunal.

**26.** A party that cites jurisprudence or doctrine must produce a book of authorities in keeping with the Directive of the Tribunal.

## DIVISION II NOTIFICATIONS

**27.** Notifications are made in accordance with the rules of the Code of Civil Procedure.

Authorizations required by the Code are granted by a judge of the Tribunal to ensure the proper administration of justice.

**28.** Proof of the notification of any document must be filed at the office of the Court of Québec in the district where the application is filed.

## DIVISION III SETTLEMENT CONFERENCE

**29.** At any stage of the proceedings, the president or the judge designated by the president may conduct a settlement conference.

A party may apply by email to the Tribunal for a settlement conference. The president or the judge may also, on their own initiative, recommend to the parties that a settlement conference be held.

**30.** The judge may convene the parties to a conference prior to the settlement conference.

## DIVISION IV EXPERT EVIDENCE

**31.** In cases where expert evidence is planned, the parties must agree on a schedule in keeping with the Directive of the Tribunal.

An expert report must be filed at the office of the Court of Québec in the district where the application is filed and notified to the other parties within the time limits provided for in the schedule. The Tribunal may, where warranted by the circumstances, refuse to admit into evidence a report filed after the time limits. A judge may extend the time limits if circumstances warrant.

The report must be accompanied by the expert's curriculum vitae. If the party claims the expert's fees as legal costs, the party must attach the invoice for the expert's fees up to date, including fees to attend the hearing and testify.

**32.** A medical file or an expert report prepared by a physician, a psychologist or a social worker, or any other psychosocial expert report filed in a sealed envelope in the record is kept sealed. The nature of a document thus filed must be written on the envelope.

Only a person authorized by law or an order from a tribunal may have access to the documents.

Access to such documents includes the right to obtain a copy at the person's expense.

## DIVISION V PRE-TRIAL APPLICATIONS

**33.** Unless provided otherwise, an application during the course of proceedings is made in writing and notified to the other parties. It is supported by a sworn statement attesting that the facts for which evidence has not been provided in the record are true. The application and proof of notification must be filed at the office of the Court of Québec in the district where the originating application is filed and a copy must also be sent by email to the clerk of the Tribunal.

Such an application may be contested orally.

The application is heard at a date determined by the president or by the judge designated by the president.

Where warranted by the circumstances, a judge may authorize that an application be submitted orally, during a case management conference, a pre-trial conference or the hearing.

**34.** Where a disagreement occurs during the proceedings, a party may bring before the Tribunal an application for a case management which is notified to the other parties and filed at the office of the Court of Québec in the district where the originating application is filed. The party must also send a copy of the application by email to the clerk of the Tribunal.

**35.** The Commission or any party acting for another person, who intends to cease to act, must notify a notice to that effect to all the parties, file it at the office of the Court of Québec in the district where the application is filed and send a copy by email to the clerk of the Tribunal.

The Tribunal then convenes all the parties, including the party that sent the notice, to a case management conference to implement the measures necessary to ensure the proper administration of justice and to protect the rights of all the parties.

**36.** Where a settlement is reached, the parties immediately notify the clerk of the Tribunal. They file without delay a notice of settlement signed by the parties, including the alleged victim, at the office of the Court of Québec in the district where the application is filed.

#### DIVISION VI CALLING OF WITNESSES

**37.** Each party calls their witnesses to appear before the Tribunal by a subpoena issued by a judge of the Tribunal, a clerk of the Court of Québec or an attorney. The party serves the subpoena at least 10 days before the date on which they are scheduled to attend at court.

If there are urgent circumstances, a judge of the Tribunal or a clerk of the Court of Québec may, by order entered on the subpoena, shorten the service period. The service period cannot be shortened to less than 24 hours.

### CHAPTER IV HEARINGS

#### DIVISION I MANAGEMENT FOR HEARING

**38.** At any stage of the proceedings, the Tribunal may, on its own initiative or on request, take measures to simplify or expedite the procedure and shorten the hearing. To that end, it may convene the parties to a case management conference.

**39.** If the defendant does not send a defence or contact information notice within the prescribed time limit, the Tribunal convenes the parties to a management conference.

If the Tribunal notes the absence of the defendant during the case management conference, it sends, at least 10 days before the hearing, a notice of hearing to the parties. The notice informs the defendant that, following the hearing, a judgment may be rendered without further notice or delay.

When the presentation of evidence is necessary, the Tribunal may, if the interests of justice so require, agree that the evidence be adduced in the form of sworn statements.

#### DIVISION II SCHEDULING OF HEARING

**40.** During a case management conference, the judge determines the date of the hearing. The Tribunal sends the notice of hearing provided for in section 120 of the Charter.

The Tribunal may proceed with a calling of the provisional roll to determine the date of the hearing.

**41.** An application under section 81 or 82 of the Charter is heard on the date scheduled by the president or the judge to whom the application has been referred.

#### DIVISION III PRE-TRIAL CONFERENCE

**42.** The judge who is to preside over the trial or any other judge designated by the president convenes the parties to a pre-trial conference.

**43.** The purpose of the pre-trial conference includes the following:

- (1) to specify the issues to be argued at the hearing;
- (2) to assess the appropriateness of modifying the pleadings;
- (3) to facilitate the exchange of documents to be produced at the hearing;
- (4) to plan the conduct of the proceeding and the presentation of evidence at the hearing;
- (5) to examine the possibility for the parties of admitting certain facts or agreeing that evidence be made by means of sworn statements;
- (6) to examine any other issue that may simplify the hearing.

The pre-trial conference may also allow the parties to come to an agreement.

**44.** The court clerk enters in the minutes of the pre-trial conference the elements on which the parties agree, and the decisions made. The minutes are added in the record and a copy is sent to the parties.

The agreements and decisions made bind the parties.

#### DIVISION IV POSTPONEMENT OF THE HEARING

**45.** Any application for postponement must state the grounds in support of it. It is submitted to the president or a judge designated by the president at least 10 days before the date set for the hearing.

The application is granted only on serious grounds. The consent of the parties is not in itself sufficient ground for granting a postponement.

An application for postponement made less than 10 days before the date set for the hearing may only be granted under exceptional circumstances.

#### DIVISION V HEARING, ORDER AND DECORUM

**46.** The hearings of the Tribunal are public.

The president or a judge of the Tribunal may, on their own initiative or on request, make an exception to this principle if public order, in particular the preservation of the dignity of the persons involved, or the protection of substantial and legitimate interests requires that:

- (1) the hearing be held in camera;
- (2) the access to a document or the disclosure, publication or circulation of information and documents be restricted or prohibited; or
- (3) the anonymity of the persons involved be protected.

**47.** A person needing assistance, in particular by reason of illness or disability, must so inform the clerk of the Tribunal as soon as possible to allow the Tribunal to decide on the measures to be taken if necessary.

**48.** If a person is prevented from attending the hearing, a judge of the Tribunal may authorize the person's participation at a distance using technological means.

**49.** Except in cases where the remuneration of an interpreter is borne by the ministre de la Justice under the Code of Civil Procedure, a party must obtain the services

of an interpreter and pay the costs if the party or a witness summoned by the party does not understand the language used at the hearing.

A judge of the Tribunal may not translate the discussions for the parties.

**50.** Hearings of the Tribunal begin at 9:30 a.m., unless otherwise indicated in the notice of hearing or by the judge presiding the hearing.

**51.** Persons present at a hearing must rise when the judge or members of the Tribunal enter the room. They remain standing until the court bailiff asks them to be seated.

When the hearing ends or is suspended, the court bailiff invites the persons present to rise. No person may leave their places until the judge or members have retired.

**52.** At the opening of the session, the court bailiff says aloud:

“Silence! Please rise. The Human Rights Tribunal presided over by the Honourable Judge \_\_\_\_\_ assisted by assessors \_\_\_\_\_ is now in session.”

**53.** At the trial, the members of the Tribunal and attorneys wear a black robe, a white shirt, collar and bands, and dark clothing.

The same rule applies to articling students, minus the bands.

During other hearings, the robe is not required. The members, attorneys and articling students must be dressed plainly.

**54.** Every person present in the hearing room must be appropriately attired.

**55.** Any disruption of the decorum and orderly conduct of the hearing is prohibited.

The use of technology in the hearing room must comply with the rules set in the guidelines issued by the chief judge of the Court of Québec.

**56.** The security of the persons present at a hearing is ensured in accordance with the Regulation of the Court of Québec.

## DIVISION VI AUDIO RECORDING AND MINUTES

**57.** The court clerk must make an audio recording of the hearing. The court clerk ensures, when required by the judge, the operation of any technological means.

**58.** The court clerk draws up the minutes of the hearing using the form of the Tribunal provided for that purpose, on which the court clerk notes:

- (1) the record number;
- (2) the names of the parties;
- (3) the presence or absence of the parties;
- (4) the names of the attorneys, their permanent court number and the party represented or, where applicable, the decision of a party not to be represented;
- (5) the name of the judge presiding the hearing and of the assessors;
- (6) the name of the clerk and of any stenographer;
- (7) the room, date and time of the beginning and end of the session and the position numbers of the recording;
- (8) the names of the interpreters;
- (9) the names and addresses of witnesses and the name of the party calling them to testify;
- (10) the use of technological means with respect to testimony;
- (11) the presence and identification of an interpreter or any other person assisting a party or a witness;
- (12) the classification code and the description of all the exhibits filed;
- (13) the admissions;
- (14) the grounds of the objections to evidence;
- (15) the grounds and conclusions of any decision of the Tribunal during the hearing; and
- (16) the various stages of the proceeding, including the taking under advisement, indicating the time and, where applicable, the position numbers of the recording.

The minutes must also specify the nature of the case and the amount of any claims.

## CHAPTER V MATTERS UNDER ADVISEMENT

**59.** If the record is incomplete at the end of the hearing, the judge hearing the matter informs the attorneys or the parties so that they may complete it within the time limit set by the judge.

No matter may be taken under advisement until the record has been duly completed, unless the judge decides otherwise where warranted by the circumstances.

**60.** An advisement may be suspended at the request of a party or on the judge's initiative for any reason considered valid.

**61.** The judgment is rendered within the time limits provided for in the Code of Civil Procedure.

The president may extend the time limit of the advisement period or remove the judge from the case where warranted by the circumstances.

## CHAPTER VI QUARRELSOME CONDUCT

**62.** If a person acts in a quarrelsome manner, a judge of the Tribunal may prohibit the person from making an application or submitting a pleading without authorization of the president. The unauthorized pleading is then deemed not to exist.

A person may not be declared to be quarrelsome without having had an opportunity to present observations.

**63.** The clerk of the Tribunal sends to the ministère de la Justice du Québec the prohibition order for registration in the public register of persons found to be quarrelsome and informs the president.

**64.** A person found to be quarrelsome who wishes to file a pleading must request authorization in writing to the president. The person must attach the order declaring the person quarrelsome and the proposed pleading.

The application may be decided on the face of the documents, without a hearing.

The president or the judge designated by the president rules on the application by considering the proper administration of justice.

## CHAPTER VII FINAL AND TRANSITIONAL

**65.** This Regulation replaces the Regulation of the Human Rights Tribunal (chapter C-12, r. 6).

**66.** This Regulation comes into force on 1 September 2023.

It applies to proceedings pending on that date.

### Schedule 1

#### SUMMONS

##### (Sections 114 and 115 of the Charter of human rights and freedoms Section 17 of the *Regulation of the Human Rights Tribunal*)

Take notice that the plaintiff has filed this originating application at the office of the Court of Québec in the judicial district of \_\_\_\_\_.

In accordance with section 115 of the Charter of human rights and freedoms, the defendant may file a defence at the office in the district of the Court of Québec where the application is filed **within 45 days after this application has been served** and must, where applicable, serve the application to all the parties.

**Within the same time period**, the other parties may file their observations in writing at that office and must, where applicable, serve the application to all the parties.

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#### **CONTACT INFORMATION OF PARTIES**

In accordance with section 19 of the Regulation of the Human Rights Tribunal, a person to whom the originating application has been served must, **within 45 days after the originating application has been served**, complete and file the contact information form provided for in Schedule 2 at the office of the Court of Québec in the district where the application is filed, then notify it to all parties.

In the case of a change of address, the parties or their attorneys, as the case may be, must complete **without delay** the change of address form provided for in Schedule 3, notify it to the other parties and file it at that office.

The contact information form is also available on the Tribunal's website, under "FORMS AND GUIDES" at the following address: <https://tribunaldesdroitsdelapersonne.ca/>

**Schedule 2**

CANADA  
 PROVINCE OF QUÉBEC  
 DISTRICT OF  
 Record No.:

**Human Rights Tribunal**


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 Office of the Court of Québec

Plaintiff  
 v.  
 Defendant  
 and  
 Alleged victim  
 and  
 Complainant  
 and  
 Impleaded party

**CONTACT INFORMATION FORM**  
**(Section 19 of the Regulation of the Human Rights Tribunal)**

Any person to whom the originating application is served must, **within 45 days of that service**, complete and file this contact information form at the office of the Court of Québec in the district where the application is filed, then send it to all the parties.

**PERSONAL CONTACT INFORMATION, of the following party:** \_\_\_\_\_

I am not represented by an attorney.

I consent to be notified by email any document or judgment by the Tribunal.

**PLEASE NOTE THAT LEGAL PERSONS MUST BE REPRESENTED BY AN ATTORNEY.**

Surname: \_\_\_\_\_ Given name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cellular phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**CONTACT INFORMATION OF ATTORNEY**

I represent the above-mentioned party: \_\_\_\_\_.

Name: \_\_\_\_\_ Law firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Permanent code: \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## EXPLANATORY NOTES

### NOTICE OF CHANGE OF ADDRESS (SJ-843A)

The “Notice of change of address” form can be used to inform the court office of a change of address. For more information, as well as the contact information for all courthouses in the province of Québec, consult the [list of courthouses](#) on the website of the ministère de la Justice.

#### TYPES OF FORMS

This form is available in dynamic PDF format, meaning the form can be downloaded from [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca) and completed directly on screen.

- Dynamic PDF:

After completing the form, you must print it on letter-size paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- Paper:

If you complete the form by hand, please write legibly in block letters.

#### PROCEDURE

Once the form is completed, keep a copy for your files and send the form to the courthouse in question.

There is no cost for filing this form.

CANADA

PROVINCE OF QUÉBEC

District: Select the district

Locality: \_\_\_\_\_

File No.: \_\_\_\_\_

**NOTICE OF CHANGE OF ADDRESS**

Plaintiff     Defendant     Accused     Defendant     Other: \_\_\_\_\_

Surname and given name: \_\_\_\_\_  
surname / given name

Date of birth: \_\_\_\_\_  
(criminal, penal and young delinquency)      year / month / day

Date of change of address: \_\_\_\_\_  
year / month / day

New address: \_\_\_\_\_  
number                      street    apartment  
 \_\_\_\_\_  
locality    province                      postal code                      country

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Name of signee (in block letters)

<b>Réservé au greffier</b>		
<input type="checkbox"/> Adresse modifiée au système informatique (secteur criminel M013 et SGIPA - secteur civil M012)		
<input type="checkbox"/> Formulaire transmis aux services financiers		
<input type="checkbox"/> DM 001	<input type="checkbox"/> DF 001	<input type="checkbox"/> tiers-saisi
<input type="checkbox"/> DM 002	<input type="checkbox"/> DF 002	<input type="checkbox"/> appelé
<input type="checkbox"/> DM 003	<input type="checkbox"/> DF 003	<input type="checkbox"/> témoin
Fait le _____ par : _____		



**M.O., 2023****Order AM 2023-004 of the Minister of Education dated 19 July 2023**

Act respecting the National Student Ombudsman (chapter P-32.01)

Regulation respecting the procedure for filing and processing complaints

THE MINISTER OF EDUCATION,

CONSIDERING section 29 of the Act respecting the National Student Ombudsman (chapter P-32.01), which allows the Minister of Education to prescribe, by regulation, the terms relating to the filing of a complaint or the processing of complaints;

CONSIDERING the second paragraph of section 31 of the Act, which allows the Minister of Education to prescribe, by regulation, the terms relating to the filing of a complaint with a regional student ombudsman;

CONSIDERING section 41 of the Act, which allows the Minister of Education to prescribe, by regulation, the terms relating to the processing of complaints by regional student ombudsmen;

CONSIDERING the second paragraph of section 61 of the Act, which allows the Minister of Education to prescribe, by regulation, the standards for record keeping that the information asset must comply with and the information that it must make possible to enter;

CONSIDERING section 62 of the Act, which allows the Minister of Education to prescribe, by regulation, the use of a complaints register whose form, content and conditions governing access and preservation the Minister determines;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the procedure for filing and processing complaints was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2023 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

## ORDERS AS FOLLOWS:

The Regulation respecting the procedure for filing and processing complaints, attached to this Order, is hereby made.

Québec, 19 July 2023

BERNARD DRAINVILLE  
*Minister of Education*

**Regulation respecting the procedure for filing and processing complaints**

Act respecting the National Student Ombudsman (chapter P-32.01, s. 29, s. 31, 2nd par., s. 41, s. 61, 2nd par., and s. 62)

**DIVISION I**

## PURPOSE

**1.** This Regulation determines the terms and conditions applicable to the filing of a complaint made by a student or child referred to in section 16 of the Act respecting the National Student Ombudsman (chapter P-32.01) or the parents of that student or child who are dissatisfied with a service they received, are receiving, ought to have received or require from the school service centre or a private educational institution.

This Regulation also determines the terms and conditions applicable to the processing of complaints received by the school service centre or private educational institution and the National Student Ombudsman.

Lastly, this Regulation prescribes the use of a complaints register, as well as the information that it must be possible to enter in the information asset that the National Student Ombudsman may determine.

**DIVISION II****COMPLAINT PROCESSING BY A SCHOOL SERVICE CENTRE OR PRIVATE EDUCATIONAL INSTITUTION**

**2.** A complaint filed with the person directly concerned by the complaint, with the person's immediate supervisor or with the person in charge of processing complaints may be filed verbally or in writing.

**3.** A personnel member of an institution who receives a complaint must inform the principal of the institution in writing.

The notice must contain the name of the complainant, the name of the student or homeschooled child if the student or child is not the complainant, the name of the person concerned by the complaint, the facts on which the complaint is based and the date of receipt of the complaint.

**4.** A person in charge of processing complaints who receives a complaint in accordance with section 24 of the Act respecting the National Student Ombudsman must send an acknowledgement of receipt to the complainant within 2 working days after receiving the complaint.

The acknowledgement of receipt must specify the date of receipt of the complaint and indicate the date on which the processing period of 15 working days ends. It must also specify the possibility of filing a complaint with the regional student ombudsman if the complaint has not been processed by that date. In addition, the acknowledgement of receipt must indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

**5.** The opinion on the merits of the complaint that the person in charge of processing complaints must give in accordance with section 25 of the Act respecting the National Student Ombudsman must mention the possibility of filing a complaint with the regional student ombudsman. The opinion must also indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

### **DIVISION III** COMPLAINT PROCESSING BY THE REGIONAL STUDENT OMBUDSMEN

**6.** The regional student ombudsman must send the complainant an acknowledgement of receipt within 2 working days after receiving the complaint.

### **DIVISION IV** COMPLAINTS REGISTER

**7.** A complaints register must be kept by each school service centre and private educational institution.

**8.** A person who receives a complaint must enter the following information in the complaints register:

- (1) the date of receipt of the complaint;
- (2) the name of the student or homeschooled child, the name of the person directly concerned by the complaint and, if the complaint was filed with the immediate supervisor of the person directly concerned, the name of the immediate supervisor;

- (3) the object of the complaint;

- (4) a summary of the alleged facts on which the complaint is based;

- (5) the follow-up on a complaint.

Despite the first paragraph, when a complaint is received by a personnel member of an educational institution, the information is entered in the complaints register by the principal of the educational institution or by the person designated by the principal for that purpose.

### **DIVISION V** INFORMATION ASSET

**9.** The information asset that the National Student Ombudsman may determine in accordance with section 61 of the Act respecting the National Student Ombudsman must comply with the following standards for record keeping:

- (1) a record must be opened for each complaint and each report and must contain the information provided for in section 10;

- (2) the records must be updated as developments occur.

**10.** The information asset must make it possible to enter the following information:

- (1) the date of receipt of the complaint;

- (2) the name, gender, date of birth, contact information and permanent code of the student or homeschooled child;

- (3) the facts on which the complaint is based;

- (4) the nature of the complaint;

- (5) the date and summary of any relevant verbal communication received or sent as part of the processing of the complaint;

- (6) the name and contact information of the person directly concerned by the complaint, the person's immediate supervisor and the main stakeholders concerned by the complaint;

- (7) the documents produced or received as part of the processing of the complaint, as well as the date on which they were received or sent;

- (8) the notes relating to the analyses made during the processing of the complaint, the conclusions, the grounds for those conclusions and the corrective measures recommended or the recommendations, as applicable.

The information asset must likewise make it possible to enter the information concerning reports and the information relating to acts of sexual violence, with the necessary modifications.

**DIVISION VI**  
FINAL

**II.** This Regulation comes into force on 28 August 2023.

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## Notices

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### Notice

Act respecting municipal courts  
(chapter C-72.01)

Criminal Code  
(R.S.C. 1985, c. C-46)

#### Municipal courts — Amendment

Notice is hereby given, in accordance with section 56.2 of the Act respecting municipal courts (chapter C-72.01), that the Regulation to amend the Municipal Courts Regulation, appearing below, was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2023 with a notice that it could be made on the expiry of 45 days following that publication and will come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*The Honourable* CLAUDIE BÉLANGER  
*Associate Chief Judge of the Court of Québec*  
*Responsible for municipal courts*

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### Regulation to amend the Municipal Courts Regulation

Act respecting municipal courts  
(chapter C-72.01, s. 56.2)

Criminal Code  
(R.S.C. 1985, c. C-46, ss. 482 and 482.1)

**1.** The Municipal Courts Regulation (chapter C-72.01, r. 1.1) is amended by replacing the second paragraph of section 59 by the following:

“An application under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), (1982, c. 11), must be announced not later than when the date of the trial is set. The judge must then set a schedule for service of the application and, where applicable, for the opposing party’s response.

If the judge believes it is advisable, the judge may instead order that such an application, as well as the opposing party’s response where applicable, be served before the date of the trial is set.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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