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## Part 2

# LAWS AND REGULATIONS

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8 May 2024 / Volume 156

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## Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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**PROVINCE OF QUÉBEC**

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 27 MARCH 2024

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 27 March 2024*

This day, at half past three o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 41 An Act to enact the Act respecting the environmental performance of buildings and to amend various provisions regarding energy transition

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

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**PROVINCE OF QUÉBEC**

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 27 MARCH 2024

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 27 March 2024*

This day, at five past three o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 42     An Act to prevent and fight psychological harassment and sexual violence in the workplace

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

**PROVINCE OF QUÉBEC**

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 9 APRIL 2024

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 9 April 2024*

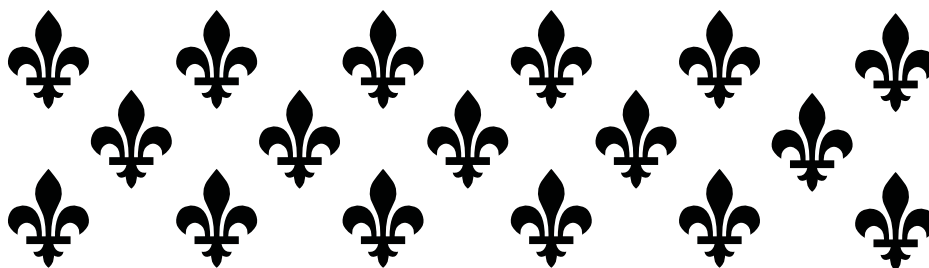
This day, at half past eleven o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

498 An Act to proclaim National Maple Day

To this bill the Royal assent was affixed by Her 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 41  
(2024, chapter 5)

**An Act to enact the Act respecting  
the environmental performance of  
buildings and to amend various  
provisions regarding energy  
transition**

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**Introduced 22 November 2023  
Passed in principle 8 February 2024  
Passed 26 March 2024  
Assented to 27 March 2024**

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**Québec Official Publisher  
2024**

## EXPLANATORY NOTES

*This Act enacts the Act respecting the environmental performance of buildings. The enacted Act gives the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks certain powers, including the power to determine the information concerning the environmental performance of buildings that must be declared to the Minister and the power to determine which energy distributors must develop and administer a digital platform that allows them to transfer information about a building's energy consumption to its owner.*

*In addition, the enacted Act gives the Government the power to determine, by regulation, which buildings must be assigned an environmental performance rating, as well as the calculation methods applicable to the assignment of such a rating. The Government is also given the power to establish standards regarding the environmental performance of buildings, such as standards to be complied with during construction, renovation or demolition work on a building or environmental performance ratings to be achieved by buildings.*

*The enacted Act also provides that the Minister is to keep a public register of the environmental performance of buildings and sets out an obligation to post and to disclose the rating obtained by a building in certain circumstances. Monetary administrative penalties and penal sanctions are provided for in cases of failure to comply with the various obligations.*

*The Act also amends various Acts, in particular to merge the Energy Transition, Innovation and Efficiency Fund with the Electrification and Climate Change Fund and to incorporate, into the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, legislative provisions relating to energy distributors which are presently in the Act respecting the Ministère des Ressources naturelles et de la Faune.*

*Lastly, the Act makes consequential amendments and contains transitional provisions and a final provision.*



**LEGISLATION ENACTED BY THIS ACT:**

- Act respecting the environmental performance of buildings (2024, chapter 5, section 1).

**LEGISLATION AMENDED BY THIS ACT:**

- Building Act (chapter B-1.1);
- Hydro-Québec Act (chapter H-5);
- Act respecting administrative justice (chapter J-3);
- Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01);
- Act respecting the Régie de l'énergie (chapter R-6.01).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter R-6.01, r. 5.1).

## **Bill 41**

### **AN ACT TO ENACT THE ACT RESPECTING THE ENVIRONMENTAL PERFORMANCE OF BUILDINGS AND TO AMEND VARIOUS PROVISIONS REGARDING ENERGY TRANSITION**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ACT ENACTED**

**1.** The Act respecting the environmental performance of buildings, the text of which appears in this chapter, is enacted.

##### **“ACT RESPECTING THE ENVIRONMENTAL PERFORMANCE OF BUILDINGS**

#### **“CHAPTER I**

##### **“GENERAL PROVISIONS**

**“1.** The purpose of this Act is to provide a framework for the environmental performance of buildings.

For the purposes of this Act, “environmental performance” means characteristics of a building that have an impact on the environment, such as its carbon footprint, the energy the building uses and when it uses it, the energy produced by the building as well as the equipment that promotes the sustainable mobility of its occupants or users.

**“2.** In this Act,

“building” means a structure used or intended to be used to shelter or receive persons, animals or goods and whose equipment and components consume energy or a part of such a structure;

“energy distributor” means an “electric power distributor”, a “natural gas distributor” or a “steam distributor” within the meaning of the Act respecting the Régie de l’énergie (chapter R-6.01), and any other person distributing energy that can be consumed by a building;

“public body” means a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

For the purposes of this Act, the owners of a building that constitutes an immovable held in divided co-ownership are the syndicate of co-owners and any co-owner of the building.

For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work on a building is considered to be construction work, as is the installation or the replacement of all or a part of the building’s equipment.

**“3.** This Act is binding on the State.

## **“CHAPTER II**

### **“ENVIRONMENTAL PERFORMANCE OF BUILDINGS**

#### **“DIVISION I**

##### **“MANDATORY REPORTING**

**“4.** Every owner of a building, public body and energy distributor determined by a regulation of the Minister must, according to the terms and conditions prescribed by the regulation,

(1) declare to the Minister

(a) the energy consumption of a building, its location, its area, how it is used, the type of energy it consumes and when that energy is consumed,

(b) the materials used during the construction work and the equipment and components of a building or the equipment of the site on which a building is situated,

(c) the name and contact information of the owner of a building, and

(d) any other information necessary for the purposes set out in this Act and in the regulations made under this Act;

(2) obtain from a person or a body recognized under the regulation a verification report on any information declared or provided to the Minister;

(3) provide to the Minister the report referred to in subparagraph 2; and

(4) in the case of an energy distributor, develop and administer a digital platform allowing the distributor to transfer information about the energy consumption of a building to its owner.

The Minister may also, by regulation, prescribe the cases in which and the conditions on which an owner or an energy distributor must keep any information or document declared or provided under the first paragraph.

## “DIVISION II

### “ENVIRONMENTAL PERFORMANCE RATING OF BUILDINGS

“5. An environmental performance rating is assigned to every building determined by government regulation.

“6. The owner of a building must send to the Minister the environmental performance rating assigned to the building in accordance with the method and the terms provided for by government regulation. The regulation may, in particular, provide

(1) the calculation methods applicable to the assignment of an environmental performance rating to a building, which may vary depending on, among other things,

(a) the type of building and its characteristics,

(b) the construction work carried out,

(c) the location of the building, and

(d) the amount and type of energy consumed or produced and when that energy is consumed or produced;

(2) the persons who may assign an environmental performance rating to a building;

(3) the cases in which and conditions on which an environmental performance rating may be determined for a group of buildings; and

(4) the cases in which and conditions on which the following are to be taken into account:

(a) the equipment of the site on which the building is situated, and

(b) the apportionment of the equipment among buildings.

The Government may also, by regulation, determine the cases, conditions and manner in or on which the Minister is to assign an environmental performance rating to a building.

“**7.** When an environmental performance rating is assigned to a building under the second paragraph of section 6, that decision is notified to the owner of the building who may apply, in writing, to the Bureau de réexamen established by section 78 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) to have the decision reviewed within 30 days of its notification.

### “DIVISION III

#### “ENVIRONMENTAL PERFORMANCE STANDARDS

“**8.** The Government may, by regulation, establish standards regarding the environmental performance of buildings, which may take the form of standards regarding construction work or of an environmental performance rating.

The standards may vary, in particular, according to the parameters referred to in the regulation made under subparagraphs *a* to *d* of subparagraph 1 and subparagraph *a* of subparagraph 4 of the first paragraph of section 6.

The regulation must prescribe special standards for the following buildings:

(1) an immovable classified or recognized under the Cultural Heritage Act (chapter P-9.002);

(2) a heritage immovable, within the meaning of that Act, situated on a site classified or recognized as or declared a heritage site under that Act;

(3) an immovable registered in an inventory referred to in the first paragraph of section 120 of that Act; and

(4) an immovable situated on the national heritage site declared by that Act.

“**9.** The Government may, by regulation, determine the cases in which and conditions on which the owner of a building covered by an environmental performance standard must obtain, at the owner’s expense, a report on the environmental performance of the building made by a body or person recognized under the regulation. It may also determine, in the regulation, the cases in which and conditions on which the owner must provide the report to the Minister.

“**10.** The Government may, by regulation, determine the cases in which and the conditions on which a person must comply with a standard established with regard to construction work.

“**11.** The Government may, by regulation, determine the cases in which and the conditions on which the owner of a building covered by an environmental performance rating established under section 8 must take measures necessary to ensure that the rating is complied with.

The regulation may also prescribe the cases in which and conditions on which the Minister may exempt an owner from the obligation provided for in the first paragraph for a reason in the public interest or in exceptional circumstances, in particular to prevent serious or irreparable damage or prejudice to a building, its owner or its occupant.

**“12.** Where the owner of a building demonstrates to the Minister that, due to exceptional circumstances, their building will not be able to achieve the applicable environmental performance rating, the owner may submit to the Minister, according to the terms and conditions prescribed by government regulation, a corrective program by which the owner undertakes to take measures so that the environmental performance rating is achieved within a reasonable time.

The Minister may approve the corrective program, with or without amendment, prescribe any condition, restriction or prohibition to the corrective program or refuse to approve it.

During the period of the corrective program, the owner is not required to comply with the standard targeted by the program.

**“13.** The Minister may terminate the corrective program in the case of significant or repeated non-compliance on the part of the owner.

**“14.** A decision made under the second paragraph of section 12 or section 13 is notified to the owner of the building and may, within 30 days of its notification and according to the terms determined by government regulation, be the subject of an application for review.

**“15.** The application for review must be dealt with promptly.

After giving the applicant an opportunity to submit observations and, if applicable, produce documents to complete the applicant’s record, the person responsible for the review renders a decision on the basis of the record, unless that person considers it necessary to proceed in some other manner. The person responsible for the review may confirm, quash or amend the decision under review.

The decision must be in writing, include reasons and be notified promptly to the applicant. It must make mention of the applicant’s right to contest the decision before the Administrative Tribunal of Québec.

**“16.** A proceeding before the Administrative Tribunal of Québec must be brought within 30 days after notification of the contested decision.

The Tribunal may confirm, quash or amend the contested decision.

**“CHAPTER III****“REGISTER, POSTING AND MEASURING TOOL**

**“17.** The Minister keeps a register of the environmental performance of buildings containing the information prescribed by government regulation.

The information contained in the register is public.

Despite the second paragraph of this section and section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person has a right of access to

(1) the address of the establishment or premises of a person who offers accommodation or assistance services to persons who are victims of violence or of a person composed of persons or groups of persons offering such services; or

(2) the name and address of an owner of a building who has submitted to the Minister a request mentioning that access to that information could endanger the owner’s safety or the safety of an occupant or user.

**“18.** The owner of a building must, in the cases and on the conditions determined by government regulation, post the environmental performance rating of the building assigned in accordance with Division II of Chapter II. The regulation may also prescribe the cases in which and conditions on which the owner must disclose the rating to a third person.

**“19.** The Government may, by regulation, determine the cases in which the owner of a building must install a tool for measuring the energy consumption of the building.

**“CHAPTER IV****“INSPECTIONS AND INVESTIGATIONS**

**“20.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to the inspections and investigations that are conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

**“21.** If a municipality is required to enforce all or part of a regulation made under this Act, the municipality’s inspectors, duly authorized by it, are vested with the powers set out in section 5 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation for the purposes of the regulation.

Sections 7 and 20 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to municipal inspectors. The monetary administrative penalties and the offences referred to in sections 23 and 42, respectively, of that Act also apply with respect to municipal inspectors.

## “CHAPTER V

### “MONETARY ADMINISTRATIVE PENALTIES

“**22.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

“**23.** A monetary administrative penalty of \$250 in the case of a natural person and of \$1,000 in any other case may be imposed on anyone who fails to

(1) comply with an obligation provided for in section 4;

(2) send to the Minister the environmental performance rating assigned to their building under the first paragraph of section 6; or

(3) post or disclose the environmental performance rating of their building in accordance with section 18.

“**24.** If a provision of a regulation made by the Government under this Act is enforceable by a municipality and failure to comply with the provision may give rise to a monetary administrative penalty, the penalty may also be imposed by any municipality designated for that purpose by the Government for a failure that occurred in its territory. However, such a penalty may not be imposed concurrently with a penalty that a person designated by the Minister may also impose on the same person based on the same facts that occurred on the same day.

The provisions of this Act concerning monetary administrative penalties apply to the municipality that imposes such a penalty, with the necessary modifications and according to the terms and conditions determined by the Government, such as those relating to the possibility of contesting the decision before the competent municipal court and to the procedures for recovering the amounts owed.

A municipality that imposes a monetary administrative penalty may charge fees for the recovery of the amount.

The amounts collected by a municipality under this section belong to it and, with the exception of recovery fees, must be used to finance measures and programs for the energy transition of buildings.



**“CHAPTER VI****“PENAL SANCTIONS**

**“25.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to this chapter and to the penal provisions provided for by regulation.

**“26.** Anyone who contravenes section 4, 6 or 18 is liable to a fine

(1) of \$1,000 to \$100,000 in the case of a natural person; and

(2) of \$3,000 to \$600,000 in any other case.

**“27.** Penal proceedings for an offence against a provision of a regulation made under this Act and under the administration of a municipality may be instituted by that municipality if the offence was committed in its territory. In such a case, the proceedings may be instituted before the competent municipal court.

The fines collected as a result of such proceedings belong to the municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

A municipality may draw to the attention of the Minister, for appropriate action, any offence against a provision of a regulation under the administration of the municipality.

**“CHAPTER VII****“CLAIMS AND RECOVERY**

**“28.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.

**“CHAPTER VIII****“MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**“29.** The Government may, by regulation, authorize the Minister to delegate, generally or specifically and according to the terms and conditions determined by the regulation, to any person or body the application of a provision of that regulation.

A delegation made pursuant to a regulation made under the first paragraph comes into force on the date of the publication in the *Gazette officielle du Québec* of an order made by the Minister to that effect or on any later date specified in the order.

**“30.** No provision regarding the environmental performance of buildings may be adopted by a municipality, unless the provision is more stringent than that provided for by a regulation made under Division II or III of Chapter II or unless the provision concerns matters other than those covered by such a regulation.

Any provision that does not comply with the first paragraph is deemed unwritten.

For the purposes of the first paragraph, a provision may be considered more stringent only if it provides for the same calculation method and terms as those provided for by a regulation made under Division II or III of Chapter II.

**“31.** Any provision regarding the environmental performance of buildings that is adopted by a municipality and that could impact energy distributors’ capacity to adequately meet consumers’ energy needs is inoperative, unless the provision has been approved by the Minister, after obtaining a favourable opinion from the Minister of Natural Resources and Wildlife. Notice of the Minister’s decision is to be published without delay in the *Gazette officielle du Québec*.

**“32.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.”

## CHAPTER II

### AMENDING PROVISIONS

#### BUILDING ACT

**2.** Section 173 of the Building Act (chapter B-1.1) is amended by striking out subparagraph 6 of the third paragraph and the last paragraph.

**3.** Section 174 of the Act is repealed.

**4.** Section 185 of the Act is amended by striking out paragraph 0.4.

**5.** Section 196.2 of the Act is amended by striking out “guilty of an offence and”.

**6.** Sections 197.1, 197.2 and 199.1 of the Act are amended by striking out “is guilty of an offence and”.

## HYDRO-QUÉBEC ACT

**7.** Section 16 of the Hydro-Québec Act (chapter H-5) is amended by replacing “section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the first paragraph by “section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

**8.** Section 22.1 of the Act is amended by replacing “energy transition, innovation and efficiency master plan prepared under the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the second paragraph by “climate change framework policy provided for by the Environment Quality Act (chapter Q-2)”.

## ACT RESPECTING ADMINISTRATIVE JUSTICE

**9.** Schedule III to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 4:

“(5) proceedings under sections 12 and 13 of the Act respecting the environmental performance of buildings (2024, chapter 5, section 1);”.

## ACT RESPECTING CERTAIN MEASURES ENABLING THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION

**10.** Section 1 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) the Act respecting the environmental performance of buildings (2024, chapter 5, section 1).”

**11.** Section 5 of the Act is amended by adding the following paragraph at the end:

“Despite the first paragraph, only the powers set out in subparagraphs 1, 2, 4 to 7, 9 and 11 may be exercised to see to the enforcement of the Act respecting the environmental performance of buildings (2024, chapter 5, section 1). Any person who accompanies an inspector under subparagraph 11 may exercise only the powers set out in subparagraphs 1, 2, 4 to 7 and 9.”

**12.** Section 6 of the Act is amended by inserting “and the Act respecting the environmental performance of buildings (2024, chapter 5, section 1)” at the end of the third paragraph.

**13.** Section 17 of the Act is amended by inserting “and the Act respecting the environmental performance of buildings (2024, chapter 5, section 1)” at the end of the fifth paragraph.

**14.** Section 79 of the Act is amended by replacing “and to the monetary administrative penalties imposed under this Act or the Acts concerned” by “, to the monetary administrative penalties imposed under this Act or the Acts concerned and to the environmental performance rating assigned to a building under the second paragraph of section 6 of the Act respecting the environmental performance of buildings (2024, chapter 5, section 1)”.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES  
NATURELLES ET DE LA FAUNE

**15.** Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by striking out subparagraphs 14.2 to 14.5 of the first paragraph.

**16.** The heading of Division II.0.1 of the Act is replaced by the following heading:

“POLICY DIRECTIONS, GENERAL OBJECTIVES AND TARGETS  
REGARDING ENERGY TRANSITION, INNOVATION AND  
EFFICIENCY”.

**17.** Sections 17.1.1 and 17.1.3 to 17.1.12 of the Act are repealed.

**18.** Section 17.12.19 of the Act is amended by striking out “, except for the portion, determined by the Minister, of the annual fees for gas storage and of the duties on the gas withdrawn” in subparagraph 1 of the first paragraph.

**19.** Subdivision 4 of Division II.1 of the Act, comprising sections 17.12.21 and 17.12.22, is repealed.

**20.** Section 17.22 of the Act is amended by striking out “, 14.3” in the second paragraph.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT  
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**21.** Section 10.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by replacing “and to promote adaptation to the impacts of global warming and climate change” in the second paragraph by “, to support the energy transition and to promote adaptation to the impacts of climate change and global warming”.

**22.** The Act is amended by inserting the following sections after section 10.1:

**“10.2.** Identified energy distributors must submit to the Minister, for the Minister’s approval and within the time specified by the Minister, the programs and measures they propose to make available to their clients for a five-year period to make it possible to achieve the targets referred to in section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

The programs and measures submitted must contain a description of the actions to be carried out, and the budgetary estimates, method of financing and time frame for carrying them out.

The Minister may, before approving a program or a measure and in order to ensure consistency among the programs and measures or if the Minister considers that they will not make it possible to meet the policy directions, general objectives and targets referred to in section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune, request that an identified energy distributor make the necessary changes to the programs or measures for which it is responsible.

For the purposes of this section, “identified energy distributor” means

- (1) Hydro-Québec when carrying on electric power distribution activities; or
- (2) a natural gas distributor as defined in section 2 of the Act respecting the Régie de l’énergie (chapter R-6.01).

**“10.3.** Identified energy distributors must carry out the programs and measures for which they are responsible under section 10.2.

If an identified energy distributor is unable to carry out such a program or measure within the time and in the manner approved by the Minister, it must notify the Minister as soon as possible. The Minister may, at the distributor’s expense, implement the program or measure the distributor has failed to carry out after giving the distributor 30 days’ written notice to that effect.

**“10.4.** Identified energy distributors must, every six months, send to the Minister a status report on the actions undertaken within the framework of the programs and measures the Minister has approved, as well as on the results obtained, including those based on the performance indicators determined by the Minister.

**“10.5** Within the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2), the Minister determines, for a five-year period, the amount of the energy distributors’ financial investment, by form of energy, to help support the energy transition measures arising from the implementation of the climate change framework policy referred to in section 46.3 of the Environment Quality Act.

Every energy distributor must pay to the Minister its annual contribution determined by the Régie de l'énergie in accordance with the due dates, the rate and the calculation method prescribed by government regulation. The regulation may also prescribe the terms of payment, the rate of interest on sums due and the penalties payable for failure to pay.

The rate, calculation method and terms of payment referred to in the second paragraph may, among other things, vary from one distributor or class of distributors to another. The regulation may also exempt a distributor or class of distributors.

The amount of the penalty that may be determined by the Government under the second paragraph may not exceed 15% of the sums due.

For the purposes of this section,

“energy distributor” means

- (1) an identified energy distributor as defined in section 10.2;
- (2) a fuel distributor; or

(3) a municipal electric power system governed by the Act respecting municipal and private electric power systems (chapter S-41) or the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21); and

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distils fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale.

For the purposes of the definition of “fuel distributor” in the fifth paragraph, “fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes, or renewable fuel content.

For the purposes of the sixth paragraph,

“diesel fuel” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and intended to supply diesel engines;

“gasoline” means a liquid mixture of hydrocarbons obtained from the refining of petroleum mainly for use as spark ignition engine fuel;

“heating oil” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and used for domestic, commercial, institutional or industrial heating;

“propane” means a liquid mixture of hydrocarbons obtained from the refining of petroleum or the processing of natural gas and used either as spark ignition engine fuel or for such purposes as cooking and domestic, commercial, institutional and industrial heating.

**“10.6.** For the purposes of sections 10.2 to 10.5, the Minister may request that an energy distributor provide to the Minister, within the time the Minister specifies, any information or document the Minister considers necessary.”

**23.** Section 15.4 of the Act is amended

(1) by inserting “the Act respecting the environmental performance of buildings (2024, chapter 5, section 1) or the regulations made under that Act,” after “under” in paragraph 5.0.1;

(2) by inserting “the Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01) or the regulations made under that Act, the Act respecting the environmental performance of buildings (2024, chapter 5, section 1) or the regulations made under that Act,” after “against” in paragraph 5.0.2;

(3) by inserting the following paragraph after paragraph 5.1:

“(6) the annual contribution collected from energy distributors under section 10.5;”.

#### ACT RESPECTING ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN PRODUCTS

**24.** Section 33 of the Act respecting energy efficiency and energy conservation standards for certain products (chapter N-1.01) is amended by striking out “guilty of an offence and”.

**25.** Section 72 of the Act is amended by replacing “Minister of Natural Resources and Wildlife” by “Minister of Sustainable Development, Environment and Parks”.

## ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

**26.** Section 49 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by replacing “under the energy transition, innovation and efficiency master plan” in the second paragraph by “under section 10.2 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”.

**27.** The heading of Chapter VI.4 of the Act is amended by replacing “ENERGY TRANSITION, INNOVATION AND EFFICIENCY MASTER PLAN” by “PROGRAMS AND MEASURES OF ENERGY DISTRIBUTORS”.

**28.** Section 85.40 of the Act is amended by replacing “section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” by “section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”.

**29.** Section 85.41 of the Act is amended

(1) by replacing “of the identified energy distributors contained in the energy transition, innovation and efficiency master plan provided for in section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the first paragraph by “for which the identified energy distributors are responsible under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”;

(2) by striking out the second paragraph;

(3) by replacing “to the Minister in accordance with the regulation made under the first paragraph of section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune” in the sixth paragraph by “in accordance with the regulation made under section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs”.

**30.** Section 85.44 of the Act is amended by replacing “described in paragraph 1 of the definition of “fuel distributor” in the first paragraph of section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in paragraph 3 by “included in the definition of “fuel distributor” in section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)”.



REGULATION RESPECTING THE ANNUAL CONTRIBUTION  
PAYABLE TO THE MINISTER OF ENERGY AND NATURAL  
RESOURCES UNDER SECTION 17.1.11 OF THE ACT RESPECTING  
THE MINISTÈRE DES RESSOURCES NATURELLES ET DE  
LA FAUNE

**31.** The title of the Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter R-6.01, r. 5.1) is replaced by the following title:

“Regulation respecting the annual contribution payable to the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs”.

**32.** Section 1 of the Regulation is amended by replacing “Subject to the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune” in the first paragraph by “The annual contribution payable to the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

**33.** Section 2 of the Regulation is amended

(1) by replacing the first paragraph by the following paragraph:

“The energy distributors’ financial investment toward preparing, carrying out, coordinating and monitoring the programs and measures to support the energy transition arising from the implementation of the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2) forms the basis for the calculation of the annual contribution payable by energy distributors to the Minister of Sustainable Development, Environment and Parks.”;

(2) by replacing “master plan pursuant to the Act respecting the Ministère des Ressources naturelles et de la Faune” in the second paragraph by “climate change framework policy”;

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

“At the expiry of the five-year period provided for in section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001), the calculation of the subsequent contribution is adjusted to take into account any amount by which the revenue from the contribution exceeds the specified expenditure associated with the contribution for the preceding period.”

**34.** Section 3 of the Regulation is amended by replacing “under the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” by “by the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

**35.** Section 4 of the Regulation is amended by replacing “of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” in the second paragraph by “of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001)”.

**36.** Section 5 of the Regulation is amended

(1) by replacing “the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), for each fiscal year of the Energy Transition, Innovation and Efficiency Fund” in the first paragraph by “the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001), for each fiscal year of the Electrification and Climate Change Fund”;

(2) by replacing “Energy Transition Québec” in the second paragraph by “the Minister of Sustainable Development, Environment and Parks”.

### CHAPTER III

#### TRANSITIONAL AND FINAL PROVISIONS

**37.** Section 31 of the Act respecting the environmental performance of buildings (2024, chapter 5, section 1) does not apply to a provision regarding the environmental performance of buildings adopted by a municipality before 15 February 2024.

**38.** A provision regarding the environmental performance of buildings adopted by a municipality after 14 February 2024 and before 27 March 2024 is not inoperative if it is submitted for approval before 26 April 2024, and remains so until the Minister approves or refuses to approve, in accordance with section 31 of the Act respecting the environmental performance of buildings, that provision.

**39.** In any document other than an Act or a regulation, a reference to the energy transition, innovation and efficiency master plan is a reference to the climate change framework policy referred to in section 46.3 of the Environment Quality Act (chapter Q-2).

**40.** In any document other than an Act or a regulation, a reference to the Energy Transition, Innovation and Efficiency Fund is a reference to the Electrification and Climate Change Fund referred to in section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

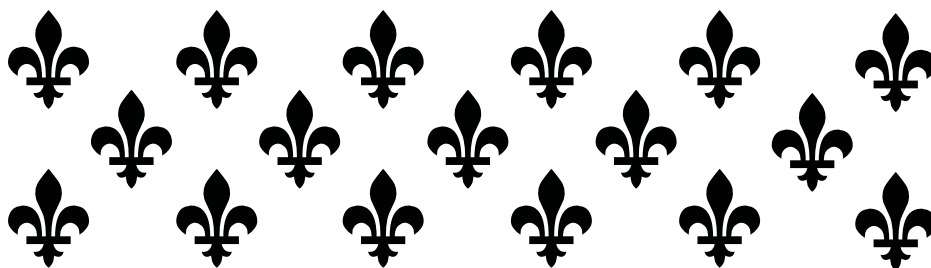
**41.** The assets and liabilities of the Energy Transition, Innovation and Efficiency Fund are transferred to the Electrification and Climate Change Fund.

**42.** Until 1 April 2026, for the purposes of section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, the amount of the energy distributors' financial investment provided for by the master plan prepared under section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) in force on 26 March 2024 is deemed to be the amount determined by the Minister of Sustainable Development, Environment and Parks under section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs.

**43.** This Act comes into force on 27 March 2024, except

(1) the provisions of section 1 insofar as it enacts section 30 of the Act respecting the environmental performance of buildings and of sections 2 to 4, which come into force on the date or dates to be set by the Government; and

(2) the provisions of sections 18, 19, 23, 40 and 41, which come into force on the first day of the month that follows 27 March 2024.



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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 42  
(2024, chapter 4)

**An Act to prevent and fight  
psychological harassment and  
sexual violence in the workplace**

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**Introduced 23 November 2023  
Passed in principle 7 February 2024  
Passed 21 March 2024  
Assented to 27 March 2024**

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**Québec Official Publisher  
2024**

## EXPLANATORY NOTES

*The purpose of this Act is to prevent and fight psychological harassment and sexual violence by providing various measures in the labour laws that mainly concern the protection of workers in their work environment and the protection of the exercise of workers' recourses to ensure that protection.*

*The Labour Code is amended to include mandatory training on sexual violence for arbitrators to whom grievances concerning psychological harassment are referred. The Act provides that, for any grievance, a pre-hearing conference may be held upon application by one of the parties.*

*The Act respecting industrial accidents and occupational diseases is amended to, in particular,*

*(1) add legal presumptions to facilitate proof so that an employment injury resulting from sexual violence may be recognized, extend to two years the time limit for filing a claim with the Commission des normes, de l'équité, de la santé et de la sécurité du travail for that type of injury and provide that the cost of benefits due by reason of those injuries is imputed to the employers of all the units;*

*(2) specify the rules relating to the right of access to the worker's medical record in the possession of the Commission and create specific offences for contravening any of those rules; and*

*(3) raise the amount of the income replacement indemnity of trainees, of workers who are full-time students and of children considered to be workers.*

*The Act respecting labour standards is also amended to, among other things,*

*(1) specify that an employer's obligations to prevent psychological harassment apply to harassment from any person in the work environment, prescribe the minimum content of the policy to prevent and manage situations of psychological harassment that the employer must adopt and provide that the policy is part of the prevention program or action plan that the employer must apply under the Act respecting occupational health and safety;*

(2) *provide that no individual contract of employment, collective agreement, collective agreement decree or any other agreement relating to conditions of employment may operate to prevent an employer from taking into account a disciplinary measure previously imposed on an employee for misconduct relating to physical or psychological violence committed by the employee, including sexual violence, when imposing a disciplinary measure concerning a new case of misconduct relating to one of those forms of violence;*

(3) *provide that it is a prohibited practice for an employer to take reprisals against an employee or impose any other sanction on an employee on the ground that the employee has made a report to the employer concerning psychological harassment behaviour targeting another person;*

(4) *provide for the power of mediators to put an end to a mediation if they consider, in the circumstances, that their intervention is not useful or appropriate;*

(5) *specify that, in the settlement of a complaint concerning psychological harassment, the parties may agree to relieve each other from the duty of confidentiality, provided that they specify that they do so by written agreement;*

(6) *provide that the Administrative Labour Tribunal may order the employer to pay punitive damages to an employee who has been the victim of psychological harassment, even though the employee is suffering from an employment injury resulting from that harassment; and*

(7) *raise the fines for offences against any provision concerning psychological harassment.*

*The Act respecting labour relations, vocational training and workforce management in the construction industry is amended to add conviction for sexual assault and conviction for aggravated sexual assault to the grounds for disqualification from serving as a representative in certain capacities in the construction industry.*

*The Act respecting occupational health and safety is amended, in particular, to introduce the definition of “sexual violence” and to give the Commission the regulatory power to determine measures to prevent or put a stop to sexual violence.*

*Lastly, the Act makes consequential amendments, in particular to the Act to ensure the protection of trainees in the workplace and to the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts, and provides for transitional and final measures.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Labour Code (chapter C-27);
- Act respecting labour standards (chapter N-1.1);
- Act to ensure the protection of trainees in the workplace (chapter P-39.3);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting occupational health and safety (chapter S-2.1);
- Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1).

## Bill 42

### AN ACT TO PREVENT AND FIGHT PSYCHOLOGICAL HARASSMENT AND SEXUAL VIOLENCE IN THE WORKPLACE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### LABOUR CODE

**1.** The Labour Code (chapter C-27) is amended by inserting the following section after section 100:

**“100.0.0.1.** An arbitrator who proceeds with the arbitration of a grievance concerning psychological harassment within the meaning of the Act respecting labour standards (chapter N-1.1) must have received training on sexual violence.

The Minister determines, after consultation with the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the conditions of that training, such as the content, the duration and the persons or bodies authorized to offer it.”

**2.** Section 100.2 of the Code is amended by inserting “, *ex officio* or upon application by one of the parties,” after “the arbitrator may also” in the third paragraph.

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**3.** Section 2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by inserting the following definition in alphabetical order:

““**sexual violence**” means sexual violence within the meaning of the Act respecting occupational health and safety;”.

**4.** The Act is amended by inserting the following sections after section 28:

**“28.0.1.** A worker’s injury or disease is presumed to have arisen out of or in the course of the worker’s work when it results from sexual violence suffered by the worker and committed by the worker’s employer, any of the employer’s executive officers in the case of a legal person or any worker whose services are used by the employer.



**“28.0.2.** A worker’s disease arising within three months after the worker suffered sexual violence at the workplace is presumed to be an employment injury.”

**5.** Section 38 of the Act, amended by section 12 of chapter 27 of the statutes of 2021, is again amended, in the fifth paragraph,

(1) by replacing “only the health professional designated by the employer has a right of access free of charge,” by “the employer does not have a right of access”;

(2) by inserting “; only the health professional designated by the employer has a right of access, free of charge” at the end.

**6.** Section 38.1 of the Act is amended by replacing “or the person authorized by him” by “, the person authorized by him or the health professional designated by him”.

**7.** Section 39 of the Act, amended by section 13 of chapter 27 of the statutes of 2021, is again amended

(1) by replacing “he may on that occasion give the employer” in the first paragraph by “he may on that occasion communicate to the employer only the information required to give the employer”;

(2) by replacing “No person to whom the health professional reports may use” in the second paragraph by “The employer or the person, authorized by the employer, to whom the health professional reports may not use”.

**8.** Section 80 of the Act is amended

(1) by replacing “\$50 per week” in subparagraph 1 of the first paragraph by “computed, per week, by multiplying by 17 the general rate of the minimum wage prescribed in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3)”;

(2) by replacing “and in this case section 65 does not apply in respect of the minimum employment income” in the second paragraph by “or that he would have earned a higher gross annual employment income considering his contract of employment entered into before his employment injury, and in those cases section 65 does not apply in respect of the minimum employment income”.

**9.** Section 270 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, a worker’s claim for an employment injury resulting from sexual violence suffered by the worker shall be filed within two years after the injury.”

**10.** Section 271 of the Act is amended by adding the following sentence at the end: “However, a claim for an employment injury resulting from sexual violence suffered by the worker shall be filed within two years after the injury.”

**11.** Section 272 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, a worker’s claim for an occupational disease resulting from sexual violence suffered by the worker shall be filed within two years after the worker is made aware that he has such a disease.”

**12.** The Act is amended by inserting the following section after section 272:

**“272.1.** Where the Administrative Labour Tribunal considers it probable that the psychological harassment entailed an employment injury for the worker and reserves its decision pursuant to the second paragraph of section 123.16 of the Act respecting labour standards (chapter N-1.1), the time limit prescribed in sections 270 to 272, 443 or 452 is counted from the date of the Tribunal’s decision, as long as a claim or notice of election for such an injury has not already been filed with the Commission.

The first paragraph also applies to a worker for whom such a decision is rendered as part of a recourse against psychological harassment under another Act or an agreement.

Section 31.1 does not apply to a worker who files a claim or notice of election pursuant to the first or second paragraph.”

**13.** Section 327 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) benefits due by reason of an employment injury resulting from sexual violence suffered by the worker.”;

(2) in the second paragraph,

(a) by replacing “and 2” by “, 2 and 4”;

(b) by inserting “or if the employment injury results from sexual violence suffered by the worker” at the end.

**14.** Section 443 of the Act is amended

(1) by inserting “or, in the case of a worker’s claim for an employment injury resulting from sexual violence, within two years,” after “months” in the first paragraph;

(2) by inserting “or, in the case of a worker’s claim for an employment injury resulting from sexual violence, not later than two years,” after “months” in the second paragraph.

**15.** Section 452 of the Act is amended by inserting “or, in the case of a worker’s claim for an employment injury resulting from sexual violence, within two years,” after “months” in the first paragraph.

**16.** The Act is amended by inserting the following section after section 458:

“**458.1.** The following are guilty of an offence and are liable to a fine of not less than \$1,000 nor more than \$5,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$10,000 in all other cases:

(1) an employer who attempts to obtain or obtains, in any manner, a medical record to which he does not have a right of access under section 38;

(2) an employer, or a person authorized by him, who contravenes section 38.1 or the second paragraph of section 39; and

(3) a health professional who contravenes section 38.1 or the first paragraph of section 39.”

#### ACT RESPECTING LABOUR STANDARDS

**17.** Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by inserting “section 97.1 of Chapter IV.1,” after “of Chapter IV,” in the first paragraph.

**18.** Section 81.19 of the Act is amended

(1) in the second paragraph,

(a) by inserting “from any person” after “to prevent psychological harassment”;

(b) by replacing “a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature” by “a policy to prevent and manage situations of psychological harassment”;

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

“The policy must set out, in particular,

(1) the methods and techniques used to identify, control and eliminate the risks of psychological harassment, including a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature;

(2) the specific information and training programs on psychological harassment prevention that are offered to employees and to the persons designated by the employer to manage a complaint or report;

(3) the recommendations on behaviour to adopt when participating in work-related social activities;

(4) the procedures for making complaints or reports to the employer or providing information or documents to the employer, the person designated to manage them, as well as the information on the follow-up that must be given by the employer;

(5) the measures to protect the persons concerned by a situation of psychological harassment and the persons who have cooperated in the processing of a complaint or report regarding such a situation;

(6) the process for managing a situation of psychological harassment, including the process that applies to the holding of an inquiry by the employer; and

(7) the measures to ensure the confidentiality of complaints, reports, information or documents received and to ensure a preservation period of at least two years for the documents made or obtained in the course of managing a situation of psychological harassment.

The policy is an integral part of the prevention program or action plan, as the case may be, referred to in section 59, 61.2 or 199 of the Act respecting occupational health and safety (chapter S-2.1).”

**19.** Section 81.20 of the Act is amended

(1) in the first paragraph,

(a) by replacing “123.7, 123.15 and 123.16” by “123.15, 123.16 and 123.17”;

(b) by adding the following sentence at the end: “The time limit referred to in section 123.7 applies to the recourses and the parties are required to indicate the time limit in the collective agreement.”;

(2) by replacing “are” in the third paragraph by “, including the provisions of section 123.7, are”.

**20.** The Act is amended by inserting the following chapter after section 97:

**“CHAPTER IV.1**

**“SPECIAL PROVISION APPLICABLE TO VIOLENCE IN  
THE WORK ENVIRONMENT**

**“97.1.** To ensure the protection of every person in the work environment, no provision in an agreement or decree may operate to prevent an employer, where the employer imposes a disciplinary measure on an employee for misconduct relating to physical or psychological violence, including sexual

violence within the meaning of section 1 of the Act respecting occupational health and safety (chapter S-2.1), from taking into account a disciplinary measure that was previously imposed on the employee for misconduct relating to one of those forms of violence.”

**21.** Section 122 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) on the ground that the employee has made a report to the employer or his agent concerning psychological harassment behaviour targeting another person or has cooperated in the processing of a report or complaint regarding such behaviour;”.

**22.** Section 123.3 of the Act is amended by inserting the following paragraph after the second paragraph:

“The person appointed under the first paragraph may put an end to the mediation if he considers in the circumstances that his intervention is not useful or appropriate; in such a case, the person shall notify the parties in writing.”

**23.** Section 123.10 of the Act is amended by replacing “The third paragraph of section 123.3 applies” in the second paragraph by “The third and fourth paragraphs of section 123.3 apply”.

**24.** Section 123.15 of the Act is amended

(1) by striking out “punitive and” in paragraph 4;

(2) by inserting the following paragraph after paragraph 4:

“(4.1) ordering the employer to pay punitive damages to the employee;”.

**25.** The Act is amended by inserting the following section after section 123.16:

**123.17.** Where a settlement is reached following a complaint concerning psychological harassment, the parties concerned by the complaint undertake to preserve the confidentiality of anything said, written or done during the settlement process. The parties may, however, by written agreement, agree to relieve each other from the duty of confidentiality, in which case they must specify in the agreement the elements to which the agreement applies and indicate in the agreement when it takes effect.”

**26.** Section 125 of the Act is amended by replacing “The second and third” in the first paragraph by “The second, third and fourth”.

**27.** Section 140 of the Act is amended by inserting “81.19, 81.20,” after “sections” in paragraph 6.

**28.** Section 140.1 of the Act is amended by inserting “81.19, 81.20,” after “sections”.

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

**29.** Section 19 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3) is amended

(1) by inserting “from any person” after “to prevent psychological harassment” in the second paragraph;

(2) by replacing “the psychological harassment prevention and complaint processing policy” in the third paragraph by “the policy to prevent and manage situations of psychological harassment”.

**30.** Section 20 of the Act is amended by inserting “2.1,” after “in subparagraphs” in subparagraph 5 of the first paragraph.

**31.** Section 22 of the Act is amended by inserting the following paragraph after the second paragraph:

“The person appointed under the first paragraph may put an end to the mediation if they consider in the circumstances that their intervention is not useful or appropriate; in such a case, they notify the parties in writing.”

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**32.** Section 26 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended

(1) in subsection 1,

(a) by inserting “sexual assault,” after “common assault,” in the first paragraph;

(b) by inserting “or a record suspension” after “a pardon” in the second paragraph;

(2) in subsection 2,

(a) by inserting “Except where the person convicted is granted a pardon or a record suspension under the Criminal Records Act,” at the beginning;

(b) by replacing “or aggravated assault,” by “, aggravated assault or aggravated sexual assault,”.

## ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**33.** Section 1 of the Act respecting occupational health and safety (chapter S-2.1), amended by section 122 of chapter 27 of the statutes of 2021, is again amended by inserting the following definition in alphabetical order:

“**sexual violence**” means any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity;”

**34.** Section 51 of the Act, amended by section 139 of chapter 27 of the statutes of 2021, is again amended by inserting “and take any other measure that may be determined by regulation to prevent or put a stop to sexual violence” at the end of subparagraph 16 of the first paragraph.

**35.** Section 59 of the Act, amended by section 144 of chapter 27 of the statutes of 2021 and section 7 of chapter 11 of the statutes of 2023, is again amended

(1) by adding the following subparagraph at the end of the second paragraph:

“(9) the policy to prevent and manage situations of psychological harassment referred to in section 81.19 of the Act respecting labour standards.”;

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

“For the purposes of subparagraph 1 of the second paragraph, psychosocial risks include risks related to sexual violence.”

**36.** Section 61.2 of the Act, enacted by section 147 of chapter 27 of the statutes of 2021 and amended by section 8 of chapter 11 of the statutes of 2023, is again amended

(1) by adding the following subparagraph at the end of the second paragraph:

“(6) the policy to prevent and manage situations of psychological harassment referred to in section 81.19 of the Act respecting labour standards.”;

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

“For the purposes of subparagraph 1 of the second paragraph, psychosocial risks include risks related to sexual violence.”

**37.** Section 199 of the Act, amended by section 217 of chapter 27 of the statutes of 2021, is again amended by replacing “subparagraph 8” by “subparagraphs 8 and 9”.

**38.** Section 223 of the Act, amended by section 232 of chapter 27 of the statutes of 2021, is again amended by inserting the following subparagraph after subparagraph 9 of the first paragraph:

“(9.1) determining measures to prevent or put a stop to sexual violence that must be taken by an employer or principal contractor in accordance with subparagraph 16 of the first paragraph of section 51;”.

ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN  
THE VISUAL ARTS, FILM, THE RECORDING ARTS, LITERATURE,  
ARTS AND CRAFTS AND THE PERFORMING ARTS

**39.** Section 43 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1) is amended, in the second paragraph,

(1) by inserting “from any person” after “to prevent psychological harassment”;

(2) by replacing “a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature” by “a policy to prevent and manage situations of psychological harassment in accordance with section 81.19 of the Act respecting labour standards (chapter N-1.1)”.

**40.** Section 45 of the Act is amended, in the first paragraph,

(1) by replacing “sections 43, 44, 63.3 and 63.4” by “sections 43 and 44, the second paragraph of section 63.3 and section 63.4”;

(2) by adding the following sentence at the end: “The time limit referred to in the first paragraph of section 63.3 applies to the recourses and the parties are required to indicate the time limit in the group agreement.”

**41.** Section 63.3 of the Act is amended, in the second paragraph,

(1) by striking out “punitive and” in subparagraph 4;

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

“(4.1) ordering the producer to pay punitive damages to the artist;”.

TRANSITIONAL AND FINAL PROVISIONS

**42.** An arbitrator to whom a grievance concerning a psychological harassment complaint is referred before 27 March 2025 is not required to have received the training required under section 1 to proceed with the arbitration of the grievance.



**43.** Section 81.20 of the Act respecting labour standards (chapter N-1.1), as it read on 26 March 2024, continues to apply with respect to the collective agreements in force on 27 March 2024 that do not indicate the time limit referred to in section 123.7 of that Act until the date of their renewal.

The same applies to the first paragraph of section 45 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1) with respect to the group agreements that do not indicate the time limit referred to in the first paragraph of section 63.3 of that Act.

**44.** The Government makes a regulation referred to in subparagraph 9.1 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), enacted by section 38, if the Commission des normes, de l'équité, de la santé et de la sécurité du travail fails to make one before 27 March 2026.

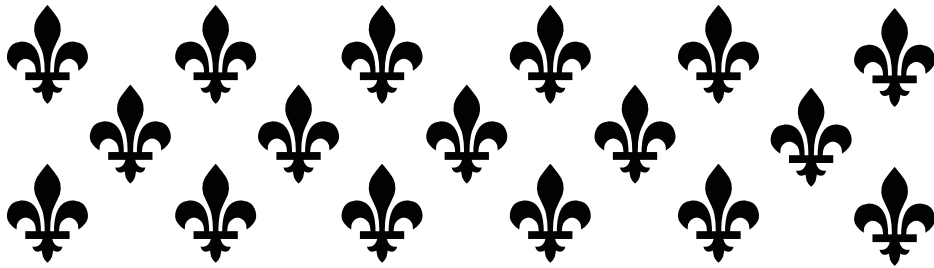
**45.** The Minister must, in collaboration with the Commission des normes, de l'équité, de la santé et de la sécurité du travail, not later than 27 March 2029, report to the Government on the carrying out of this Act and the advisability of maintaining or amending its provisions.

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

**46.** This Act comes into force on 27 March 2024, except

(1) sections 4 to 11 and 14 to 16, subparagraph *b* of paragraph 1 and, except insofar as it concerns adding the last paragraph of section 81.19 of the Act respecting labour standards, paragraph 2 of section 18, sections 22, 23, 25 and 26, paragraph 2 of section 29, section 31 and paragraph 2 of section 39, which come into force on 27 September 2024;

(2) paragraph 2 of section 18, insofar as it concerns adding the last paragraph of section 81.19 of the Act respecting labour standards, and sections 35 to 37, which come into force on the same date as paragraph 2 of section 144 and section 147 of the Act to modernize the occupational health and safety regime (2021, chapter 27).



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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 498  
(2024, chapter 8)

## **An Act to proclaim National Maple Day**

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**Introduced 8 December 2023**  
**Passed in principle 21 February 2024**  
**Passed 28 March 2024**  
**Assented to 9 April 2024**

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**Québec Official Publisher  
2024**

**EXPLANATORY NOTES**

*The purpose of this Act is to proclaim the third Sunday in October  
National Maple Day.*

## **Bill 498**

### **AN ACT TO PROCLAIM NATIONAL MAPLE DAY**

AS maple products play a central role in Québec's cultural, social and culinary history;

AS Québec plays the dominant role in the global production of maple syrup;

AS maple syrup production has positive impacts on the economic development of Québec's regions;

AS maple syrup and its derivative products are a major attraction for Quebecers and international visitors;

AS sugaring season traditions have been designated as elements of Québec's intangible heritage;

AS maple products and the traditions related to them have helped forge Québec's identity and must continue to be a source of pride for the Québec nation;

AS it is expedient to promote Québec's maple products and to recognize the contribution of the people who showcase these products by proclaiming the third Sunday in October National Maple Day;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The third Sunday in October is proclaimed National Maple Day.
- 2.** This Act comes into force on 9 April 2024.

## Coming into force of Acts

Gouvernement du Québec

### O.C. 799-2024, 1 May 2024

**Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation and of the Act to increase the supply of primary care services and to improve the management of that supply**

—Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation and of the Act to increase the supply of primary care services and to improve the management of that supply

WHEREAS, under the first paragraph of section 25 of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation (2015, chapter 25), the provisions of that Act come into force on 10 November 2015, except sections 4 to 31, 39, 41, 42, 45 to 47, 49, paragraph 3 of section 50, sections 53, 54, 56, 59 to 68, section 69 insofar as it concerns general practitioners, and sections 74, 75, 77 to 79, made by section 1, which will come into force on the date or dates determined by the Government;

WHEREAS it is expedient to set to 23 May 2024 the date of coming into force of section 11, the first paragraph of section 21, insofar as it concerns the verification of the fulfillment of an obligation under a provision in force it refers to, and the first sentence of section 24, insofar as it concerns the failure to fulfill a provision in force it refers to, made by section 1 of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation;

WHEREAS, under section 31 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), the Act comes into force on the date or dates determined by the Government, except sections 10, 11, 15 to 18 and 28, which come into force on 1 June 2022, and sections 12 to 14, 20 to 27 and 29, which come into force on the date of coming into force of the first regulation made under

section 453.2 of the Act respecting health services and social services (chapter S-4.2), made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply;

WHEREAS it is expedient to set to 23 May 2024 the date of coming into force of sections 1, 2, 4 and 9 of that Act;

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

THAT the coming into force of section 11, the first paragraph of section 21, insofar as it concerns the verification of the fulfillment of an obligation under a provision in force it refers to, and the first sentence of section 24, insofar as it concerns the failure to fulfill a provision in force it refers to, made by section 1 of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation (2015, chapter 25) be set to 23 May 2024;

THAT the coming into force of sections 1, 2, 4 and 9 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16) be set to 23 May 2024.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106821

## Regulations and other Acts

Gouvernement du Québec

### O.C. 800-2024, 1 May 2024

Act to promote access to family medicine and specialized medicine services (chapter A-2.2)

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16)

#### Regulation

Regulation under the Act to promote access to family medicine and specialized medicine services

WHEREAS the second paragraph of section 11 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2), replaced by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), provides in particular that the Government may, by regulation, prescribe the cases in which and conditions under which physicians may add to their caseload of patients a person other than a person registered in the system referred to in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) and determine to what extent physicians must make themselves available to insured persons, within the meaning of the Health Insurance Act (chapter A-29), by means of the appointment booking system mentioned in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec or another system whose supplier has entered into an agreement referred to in section 11.1 with the Minister;

WHEREAS the third paragraph of section 11.1 of the Act to promote access to family medicine and specialized medicine services, made by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply, provides that as soon as such an agreement is entered into, every physician to whom section 11 of the Act to promote access to family medicine and specialized medicine services, replaced by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply, applies must send the Minister of Health their hours of availability referred to in that section, in accordance with the form and content, and at the intervals, determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation under the Act to promote access to family medicine and specialized medicine services was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2024 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 with amendments;

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

THAT the Regulation under the Act to promote access to family medicine and specialized medicine services, attached to this Order in Council, be made.

DOMINIQUE SAVOIE

*Clerk of the Conseil exécutif*

### Regulation under the Act to promote access to family medicine and specialized medicine services

Act to promote access to family medicine and specialized medicine services (chapter A-2.2, ss. 11, 1st par. and 11.1, 3rd par.)

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16, s. 1)

#### DIVISION I

ADDING OF PERSONS TO GENERAL PRACTITIONERS' CASELOAD OF PATIENTS

1. General practitioners may add to their caseload of patients a person other than a person registered in the system referred to in subparagraph 1 of the first paragraph of section 11 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2), replaced by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), if the addition considered corresponds to one of the following cases:

(1) a member of the person's immediate family is already registered with the practitioner;

(2) the practitioner takes over for another health and social services professional and the person was registered with that other professional; or

(3) the person is unable to register with the system.

For the purposes of the first paragraph, member of the person's immediate family means

(1) the person's father and mother or relatives;

(2) the person's spouse, child and child of the person's spouse; and

(3) a dependent child of the person.

**2.** In addition to the cases described in section 1, general practitioners may add to their caseload of patients a person other than a person registered in the system referred to in that section if, on the one hand, the practitioner has already cared for the person for an episode of care or for specific monitoring and, on the other hand, the person satisfies the conditions set out in one of the following paragraphs:

(1) the person is in one of the following situations:

(a) the person is suffering from active cancer;

(b) the person is receiving palliative care;

(c) the person has a psychotic disorder;

(d) the person has suicidal or homicidal ideation;

(e) the person is pregnant;

(f) the person is in a situation of the same nature as those referred to in subparagraphs *a* to *e* for which a registration delay of 7 or more days could have adverse consequences on the person's health;

(g) the person was hospitalized for a chronic problem or a problem requiring rapid follow-up in the month preceding the person's request to be added to the practitioner's caseload of patients;

(h) the person has an active drug or alcohol addiction;

(i) the person has a major and active depressive, adjustment or anxiety disorder;

(j) the person has HIV or AIDS;

(k) the person has had a recent embolism or atrial fibrillation requiring the person to take anticoagulants and that the international normalized ratio (INR) calculated for blood clotting be monitored;

(l) the person is in a situation of the same nature as those referred to in subparagraphs *g* to *k* for which a registration delay of not more than two weeks can be tolerated;

(2) the person is not in a situation described in paragraph 1, but being added to the practitioner's caseload of patients is not done to the detriment of a person in such a situation who is registered in the system referred to in section 1.

## DIVISION II

### HOURS OF AVAILABILITY OF GENERAL PRACTITIONERS

**3.** General practitioners must offer all their hours of availability using any appointment booking system referred to in subparagraph 2 of the first paragraph of section 11 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2), replaced by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16).

**4.** Each period of hours of availability to be sent to the Minister by general practitioners under the third paragraph of section 11.1 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2), enacted by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), must specify:

(1) the date on which the hours of availability became accessible for the booking of appointments, and the times at which the hours begin and end;

(2) the category of persons for whom the hours of availability are offered from among the following:

(a) a person registered with the practitioner;

(b) a person registered with another practitioner practising in the same place;

(c) a person registered with another health and social services professional practising in the same place;

(d) any other person;

(3) the reason for consultation for which the hours of availability are offered from among the following:

(a) urgent consultation;

(b) semi-urgent consultation;

(c) pregnancy monitoring;

(d) pediatric follow-up;

(e) regular check-up;

(4) if applicable, the source redirecting the person for whom the hours of availability are offered from among the following:

(a) 811 call;

(b) 911 call;

(c) Primary Care Access Point;

(d) hospital centre;

(5) the consultation method to be used for which the hours of availability are offered from among the following:

(a) attendance at the place where the practitioner practises during the hours of availability;

(b) attendance at the person's domicile;

(c) remotely, by videoconference;

(d) remotely, by telephone; and

(6) the name and contact information of the place where the practitioner practises during the hours of availability.

**5.** The following information must be provided with the information specified in the hours of availability referred to in section 4 where those hours cease to be available owing to an appointment being made other than by a system provided for in section 3:

(1) the name of the person obtaining the appointment;

(2) the person's health insurance number;

(3) the person's date of birth;

(4) the person's sex;

(5) the postal code of the person's place of residence; and

(6) the contact information enabling the person to be reached.

The information listed in the first paragraph must be entered in the appointment booking system used by the practitioner by any means taken by the Minister under the second paragraph of section 11.1 of the Act to promote

access to family medicine and specialized medicine services (chapter A-2.2), enacted by section 1 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16).

**6.** For each four-week period beginning on a Sunday, the information listed in section 4 is to be sent to the Minister not later than 24 hours before the beginning of the period and, without delay, whenever hours of availability allotted to a person again become available in particular because a consultation has been cancelled.

The information listed in section 5 is to be sent to the Minister without delay.

**7.** The information listed in sections 4 and 5 is to be sent to the Minister using an electronic medical record allowing for the information to be sent in compliance with section 6.

### DIVISION III TRANSITIONAL AND FINAL

**8.** Until the coming into force of a regulation made under subparagraph 1 of the second paragraph of section 92 of the Act respecting health and social services information (chapter R-22.1) providing for the certification procedure of an electronic medical record, the electronic medical record referred to in section 7 must be certified in accordance with the rules, as the case may be,

(1) made for the implementation of section 5.2 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);

(2) deemed to have been made under section 97 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) by section 263 of the Act.

**9.** Sections 3 to 7 do not apply to general practitioners aged 65 or more on 23 May 2024 who, at that time, do not use the booking mechanism for requests for care and for the management of primary care services referred to in Order in Council 808-2020 dated 15 July 2020.

**10.** This Regulation comes into force on 23 May 2024, except sections 3 to 7, which come into force on 23 November 2025 with regard to any general practitioner who, on 23 May 2024, does not use the booking mechanism for requests for care and for the management of primary care services referred to in Order in Council 808-2020 dated 15 July 2020.

106822



## Draft Regulations

### Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

#### Superior Court of Québec — Regulation in civil and family matters for the district of Montréal — Amendment

Notice is hereby given, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01), that the Chief Justice of the Superior Court of Québec is publishing the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, appearing below. The draft Regulation will be adopted on the expiry of 45 days following the date of this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronique Boucher, Director, Service de recherche, Superior Court, 300, boulevard Jean-Lesage, Bureau R-3.04, Québec (Québec), G1K 8K6; email: veronique.boucher@judex.qc.ca.

*The Honourable MARIE-ANNE PAQUETTE,  
Chief Justice of the Superior Court*

### Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Code of Civil Procedure  
(chapter C-25.01, art. 63)

**1.** Schedule 1 to the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal (2023) 155 G.O.Q. 2, 1786, is revoked.

**2.** The Regulation is amended by adding the following after section 1:

“**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice,

A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.”

**3.** The Regulation is amended by adding Schedule 1.

**4.** This Regulation is in force with respect to the judicial district of Montréal for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, is in force for that district.

#### SCHEDULE 1 (Section 3)

#### REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

**1.** For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 1 is amended as follows:

“**1.** The rules set out in the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) are replaced, amended or completed, as the case may be, by the rules set out in this Regulation, which apply in the district of Montréal.

More specifically, rules 22 and 25 of the Regulation of the Superior Court of Québec in civil matters are replaced, for the district of Montréal, by the rules in this Regulation, to the extent they enter into conflict with the latter rules.”

3. Section 3 is amended as follows:

“3. At least 2 months before the opening of the term, the master of the rolls posts the roll for hearing on the website or otherwise and notifies, ~~by messenger or by mail, by a technological means~~ an extract of the roll relating to their cases to each of the lawyers of record or to the parties by any means if they have no lawyer.

The transmission to the lawyers by the clerk of an extract of the roll relating to their cases constitutes the notice to lawyers required by article 178 of the Code of Civil Procedure (chapter C-25.01).”

4. Section 6 is amended as follows:

“6. Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date. The request must be made using the Lexius platform, except in the case of a self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy, where it is made by a lawyer, must be made by the technological means put in place for that purpose.”

5. Section 8 is amended as follows:

“8. An advocate who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing using the technological means put in place for that purpose with the Chief Justice or the presiding judge.”

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

106826

## Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court of Québec — Regulation in civil matters — Amendment

Notice is hereby given, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01), that the Chief Justice of the Superior Court of Québec is publishing the Regulation to amend the Regulation of the Superior Court of Québec in civil matters, appearing below. The draft Regulation will be adopted on the expiry of 45 days following the date of this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronique Boucher, Director, Service de recherche, Superior Court, 300, boulevard Jean-Lesage, Bureau R-3.04, Québec (Québec), G1K 8K6; email: veronique.boucher@judex.qc.ca.

*The Honourable* MARIE-ANNE PAQUETTE,  
*Chief Justice of the Superior Court*

## Regulation to amend the Regulation of the Superior Court of Québec in civil matters

Code of Civil Procedure  
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil matters, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters (2023) 155 G.O.Q. 2, 1787, is revoked.

2. The Regulation is amended by adding the following after section 1:

“1.1 **Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.”

**3.** The Regulation is amended by adding Schedule 1.

**4.** This Regulation is in force with respect to a judicial district for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, is in force for that district.

### SCHEDULE 1 (Section 3)

#### REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

**1.** For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 2 is replaced by the following:

**“2. Access to registers and records.** Any person may have access free of charge to the digital registers and judicial records using the technological means put in place in the courthouses, during the opening hours of the court offices.

Subject to section 3 of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, only the persons designated in section 17 of that Regulation may remotely consult their Lexius record at any time of the day.”

**3.** Section 3 is replaced by the following:

**“3. Form and designation of parties.** Pleadings and agreements to be attached to a judgment must be legibly written in a document measuring 21.25 cm × 28 cm (8.5 inches by 11 inches) and indicate the nature and object of the document, the record number, the names of the parties and the party filing it.

Pleadings and other documents filed in Lexius must also satisfy the conditions regarding form set out in the directives of the Court and the terms of use for the platform. Each document must be filed in a separate file. Exhibits may, however, be filed in a bundle in a single file if they have the same identification.

The hard copy of an originating application must also indicate the address and postal code of the parties and on the back, as applicable, the contact information of the lawyer.

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy, must in addition indicate the email address of the parties, if any.

In every pleading, the parties keep the same order and designation as in the originating application.”

**4.** Section 4 is amended as follows:

**“4. Change of address, lawyer or notary.** In the event of a change of address in contact information, the parties and their lawyers and notaries must inform the court office without delay.

In the event of a change or substitution of lawyer in the course of a proceeding, the new lawyer must inform the court office without delay.

The notice to the court office must comply with the terms of use for the Lexius platform, if applicable.”

**5.** Section 5 is replaced by the following:

**“5. Laws, regulations, jurisprudence and doctrine.** A party relying on a law, regulation, judgment or excerpt from doctrine must provide a permanent hyperlink allowing access thereto free of charge, with a reference to the relevant excerpt, page or paragraph. If there is no permanent hyperlink, the party must file a copy on a technological medium in Lexius.”

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a document in hard copy, must indicate on it the full permanent hyperlink allowing access free of charge to the law, regulation, judgment or excerpt from doctrine relied on. If there is no permanent hyperlink, the person must provide a hard copy.”

6. Sections 6 and 8 are revoked:

~~“6. **Laws and regulations.** A party relying on regulatory or legislative provisions other than those in the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01) or the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.)) must provide a copy for the judge and indicate the relevant articles or sections. (Revoked.)”;~~

~~“8. **Updating of court ledger.** Where the record is forwarded to the Court or to the judge, an extract of the updated court ledger must be filed in the record and the previous extracts destroyed. (Revoked.)”.~~

7. Section 9 is replaced by the following:

“9. **Receipt of pleadings and exhibits.** Pleadings and exhibits must be numbered as provided in the terms of use for the Lexius platform.”.

8. Section 16 is replaced by the following:

“16. **Medical records and expert reports.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.”.

9. Section 18 is replaced by the following:

“18. **Identification of exhibits and pagination.** Identification and pagination of an exhibit filed in the Lexius record are determined as provided in the directives of the Court and the terms of use for the Lexius platform.”.

10. Section 21 is amended as follows:

“21. **Setting down for trial**

(a) Attestation that a record is complete (ARC): After the request for setting down for trial and judgment has been filed in the Lexius court office, the clerk verifies whether the record is complete and ready for trial and, if appropriate, signs an attestation so attests as provided in the terms of use for the Lexius platform, specifying the estimated duration of the trial on the merits, and so informs the parties.

(b) Notice that a record is incomplete: If the Clerk ascertains that the record is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to correct the situation.”.

11. Section 22 is amended as follows:

“22. **Provisional roll.** After the request for setting down for trial and judgment has been filed, the clerk prepares a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, sends by a technological means to each lawyer of record, or by any means to the parties if not represented, an extract of that list containing mention of their cases and convenes them to a calling of the provisional roll presided by the Chief Justice or a judge designated by the Chief Justice or, with the latter’s consent, by the clerk.

At that session, the judge or clerk presiding determines the means of simplifying the procedure and shortening the hearing.

Having consulted the lawyers, the judge or clerk presiding fixes the dates of hearing for the cases on the list. Any request for postponement must be presented at that session.

The clerk draws up the minutes of the session and enters in the record of each case called the presence or absence of the lawyers or parties that are not represented.”.

12. Section 25 is amended as follows:

“25. **Roll for hearing.** As soon as possible, the clerk sends the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the judge who presided at the session mentioned in section 22 of this Regulation.

The roll for hearing indicates:

(a) the name of the judge;

(b) the number of the record;

(c) the names of all the parties;

(d) the names of the lawyers of record;

(e) the date and time of the hearing;

(f) the place of the hearing and, where applicable, the room number; and

(g) any other information ordered by the judge or clerk who presided at the session mentioned in section 22.

An extract from that roll is also sent by the clerk by a technological means to each lawyer of record or by any means to unrepresented parties concerning their cases.”.

13. Section 39 is amended as follows:

“**39. Role of court clerk.** The clerk draws up the minutes of the hearing, noting

- (a) the name of the presiding Judge;
- (b) the various stages of the hearing;
- (c) the names of the lawyers and witnesses;
- (d) the names of the clerk and the stenographer;
- (e) the exhibits filed;
- (f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;
- (g) the admissions dictated to the stenographer or mechanically recorded;
- (h) the admissions dictated to the court clerk, which must be signed by the parties or their lawyers; and
- (i) where applicable, the reasons stated by the Court for not proceeding with the case.

~~Similarly, the court clerk marks the exhibits with a letter and series of numbers previously used, and indicates and initials the case number; the clerk indicates on the copies of doctrine and jurisprudence the name of the lawyer or party who filed it.~~

~~The clerk prepares a separate list of exhibits filed by each of the parties and describes each exhibit.”~~

14. Section 47 is replaced by the following:

“**47. Record under advisement.** No case is taken under advisement until the clerk has ascertained that the Lexis record is complete, unless the judge decides otherwise.

If the record is incomplete, the clerk notifies the lawyers so that they may remedy the default.”

15. Section 48 is amended as follows:

“**48. Incomplete arguments.** If either party fails to complete its oral or written argument within the time period fixed at the hearing, the judge may send or have the clerk send ~~to the parties or their lawyers~~ by a technological means to each of the parties of record or by any

means to the parties if not represented, a notice to remedy the default within the time fixed by the Judge and take the case under advisement as it stands upon the expiry of that period. The judge informs the Chief Justice of that situation.”

16. Section 49 is amended as follows:

“**49. Evidence outside the presence of the court.** When evidence taken outside the presence of the court has been filed in the record, the special clerk must, if having no jurisdiction to render judgment and if the Court is not sitting in the district, ~~send the record to so inform~~ the judge who authorized the taking of evidence outside the presence of the court.”

17. Section 52 is revoked:

~~“**52. Judgment rendered in the course of a proceeding.** A judgment rendered in the course of a proceeding that is written out and signed on an application submitted to the court need not be written out and signed again on a separate paper, and the clerk may issue true copies of such a judgment. (Revoked.)”~~

18. Section 53 is replaced by the following:

“**53. Compulsory indications.** All class action pleadings must include the words “Class Action” immediately above “Superior Court”.

The back of an originating application for a class action also must include those words.”

19. Section 55 is amended as follows:

“**55. Documents accompanying the application.** The application for authorization is accompanied by a ~~copy of all other applications for authorization to bring a class action dealing in whole or in part with the same subject matter and an attestation from the applicant or the applicant’s lawyer indicating that the application will be entered in the national class action register. These documents must be served on the adverse party at the same time as the application for authorization.~~

Failure by the applicant to comply with this section does not entail dismissal of the application; however, the judge, at the request of any interested person or on the judge’s own initiative, may postpone the date of presentation of the application and order the applicant to remedy the failure.”

20. Section 56 is amended as follows:

“**56. Registry of class actions.** Within 5 days of filing, a copy of the application for authorization to institute a class action must be registered in the registry of class actions in accordance with article 573 of the Code of Civil Procedure (chapter C-25.01).”

21. Section 57 is amended as follows:

“**57. Relevant evidence.** An application for authorization to submit relevant evidence in accordance with article 574 of the Code of Civil Procedure (chapter C-25.01) must be accompanied by the documentary evidence, the affidavit or the written statement deemed to be sworn that the applicant wishes to submit.”

22. Section 63 is amended as follows:

“**63. Commercial cases:** All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Chamber:

(Statutes of Canada)

—The Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

—The Companies and Creditors’ Arrangement Act (R.S.C. 1985, c. C-36);

—The Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

—The Canada Business Corporations Act (R.S.C. 1985, c. C-44);

—The Bank Act (S.C. 1991, c. 46);

—The Farm Debt Mediation Act (S.C. 1997, c. 21);

—The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

—Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

—Companies Act (chapter C-38);

—Winding-Up Act (chapter L-4);

—Securities Act (chapter V-1.1);

—Act respecting the regulation of the financial sector (chapter E-6.1);

—Business Corporations Act (chapter S-31.1).

The same applies to any other case of a commercial nature, on a decision of the Chief Justice or a judge designated by the Chief Justice, made on initiative or on application.”

23. Section 64 is revoked:

“~~**64. Registry and jurisdictional numeration.** The Commercial Chamber has its own Registry and a distinct jurisdictional numeration. (Revoked.)~~”

24. Section 65 is replaced by the following:

“**65. Compulsory indications.** A pleading in the Commercial Chamber must include, beneath the words “Superior Court”, the words “Commercial Chamber” and, beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.”

25. Sections 66 and 67 are revoked:

“~~**66. Multiple cases within the same record.** Whenever there are multiple cases within the same record, each new originating application must bear the indication “New Case”. In subsequent pleadings relative to the new application, the sequential number given to the new application must be mentioned in the heading “Case sequence number \_\_\_\_\_” under the court number of the record. (Revoked.)~~”

“~~**67. Exception.** If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district or the judge designated by the coordinating judge may have commercial cases dealt with in the general court office and tried in the civil practice chamber. (Revoked.)~~”

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

106824

## Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court of Québec — Regulation in civil matters for the district of Québec — Amendment

Notice is hereby given, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01), that the Chief Justice of the Superior Court of Québec is publishing the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec, appearing below. The draft Regulation will be adopted on the expiry of 45 days following the date of this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronique Boucher, Director, Service de recherche, Superior Court, 300, boulevard Jean-Lesage, Bureau R-3.04, Québec (Québec), G1K 8K6; email: veronique.boucher@judex.qc.ca.

*The Honourable MARIE-ANNE PAQUETTE,  
Chief Justice of the Superior Court*

## Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure  
(chapter C-25.01, art. 63)

**1.** Schedule 1 to the Regulation of the Superior Court of Québec in civil matters for the district of Québec, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec (2023) 155 G.O.Q. 2, 1789, is revoked.

**2.** The Regulation is amended by adding the following after section 1:

“**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.”

**3.** The Regulation is amended by adding Schedule 1.

**4.** This Regulation is in force with respect to the judicial district of Québec for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, is in force for that district.

### SCHEDULE 1 (Section 3)

#### REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

**1.** For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 7 is replaced by the following:

“**7.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.”

**3.** Section 15 is amended as follows:

“**15.** If evidence is presented by way of affidavit or statements deemed to be sworn, a judge may decide the joint application on a draft agreement without a trial.”

**4.** Section 17 is amended as follows:

“**17.** A proceeding is a commercial proceeding if:

(a) the application is made under:

(Statutes of Canada)

— the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

—the Companies and Creditors’ Arrangement Act (R.S.C. 1985, c. C-36);

—the Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

—the Canada Business Corporations Act (R.S.C. 1985, c. C-44);

—the Bank Act (S.C. 1991, c. 46);

—the Farm Debt Mediation Act (S.C. 1997, c. 21);

—the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

—the Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

—the Companies Act (chapter C-38);

—the Winding-Up Act (chapter L-4);

—the Securities Act (chapter V-1.1);

—the Act respecting the regulation of the financial sector (chapter E-6.1);

—the Business Corporations Act (chapter S-31.1);

(b) the same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.”

5. Section 18 is revoked:

~~“18. The commercial chamber has its own office and its own jurisdictional number (Revoked).”~~

6. Section 19 is replaced by the following:

“19. A pleading in the commercial chamber must include, beneath the words “Superior Court”, the words “Commercial Chamber”, and beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.”

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

106825



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## Erratum

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### Draft Regulation

Act respecting the conservation and development  
of wildlife  
(chapter C-61.1)

### Québec Aquarium — Amendment

*Gazette officielle du Québec*, Part 2, 24 April 2024,  
Volume 156, No. 17, page 1204.

On page 1204, at the end of the first paragraph of the  
notice:

“may be made by the Government”

should read

“may be made by the Minister”.

106823