

Draft Regulations

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Childcare services provided at school — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting childcare services provided at school, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to introduce provisions relating to the criminal background of staff members who work in childcare services into the Regulation respecting childcare services provided at school. The draft Regulation provides that no childcare staff member shall have been convicted of an offence listed in Schedule I attached to the draft Regulation or of an equivalent offence or an offence of the same nature outside Québec, unless the staff member has been granted a pardon. The draft Regulation will also require childcare staff members to provide the school board each year with the declaration relating to the criminal background of staff members in the Schedule attached to the draft Regulation.

The Regulation will have no negative impact on small and medium-sized businesses.

Further information may be obtained by contacting Mireille Godard-Dubois, ministère de l'Éducation, Direction générale des relations du travail, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec) G1R 5X1; telephone: (418) 644-6274; fax: (418) 643-7926; e-mail: mireille.godard-dubois@meq.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

PIERRE REID,
Minister of Education

Regulation to amend the Regulation respecting childcare services provided at school*

Education Act
(R.S.Q., c. I-13.3, s. 454.1)

1. The Regulation respecting childcare services provided at school is amended by inserting the following after section 5:

“**5.1.** No childcare staff member shall have been convicted of an offence listed in Schedule I or of an equivalent offence or an offence of the same nature outside Québec, unless the staff member has been granted a pardon.

This provision does not prevent the school board from taking into account, as conditions for hiring and retaining a person, other offences in relation to the person's employment, except if the person has been granted a pardon for the offences.

5.2. A childcare staff member shall provide the school board each year with the declaration in Schedule II.”.

2. Section 9 is amended by replacing “medication, toxic and household cleaning products” by “toxic products, in particular certain household cleaning products, and medication, except medication that needs to be administered quickly, generally by the child himself or herself, and that is harmless to other children.”.

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

* The Regulation respecting childcare services provided at school, made by Order in Council 1316-98 dated 14 October 1998 (1998, G.O. 2, 4288), has not been amended since it was made.

SCHEDULE I

(s. 5.1)

OFFENCES REFERRED TO IN SECTION 5.1

1. The following provisions of the Criminal Code (R.S.C. 1985, c. C-46) relating to

(1) sexual offences involving children committed outside Canada under section 7(4.1);

(2) offences against public order under sections 75 to 82;

(3) terrorism under sections 83.02 to 83.04 and 83.18 to 83.23;

(4) firearms and other weapons under sections 85 and 86(1), 87 to 96 and 99 to 108;

(5) sexual offences, offences against public morals and disorderly conduct under sections 151 to 153.1, 155, 160, 161(4), 163, 163.1, 167, 168, 170 to 174, 175(1)*b* and 179(1)*b*;

(6) common bawdy-houses, procuring and other offences related to prostitution under sections 210 to 213;

(7) offences against the person under sections 215, 218 to 222, 229, 233, 234, 238 to 246, 264, 264.1, 266 to 273, 273.3, 279 to 283, 318 and 319;

(8) offences against property under sections 343 and 346; and

(9) attempts, conspiracies and accessories under sections 463 to 465, where they relate to offences referred to in this paragraph.

2. The provisions relating to certain drugs and other substances under sections 5 to 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

3. The provisions relating to offences that may endanger the security or development of a child under section 135 of the Youth Protection Act (R.S.Q., c. P-34.1) or section 136 of the Youth Criminal Justice Act (S.C. 2002, c. 1).

4. The offences of the same nature as those referred to in this Schedule under other former or subsequent legislative provisions.

SCHEDULE II

(s. 5.2)

DECLARATION

I, (*name*) _____,
residing at (*address*) _____,
have not been indicted for an indictable or criminal offence, in Québec or outside Québec, and have not been convicted of such an offence or if I have been convicted of such an offence I have been granted a pardon.

or

I, (*name*) _____,
residing at (*address*) _____,
am under an order issued on (*date*) _____,
under a provision set out in subsection (3), (3.1) or (4) of section 810.1 or subsection (3), (4) or (5) of section 810.2 of the Criminal Code, relating to the fear of sexual offence or the fear of serious personal injury offence.

or

I, (*name*) _____,
residing at (*address*) _____,
was indicted on (*date*) _____, in
Québec or outside Québec, for the following indictable
or criminal offence: _____.

or

I, (*name*) _____,
residing at (*address*) _____,
was convicted on (*date*) _____
of the following offence: _____
and was sentenced to: _____
in file No. _____ of the (*name of the court*)
_____ in
the judicial district of _____
in the Province or State of _____.

I certify that the information given in this declaration is accurate and complete and I undertake to report to the school board any change that would modify this declaration.

Name in block letters

Date of birth

Signature

Date