

**5.** Section 17 is amended by replacing “sections 10 and 11” in the second paragraph by “section 10, subparagraph 2 of the first paragraph of section 11, and subparagraph 2 of the first paragraph of section 12.4”.

**6.** Section 26 is amended by replacing “second” by “fourth” wherever it appears.

**7.** Section 31.1.1 is amended by replacing “second” by “fourth”.

**8.** Section 33 is amended by striking out “sections 7 to 11, 15 or 17 of” in paragraph 2.

**9.** Section 33.1 is amended

(1) by striking out “maternity” wherever it appears;

(2) by replacing “, father’s or mother’s spouse” in paragraph 2 of the first paragraph by “or one of their parents, father’s or mother’s spouse or one of their parents.”.

**10.** Section 33.2 is amended by striking out “maternity” wherever it appears.

**11.** The following is added after section 33.2:

“**33.3.** For the purposes of the third paragraph of section 12.2 of the Act, the benefit period may be extended if the person who so requests is in one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 33.1.

The benefit period is extended by the number of full weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.

If a person is again in the situation referred to in the first paragraph during the extension of the benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.”.

**12.** Section 34 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“For the purposes of the second, third and fourth paragraphs of section 23 of the Act, the period during which the benefits provided for in sections 9 to 11.3, 12.1 and 12.3 to 12.8 of the Act may be paid is extended if the person is in one of the following situations:”;

(2) by replacing “, father’s or mother’s spouse” in subparagraph 3 of the first paragraph by “or one of their parents, father’s or mother’s spouse or one of their parents”;

(3) by replacing “third” in the second paragraph by “fourth”;

(4) by replacing “third” in the third paragraph by “fourth”.

**13.** Section 35 is amended by inserting “, the first paragraph of section 33.3” after “section 33.2”.

**14.** Sections 2 to 8 and 11 to 13, insofar as they concern benefits relating to a surrogacy project, apply only to a birth resulting from a surrogacy project occurring as of 6 March 2024, unless it is shown that the pregnancy began after 5 June 2023.

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

106684

Gouvernement du Québec

**O.C. 102-2024**, 31 January 2024

Educational Childcare Act  
(chapter S-4.1.1)

**Educational Childcare**  
— **Amendment**

Regulation to amend the Educational Childcare Regulation

WHEREAS, under subparagraph 13.1 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), the Government may, by regulation, for part or all of Québec, set the ratio of staff to qualified staff present during the provision of childcare services to be respected by an educational childcare provider;

WHEREAS, under subparagraph 31 of the first paragraph of section 106 of the Act, the Government may, by regulation, for part or all of Québec, specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Educational Childcare Regulation was

published in Part 2 of the *Gazette officielle du Québec* of 1 November 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Educational Childcare Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Educational Childcare Regulation

Educational Childcare Act  
(chapter S-4.1.1, s. 106, 1st par., subpars. 13.1 and 31)

**1.** The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 23

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

“A permit holder must ensure that at least 2 childcare staff members out of 3 are qualified and present each day with the children while childcare is being provided, subject to section 23.1.1.”;

(2) by replacing “If” in the second paragraph by “In all circumstances, if”.

**2.** Sections 23.1 and 23.2 are replaced by the following:

“**23.1.** Under the conditions and in the circumstances provided for herein, a permit holder is exempted from ensuring compliance with the ratio referred to in the first paragraph of section 23 and must ensure that the minimum number of qualified childcare staff members present each day with the children while childcare is being provided respects the ratio of

(1) at least 1 childcare staff member out of 2, until 31 March 2027;

(2) at least 1 childcare staff member out of 3,

(a) until 5 years have elapsed since the initial issuance of the permit;

(b) until 5 years have elapsed since the permit was modified to increase, by 8 or more, the maximum number of children that may be provided with childcare in the permit holder’s facility;

(c) until 5 years have elapsed since a first subsidy agreement was entered into by the Minister and the holder of a day care centre permit, provided that the agreement was entered into after 31 October 2023;

(d) while childcare is being provided during the first and last business hour of the permit holder’s core hours.”.

**3.** Section 123.1 is amended by replacing “23 to 23.2” in the first paragraph by “23, 23.1”.

**4.** This Regulation comes into force on 1 March 2024.

106685

Gouvernement du Québec

**O.C. 104-2024, 31 January 2024**

Transfer of the surplus accumulated by the Public Contracts Fund and date on which certain provisions of the Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts cease to have effect

WHEREAS the Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.2.0.0.3) provides for exceptional measures for the reimbursement and recovery of amounts improperly paid as a result of fraud or fraudulent tactics in the course of the tendering, awarding or management of public contracts;

WHEREAS under section 25 of the Act, the Public Contracts Fund is established at the Ministère de la Justice and is dedicated to financing activities carried out by the Minister for the purposes of the Act;

WHEREAS under section 28 of the Act, any surplus accumulated by the Fund is transferred to the general fund on the dates and to the extent determined by the Government;

Whereas under section 49 of the Act, Chapter V ceases to have effect on the date to be set by the Government;

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