

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 9

**An Act to secure the handicapped in the  
exercise of their rights**

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First reading .....  
Second reading .....  
Third reading .....

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M. DENIS LAZURE  
Ministre des affaires sociales

## EXPLANATORY NOTES

*The main intent of this bill is to ensure handicapped persons the full and equal recognition and exercise of the rights and freedoms shared by all citizens. For the purposes of this act, a handicapped person is any person limited in the performance of normal activities who is suffering, significantly and permanently, from a physical or mental deficiency, or who regularly uses an orthopedic device or a prosthesis to palliate his handicap.*

*This bill establishes the "Office des personnes handicapées du Québec", composed of eleven members, eight of whom, including the vice-chairman, will be chosen after consultation with the promotional organizations most representative of the various regions of Québec. The Office will see to the coordination of the services provided for the handicapped, inform and advise handicapped persons, promote their interests and facilitate their educational, vocational and social integration. It is also provided that the Office may authorize a person, establishment or agency to exercise all or some of the powers and duties conferred on it by the act.*

*The Office will be empowered to grant subsidies to promotional organizations mainly devoted to the assertion of the rights and promotion of the interests of the handicapped. The Office may also issue "adapted work centre" certificates to associations or organizations employing, in majority, handicapped persons incapable of working under ordinary conditions, to allow them to utilize and develop their capacity for work under appropriate working conditions.*

*This bill provides various measures designed to ensure the educational, vocational and social integration of the handicapped person. For that purpose, the bill provides, in particular, for the formulation and carrying out of service programmes which must take account of the free choice of each person benefiting from such a programme. The Office may grant material assistance to a handicapped person for the carrying out of a service programme, in proportion to his needs. The Office may also enter, with any*

*employer and a handicapped person eligible for a service programme, into a contract for the vocational integration of such person into the labour market. The term of such a contract is not to exceed six months but may be renewed.*

*This bill provides that the Office will be empowered to grant subsidies to an employer to allow him to adapt job openings to the capacities of a handicapped person or to otherwise promote his employment. It requires any employer having fifty employees or more, in cooperation with the representative of the association of employees, where that is the case, to submit a programme for the hiring of handicapped persons to the Office for approval.*

*This bill requires certain public transport companies and every telephone undertaking governed by the Régie des services publics to submit to the Ministre des transports or to the Ministre des communications, as the case may be, a development programme designed to ensure handicapped persons access to means of transportation and telephone services within a reasonable time. Moreover, every owner of an immoveable not subject to the Building Code will be required to submit to the approval of the Ministre du travail et de la main-d'oeuvre a development programme designed to ensure within a period of five years, accessibility to his immoveable for handicapped persons. The Government, by regulation, may exempt certain types or classes of immoveables from the obligation of submitting a development programme. The Ministre du travail et de la main-d'oeuvre will also be empowered to exempt the owner of an immoveable from submitting a programme, in certain cases.*

*This bill amends various existing laws, in particular, the Charter of human rights and freedoms, to provide that there is to be no discrimination against a person on the ground that he is handicapped or uses any device as a palliative to his handicap. This amendment is accompanied with the transitional provisions necessary to allow handicapped persons access to immoveables, means of transportation and telephone services.*

*The Municipal Code, the Cities and Towns Act and the charters of certain municipalities are amended to provide that the construction, reconstruction or relocation of sidewalks must be so done by municipal corporations as to facilitate access to them and their utilization by handicapped persons. The acts establishing transit commissions are amended to compel these commissions to set up a special transit system for handicapped persons unable to use the regular public transit system, or see that such a system is organized.*

*The Collective Agreement Decrees Act is amended to make it applicable to the work performed by a blind employee or an employee whose physical or mental capacities are limited.*

*The Mininum Wage Act is amended to prevent the Commission du salaire minimum from imposing, on an employee whose physical or mental capacities are limited, working conditions other than those provided in its ordinances.*

*Finally, the bill provides that handicapped persons aggrieved pursuant to certain decisions of the Office will be entitled to appeal from such decisions to the Commission des affaires sociales, and that the Act to ensure the handicapped in the exercise of their rights will be binding on the Crown.*

## Bill 9

An Act to secure the handicapped in the  
exercise of their rights

HER MAJESTY, with the advice and consent of the Assemblée  
nationale du Québec, enacts as follows:

### CHAPTER I

#### DEFINITIONS

Defini-  
tions:  
“adapted  
work  
centre”;

1. In this act, unless otherwise indicated by the context,  
(a) “adapted work centre” means any association or body  
holding a certificate issued pursuant to section 37;

“Commis-  
sion”;

(b) “Commission” means the Commission des affaires sociales  
established under the Social Affairs Commission Act (1974, chapter  
39);

“establish-  
ment”;

(c) “establishment” means any establishment within the  
meaning of the Act respecting health services and social services  
(1971, chapter 48);

“Minister”;

(d) “Minister” means the Ministre des affaires sociales;

“Office”;

(e) “Office” means the Office des personnes handicapées du  
Québec established under section 2;

“promo-  
tional orga-  
nization”;

(f) “promotional organization” means any organization estab-  
lished pursuant to an act of Québec which is mainly dedicated  
to the safeguard of the rights, the promotion of the interests  
and the improvement of the living conditions of the handicapped;

“handi-  
capped  
person”.

(g) “handicapped person”, or “the handicapped” in the plural,  
means a person limited in the performance of normal activities  
who is suffering, significantly and permanently, from a physical  
or mental deficiency, or who regularly uses a prosthesis or an  
orthopedic device or any other means of palliating his handicap.

## CHAPTER II

## THE OFFICE DES PERSONNES HANDICAPÉES DU QUÉBEC

## DIVISION I

## ESTABLISHMENT

**2.** A body is established under the name of "Office des personnes handicapées du Québec".

**3.** The Office is a corporation within the meaning of the Civil Code; it is vested with the general powers of such a corporation and with the special powers conferred on it by this act.

**4.** The Office has the rights and privileges of a mandatory of the Government.

The property of the Office forms part of the public domain, but the obligations of the Office may be levied on its property.

The Office binds none but itself when it acts in its own name.

**5.** The corporate seat of the Office shall be at the place determined by the Government; notice of the location or of any change of location of the corporate seat shall be published in the *Gazette officielle du Québec*.

The Office may hold its sittings at any place in Québec.

**6.** The Office shall be composed of eleven members, including the chairman, all appointed by the Government.

Members of the Office other than the chairman shall be appointed in the following manner:

(a) eight members, including the vice-chairman, after consultation with those promotional organizations which are the most representative of the various regions of Québec;

(b) one member after consultation with those promotional organizations which are the most representative of employers;

(c) one member after consultation with those organizations which are the most representative of associations of employees.

**7.** The Sous-ministre des affaires sociales, the Sous-ministre de l'éducation, the Sous-ministre de l'industrie et du commerce, the Sous-ministre du travail et de la main-d'oeuvre, the Sous-ministre de la justice, the Sous-ministre des affaires municipales, the Sous-ministre des travaux publics et de l'approvisionnement,

the Sous-ministre des transports, the Directeur général du Haut-commissariat à la jeunesse, aux loisirs et aux sports or their representatives are also, *ex officio*, members of the Office but they do not vote.

Terms of  
Office.

**8.** The chairman shall be appointed for a period not exceeding five years and the other members referred to in section 6 shall be appointed for three years.

Exception.

However, three of the first members other than the chairman and the vice-chairman shall be appointed for one year, four for two years and the remaining two members for three years.

Continu-  
ance.

**9.** Every member of the Office shall remain in office notwithstanding the expiry of his term until he is replaced or reappointed.

Vacancy.

**10.** Any vacancy occurring during the term of office of a member other than the chairman shall be filled for the remainder of the term of such member in accordance with the mode of appointment prescribed in section 6.

Indemni-  
ties, etc.

[[**11.** The Government shall fix the indemnities and allowances to which the members are entitled, as well as the salary of the chairman.]]

Quorum.

**12.** Six members including the chairman or the vice-chairman are a quorum of the Office. In case of a tie-vote, the chairman or, if he is absent, the vice-chairman has a casting vote.

Conflict of  
interest.

**13.** On pain of forfeiture of office, no member of the Office may have a direct or indirect interest in an undertaking putting his personal interest in conflict with that of the Office.

Exception.

However, such forfeiture shall not be incurred if such interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Duties of  
chairman.

**14.** The chairman shall devote his time exclusively to his duties of office.

Respon-  
sibility of  
chairman.

**15.** The chairman is responsible for the administration of the business of the Office within the scope of its internal management by-laws.

Replace-  
ment of  
chairman.

**16.** If the chairman is unable to act, he shall be replaced by the vice-chairman.

Secretary,  
etc.

**[[17.** The secretary and the other functionaries and employees of the Office are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14).]]

Executive  
committee.

**18.** An executive committee is established, composed of five members, including the chairman, the vice-chairman, and three other members of the Office referred to in section 6 appointed each year by the members of the Office.

Authen-  
ticity of  
documents.

**19.** The minutes of the sittings of the Office approved by it and certified by the secretary or by the person authorized to do so by by-law of internal management, are authentic; the same rule applies to documents and copies emanating from the Office or forming part of its records, when so certified.

Confiden-  
tiality of  
records.

**20.** The records established by the Office in respect of a handicapped person are confidential. No person shall give or take written or verbal communication of or otherwise have access to them, even for an inquiry, except with the express or implied authorization of the handicapped person, or on the order of the court, or in the other cases provided for by law or the regulations.

Exception.

However, every person may examine such a record for the purpose of study, teaching or research, with the authorization of the Office, provided that the anonymity of the handicapped person is preserved.

Request  
for access  
to records.

Every handicapped person to whom the Office refuses access to or to give written or verbal communication of his record may, on summary motion, apply to the Commission to obtain access to or, as the case may be, communication of it.

Order to  
the Office.

The Commission shall order the Office to give such handicapped person access to or, as the case may be, communication of his record, unless the Office is of opinion that it would be seriously prejudicial to the health of such handicapped person to examine his record.

Informa-  
tion from  
Govern-  
ment.

**21.** The Office may obtain any information from any department or body of the Government whenever it is necessary for the application of this act.

Confiden-  
tial infor-  
mation.

However, where such information is confidential, the Office shall not give or receive written or verbal communication of or otherwise have access to it, even for an inquiry, except with the express or implied authorization of the handicapped person, or on the order of the court, or in the other cases provided by law or the regulations.



Handi-  
capped  
person 14  
years old  
or over.

Annual  
report to  
Minister.

**22.** A handicapped person fourteen years old or over may validly give the authorization required under sections 20 and 21.

**23.** Not later than 31 May each year, the Office must transmit to the Minister a report of its activities for the preceding fiscal year; such report must also contain all such information as may be required by the Minister.

Tabling.

The Minister shall table the report of the Office in the Assemblée nationale if he receives it during a session; if he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days after the opening of the next session or after resumption, as the case may be.

Informa-  
tion to  
Minister.

The Office must furnish the Minister with any other information he may require regarding its activities.

Guidelines  
from  
Minister.

**24.** The Minister, within the scope of the responsibilities and powers conferred on him, may issue guidelines in regard to the Office's objectives and orientations in exercising the functions conferred on it by the act.

Approval.

Such guidelines must be submitted to the Government for approval. If they are so approved, they are binding on the Office and it must conform to them.

Tabling.

Every guideline issued under this section must be tabled before the Assemblée nationale, if it is in session, within fifteen days of its approval by the Government. If the guideline is issued while the Assemblée nationale is not sitting, the guideline must be tabled before it within fifteen days of the opening of the next session or, as the case may be, of resumption.

## DIVISION II

### FUNCTIONS OF THE OFFICE

#### § 1.—*Duties and powers of the Office*

Functions  
of Office.

**25.** The functions of the Office are to see to the coordination of the services offered to handicapped persons, to inform and advise handicapped persons, to promote their interests and to favour their educational vocational and social integration.

Duties.

The Office shall

(a) favour, within the departments, municipal and school corporations and other public or private agencies, the coordination and promotion of services required by the handicapped to facilitate their access to dwelling facilities and to goods and services, their moving

about, their entry on the labour market, their access to educational services and their participation in socio-cultural and recreational activities;

(b) see to the preparation of service programmes in accordance with Chapter III;

(c) prepare, after consultation with the interested persons and bodies, inventories establishing the needs of the handicapped and the existing resources;

(d) prepare, assemble and distribute documents or information concerning the improvement of the lot of the handicapped and the services and benefits available to them to facilitate their participation in socio-economic life;

(e) promote the implementation, by establishments and agencies, of preventive measures designed to safeguard the physical and mental integrity of persons;

(f) keep a register of the dwelling facilities accessible to handicapped persons using wheel-chairs;

(g) organize, in cooperation with employment centres or any other agency, information campaigns directed at employers and employees to promote the employment of handicapped persons;

(h) carry out research and studies on the educational, vocational and social integration of handicapped persons, the protection of their rights and the promotion of their interests;

(i) periodically compile and publish statistics concerning the handicapped population of Québec.

Powers.

**26.** The Office may,

(a) at the request of a handicapped person, represent and assist him in dealings with departments, public agencies, municipal and school corporations, educational institutions, establishments and insurance companies to ensure the exercise of his rights;

(b) designate regional representatives and determine their functions, powers and duties;

(c) conclude, in accordance with the law, agreements with another government of Canada, a foreign government or a department or agency of any such government for the application of this act;

(d) subject to paragraph c, conclude agreements with any establishment or agency to promote the school, vocational and social integration of the handicapped;

(e) determine criteria concerning the identification of handicapped persons.

Delegation  
of powers.

**27.** The Office may authorize, in writing, a person, an establishment or an agency to exercise all or part of the powers and duties conferred on it by this act.

Special  
advisory  
commit-  
tees.

**28.** The Office may form special advisory committees to study special questions, and entrust such committees with gathering any pertinent information and reporting their findings and recommendations to the Office.

Composi-  
tion.

Such committees may be composed wholly or in part of persons who are not members of the Office; the attendance allowances and fees of such persons shall be determined by the Office in accordance with the standards established for that purpose by the Government.

Identifica-  
tion of  
handi-  
capped  
person.

**29.** The Office may, at the request of a handicapped person, provide for his identification in the manner and for the purposes determined by regulation. However, such identification shall not be required of a handicapped person for a purpose other than that for which it was obtained.

Appeal.

**30.** Any handicapped person whose request for identification is rejected may appeal to the Commission, which shall dispose of the appeal according to its rules of proof, procedure and practice.

Identifica-  
tion of  
dwelling  
facilities.

**31.** The Office must, for safety purposes, prescribe, by regulation, a symbol allowing the identification of dwelling facilities occupied by a handicapped person who is significantly restricted in his movements.

Preserva-  
tion, etc.,  
of record.

**32.** Subject to section 20, the Office may, by regulation, determine the contents and establish rules on the preservation, consultation and destruction of the record of a handicapped person.

By-laws.

**33.** The Office may make by-laws

- (a) for its internal management;
- (b) for the establishment of an executive committee and the determination of its powers;
- (c) for the determination of the duties and powers of its personnel;
- (d) for the establishment of committees entrusted with the admission of handicapped persons into adapted work centres contemplated in section 37, and the determination of the powers of such committees.

Coming  
into force.

The by-laws of the Office come into force on the day of their publication in the *Gazette officielle du Québec*.

## § 2.—*Promotional organizations*

Subsidies.

**34.** The Office may grant subsidies to the promotional organizations to foster their promotion of the interests of handicapped persons.

Report to  
Office.

**35.** Every promotional organization receiving subsidies from the Office shall, not later than 30 June each year, file with the Office a report of its activities for the preceding fiscal year. Such report shall contain the following information:

- (a) a copy of its memorandum of incorporation and by-laws;
- (b) a financial statement comprising, in particular, information relating to the utilisation of the subsidies; and
- (c) any other information required by the Office.

## § 3.—*Adapted work centres*

Certifi-  
cate.

**36.** No one may use the title of “adapted work centre” or act as such unless he holds a certificate issued by the Office.

Conditions  
for  
issuance.

**37.** The Office may grant an adapted work centre certificate to any cooperative association or non-profit organization which

- (a) produces goods or services;
- (b) employs, in majority, handicapped persons incapable of working under ordinary conditions, to allow them to utilize and develop their capacity for work under appropriate working conditions;
- (c) provides handicapped persons with useful and remunerative work; and
- (d) complies with the requirements prescribed by regulation.

Subsidies  
and  
assistance.

**38.** The Office may grant to any adapted work centre subsidies in accordance with the terms and conditions fixed by regulation, as well as technical or professional assistance.

Annual  
report.

**39.** Not later than 30 June each year, every adapted work centre shall file with the Office a report of its activities for the preceding fiscal year. Such report shall contain the information required by the Office.

Provisional  
administra-  
tion.

**40.** The Office may, if it has reasonable cause to believe that an adapted work centre does not meet one of the requirements prescribed by section 37 or utilizes subsidies for purposes other than those for which they were granted, assume provisional administration of such centre.

Powers  
suspended.

**41.** From the date where the Office decides to assume provisional administration of an adapted work centre, the powers of the centre are suspended for a period of not more than ninety days.

Period  
extended.

The Minister may, upon the recommendation of the Office, extend such period.

Report to  
Minister.

**42.** As soon as possible after assuming the provisional administration of an adapted work centre, the Office shall make a report to the Minister of its findings, accompanied with its recommendations.

Hearing.

The Office must, before submitting such report to the Minister, give the adapted work centre the opportunity to be heard.

Certifi-  
cate  
suspended,  
etc.

**43.** The Office may suspend, annul or refuse to renew the certificate of any adapted work centre which

(a) is guilty of an offence against this act or the regulations; or

(b) no longer fulfils the conditions required for obtaining its certificate.

Appeal.

**44.** Any adapted work centre whose application for a certificate is refused or whose certificate is suspended or revoked may appeal to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice.

## CHAPTER III

### EDUCATIONAL, VOCATIONAL AND SOCIAL INTEGRATION

#### DIVISION I

#### SERVICE PROGRAMME

Applica-  
tion.

**45.** Every handicapped person who is a resident of Québec within the meaning of the Health Insurance Act (1970, chapter 37)

may apply to the Office for the preparation of a service programme to facilitate his educational, vocational and social integration. This application must be presented in accordance with the procedure prescribed by regulation of the Office.

Information  
required.

**46.** The applicant must provide all the information necessary for the consideration of his application.

Eligibility.

**47.** The Office shall decide on the eligibility of a handicapped person for a service programme, in accordance with the criteria and standards fixed by regulation, within sixty days of the receipt of the application. The decision of the Office must be substantiated and forwarded to the handicapped person in writing.

Appeal.

**48.** Every handicapped person who believes himself aggrieved pursuant to a decision rendered by the Office under section 47 may appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice.

Preparation  
of programme.

**49.** The Office shall see to the preparation of the service programme of a handicapped person it declares eligible in accordance with section 47.

Contents.

**50.** A service programme may include any or several of the following elements:

- (a) a functional, medical and social rehabilitation programme;
- (b) a social integration programme;
- (c) educational and vocational guidance;
- (d) a general educational and vocational study programme;
- (e) a remunerative employment.

New  
circumstances.

Such a service programme may be amended to take account of new circumstances.

Free choice  
of handicapped  
person.

In the elaboration of a service programme and in making amendments to it, the Office must respect the free choice of the handicapped person.

Help to  
handicapped  
person.

**51.** In preparing and executing a service programme, the Office shall help the handicapped person to obtain the required services from the departments, public agencies and other public administrative bodies.

## DIVISION II

## MATERIAL ASSISTANCE

**Material assistance.** **52.** The Office may grant material assistance to any handicapped person eligible for a service programme under this act and the regulations.

**Conditions.** **53.** Material assistance is granted as a complement in accordance with the standards, terms and conditions prescribed by regulation for the purpose of allowing the service programme to be carried out. In granting this assistance, account is taken of the needs of the handicapped person, the resources at his disposal, and the benefits, allowances and other advantages he may receive under any other legislative or regulatory provision.

**Nature, amount, etc.** **54.** The Office shall determine the nature, amount or value and the duration of the material assistance as well as those costs of execution of the service programme which are to be discharged by the handicapped person or his family, as defined in paragraph *b* of section 1 of the Social Aid Act (1969, chapter 63).

**Decision.** The decision of the Office must be substantiated and forwarded to the handicapped person in writing.

**Specific use.** **55.** Amounts paid and goods furnished as material assistance pursuant to this division are unassignable and unseizable. Such material assistance must be used for the purposes for which it was granted and must not be taken into account when granting or computing benefits, allowances or income replacement benefits under any other provision of law or the regulations.

**Changes to be notified.** **56.** Every handicapped person to whom the Office grants material assistance shall without delay notify the Office of any change in his situation which renders inaccurate any information furnished by him to obtain material assistance.

**Contribution required.** **57.** No material assistance shall be granted unless the handicapped person, on the conditions prescribed by regulation, undertakes in writing to contribute to the execution of his service programme, furnish to the Office all the information and documents necessary to decide on his eligibility and defray the expenses of execution of the programme which are left to him or his family.

**Assistance reduced, etc.** **58.** The Office may reduce, suspend for the space of time it determines or cancel material assistance in the case of a handicapped person who, without sufficient reason, refuses or neglects to respect the undertaking contemplated in section 57.

Decision. The decision of the Office must be substantiated and forwarded to the handicapped person in writing.

Appeal. **59.** Every handicapped person who believes himself aggrieved pursuant to a decision rendered by the Office under section 52, 54 or 58 may appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, practice and procedure.

Unentitled assistance. **60.** Every person who receives material assistance whereas he is not entitled to it, or who uses it for purposes other than those for which it was granted, is indebted to the Office for the amount or value thereof.

Recovery of extra amount. The amount or value of such material assistance may, at all times, be recovered by the Office as a debt due to the public treasury or be deducted from any future payment.

### DIVISION III

#### CONTRACT OF VOCATIONAL INTEGRATION

Contract, term. **61.** The Office may enter with any employer and a handicapped person who is the recipient of a service programme into a contract for the vocational integration of such person into the labour market. The term of such a contract shall not exceed six months but may be renewed.

Benefit, etc., continued. **62.** Notwithstanding any other legislative provision, the handicapped person who is party to a contract contemplated in section 61 entered into with an employer other than an adapted work centre shall benefit by every benefit, allowance or income replacement indemnity to which he would otherwise be entitled under the law.

Benefit, etc., deemed part of wages. Such benefit, allowance or indemnity paid to a handicapped person is deemed, for all purposes, to form part of his wages, wholly or in part and to the extent provided for by law and in the contract of vocational integration.

### DIVISION IV

#### EMPLOYMENT OF THE HANDICAPPED

Subsidies. **63.** The Office may, in accordance with the terms and conditions provided by regulation, grant subsidies to an employer other than an adapted work centre to enable him to adapt job openings to the capacities of a handicapped person or to otherwise promote his employment.



Reports,  
etc.,  
required.

The Office may require from an employer to whom it has so granted a subsidy, reports on the utilization he has made thereof and any information and document it may require in connection with the employment of a handicapped person.

Form and  
content of  
reports.

The Office may, by regulation, determine the form and content of the reports it may require from an employer under the preceding paragraph and the time when such reports must be filed.

Plan to  
ensure em-  
ployment.

**64.** Every employer having fifty employees or more shall, in the year following (*insert here the date of the coming into force of this section*), in cooperation with the representative of the association of employees, where that is the case, submit to the Office a plan designed to ensure the employment of handicapped persons within a reasonable delay.

Criteria.

This plan may take account of the nature and operations of the undertaking.

Approval,  
etc.

The Office may approve the plan or, where such is the case, require that it be modified, or that a new plan be submitted to it within such time as it may determine.

Identifica-  
tion of  
employers.

**65.** The Office may, by regulation, adopt criteria allowing the identification of employers having fifty or more employees.

Coming  
into force  
of  
section 64.

**66.** Section 64 shall not be invoked against any employer before the date of the coming into force of the regulations made under section 65.

Presump-  
tion.

From the time the number of the employees of the employer contemplated in section 65 attains fifty, if this occurs on or after the date specified in the preceding paragraph, their number is deemed to be fifty until proved otherwise.

## CHAPTER IV

### MISCELLANEOUS PROVISIONS

Service  
contract  
with Com-  
mission  
des acci-  
dents du  
travail.

**67.** The Office must enter with the Commission des accidents du travail de Québec into a service contract whereby the parties undertake, within the scope of their respective jurisdictions, to render available and provide services to persons qualified to benefit by this act and the Workmen's Compensation Act (Revised Statutes, 1964, chapter 159).

Content.

Such a contract must determine the nature of the services which the Office undertakes to render available to beneficiaries of the Workmen's Compensation Act and the undertaking of the

Commission des accidents du travail de Québec to reimburse to the Office the cost of the services provided to them.

Approval. The terms of such contract must be approved by the Ministre des affaires sociales and the Ministre du travail et de la main-d'oeuvre.

Development programme by public transport companies. **68.** Every public transport company must, within the year following (*insert here the date of the coming into force of this section*), submit for approval to the Ministre des transports a development programme for the purpose of providing, within a reasonable delay, public transportation for the handicapped within the territory served by it.

Criteria. Such programme may take account of the rate of equipment replacement and the nature of the services offered.

Approval by Minister. The Ministre des transports may approve the programme, or, as the case may be, require that it be modified, or that a new programme be submitted to him within such time as he may determine.

Control by Minister. After approving a programme, the Ministre des transports shall see to it that it is complied with and carried out.

"Public transport company". In this section, "public transport company" means any public agency or public body established under the Montreal Urban Community Act (1969, chapter 84), the Québec Urban Community Act (1969, chapter 83), the Outaouais Regional Community Act (1969, chapter 85), the Charter of the City of Laval (1965, 1st session, chapter 89), the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98) or the Act respecting municipal and intermunicipal transit corporations (1977, chapter 64) to act as a carrier within the meaning of the Transport Act (1972, chapter 55).

Development programme by telephone companies. **69.** Every telephone company being a public service governed by the Public Service Board Act (Revised Statutes, 1964, chapter 229) shall, during the year following (*insert here the date of the coming into force of this section*) submit for approval to the Ministre des communications, a development programme for the purpose of providing to the handicapped, within a reasonable time, access to the whole of the telephone services of the territory served by it.

Criteria. Such programme may take account of the rate of equipment replacement and the nature of the services offered.

Approval by Minister. The Ministre des communications may approve the programme, or, as the case may be, require that it be modified or that

a new programme be submitted to him within such time as he may determine.

Control by  
Minister.

After approving a programme, the Ministre des communications shall see to it that it is complied with and carried out.

Develop-  
ment pro-  
gramme by  
owners of  
immove-  
ables.

**70.** Every owner of an immoveable subject to the Public Buildings Safety Act (Revised Statutes, 1964, chapter 149) or to the Industrial and Commercial Establishments Act (Revised Statutes, 1964, chapter 150) and not subject to the Building Code (Order in Council 3326, 29 September 1976) must, in the year following (*insert here the date of the coming into force of this section*) submit for approval to the Ministre du travail et de la main-d'oeuvre a development programme for the purpose of providing, within a period of five years, the accessibility of his immoveable to handicapped persons.

Criteria.

Such programme may take account of the cost of the alterations to be made to the immoveable and the nature of the services offered.

Approval  
by  
Minister.

The Ministre du travail et de la main-d'oeuvre may approve the programme and, as the case may be, require that it be modified or that a new programme be submitted to him within such time as he may determine.

Control by  
Minister.

After approving a programme, the Ministre du travail et de la main-d'oeuvre shall see to it that it is complied with and carried out.

Exemp-  
tions.

**71.** Notwithstanding the right granted by section 10 of the Charter of human rights and freedoms (1975, chapter 6), the Government may, by regulation, exempt certain types or classes of immoveables from the application of section 70.

Idem.

The Ministre du travail et de la main-d'oeuvre may also, where he considers that the costs of the alterations to be made to the immoveable and the nature of the services offered therein do not justify the providing of accessibility thereto to handicapped persons, exempt such immoveable from the application of section 70.

Coming  
into force.

The regulation provided for in the preceding paragraph comes into force on the date of its publication in the *Gazette officielle du Québec*.

Allegation  
of dis-  
crimination  
prohibited.

**72.** Notwithstanding the right granted by section 10 of the Charter of human rights and freedoms, no handicapped person may allege discrimination solely by the fact that an immoveable is inaccessible to him if such immoveable is not subject to the Public Buildings Safety Act, the Industrial and Commercial

Establishments Act or the regulations under those acts, if the immovable conforms to those acts or regulations or if the owner of the immovable complies with the development programme approved pursuant to section 70.

Allegation of discrimination prohibited. Furthermore, no handicapped person may allege discrimination solely by the fact that an immovable is inaccessible to him before the expiration of one year following the date of the coming into force of section 70.

Idem. **73.** Notwithstanding the right granted by section 10 of the Charter of human rights and freedoms, no handicapped person may, in the year following the coming into force of sections 68 and 69, allege discrimination based of the sole fact that the means of transportation and of the telephone services are not accessible for him and, after the expiration of such delay, the handicapped person shall not do so if the public transport company or the telephone undertaking conforms to the development programme approved pursuant to section 68 or 69.

Powers of members, etc., of the Office. **74.** Every member, functionary or employee of the Office entrusted with supervising the observance of this act or the regulations may, during working hours, enter the premises of an adapted work centre or of an employer who has entered into a contract of vocational integration or who has received a subsidy, to oversee the execution of the contract and to assure himself that the subsidy is being used for the purposes for which it was granted. For such purpose, he may investigate and examine any relevant book, register and document and make copies thereof. He must, on demand, furnish a certificate attesting his mandate, bearing the signature of the chairman of the Office.

Approval of regulations and by-laws. **75.** The regulations and by-laws of the Office provided for in sections 29, 31, 32, 37, 38, 45, 47, 52, 53, 57, 63 and 65 are approved by the Government.

Publication of drafts. Every draft regulation under the sections referred to in the first paragraph is published in the *Gazette officielle du Québec* with a notice stating that at the expiry of not less than ninety days following such publication, it is to be submitted for approval to the Government.

Coming into force. The regulations contemplated in the first paragraph come into force on the day of publication in the *Gazette officielle du Québec* of either a notice of their approval by the Government or, if amended by it, their final text.

## CHAPTER V

## OFFENCES AND PENALTIES

Offence. **76.** Every person who contravenes this act or the regulations is guilty of an offence and is liable, in addition to costs, to a fine of not more than \$1,000 or, failing payment, to imprisonment for not more than six months in the case of an individual, or a fine of not more than \$5,000 in the case of a corporation.

Subsequent offence. In case of a subsequent offence within two years, the fines provided for in the preceding paragraph are increased to \$2,000 in the case of an individual and \$10,000 in the case of a corporation.

Offence. **77.** Every person utilizing a white cane or a dog guide while not being a visually handicapped person is guilty of an offence and is liable to the penalties provided in section 76.

Definitions: In this section,

"white cane"; (a) "white cane" means a cane the surface of which is at least two-thirds white; and

"dog guide". (b) "dog guide" means a dog trained to guide a visually handicapped person.

Proceedings. **78.** Proceedings under this act are instituted by the Procureur général or a person generally or specially authorized by him for that purpose.

Sec. 79. *Article 1664i proposed by section 79 is entirely new law.*

Sec. 80. *The proposed amendment is for concordance with section 79 of the bill. It creates an offence and imposes a fine on the lessor who refuses to identify, in accordance with the Act to secure the handicapped in the exercise of their rights, the dwelling of his lessee.*

Sec. 81. *The object of the proposed amendment is to enable municipal corporations governed by the Municipal Code to make by-laws for the parking of vehicles used by handicapped persons using wheel-chairs.*

## CHAPTER VI

## TRANSITIONAL AND FINAL PROVISIONS

C.C.,  
a. 1664*i*,  
added.

**79.** The Civil Code is amended by inserting, after article 1664*h*, the following article:

**“1664*i*.** Only in the case where the lessee applies therefor in writing, the lessor identifies in accordance with the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*) the dwelling of the lessee if it is occupied by a person significantly restricted in his movements.”

Id.,  
a. 1664*t*,  
replaced.

**80.** The said Code is amended by replacing article 1664*t* by the following article:

**“1664*t*.** Whoever contravenes articles 1664*i*, 1664*l* or 1664*n* to 1664*s* is guilty of an offence and is liable, in addition to the costs, to a fine of not more than \$500 for each offence.”

M.C.,  
a. 392*a*,  
am.

**81.** Article 392*a* of the Municipal Code, enacted by section 14 of chapter 103 of the statutes of 1930, amended by section 1 of chapter 72 of the statutes of 1940, by section 13 of chapter 69 of the statutes of 1941, section 4 of chapter 70 of the statutes of 1949 and by section 10 of chapter 71 of the statutes of 1949, replaced by section 5 of chapter 65 of the statutes of 1963 (1st session) and amended by section 20 of chapter 82 of the statutes of 1975, is again amended by replacing the first and second paragraphs by the following paragraphs:

**“392*a*.** Every local corporation may make, amend or repeal by-laws to regulate the materials to be used in building and the manner of assembling the same; to prohibit any work not of the prescribed strength and provide for its demolition; to prescribe salubrious conditions and the depth of cellars and basements and the use to be made thereof; to classify, for purposes of regulation, dwellings, commercial establishments, industrial establishments and all other immoveables, including public buildings; to regulate the places where each category of the aforesaid structures may be situated; to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment and destination of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space

Sec. 82. *The proposed amendment provides that the municipal corporations governed by the Municipal Code, when constructing, reconstructing or relocating their sidewalks, must do so in such a manner as to facilitate access to them by handicapped persons.*

Sec. 83. *The proposed amendment enables the City of Montreal to make by-laws for the parking of vehicles used by handicapped persons using wheel-chairs.*



which, on such lots, must be reserved and arranged for the parking, loading or unloading of vehicles or for the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*), using wheel-chairs, and the manner of arranging such space; to divide such zones, if expedient, into sectors for purposes of the polling provided for by this article; to compel proprietors to submit previously the plans for the construction, reconstruction or alteration of or additions to buildings and projects for changes of the destination of use of an immovable or for the moving of a building, to an officer designated for such purpose and to obtain from the latter a building permit or certificate of approval; to prevent or suspend the erection of structures or the carrying out of works or the use of buildings not in conformity with the by-laws and to order the demolition, if necessary, of any structure erected in contravention of such by-laws.

Any by-law passed under this article and any part of such by-law dividing the municipality into zones or into sectors for voting purposes, prescribing the exterior materials, architecture, dimensions, symmetry, alignment or destination of the structures which may be erected therein and the use of any immovable located therein, or the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left between structures and the lines of lots, the space which must be reserved and arranged for the parking, loading or unloading of vehicles or for the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights, using wheel-chairs, and the manner of arranging such space, may not be amended or repealed except by another by-law approved in accordance with the following provisions:".

M.C.,  
c. 412,  
am.

**82.** Article 412 of the said Code is amended by adding, at the end of paragraph 3, the following paragraph:

"Every sidewalk constructed, reconstructed or relocated after (*insert here the date of the coming into force of section 82 of Bill 9*) must be so done in such a manner as to facilitate access to it by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights and to facilitate their use of it."

1959/1960,  
c. 102,  
a. 524, am.

**83.** Article 524 of the Charter of the City of Montreal (1959/1960, chapter 102), amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966/1967, by section 7 of chapter 90 of the statutes of 1968, by

Sec. 84. *The proposed amendment provides that the City of Montreal, when constructing, reconstructing or relocating its sidewalks, must do so in such a manner as to facilitate access to them by handicapped persons.*

Sec. 85. *The proposed amendment provides that the City of Québec, when constructing, reconstructing or relocating its sidewalks, must do so in such a manner as to facilitate access to them by handicapped persons.*

Sec. 86. *The object of the proposed amendment is to enable the City of Québec to make by-laws for the parking of vehicles used by handicapped persons using wheel-chairs.*

Sec. 87. *The effect of the proposed amendment is to enable persons restricted in their freedom of movement by reason of mental illness or deprived of the administration of their property for the same reason to exercise their right to vote. Only interdicted persons or persons in close treatment are deprived of such right.*

section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973 and by section 48 of chapter 77 of the statutes of 1977, is again amended by adding at the end of paragraph 2, the following subparagraph:

Parking of  
vehicles  
used by  
handi-  
capped  
persons.

“(f) To regulate the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*), using wheel-chairs.”

1959/1960,  
c. 102,  
s. 1067a,  
added.

**84.** The said Charter is amended by inserting after article 1067, the following article:

Construc-  
tion, etc.,  
of  
sidewalks.

“**1067a.** Every sidewalk constructed, reconstructed or relocated after (*insert here the date of the coming into force of section 84 of Bill 9*) must be so done in such a manner as to facilitate access to it by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights and to facilitate their use of it.”

1929, c. 95,  
s. 418,  
added.

**85.** The Charter of the City of Québec (1929, chapter 95) is amended by inserting after section 417 the following section:

Construc-  
tion, etc.,  
of  
sidewalks.

“**418.** Every sidewalk constructed, reconstructed or relocated after (*insert here the date of the coming into force of section 85 of Bill 9*) must be so done in such a manner as to facilitate access to it by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*) and to facilitate their use of it.”

1929, c. 95,  
s. 545, am.

**86.** Section 545 of the said Charter, amended by section 17 of chapter 97 of the statutes of 1974, is again amended by adding at the end the following paragraph:

Parking of  
vehicles  
used by  
handi-  
capped  
persons.

“It may regulate the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights, using wheel-chairs.”

R.S., c. 7,  
s. 48, am.

**87.** Section 48 of the Election Act (Revised Statutes, 1964, chapter 7), amended by section 4 of chapter 12 of the statutes of 1965 (1st session), by section 4 of chapter 5 of the statutes of 1966, by section 38 of chapter 11 of the statutes of 1968, by section 1 of chapter 13 of the statutes of 1969 and by section 18 of chapter 6 of the statutes of 1972, replaced by section 11 of chapter 8 of the statutes of 1975, amended by section 6 of chapter 9 of the statutes of 1975 and by section 126 of chapter 11 of the statutes of 1977,

Sec. 88. *The proposed amendment enables the application of a decree made under the Collective Agreement Decrees Act to the work performed by an employee whose mental or physical capacities are limited.*

Sec. 89. *The proposed amendment enables the application of the Collective Agreement Decrees Act to the work performed by a blind employee.*

Sec. 90. *Section 15 of the Minimum Wage Act is repealed to prevent the Commission du salaire minimum from imposing conditions of employment other than those provided in its ordinances on an employee of limited physical or mental capacity.*

Sec. 91. *The proposed amendment enables municipal corporations governed by the Cities and Towns Act to make by-laws for the parking of vehicles used by handicapped persons using wheel-chairs.*

is again amended by replacing paragraph *e* by the following paragraph:

“(e) interdicted persons and persons in close treatment pursuant to the Mental Patients Protection Act (1972, chapter 44).”

R.S.,  
c. 143,  
s. 20, am.

**88.** Section 20 of the Collective Agreement Decrees Act (Revised Statutes, 1964, chapter 143), amended by section 60 of chapter 51 of the statutes of 1969, is again amended by striking out subparagraph *j* of the second paragraph.

Id., s. 38,  
am.

**89.** Section 38 of the said act is amended by striking out paragraph *b*.

R.S.,  
c. 144,  
s. 15,  
repealed.

**90.** Section 15 of the Minimum Wage Act (Revised Statutes, 1964, chapter 144) is repealed.

R.S.,  
c. 193,  
s. 426, am.

**91.** Section 426 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), amended by section 89 of chapter 17 and section 120 of chapter 55 of the statutes of 1968, section 21 of chapter 55 of the statutes of 1969, section 5 of chapter 45 and section 1 of chapter 46 of the statutes of 1974, section 14 of chapter 66 of the statutes of 1975 and by section 1 of chapter 18 of the statutes of 1977, is again amended:

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

Building  
materials,  
etc.

“(1) To regulate the materials to be used in building and the manner of assembling the same; to prohibit any work not of the prescribed strength and provide for its demolition; to prescribe salubrious conditions and the depth of cellars and basements and the use to be made thereof; to classify, for purposes of regulation, dwellings, commercial establishments, industrial establishments and all other immoveables, including public buildings; to regulate the places where each category of the aforesaid structures may be situated; to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment and destination of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking, loading or unloading of vehicles or for the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter

Sec. 92. *The proposed addition provides that municipal corporations governed by the Cities and Towns Act, when constructing, reconstructing or relocating their sidewalks, must do so in such a manner as to facilitate access to them by handicapped persons.*

Sec. 93. *Subparagraph 1 of section 218 of the Education Act presently reads as follows:*

“(1) A physician’s certificate stating that he suffers from no infirmity or disease which renders him unfit for teaching;”.

Sec. 94. *Paragraph 1 of section 274 of the Education Act presently reads as follows:*

“(1) Any child who is prevented from attending school by illness or infirmity;”.

*insert here the chapter number of Bill 9*), using wheel-chairs and the manner of arranging such space; to divide such zones, if expedient, into sectors for purposes of the polling provided for by this section;”;

(b) by replacing the first paragraph of paragraph 1c by the following paragraph:

Amend-  
ment, etc.,  
of by-laws  
concerning  
division of  
muni-  
cipality, etc.

“(1c) To amend or repeal, in conformity with sections 398a to 398o, and subject to this paragraph, any by-law passed under paragraph 1 and any part of such a by-law dividing the municipality into zones or into sectors for voting purposes, prescribing the exterior materials, architecture, dimensions, symmetry, alignment or destination of the structures which may be erected therein and the use of any immoveable located therein, or the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which must be reserved and arranged for the parking, loading or unloading of vehicles or for the parking of the vehicles used by handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights, using wheel-chairs and the manner of arranging such space.”

R.S.,  
c. 193,  
s. 429, am.

**92.** Section 429 of the said act, amended by section 122 of chapter 55 of the statutes of 1968, section 80 of chapter 55 of the statutes of 1972, section 6 of chapter 45 of the statutes of 1974, section 15 of chapter 66 of the statutes of 1975 and by section 13 of chapter 52 of the statutes of 1977, is again amended by adding at the end of paragraph 5 the following paragraph:

Construc-  
tion, etc.,  
of  
sidewalks.

“Every sidewalk constructed, reconstructed or relocated after *(insert here the date of the coming into force of section 92 of Bill 9)* must be so done in such a manner as to facilitate access to it by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights, and to facilitate their use of it.”

R.S.,  
c. 235,  
s. 218, am.

**93.** Section 218 of the Education Act (Revised Statutes, 1964, chapter 235), amended by section 6 of chapter 67 of the statutes of 1969, is again amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) A physician’s certificate stating that he suffers from no infirmity or disease which renders him unfit to occupy the employment he holds;”.

Id., s. 274,  
am.

**94.** Section 274 of the said act, amended by section 35 of chapter 60 of the statutes of 1977, is again amended by replacing paragraph 1 by the following paragraph:

Sec. 95. *Section 568 of the Education Act presently reads as follows:*

**“568.** Every school board, regional school board and Protestant central board may establish and maintain in operation in their schools special classes for children who are unable, by reason of physical or mental deficiency, to avail themselves of the instruction given in the regular classes.

A regional school board may also establish and maintain such classes for the elementary course.”

Sec. 96. *The effect of the proposed amendment is to compel school boards to admit, to such classes as they may require, handicapped persons from 16 to 21 years of age entrusted to them by the Office des personnes handicapées and benefiting by a service programme.*

Sec. 97. *The effect of the proposed amendment is to confer on the City of Laval Transit Commission the power to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transit system.*

Sec. 98. *The proposed amendment compels a municipality, when preparing a housing programme presented to the Société d'habitation du Québec, to provide for the arrangement of dwelling units accessible for the handicapped.*



“(1) Any child who is prevented from attending school by illness or by reason of a physical or mental handicap;”.

R.S.,  
c. 235,  
s. 568,  
replaced.

**95.** Section 568 of the said act is replaced by the following section:

Special  
classes or  
courses.

**“568.** Every school board, regional school board and Protestant central board may establish and maintain in operation in their schools special classes or courses for children who are unable, by reason of physical or mental deficiency, to avail themselves of the instruction given in the regular classes.

Idem.

A regional school board may also establish and maintain such classes or courses for the elementary course.”

R.S.,  
c. 235,  
s. 572,  
replaced.

**96.** Section 572 of the said act is replaced by the following:

Admission  
to class of  
handi-  
capped  
persons.

**“572.** Every handicapped person entrusted to a school board by the Office des personnes handicapées du Québec, who benefits by a service programme prepared by the said Office, must be admitted to the classes he needs, from the end of the school year in which he reaches 16 years of age until the end of the school year in which he reaches 21 years of age.”

1965,  
1st sess.,  
c. 89,  
s. 63, am.

**97.** Section 63 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971, is amended by adding, at the end, the following paragraph:

“(j) to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transportation system and for that purpose:

i. directly possess, organize, develop and administer such system or enter, on the conditions approved by the Ministre des transports, into any agreement necessary or useful for the provision of such a system by any other undertaking of public transportation;

ii. grant, with the approval of the Ministre des transports, on such conditions as he may determine or approve, subsidies to any non-profit organization which operates such a system within the limits of its territory.”

1966/1967,  
c. 55,  
s. 51, am.

**98.** Section 51 of the Québec Housing Corporation Act (1966/1967, chapter 55), replaced by section 16 of chapter 49 of the statutes of 1974, is amended by inserting, after the first paragraph, the following:

Arrange-  
ment of  
dwelling  
units.

“Such a programme must provide for the arrangement of dwelling units made accessible for the handicapped, within the meaning of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*).”

Sec. 99. *The object of the proposed amendment is to require the Société d'habitation du Québec not to approve a programme submitted by a municipality unless it provides, to the satisfaction of the Société, that dwellings are to be made accessible for the handicapped.*

Sec. 100. *The proposed amendment grants to the Société d'habitation du Québec the power to determine, by by-law, the dwelling units that are to be made accessible for the handicapped in view of the approval of a housing programme.*

Sec. 101. *The White Cane Act is repealed and the Act to secure the handicapped in the exercise of their rights creates an offence (section 77) for every person utilizing a white cane while not being a visually handicapped person.*

Sec. 102. *The effect of the proposed amendment is to confer upon the Québec Urban Community Transit Commission the power to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transit system.*

Sec. 103. *The effect of the proposed amendment is to confer upon the Montreal Urban Community Transit Commission the power to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transit system.*

1966/1967,  
c. 55,  
s. 52, am.

**99.** Section 52 of the said act, replaced by section 18 of chapter 49 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraph:

Approval  
of pro-  
gramme  
by  
Société.

“The Société must approve or reject every programme submitted to it by a municipality; it shall not approve such a programme unless the latter provides, to the satisfaction of the Société, that suitable lodgings will be made available to the persons deprived of lodging by reason of the carrying out of the programme, taking into account their income and that dwellings are to be made accessible for the handicapped, within the meaning of the Act to secure the handicapped in the exercise of their rights; if the Société rejects the programme, it must state the reasons for its decision and give notice thereof to the municipality.”

1966/1967,  
c. 55,  
s. 67, am.

**100.** Section 67 of the said act, amended by section 30 of chapter 49 of the statutes of 1974, is again amended by adding, at the end, the following paragraph:

“(m) determine the dwelling units that are to be made accessible for the handicapped within the meaning of the Act to secure the handicapped in the exercise of their rights, in view of the approval of a housing programme under section 52.”

1968, c. 61,  
repealed.

**101.** The White Cane Act (1968, chapter 61) is repealed.

1969, c. 83,  
s. 227, am.

**102.** Section 227 of the Québec Urban Community Act (1969, chapter 83), replaced by section 40 of chapter 88 of the statutes of 1971 and amended by section 15 of chapter 71 of the statutes of 1972, is again amended by adding, at the end of the second paragraph, the following:

“(j) to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transportation system and for that purpose:

i. directly possess, organize, develop and administer such system or enter, on the conditions approved by the Ministre des transports, into any agreement necessary or useful for the provision of such a system by any other undertaking of public transportation;

ii. grant, with the approval of the Ministre des transports, on such conditions as he may determine or approve, subsidies to any non-profit organization which operates such a system within the limits of its territory.”

1969, c. 84,  
s. 286, am.

**103.** Section 286 of the Montreal Urban Community Act (1969, chapter 84), amended by section 28 of chapter 90 of the statutes of 1971, section 25 of chapter 99 of the statutes of 1971 and

Sec. 104. *The effect of the proposed amendment is to confer upon the Outaouais Regional Community Transit Commission the power to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transit system.*

Sec. 105. *The effect of the proposed amendment is to confer upon the Montreal South Shore Transit Commission the power to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transit system.*

by section 34 of chapter 82 of the statutes of 1974, is again amended by adding, at the end of the first paragraph, the following:

“(f) to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transportation system and for that purpose:

i. directly possess, organize, develop and administer such system or enter, on the conditions approved by the Ministre des transports, into any agreement necessary or useful for the provision of such a system by any other undertaking of public transportation;

ii. grant, with the approval of the Ministre des transports, on such conditions as he may determine or approve, subsidies to any non-profit organization which operates such a system within the limits of its territory.”

1969, c. 85,  
s. 222, am.

**104.** Section 222 of the Outaouais Regional Community Act (1969, chapter 85) is amended by adding, at the end of the second paragraph, the following:

“(f) to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transportation system and for that purpose:

i. directly possess, organize, develop and administer such system or enter, on the conditions approved by the Ministre des transports, into any agreement necessary or useful for the provision of such a system by any other undertaking of public transportation;

ii. grant, with the approval of the Ministre des transports, on such conditions as he may determine or approve, subsidies to any non-profit organization which operates such a system within the limits of its territory.”

1971, c. 98,  
s. 38, am.

**105.** Section 38 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98) is amended by adding, at the end, the following:

“(j) to provide, within the limits of its territory, a special transportation system for handicapped persons who are unable to use the regular public transportation system and for that purpose:

i. directly possess, organize, develop and administer such system or enter, on the conditions approved by the Ministre des transports, into any agreement necessary or useful for the provision of such a system by any other undertaking of public transportation;

ii. grant, with the approval of the Ministre des transports, on such conditions as he may determine or approve, subsidies to any non-profit organization which operates such a system within the limits of its territory.”

Sec. 106. *The effect of the proposed amended is to place the chairman of the Office des personnes handicapées du Québec under the Government and Public Employees Retirement Plan.*

Sec. 107. *The object of the proposed amendment is to entrust to the Commission des affaires sociales the jurisdiction to hear the appeals brought under sections 20, 30, 44, 48 and 59 of the Act to secure the handicapped in the exercise of their rights.*

Sec. 108. *The proposed amendment provides that the appeals brought under sections 48 and 59 of the Act to secure the handicapped in the exercise of their rights are heard by the social aid and allowances division.*

Sec. 109. *The proposed amendment provides that the appeals brought under sections 20, 30 and 44 of the Act to secure the handicapped in the exercise of their rights are heard by the health services and social services division.*

Sec. 110. *The proposed amendment provides that for appeals brought under section 20 of the Act to secure the handicapped in the exercise in their rights, one member of the division hearing the appeal constitutes a quorum, and for appeals brought under sections 30 and 44, two members constitute a quorum.*

1973, c. 12,  
s. 2, am.

**106.** Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, section 47 of chapter 41 of the statutes of 1975, section 9 of chapter 51 of the statutes of 1976, and section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977, is again amended by adding after paragraph 10 of the first paragraph, the following paragraph:

“(11) the chairman of the Office des personnes handicapées du Québec.”

1974, c. 39,  
s. 20, am.

**107.** Section 20 of the Social Affairs Commission Act (1974, chapter 39), amended by section 44 of chapter 48, by section 4 of chapter 49, section 17 of chapter 42, section 53 of chapter 22 and by section 228 of chapter 68 of the statutes of 1977, is again amended by adding at the end, the following paragraphs:

“(r) the appeals brought under section 20 of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*);

“(s) the appeals brought under section 30 of the Act to secure the handicapped in the exercise of their rights;

“(t) the appeals brought under section 44 of the Act to secure the handicapped in the exercise of their rights;

“(u) the appeals brought under section 48 of the Act to secure the handicapped in the exercise of their rights;

“(v) the appeals brought under section 59 of the Act to secure the handicapped in the exercise of their rights.”

1974, c. 39,  
s. 24, am.

**108.** Section 24 of the said act, amended by section 11 of chapter 64 of the statutes of 1975, is again amended by replacing the first paragraph by the following paragraph:

Hearing of  
appeals.

“**24.** The appeals contemplated in paragraphs *a, b, i, u* and *v* of section 20 shall be heard by the social aid and allowances division.”

1974, c. 39,  
s. 26,  
replaced.  
Hearing of  
requests,  
etc.

**109.** Section 26 of the said act is replaced by the following:

“**26.** The requests and applications contemplated in paragraphs *d, e* and *f* of section 20 and the appeals contemplated in paragraphs *g, h, j, l, r, s* and *t* of the said section 20 shall be heard by the health services and social services division.”

1974, c. 39,  
s. 27, am.

**110.** Section 27 of the said act, amended by section 13 of chapter 64 of the statutes of 1975, is again amended by replacing the first and second paragraphs by the following paragraphs:

Sec. 111. *The proposed amendment provides for the procedure to be followed to bring an appeal under sections 20, 30, 44, 48 and 50 of the Act to secure the handicapped in the exercise of their rights.*

Sec. 112. *The proposed amendment provides that where the Commission des affaires sociales is seized of an appeal under sections 20, 30, 44, 48 and 59 of the Act to secure the handicapped in the exercise of their rights, a copy must be issued forthwith to the Office des personnes handicapées du Québec.*



Quorum. **"27.** In the case of a request or application contemplated in paragraphs *d*, *f* and *r* of section 20, a single member constitutes a quorum.

Idem. In the case of an appeal contemplated in paragraph *e*, *h*, *j*, *s* or *t* of section 20, two members constitute a quorum."

1974, c. 39,  
s. 29, am. **111.** Section 29 of the said act, amended by section 19 of chapter 42 and by section 230 of chapter 68 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Declara-  
tion to  
Commis-  
sion. **"29.** The appeals, applications or requests contemplated in paragraphs *a* to *l* and *n* to *v* of section 20 shall be brought by a written declaration addressed to the Commission within ninety days after the date of the occurrence of the event being the occasion thereof. The appeals contemplated in paragraph *m* shall be brought by a written declaration addressed to the Commission within thirty days after notification of the decision appealed from."

1974, c. 39,  
s. 30, am. **112.** Section 30 of the said act, amended by section 7 of chapter 49, section 20 of chapter 42, section 55 of chapter 22 and section 231 of chapter 68 of the statutes of 1977, is again amended by replacing the first and second paragraphs by the following paragraphs:

Copy of  
declara-  
tion to  
Minister. **"30.** Where the Commission is seized of a request, application or appeal contemplated in paragraphs *e*, *f*, *h*, *i* and *j* of section 20, the secretary or the assistant-secretary shall issue forthwith a copy of the declaration to the Ministre des affaires sociales; where the Commission is seized of an appeal contemplated in paragraph *k* of the said section 20, a copy must be issued forthwith to the Ministre du revenu; where the Commission is seized of an appeal contemplated in paragraphs *m*, *n* and *o* of the said section 20, a copy must be issued forthwith to the Commission des accidents du travail de Québec; where the Commission is seized of an appeal contemplated in paragraph *p* of the said section 20, a copy must be issued forthwith to the Commission administrative du régime de retraite; where the Commission is seized of an appeal contemplated in paragraph *q* of the said section 20, a copy must be issued forthwith to the Régie de l'assurance automobile du Québec; where the Commission is seized of an appeal contemplated in paragraphs *r* to *v* of the said section, a copy must be forwarded without delay to the Office des personnes handicapées du Québec.

Interven-  
tions. A Minister, the Commission des accidents du travail de Québec, the Commission administrative du régime de retraite, the Régie de l'assurance automobile du Québec or the Office des personnes handicapées du Québec to whom copy of a declaration was

Sec. 113. *Section 10 of the Charter of human rights and freedoms presently reads as follows:*

**“10.** Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin or social condition.”

Sec. 114. *The first paragraph of section 48 of the Charter of human rights and freedoms presently reads as follows:*

**“48.** Every aged person and every infirm, mentally defective or mentally ill person has a right to protection against any form of exploitation.”

forwarded in accordance with this section may intervene at any stage of the proceedings.”

1975, c. 6,  
s. 10, am.

**113.** Section 10 of the Charter of human rights and freedoms (1975, chapter 6), amended by section 1 of chapter 6 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Discrimina-  
tion based  
on race,  
etc.,  
forbidden.

“**10.** Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin, social conditions or the fact that he is a handicapped person or that he uses any means to palliate his handicap.”

1975, c. 6,  
s. 48, am.

**114.** Section 48 of the said Charter is amended by replacing the first paragraph by the following:

Protection  
of aged and  
handi-  
capped  
persons.

“**48.** Every aged person and every handicapped person has a right to protection against any form of exploitation.”

Minister  
responsi-  
ble.

**115.** The Ministre des affaires sociales is responsible for the application of this act.

Moneys  
required.

[[**116.** The moneys required for the carrying out of this act shall be taken for the fiscal year 1978/1979, out of the consolidated revenue fund and, for subsequent fiscal years, out of the moneys granted each year for such purpose by the Legislature.]]

Binding on  
the Crown.

**117.** This act is binding on the Crown.

Coming  
into force.

**118.** This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on any later date to be fixed by proclamation of the Government.