

chapter E-20.1

**ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION**

2004, c. 31, s. 1.

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## CHAPTER I

### DEFINITIONS, OBJECTS AND POLICY DIRECTIONS

2004, c. 31, s. 2.

**1.** In this Act, unless otherwise indicated by the context,

(a) *(paragraph repealed)*;

(b) *(paragraph repealed)*;

(c) “institution” means any institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(d) *(paragraph repealed)*;

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

(e.1) “public agency” means a government agency within the meaning of the Auditor General Act (chapter V-5.01);

(f) “advocacy organization” means any non-profit organization established 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 handicapped persons;

(g) “handicapped person” means a person with a deficiency causing a significant and persistent disability, who is liable to encounter barriers in performing everyday activities.

1978, c. 7, s. 1; 1981, c. 23, s. 13; 1992, c. 21, s. 167, s. 375; 1994, c. 23, s. 23; 1997, c. 43, s. 237; 2004, c. 31, s. 3, s. 57, s. 72; 2004, c. 31, s. 3; 2013, c. 16, s. 102.

**1.1.** The object of this Act is to secure handicapped persons in the exercise of their rights and, through the involvement of government departments and their networks, municipalities and public and private agencies, to help them integrate into society to the same extent as other citizens by providing for various measures to apply specifically to handicapped persons and their families, their living environments and the development and organization of resources and services for them.

To that end, this Act aims to enable the Office to efficiently carry out its role in assessing the integration of handicapped persons, to ensure compliance with the principles and rules of this Act and to play a decisive role in providing advice, coordination and consultation with a view to improving opportunities for handicapped persons.

2004, c. 31, s. 4.

**1.2.** For the purposes of the measures provided for in this Act, the following policy directions serve to guide the Office, government departments and their networks, municipalities and public or private agencies:

(a) adopting an approach that views the handicapped person as a whole, respects individual characteristics and facilitates the increased development of capacities;

(b) facilitating the autonomy of handicapped persons and their participation in individual or collective decisions that concern them and in managing the services offered to them;

(c) giving priority to resources and services that enable handicapped persons to remain in or return to their natural living environments;

(d) facilitating the adaptation of the built environment to the needs of handicapped persons and their families without discrimination or privilege, the regional self-sufficiency of resources, and the effective linking of local, regional and Québec-wide resources;

(e) fostering continuing coordination for the management and complementarity of resources as well as the permanence and maximum integration of services;

(f) achieving a decent quality of life for handicapped persons and their families, full social integration of handicapped persons and maximum protection against risk factors for impairment.

2004, c. 31, s. 4.

### 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”.

1978, c. 7, s. 2.

**3.** The Office is a legal person.

1978, c. 7, s. 3; 1999, c. 40, s. 129.

**4.** The Office has the rights and privileges of a mandatary of the State.

The property of the Office forms part of the domain of the State, 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.

1978, c. 7, s. 4; 1999, c. 40, s. 129.

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

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

1978, c. 7, s. 5; 1999, c. 40, s. 129.

**6.** The board of the Office is composed of 16 members entitled to vote, including a director general, all appointed by the Government.

The members of the board of the Office, except the director general, shall be designated in the following manner:

(a) 11 members, after consultation with the associations of handicapped persons that are the most representative of the various regions of Québec and the various types of disabilities, among whom nine are handicapped persons or relatives or spouses of handicapped persons at the time of their appointment;

(b) one member, after consultation with the bodies that are the most representative of employers;

(c) one member, after consultation with the bodies that are the most representative of employees;

(d) one member, after consultation with the professional orders directly involved in services for handicapped persons;

(e) one member representing advocacy organizations, after consultation with the most representative of those organizations.

1978, c. 7, s. 6; 1981, c. 23, s. 14; 2004, c. 31, s. 5.

**6.1.** The Deputy Minister of Municipal Affairs, Regions and Land Occupancy, the Deputy Minister of Culture and Communications, the Deputy Minister of Education, Recreation and Sports, the Deputy Minister of Higher Education, Research, Science and Technology, the Deputy Minister of Employment and Social Solidarity, the Deputy Minister of Families, Seniors and the Status of Women, the Deputy Minister of Health and Social Services, secretary of the Conseil du trésor, the Deputy Minister of Transport and the Deputy Minister of Labour or their delegates are also, *ex officio*, members of the board of the Office, but do not vote.

2004, c. 31, s. 6; 2005, c. 11, s. 24; 2005, c. 24, s. 36; 2005, c. 28, s. 195, s. 196; 2006, c. 25, s. 12; 2009, c. 26, s. 109; 2011, c. 16, s. 10; 2013, c. 28, s. 202.

**6.2.** After consultation with the board members referred to in section 6 other than the director general, the Government shall appoint a chairman from among the handicapped persons or relatives or spouses of handicapped persons referred to in paragraph *a* of that section. The chairman of the board shall chair the board meetings and oversee its activities.

The board members referred to in the first paragraph shall choose a vice-chairman from among them.

2004, c. 31, s. 6.

**7.** A government department whose deputy minister or delegate is not a member of the board of the Office or a public agency must, at the request of the Office, designate the deputy minister of the department or the person exercising the highest authority within the agency as a respondent to deal with any matter relating to handicapped persons, or designate a delegate of that person.

If the respondent of a government department or public agency is absent or unable to act, the government department or public agency must designate another respondent and inform the Office of the change as soon as possible.

1978, c. 7, s. 7; 1979, c. 77, s. 27; 1981, c. 9, s. 34; 1982, c. 53, s. 31; 1984, c. 27, s. 63; 1983, c. 40, s. 71; 1984, c. 36, s. 38; 1985, c. 21, s. 64; 1985, c. 23, s. 24; 1986, c. 52, s. 17; 1988, c. 41, s. 89; 1992, c. 44, s. 81; 1993, c. 51, s. 34; 1994, c. 12, s. 39; 1994, c. 14, s. 13; 1994, c. 16, s. 22; 1994, c. 17, s. 76; 1994, c. 18, s. 40; 1996, c. 29, s. 43; 1997, c. 63, s. 128; 1999, c. 8, s. 24; 1999, c. 43, s. 13; 1999, c. 36, s. 135; 2001, c. 44, s. 30; 2003, c. 19, s. 250; 2003, c. 29, s. 148; 2004, c. 31, s. 7.

**8.** The director general 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.

1978, c. 7, s. 8; 2004, c. 31, s. 8.

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

1978, c. 7, s. 9; 2004, c. 31, s. 9.

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

1978, c. 7, s. 10; 2004, c. 31, s. 10.

**11.** The Government shall fix the indemnities and allowances to which the members are entitled, as well as the salary of the director general. This salary, once fixed, shall not be reduced.

1978, c. 7, s. 11; 2004, c. 31, s. 11.

**12.** A majority of the members of the board referred to in section 6, including the chairman or the vice-chairman and the director general, constitutes a quorum at sittings of the board. In case of a tie-vote, the chairman or, if he is absent, the vice-chairman has a casting vote.

1978, c. 7, s. 12; 1981, c. 23, s. 15; 2004, c. 31, s. 12.

**13.** *(Repealed).*

1978, c. 7, s. 13; 2004, c. 31, s. 13.

**14.** The director general shall exercise his duties of office on a full-time basis.

1978, c. 7, s. 14; 2004, c. 31, s. 14.

**15.** The director general is responsible for the administration and direction of the Office within the scope of its by-laws and policies.

1978, c. 7, s. 15; 2004, c. 31, s. 15.

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

If the director general is absent or unable to act, the director general shall be replaced by a person designated by the Government.

1978, c. 7, s. 16; 1999, c. 40, s. 129; 2004, c. 31, s. 16.

**17.** The secretary and the other functionaries and employees of the Office are appointed in accordance with the Public Service Act (chapter F-3.1.1).

1978, c. 7, s. 17; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

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

1978, c. 7, s. 18; 2004, c. 31, s. 17.

**19.** The minutes of the sittings of the board 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.

1978, c. 7, s. 19; 2004, c. 31, s. 18.

**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.

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.

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 Administrative Tribunal of Québec to obtain access to or, as the case may be, communication of it.

The Tribunal 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 the opinion that it would be seriously prejudicial to the health of such handicapped person to examine his record.

1978, c. 7, s. 20; 1997, c. 43, s. 238.

**21.** The Office may request, in writing, that a government department, a municipality, an educational institution, a school service centre, a school board, an institution, or a public agency send, within 90 days after receiving the request, any information or document it holds that has an impact on the integration of handicapped persons and that is required for the purposes of this Act. The Office indicates for which specific purposes it is making the request.

The following information and documents, in particular, are considered necessary for the purposes of the first paragraph:

(a) information and documents pertaining to the implementation of laws, policies and programs, that have an impact on the integration of handicapped persons, specifically, data on budgets and on the clientele served or waiting for services;

(b) information and documents collected for local, regional or Québec-wide statistics, research, studies or assessments dealing with the integration of handicapped persons.

1978, c. 7, s. 21; 2004, c. 31, s. 19; 2020, c. 1, s. 309.

**22.** A handicapped person 14 years old or over may validly give the authorization required under section 20.

1978, c. 7, s. 22; 2004, c. 31, s. 20.

**23.** The Office must provide the minister responsible for the administration of this Act with any information requested on its operations.

1978, c. 7, s. 23; 2004, c. 31, s. 21.

**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.

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.

Every guideline issued under this section must be tabled before the National Assembly, if it is in session, within fifteen days of its approval by the Government. If the guideline is issued while the National Assembly 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.

1978, c. 7, s. 24.

## DIVISION II

### MISSION AND FUNCTIONS OF THE OFFICE

2004, c. 31, s. 23.

#### § 1. — *Mission, duties and powers of the Office*

2004, c. 31, s. 23.

**25.** The mission of the Office is to see that the principles and rules set out in this Act are complied with, and to ensure, within the scope of the powers granted to it, that the departments and their networks, the municipalities and the public and private agencies continue their efforts to increase opportunities for handicapped persons to integrate into and participate fully in community life.

The Office also sees to the coordination of actions to develop and deliver services for handicapped persons and their families, and facilitates and assesses, on a collective basis, the social, school and workplace integration of handicapped persons. In addition to promoting the interests of handicapped persons and their families, the Office informs, advises and assists them and makes representations in their behalf both on an individual and a collective basis.

In carrying out its mission, the Office shall seek the cooperation of organizations dedicated to promoting the interests of handicapped persons.

The Office shall

(a) favour, within the departments and their networks, the municipalities and the other public or private agencies, the coordination and promotion of services required by handicapped persons 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;

(a.1) advise the Minister, the Government, its departments and their networks, the municipalities and any other public or private agency on any matter affecting handicapped persons, and analyze and assess laws, policies, programs, action plans and services offered and formulate any recommendations it considers appropriate;

(a.2) assess the degree of social, school and workplace integration of handicapped persons, identify the progress made in integration and the barriers encountered, and make recommendations for the elimination of those barriers to the minister responsible for the administration of this Act;

(a.3) promote the implementation of solutions to eliminate barriers to the social, school and workplace integration of handicapped persons after consulting, if necessary, the Government, the government departments and their networks, the public agencies, the municipalities, the advocacy organizations and the research organizations;

(a.4) promote the identification of solutions aimed at reducing disparities resulting from an impairment or disability, age or place of residence in the plans and services offered handicapped persons and in the response to their needs;

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

(b.1) promote individualized service planning, particularly through service programs and intervention plans, in the government departments and their networks, the municipalities and any other public or private agency;

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



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

(d.1) promote the use of a standard classification of impairments, disabilities and handicapping situations by government departments and their networks, municipalities, labour and employers' organizations and other public and private agencies;

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

(e.1) promote, in the training programs of university, college and secondary level educational institutions and organizations responsible for vocational training, the inclusion of elements dealing with the adaptation of interventions and services for handicapped persons and, at the request of such institutions or organizations, advise them in that regard;

(e.2) promote, in government departments and public and private agencies, the continued improvement of accessibility standards for buildings and public places, and advise those departments and agencies at their request;

(f) see that means are implemented to help handicapped persons find accessible housing;

(f.1) promote the implementation of measures to identify in a secure manner dwellings occupied by handicapped persons requiring assistance in the event of a fire or other emergency;

(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;

(g.1) promote the creation of information and training programs designed to foster a better understanding of handicapped persons, their needs and the conditions conducive to their integration into and participation in community life, or develop such programs, in cooperation with advocacy and service organizations;

(g.2) provide handicapped persons and their families, advocacy organizations and the settings where integration takes place, particularly childcare facilities, schools and workplaces, with tools and information to achieve the social, school and workplace integration 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.

1978, c. 7, s. 25; 1988, c. 84, s. 610; 1992, c. 21, s. 375; 1996, c. 2, s. 677; 2004, c. 31, s. 24, s. 57.

### **26.** The Office may,

(a) at the request of a handicapped person, represent and assist him in dealings, in particular, with departments, public agencies, municipalities, school service centres, school boards, educational institutions, institutions and insurers authorized under the Insurers Act (chapter A-32.1) to ensure the exercise of his rights;

(a.1) make representations in behalf of a handicapped person and, in conjunction with advocacy and service organizations, if applicable, provide assistance if that person's security is threatened, if the person is exploited in any manner or if the person's basic needs are not met, and, if necessary, request that the authorities concerned conduct an inquiry;

(a.2) ensure, at the local, regional and Québec-wide levels, the implementation of the intersectoral actions necessary for the integration of one or more handicapped persons, and participate on request in the

coordination of those actions, in particular with respect to the development and implementation of service programs;

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

(c) conclude, in accordance with 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 social, school and workplace integration of handicapped persons;

(e) *(paragraph repealed)*.

1978, c. 7, s. 26; 1988, c. 84, s. 611; 1992, c. 21, s. 375; 1996, c. 2, s. 678; 2004, c. 31, s. 25, s. 57; 2018, c. 23, s. 763; 2020, c. 1, s. 309.

**26.1.** Whenever the Office considers it appropriate, it may give its opinion to the minister, a government department, and its network, the municipalities or any other public or private agency on any matter related to the administration of this Act and recommend any measure it considers suitable.

2004, c. 31, s. 26.

**26.2.** Within 90 days after receiving a recommendation from the Office, a government department, a municipality or a public agency shall inform the Office in writing of the actions it intends to take as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for such a decision.

2004, c. 31, s. 26.

**26.3.** The Office may assist a person required to prepare and produce an action plan or a document under this Act.

2004, c. 31, s. 26.

**26.4.** A government department, a municipality, an educational institution, a school service centre, a school board, an institution, and any other public agency and, in the case referred to in paragraph a of section 26, an authorized insurer shall cooperate with the Office in the exercise of its functions under paragraphs a, a.1 and a.2 of section 26.

2004, c. 31, s. 26; 2018, c. 23, s. 764; 2020, c. 1, s. 309.

**26.5.** After consultation with the Office and not later than 17 December 2006, the Government shall establish a policy directing government departments and public agencies to provide reasonable accommodation for handicapped persons enabling them to have access to the documents, whatever their form, and to the services available to the public.

2004, c. 31, s. 26.

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

1978, c. 7, s. 27; 1992, c. 21, s. 375.

**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.

Such committees may be composed wholly or in part of persons who are not members of the board 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.

1978, c. 7, s. 28; 2004, c. 31, s. 27.

**29.** *(Repealed).*

1978, c. 7, s. 29; 2004, c. 31, s. 28.

**30.** *(Repealed).*

1978, c. 7, s. 30; 1997, c. 43, s. 239; 2004, c. 31, s. 28.

**30.1.** *(Repealed).*

1987, c. 94, s. 106; 1997, c. 49, s. 9.

**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.

1978, c. 7, s. 31.

**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.

1978, c. 7, s. 32.

**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) *(subparagraph repealed).*

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

1978, c. 7, s. 33; 1980, c. 11, s. 102; 2004, c. 31, s. 72; 2004, c. 31, s. 29.

§ 2. — *Advocacy organizations*

2004, c. 31, s. 30.

**34.** The Office may grant subsidies to the advocacy organizations to foster their promotion of the interests, rights, and improved living conditions of handicapped persons.

1978, c. 7, s. 34; 2004, c. 31, s. 31.

**35.** Every advocacy 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 constituting act 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.

1978, c. 7, s. 35; 1999, c. 40, s. 129; 2004, c. 31, s. 32.

§ 3. —

*Repealed, 2004, c. 31, s. 33.*

2004, c. 31, s. 72; 2004, c. 31, s. 33.

**36.** *(Repealed).*

1978, c. 7, s. 36; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**37.** *(Repealed).*

1978, c. 7, s. 37; 1982, c. 26, s. 300; 2004, c. 31, s. 72, s. 77; 2004, c. 31, s. 33.

**38.** *(Repealed).*

1978, c. 7, s. 38; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**39.** *(Repealed).*

1978, c. 7, s. 39; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**40.** *(Repealed).*

1978, c. 7, s. 40; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**41.** *(Repealed).*

1978, c. 7, s. 41; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**42.** *(Repealed).*

1978, c. 7, s. 42; 1997, c. 43, s. 240; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**43.** *(Repealed).*

1978, c. 7, s. 43; 1997, c. 43, s. 241; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

**44.** *(Repealed).*

1978, c. 7, s. 44; 1997, c. 43, s. 242; 2004, c. 31, s. 72; 2004, c. 31, s. 33.

§ 4. — *Testing*

2004, c. 31, s. 34.

**44.1.** The Office may test or commission the testing of goods and services which, in its opinion, could provide innovative solutions to facilitate the social, school and workplace integration of handicapped persons and, to that end, enter into agreements, grant subsidies and provide technical or professional assistance.

2004, c. 31, s. 34.

**CHAPTER III**

**SOCIAL, SCHOOL AND WORKPLACE INTEGRATION**

2004, c. 31, s. 35.

**DIVISION I**

**RESPONSIBILITIES OF THE OFFICE WITH REGARD TO SERVICE PROGRAMS**

2004, c. 31, s. 36.

**45.** Every handicapped person who is a resident of Québec within the meaning of the Health Insurance Act (chapter A-29) may apply to the Office for the preparation of a service program to facilitate his social, school and workplace integration. This application must be presented in accordance with the procedure prescribed by regulation of the Office.

1978, c. 7, s. 45; 2004, c. 31, s. 37.

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

1978, c. 7, s. 46.

**47.** The Office shall decide on the eligibility of a handicapped person for a service program, 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.

1978, c. 7, s. 47.

**48.** Every handicapped person who believes himself aggrieved pursuant to a decision rendered by the Office under section 47 may, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

1978, c. 7, s. 48; 1997, c. 43, s. 243.

**49.** The Office shall see to the preparation of the service program of a handicapped person it declares eligible in accordance with section 47, in particular, by appealing directly to existing resources and local and regional organizations.

1978, c. 7, s. 49.

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

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

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

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

1978, c. 7, s. 50.

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

1978, c. 7, s. 51.

### **DIVISION II**

*Repealed, 2004, c. 31, s. 38.*

2004, c. 31, s. 38.

**52.** *(Repealed).*

1978, c. 7, s. 52; 2004, c. 31, s. 38.

**53.** *(Repealed).*

1978, c. 7, s. 53; 2004, c. 31, s. 38.

**54.** *(Repealed).*

1978, c. 7, s. 54; 1988, c. 51, s. 115; 1998, c. 36, s. 181; 2004, c. 31, s. 38.

**55.** *(Repealed).*

1978, c. 7, s. 55; 2004, c. 31, s. 38.

**56.** *(Repealed).*

1978, c. 7, s. 56; 2004, c. 31, s. 38.

**57.** *(Repealed).*

1978, c. 7, s. 57; 2004, c. 31, s. 38.

**58.** *(Repealed).*

1978, c. 7, s. 58; 1997, c. 43, s. 244; 2004, c. 31, s. 38.

**59.** *(Repealed).*

1978, c. 7, s. 59; 1997, c. 43, s. 245; 2004, c. 31, s. 38.

**60.** *(Repealed).*

1978, c. 7, s. 60; 2004, c. 31, s. 38.

### DIVISION III

*Repealed, 2004, c. 31, s. 38.*

2004, c. 31, s. 38.

#### **61.** *(Repealed).*

1978, c. 7, s. 61; 2004, c. 31, s. 38.

### DIVISION III.1

#### GENERAL RESPONSIBILITIES OF GOVERNMENT DEPARTMENTS, PUBLIC AGENCIES AND MUNICIPALITIES

2004, c. 31, s. 39.

**61.1.** Not later than 17 December 2005, every government department or public agency employing at least 50 persons and every local municipality with at least 15,000 inhabitants shall adopt an action plan identifying the barriers to integration handicapped persons encounter in the sector of activity of the department or agency, and describing the measures taken over the past year and those to be taken in the coming year to reduce barriers to integration in that sector of activity. The action plan includes any other element determined by the Government upon recommendation of the Minister, and must be prepared and published annually.

2004, c. 31, s. 39; 2005, c. 28, s. 110.

**61.2.** The Minister is consulted in the development of measures provided for by law or regulation that could have a significant impact on handicapped persons.

2004, c. 31, s. 39.

**61.3.** When purchasing or leasing goods and services, as part of their procurement process, government departments, public agencies and municipalities must consider whether or not the goods and services are accessible to handicapped persons.

2004, c. 31, s. 39.

**61.4.** Not later than 17 December 2005, the government departments and public agencies shall appoint a coordinator of services for handicapped persons within their respective entities, and send the Office information on how to contact the coordinator. The coordinator may be the same person as the delegate or respondent referred to in section 6.1 or 7.

Any communication from the Office under this Act may be addressed to the coordinator.

2004, c. 31, s. 39.

### DIVISION IV

#### SPECIFIC RESPONSIBILITIES RELATED TO THE WORKPLACE INTEGRATION OF HANDICAPPED PERSONS

2004, c. 31, s. 40.

#### **62.** *(Repealed).*

1978, c. 7, s. 62; 2004, c. 31, s. 41.

**63.** The Minister of Employment and Social Solidarity must facilitate the integration of handicapped persons into the labour market by formulating, coordinating, monitoring and assessing a strategy for the integration and continued employment of handicapped persons, and by establishing result-based objectives. The objectives must be determined in cooperation with labour and employers' groups.

The Office, the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, the Ministère de l'Éducation, du Loisir et du Sport, the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, the Ministère de l'Économie et de l'Innovation, the Ministère des Finances, the Ministère de la Justice, the Ministère de la Santé et des Services sociaux, the Ministère des Transports, the Ministère du Travail and the secretariat of the Conseil du trésor, in particular, shall be partners in this work.

The Minister may consult one or more organizations dedicated to promoting the interests of handicapped persons.

Before 17 December 2007, the Minister, in cooperation with the Office and the other ministers concerned, must submit a progress report to the Government.

The Minister shall table the report in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

Not later than 17 December 2009, the Minister must review the strategy, assess and measure the employment situation of handicapped persons, the actions implemented as a result of the strategy and the effects of the strategy, and report to the Government on those matters. The report must also make recommendations on the integration and continued employment of handicapped persons.

The Minister shall table the report in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

1978, c. 7, s. 63; 1981, c. 23, s. 16; 2004, c. 31, s. 42; 2005, c. 24, s. 37; 2005, c. 28, s. 195, s. 196; 2006, c. 8, s. 31; 2007, c. 3, s. 69; 2009, c. 26, s. 109; 2013, c. 28, s. 202; 2016, c. 25, s. 8; 2019, c. 29, s. 1.

**63.1.** *(Repealed).*

1981, c. 23, s. 16; 2004, c. 31, s. 43.

**63.2.** *(Repealed).*

1981, c. 23, s. 16; 2004, c. 31, s. 43.

**63.3.** *(Repealed).*

1981, c. 23, s. 16; 2004, c. 31, s. 43.

**64.** *(Repealed).*

1978, c. 7, s. 64; 1981, c. 23, s. 17; 2004, c. 31, s. 43.

**65.** *(Repealed).*

1978, c. 7, s. 65; 1981, c. 23, s. 18.



**DIVISION V**

**TRANSPORTATION OF HANDICAPPED PERSONS**

2004, c. 31, s. 44.

**66.** *(Repealed).*

1978, c. 7, s. 66; 1978, c. 57, s. 92; 1979, c. 63, s. 329; 1981, c. 9, s. 34; 1982, c. 53, s. 56; 1985, c. 6, s. 477; 1985, c. 23, s. 24; 1994, c. 12, s. 40; 1996, c. 29, s. 43; 2004, c. 31, s. 45.

**67.** A public transit authority, a municipal, intermunicipal or regional transport company constituted under the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1), the Cities and Towns Act (chapter C-19) or the Municipal Code of Québec (chapter C-27.1) must, within the year following 17 December 2004, submit for approval to the Minister of Transport a development program for the purpose of providing, within a reasonable period, public transportation for handicapped persons within the territory served by it.

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

The Minister of Transport may approve the program, or, as the case may be, require that it be modified, or that a new program be submitted to him within such time as he may determine.

After approving a program, the Minister of Transport shall see to it that it is complied with and carried out. At any time, the Minister may request the implementation of corrective measures or, if necessary, the amendment of a previously approved plan and the production of a new plan within the time the Minister determines.

1978, c. 7, s. 67; 1999, c. 40, s. 129; 2004, c. 31, s. 46, s. 57.

**67.1.** The Réseau de transport métropolitain must submit for approval to the Minister of Transport a development program intended to provide, within a reasonable period, public transportation for handicapped persons in the territory served by the Network.

The program may take into account the rate of equipment replacement and the nature of the services offered.

The Minister of Transport may approve the program, or, if necessary, require that it be amended or that a new program be submitted within the time the Minister determines.

After approving a program, the Minister of Transport ensures that it is complied with and carried out. At any time, the Minister may require the implementation of corrective measures or, if necessary, the amendment of a previously approved program and the production of a new program within the time the Minister determines.

2016, c. 8, s. 68.

**68.** *(Repealed).*

1978, c. 7, s. 68; 1980, c. 11, s. 103; 1988, c. 8, s. 85; 1997, c. 83, s. 32.

**DIVISION VI**

**BUILDING ACCESSIBILITY**

2004, c. 31, s. 47.

**69.** Not later than 17 December 2006, the Minister of Labour shall report to the Government on the accessibility to handicapped persons of buildings subject to the Public Buildings Safety Act (chapter S-3) or the Act respecting occupational health and safety (chapter S-2.1) but not subject to the Building Code (Order in Council 3326 dated 29 September 1976).

The report, prepared in cooperation with the Office and the other government departments and public agencies concerned, must deal in particular with the problem posed by the non-accessibility of such buildings, the categories of buildings that could be subjected to or exempted from standards, and the cost of applying standards by category of building and according to a pre-determined schedule.

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

During the year following the preparation of the report, the Minister of Labour must determine by regulation the categories of buildings that must be made accessible to handicapped persons and the accessibility standards owners must comply with.

1978, c. 7, s. 69; 1980, c. 11, s. 104; 1979, c. 63, s. 333; 1981, c. 9, s. 34; 1982, c. 53, s. 58; 1994, c. 12, s. 41; 1996, c. 29, s. 43; 2004, c. 31, s. 48.

**70.** *(Repealed).*

1978, c. 7, s. 70; 1981, c. 9, s. 34; 1982, c. 53, s. 58; 1994, c. 12, s. 41; 1996, c. 29, s. 43; 2004, c. 31, s. 49.

**71.** *(Repealed).*

1978, c. 7, s. 71; 1979, c. 63, s. 333; 2004, c. 31, s. 49.

**72.** *(Repealed).*

1978, c. 7, s. 72; 1997, c. 83, s. 33; 1999, c. 40, s. 129; 2004, c. 31, s. 49.

**72.1.** *(Repealed).*

1982, c. 61, s. 26; 2004, c. 31, s. 49.

**CHAPTER IV**

**MISCELLANEOUS PROVISIONS**

2004, c. 31, s. 50.

**73.** A person authorized in writing by the director general of the Office may enter, during working hours, the premises of a person, organization or business that has received a subsidy to ensure compliance with this Act, the regulations or the terms of a program, directive or agreement made with the Office, or to make sure that the subsidy is used for the purposes for which it was granted. The authorized person may require any pertinent information, examine any relevant book, register or document and make copies. The authorized person may also require any person on the premises to give reasonable assistance, and must, on request, produce a certificate attesting to the authorization received and bearing the signature of the director general of the Office.

2004, c. 31, s. 51.

**73.1.** The Office may, by regulation, determine the provisions of a by-law or regulation the contravention of which constitutes an offence.

2004, c. 31, s. 52.

**74.** The regulations and by-laws of the Office provided for in sections 31, 32, 45, 47 and 73.1 are approved by the Government.

1978, c. 7, s. 74; 2004, c. 31, s. 53.

**74.1.** Not later than 31 October each year, the Office must send the Minister an annual report on its activities for the preceding fiscal year. The report must also contain any other information the Minister may require.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The Office may also send the Minister a special report during the year, if the Office considers that the objectives of this Act require it.

The special report may, in particular, outline the action plans provided for in this Act and the follow-up given to the Office's recommendations or opinions, comment on any matter affecting handicapped persons, and formulate recommendations or opinions to increase the opportunities for handicapped persons to integrate into and participate fully in community life.

2004, c. 31, s. 54.

**74.2.** Not later than 17 December 2009 and every five years after that date, the Minister shall see that an independent report is made on the implementation of this Act.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

2004, c. 31, s. 54.

**74.3.** No judicial proceedings may be brought against the Office or its board members or employees for an omission made or an act done in good faith in the performance of the duties of office.

2004, c. 31, s. 54.

**74.4.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be made nor any injunction granted against the Office or the persons referred to in section 74.3.

2004, c. 31, s. 54; 2014, c. 1, s. 779; I.N. 2016-01-01 (NCCP).

**74.5.** A judge of the Court of Appeal may, on an application, summarily annul any judgment, decision, order or injunction rendered or granted contrary to section 74.3 or 74.4.

2004, c. 31, s. 54; I.N. 2016-01-01 (NCCP).

**CHAPTER V**

**PENAL PROVISIONS**

1992, c. 61, s. 302.

**75.** The following are guilty of an offence and are liable to a fine of \$500 to \$1,500 in the case of a natural person and to a fine of \$1,500 to \$7,000 in the case of a legal person:

(a) a person that contravenes the first paragraph of section 20 or a provision of a by-law or regulation the contravention of which constitutes an offence;

(b) a municipality, educational institution, school service centre, school board, institution or authorized insurer that contravenes section 26.4;

(c) an advocacy organization that contravenes section 35;

(d) a person that hinders a person authorized under section 73 in the performance of the duties referred to in that section, misleads the authorized person by concealment or false declarations or refuses or omits to provide relevant information, access to a relevant book, register or document, or reasonable assistance.

In the case of a second or subsequent offence, the fines under the first paragraph are doubled.

1978, c. 7, s. 75; 1986, c. 58, s. 35; 1990, c. 4, s. 418; 1991, c. 33, s. 38; 2004, c. 31, s. 55; 2018, c. 23, s. 764; 2020, c. 1, s. 309.

**76.** Every person utilizing a white cane or a dog guide while not being a visually impaired person is guilty of an offence and is liable to the penalties provided in section 75.

In this section,

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

(b) “dog guide” means a dog trained to guide a visually impaired person.

1978, c. 7, s. 76; 2004, c. 31, s. 56.

**77.** *(Repealed).*

1978, c. 7, s. 77; 1992, c. 61, s. 303.

**CHAPTER VI**

**TRANSITIONAL AND FINAL PROVISIONS**

**78.** *(Repealed).*

1978, c. 7, s. 78; 1979, c. 48, s. 129.

**79.** *(Repealed).*

1978, c. 7, s. 79; 1979, c. 48, s. 129.

**80.** *(Inoperative, 1979, c. 51, s. 259).*

1978, c. 7, s. 80.

**81.** *(Amendment integrated into c. C-27.1, a. 568).*

1978, c. 7, s. 81.

**82.** *(Omitted).*

1978, c. 7, s. 82.

**83.** *(Omitted).*

1978, c. 7, s. 83.

**84.** *(Omitted).*

1978, c. 7, s. 84.

**85.** *(Omitted).*

1978, c. 7, s. 85.

**86.** *(Amendment integrated into c. E-3, s. 49).*

1978, c. 7, s. 86.

**87.** *(Amendment integrated into c. D-2, s. 22).*

1978, c. 7, s. 87.

**88.** *(Amendment integrated into c. D-2, s. 29).*

1978, c. 7, s. 88.

**89.** *(Omitted).*

1978, c. 7, s. 89.

**90.** *(Amendment integrated into c. C-19, s. 412).*

1978, c. 7, s. 90.

**91.** *(Amendment integrated into c. C-19, s. 415).*

1978, c. 7, s. 91.

**92.** *(Amendment integrated into c. I-14, s. 207).*

1978, c. 7, s. 92.

**93.** *(Amendment integrated into c. I-14, s. 258).*

1978, c. 7, s. 93.

**94.** *(Amendment integrated into c. I-14, s. 480).*

1978, c. 7, s. 94.

**95.** *(Amendment integrated into c. I-14, s. 484).*

1978, c. 7, s. 95.

**96.** *(Omitted).*

1978, c. 7, s. 96.

**97.** *(Amendment integrated into c. S-8, s. 51).*

1978, c. 7, s. 97.

**98.** *(Amendment integrated into c. S-8, s. 53).*

1978, c. 7, s. 98.

**99.** *(Amendment integrated into c. S-8, s. 86).*

1978, c. 7, s. 99.

**100.** *(Omitted).*

1978, c. 7, s. 100.

**101.** *(Amendment integrated into c. C-37.3, s. 188).*

1978, c. 7, s. 101.

**102.** *(Amendment integrated into c. C-37.2, s. 253).*

1978, c. 7, s. 102.

**103.** *(Amendment integrated into c. C-37.1, s. 171).*

1978, c. 7, s. 103.

**104.** *(Omitted).*

1978, c. 7, s. 104.

**105.** *(Amendment integrated into c. R-10, s. 2).*

1978, c. 7, s. 105.

**106.** *(Amendment integrated into c. C-34, s. 21).*

1978, c. 7, s. 106.

**107.** *(Amendment integrated into c. C-34, s. 26).*

1978, c. 7, s. 107.

**108.** *(Amendment integrated into c. C-34, s. 28).*

1978, c. 7, s. 108.

**109.** *(Amendment integrated into c. C-34, s. 29).*

1978, c. 7, s. 109.

**110.** *(Amendment integrated into c. C-34, s. 32).*

1978, c. 7, s. 110.

**111.** *(Amendment integrated into c. C-34, s. 33).*

1978, c. 7, s. 111.

**112.** *(Amendment integrated into c. C-12, s. 10).*

1978, c. 7, s. 112.

**113.** *(Amendment integrated into c. C-12, s. 48).*

1978, c. 7, s. 113.

**114.** The Government shall charge a minister with the application of this Act.

1978, c. 7, s. 114; 1981, c. 9, s. 41.



*The Minister of Social Services is charged with the application of this Act. Order in Council 1652-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6520.*

**115.** 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 Parliament.

1978, c. 7, s. 115.

**116.** This Act is binding on the State.

1978, c. 7, s. 116; 1999, c. 40, s. 129.

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

1978, c. 7, s. 117.

**118.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

### REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 7 of the statutes of 1978, in force on 1 June 1979, is repealed, except sections 78 to 85, 96 and 101 to 104, effective from the coming into force of chapter E-20.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 92 and 101 to 103 of chapter 7 of the statutes of 1978, in force on 1 November 1980, are repealed effective from the coming into force of the updating to 1 November 1980 of chapter E-20.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), the first, second and fourth paragraphs of section 68, the first, fourth and seventh paragraphs of section 69 and the second paragraph of section 70 of chapter 7 of the statutes of 1978, in force on 31 December 1981, are repealed effective from the coming into force of the updating to 31 December 1981 of chapter E-20.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 81 of chapter 7 of the statutes of 1978, in force on 1 January 1984, is repealed effective from the coming into force of the updating to 1 January 1984 of chapter E-20.1 of the Revised Statutes.