

chapter L-6.3

ACT TO COMBAT MALTREATMENT OF SENIORS AND OTHER PERSONS OF FULL AGE IN VULNERABLE SITUATIONS

AS Québec society places value on the well-being of persons and respect for their fundamental rights;

AS, despite existing legislative and administrative measures to combat maltreatment, persons are still falling victim to it, particularly persons in vulnerable situations;

AS Québec has one of the world’s populations most impacted by aging and certain seniors are in vulnerable situations;

AS maltreatment is unacceptable and the State deems it essential to intervene in order to reinforce existing measures to combat maltreatment of persons in vulnerable situations, in a manner that protects their interests and autonomy;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TABLE OF CONTENTS

CHAPTER I
OBJECTS AND DEFINITIONS..... 1

CHAPTER II
ANTI-MALTREATMENT POLICY

DIVISION I
POLICY ADOPTION AND IMPLEMENTATION..... 3

DIVISION II
DISSEMINATION OF THE POLICY..... 5

DIVISION III
POLICY REVIEW..... 7

DIVISION IV
IMPLEMENTATION OF POLICY BY OTHER SERVICE PROVIDERS..... 8

DIVISION V *Repealed, 2022, c. 6, s. 8.*

DIVISION VI
ADOPTION OF A POLICY BY OTHER BODIES OR RESOURCES..... 13

DIVISION VII
REPORTING..... 14

CHAPTER III
CONCERTED INTERVENTION PROCESS CONCERNING
MALTREATMENT

DIVISION I
GENERAL PROVISION..... 16

DIVISION II	
DESIGNATED RESOURCE PERSONS.....	17
DIVISION III	
APPLICATION FRAMEWORK FOR A CONCERTED INTERVENTION PROCESS.....	19
DIVISION IV	
QUÉBEC-WIDE FRAMEWORK AGREEMENT TO COMBAT MALTREATMENT.....	20.4
DIVISION V	
ACCOUNTABILITY.....	20.6
CHAPTER III.1	
MALTREATMENT ASSISTANCE, ASSESSMENT AND REFERENCE CENTRE.....	20.7
CHAPTER IV	
PROTECTION MEASURES SPECIFIC TO CERTAIN CASES OF MALTREATMENT.....	21
CHAPTER IV.1	
CONFIDENTIALITY, PROTECTION AGAINST REPRISAL AND IMMUNITY FROM PROCEEDINGS.....	22.1
CHAPTER IV.2	
INSPECTION AND INVESTIGATION.....	22.4
CHAPTER V	
AMENDING PROVISIONS.....	23
ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION.....	23
TAX ADMINISTRATION ACT.....	24
ACT RESPECTING THE BARREAU DU QUÉBEC.....	25
PROFESSIONAL CODE.....	26
ACT RESPECTING LABOUR STANDARDS.....	27
NOTARIES ACT.....	29
ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION YOUTH PROTECTION ACT.....	30
31	
ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR.....	32
ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES.....	33
ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS.....	36
CHAPTER VI	
MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS.....	38

CHAPTER I

OBJECTS AND DEFINITIONS

2017, c. 10, c. 1.

1. This Act provides measures to combat maltreatment of seniors and other persons of full age in vulnerable situations, such as requiring every institution to adopt and implement a policy to combat maltreatment of such persons, facilitating the reporting of cases of maltreatment and establishing an intervention process with respect to maltreatment of seniors and other persons of full age in vulnerable situations.

2017, c. 10, s. 1.

2. For the purposes of this Act,

“health services and social services provider” : means any person who, in the exercise of his or her functions, directly provides health services or social services to a person, on behalf of an institution, private seniors’ residence, intermediate resource or family-type resource, including a person who carries on activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) as well as the operator of, or the person responsible for, the residence or the resource, if applicable;

“institution” : means an institution within the meaning of the Act respecting health services and social services or the Cree Board of Health and Social Services of James Bay;

“local service quality and complaints commissioner” : means a local service quality and complaints commissioner appointed under section 30 of the Act respecting health services and social services (chapter S-4.2) or the person designated by the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

“maltreatment” : means a single or repeated act, or a lack of appropriate action, that occurs in a relationship where there is an expectation of trust, and that intentionally or unintentionally causes harm or distress to a person;

“person in a vulnerable situation” : means a person of full age whose ability to request or obtain assistance is temporarily or permanently limited because of factors such as a restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature, such as a physical or intellectual disability or an autism spectrum disorder;

“person working for the institution” : means a physician, dentist, midwife, personnel member, medical resident, trainee, volunteer or other natural person who provides services directly to a person on behalf of the institution; and

“private seniors’ residence” : means a private seniors’ residence within the meaning of section 346.0.1 of the Act respecting health services and social services.

2017, c. 10, s. 2; 2022, c. 6, s. 1.

CHAPTER II

ANTI-MALTREATMENT POLICY

2017, c. 10, c. II.

DIVISION I

POLICY ADOPTION AND IMPLEMENTATION

2017, c. 10, Div. I.

3. Every institution must adopt a policy to combat maltreatment of seniors and of persons in vulnerable situations who receive health services and social services, whether services provided in a facility maintained by the institution or in-home services.

The purpose of the policy is, in particular, to establish measures to prevent and combat maltreatment of such persons, whether at the hands of a person working for the institution or of any other person, and to support them in any steps taken to end it.

The president and executive director or the executive director of the institution, as applicable, or the person designated by the president and executive director or the executive director, sees to the implementation and application of the policy, to promoting a culture of well-treatment within the institution and to taking the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention.

The policy must include

(1) the person responsible for implementing the policy and their contact information;

(1.1) the undertaking by the president and executive director or the executive director of the institution, as applicable, or by the person designated by the president and executive director or the executive director to promote a culture of well-treatment within the institution, in particular in the application of practices or procedures, and to take the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention;

(2) the measures put in place to prevent maltreatment of seniors and of persons in vulnerable situations who receive health services and social services, such as awareness, information and training activities;

(3) the procedure allowing seniors or persons in vulnerable situations who believe they are victims of maltreatment to file a complaint with the local service quality and complaints commissioner;

(4) the procedure allowing any other person, including a person who does not work for the institution, including a caregiver, to report to the local service quality and complaints commissioner any alleged case of maltreatment of a senior or of a person in a vulnerable situation who receives health services and social services;

(5) the support measures available to help a person file a complaint or report of maltreatment;

(6) the measures put in place by the local service quality and complaints commissioner to preserve the confidentiality of any information that would allow the person reporting a case of maltreatment to be identified;

(7) the sanctions, in particular disciplinary sanctions, that could be applied in cases of maltreatment; and

(8) the follow-up that must be given to any complaint or report of maltreatment, fostering the involvement of the person who is a victim of maltreatment at each stage, and the time limit for carrying it out.

The time limits for processing complaints or reports concerning cases of maltreatment must vary according to the seriousness of each case.

If the institution is a private institution, a complaint or a report concerning a case of maltreatment must be filed with the competent local service quality and complaints commissioner of the integrated health and social services centre, in accordance with section 50.1 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2). In such a case, the measures referred to in subparagraph 6 and the follow-up requirements referred to in subparagraph 8 of the fourth paragraph of this section are those stated in the integrated centre's policy.

2017, c. 10, s. 3; 2020, c. 24, s. 6; 2022, c. 6, s. 2.

4. The policy must specify the adaptations required, if any, when it is implemented by

(1) an intermediate or family-type resource governed by the Act respecting health services and social services (chapter S-4.2) or any other body, partnership or person the institution calls on for the provision of its services, in particular by an agreement under section 108 or 108.1 of the Act respecting health services and social services or section 124 of the Act respecting health services and social services for Cree Native persons (chapter S-5); or

(2) a private seniors' residence.

2017, c. 10, s. 4.

4.1. In addition to the elements set out in the fourth paragraph of section 3, the policy must include

(1) the fact that any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered by the application of an institution's policy may file a complaint with a resource person designated in accordance with section 17; and

(2) the fact that any other person may report to such a designated resource person any alleged case of maltreatment of a senior or a person in a vulnerable situation who is not covered by the application of an institution's policy.

2022, c. 6, s. 3.

4.2. The institution must submit its policy, within 30 days of its adoption, to the Minister of Health and Social Services, who, on the recommendation of the Minister responsible for Seniors, approves it within 45 days after receiving it, with or without amendment.

2022, c. 6, s. 3.

DIVISION II

DISSEMINATION OF THE POLICY

2017, c. 10, Div. II.

5. The institution must publicly display its policy in the facilities it maintains and publish it on its website. It must also, by any other means it determines, make its policy known to users covered by the policy, including those who receive in-home services, to their caregivers and to their close family members.

2017, c. 10, s. 5; 2022, c. 6, s. 4.

6. The person responsible for implementing the policy must inform the persons working for the institution of the policy's content and, more specifically, of the prevention measures put in place and the possibility of reporting cases of maltreatment to the local service quality and complaints commissioner.

An integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) and a local authority within the meaning of the Act respecting health services and social services (chapter S-4.2) must also each make its policy known to the health and social services providers working in the territory served by the centre or authority, namely, the groups of professionals, the community organizations within the meaning of section 334 of the Act respecting health services and social services, and the social economy enterprises and private resources, and to the key players in the other sectors of activity that have an impact on health services and social services.

2017, c. 10, s. 6.

DIVISION III

POLICY REVIEW

2017, c. 10, Div. III.

7. The institution must review its policy and submit it to the Minister of Health and Social Services at least every five years, before the date set by the Minister. On the recommendation of the Minister responsible for Seniors, the Minister approves the reviewed policy within 90 days after receiving it, with or without amendment.

2017, c. 10, s. 7; 2022, c. 6, s. 5.

DIVISION IV

IMPLEMENTATION OF POLICY BY OTHER SERVICE PROVIDERS

2017, c. 10, Div. IV.

8. Any intermediate resource or family-type resource that receives users of full age must implement the anti-maltreatment policy of the institution that uses the resource's services. The same applies to any other body, partnership or person the institution calls on for the provision of services.

Any such resource, body, partnership or person must post the policy in public view and make it known to the users covered by the policy, their close family members and the persons working for the resource, body, partnership or person.

2017, c. 10, s. 8; 2022, c. 6, s. 6.

9. Any operator of a private seniors' residence must implement the anti-maltreatment policy of the integrated health and social services centre or the local authority, as applicable, in the territory where the residence is situated.

The operator must post the policy in public view and make it known to the residents, their close family members and the persons working for the residence.

2017, c. 10, s. 9; 2022, c. 6, s. 7.

DIVISION V

Repealed, 2022, c. 6, s. 8.

2017, c. 10, Div. V; 2022, c. 6, s. 8.

10. *(Repealed).*

2017, c. 10, s. 10; 2022, c. 6, s. 8.

11. *(Repealed).*

2017, c. 10, s. 11; 2022, c. 6, s. 8.

12. *(Repealed).*

2017, c. 10, s. 12; 2022, c. 6, s. 8.

DIVISION VI

ADOPTION OF A POLICY BY OTHER BODIES OR RESOURCES

2017, c. 10, Div. VI.

13. The Government may, by regulation, require any body, resource or category of bodies or resources it designates to adopt a policy to combat maltreatment of seniors and of persons in vulnerable situations and, in such a case, specify the necessary adaptations.

2017, c. 10, s. 13; 2022, c. 6, s. 9.

DIVISION VII

REPORTING

2017, c. 10, Div. VII.

14. The local service quality and complaints commissioner must, in the summary of the commissioner's activities, include a section dealing specifically with complaints and reports the commissioner has received concerning cases of maltreatment of seniors and of persons in vulnerable situations, without compromising the confidentiality of maltreatment records, including the identity of the persons concerned by a complaint or report of maltreatment.

The annual summary of the local commissioner's activities must set out, among other elements,

(1) the number of complaints and reports concerning cases of maltreatment under examination or being processed at the beginning and at the end of the fiscal year as well as the number of complaints and reports received concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(2) the number of interventions on the commissioner's own initiative concerning cases of maltreatment being carried out at the beginning and at the end of the fiscal year as well as the number of interventions carried out on the commissioner's own initiative concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(3) the number of complaints and reports concerning cases of maltreatment received, examined or processed, dismissed on summary examination, refused or abandoned, by type of maltreatment;

(4) the nature of the main recommendations concerning cases of maltreatment made by the local commissioner to the board of directors of the institution concerned and to the department or service manager concerned within such an institution as well as, if applicable, to the highest authority of the resource, body or partnership or the person holding the position of highest authority responsible for the services that are the subject of complaints or reports concerning cases of maltreatment, by type of maltreatment; and

(5) any other element determined by the Minister of Health and Social Services.

In the case of a local commissioner of an integrated health and social services centre, the information included in the summary of the commissioner's activities must be presented in such a manner that the information concerning the integrated centre may be distinguished from that concerning the private institution facilities located in the integrated centre's territory.

2017, c. 10, s. 14; 2020, c. 24, s. 7; 2022, c. 6, s. 10.

15. The Minister of Health and Social Services reports annually on the application of this chapter in a report the Minister tables in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the website of the Minister's department.

2017, c. 10, s. 15.

CHAPTER III

CONCERTED INTERVENTION PROCESS CONCERNING MALTREATMENT

2017, c. 10, c. III; 2022, c. 6, s. 11.

DIVISION I

GENERAL PROVISION

2022, c. 6, s. 11.

16. The Minister responsible for Seniors is responsible for combatting maltreatment of seniors and of persons in vulnerable situations by fostering the complementarity and effectiveness of the measures that are taken by the actors from the sectors concerned and that are intended to prevent, detect and combat maltreatment.

For that purpose, the Minister coordinates the establishment, in each health region, of a concerted intervention process concerning maltreatment that takes into account each region's specific realities, in particular by entering into the Québec-wide framework agreement referred to in section 20.4.

2017, c. 10, s. 16; 2022, c. 6, s. 11.

DIVISION II

DESIGNATED RESOURCE PERSONS

2022, c. 6, s. 11.

17. The application of the concerted intervention process must enable any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered by an institution's anti-maltreatment policy as well as any person who has reasonable cause to believe that a senior or a person in a vulnerable situation who is not covered by such a policy is a victim of maltreatment to file a complaint or make a report of maltreatment with the resource persons designated by the following bodies:

(1) an integrated health and social services centre, a local authority and the Cree Board of Health and Social Services of James Bay;

(2) a police force, where the facts in support of the complaint or report could constitute a criminal or penal offence;

(3) the Public Curator, where the person is under tutorship or a protection mandate has been homologated for the person, or where the person's incapacity to care for himself or herself or administer his or her property has been ascertained by medical assessment but the person is not under a protective measure;

(4) the Commission des droits de la personne et des droits de la jeunesse, where the facts in support of the complaint or report could constitute a case of discrimination, exploitation or harassment within the meaning of the Charter of human rights and freedoms (chapter C-12); and

(5) the Autorité des marchés financiers, in a case of financial abuse committed by a person subject to its regulation.

The Minister may designate any other person or body to receive a complaint or report in accordance with this section.

2017, c. 10, s. 17; 2022, c. 6, s. 11; 2020, c. 11, s. 254.

18. The Director of Criminal and Penal Prosecutions designates a resource person for the purposes of Division III of this chapter.

2017, c. 10, s. 18; 2022, c. 6, s. 11.

DIVISION III

APPLICATION FRAMEWORK FOR A CONCERTED INTERVENTION PROCESS

2022, c. 6, s. 11.

19. The purpose of a concerted intervention process is to implement any of the following measures:

(1) concerted action by at least two designated resource persons to quickly and accurately assess a case of maltreatment in order to put an end to it, in particular by combining their expertise and communicating information they may have in relation to the case;

(2) coordination of the actions, investigations or other procedures of at least two designated resource persons in order to ensure the effectiveness of an intervention aimed at putting an end to a case of maltreatment and to minimize the negative impact of the intervention on the senior or the person in a vulnerable situation who is a victim of maltreatment; and

(3) intervention on the part of the judicial system to adequately protect the senior or the person in a vulnerable situation who is a victim of maltreatment, in particular by means of a protection order referred to in article 509 of the Code of Civil Procedure (chapter C-25.01).

The initiation of a concerted intervention process may arise from the reception of a complaint or report of maltreatment by a designated resource person or from the referral of a case of maltreatment to such a resource person by a person working for the same body as the resource person. It may also arise from the reception of a complaint or report by the local service quality and complaints commissioner, where the commissioner has referred the case to a designated resource person, with the consent of the senior or the person in a vulnerable situation. Such consent is not necessary, however, where it must be given by the tutor or mandatary of the

senior or the person in a vulnerable situation and that tutor or mandatary is, according to the complaint or report, the maltreating person.

2017, c. 10, s. 19; 2022, c. 6, s. 11; 2020, c. 11, s. 254.

20. Where a designated resource person considers that initiating a concerted intervention process would facilitate putting an end to a case of maltreatment, the designated resource person must provide the senior or the person in a vulnerable situation with information related to the scope of the actions that could be undertaken, the support the senior or the person could receive and the possible outcomes. The designated resource person may also, if he or she considers it advisable, provide the senior or the person with information on the health services or social services the maltreating person could receive.

2017, c. 10, s. 20; 2022, c. 6, s. 11.

20.1. A designated resource person must obtain the consent of the senior or the person in a vulnerable situation for the initiation of a concerted intervention process and for the communication, to other designated resource persons, of personal information that concerns the senior or the person and that is necessary for conducting a concerted intervention aimed at putting an end to the case of maltreatment of which the senior or the person is a victim.

Despite the first paragraph, a designated resource person may initiate a concerted intervention process and communicate, to other designated resource persons, personal information that concerns a senior or a person in a vulnerable situation, without the senior's or person's consent,

(1) where such consent must be given by the tutor or mandatary of the senior or the person in a vulnerable situation and that tutor or mandatary is, according to the complaint or report, the maltreating person; or

(2) in order to prevent an act of violence, including a suicide, where the resource person has reasonable cause to believe that there is a serious risk of death or of serious bodily injury threatening the senior or the person in a vulnerable situation and where the nature of the threat generates a sense of urgency.

For the purposes of subparagraph 2 of the second paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

2022, c. 6, s. 11; 2020, c. 11, s. 254.

20.2. A designated resource person who initiated a concerted intervention process must, where the process has ended, inform any other designated resource person who was involved in the process of the nature of the management of the maltreatment situation.

2022, c. 6, s. 11.

20.3. Where the complaint or report received by the designated resource person does not give rise to the initiation of a concerted intervention process, the designated resource person may obtain support or advice from another designated resource person with regard to the directions and actions to take to put an end to the case of maltreatment. The designated resource person remains responsible for following up on the complaint or report.

2022, c. 6, s. 11.

DIVISION IV

QUÉBEC-WIDE FRAMEWORK AGREEMENT TO COMBAT MALTREATMENT

2022, c. 6, s. 11.

20.4. The Minister responsible for Seniors must enter into a Quebec-wide framework agreement to combat maltreatment of seniors and persons in vulnerable situations with the Minister of Public Security, the Minister of Justice, the Minister of Health and Social Services, the Director of Criminal and Penal Prosecutions, the Autorité des marchés financiers, the Commission des droits de la personne et des droits de la jeunesse, the Public Curator and any other government department or other body considered useful.

The framework agreement must set out, among other things,

(1) the guiding principles that support its application and the terms relating to the involvement of the resource persons designated for the purposes of the concerted intervention process;

(2) the establishment of the following committees:

(a) a Québec-wide steering committee responsible for developing an overall vision for the application of and follow-up on the framework agreement as well as the concerted intervention process;

(b) a Québec-wide advisory committee responsible for coordinating the application of and follow-up on the framework agreement as well as the concerted intervention process throughout all health regions; and

(c) for each health region, a regional implementation committee responsible for coordinating the application of and follow-up on the framework agreement and the implementation of the concerted intervention process;

(3) the joint obligation of the parties to the framework agreement to develop intervention support tools and see that they are updated; and

(4) the obligation of the parties referred to in section 17 and the Director of Criminal and Penal Prosecutions to exercise the following functions:

(a) develop an internal procedure concerning the terms related to initiating a concerted intervention process and, if applicable, see that it is updated;

(b) designate a representative whose role is, among other things, to offer support for the purposes of any decision relating to the initiation of a concerted intervention process; and

(c) disseminate, according to the mode established in the framework agreement, the name and contact information of the designated resource persons referred to in section 17.

2022, c. 6, s. 11.

20.5. An integrated health and social services centre and a police force that are referred to in section 17 must collaborate in implementing the Québec-wide framework agreement by exercising the functions set out in subparagraph 4 of the second paragraph of section 20.4.

2022, c. 6, s. 11.

DIVISION V

ACCOUNTABILITY

2022, c. 6, s. 11.

20.6. The Minister responsible for Seniors must report on the application of the provisions of this chapter every year in a report the Minister tables in the National Assembly within four months after the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the Minister's website.

2022, c. 6, s. 11.

CHAPTER III.1

MALTREATMENT ASSISTANCE, ASSESSMENT AND REFERENCE CENTRE

2022, c. 6, s. 11.

20.7. The Minister responsible for Seniors must establish a maltreatment assistance, assessment and reference centre.

The functions of the centre include

- (1) receiving a call from a person seeking information or support concerning maltreatment, and actively listening to the person;
- (2) assessing the situation described by the person as well as its risk level, in particular to determine whether it is a case of maltreatment;
- (3) providing information on the resources available and the possible recourses to put an end to a case of maltreatment;
- (4) referring the person to the resource persons most able to help the person, including the competent local service quality and complaints commissioner or any other designated resource person referred to in section 17; and
- (5) conducting, with the person's consent, follow-up to accompany the person in the process or in the steps he or she has taken or is taking.

2022, c. 6, s. 11.

20.8. The Minister may, by agreement, entrust the organization and administration of the maltreatment assistance, assessment and reference centre to an institution or any other body.

2022, c. 6, s. 11.

CHAPTER IV

PROTECTION MEASURES SPECIFIC TO CERTAIN CASES OF MALTREATMENT

2017, c. 10, c. IV; 2022, c. 6, s. 12.

21. Any health services and social service provider or any professional within the meaning of the Professional Code (chapter C-26) who, in the exercise of his or her functions or the practice of his or her profession, has reasonable grounds to believe that a person is a victim of maltreatment must report the case without delay where the person is

- (1) a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre;
- (2) a user of full age who is taken in charge by an intermediate resource or by a family-type resource;
- (3) a person of full age who is under tutorship or for whom a protection mandate has been homologated;
- (4) any person of full age whose incapacity to care for himself or herself or to administer his or her property has been ascertained by medical assessment, but who is not under a protective measure; or
- (5) any other person in a vulnerable situation who is a resident of a private senior's residence.

The report is filed with the competent local service quality and complaints commissioner where the person of full age concerned is covered by an institution's anti-maltreatment policy or, in any other case, with a designated resource person referred to in section 17, to be handled in accordance with Chapter II or Chapter III, as applicable.

This section applies even to persons bound by professional secrecy, except lawyers and notaries who receive information about such a case in the practice of their profession.

Anyone who contravenes the provisions of the first paragraph commits an offence and is liable to a fine of \$2,500 to \$25,000. Those amounts are doubled for a subsequent offence.

2017, c. 10, s. 21; 2020, c. 24, s. 8; 2022, c. 6, s. 13; 2020, c. 11, s. 254.

21.1. The following commit an offence and are liable to a fine of \$5,000 to \$125,000 in the case of a natural person, or to a fine of \$10,000 to \$250,000 in any other case:

- (1) anyone who commits an act of maltreatment against a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre, a user of full age who is taken in charge by an intermediate resource or family-type resource or a resident of a private seniors' residence, on the premises of such a facility, resource or residence;
- (2) an institution, the person responsible for or operator of a resource or residence or a member of their staff that commits an act of maltreatment against a user or resident referred to in subparagraph 1 while the user or resident, who is under the responsibility of the institution, person or operator, as applicable, is outside the premises referred to in that subparagraph; or
- (3) a person who, in the exercise of his or her functions, commits an act of maltreatment against a user of full age to whom the person directly provides in-home health services or social services on behalf of an institution.

The amounts of the fines are doubled for a subsequent offence.

For the purposes of this section, residents of a private seniors' residence and persons receiving in-home health services and social services are covered provided they are persons in vulnerable situations within the meaning of section 2.

2022, c. 6, s. 14.

22. The Government may, by regulation, determine that the obligation to report maltreatment provided for in section 21 applies in the case of other persons receiving health services and social services.

2017, c. 10, s. 22.

CHAPTER IV.1

CONFIDENTIALITY, PROTECTION AGAINST REPRISAL AND IMMUNITY FROM PROCEEDINGS

2022, c. 6, s. 15.

22.1. A local service quality and complaints commissioner or a designated resource person referred to in section 17 must take all necessary measures to preserve the confidentiality of any information that would allow a person who files a complaint or makes a report of maltreatment to be identified, unless the person consents to being identified. The commissioner or the resource person may, however, communicate the identity of the person to a police force.

2022, c. 6, s. 15.

22.2. Reprisals are prohibited against a person who, in good faith, files a complaint or makes a report of maltreatment or cooperates in the examination of a complaint or processing of a report.

Threats of reprisal against a person to dissuade them from filing a complaint, making a report or cooperating in the examination of a complaint or processing of a report are also prohibited.

The demotion, suspension, termination of employment or transfer of a person or any disciplinary or other measure that adversely affects the employment or working conditions of a person is presumed to be a reprisal. Transferring a user or a resident, breaking his or her lease, or prohibiting or restricting visits to a user or a resident is also presumed to be a reprisal.

Anyone who threatens or intimidates a person or takes reprisals or attempts to take reprisals against a person because the person complies with this Act, exercises a right provided for by this Act or reports conduct that contravenes this Act commits an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in any other case. Those amounts are doubled for a subsequent offence.

2022, c. 6, s. 15.

22.3. No proceedings may be brought against a person who, in good faith, has filed a complaint or made a report of maltreatment or cooperated in the examination of a complaint or in the processing of a report, whatever the conclusions issued.

2022, c. 6, s. 15.

CHAPTER IV.2

INSPECTION AND INVESTIGATION

2022, c. 6, s. 15.

22.4. The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act.

An inspector may, in the exercise of his or her functions,

- (1) at any reasonable time, enter any premises where an anti-maltreatment policy applies;
- (2) take photographs or make recordings of the premises and the property located there; and

(3) require the communication of any document or file for examination or reproduction, if the inspector has reasonable grounds to believe that they contain information relating to the application of this Act or the regulations.

If the premises referred to in subparagraph 1 of the first paragraph are in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before inspecting the premises.

2022, c. 6, s. 15.

22.5. An inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

2022, c. 6, s. 15.

22.6. The Minister may designate any person to investigate any matter relating to the application of this Act or the regulations.

2022, c. 6, s. 15.

22.7. Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

2022, c. 6, s. 15.

22.8. Anyone who in any way hinders or attempts to hinder an inspector or investigator in the performance of inspection or investigation functions, in particular by deceiving the inspector or investigator by concealment or misrepresentation or, in the case of an inspector, by refusing to provide a document or a file that the inspector is entitled to require under this Act, commits an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case. Those amounts are doubled for a subsequent offence.

2022, c. 6, s. 15.

22.9. No proceedings may be brought against an inspector or an investigator for an act or omission in good faith in the performance of inspection or investigation functions.

2022, c. 6, s. 15.

CHAPTER V

AMENDING PROVISIONS

2017, c. 10, c. V.

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

23. (*Amendment integrated into c. A-2.1, s. 59.1*).

2017, c. 10, s. 23.

TAX ADMINISTRATION ACT

24. (*Amendment integrated into c. A-6.002, s. 69.0.0.11*).

2017, c. 10, s. 24.

ACT RESPECTING THE BARREAU DU QUÉBEC

25. *(Amendment integrated into c. B-1, s. 131).*

2017, c. 10, s. 25.

PROFESSIONAL CODE

26. *(Amendment integrated into c. C-26, s. 60.4).*

2017, c. 10, s. 26.

ACT RESPECTING LABOUR STANDARDS

27. *(Amendment integrated into c. N-1.1, s. 3.1).*

2017, c. 10, s. 27.

28. *(Amendment integrated into c. N-1.1, s. 122).*

2017, c. 10, s. 28.

NOTARIES ACT

29. *(Amendment integrated into c. N-3, s. 14.1).*

2017, c. 10, s. 29.

ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

30. *(Amendment integrated into c. P-9.0001, s. 102).*

2017, c. 10, s. 30.

YOUTH PROTECTION ACT

31. *(Amendment integrated into c. P-34.1, s. 72.8).*

2017, c. 10, s. 31.

ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

32. *(Amendment integrated into c. P-39.1, s. 18.1).*

2017, c. 10, s. 32.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

33. *(Amendment integrated into c. S-4.2, s. 19.0.1).*

2017, c. 10, s. 33.

34. *(Amendment integrated into c. S-4.2, s. 33).*

2017, c. 10, s. 34.

35. *(Amendment integrated into c. S-4.2, s. 505).*

2017, c. 10, s. 35.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

36. *(Amendment integrated into c. S-5, s. 7).*

2017, c. 10, s. 36.

37. *(Amendment integrated into c. S-5, s. 18).*

2017, c. 10, s. 37.

CHAPTER VI

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

2017, c. 10, c. VI.

38. Every institution must adopt its anti-maltreatment policy, described in section 3, not later than 30 November 2018.

2017, c. 10, s. 38.

39. *(Repealed).*

2017, c. 10, s. 39; 2022, c. 6, s. 16.

40. The Minister responsible for Seniors is responsible for the administration of this Act, except Chapters II, IV.1 and IV.2, which are under the responsibility of the Minister of Health and Social Services.

2017, c. 10, s. 40; 2022, c. 6, s. 17.



The Minister Responsible for Seniors exercises the functions and responsibilities provided for in this Act. Order in Council 785-2023 dated 10 May 2023, (2023) 155 G.O. 2 (French), 1955.

41. *(Omitted).*

2017, c. 10, s. 41.

