

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 186

AMENDMENT:

Insert "section 4 of" after "meaning of" in the second paragraph of proposed section 140.

ad mte
Ro

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 38.1

AMENDMENT:

Insert after section 38:

38.1. Section 172 of the Act is amended by replacing “where it is otherwise impossible for” in the first paragraph by “to enable”.

adg C
Ag

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 39

AMENDMENT:

Insert “and assistance services” after “job search support services” in the first paragraph of proposed section 173.

adg
Ad

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 47

AMENDMENT:

In proposed section 182.1:

1. Replace the first paragraph by:

The Commission and the Minister of Employment and Social Solidarity shall enter into a cooperation agreement relating to the public employment services under the responsibility of that minister that are provided to workers who have suffered an employment injury in order to favour their return to work. The agreement may specify the amounts payable by the Commission for such services, the time limits for providing the services and the reports that must be filed with the Commission.

2. Strike out “concerning the workers that is kept by the Commission and the local employment centre and” in the second paragraph.

adg:tu
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 40

AMENDMENT:

Replace “job search support services” by “job search support services and assistance services,”

add to -
AW

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 89

AMENDMENT:

Replace “latter” in the fifth paragraph of proposed section 280.14 by “enterprise”.

A handwritten signature in blue ink, appearing to be 'M. G. T.', is located below the amendment text.

AM 7
s. 89 (280.15)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 89

AMENDMENT:

Replace “it recovered from the supplier” in proposed section 280.15 by “he paid unless he was informed by the Commission that the payment was not in compliance with the law”.

page 11
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 209

AMENDMENT:

Add the following paragraph at the end of proposed section 173.1:

The Commission shall assist any person who so requests to help him use the medium or technology referred to in the regulation.”

A handwritten signature in blue ink, appearing to be "M. G. L.", is located below the text of the amendment.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 105

AMENDMENT:

Replace “355 to” by “356 and”.

A handwritten signature in blue ink, appearing to be "M. G. G.", is located in the center of the page.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 27

AMENDMENT:

Replace proposed section 145.1 by:

“**145.1.** Where the Commission considers, before the consolidation of a worker’s employment injury, that the worker will likely be entitled to a personal rehabilitation program due to the nature of the employment injury, it may, for a purpose other than to favour the worker’s vocational reintegration, grant the worker rehabilitation measures required by the state of his health, in the cases and on the conditions set out in this chapter and prescribed by regulation.

A handwritten signature in blue ink, appearing to be 'R. P. Lévesque' or similar, with a stylized flourish.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 27

AMENDMENT:

Replace proposed section 145.2 by:

“145.2. The Commission must, before granting or implementing a rehabilitation measure under this division, submit it to the health professional in charge of the worker, unless the measure has no effect on the state of the worker’s health.

The health professional shall approve the measure submitted to him if he is of the opinion that it is appropriate to the state of the worker’s health.

accepted
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 28

AMENDMENT:

Replace paragraph 1 by:

(1) by adding the following paragraphs at the beginning:

“A worker who, as a result of the employment injury he has suffered, sustains permanent physical or mental impairment is entitled to rehabilitation, in the cases and on the conditions set out in this division.

The worker is also entitled to other rehabilitation measures, in the cases and on the conditions that may be prescribed by regulation.”;

A handwritten signature in blue ink, appearing to be 'M. G. G.', is located below the text of the amendment.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 31

AMENDMENT:

Replace paragraph 1 by:

- (1) by striking out “, in particular,” in the introductory clause;

A handwritten signature in blue ink, appearing to be "R. G. G." or similar, with a flourish at the end.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 31

AMENDMENT:

Insert after paragraph 1:

(1.1) by replacing paragraph 2 by the following paragraph:

“(2) the implementation of means to provide the worker with a residence,
a vehicle or recreational equipment adapted to his residual capacity;”;

Adopté
HO

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 33

AMENDMENT:

1. Replace paragraph 1 by:
 - (1) by striking out “, in particular,” in the introductory clause;
2. Replace “job search support services” in paragraph 2 by “job search support services and assistance services”.

A handwritten signature in blue ink, appearing to be 'P. G. G.', is located below the amendment list.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Sections 31.1 to 31.3

AMENDMENT:

Insert after section 31:

31.1. The Act is amended by inserting the following section after section 155:

“**155.1.** A worker’s recreational equipment may be adapted if the worker has sustained severe permanent physical impairment and if the adaptation is necessary, owing to his employment injury, to enable him to use or access the equipment.”

31.2. Section 156 of the Act is amended by replacing “or principal vehicle” and “or 155” by “, principal vehicle or recreational equipment” and “, 155 or 155.1”, respectively.

31.3. Section 157 of the Act is amended by replacing “or principal vehicle” and “or vehicle” by “, principal vehicle or recreational equipment” and “, vehicle or recreational equipment”, respectively.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 36

AMENDMENT:

Replace “whether there is any suitable employment available with the employer” in the paragraph proposed by paragraph 1 by “, with the collaboration of the worker and of the employer, whether there is any suitable employment available with the latter”.

de la page 16


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 106

AMENDMENT:

Withdraw.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 48

AMENDMENT:

Replace paragraph 2 by:

- (2) by replacing “clear” in the second paragraph by “whole”.

A handwritten signature in blue ink, appearing to be "M. G. T.", is written over the text of the amendment.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 42

AMENDMENT:

Replace all occurrences of “physician” and “physician’s” by “health professional” and “health professional’s”, respectively.

A handwritten signature in blue ink, appearing to be 'edz' followed by a stylized flourish.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 43

AMENDMENT:

Replace “for the hours paid but not worked, up to 90% of the net salary or wages paid for those hours” in the fourth paragraph of proposed section 180 by “corresponding to the net salary or wages paid for the hours paid but not worked, up to the amount of the income replacement indemnity to which the worker would have been entitled but for the assignment”.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 43

AMENDMENT:

Replace “employment injury” in the third paragraph of proposed section 180 by
“temporary assignment”.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 44

AMENDMENT:

Replace “physician” in proposed section 180.1 by “health professional”.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 35

AMENDMENT:

Strike out “, if the participation of the employer is required,” in paragraph 2.

A handwritten signature in blue ink, appearing to be "M. G. G.", is located in the center of the page.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 43

AMENDMENT:

1. Insert “or a rehabilitation benefit if it is paid under section 167.2” after “That amount constitutes an income replacement indemnity to which the worker is entitled” in the fourth paragraph.
2. Add the following sentence at the end of the fifth paragraph: “If that amount is paid under section 167.2, it constitutes a rehabilitation benefit.”



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 17

AMENDMENT:

Strike out paragraph 1.




Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 19

AMENDMENT:

1. Strike out “or determined by the Commission” in the paragraph proposed by paragraph 1.
2. Strike out paragraphs 2 and 3.

A handwritten signature in blue ink, appearing to be 'p. 27' with a stylized flourish below it.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 3

AMENDMENT:

Withdraw proposed section 8.5.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 3

AMENDMENT:

Strike out “, 280” in proposed section 8.4.

A handwritten signature in blue ink, appearing to be "p. 280" with a stylized flourish below it.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Amendment 30 has been withdrawn and renamed amendment ab.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Amendment 31 has been withdrawn and renamed amendment ac.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Amendment 32 has been withdrawn and renamed amendment ad.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Amendment 33 has been withdrawn and renamed amendment ae.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 8

AMENDMENT:

1. Insert before proposed section 29:

“**28.1.** A worker suffering from a disease for which the diagnosis is a hearing impairment caused by noise may file a claim for an occupational disease if he meets the eligibility criteria prescribed by regulation.

2. Strike out “who meets the eligibility criteria for the claim that may be prescribed by regulation” in proposed section 29.

3. Strike out “and who meets the eligibility criteria for the claim that may be prescribed by regulation” in the introductory clause of proposed section 30.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

In section 1 of the proposed Regulation respecting occupational diseases:

1. In the first paragraph:
 - (a) Replace “, in Schedules A and B,” by “, in Schedule A,”.
 - (b) Strike out “It identifies the applicable time limit for claims for such diseases.”.
2. Replace “of sections 29 and 30” and “certain occupational diseases” in the second paragraph by “of section 28.1” and “a disease for which the diagnosis is a hearing impairment caused by noise”, respectively.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Withdraw proposed Division II, comprising section 3.



AM 37
s. 238 (Div. III, heading)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Amendment 37 has been withdrawn and renamed Amendment cn.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Replace Schedules A and B to the proposed Regulation respecting occupational diseases by:

“SCHEDULE A

DIVISION I — DISEASES CAUSED BY CHEMICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Poisoning by metals and their organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to those metals.
Poisoning by halogens and their organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to those halogens.
Poisoning by the organic or inorganic toxic compounds of boron	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of boron.
Poisoning by silicon and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to silicon or such compounds of silicon.
Poisoning by phosphorus and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to phosphorus or such compounds of phosphorus.
Poisoning by arsenic and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to arsenic or such compounds of arsenic.
Poisoning by the organic or inorganic toxic compounds of sulfur	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of sulfur.

DISEASE	SPECIAL CONDITIONS
Poisoning by selenium and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to selenium or such compounds of selenium.
Poisoning by tellurium and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to tellurium or such compounds of tellurium.
Poisoning by the organic or inorganic toxic compounds of nitrogen	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of nitrogen.
Poisoning by the organic or inorganic toxic compounds of oxygen	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of oxygen.
Poisoning by aliphatic, alicyclic and aromatic hydrocarbons	Having carried on any work involving the utilization or handling of or another form of exposure to those substances.
Parkinson's disease	<p>Having carried on any work involving exposure for at least 10 years to pesticides that are phytosanitary or phytopharmaceutical products for agricultural use or intended for plant maintenance or that are veterinary biocides or antiparasitics.</p> <p>Work involves exposure to pesticides where</p> <ul style="list-style-type: none"> - there is handling or use of pesticides by contact or inhalation; or - there is contact with treated crops, surfaces or animals or with machines used to apply pesticides. <p>The diagnosis must not have been made more than 7 years after the end of the exposure to the pesticides.</p>

DIVISION II — BIOLOGICAL AGENTS AND INFECTIOUS OR PARASITIC DISEASES

DISEASE	SPECIAL CONDITIONS
Bacterial or fungal skin infections (pyodermatosis, bacterial folliculitis, panaris,	Having carried on any work involving contact with tissues or material contaminated by bacteria or fungi.

DISEASE	SPECIAL CONDITIONS
dermatomycosis, candida skin infection)	
Parasitosis	Having carried on any work involving contact with humans, animals or material contaminated by parasites such as <i>Sarcoptes scabiei</i> , <i>Pediculus humanus</i> or <i>Borrelia burgdorferi</i> .
Anthrax	Having carried on any work involving the utilization or handling of or another form of exposure to contaminated wool, hair, bristles, hides or skins.
Brucellosis	Having carried on any work related to the care, slaughtering, cutting up or transport of animals or any laboratory work involving contact with <i>Brucella</i> .
Viral hepatitis	Having carried on any work involving contact with contaminated humans, human products or substances.
Tuberculosis	Having carried on any work involving contact with contaminated humans, animals or human or animal products or other contaminated substances.
Warts on the hands	Having carried on any work performed in a slaughterhouse or involving the handling of animals or animal products under humid conditions (maceration).

DIVISION III — SKIN DISEASES

DISEASE	SPECIAL CONDITIONS
Irritative contact dermatitis	Having carried on any work involving contact with substances such as solvents, detergents, soaps, acids, alkalis, cements, lubricants or other irritating agents.
Allergic contact dermatitis	Having carried on any work involving contact with substances such as nickel, chrome, epoxy, mercury, antibiotics or other allergens.
Phyto dermatosis	Having carried on any work involving contact with plants.
Dermatosis caused by mechanical action (localized callosity and keratodermas)	Having carried on any work involving friction or pressure.
Photodermatitis, folliculitis, dyschromia, epithelioma or paraneoplastic lesions	Having carried on any work involving the utilization or handling of tar, pitch, asphalt, mineral oils, anthracene or their compounds, products and residues.

DISEASE	SPECIAL CONDITIONS
Radiodermatitis	Having carried on any work involving exposure to ionizing radiation.
Cutaneous telangiectasia	Having carried on any work performed in aluminum plants, involving repeated exposure to ambient air in pot rooms.
Chemical folliculitis	Having carried on any work involving the utilization or handling of oil or grease.

DIVISION IV — DISEASES CAUSED BY PHYSICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Hearing impairment caused by noise	Having carried on any work involving exposure to excessive noise.
Disease caused by working in compressed air	Having carried on any work performed in compressed air.
Disease caused by exposure to thermal stress	Having carried on any work performed under excessive thermal conditions.
Disease caused by ionizing radiations	Having carried on any work involving exposure to ionizing radiations.
Disease caused by vibrations	Having carried on any work involving vibrations.
Retinitis	Having carried on any work involving electro-welding or acetylene welding.
Cataract caused by non-ionizing radiation	Having carried on any work involving exposure to infrared radiation, microwaves or laser beams.

DIVISION V — RESPIRATORY SYSTEM DISEASES

DISEASE	SPECIAL CONDITIONS
Asbestosis	Having carried on any work involving exposure to asbestos fibre.
Bronchopneumopathy	Having carried on any work involving exposure to the dust of hard metals.
Siderosis	Having carried on any work involving exposure to iron dust and fumes.
Silicosis	Having carried on any work involving exposure to silica dust.
Talcosis	Having carried on any work involving exposure to talc dust.
Byssinosis	Having carried on any work involving exposure to cotton, flax, hemp or sisal dust.
Extrinsic allergic alveolitis	Having carried on any work involving exposure to an agent recognized as able to cause extrinsic allergic alveolitis.

DISEASE	SPECIAL CONDITIONS
Bronchial asthma	Having carried on any work involving exposure to a specific sensitizing agent.

DIVISION VI — MUSCULOSKELETAL DISORDERS

DISEASE	SPECIAL CONDITIONS
Musculoskeletal lesions manifested by objective signs (bursitis, tendinitis, tenosynovitis)	Having carried on any work involving repeated movements or pressure over an extended period of time.

DIVISION VII — MENTAL DISORDERS

DISEASE	SPECIAL CONDITIONS
Post-traumatic stress disorder	Having carried on any work involving repeated or extreme exposure to serious injury, sexual violence or threatened death, or to actual death not resulting from natural causes.

DIVISION VIII — ONCOLOGICAL DISEASES

DISEASE	SPECIAL CONDITIONS
Lung cancer or pulmonary mesothelioma	Having carried on any work involving exposure to asbestos fibre.
	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.
	The diagnosis must have been made after an employment period of not less than 15 years. Not having been a smoker in the 10 years preceding the diagnosis.
Non-pulmonary mesothelioma	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.

DISEASE	SPECIAL CONDITIONS
Kidney cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>
Bladder cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>
Laryngeal cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 15 years.</p> <p>Not having been a smoker in the 10 years preceding the diagnosis.</p>
Multiple myeloma	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p>

DISEASE	SPECIAL CONDITIONS
	The diagnosis must have been made after an employment period of not less than 15 years.
Non-Hodgkin lymphoma	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>
Skin cancer (melanoma)	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 15 years.</p>
Prostate cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 15 years.</p>

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 101

AMENDMENT:

Replace proposed section 348.2 by:

“**348.2.** The Committee’s mandate is to make recommendations and advise the Minister and the Commission as regards occupational diseases, in particular

(1) by conducting scientific monitoring, by identifying and analyzing research and studies on occupational diseases, including research and studies produced by the Institut national de santé publique du Québec and the Institut de recherche Robert-Sauvé en santé et en sécurité du travail;

(2) by analyzing the causal relations between diseases and contaminants or the risks peculiar to a type of work; and

(3) by producing written opinions on the identification of occupational diseases, on contaminants or on the peculiar risk factors related to occupational diseases and on the criteria for determining them.

The Committee may carry out any other mandate conferred on it in accordance with the Acts administered by the Commission. A further mandate conferred on the Committee is to examine any matter submitted to it by the Minister or the Commission and to give its opinion.

The Committee may, for the purposes of the mandates conferred on it or that it initiated, establish subcommittees composed of experts and consult, or entrust the carrying out of work to, any expert or public body.

Sam 1
rel. 2.12.11
Samuel

SAM 1
AM 39
s. 101 (348.2)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 101

AMENDMENT:

Insert the following paragraph after the first paragraph of proposed section 348.2:

The Committee must, when drawing up its opinions and recommendations, take into account the realities specific to women and men.

A handwritten signature in blue ink, appearing to be "M. G. G." or similar, with a stylized flourish.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 73

AMENDMENT:

Replace the introductory clause by:

73. The Act is amended by inserting the following after section 233:

“233.0.1. The Commission shall finance the expenditures related to the committees’ activities.

To that end, the Commission and the Minister shall enter into an agreement providing, in particular, for the Commission’s authorization of the committees’ annual expenditures and for a report on those expenditures.

ad-ge
Al

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 73

AMENDMENT:

Replace “direct him” in the introductory clause of proposed section 233.1 by
“submit his record”.

adopté
Ad

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 73

AMENDMENT:

Replace “the medical imaging and its results together with the relevant laboratory results of the worker directed to the committee by the Commission” in proposed section 233.4 by “a copy of the record or of the part of the record that is related to the worker’s employment injury”.

adopté


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 73

AMENDMENT:

Replace the first and second paragraphs of proposed section 233.5 by:

The committee on occupational oncological diseases shall study the record submitted by the Commission and examine the worker within 40 days after the Commission's request.

The committee may render its opinion on the basis of the record if it considers that examining the worker is not necessary and the worker agrees or if the worker has died.

The committee shall make a report in writing to the Commission on its diagnosis within 20 days after, as the case may be, studying the record or examining the worker and, where its diagnosis is positive, it shall include its findings relating to the worker's functional limitations, percentage of physical impairment, and tolerance for a contaminant within the meaning of the Act respecting occupational health and safety (chapter S-2.1) or any other risk factor that caused his disease or that is likely to expose him to a recurrence, relapse or aggravation.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 73

AMENDMENT:

Replace “second” in proposed section 233.7 by “third”.

advisi


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 15

AMENDMENT:

Replace by:

15. Section 43 of the Act is amended by replacing “219, 229 and 231” by “217, 226, 229, 231, 233.1 and 233.4”.

A handwritten signature in blue ink, appearing to be 'M. G. L.', is located below the amendment text.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 10

AMENDMENT:

Replace “is deemed” in proposed section 31.1 by “are deemed”.

ad gte


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 88

AMENDMENT:

Withdraw.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 103

AMENDMENT:

Withdraw.

adopte


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 86

AMENDMENT:

Withdraw.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 87

AMENDMENT:

Withdraw.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 113

AMENDMENT:

Withdraw.

proposé
de

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 114

AMENDMENT:

Withdraw.

A handwritten signature in blue ink, appearing to be "M. G. G." or similar, located below the "Withdraw." text.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 51

AMENDMENT:

Insert “regardless of the consolidation of the injury,” after “that injury,” in the introductory clause of proposed section 189.

A handwritten signature in blue ink, appearing to be 'p. d. g. te' or similar, with a large, stylized initial 'D' or 'A' below it.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 51

AMENDMENT:

Insert after paragraph 3 of proposed section 189:

(3.1) physical rehabilitation services, which may include physiotherapy or ergotherapy treatments and home care, in the cases and on the conditions prescribed by regulation;



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 52

AMENDMENT:

Withdraw.

redacted
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 54

AMENDMENT:

1. Strike out subparagraph *a* of paragraph 2.
2. Add the following paragraph at the end:
 - (3) by adding the following paragraph at the end

“Despite the preceding paragraphs, a worker who has recourse to the services of a non-participating professional within the meaning of Health Insurance Act (chapter A-29) must pay directly to that professional the cost of the professional services provided by reason of an employment injury. Where the services provided are insured services within the meaning of that Act, the Commission shall reimburse the cost of the services to the worker according to the tariffs set out in the agreements made under section 19 of that Act.”



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 1

AMENDMENT:

Withdraw.

rel-gte


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 102

AMENDMENT:

Withdraw.

*red-pte
H*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 108

AMENDMENT:

Add at the end:

- (3) by replacing “fourth” in the last paragraph by “fifth”.

A handwritten signature in blue ink, appearing to be 'ad-ge' followed by a stylized monogram.

Bill 59

**An Act to modernize the occupational
health and safety regime**


Section 108

AMENDMENT:

Add at the end:

(4) by adding the following paragraph at the end:

“If a decision that is the subject of an application for review is also contested before the Tribunal, the latter shall refer the matter to the Commission for a review decision.”

adg te


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 112

AMENDMENT:

Replace by:

112. Section 365 of the Act is amended by inserting “or, in the cases referred to in the first paragraph of section 360, if it has not been contested before the Administrative Labour Tribunal” after “358.3” in the first paragraph.

adopté
AD

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 111

AMENDMENT:

Replace by:

111. Section 364 of the Act is amended

(1) by replacing “to a benefit which he had been refused initially or increases the amount of a benefit” in the first paragraph by “to an indemnity which he had been refused initially or increases the amount of an indemnity”;

(2) by replacing “the compensation” in the second paragraph by “the indemnity”.

adg te
AA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 110.1

AMENDMENT:

Insert after section 110:

110.1. Section 363 of the Act is amended by replacing “an income replacement indemnity or of a death benefit contemplated in section 101 or in the first paragraph of section 102 or a benefit provided for in the personal rehabilitation program of a worker” by “a benefit granted under this Act”.

adopté
de

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 61.1

AMENDMENT:

Insert after section 61:

61.1. The Act is amended by inserting the following section after section 216:

“216.1. The Comité consultatif du travail et de la main-d’oeuvre must release the general policy it makes for the purpose of following up on the consultation of the Minister concerning the list of health professionals who agree to act as members of the Bureau d’évaluation médicale. The policy must include criteria for the appraisal of the professionals’ qualifications and conduct.”

adpte
ho

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 63

AMENDMENT:

Withdraw.

adg te
Al

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 64

AMENDMENT:

Replace by:

64. Section 219 of the Act is repealed.

proposé
Do

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 66

AMENDMENT:

Replace “degree” in the proposed second paragraph of section 221 by
“percentage”.

A handwritten signature in blue ink, appearing to be 'p. d. g. t. e.' followed by a stylized flourish.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 68

AMENDMENT:

Withdraw.

projeté


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 69

AMENDMENT:

Withdraw.

propte
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 67

AMENDMENT:

Withdraw.

page 70
QC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 93

AMENDMENT:

Withdraw.

per gti
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 95

AMENDMENT:

Strike out paragraph 2.

pedgeti
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 96

AMENDMENT:

Withdraw.

*page
RA*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 97

AMENDMENT:

Withdraw.

proposé
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 240

AMENDMENT:

Withdraw.

*projeté
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 242

AMENDMENT:

Withdraw.

*page 76
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 115

AMENDMENT:

1. In paragraph 1:

(a) Replace the subparagraph proposed by subparagraph *a* by:

“(1) determining, for the purposes of section 28.1, the eligibility criteria for claims for a disease for which the diagnosis is a hearing impairment caused by noise;”;

(b) Replace the subparagraph proposed by subparagraph *c* by:

“(3.1) determining, for the purposes of paragraph 3 of section 189, the medicines and other pharmaceutical products to which a worker who has suffered an employment injury is entitled;”;

“(3.2) determining, for the purposes of paragraph 3.1 of section 189, the physical rehabilitation services to which a worker who has suffered an employment injury is entitled;”;

“(3.3) determining the other services forming part of the health services referred to in paragraph 4 of section 189;”;

(c) Strike out subparagraph 4.01 proposed by subparagraph *d*.

(d) Strike out subparagraph 15.2 proposed by subparagraph *f*.

2. In paragraph 2:

(a) Replace “at the end” by “after the first paragraph”.

(b) Replace the proposed paragraph by:

“In exercising the regulatory powers set out in subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph, the Commission may prescribe the cases in which

*adapte
SC*

and conditions on which the health services and adapted equipment and other costs may be granted.”

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 116

AMENDMENT:

In proposed section 454.1:

1. Strike out “, and identify, from among such diseases, those for which the applicable time limit for claims is the one prescribed in section 272.1, 272.2 or 272.3” in paragraph 1.
2. Replace “of section 280.3” in paragraph 3 by “of sections 280.3 and 280.6”.

*adapte
AC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 146

AMENDMENT:

In proposed section 58:

1. Strike out “, subject to the regulations” in the first paragraph.
2. Insert the following paragraph after the first paragraph:

When, during a year, the number of workers in an establishment falls below 20, the employer must maintain the implemented prevention program until 31 December of the following year.

3. Replace “if the risk level associated with the activities carried on in the establishment, determined by regulation, requires it” in the second paragraph by “in the cases and on the conditions prescribed by regulation”.
4. In the third paragraph:
 - (a) Insert “or mental” after “physical”.
 - (b) Strike out “or the risk level associated with the activities carried on there”.
5. Insert “prepared,” after “be” in the last paragraph.

page 79
RC

AM 80
s. 147 (59)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 147

AMENDMENT:

1. Insert before paragraph 1:
 - (0.1) by inserting “and mental” after “physical” in the first paragraph;
2. In the paragraph proposed by paragraph 1:
 - (a) Replace “prepared by the Commission under” in the introductory clause by “referred to in”.
 - (b) Strike out “or by the occupational health programs prepared by the Commission under section 107” in paragraph 6.

*page
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 147

AMENDMENT:

Strike out “the responsibilities of the different actors and” in subparagraph 2 of the paragraph proposed by paragraph 1.

proposé


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 148

AMENDMENT:

Insert “from the date of implementation of the program,” after “years” in the paragraph proposed by paragraph 2.

adpte
AL

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 148

AMENDMENT:

Replace “as well as the follow-up of the measures” in the paragraph proposed by paragraph 2 by “, the progress made with respect to the measures set out, and the follow-up on the measures”.

proposé
RL

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 149.1

AMENDMENT:

Insert after section 149:

149.1. The Act is amended by inserting the following subdivision after section 61:

“§ 3.1. — *Action plan*

“**61.1.** Where there is no requirement to prepare or implement a prevention program for an establishment, the employer must prepare and implement an action plan specific to that establishment.

An action plan must be prepared, implemented and updated in the manner and within the time prescribed by regulation.

“**61.2.** The object of an action plan is to eliminate, at the source, dangers to the health, safety and physical and mental well-being of workers.

Such an action plan must take into account the occupational health programs referred to in section 107 and the regulations applicable to the establishment and must set out, in particular,

(1) the identification of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, as well as the risks that may affect the workers' safety;

(2) the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the responsibilities of the different actors and the scheduling to accomplish the measures and priorities;

(3) the supervision and maintenance measures to ensure that the identified risks are eliminated or controlled;

(4) the identification of the individual protective means and equipment that, in addition to being in compliance with the regulations, are those best adapted to meet the needs of the establishment's workers; and

(5) the occupational health and safety training and information.

The employer is required to include health components in his action plan only if there is an occupational health program referred to in section 107 applicable to his establishment.”

SAM 1
AM 84
s. 149.1 (61.1, 61.2)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 149.1

AMENDMENT:

Strike out “the responsibilities of the different actors and” in subparagraph 2 of the second paragraph of proposed section 61.2, proposed by amendment.

adapté
RC

AM 85
s. 142.1 (49)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 142.1

AMENDMENT:

Insert after section 142:

142.1. Section 49 of the Act is amended

(1) by inserting “or action plan” after “prevention program” in paragraph 1;

(2) by inserting “or mental” after “physical” in paragraphs 2 and 3.

adg te
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 152

AMENDMENT:

In proposed section 68:

1. Strike out “, subject to the regulations” in the first paragraph.
2. Insert the following paragraph after the first paragraph:

When, during a year, the number of workers in an establishment falls below 20, the health and safety committee must be maintained until 31 December of the following year.

3. Insert “or mental” after “physical” in the second paragraph.

proposé
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 152

AMENDMENT:

Add the following paragraph at the end of proposed section 68:

The obligation to establish a health and safety committee does not apply in the case of an establishment employing at least 20 workers for fewer than 21 days during the year.

page 10
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 152

AMENDMENT:

Replace “applies to such a committee” in the second paragraph of proposed section 69 by “does not apply to such a committee, which establishes its own rules”.

adopté
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 152

AMENDMENT:

In proposed section 70:

1. In the first paragraph:

(a) Replace “the certified association or the certified associations that represent workers in the establishment or, if there is no such certified association, the majority of the establishment’s workers” by “the establishment’s workers”.

(b) Insert “in the cases and on the conditions prescribed” after “established”.

2. Insert the following paragraph after the first paragraph:

The workers’ consent to such an agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 155

AMENDMENT:

Replace proposed section 74 by:

“74. The health and safety committee’s rules of operation, including the minimum frequency of meetings, are determined by agreement between its members.

Until an agreement is entered into concerning the minimum frequency of meetings, the committee shall hold one meeting every three months, subject to a greater frequency determined in the cases and on the conditions prescribed by regulation.

If there is no agreement, the minimum rules of operation apply, in the cases and on the conditions prescribed by regulation.

adgte
RL

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 155

AMENDMENT:

Replace the portion of text that follows “agreement between” by “its members” in proposed section 74.1.

adapte
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 156

AMENDMENT:

1. Insert the following paragraph after paragraph 4:

(4.1) by inserting the following paragraph after paragraph 5:

“(5.1) to make recommendations to the employer as to whether or not to request the cooperation of an occupational health provider in the preparation of the health components of the employer’s prevention program;

2. Add the following paragraph at the end:

(10) by adding the following paragraph at the end:

“Within the scope of the functions it exercises under subparagraph 5 of the first paragraph, the committee may consult an occupational health provider.”

adapté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 156

AMENDMENT:

Insert “, specifying the time necessary to carry them out,” after “mandates” in paragraph 8 proposed by paragraph 6.

*adpte
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 161.1

AMENDMENT:

Insert after section 161:

161.1. The Act is amended by replacing the heading of Chapter V by the following:

“CHAPTER V

**“HEALTH AND SAFETY REPRESENTATIVE AND HEALTH AND SAFETY
LIAISON OFFICER**

“DIVISION I

“HEALTH AND SAFETY REPRESENTATIVE”.

*adapte
AC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 162

AMENDMENT:

Replace “if the number of workers and the risk level associated with the activities carried on in the establishment, determined by regulation, require it” in the first paragraph of proposed section 88 by “in the cases and on the conditions prescribed by regulation”.

adopté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 162

AMENDMENT:

Replace the first paragraph of proposed section 88.1 by:

If the Commission considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, it may require that a health and safety representative be designated in an establishment where there is no health and safety committee.

adgite
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 166

AMENDMENT:

Replace by:

166. Section 92 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “safety” by “health and safety”;
 - (b) by inserting “of the first paragraph” after “7”;
- (2) by replacing the last paragraph by the following paragraphs:

“The amount of time the health and safety representative may devote to the exercise of his other functions is determined by agreement between the members of the health and safety committee of the establishment. If there is no agreement, the minimum time, in the cases and on the conditions prescribed by regulation, applies.

In the case of a health and safety representative designated under section 88 or 88.1, the agreement referred to in the second paragraph is entered into between the representative and his employer.”

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 167.1

AMENDMENT:

Insert after section 167:

*adapté
AC*

167.1. The Act is amended by inserting the following division after section 97:

**“DIVISION II
“HEALTH AND SAFETY LIAISON OFFICER**

“97.1. Where there is no requirement to designate a health and safety representative for an establishment, the certified associations that represent the workers and the workers not represented by a certified association shall designate a health and safety liaison officer, in accordance with the mode of appointment they determine together.

“97.2. The function of a health and safety liaison officer is to cooperate with the employer to facilitate the communication of health and safety information between the employer and the workers of the establishment.

A further function of the health and safety liaison officer is to submit complaints to the Commission.

“97.3. The health and safety liaison officer shall cooperate in the preparation and implementation of the prevention program or action plan that must be prepared and implemented by the employer by presenting recommendations in writing to the employer. The officer may also make recommendations in writing regarding the identification of risks in the work environment. The employer is required to reply to a recommendation within 30 days.

If, at the expiry of that period, the employer has not followed up on a recommendation of the health and safety liaison officer, the latter may submit a complaint to the Commission.

“97.4. Sections 93, 94, 96 and 97 apply to the health and safety liaison officer and to his employer, with the necessary modifications.

The health and safety liaison officer may take time off work as necessary to exercise his functions.

“97.5. The health and safety liaison officer must, in the year after his designation, participate in a training program whose content and duration are determined by the Commission.

He may, without loss of pay, take time off as necessary to participate in such a program.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.”

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 229

AMENDMENT:

Replace by:

229. The Act is amended

- (1) by inserting “and mental” after “physical” in sections 2, 9 and 196;
- (2) by inserting “or mental” after all occurrences of “physical” in sections 3, 4, 12, 13, 18, 49.1, 51.2, 186, 217 and 237;
- (3) by replacing all occurrences of “safety representative”, “prevention officer” and “prevention representative” by “health and safety representative”.

adopté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 214

AMENDMENT:

Replace paragraph 1 by:

(1) by inserting “relating to a construction site” and “and mental”
after “program” and “physical”, respectively;

adpte
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 214

AMENDMENT:

Amendment 101 has been withdrawn and renamed amendment aav.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 214

AMENDMENT:

Insert “, subparagraph 7, with the necessary modifications, and subparagraph 8”
after “5” in paragraph 2.

adopté
Ac

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 213.1

AMENDMENT:

Insert after section 213:

213.1. Section 198 of the Act is amended

- (1) by striking out “particular”;
- (2) by replacing “safety representative” by “health and safety representative”.

adopté
AP

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 214

AMENDMENT:

Insert after section 215:

215.1. Section 203 of the Act is amended by replacing "If the prevention programs of the principal contractor and of the employer conflict, the former prevails" by "In the event of incompatibility, the prevention program of the principal contractor prevails over the prevention program or action plan applicable for the employer's establishment".

page 104
AO

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 217

AMENDMENT:

Replace “representative of” in paragraph 4 of proposed section 205 by
“representative designated by”

*adopté
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 226

AMENDMENT:

Replace “\$25,000,000” in the first paragraph of proposed section 215.1 by
“\$12,000,000”.

*adapté
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 224

AMENDMENT:

Replace “\$25,000,000” in the first paragraph of proposed section 212.1 by
“\$12,000,000”.

*adopté
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 128

AMENDMENT:

1. In paragraph 2:

(a) Strike out the definition of “**building**”.

(b) Insert the following definition after the definition of “**integrated health and social services centre**”:

““**occupational health provider**” means a physician in charge of occupational health, a nurse, an ergonomist, an occupational hygienist or any other person exercising a function in occupational health within the scope of the service offer prepared by an integrated health and social services centre under section 109.1;”;

2. Replace paragraph 3 by:

(2.1) by striking out the definitions of “**hospital centre**” and “**local community service centre**”;

(3) by replacing “69” in the definition of “**health and safety committee**” by “68.1, 68.2”;

3. Insert after paragraph 4:

(4.1) by inserting “or mental” after “physical” in the definition of “**dangerous substance**”;

page 108
DE

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 239

AMENDMENT:

Replace by:

239. The Regulation respecting prevention mechanisms specific to construction sites, the text of which appears below, is enacted.

**“REGULATION RESPECTING PREVENTION MECHANISMS SPECIFIC TO
CONSTRUCTION SITES**

“CHAPTER I

“SCOPE

“1. For the purposes of the Act respecting occupational health and safety (chapter S-2.1), this Regulation determines the rules applicable on construction sites with regard to the job-site committee, the health and safety representative and the health and safety coordinator.

“CHAPTER II

“JOB-SITE COMMITTEE

“DIVISION I

**“COMPOSITION OF JOB-SITE COMMITTEE AND DESIGNATION OF
MEMBERS**

“2. The maximum number of employers’ representatives on the job-site committee must be equal to the number of health and safety representatives and representatives of each of the representative associations that sit on the committee.

If the number of employers present on the construction site exceeds the maximum number of representatives prescribed in the first paragraph, the employers’ representatives on the committee are respectively those of the employers that employ the greatest number of workers present on the construction site.

*Adopté
amendé
[Signature]*

Sam 1

“3. Where two or more health and safety representatives or two or more health and safety coordinators are designated on a construction site, the number of representatives or coordinators on the committee is equal to the minimum number prescribed in sections 13 and 16, according to the category of construction site.

“4. The health and safety representatives on the job-site committee are designated by all the representative associations.

Failing that, they are designated by a majority of the construction workers present on the construction site.

“DIVISION II

“RULES OF OPERATION FOR JOB-SITE COMMITTEE

“5. The job-site committee holds its first meeting within 14 days after the date on which the work begins.

“6. Despite the minimum frequency of meetings prescribed in the first paragraph of section 207 of the Act, the job-site committee of a construction site employing 100 workers or more must meet at least once a week.

“7. The agenda of a job-site committee meeting is determined by the principal contractor.

Any committee member may, at the beginning of the meeting and with the other members' agreement, propose amendments to the agenda.

“8. The quorum at a meeting is at least one representative of the principal contractor, at least one employer's representative and at least half the members referred to in paragraphs 3 and 4 of section 205 of the Act who represent workers.

“9. Any vacancy on the job-site committee must be filled not later than 14 days after the committee is informed of it if the construction site employs at least 20 workers or not later than 7 days if the construction site employs at least 100 workers.

A vacancy is filled according to the method of designation prescribed for designating the member to be replaced, if any.

“10. The principal contractor must draw up the minutes of the job-site committee's meetings.

At each meeting, the committee adopts the minutes of the previous meeting. Adopted minutes are kept by the principal contractor, in a register

established for that purpose, for at least one year after the date on which the work ends.

Committee members may, by request to the principal contractor, obtain copies of the committee's minutes.

“DIVISION III

“TRAINING OF JOB-SITE COMMITTEE MEMBERS

“11. A job-site committee member must obtain a certificate for at least one hour of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

- (1) prevention mechanisms applicable on a construction site;
- (2) the role of the job-site committee and its rules of operation;
- (3) follow-up on the prevention program;
- (4) analysis of accident notices and follow-up on them;
- (5) follow-up on suggestions and complaints regarding occupational health and safety received from construction workers, representative associations, the joint sector-based construction association referred to in section 99 of the Act, employers and the principal contractor; and
- (6) follow-up on reports regarding inspections carried out on the construction site.

A member who holds a health and safety coordinator training certificate or a health and safety representative training certificate under section 15 is not required to take such training.

“CHAPTER III

“HEALTH AND SAFETY REPRESENTATIVE

“12. The minimum amount of time that a health and safety representative may devote daily to the exercise of his or her functions, except the functions referred to in paragraphs 2, 6 and 7 of section 210 of the Act, is as follows, according to the number of workers present on the construction site:

- (1) 10 to 24 workers: 1 hour;
- (2) 25 to 49 workers: 3 hours;

- (3) 50 to 74 workers: 4 hours;
- (4) 75 to 99 workers: 6 hours; and
- (5) 100 workers and more: 8 hours.

“13. The minimum number of health and safety representatives designated in accordance with section 212.1 of the Act is as follows, according to the number of workers present on the construction site:

- (1) 100 to 199 workers: 1;
- (2) 200 to 599 workers: 2;
- (3) 600 to 899 workers: 3;
- (4) 900 to 1,199 workers: 4; and
- (5) 1,200 workers and more: 5.

“14. A health and safety representative designated in accordance with section 209 of the Act must obtain a certificate for at least three hours of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

- (1) prevention mechanisms applicable on a construction site;
- (2) the representative’s role, functions and responsibilities;
- (3) inspection of workplaces;
- (4) assistance to workers in the exercise of their rights recognized by the Act and the regulations;
- (5) the representative’s role during an inspector’s visit; and
- (6) accident investigation and analysis of reported incidents.

“15. A health and safety representative designated in accordance with section 212.1 of the Act must obtain a certificate for at least 40 hours of theoretical training issued by the Commission or by a body recognized by it.

In addition to the subjects listed in the second paragraph of section 14, the training must pertain to the prevention program and the operation of a job-site committee.

“CHAPTER IV

“HEALTH AND SAFETY COORDINATOR

“16. The minimum number of health and safety coordinators designated in accordance with section 215.1 of the Act is as follows, according to the number of workers present on the construction site:

- (1) 100 to 199 workers: 1;
- (2) 200 to 599 workers: 2;
- (3) 600 to 899 workers: 3;
- (4) 900 to 1,199 workers: 4; and
- (5) 1,200 workers and more: 5.

“17. A health and safety coordinator must obtain a certificate for at least 240 hours of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

- (1) the legislative and regulatory framework for occupational health and safety applicable to a construction site;
- (2) prevention mechanisms applicable on a construction site;
- (3) the coordinator’s role and general functions, including coordinating a job-site committee;
- (4) preparing and updating a prevention program specific to a construction site;
- (5) the coordinator’s role during an inspector’s visit on the construction site;
- (6) the main safety measures applicable on a construction site, taking into account the priorities for action established by the Commission;
- (7) the main occupational health rules applicable on a construction site;
- (8) the occupational health and safety management audit;

- (9) inspection of workplaces;
- (10) accident investigation and analysis of reported incidents; and
- (11) preparation of work directives specific to a construction site.

“CHAPTER V

“TRANSITIONAL PROVISION

“18. A person who, on 31 December 2022, holds an attestation of safety officer delivered by the Commission under paragraph c of subsection 2 of section 2.5.4 of the Safety Code for the construction industry (chapter S-2.1, r. 4) and who is designated health and safety representative or health and safety coordinator is not required to obtain the training certificates required under sections 15 and 17.”

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 239

AMENDMENT:

Add at the end of section 17, as proposed by amendment:

- (12) interpersonal relations and communication skills.

adopté
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 172

AMENDMENT:

Add the following paragraph at the end of proposed section 107:

The occupational health programs shall be evaluated and updated regularly by the Commission in cooperation with the Minister of Health and Social Services.

pedro
AA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 172

AMENDMENT:

Insert after proposed section 107:

“**107.1.** The objects of the occupational health programs are, in particular,

(1) to identify the risks that may alter the health of workers and the possible impacts on the latter;

(2) to propose methods and techniques to identify, control or eliminate those risks; and

(3) to specify the services offered by occupational health providers and the public health director to support employers in the preparation of the health components of their prevention program or action plan.

“**107.2.** The Commission shall publish the occupational health programs on its website.

adopté
AC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 172

AMENDMENT:

Strike out the third paragraph of proposed section 109.2.

adapte
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 177

AMENDMENT:

Withdraw.

*adapte
Ra*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 179

AMENDMENT:

In proposed section 117.1:

1. Replace “shall cooperate” in the first paragraph by “or any other occupational health provider shall cooperate, at the request of the Minister of Health and Social Services,”.

2. Replace the second and third paragraphs by:

They shall also cooperate, at an employer’s request or if the Commission or a public health director considers it advisable for protecting workers’ health, in the preparation and implementation of the health components of the prevention program described in section 59 or the action plan described in section 61.2. They may retain the services of any other occupational health provider that they consider necessary.”

adopté
Da

Bill 59

**An Act to modernize the occupational
health and safety regime**

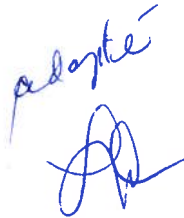
Section 183

AMENDMENT:

In proposed section 123:

1. Replace “a deficiency” by “the presence of a danger”.
2. Add the following paragraph at the end:

The first paragraph also applies to any person who is not an occupational health provider and who offers occupational health services to an employer.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 183

AMENDMENT:

Insert “or mental” after “physical” in the first paragraph of proposed section 124.

page 116
AB

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 184

AMENDMENT:

1. In the paragraph proposed by paragraph 2:
 - (a) Replace “in the preparation” by “and of any other occupational health provider in the preparation and implementation”.
 - (b) Insert “or those of the action plan set out in section 61.2” at the end.
2. Replace paragraph 3 by:
 - (3) by replacing “of the person operating a hospital centre or local community service centre” in paragraph 2 by “of the integrated health and social services centre”;
3. Replace “, in particular the examinations, analyses and expert opinions made for the purposes of subparagraphs 6 to 8 of the second paragraph of that section” in paragraph 4 by “or those of the action plan set out in section 61.2”.
4. Replace the paragraph proposed by paragraph 5 by:

“(3.1) ensure, where a request is made in accordance with section 117.1, that the occupational health providers’ services are provided in the employer’s establishment or in a facility of the integrated health and social services centre, or elsewhere if the public health director believes it is necessary because the other premises are not available;”.

adep to


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 184.1

AMENDMENT:

Insert after section 184:

184.1. The Act is amended by inserting the following section after section 127:

“**127.1.** The public health director may, if he considers it advisable for protecting workers’ health, evaluate the health components of a prevention program described in section 59 or of an action plan described in section 61.2, in particular as regards taking into account the occupational health programs referred to in section 107, and make recommendations to the employer, the Commission and, as the case may be, the health and safety committee.”

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 210

AMENDMENT:

Strike out “defined in section 116.1”.

adgtc
AP

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 173

AMENDMENT:

Replace paragraph 1 by the following paragraph:

- (1) in the second paragraph,
 - (a) by replacing “109” by “109.2”;
 - (b) by inserting “of the expert services necessary for the execution of the contract and those” after “cover the costs”;

adopté
AB

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 178

AMENDMENT:

Replace by:

178. Section 117 of the Act is amended by replacing “placed in charge of health services in an institution” and “a person operating a hospital centre or local community service centre designated in the contract entered into pursuant to section 109” by “appointed as physician in charge of occupational health” and “an integrated health and social services centre. The physician must be a member of the clinical department of public health of such a centre and hold practice privileges in occupational health”, respectively.

*adapte
Re*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 142

AMENDMENT:

In proposed section 48.1:

1. In the first paragraph:
 - (a) Insert “and update” after “develop”.
 - (b) Replace “de l’emploi” in the French text by “du travail”.
2. Replace “the national public health director” in the second paragraph by “the latter”.
3. Add the following paragraph at the end:

The national public health director may consult any expert or public body while developing and updating protocols.

page 122
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 139

AMENDMENT:

In proposed section 40.1:

1. Replace the first paragraph by:

The certificate is issued by the professional providing pregnancy care after he has evaluated, in accordance with protocols developed under section 48.1, that the working conditions of the pregnant worker may be physically dangerous to her unborn child, or to herself by reason of her pregnancy.

2. Replace “danger is not identified” in the second paragraph by “dangers and the associated working conditions are not identified”.

adopté
AO

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 140

AMENDMENT:

Replace “physician in charge of occupational health or the professional who issued the certificate” in paragraph 2 by “professional providing pregnancy care”.

adapté
AB

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 143

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by inserting “and mental” after “physical” in the introductory clause;

2. Replace “or family” in paragraph 16 proposed by paragraph 4 by “, family or sexual”.

adopté


Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 168

AMENDMENT:

Add the following sentence at the end of proposed section 98.2: "They must also take into account the prevention objectives of this Act and the specific needs of each of the sectors of activities they cover."

adopté
RP

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 170

AMENDMENT:

Insert “or action plans” after “programs” in proposed paragraph 2.1.

adapté
Ra

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 207

AMENDMENT:

Insert after paragraph 1:

(1.1) by inserting “and mental” after “physical” in paragraphs 5 and 12;

adopté
RL

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 207

AMENDMENT:

Insert after paragraph 1:

(1.0.1) by inserting the following paragraph after paragraph 1:

“(1.1) to notify workers and employers of, and give them information concerning, their rights and obligations under this Act;

(1.0.2) by inserting “, including support measures for workers not represented by a certified association” at the end of paragraph 3.

adapte
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 129

AMENDMENT:

Insert after section 129:

129.1. The Act is amended by inserting the following section after section 5:

“5.1. Subject to any incompatible provision, in particular with respect to the workplace, the provisions of this Act apply to a worker carrying on telework and to his employer.”

paste
RE

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 209.1

AMENDMENT:

Insert after section 209:

209.1. The Act is amended by inserting the following section after section 179:

“**179.1.** An inspector may not, without the consent of the worker, enter a place where telework is carried on if that place is situated in a dwelling house, unless the inspector has obtained a court order authorizing such entry.

A judge of the Court of Québec having jurisdiction in the locality in which the house is situated may grant the order, on the conditions he determines, if he is satisfied that there are reasonable grounds to believe that the worker or a person who is in such a place or nearby is exposed to a danger threatening his life, health, safety or physical or mental well-being.”

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 2

AMENDMENT:

Replace paragraph 3 by:

- (3) in the definition of “suitable employment”,
 - (a) by inserting “, taking into account the essential tasks and the characteristics of that type of employment,” after “employment that”;
 - (b) by inserting “or mental” after “physical”;

adopte
AO

AM 133
s. 18.1 (51)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 18.1

AMENDMENT:

Insert after section 18:

18.1. Section 51 of the Act is amended by inserting “or mental” after “physical” in the second paragraph.

adopté
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 42

AMENDMENT:

Insert the following paragraph after paragraph 1:

(1.1) by inserting “and mental” after “physical” in subparagraph 2 of the first paragraph;

p. dexte
Ra

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 70

AMENDMENT:

Replace by:

70. Section 226 of the Act is amended by replacing “refer him” by “submit his record”.

page 135
92

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 71

AMENDMENT:

Replace paragraph 2 by:

(2) by replacing “the lung x-rays of the worker referred to the committee by the Commission” by “a copy of the record or of the part of the record that is related to the worker’s employment injury”.

adgte
AD

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 72

AMENDMENT:

Replace by:

72. Section 230 of the Act is amended

(1) by replacing “to which the Commission refers a worker shall examine him” in the first paragraph by “shall study the record submitted by the Commission and examine the worker”;

(2) by inserting the following paragraph after the first paragraph:

“The committee may render its opinion on the basis of the record if it considers that examining the worker is not necessary and the worker agrees or if the worker has died.”;

(3) by replacing “functional disability, the percentage of physical impairment and the worker’s” in the second paragraph by “worker’s functional limitations, percentage of physical impairment, and”;

(4) by inserting “, as the case may be, the study of the record or” after “of” in the last paragraph.



Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 72.1

AMENDMENT:

Insert after section 72:

72.1. Section 231 of the Act is amended by replacing “second” in the last paragraph by “third”.

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 107.1

AMENDMENT:

Insert after section 107:

107.1. Section 358.4 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” by “president and chief executive officer”.

adopté
AC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 110.0.1

AMENDMENT:

Insert after section 110:

110.0.1. Section 361 of the Act is amended by inserting “or any contestation before the Administrative Labour Tribunal under section 360” after “review”.

adopté
AC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 127

AMENDMENT:

Strike out “, 230”.

adopté
AR

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 128

AMENDMENT:

Replace paragraph 4 by:

(4) by replacing “in cases where, under a regulation, the student is deemed to be a worker or a construction worker” in the definition of “**employer**” by “undergoing a job shadowing or work training period under the institution’s responsibility”;

adapte
BB

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 143.1

AMENDMENT:

Insert after section 143:

143.1. The Act is amended by inserting the following sections after section 51.1:

“51.1.1. Any clause in a contract or agreement that limits or transfers the obligations that, under this Act, are those of the employer who hires out or lends the services of a worker in his employ or those of the person using those services is without effect.”

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 207.1

AMENDMENT:

Insert after section 207:

207.1. The Act is amended by inserting the following sections after section 167:

“**167.1.** The Commission may put in place a program to certify employers with regard to occupational health and safety, in order to promote employers’ taking charge of health and safety in the workplace.

To that end, the Commission shall determine by regulation, the cases, conditions and terms for issuing, renewing, suspending and revoking such certification as well as the persons or bodies authorized to issue the certification.

“**167.2.** The Commission may grant a financial incentive to employers that put in place measures to protect workers’ health and ensure their safety and physical and mental well-being.

The Commission shall determine by regulation the form such an incentive may take, how it is to be calculated and the terms and conditions for granting it.”

page -
AR

SAM 1
AM 145
s. 146 (58.1)

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 146

AMENDMENT:

Insert the following sentence at the end of the last paragraph proposed by paragraph 2 of the amendment to proposed section 58.1: "The employer shall take into account the application guide on that subject developed by the Commission and published on its website".

adopté
Ac

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 146

AMENDMENT:

In proposed section 58.1:

1. Insert “, which must also cover the establishments employing fewer than 20 workers. The employer must ensure beforehand that the functions set out in sections 78 and 90 can be adequately exercised, in particular considering the distance between the establishments concerned” after “part of the establishments” in the first paragraph.

2. Add the following paragraphs at the end:

If the Commission considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, it may require the employer to prepare and implement, within the time determined by the Commission, a prevention program specific to each establishment it designates.

For the purpose of determining whether the activities carried on in an establishment are of the same nature, the exercise of comparable functions by workers and the related working conditions, in particular, must be taken into consideration.”

*adapte-
amende-
AQ*

Sam 1

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 269

AMENDMENT:

Replace by:

269. Division II of Chapter III of the Regulation respecting prevention programs (chapter S-2.1, r. 10), comprising sections 9 and 10, is repealed.

269.1. Schedule I to the Regulation is amended, in part “(A) CONSTRUCTION” of “GROUP 1”,

(1) by striking out “as well as the construction sites on which such work is being done” in Division 1;

(2) by striking out “, ainsi que les chantiers de construction où celles-ci œuvrent” in Division 2 in the French text;

(3) by striking out all occurrences of “et chantiers de construction” in the French text.

adopté
[Signature]

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 152

AMENDMENT:

Insert after proposed section 68.1:

“**68.2.** The employer and the workers of each establishment referred to in the first paragraph of section 68.1 may agree to establish health and safety committees in addition to the health and safety committee established for all the establishments.

The workers’ consent to that agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

The Commission may, if it considers it advisable for protecting workers’ health or ensuring their safety and physical or mental well-being, require that additional health and safety committees be established for the establishments it designates.

The provisions of this chapter applicable to a health and safety committee established under section 68 apply to the additional health and safety committees, with the necessary modifications.

The prevention program prepared under section 58.1 must take into account the responsibilities of each additional health and safety committee.

page 147
Ar

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 159

AMENDMENT:

1. Strike out paragraph 1.
2. Strike out “or 68.1” in the first paragraph proposed by paragraph 4.

page 159
AR

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 160

AMENDMENT:

Strike out “or 58.1” in the second paragraph of proposed section 83.

adopté
RR

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 162

AMENDMENT:

In proposed section 87.1:

1. Replace “the certified association or the certified associations that represent the workers in each of the establishments concerned or, if there is no such certified association, the majority of the” in the second paragraph by “the”.

2. Insert the following paragraph after the second paragraph:

The workers’ consent to such an agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

3. In the fourth paragraph:

(a) Replace “third” by “fourth”.

(b) Insert “or mental” after “physical”.

proposé
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 164

AMENDMENT:

1. Replace paragraph 9 proposed by paragraph 3 by:

“(9) to cooperate in the preparation and implementation of the prevention program or action plan that must be prepared and implemented by the employer by presenting recommendations in writing to the employer, and to participate in the identification and analysis of risks that may affect the health and safety of the establishment’s workers and in the identification of the contaminants and dangerous substances present in the workplace.”;

2. Replace the paragraph proposed by paragraph 4 by:

“Where a health and safety committee exists in an establishment, the health and safety representative must inform it of the result of any investigation conducted under subparagraph 2 of the first paragraph and communicate to it the elements resulting from the identification and analysis the representative participated in under subparagraph 9 of that paragraph.”


adopté
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 228

AMENDMENT:

1. Replace paragraph 3 by:
- (3) in subparagraph 7,
- (a) by replacing “every establishment or construction site in view of ensuring” by “every workplace so as to ensure”;
- (b) by inserting “and mental” after “physical”;
2. Replace the subparagraphs proposed by paragraph 6 by:
- “(17) determining in which cases and on which conditions an employer must, for an establishment employing fewer than 20 workers, prepare a prevention program and designate a health and safety representative;
- “(17.1) determining the manner and time limits for preparing, implementing and updating a prevention program or action plan and establishing the hierarchy of preventive measures for the purpose of preparing the prevention program or action plan;”;
3. Replace paragraph 7 by:
- (7) in subparagraph 22,
- (a) by replacing “determining the categories of establishments in which a health and safety committee may be formed and fixing, by category,” by “setting”
- (b) by inserting “health and safety” after “members of a”;
4. Strike out “, by category of establishments,” in the subparagraph proposed by paragraph 8.
5. Replace paragraph 9 by:
- 

(9) by replacing subparagraph 24 by the following subparagraph:

“(24) determining the amount of time that a health and safety representative may devote to the exercise his other functions set out in subparagraphs 1, 3 to 5, 8 and 9 of the first paragraph of section 90;”;

(6) Insert after subparagraph 24.1 proposed by paragraph 10:

“(24.2) determining the registration, travel and accommodation expenses borne by it under sections 78.1, 91, 97.5, 207.1, 211 and 215.3;”;

(7) Insert after paragraph 13:

(13.1) by inserting the following subparagraph after subparagraph 37:

“(38) determining the cases, conditions and terms for issuing, renewing, suspending and revoking the certification provided for in section 167.1, as well as the persons or bodies authorized to issue the certification, and determine the form the financial incentive provided for in section 167.2 may take, how it is to be calculated and the terms and conditions for granting it;”;

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 22

AMENDMENT:

Replace “five years” in proposed section 91.1 by “seven years”.

adapté
AC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 238

AMENDMENT:

Withdraw Division III, comprising sections 4 and 5, of the proposed regulation.

adopté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 76

AMENDMENT:

Replace by:

76. Section 241 of the Act is amended by replacing “in respect of the inability of a worker to carry on his employment” and “able to carry on his employment” by “or 360 in respect of a worker’s inability to carry on an employment with his employer” and “able to carry on such an employment”, respectively.

adapte-
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 112.1

AMENDMENT:

Insert after section 112:

112.1. Section 433 of the Act is amended by inserting “or 360” after “359”.

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 237

AMENDMENT:

Replace “1 January 2022” and “1 January 2023” by “1 January 2023” and
“1 January 2024”, respectively.

adopté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 272.1

AMENDMENT:

Insert after section 272:

REGULATION RESPECTING CONTRIBUTION RATES

272.1. Section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is amended by replacing “0.07%” by “0.06%”.

adopté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 276

AMENDMENT:

Withdraw.

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 277

AMENDMENT:

Insert "*that is six months after the date*" after "*date*".

adapte
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 278

AMENDMENT:

Replace “326 to 328.1 and the second paragraph of section 329 of the Act respecting industrial accidents and occupational diseases, as amended, replaced or enacted by sections 93 to 97, and sections 52 and 96 of the Regulation respecting financing (chapter A-3.001, r. 7), as amended by sections 240 and 242,” by “327 and 328 of the Act respecting industrial accidents and occupational diseases, as replaced or amended by sections 94 and 95”.

adapte
QA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 279

AMENDMENT:

Insert “, 3.2, 3.3” after “3.1”.

*proposé
RC*

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 280

AMENDMENT:

Insert “, 3.2, 3.3” after “3.1”.

adopté
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 283

AMENDMENT:

Replace “(*insert the year of assent to this Act*)” by “corresponding to the year of coming into force of section 2 insofar as it enacts the definition of “domestic worker””.

adopté
Re

Bill 59

**An Act to modernize the occupational
health and safety regime**

Sections 284 and 285

AMENDMENT:

Replace by:

adapté
AO

284. An employer who, on the date preceding the date of coming into force of section 146, applies a prevention program in his establishment must maintain it in accordance with the provisions of the Act respecting occupational health and safety, as they read on that date, until he implements a prevention program or action plan in accordance with section 58, 58.1 or 61.1 of the Act respecting occupational health and safety, as replaced or enacted by sections 146 and 149.1.

285. From *(insert the date that is six months after the date of assent to this Act)* and until the coming into force of section 146, an employer who, under the Act respecting occupational health and safety, as it read on *(insert the date preceding the date of assent to this Act)*, is not subject to the obligation to implement a prevention program specific to each establishment must record the identification and analysis of the risks that may affect the health and safety of workers that is specific to each establishment employing at least 20 workers.

285.1. From *(insert the date that is six months after the date of assent to this Act)* and until the coming into force of section 149.1, an employer who, under the Act respecting occupational health and safety, as it read on *(insert the date preceding the date of assent to this Act)*, is not subject to the obligation to have a prevention program specific to each establishment must record the identification of the risks that may affect the health and safety of workers for any establishment employing fewer than 20 workers.

285.2. From *(insert the date that is six months after the date of assent to this Act)* and until the coming into force of section 152, a health and safety committee must be established in any establishment employing at least 20 workers if that establishment has no health and safety committee established in accordance with section 69 of the Act respecting occupational health and safety, as it read on *(insert the date preceding the date of assent to this Act)*.

The number of workers' representatives on a health and safety committee is determined by agreement between the employer and the workers of the establishment. If there is no agreement, the number of workers' representatives on the health and safety committee is as follows, according to the number of workers in the establishment:

- (1) 20 to 50 workers: 2;
- (2) 51 to 100 workers: 3;
- (3) 101 to 500 workers: 4;
- (4) 501 to 1,000 workers: 5; and
- (5) more than 1,000 workers: 6.

The minimum frequency of meetings is determined by agreement between the employer and the workers of the establishment. If there is no agreement, the committee meets at least once every three months.

The workers' consent to such agreements is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

The function of the committee is to participate in the identification and analysis of the risks that may affect the health and safety of the establishment's workers in order to make recommendations in writing to the employer.

Sections 71 to 73, the second and third paragraphs of section 74, and sections 76, 77, 80 and 81 of the Act respecting occupational health and safety, as they read on (*insert the date preceding the date of assent to this Act*), apply to the committee and to the designation of its members, with the necessary modifications.

285.3. From (*insert the date that is six months after the date of assent to this Act*) and until the coming into force of section 162, a health and safety representative must be designated in any establishment employing at least 20 workers if that establishment has no safety representative designated in accordance with section 87 or 88 of the Act respecting occupational health and safety, as they read on (*insert the date preceding the date of assent to this Act*).

The health and safety representative exercises the functions described in paragraphs 1, 4 and 8 of section 90 of the Act respecting occupational health and safety, as it read on (*insert the date preceding the date of assent to this Act*). The representative records his recommendations in writing.

The representative may take time off work for the time determined by agreement by the members of the establishment's health and safety committee. If there is no agreement, the minimum amount of time the representative may devote to the exercise of his functions every three months is, according to the number of workers in the establishment, as follows:

- (1) 20 to 50 workers: 9 hours 45 minutes;
- (2) 51 to 100 workers: 19 hours 30 minutes;
- (3) 101 to 200 workers: 32 hours 30 minutes;
- (4) 201 to 300 workers: 48 hours 45 minutes;
- (5) 301 to 400 workers: 58 hours 30 minutes;
- (6) 401 to 500 workers: 68 hours 15 minutes; and
- (7) more than 500 workers: 68 hours 15 minutes, to which are added 13 hours per additional 100 workers.

Sections 89, 93, 94, 96 and 97 of the Act respecting occupational health and safety, as they read on (*insert the date preceding the date of assent to this Act*), apply to the representative and to his designation, with the necessary modifications.

285.4. From (*insert the date that is six months after the date of assent to this Act*) and until the coming into force of section 167.1, a health and safety liaison officer must be designated in an establishment employing fewer than 20 workers if that establishment has no safety representative designated in accordance with section 87 or 88 of the Act respecting occupational health and safety, as they read on (*insert the date preceding the date of assent to this Act*).

The certified associations that represent the workers and the workers not represented by a certified association designate the health and safety liaison officer, in accordance with the mode of appointment they determine together.

The function of a health and safety liaison officer is to cooperate with the employer to facilitate the communication of information on health and safety between the employer and the workers of the establishment and to make recommendations in writing to the employer on the identification of risks in the work environment. The health and safety liaison officer may also file complaints with the Commission.

The health and safety liaison officer may take time off work as necessary to exercise his functions.

Sections 93, 94, 96 and 97 of the Act respecting occupational health and safety, as they read on (*insert the date preceding the date of assent to this Act*), apply to the health and safety liaison officer, with the necessary modifications.

285.5. An employer referred to in section 285 of this Act who employs workers in more than one establishment where activities of the same nature are carried on may record only one identification and analysis of risks for all or part of those establishments if the employer ensured beforehand that the functions set out in sections 285.2 and 285.3 of this Act can be adequately exercised, in particular considering the distance between the establishments concerned. This identification and analysis of risks must take into account all the activities carried on in those establishments.

In such a case, a single health and safety committee must be established and a single health and safety representative must be designated in place of those referred to in sections 285.2 and 285.3 of this Act, with the necessary modifications.

A single health and safety committee must be established and a single health and safety representative must be designated in place of those referred to in sections 285.2 and 285.3 of this Act for the establishments whose employer is subject to the obligation to have a prevention program specific to each establishment, in the case where all the following conditions are met:

(1) the employer ensured beforehand that the functions set out in sections 285.2 and 285.3 of this Act can be adequately exercised, in particular considering the distance between the establishments concerned;

(2) in the case of all or part of the establishments of an employer who employs workers in more than one establishment and where activities of the same nature are carried on; and

(3) the employer indicated, in the prevention program specific to each establishment, the name of the establishments affected by the grouping for the purposes of establishing a committee and designating a representative, and the grouping is limited to those establishments.

For the purpose of determining whether the activities carried on in an establishment are of the same nature, the exercise of comparable functions by workers and the conditions of exercise of those functions must be taken into consideration.

Despite the second and third paragraphs, the Commission may, if it considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, require that additional health and safety committees be established or additional health and safety representatives be designated for the establishments it designates.

The employer and the workers of those establishments may also determine by agreement to establish health and safety committees in addition to the health and safety committee established for all the establishments or to designate a greater number of health and safety representatives.

The workers' consent to the agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

285.6. Where the provisions of an agreement within the meaning of section 1 of the Act respecting occupational health and safety allow the health and safety representative to take time off work for the minimum time required to exercise the representative's functions, the hours set out in the third paragraph of section 285.3 are not added to those determined by the agreement.

Likewise, where the provisions of an agreement provide for the establishment of a committee that fulfils the obligations set out in section 285.2, the committee established in accordance with that agreement is deemed to be established under this Act.

285.7. The provisions of Chapter X of the Act respecting occupational health and safety, as they read on (*insert the date of assent to this Act*), apply with respect to an inspection carried out to ensure compliance with sections 285 to 285.5 of this Act, with the necessary modifications.

A contravention of sections 285 to 285.5 of this Act is deemed to be a contravention referred to in section 236 of the Act respecting occupational health and safety.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 286

AMENDMENT:

Withdraw.

pedgite
RA

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 287

AMENDMENT:

Replace “1 January 2022” by “the coming into force of section 165”.

adapté
RC

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 289

AMENDMENT:

Replace by:

*adapté
RC*

289. From 1 January 2023 and until the coming into force of section 147, section 199 of the Act respecting occupational health and safety, amended by section 214, is to be read as follows:

“**199.** The object of a prevention program relating to a construction site is to eliminate, at the source, dangers to the health, safety and physical and mental well-being of construction workers. It must comply with the regulations applicable to the construction site and contain the following components:

(1) the identification and analysis of the risks that may affect the health of the establishment’s workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, and the risks that may affect the workers’ safety;

(2) the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures, and the scheduling to accomplish the measures and priorities;

(3) the supervision, evaluation, maintenance and follow-up measures to ensure that the identified risks are eliminated or controlled;

(4) the identification of the individual protective means and equipment which are both in compliance with the regulations and best adapted to meet the needs of the establishment’s workers; and

(5) the occupational health and safety training and information programs;

(6) the establishment and updating of a list of dangerous substances used on the construction site;

(7) the maintaining of an adequate first aid service to respond to emergencies.”

289.1. The provisions of the Act respecting occupational health and safety, as they read before being amended or repealed by this Act, continue to apply with respect to construction sites for which the Commission des normes, de l'équité, de la santé et de la sécurité du travail received, before 1 January 2023, the notice of opening of a construction site required under section 197 of the Act respecting occupational health and safety.

289.2. The Government must, not later than (*insert the date that is four years after the date of assent to this Act*), enact a regulation referred to in subparagraphs 17, 17.1, 22, 23, 24 and 24.1 of the first paragraph of section 223 of the Act respecting occupational health and safety, enacted, amended or replaced by section 228, if the Commission des normes, de l'équité, de la santé et de la sécurité du travail fails to adopt one before (*insert the date that is three years after the date of assent to this Act*).

A regulation mentioned in the first paragraph must take into account the realities specific to women and men.

289.3. Section 43 of the Act respecting industrial accidents and occupational diseases, amended by section 15, is to be read,

(1) until (*insert the date that is one day before the date that is one year after the date of assent to this Act*), as if “226,” were inserted after “219,”;

(2) from (*insert the date that is one year after the date of assent to this Act*) and until the coming into force of section 15, as if “219” were replaced by “217, 226”.

289.4. From (*insert the date that is one year after the date of assent to this Act*) and until the coming into force of section 110, section 241 of the Act respecting industrial accidents and occupational diseases, amended by section 76, is to be read as if “or 360” were struck out.

289.5. From 1 January 2023 and until the coming into force of section 178, sections 33, 37 and 40.1 of the Act respecting occupational health and safety, amended or enacted by sections 135, 137 and 139, are to be read as if “physician in charge of occupational health” were replaced by “physician in charge of health services in the establishment”.

289.6. From 1 January 2023 and until the coming into force of section 162, section 181 of the Act respecting occupational health and safety, amended by section 211, is to be read as follows:

“181. On arriving at a workplace, and before making an investigation or inspection, an inspector shall take reasonable steps to advise the employer, the certified association and the safety representative. On a construction site, he shall advise the principal contractor, the health and safety coordinator and the health and safety representative.”

289.7. From 1 January 2023 and until the coming into force of section 162, section 183 of the Act respecting occupational health and safety, amended by section 212, is to be read as if “or safety representative, as the case may be,” were inserted after “health and safety representative”.

289.8. From 1 January 2023 and until the coming into force of section 162, section 184 of the Act respecting occupational health and safety, amended by section 229, is to be read as if “or safety representative, as the case may be,” were inserted after “health and safety representative”.

289.9. Until the coming into force of section 183, section 124 of the Act respecting occupational health and safety, amended by section 183, is to be read as if “or mental” were inserted after “physical”.

289.10. Subparagraph 24 of the first paragraph of section 223 of the Act respecting occupational health and safety, replaced by paragraph 9 of section 228, is to be read,

(1) from 1 January 2023 and until the coming into force of section 167, as if “or construction sites” were struck out;

(2) from 1 January 2024 and until the coming into force of paragraph 10 of section 228, as if “and 211” were replaced by “, 207.1, 211 and 215.3”.

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 292.1

AMENDMENT:

Insert after section 292:

292.1. The Minister must, not later than *(insert the date that is five years after the date of assent to this Act)*, report to the Government on the carrying out of this Act and the advisability of maintaining or amending its provisions.

The report must be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

adopté
Ad

Bill 59

**An Act to modernize the occupational
health and safety regime**

Section 293

AMENDMENT:

Replace by:

amte
AO

293. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) paragraphs 1 and 2 of section 2, paragraph 4 of that section insofar as it enacts the definition of “domestic worker”, paragraph 5 of that section, section 3, sections 5 to 7, 12, 22, 85, 89 and 91, section 116 insofar as it concerns paragraphs 2 and 3 of section 454.1 of the Act respecting industrial accidents and occupational diseases, and paragraph 1 of section 119, which come into force on *(insert the date that is 6 months after the date of assent to this Act)*;

(2) subparagraph *a* of paragraph 3 of section 2, paragraph 4 of that section insofar as it enacts the definition of “his employment”, sections 9, 11, 16 and 19, paragraph 2 of sections 23 and 25, sections 26 and 27, paragraph 1, subparagraph *a* of paragraph 2 and paragraph 3 of section 28, sections 29 and 31 to 31.3, paragraphs 1, 2 and 4 of section 33, section 34, subparagraph *b* of paragraph 1 and paragraph 2 of section 35, sections 36 to 39, section 40 insofar as it concerns the expression “job search support services and assistance services”, section 42, except paragraph 1.1 of that section, sections 43 to 45, paragraph 1 of section 46, sections 47, 48, 61.1 to 64, 66 and 74 to 84, and subparagraph *b* of paragraph 1 of section 115, which come into force on *(insert the date that is one year after the date of assent to this Act)*;

(3) sections 108 to 110.1, 112, 112.1, 234 and 244 to 248, which come into force on *(insert the date that is eighteen months after the date of assent to this Act)*;

(4) sections 231 and 272.1, which come into force on 1 January 2022;

(5) sections 134 to 142, 211 and 212, paragraphs 1 and 2 of section 213, section 213.1, section 214 except insofar as it concerns the words “and mental”, sections 215, 216 to 219 and 221 to 224, paragraph 2 of section 225, section 226 insofar as it enacts sections 215.1 and 215.2 of the Act respecting occupational

health and safety, section 227, paragraphs 2 and 11 to 13 of section 228, paragraph 3 of section 229 insofar as it concerns the sections of Chapter XI of the Act respecting occupational health and safety, section 239 insofar as it enacts the Regulation respecting prevention mechanisms specific to construction sites, except sections 11, 14, 15 and 17 of that regulation, and sections 263, 264, 269 and 269.1, which come into force on 1 January 2023;

(6) section 220, section 226 insofar as it enacts section 215.3 of the Act respecting occupational health and safety, and section 239 insofar as it enacts sections 11, 14, 15 and 17 of the Regulation respecting prevention mechanisms specific to construction sites, which come into force on 1 January 2024;

(7) section 128 except where it concerns the definitions of “employer”, “dangerous substance” and “worker”, sections 130 and 133, paragraph 1 of section 142.1, paragraphs 1 and 3 of section 143, sections 144 and 146, section 147, except paragraph 0.1 of that section, sections 148 to 149.1, 152, 153 and 155, paragraphs 1, 2 and 4 to 10 of section 156, sections 157 and 158, paragraphs 3 and 4 of section 159, sections 160 to 185, paragraphs 1, 2 and 3 of section 207, sections 210 and 215.1, paragraph 1 of section 225, paragraphs 5 to 10 of section 228, paragraph 3 of section 229 insofar as it concerns the sections of Chapters I to X of the Act respecting occupational health and safety, and sections 249 to 262, 265 to 268 and 270 to 272, which come into force on the date or dates to be determined by the Government, which may not be after (*insert the date that is four years after the date of assent to this Act*);

(8) paragraph 4 of section 2 insofar as it enacts the definition of “adapted equipment”, sections 13 and 14, subparagraph *b* of paragraph 2 of section 28, sections 30, 49 to 51, 53, 54, 57, 58 and 99, subparagraphs *c* and *d* of paragraph 1 and paragraph 2 of section 115, and sections 125, 241 and 243, which come into force on the date of coming into force of the first regulation made under subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, amended by section 115;

(9) section 15, section 73 insofar as it enacts sections 233.1 and 233.4 to 233.8 of the Act respecting industrial accidents and occupational diseases, and section 107, which come into force 60 days after the date on which all the members of a first committee who are referred to in section 233.2 of that Act, enacted by section 73, have been appointed; and

(10) section 101 insofar as it enacts Division III of Chapter X.1 of the Act respecting industrial accidents and occupational diseases, which comes into force on the date on which all the members referred to in section 348.4 of the Act respecting industrial accidents and occupational diseases, enacted by section 101, have been appointed.