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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 59

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

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**Introduction**

**Introduced by  
Mr. Jean Boulet  
Minister of Labour, Employment and Social Solidarity**

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## **EXPLANATORY NOTES**

*The purpose of this bill is to modernize the occupational health and safety regime with regard to prevention of and compensation for employment injuries.*

*The bill first amends the Act respecting industrial accidents and occupational diseases in order to, among other things,*

*(1) create a scientific committee on occupational diseases called the “Comité scientifique sur les maladies professionnelles”, whose mandate is to make recommendations regarding occupational diseases to the Minister or the Commission des normes, de l’équité, de la santé et de la sécurité du travail;*

*(2) allow the Government to create committees on occupational oncological diseases, whose function is to determine whether a worker suffers from an occupational oncological disease and to give an opinion on the link between that disease and the particular characteristics or risks of the work carried on by the worker;*

*(3) allow the Commission to grant rehabilitation measures before the consolidation of an employment injury, broaden the measures that the Commission and employers may take to favour workers’ reinstatement in their employment, including the Commission’s obligation to offer job search support services to workers, and make rehabilitation measures available to workers 60 years of age or older;*

*(4) specify that students undergoing a job shadowing or work training period under the responsibility of an educational institution are protected under the Act;*

*(5) revise the powers of the Bureau d’évaluation médicale with respect to the consolidation of an employment injury;*

*(6) establish an authorization and inspection regime with respect to suppliers of goods or services;*

*(7) allow a person who is the subject of a decision of the Commission regarding medical matters or concerning the financing of the occupational health and safety regime to elect to apply for a*

*review of the decision or to contest it before the Administrative Labour Tribunal;*

*(8) allow the Commission to render a new decision if a change in circumstances impacts a beneficiary's entitlement to benefits;*

*(9) grant regulatory powers to the Commission, such as the power to establish rules regarding the adapted equipment and health services to which a worker who suffers an employment injury is entitled, as well as regarding medicines and other pharmaceutical products;*

*(10) increase the amounts of fines.*

*The bill then amends the Act respecting occupational health and safety, in particular to*

*(1) extend the application of prevention and worker participation mechanisms to all sectors of activities according to the size of each establishment and the risk level of the activities carried on there;*

*(2) allow an employer to establish a single prevention program for all or part of its establishments where activities of the same nature are carried on and, in that case, to establish a single health and safety committee for those establishments;*

*(3) provide for worker participation mechanisms on construction sites, in particular through the presence of a health and safety representative on a job site occupying at least 10 workers simultaneously at a given stage of the work, and of a job-site committee if there are 20 workers or more;*

*(4) update the rules governing joint sector-based associations;*

*(5) oblige employers to take the measures necessary to ensure the protection of a worker exposed to a situation of physical or psychological violence, including spousal or family violence, in the workplace;*

*(6) replace the occupational health program specific to an establishment by including health components in the employer's prevention program;*

*(7) specify that students undergoing an on-the-job training period under the responsibility of an educational institution are protected under the Act;*

*(8) replace the position of chairman of the board and chief executive officer by the positions of chief executive officer and chair of the board of directors of the Commission, provide that the chair of the board must qualify as an independent director, make certain provisions of the Act respecting state-owned enterprises applicable, and provide for the establishment of governance and ethics, audit and human resources committees;*

*(9) provide for the establishment of protocols to identify dangers and the related working conditions for the purposes of the exercise of the rights of pregnant or breast-feeding workers, and prescribe the terms governing the exercise of those rights.*

*The bill also amends the Act respecting labour standards to make certain categories of employers that are currently exempt subject to the contribution that finances the application of that Act.*

*The Act to establish the Administrative Labour Tribunal is also amended, in particular to introduce provisions allowing the Administrative Labour Tribunal to take measures against vexatious or quarrelsome conduct.*

*The bill enacts the Regulation respecting occupational diseases, which determines diseases for the purposes of the application of the occupational disease presumption as well as the special conditions in relation to those diseases, and specifies the eligibility criteria for claims. The bill also enacts the Regulation respecting prevention mechanisms, which determines, among other things, the rules applicable with regard to prevention programs, health and safety representatives and health and safety coordinators.*

*The bill amends or repeals various regulations.*

*Lastly, the bill makes consequential amendments and transitional measures.*

#### **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Health Insurance Act (chapter A-29);
- Act respecting labour standards (chapter N-1.1);

- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Act respecting occupational health and safety (1979, chapter 63).

**REGULATIONS ENACTED BY THIS BILL:**

- Regulation respecting occupational diseases (*insert the year and chapter number of this Act and the number of the section of this Act that enacts that regulation*);
- Regulation respecting prevention mechanisms (*insert the year and chapter number of this Act and the number of the section of this Act that enacts that regulation*).

**REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting financing (chapter A-3.001, r. 7);
- Joint Sector-Based Construction Association on Occupational Health and Safety Regulation (chapter S-2.1, r. 1);
- Regulation respecting joint sector-based associations on occupational health and safety (chapter S-2.1, r. 2);
- Safety Code for the construction industry (chapter S-2.1, r. 4);
- Regulation respecting pulmonary health examinations for mine workers (chapter S-2.1, r. 7);
- Regulation respecting the implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux (chapter S-2.1, r. 29).

**REGULATIONS REPEALED BY THIS BILL:**

- Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3);
- Regulation respecting health and safety committees (chapter S-2.1, r. 5);
- Regulation respecting prevention programs (chapter S-2.1, r. 10);
- Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12);
- Regulation respecting occupational health services (chapter S-2.1, r. 16).

## Bill 59

### AN ACT TO MODERNIZE THE OCCUPATIONAL HEALTH AND SAFETY REGIME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**1.** Section 1 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing “provision of the necessary care for the consolidation of an injury, the physical” in the second paragraph by “, within the limits laid down in this Act, the provision of goods and health services, the”.

**2.** Section 2 of the Act is amended

(1) by replacing the definition of “**executive officer**” by the following definition:

““**executive officer**” means a member of the board of directors of a legal person or a person who assumes such powers, if all powers have been withdrawn from the board of directors by a unanimous agreement of the members, who also exercises oversight and management functions with regard to the legal person;”;

(2) by striking out the definition of “**domestic**”;

(3) by inserting “, taking into account the essential tasks and the characteristics of that type of employment,” after “employment that” in the definition of “**suitable employment**”;

(4) by inserting the following definitions in alphabetical order:

““**adapted equipment**” means a device or other equipment that compensates for a physical deficiency, or a visual aid, hearing aid or communication device;

““**domestic worker**” means a natural person whose main duty, under a contract of employment entered into with an individual for remuneration, is

(1) to do housework or maintenance work, take care of or provide care to a person or an animal, or perform any other household employee task at an individual’s dwelling, or

(2) to act as driver or bodyguard for an individual or perform any other task falling strictly within the individual's private sphere;

““**his employment**” means the employment held by the worker when he suffered his employment injury defined in particular on the basis of his regular work schedule and the tasks actually performed;”;

(5) by replacing paragraphs 1 and 2 in the definition of “**worker**” by the following paragraph:

“(1) a domestic worker who must work less than 420 hours over a period of one year for the same individual, unless he can provide proof of 7 consecutive weeks of work at a rate of at least 30 hours per week during that period;”.

**3.** The Act is amended by inserting the following after section 8.1:

“**8.2.** Sections 9 and 13 do not apply if the activities carried on are of the same nature as a domestic worker's activities.

“§1.1.—*Domestic workers*

“**8.3.** For the application of this Act to domestic workers, the dwelling of the person benefitting from a domestic worker's services is considered an establishment.

“**8.4.** Sections 34, 280 and 316 do not apply to a domestic worker's employer.

“**8.5.** When acting under section 256 or 257, the Commission may not order a domestic worker's reinstatement in his employment.”

**4.** Section 10 of the Act is amended by replacing “a training period at an establishment, without remuneration” by “an unremunerated job shadowing or work training period in an establishment”.

**5.** Section 18 of the Act is amended by replacing “domestics” and “employers, executive officers and members of the boards of directors of legal persons” in the first paragraph by “domestic workers who are not workers within the meaning of this Act” and “executive officers, members of the boards of directors of legal persons, and employers, except if the latter are individuals who hire a domestic worker,”, respectively.

**6.** Section 19 of the Act is amended

(1) by replacing “domestics” in the first paragraph by “domestic workers who are not workers within the meaning of this Act”;



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

“An individual who hires an independent operator or a domestic worker who is not a worker within the meaning of this Act may also register him with the Commission and in doing so is considered to be his employer, but only for the purposes of Chapters IX and XIII; in such a case, the individual shall inform the independent operator or domestic worker of the fact that he benefits from the protection afforded by this Act, and of the amount of the protection.”

**7.** Sections 22 and 24 of the Act are amended by striking out “of independent operators or of domestics” in the first paragraph.

**8.** Sections 29 and 30 of the Act are replaced by the following sections:

**“29.** A worker who meets the eligibility criteria for the claim that may be prescribed by regulation is presumed to be suffering from an occupational disease if he is suffering from a disease determined by regulation and if, on the day he receives the diagnosis of the disease, he meets the special conditions prescribed by regulation in relation to the disease.

**“30.** A worker not presumed to be suffering from an occupational disease under section 29 and who meets the eligibility criteria for the claim that may be prescribed by regulation is considered to be suffering from an occupational disease

(1) if he is suffering from a disease arising out of or in the course of employment and not as a result of an industrial accident or of an injury or disease caused by such an accident; and

(2) if he satisfies the Commission that his disease is characteristic of work he has done or is directly related to the risks peculiar to that work.”

**9.** Section 31 of the Act is amended by inserting “of a rehabilitation measure or” after “or as part” in subparagraph 2 of the first paragraph.

**10.** The Act is amended by inserting the following section after section 31:

**“31.1.** For the purpose of determining the amount of and entitlement to the benefits granted under Divisions I and IV of Chapter III and under Chapters IV, V and V.1, if a worker’s claim is submitted more than three years after the worker receives the diagnosis of an occupational disease, the date on which the injury appeared and, if before the claim is filed, the date on which the worker became unable to carry on his employment, as the case may be, is deemed to be the date on which the claim is filed.”

**11.** Section 32 of the Act is amended by inserting “or refuse to reinstate him in an employment contrary to a decision of the Commission” after “upon him” in the first paragraph.

**12.** Section 33 of the Act is amended by replacing “of independent operators or of domestics” in the third paragraph by “referred to in the first paragraph of section 19”.

**13.** Section 38 of the Act is amended by striking out “and the physical rehabilitation record” in the fifth paragraph.

**14.** Section 39 of the Act is amended by striking out “and physical rehabilitation” in the first paragraph.

**15.** Section 43 of the Act is amended by replacing “219” and “and 231” by “217” and “, 231 and 233.4”, respectively.

**16.** Section 44 of the Act is amended by adding the following sentence at the end of the second paragraph: “That employment becomes, for the purposes of this Act, his employment.”

**17.** Section 48 of the Act is amended

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

“Where a worker who has suffered an employment injury is again able to carry on his employment or an equivalent employment after the expiry of the time prescribed to exercise his right to return to work, his right to the income replacement indemnity provided for in section 45 is extinguished when the earliest of the following events occurs:

(1) the reinstatement of the worker in his employment or an equivalent employment;

(2) the refusal of the worker, without valid reason, to be reinstated in his employment or an equivalent employment;

(3) a decision of the Commission concluding that the reinstatement of the worker does not impose undue hardship on the employer; or

(4) one year has elapsed since the date on which the worker was again able to carry on his employment or an equivalent employment.”;

(2) by replacing “the cessation of his employment” in the second paragraph by “his cessation of employment”.

**18.** Section 49 of the Act is amended by replacing “the cessation of his employment” in the third paragraph by “his cessation of employment”.

**19.** Section 53 of the Act is amended

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

“A worker 60 years of age or over who suffers an employment injury and who sustains, by reason of that injury, permanent physical or mental impairment that renders him unable to carry on his employment is entitled to the income replacement indemnity provided for in section 45 until he holds a new employment or until he holds or refuses to hold a suitable employment available with his employer or determined by the Commission.”;

(2) by replacing “a suitable employment with his employer” in the second paragraph by “an available suitable employment”;

(3) by replacing “with his employer and the latter” in the third paragraph by “and his employer”.

**20.** Section 67 of the Act is amended by replacing “his employment with the employer” in the first paragraph by “the employment with the employer”.

**21.** Section 69 of the Act is amended by replacing “his employment” in the second paragraph by “that employment”.

**22.** The Act is amended by inserting the following section before section 92:

“**91.1.** The right to compensation under this division is prescribed five years from the date of the worker’s death.”

**23.** Section 115 of the Act is amended

(1) by replacing “transportation and travel expenses” by “travel and living expenses”;

(2) by inserting “a rehabilitation measure or” after “take part in”.

**24.** Section 128 of the Act is amended by inserting “by the fact that the worker returns to work following medical advice” after “interrupted”.

**25.** Section 132 of the Act is amended, in subparagraph 2 of the first paragraph,

(1) by replacing “disability” by “limitation”;

(2) by inserting “or an equivalent employment” at the end.

**26.** Section 142 of the Act is amended by replacing “the rehabilitation measures prescribed in” in subparagraph *d* of paragraph 2 by “a rehabilitation measure or”.

**27.** The Act is amended by replacing the heading of Division I of Chapter IV and section 145 by the following:

**“DIVISION I**

**“REHABILITATION MEASURES BEFORE CONSOLIDATION**

**“145.** On accepting a claim for an employment injury and before the consolidation of the injury, the Commission may grant the worker rehabilitation measures that are adapted to the state of his health and favour his vocational reintegration, in the cases and on the conditions set out in this chapter and prescribed by regulation.

For that purpose, the Commission may, in collaboration with the worker and the employer, implement measures with the employer that favour the worker’s reinstatement, in particular by developing his capacity to gradually resume the tasks involved in his employment.

**“145.1.** The Commission shall submit the rehabilitation measures provided for in section 145 to the physician in charge of the worker when it considers it necessary that he determine whether implementing the measures is appropriate, considering the state of the worker’s health.

**“145.2.** 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.

**“145.3.** The rehabilitation measures granted by the Commission under this division cease on the earliest of the following dates:

- (1) the date of consolidation of the worker’s employment injury;
- (2) the date of completion of the measures; or
- (3) the date on which the Commission determines that the measures are no longer necessary or appropriate.

Despite the consolidation of the worker’s employment injury, a measure granted by the Commission under this division may be maintained or included, as the case may be, in the personal rehabilitation program referred to in section 146.

**“145.4.** Where the employer temporarily assigns work during completion of the rehabilitation measures provided for in this division, only the measures that compromise the assignment must be interrupted.

**“145.5.** Where the Commission implements measures under the second paragraph of section 145, the employer may, in accordance with the rules established by regulation, select one of the options provided for in the second paragraph of section 180.

**“DIVISION I.1**

**“REHABILITATION MEASURES AFTER CONSOLIDATION”.**

**28.** Section 146 of the Act is amended

(1) by adding the following paragraph 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 and prescribed by regulation.”;

(2) in the first paragraph,

(a) by replacing “the worker’s right to rehabilitation, the Commission shall prepare and implement, with the worker’s collaboration” by “that the worker is able to exercise that right, the Commission shall prepare and implement, with the collaboration of the worker, and of the employer if the latter’s participation is required”;

(b) by striking out “physical.”;

(3) by replacing “worker’s collaboration” in the second paragraph by “collaboration of the worker and, where required, of the employer”.

**29.** Section 147 of the Act is amended by replacing “In respect of rehabilitation, the personal rehabilitation program” by “The personal rehabilitation program”.

**30.** Subdivision 1 of Division I of Chapter IV of the Act, comprising sections 148 to 150, is repealed.

**31.** Section 152 of the Act is amended

(1) by replacing “may include, in particular,” in the introductory clause by “shall include”;

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

“(6) other rehabilitation measures, in the cases and on the conditions prescribed by regulation.”

**32.** Section 159 of the Act is amended by replacing “engaging” in the first paragraph by “hiring”.

**33.** Section 167 of the Act is amended

(1) by replacing “may include, in particular,” in the introductory clause by “includes”;

(2) by replacing “assistance in finding employment” in paragraph 4 by “job search support services”;

(3) by replacing “position” in paragraph 6 by “work station”;

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

“(9) progressive return to work;

“(10) other rehabilitation measures, in the cases and on the conditions prescribed by regulation.”

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

**“167.1.** Where the Commission determined, before the employment injury appeared, that the worker was unable to carry on an employment, that employment may not constitute his employment for the purpose of determining the worker’s capacity. The Commission shall then evaluate his capacity to carry on his employment on the basis of another employment he usually held or the employment the Commission already determined he had the capacity to carry on.

**“167.2.** Where a worker who has suffered an employment injury, whether or not he sustained permanent physical or mental impairment, is able to carry on his employment, an equivalent employment or a suitable employment available with his employer, the Commission may, if the period of absence or the situation of the worker warrants it, provide for his progressive return to work in order to facilitate his reinstatement with his employer.

In such a case, the Commission shall grant financial support to the employer for a maximum period of eight weeks according to the option provided for in the second paragraph of section 180 that he chooses, in accordance with the rules established by regulation. Such financial support constitutes a rehabilitation benefit.”

**35.** Section 169 of the Act is amended

(1) in the first paragraph,

(a) by replacing “disability” by “limitation”;

(b) by striking out “before the expiry of the period for the exercise of his right to return to work”;

(2) by replacing “and after consulting the employer” in the second paragraph by “and, if the participation of the employer is required, the employer’s collaboration”.

**36.** Section 170 of the Act is amended

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

“Where no rehabilitation measure exists that may enable a worker to carry on his employment or equivalent employment, the Commission shall determine whether there is any suitable employment available with the employer, evaluating in particular whether any rehabilitation measures are required to enable the worker to carry on such an employment. If so, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on that employment.”;

(2) by replacing “worker’s collaboration and after consulting” in the second paragraph by “collaboration of the worker and of”;

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

“The rehabilitation program may include other measures than those set out in section 167, such as adjusted tasks and changes to the work schedule or work organization, provided those measures do not alter the nature of the employment.”

**37.** The Act is amended by inserting the following sections after section 170:

**“170.1.** Irrespective of the expiry of the period prescribed to exercise the right to return to work, the Commission may require that the employer, a health and safety representative within the meaning of the Act respecting occupational health and safety (chapter S-2.1), a representative of the worker’s union or a representative of another union representing employees of the employer, as the case may be, to provide it with the information and documents necessary for determining the worker’s capacity to hold his employment or an equivalent employment or for determining a suitable employment available with the employer.

The employer shall allow the Commission to have access to the worker’s work station or to another work station so it can render a decision on the worker’s capacity to carry on his employment, an equivalent employment or a suitable employment and on its availability.

The information and documents referred to in the first paragraph concern, in particular, a detailed description of the employments with the employer, the physical demands of those employments and their potential availability, the work adaptation and reorganization possibilities and, as the case may be, the provisions of the collective agreement.

**“170.2.** The employer shall, unless he proves the existence of undue hardship, collaborate in the implementation of the measures that must be carried out in his establishment.

**“170.3.** The employer is deemed to be able to reinstate the worker from the date on which the worker is again able to carry on his employment or from the date on which he becomes able to carry on an equivalent employment or a suitable employment available with his employer where such an event occurs before the expiry of the period for exercising his right to return to work.

Unless he is able to prove the existence of undue hardship, the employer is presumed to be able to reinstate the worker when the latter is again able to carry on his employment or becomes able to carry on an equivalent employment or a suitable employment available with his employer after the expiry of the period for exercising his right to return to work.

**“170.4.** The Commission may order an employer who refuses to comply with the obligations provided for in sections 170.1 and 170.2 or to reinstate a worker despite a decision establishing the worker’s capacity to hold his employment, an equivalent employment or a suitable employment to pay to the Commission, within the time it specifies, a monetary administrative penalty equivalent to the cost of the benefits to which the worker could have been entitled during the period in which the employer failed to comply with those obligations or reinstate the worker, where applicable, but of which the amount may not be greater than the annual amount of the income replacement indemnity to which the worker is entitled.

Before issuing an order under the first paragraph, the Commission shall notify the employer in writing of its intention and of the employer’s alleged failure. It shall grant the employer at least 10 days to remedy the failure, present observations or, where required, produce documents.

Sections 322 to 325 apply, with the necessary modifications, to an employer who is in default of payment of a monetary administrative penalty imposed under the first paragraph.”

**38.** Section 171 of the Act is amended by inserting “with another employer” after “what employment” in the first paragraph.

**39.** Section 173 of the Act is replaced by the following section:

**“173.** The Commission shall provide job search support services to a worker who has suffered an employment injury where he is unable, as a result of his injury, to carry on his employment and where he becomes able to carry on a suitable employment that is not available.



The Commission shall also provide job search support services to a worker who has suffered an employment injury, whether or not he sustained permanent physical or mental impairment, where he is again able to carry on his employment after the period for exercising his right to return to work has expired and where his employer does not reinstate him in his employment or in an equivalent employment.”

**40.** Section 174 of the Act is amended by replacing “assistance in finding employment” and “refer” by “job search support services” and “direct”, respectively.

**41.** Section 176 of the Act is amended by replacing all occurrences of “position” by “work station”.

**42.** Section 179 of the Act is amended

(1) by inserting “, using the form prescribed by the Commission,” after “may” in the introductory clause of the first paragraph;

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

“An employer may not temporarily assign work to a worker if the physician in charge of the worker has not recorded his favourable opinion on the form prescribed by the Commission. The physician in charge of the worker shall also indicate on the form his findings regarding the worker’s temporary functional limitations resulting from his injury.

The employer shall send the duly completed form to the Commission on obtaining the opinion of the physician in charge of the worker. The form must be sent even if the physician’s opinion regarding the assignment proposed by the employer is not favourable.”;

(3) in the last paragraph,

(a) by replacing “with the physician” by “with the physician’s favourable opinion”;

(b) by replacing “the report of the physician” by “the physician’s opinion”.

**43.** Section 180 of the Act is replaced by the following section:

**“180.** The employer shall pay the worker who performs the work he temporarily assigns to him the salary or wages and benefits attaching to his employment and to which he would have been entitled if he had continued to carry on that employment.

Where the employer assigns work to the worker involving a number of hours that is less than the number usually performed for his employment, the employer shall indicate on the temporary assignment form which option he chooses, from among the following, for the payment of salary or wages to the worker:

(1) the same salary or wages and the same benefits as those provided for in the first paragraph; or

(2) the salary or wages and benefits provided for in the first paragraph, but only for the working hours the temporary assignment involves.

The employer may apply to the Commission in writing to have it modify the option chosen under the second paragraph. However, the employer may avail itself of that possibility only once for the same employment injury. Such a modification takes effect on the date of the application.

Where the employer chooses the option set out in subparagraph 1 of the second paragraph, he may, within 90 days after the end of a pay period, send the Commission a statement of the number of hours worked by the worker in order to obtain a reimbursement for the hours paid but not worked, up to 90% of the net salary or wages paid for those hours. That amount constitutes an income replacement indemnity to which the worker is entitled.

Where the employer chooses the option set out in subparagraph 2 of the second paragraph, the Commission shall pay the worker an income replacement indemnity to make up the difference between the amount of the income replacement indemnity to which the worker would have been entitled but for the assignment and the net salary or wages paid by the employer for that work.

For the purposes of this section, the net salary or wages paid to the worker is equal to the gross salary or wages paid to him less the deductions provided for in subparagraphs 1 to 4 of the first paragraph of section 62 and the other mandatory deductions, including the deductions provided for in a contract of employment or a collective agreement.

The time limit prescribed in the fourth paragraph may be extended only if the employer proves that it was impossible for him to act.”

**44.** The Act is amended by inserting the following section after section 180:

“**180.1.** Subject to the last paragraph of section 179, the information obtained from the physician in charge of the worker during a temporary assignment, including temporary functional limitations, may not give entitlement to the medical evaluation procedure provided for in Chapter VI or be the subject of a contestation.”

**45.** Section 181 of the Act is amended by inserting “a rehabilitation measure or” after “implementing” in the second paragraph.

**46.** Section 182 of the Act is amended

- (1) by inserting “a rehabilitation measure or” after “as part of”;
- (2) by replacing “refer the worker to” by “direct the worker to”.

**47.** The Act is amended by inserting the following section after section 182:

**“182.1.** The Commission and the Minister of Employment and Social Solidarity shall enter into an agreement relating to their collaboration and to the services that may be provided by the local employment centres. The agreement must pertain, in particular, to the provision of public employment services to workers who have suffered an employment injury in order to favour their return to work, and must specify the amounts payable by the Commission for such services, the time limits applicable to the local employment centres for providing the services and the reports that must be filed with the Commission.

The agreement must determine, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the terms and conditions for sharing the information concerning the workers that is kept by the Commission and the local employment centre and that is necessary for the purposes of the agreement and of this Act.”

**48.** Section 183 of the Act is amended

- (1) in the first paragraph,
  - (a) by inserting “a rehabilitation measure or” after “all or part of”;
  - (b) by striking out “prescribed in his program”;
- (2) by striking out “clear” in the second paragraph.

**49.** The heading of Chapter V of the Act is replaced by the following heading:

“HEALTH SERVICES”.

**50.** Section 188 of the Act is repealed.

**51.** Section 189 of the Act is replaced by the following section:

**“189.** A worker who has suffered an employment injury is entitled, where his condition requires it as a result of that injury, to the following health services:

- (1) the services insured under the Health Insurance Act (chapter A-29), except the adapted equipment referred to in section 198.1;

(2) the services provided by an institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(3) medicines and other pharmaceutical products, in the cases and on the conditions prescribed by regulation; and

(4) other services, in the cases and on the conditions prescribed by regulation.”

**52.** Section 192 of the Act is amended by adding the following paragraph at the end:

“That right shall be exercised taking into account the legislative and regulatory provisions of this Act.”

**53.** Section 193 of the Act is amended

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

“Every worker is entitled to receive health services from a health institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) of his choice.”;

(2) by replacing “that the care” and “the required care” in the second paragraph by “that the health services” and “the required health services”, respectively.

**54.** Section 194 of the Act is amended

(1) by replacing “of medical aid” in the first paragraph by “of health services”;

(2) in the second paragraph,

(a) by inserting “Unless otherwise provided by regulation,” at the beginning;

(b) by replacing “medical aid benefit” by “health services benefit”.

**55.** Section 195 of the Act is amended

(1) by replacing “agency referred to in the Act respecting health services and social services (chapter S-4.2) and each regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5)” in the second paragraph by “integrated health and social services centre”;

(2) by replacing “to the agency or regional council, as the case may be,” in the third paragraph by “to the integrated health and social services centre”;

(3) by replacing the fourth paragraph by the following paragraph:

“For the purposes of this section, “integrated health and social services centre” means an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), the institutions and the regional board referred to, as the case may be, in Parts IV.1 and IV.2 of the Act respecting health services and social services (chapter S-4.2), and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5).”

**56.** Section 196 of the Act is amended by inserting “by a member of a committee on occupational oncological diseases or by a member of a scientific committee,” after “employer’s request.”

**57.** Section 198.1 of the Act is replaced by the following:

#### **“CHAPTER V.1**

#### **“ADAPTED EQUIPMENT AND OTHER COSTS**

**“198.1.** A worker who has suffered an employment injury is entitled to the adapted equipment and other costs required by his condition as a result of the injury, in the cases and on the conditions prescribed by regulation.

Where the adapted equipment to which the worker is entitled is covered by a program administered by the Régie de l’assurance maladie du Québec under the Health Insurance Act (chapter A-29) or the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5), the amount payable by the Commission is that determined in the program.

**“198.2.** The cost of the adapted equipment and the other costs shall be borne by the Commission.

No amount may be claimed from the worker for the adapted equipment or other costs to which he is entitled under this Act and no action in respect thereof lies in any court of justice.”

**58.** Section 200 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the fact that the worker is awaiting health services or that he is receiving such services;”.

**59.** Section 205 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” in the third paragraph by “president and chief executive officer”.

**60.** Section 212 of the Act is amended by replacing “disability” in subparagraph 5 of the first paragraph by “limitations”.

**61.** Section 216 of the Act is amended by adding the following paragraph at the end:

“A health professional who acts as a member of the Bureau may not act as a member of a committee on occupational lung diseases, a special committee or a committee on occupational oncological diseases acting under Chapter VI or as a member of the scientific committee.”

**62.** Section 217 of the Act is replaced by the following section:

“**217.** The Commission shall, without delay, send to the Bureau d’évaluation médicale the contestations provided for in sections 205.1, 206 and 212.1, and the complete medical record in its possession concerning the employment injury suffered by the worker which is the subject of the contestation. The Commission shall also notify the Minister of the matter in dispute and provide him with the names and addresses of the parties and health professionals concerned.”

**63.** The Act is amended by inserting the following section after section 218:

“**218.1.** On ascertaining that he will not be able to carry out the designation provided for in section 218 within 90 days after a contestation referred to in section 217 is received, the Minister shall notify the Commission.

Where the Minister is informed that, for the purpose of rendering an opinion, the member of the Bureau d’évaluation médicale must conduct examinations that require using equipment the Bureau does not have or that it must have recourse to specializations that are not practised by any member of the Bureau, the time prescribed in the first paragraph is 120 days. In such a case, the Minister shall inform the Commission without delay.”

**64.** Section 219 of the Act is replaced by the following section:

“**219.** On receiving the notice provided for in the first paragraph of section 218.1, the Commission is bound by the report it obtained from the health professional it designated, if any.

The third and fourth paragraphs of section 224.1 apply if the Commission has not yet obtained such a report.”

**65.** Section 220 of the Act is amended by replacing “He may also” in the second paragraph by “In addition, he shall”.

**66.** Section 221 of the Act is amended by replacing the second paragraph by the following paragraphs:

“When expressing his opinion regarding the date on which an employment injury is consolidated, the member of the Bureau shall also do so regarding the fact and degree of the worker’s permanent physical or mental impairment as well as regarding the fact and assessment of the worker’s functional limitations, where such impairment and such functional limitations have not been determined. He is not required to express his opinion if medical reasons prevent him from doing so. He shall, in such a case, state those reasons in his opinion.

If the member of the Bureau is of the opinion that the injury no longer requires care or treatment, he may express his opinion regarding the date of consolidation, in which case the second paragraph applies.”

**67.** Section 224 of the Act is amended by replacing “to section 224.1” by “to sections 219 and 224.1”.

**68.** Section 224.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “pursuant to section 221 within the time prescribed in section 222” by “within 120 days after the contestations referred to in section 217 were sent”;

(b) by adding the following sentence at the end: “In the cases provided for in the second paragraph of section 218.1, the prescribed time is 150 days.”;

(2) by replacing “prescribed in section 222” in the second paragraph by “prescribed in the first paragraph”.

**69.** Section 225 of the Act is amended by replacing “within the prescribed time” by “within the time prescribed in section 222”.

**70.** Section 226 of the Act is amended by replacing “refer” by “direct”.

**71.** Section 229 of the Act is amended

(1) by replacing “the institution” and “to him” by “an institution” and “to the institution”, respectively;

(2) by replacing “referred” by “directed”.

**72.** Section 230 of the Act is amended by replacing “refers” in the first paragraph by “directs”.

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

**“DIVISION II.1**

**“SPECIAL PROVISIONS RESPECTING OCCUPATIONAL ONCOLOGICAL DISEASES**

**“233.1.** Where a worker files a claim with the Commission alleging that he is suffering from an occupational oncological disease, the Commission shall direct him, within the next 10 days, to a committee on occupational oncological diseases, unless

(1) the worker is presumed to be suffering from an occupational disease referred to in section 29; or

(2) the worker is subject to the medical evaluation procedure applicable to occupational lung diseases.

**“233.2.** The Government may form more than one committee on occupational oncological diseases whose function is to determine whether a worker is suffering from an occupational oncological disease.

A committee on occupational diseases shall be composed of the following members appointed following an invitation for applications and after consultation with the Comité consultatif du travail et de la main-d’œuvre referred to in section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), and, in the case of physicians, with the Collège des médecins du Québec:

(1) a physician holding a specialist’s certificate in medical oncology issued by the Collège des médecins du Québec;

(2) a physician holding a specialist’s certificate in general internal medicine issued by the Collège des médecins du Québec;

(3) a physician holding a specialist’s certificate in occupational medicine, or in public health and preventive medicine, issued by the Collège des médecins du Québec; and

(4) a person holding a university degree at the Master’s or doctoral level in occupational hygiene, occupational health or epidemiology.

The chairman of a committee shall be designated by the Government from among the committee’s members.

The Government shall determine the remuneration and other conditions of employment of the committee members.



**“233.3.** Members of a committee on occupational oncological diseases are appointed for four years. They shall remain in office, notwithstanding the expiry of their term, until they are reappointed or replaced.

**“233.4.** Notwithstanding section 19 of the Act respecting health services (chapter S-4.2), within 10 days after a request by the Commission, an institution within the meaning of that Act or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, shall transmit to the chairman of the committee on occupational oncological diseases indicated to the institution by the Commission the medical imaging and its results together with the relevant laboratory results of the worker directed to the committee by the Commission.

**“233.5.** The committee on occupational oncological diseases to which the Commission directs a worker shall examine him within 40 days after the Commission’s request.

The committee shall make a report in writing to the Commission on its diagnosis within 20 days after the examination and, where its diagnosis is positive, it shall include in its report its findings relating to the functional limitations, the percentage of physical impairment and the worker’s 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.

In its report, the committee shall also give its opinion on the link between the occupational disease and the characteristics or risks peculiar to the work carried on by the worker. To that end, it shall document the worker’s exposure in carrying on his work to a contaminant within the meaning of the Act respecting occupational health and safety or to any other risk factor.

Before filing its report, the committee shall consult the opinions and recommendations of the Comité scientifique sur les maladies professionnelles.

**“233.6.** No member of a committee on occupational oncological diseases may be prosecuted by reason of an act performed in good faith in carrying out his duties.

**“233.7.** For the purposes of rendering a decision under this Act on the rights of a worker who files a claim with the Commission alleging that he is suffering from an occupational oncological disease, the Commission is bound by the diagnosis and other findings arrived at by the committee on occupational oncological diseases under the second paragraph of section 233.5.

**“233.8.** 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 a report on those expenditures.”

**74.** Section 235 of the Act is amended by replacing “the expiry of the time limit prescribed in subparagraph 1 or 2 of the first paragraph, as the case may be, of section 240” in the second paragraph by “the Commission renders a decision regarding the reinstatement of the worker with his employer”.

**75.** Section 240 of the Act is amended by adding the following subparagraph after subparagraph 2 of the first paragraph:

“(3) before the expiry of any right to return to work provided for in the collective agreement applicable to the worker, where applicable, if that right to return to work is broader than those provided for in subparagraphs 1 and 2.”

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

**77.** Sections 244 to 246, 250 and 251 of the Act are repealed.

**78.** Section 252 of the Act is amended by striking out “and any request for intervention made under sections 245, 246 and 251”.

**79.** Sections 256 and 257 of the Act are amended by inserting “or in an equivalent employment or in an available suitable employment determined by the Commission beforehand,” after “in his employment”.

**80.** Sections 258 and 259 of the Act are repealed.

**81.** Section 260 of the Act is amended by striking out “or 259” in the first paragraph.

**82.** Section 261 of the Act is amended by striking out “or of the request for intervention” in the first paragraph.

**83.** Section 262 of the Act is amended by striking out “or of a request for intervention referred to it” in the first paragraph.

**84.** Section 264 of the Act is amended by striking out “, 259” in subparagraph 2 of the first paragraph.

**85.** The Act is amended by inserting the following section after section 269:

“**269.1.** A beneficiary whose rights are prescribed under section 91.1 may not file a claim with the Commission.”

**86.** Section 270 of the Act is amended by inserting “other than an occupational disease,” after “as a result of an employment injury,” in the first paragraph.

**87.** Section 271 of the Act is amended by inserting “, other than an occupational disease,” after “suffers an employment injury”.

**88.** Section 272 of the Act is replaced by the following sections:

**“272.** Every claim for an occupational disease must be filed with the Commission on the form it prescribes and must indicate the name and address of each employer for whom the worker has carried on work conducive to his occupational disease.

The Commission shall send a copy of the form to each employer whose name appears on it.

**“272.1.** A worker who receives the diagnosis of a disease referred to in a regulation made under paragraph 1 of section 454.1 for which the time limit for claims prescribed in this section applies, and who meets all the special conditions prescribed by the regulation in relation to the disease, must file his claim within six months after the date of the diagnosis.

The beneficiary of a worker who dies of a disease referred to in the first paragraph and who, on the day of the diagnosis, would have met the special conditions prescribed by the regulation in relation to the disease, must file the claim within six months after the date of death or, if the disease had not been diagnosed at the time of death, within six months after the diagnosis was received.

**“272.2.** If a regulation made under paragraph 1 of section 454.1 is amended in order to add a disease or new special conditions in relation to a disease for which the time limit for claims prescribed in this section applies, the following persons must file their claim within six months after the date of coming into force of the amendment:

(1) a worker who has already received a diagnosis of a disease and who, on the day of the diagnosis, would have met the special conditions prescribed by the regulation in relation to that disease; and

(2) the beneficiary of a worker who died of such a disease and who, on the day of the diagnosis, would have met the special conditions prescribed by the regulation in relation to that disease.

A worker or beneficiary who could have filed a claim under section 272.1 before the regulation was amended under the first paragraph may not file a claim under this section.

**“272.3.** If the time limit for claims prescribed in section 272.1 or 272.2 does not apply to a worker who is suffering from an occupational disease or to the beneficiary if the worker dies of the disease, the claim must be filed within six months after the date on which the worker or the beneficiary is made aware that the worker has an occupational disease or that he has died of it, as the case may be.”

**89.** The Act is amended by inserting the following chapter after section 280:

**“CHAPTER VIII.1**

**“SUPPLIERS**

**“DIVISION I**

**“AUTHORIZATION**

**“280.1.** For the purposes of this division, “supplier” means any person or enterprise that directly or indirectly provides a beneficiary with goods or services referred to in this Act, that is not paid by the Régie de l’assurance maladie du Québec under section 196 and that must, where this Act so provides, be paid by the Commission.

**“280.2.** A person or enterprise wishing to be a supplier must obtain the Commission’s authorization.

An authorization application must be filed with the Commission in the prescribed form, together with the information and documents prescribed by regulation.

**“280.3.** The Commission shall refuse to grant an authorization to any person or enterprise that does not meet the conditions prescribed by regulation.

**“280.4.** Before refusing to grant an authorization, the Commission may request a person or enterprise to make the necessary corrections to the application within the time the Commission specifies.

**“280.5.** An authorization remains valid until it is revoked or cancelled on the supplier’s application.

A cancellation application must be filed with the Commission in the prescribed form.

**“280.6.** The Commission shall suspend an authorization if the supplier fails to comply with the conditions prescribed by regulation.

Such a suspension has the effect of excluding the supplier from the list of authorized suppliers for a period of six months. During that period, the Commission shall refuse to pay for any goods provided or services rendered by the supplier, and the latter may not recover, from any party, the amount of such goods or services.

If the supplier has been the subject of a suspension in the preceding five years, the suspension period provided for in the second paragraph is increased to one year for a new suspension.

**“280.7.** The Commission shall revoke the authorization of any supplier that has been the subject of two suspensions in the preceding five years and that again fails to comply with the conditions prescribed by regulation.

**“280.8.** A supplier whose authorization has been revoked may not file a new application for authorization in the five years following the date of revocation.

**“280.9.** Before refusing to grant, suspending or revoking an authorization, the Commission must notify the supplier in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the supplier at least 10 days to submit written observations or provide other documents to complete its record.

**“280.10.** On the expiry of the time limit prescribed in section 280.9 and after examining any observations from the supplier, the Commission shall inform the supplier of its decision.

**“280.11.** Despite section 358, the Commission’s decisions under this division are final and without appeal.

## **“DIVISION II**

### **“PAYMENT**

**“280.12.** For the purposes of this division, “supplier” means any person or enterprise that directly or indirectly provides a beneficiary with goods or services referred to in this Act and that is not paid by the Régie de l’assurance maladie du Québec under section 196.

**“280.13.** A supplier may not demand or receive payment from the Commission for goods or services to which a beneficiary is entitled under this Act

(1) where goods or services were not supplied, or were not supplied in accordance with the tariffs or conditions prescribed by this Act and the regulations; or

(2) where goods or services were falsely described.

**“280.14.** Where the Commission is of the opinion that a supplier has received a payment from a person contrary to this Act, it shall notify the supplier in writing. The notice must indicate the reimbursement terms that may be applied by the Commission and grant the supplier 10 days to submit observations.

On the expiry of the 10-day period, the Commission shall notify its decision to the supplier in writing, with reasons.

The Commission may recover from the supplier, by compensation or otherwise, any amount received contrary to this Act, such an amount then being deemed to be a debt toward the Commission.

The recovery of amounts unduly paid is prescribed five years after the payment was received by the supplier.

Where the payment is received by an enterprise where the supplier named in the application for reimbursement or affected by the recovery measure works or practices, or where such an enterprise manages the business of the supplier, compensation may be applied against the latter.

Despite section 358, the supplier may, within 30 days after notification of the decision, contest it before a court of competent jurisdiction. Where applicable, the burden of proving the Commission's decision to be ill-founded is on the supplier.

Where a supplier does not contest the decision and the Commission cannot recover the amount owed by compensation, the Commission may, on the expiry of the period for contesting the decision, issue a certificate stating the supplier's name and address and attesting the amount owing and the supplier's failure to contest. On the filing of the certificate with the office of the court of competent jurisdiction, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

**“280.15.** Where the supplier received a payment referred to in section 280.13 from a beneficiary, the Commission shall reimburse to the latter the amount it recovered from the supplier.

### **“DIVISION III**

#### **“INSPECTION**

**“280.16.** For the purposes of this division, “supplier” means any person or enterprise, including contractors within the meaning of the Act respecting contracting by public bodies (chapter C-65.1), that directly or indirectly provides a beneficiary with goods or services referred to in this Act.

**“280.17.** The Commission may authorize any person to act as an inspector for the purpose of verifying a supplier's compliance with this Act.

**“280.18.** An inspector may, in the performance of his duties,

(1) enter, at any reasonable time, any premises where an activity governed by this Act is carried on;

(2) demand any information relating to a supplier's compliance with this Act or the regulations, and require the communication, for examination or reproduction, of any related document; and

(3) represent or reproduce, by any means, such premises and property.

**“280.19.** An inspector must, on request, provide identification and produce the certificate of authority issued by the Commission attesting his capacity.

**“280.20.** Within the scope of an inspection, no person may refuse to communicate to the Commission any information or document contained in the record of a beneficiary, or any financial information or document concerning the activities carried on by a supplier.

**“280.21.** An inspector may send any person the recommendations he considers appropriate.

In the event of a possible failure by a contractor referred to in section 1 of the Act respecting contracting by public bodies (chapter C-65.1) to comply with a contract rule, the inspector shall send his inspection report to the contract rules compliance monitor designated by the Commission.

**“280.22.** An inspector may not be prosecuted for an act or omission in good faith in the performance of inspection duties.”

**90.** Section 313 of the Act is amended by replacing “a fixed amount it establishes every year” by “an amount it establishes by regulation”.

**91.** Section 315.1 of the Act is amended by inserting the following paragraph after the second paragraph:

“However, periodic payments are not required in the case of the salary or wages of a domestic worker.”

**92.** Section 323.1 of the Act is amended by replacing “chair of the board of directors and chief executive officer” in the third paragraph by “president and chief executive officer”.

**93.** Section 326 of the Act is amended by striking out “or unduly burdening an employer” in the second paragraph.

**94.** Section 327 of the Act is replaced by the following section:

**“327.** The Commission shall impute to the employers of all the units the cost of

(1) benefits due by reason of an injury or disease that, despite having arisen solely as the result a worker’s gross and wilful negligence, is recognized as an employment injury under section 27;

(2) benefits due by reason of an employment injury contemplated in section 31; and

(3) benefits for the health services, adapted equipment and other costs provided by reason of an employment injury, other than a hearing impairment caused by noise not resulting from an industrial accident, that does not render the worker unable to carry on his employment beyond the day on which his injury appeared.

Subparagraphs 1 and 2 of the first paragraph apply only if a final decision has determined the injury or disease to be admissible as an employment injury under section 27 or 31.”

**95.** Section 328 of the Act is amended

(1) by replacing “his employment with each of the employers and to the importance of the danger of the work carried on for each of those employers in relation to the worker’s occupational disease” in the second paragraph by “such employment with each of the employers and the danger involved in the work carried on for each of those employers in terms of contracting the occupational disease”;

(2) by striking out “or where the imputation would have the effect of unduly burdening the employer” in the third paragraph;

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

“In the case of a hearing impairment caused by noise not resulting from an industrial accident, the Commission shall impute the cost of benefits to one or more groups of units, which it determines by regulation, on the basis of the nature of the work that most contributed to the appearance of the hearing impairment, or to all the employers if such an imputation is not possible.”

**96.** The Act is amended by inserting the following section after section 328:

**“328.1.** The Commission may also, on its own initiative or on the application of an employer, impute all or part of the cost of the income replacement indemnity due by reason of an industrial accident or an occupational disease to the employers of all the units in the following situations:

(1) a worker to whom work has been assigned temporarily in accordance with section 179 interrupts the assignment by reason of a medical condition unrelated to the employment injury or of confinement, and the duration of the interruption corresponds to at least 20% of the period of the authorized assignment;

(2) a worker interrupts a progressive return to work carried out in accordance with section 167.1 by reason of a medical condition unrelated to the employment injury or of confinement, and the duration of the interruption corresponds to at least 20% of the period of the progressive return to work; or



(3) a worker ceases to receive care or treatment for an employment injury by reason of a medical condition unrelated to the injury, and the period of the cessation corresponds to at least 20% of the total time the injury takes to consolidate.

An application under the first paragraph must state the reasons for the application and be filed in writing by the employer within one year after the situation described by the employer began.”

**97.** Section 329 of the Act is amended

(1) by inserting “according to the terms and conditions prescribed by regulation” at the end of the first paragraph;

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

“For the purposes of the first paragraph, a worker is already handicapped if, before his employment injury, he had a deficiency causing a significant and persistent disability and if he is liable to encounter barriers in performing everyday activities.”

**98.** Section 337 of the Act is amended

(1) by inserting “and the danger involved in the work carried on for each of them in terms of contracting the occupational disease” at the end of the first paragraph;

(2) by striking out “a kind of” in the second paragraph;

(3) by replacing “mailing” in the second paragraph by “sending”.

**99.** Section 341 of the Act is amended by replacing “medical aid and” in the introductory clause of the first paragraph by “health services, adapted equipment and other costs as well as for”.

**100.** Section 345 of the Act is amended by striking out “the second paragraph of section 315 and”.

**101.** The Act is amended by inserting the following chapter after section 348:

**“CHAPTER X.1**

**“SCIENTIFIC COMMITTEE ON OCCUPATIONAL DISEASES**

**“DIVISION I**

**“ESTABLISHMENT AND MANDATE**

**“348.1.** A scientific committee on occupational diseases is established under the name “Comité scientifique sur les maladies professionnelles” (the Committee).

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

(1) by identifying and analyzing the research and studies on occupational diseases;

(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.

For the purposes of its mandates, the Committee may consult any expert or public body or have one carry out work for it.

**“348.3.** The Committee’s opinions and recommendations shall be sent to the Commission and the Minister. Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Commission shall make such recommendations and opinions public on its website not later than one year after receiving them.

Despite the first paragraph, the Commission shall, prior to the publication of a draft regulation made under paragraph 1 of section 454.1, publish on its website any opinions and recommendations of the Committee that concern the draft regulation and that have not already been made public, subject to the Act respecting Access to documents held by public bodies and the Protection of personal information.

## “DIVISION II

### “COMPOSITION AND OPERATION

“**348.4.** The Committee is composed of five members appointed by the Government following an invitation for applications and after consultation with the professional orders concerned and with the Comité consultatif du travail et de la main-d’œuvre referred to in section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2). The Committee must include at least the following members:

(1) a physician holding a specialist’s certificate in occupational medicine, or in public health and preventive medicine, issued by the Collège des médecins du Québec;

(2) a physician holding a specialist’s certificate issued by the Collège des médecins du Québec in a specialty other than the one specified in subparagraph 1 and who is an associate professor or full professor at a Québec university;

(3) a person holding a university degree at the Master’s or doctoral level in occupational hygiene or occupational health; and

(4) a person holding a university degree at the Master’s or doctoral level in epidemiology.

The chair of the Committee is designated by the Government from among its members.

The Government shall establish the remuneration and other conditions of employment of Committee members.

“**348.5.** The term of office of the chair and the other members of the Committee may not exceed five years and is renewable. On the expiry of their term, the members remain in office until they are reappointed or replaced.

“**348.6.** Any vacancy during the term of office of a Committee member is filled in the manner prescribed for the appointment of the member to be replaced.

## “DIVISION III

### “REPORTING AND IMMUNITY

“**348.7.** Every year, the Committee chair shall send a report on the Committee’s activities to the Commission and the Minister, on the date determined by the Minister.

The report must contain all the information required by the Minister.

**“348.8.** The Commission shall finance the expenditures related to the Committee’s activities.

To that end, the Commission and the Minister shall enter into an agreement providing, in particular, for the Commission’s authorization of the Committee’s annual expenditures, which must take into account the priorities established by the Commission, and an annual report on those expenditures.

**“348.9.** A member of the Committee may not be prosecuted for an act performed in good faith in carrying out his duties.”

**102.** The Act is amended by inserting the following section after section 351:

**“351.1.** The Commission may, at any time, render a new decision if a change in circumstances affects a beneficiary’s entitlement to a benefit or could affect the amount of the benefit.”

**103.** Section 352 of the Act is replaced by the following section:

**“352.** The Commission may extend the time limit for claims prescribed in sections 272.1 to 272.3 or relieve a worker or a beneficiary from the consequences of a failure to comply with it, provided he demonstrates that there were reasonable grounds for the failure and provided not more than three years have elapsed since,

(1) in the cases provided for in section 272.1, the date on which the worker or beneficiary received the diagnosis of the occupational disease or the date of the worker’s death, as the case may be;

(2) in the cases provided for in section 272.2, the date of coming into force of the amendment to the regulation; or

(3) in the cases provided for in section 272.3, the date on which the worker or the beneficiary was made aware that the worker had an occupational disease or that he had died of it, as the case may be.

Despite the first paragraph, the Commission may, exceptionally, relieve a worker or a beneficiary from a failure to file a claim within the time limit prescribed in section 272.1 or 272.2 even if the three years have elapsed, provided the following conditions are met:

(1) had it not been for the discovery of an essential fact that could not have been known at the time of diagnosis of a disease listed in a regulation made under paragraph 1 of section 454.1, the worker would, at that time, have satisfied all the special conditions prescribed by the regulation in relation to the disease;

(2) the essential fact is demonstrated by scientific data; and

(3) the claim is filed not later than six months after the discovery of the essential fact.

The Commission may also extend any time limit other than those prescribed in the first and second paragraphs that are granted under this Act for the exercise of a right, or may relieve a person from the consequences of a failure to comply with such a time limit, provided the person demonstrates that there were reasonable grounds for the failure.”

**104.** Section 354 of the Act is amended by adding the following paragraph at the end:

“If the interested party is an employer, he may expressly designate a person to receive the decision on his behalf. A decision transmitted by the Commission to that person is deemed to have been transmitted to the employer.”

**105.** Sections 355 to 357 of the Act are repealed.

**106.** Section 358 of the Act is amended by replacing “made by the Commission under Division III of Chapter VII” in the second paragraph by “rendered by the Commission with regard to a rehabilitation measure before the consolidation of the worker’s employment injury, except a decision referred to in section 145.2 concerning a social rehabilitation measure or a decision it rendered under Division III of Chapter VII,”.

**107.** Section 358.3 of the Act is amended by replacing “and 233” in the second paragraph by “, 233 and 233.7”.

**108.** Section 359 of the Act is amended

(1) by replacing “45” in the first paragraph by “60”;

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

“Moreover, a person may contest before the Tribunal a decision regarding which the person applied for a review if the Commission did not make a decision within 90 days after receiving the application. If the person who applied for the review requested more time to present observations or produce documents, the 90-day time limit runs from the time observations are presented or documents are produced.”

**109.** Section 359.1 of the Act is amended by replacing “45” by “60”.

**110.** The Act is amended by inserting the following section after section 359.1:

**“360.** A person who believes he has been wronged by a decision rendered by the Commission may elect to apply for a review of the decision within 30 days of its notification or contest it before the Administrative Labour Tribunal within 60 days of its notification in the following cases:

(1) if the decision relates to a matter referred to in subparagraphs 1 to 5 of the first paragraph of section 212 following an opinion given by the Bureau d'évaluation médicale, the second paragraph of section 230 following an opinion rendered by a special committee, or the second paragraph of section 233.5 following a report made by a committee on occupational oncological diseases; or

(2) if the decision is rendered under Chapter IX or X.

In the cases referred to in subparagraph 1 of the first paragraph, the Commission or the Tribunal may, where applicable, decide any other question that is the subject of the decision.

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

**III.** Section 364 of the Act is amended

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

“If a decision made by the Commission, following an application under section 358, or by the Administrative Labour Tribunal acknowledges the right of a beneficiary to an indemnity provided for in Chapter III which he had been refused initially or increases the amount of such an indemnity, the Commission shall pay to the beneficiary the interest accrued from the date of the claim.”;

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

**II2.** Section 365 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Commission may, within six months, reconsider a decision it has rendered, provided the decision has not been the subject of a decision rendered under section 358.3 or, in the cases referred to in the first paragraph of section 360, provided the decision has not been contested before the Administrative Labour Tribunal, in order to correct any error.”

**II3.** Section 443 of the Act is amended by replacing the first paragraph by the following paragraph:

“A beneficiary who may bring a civil liability action must elect to do so and notify the Commission of it

(1) within six months after the industrial accident or the death resulting from it, as the case may be; or

(2) before the expiry of the time limit for claims that is applicable to the beneficiary under sections 272.1 to 272.3, where the worker is suffering from, or dies of, an occupational disease.”

**114.** Section 452 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Where, by reason of one and the same occupational disease, a person is entitled to both a benefit under this Act and a benefit under an Act other than an Act of the Parliament of Québec, he shall elect one of them and notify the Commission of his election before the expiry of the time limit for claims that is applicable to him under sections 272.1 to 272.3.

A person to whom the first paragraph does not apply and who, by reason of one and the same employment injury, is entitled to both a benefit under this Act and a benefit under an Act other than an Act of the Parliament of Québec, shall elect one of them and notify the Commission of his election within six months after the industrial accident or after the death resulting from it, as the case may be.”

**115.** Section 454 of the Act is amended

(1) in the first paragraph,

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

“(1) determining, for the purposes of sections 29 and 30, the eligibility criteria for claims;”;

(b) by inserting the following subparagraphs after subparagraph 3:

“(3.0.1) determining the rehabilitation measures that may be granted in addition to those provided for in Chapter IV;

“(3.0.2) determining, for the purposes of Chapter IV, the cases in which and conditions on which rehabilitation measures may be granted;

“(3.0.3) determining the rules applicable with respect to the options offered to employers under sections 145.5 and 167.2;”;

(c) by replacing subparagraph 3.1 by the following subparagraph:

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

(d) by replacing subparagraph 4.1 by the following subparagraphs:

“(4.0.1) determining, for the purposes of section 194, the amounts that may be claimed from the worker for a health service;

“(4.1) determining, for the purposes of section 198.1, the adapted equipment and other costs to which a worker who has suffered an employment injury is entitled;”;

(e) by inserting the following subparagraph after subparagraph 8.1:

“(8.2) determining, for the purposes of section 313, the amount the Commission may impose on employers for the management of their records;”;

(f) by inserting the following subparagraphs after subparagraph 15:

“(15.1) determining, for the purposes of section 328, the groups of units to which the Commission may impute the cost of the benefits payable by reason of a hearing impairment caused by noise not resulting from an industrial accident;

“(15.2) establishing, for the purposes of section 329, the rules for determining the portion of the cost of the benefits that must be imputed to the employers of all the units;”;

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

“In exercising the regulatory powers under subparagraphs 3.1 and 4.1 of the first paragraph, the Commission may include cases and conditions that may differ according to the type of injury defined in the regulation.”

**II6.** The Act is amended by inserting the following section after section 454:

“**454.1.** The Commission shall, by regulation,

(1) determine diseases for the purposes of the presumption of an occupational disease provided for in section 29, along with the special conditions in relation to such diseases, such as the duration of exposure to a contaminant or the type of work carried on, 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;

(2) prescribe, for the purposes of section 280.2, the information and documents that must be provided together with an authorization application; such information and documents may differ according to the type of goods or services or the type of person or enterprise making the application; and

(3) prescribe, for the purposes of section 280.3, the conditions that must be met to obtain or maintain an authorization.”

**II7.** Section 455 of the Act is amended by inserting “or under section 454.1” after “454” in the first paragraph.

**II8.** Sections 458 to 460 of the Act are amended by replacing “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$5,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$10,000 in all other cases”.



**119.** Section 461 of the Act is amended

(1) by replacing “of independent operators or domestics who or which” by “that”;

(2) by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

**120.** Section 462 of the Act is amended by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

**121.** Section 463 of the Act is amended by replacing “of not less than \$500 nor more than \$2,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$8,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$10,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$20,000 in all other cases”.

**122.** Section 464 of the Act is amended by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$10,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$20,000 in all other cases”.

**123.** Section 465 of the Act is amended by replacing “of not more than \$300 in the case of a natural person and to a fine not exceeding \$500 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

**124.** Section 467 of the Act is replaced by the following section:

“**467.** The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.”

**125.** Section 586 of the Act is repealed.

**126.** Schedule I to the Act is repealed.

**127.** The Act is amended by replacing all occurrences of “disability” and “disabilities” in sections 133, 203, 230 and 274 by “limitation” and “limitations”, respectively.

## ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**128.** Section 1 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by striking out the definition of “**agency**”;

(2) by inserting the following definitions in alphabetical order:

““**building**” means a structure used to shelter or receive persons or things, including the installations it contains;

““**health and safety representative**” means a person designated under section 87, 87.1, 88 or 88.1;

““**integrated health and social services centre**” means an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), the institutions and the regional board referred to, as the case may be, in Parts IV.1 and IV.2 of the Act respecting health services and social services (chapter S-4.2), and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);”;

(3) by inserting “68.1,” after “68,” in the definition of “**health and safety committee**”;

(4) by replacing “in cases where, under a regulation, the student” in the definition of “**employer**” by “who”;

(5) by striking out the definition of “**safety representative**”;

(6) by replacing “in the cases determined by regulation” in the introductory clause of the definition of “**worker**” by “undergoing a job shadowing or work training period under the responsibility of an educational institution”.

**129.** Section 3 of the Act is amended by replacing “means of protection or safety equipment” by “protective means and equipment”.

**130.** Section 10 of the Act is amended

(1) by striking out “, and his wages for the time spent in undergoing a medical examination during employment prescribed for the application of this Act and the regulations” in paragraph 2;

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

“(3) to receive his wages for the time spent undergoing a medical examination during employment required by this Act and the regulations, and the time spent for the travel required to undergo the examination. The cost of the examination and the travel and accommodation expenses are borne by the employer.”

**131.** Section 19 of the Act is amended by replacing “registered mail” in the third paragraph by “any appropriate means that provides the inspector with proof that it was delivered”.

**132.** Section 27 of the Act is amended by replacing “several” by “two or more”.

**133.** Section 29 of the Act is amended

(1) by replacing “, 18, 21 and 23” in the first paragraph by “and 18”;

(2) by replacing both occurrences of “safety representative” by “health and safety representative”.

**134.** Section 32 of the Act is amended by replacing “a certificate attesting” by “the certificate prescribed by the Commission, which attests”.

**135.** Section 33 of the Act is amended

(1) by replacing “the physician in charge of health services in the establishment where the worker is employed,” in the first paragraph by “a physician in charge of occupational health”;

(2) by replacing all occurrences of “the physician in charge” in the second and third paragraphs by “a physician in charge of occupational health”, with the necessary modifications, and by replacing “no physician in charge” in the third paragraph by “no such physician”.

**136.** Section 34 of the Act is amended by striking out paragraph 4.

**137.** Section 37 of the Act is amended

(1) by replacing “the physician in charge of health services in the establishment, or if there is no physician in charge” in the first paragraph by “a physician in charge of occupational health, or if there is no such physician”;

(2) by replacing all occurrences of “safety representative” by “health and safety representative”.

**138.** Section 40 of the Act is amended

(1) by replacing “a certificate attesting” in the first paragraph by “the certificate prescribed by the Commission, which attests”;

(2) by striking out the last paragraph.

**139.** The Act is amended by inserting the following section after section 40:

**“40.1.** The certificate is issued by a physician in charge of occupational health. It may also be issued by the professional who provides pregnancy care if the danger is identified by a protocol developed in accordance with section 48.1.

If the danger is not identified by a protocol, the professional must, before issuing the certificate, consult with a physician in charge of occupational health or, if there is no such physician, with the public health director of the region in which the establishment is situated, or the person designated by the public health director.”

**140.** Section 42.1 of the Act is amended

(1) by replacing “40 to 42” in the first paragraph by “40, 41 and 42”;

(2) by replacing “worker’s attending physician or specialized nurse practitioner” in the last paragraph by “physician in charge of occupational health or the professional who issued the certificate”.

**141.** Section 46 of the Act is amended

(1) by replacing “a certificate attesting” in the first paragraph by “the certificate prescribed by the Commission, which attests”;

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

“Section 40.1 applies, with the necessary modifications, to the issue of the certificate. The professional referred to is the one providing postnatal care.”

**142.** The Act is amended by inserting the following sections after section 48:

**“48.1.** The national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) shall develop the protocols to identify dangers and the associated working conditions for the purposes of the exercise of the rights provided for in sections 40, 41, 46 and 47 that meet, in particular, the needs the Commission communicates to the national public health director.

For that purpose, the Commission and the national public health director shall enter into an agreement that must, in particular, provide for annual reporting on the work carried out by the national public health director.

**“48.2.** The protocols developed by the national public health director shall be sent to the Commission, which shall post them on its website.”

**143.** Section 51 of the Act is amended

(1) by replacing “the agency and the physician in charge” in paragraph 10 by “the integrated health and social services centre and a physician in charge of occupational health”;

(2) by replacing “health and safety devices or equipment” and “common protective devices or equipment” in paragraph 11 by “means and equipment” and “collective protective means and equipment”, respectively;

(3) by replacing “, the public health director and the Commission” in paragraph 13 by “and the public health director”;

(4) by adding the following at the end:

“(16) take the measures to ensure the protection of a worker exposed to physical or psychological violence, including spousal or family violence, in the workplace.

For the purposes of subparagraph 16 of the first paragraph, in a situation of spousal or family violence, the employer is required to take the measures if he knows or ought reasonably to know that the worker is exposed to such violence.”

**144.** Section 52 of the Act is replaced by the following section:

**“52.** Every employer shall draw up and keep up to date a register of the contaminants and dangerous substances, identified by regulation, that are present in the employer’s establishment. The content of the register, which may include, among other things, a list of the employees exposed to those contaminants or dangerous substances, and the manner in which the register is to be sent to the Commission, are determined by regulation.”

**145.** Section 56 of the Act is amended by replacing “Where one building is used by several employers, the owner” by “The owner of a building that is used by at least one employer”.

**146.** Section 58 of the Act is replaced by the following sections:

**“58.** Every employer must prepare and implement a prevention program specific to each establishment employing at least 20 workers during the year, subject to the regulations.

If an establishment employs fewer than 20 workers, the employer must prepare and implement a prevention program if the risk level associated with the activities carried on in the establishment, determined by regulation, requires it.

If the Commission considers it advisable for protecting workers' health or ensuring their safety and physical well-being, it may require an employer to prepare and implement a prevention program within the time determined by the Commission, regardless of the number of workers in the establishment or the risk level associated with the activities carried on there.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

A prevention program must be implemented and updated in the manner and within the time prescribed by regulation.

**“58.1.** Despite section 58, an employer who employs workers in more than one establishment where activities of the same nature are carried on may prepare and implement a single prevention program for all or part of the establishments. The prevention program must take into account all the activities carried on in the establishments and apply for a period of not less than three years.

Where an employer ceases to implement the prevention program provided for in the first paragraph, he must, as soon as possible, implement a prevention program specific to each establishment in accordance with section 58.”

**147.** Section 59 of the Act is amended

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

“Such a program must take into account the occupational health programs prepared by the Commission under section 107, the regulations applicable to the establishment and, where applicable, the recommendations from the health and safety committee and must set out, in particular,

(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 established by regulation as well as the responsibilities of the different actors 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;

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

(6) the pre-employment medical checkups and medical examinations during employment required by regulation or by the occupational health programs prepared by the Commission under section 107;

(7) the establishment and updating of a list of the dangerous substances used in the establishment and the contaminants that may be emitted there; and

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

(2) by replacing “5 and 6” in the last paragraph by “4 and 5”.

**148.** Section 60 of the Act is amended

(1) by striking out “; he shall also send the program and the updating of it to the Commission, with the committee's recommendations, as the case may be, according to the terms and conditions and within the time limits prescribed by regulation” in the first paragraph;

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

“The employer shall also send to the Commission, every three years on the form it prescribes, the priorities for action determined as part of his prevention program as well as the follow-up of the measures that he has implemented to eliminate and control the risks identified for those priorities.”

**149.** Section 61 of the Act is replaced by the following section:

**“61.** The Commission may, within the time it determines, order an employer to send it a prevention program or to amend the content of the program, in particular to bring it into conformity with the components of the occupational health programs the Commission prepares under section 107 that apply to the establishment of that employer.

The employer shall send the amended prevention program to the health and safety committee, the certified association and the health and safety representative.”

**150.** Section 62 of the Act is amended by replacing “several” in subparagraph 3 of the first paragraph by “two or more”.

**151.** Section 62.4 of the Act is amended by replacing “several” by “more”.

**152.** Sections 68 to 70 of the Act are replaced by the following sections:

**“68.** A health and safety committee must be established in any establishment employing at least 20 workers during the year, subject to the regulations.

The Commission may, if it considers it advisable for protecting workers’ health or ensuring their safety and physical well-being, require the establishment of a health and safety committee, regardless of the number of workers in the establishment.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

**“68.1.** Where an employer implements a prevention program in accordance with section 58.1, a health and safety committee acting for all the establishments covered by the prevention program must be established in place of the health and safety committees provided for in the first paragraph of section 68.

The provisions of this chapter that are applicable to a committee established in a single establishment apply, with the necessary modifications, to a committee established under the first paragraph.

Where the employer ceases to implement the prevention program provided for in section 58.1, one health and safety committee per establishment referred to in the first paragraph of section 68 must be established without delay.

**“69.** A health and safety committee may be established in an establishment other than one of those referred to in sections 68 and 68.1.

This chapter applies to such a committee.

**“70.** The number of workers’ representatives on a health and safety committee is determined by agreement between the employer and 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. If there is no agreement, that number is the one established by regulation.

The employer shall designate at least one member on the committee and he may designate as many members as there are workers’ representatives on the committee.”

**153.** Section 71 of the Act is amended by inserting “, including the health and safety representative,” after “committee” in the first paragraph.

**154.** Section 72 of the Act is amended by replacing “several” in the third paragraph by “two or more”.



**155.** Sections 74 and 75 of the Act are replaced by the following sections:

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

If there is no agreement, the committee’s rules of operation are those established by regulation.

**“74.1.** The health and safety committee’s meetings are held during regular working hours, subject to an agreement between the employer and 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.

**“75.** An expert may participate, by invitation and without the right to vote, in the health and safety committee’s meetings.”

**156.** Section 78 of the Act is amended

(1) by striking out paragraphs 1 and 2;

(2) by replacing “to establish” in paragraph 3 by “to determine”;

(3) by replacing “devices” in paragraph 4 by “means”;

(4) by inserting “, to cooperate in its preparation, updating and follow-up” after “program” in paragraph 5;

(5) by replacing paragraph 6 by the following paragraph:

“(6) 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;”;

(6) by replacing paragraph 8 by the following paragraph:

“(8) to entrust specific mandates to committee members, in particular to the health and safety representative so that the latter exercises functions in addition to those set out in section 90;”;

(7) by inserting the following paragraph after paragraph 10:

“(10.1) to receive and take into consideration the health and safety representative’s recommendations;”;

(8) by replacing “in” in paragraph 11 by “concerning”;

(9) by replacing paragraph 12 by the following paragraph:

“(12) to receive and study the statistical data or any other data produced by the Commission or by any other body;”.

**157.** The Act is amended by inserting the following section after section 78:

**“78.1.** Members of the health and safety committee must, within the time prescribed by regulation, participate in training programs whose content and duration are determined by regulation.

They may, without loss of pay, take time off as necessary to participate in such programs.

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

**158.** Section 79 of the Act is amended by replacing “1 to” in the first paragraph by “3 and”.

**159.** Section 82 of the Act is amended

(1) by replacing “In an establishment contemplated in section 68” by “In one or more establishments referred to in, as the case may be, section 68 or 68.1”;

(2) by replacing “several” by “two or more”;

(3) by striking out the last sentence;

(4) by inserting the following paragraphs at the end:

“The health and safety committees and their members have the same rights and shall exercise the same functions as the members of the committees established under section 68 or 68.1.

Workers’ representatives on the health and safety committees shall be designated by the certified association or, if there is more than one certified association, according to the procedure agreed on by them.”

**160.** Section 83 of the Act is replaced by the following section:

**“83.** The workers’ representatives on each health and safety committee shall designate the workers’ representatives on the health and safety committee established for the whole establishment. The latter committee shall exercise the functions entrusted to it by the other health and safety committees of the establishment.

The prevention program prepared under section 58 or 58.1, must take into account the responsibilities of each health and safety committee established under the first paragraph of section 82.”

**161.** Sections 84 to 86 of the Act are repealed.

**162.** Sections 87 and 88 of the Act are replaced by the following sections:

“**87.** Where a health and safety committee exists in an establishment, at least one health and safety representative must be designated from among the establishment’s workers.

The health and safety representative is, by virtue of office, a member of the health and safety committee.

“**87.1.** Despite the first paragraph of section 87, where a health and safety committee acting for the establishments covered by a prevention program is established under section 68.1, at least one health and safety representative shall be designated for those establishments.

The number of health and safety representatives as well as the designation procedure shall be established by agreement between the employer and 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 workers of each of those establishments.

If there is no agreement, a health and safety representative shall be designated, for the establishments covered by a prevention program, by the members representing the workers on the health and safety committee established under section 68.1 and the representative shall be chosen from among those members.

Despite the second and third paragraphs, the Commission may require a health and safety representative to be designated in an establishment where the Commission considers it advisable for protecting workers’ health or ensuring their safety and physical well-being.

The provisions of this chapter that are applicable to a health and safety representative designated for a single establishment apply, with the necessary modifications, to a health and safety representative designated under this section.

Where the employer ceases to implement the prevention program provided for in section 58.1, at least one health and safety representative per establishment must be designated without delay in accordance with sections 87 and 88.

**“88.** If an establishment, except an establishment covered by a prevention program under section 58.1, employs fewer than 20 workers during the year, at least one health and safety representative must be designated from among the establishment’s workers if the number of workers and the risk level associated with the activities carried on in the establishment, determined by regulation, require it.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

**“88.1.** A health and safety representative may be designated in an establishment other than one of those referred to in sections 87 and 88.

The provisions of this chapter apply to such a representative.”

**163.** Section 89 of the Act is amended

(1) by replacing “and 88, safety representatives” by “, 88 and 88.1, health and safety representatives”;

(2) by inserting “under section 72” at the end.

**164.** Section 90 of the Act is amended

(1) by replacing “safety” in the introductory paragraph by “health and safety”;

(2) by inserting “, including recommendations concerning the psychosocial risks related to the work,” after “appropriate” in paragraph 4;

(3) by replacing paragraph 9 by the following paragraph:

“(9) 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.”;

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

“Where a health and safety committee exists in an establishment, the functions set out in subparagraphs 2 to 9 of the first paragraph are vested in the members of that committee.”

**165.** Section 91 of the Act is amended by replacing the first paragraph by the following paragraphs:

“A health and safety representative must, within the time prescribed by regulation, participate in training programs whose content and duration are determined by regulation.

The health and safety representative may, without loss of pay, take time off as necessary to participate in such programs.”

**166.** Section 92 of the Act is amended

(1) by replacing “safety” in the first paragraph by “health and safety”;

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

“The time the health and safety representative may devote to the exercise of his other functions is determined by agreement between the employer and 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. If there is no agreement, the minimum time is that which is set by regulation.”

**167.** Section 95 of the Act is repealed.

**168.** Section 98 of the Act is replaced by the following sections:

**“98.** One or more employers’ associations and one or more union associations may enter into an agreement establishing a joint sector-based association on occupational health and safety to cover one or more sectors of activities to which they belong.

The agreement must contain all the components prescribed by regulation and comes into force on the approval of the Commission.

Failing an agreement, one or more employers’ representatives and one or more workers’ representatives may enter into an agreement to cover one or more sectors of activities to which they belong.

A sector of activities may not be covered by more than one joint sector-based association.

A sector-based association shall be administered by a joint board of directors composed of members who belong to each of the sectors of activities that the association covers.

**“98.1.** A sector-based association may enter into an agreement with one or more sector-based associations with a view to exchanging training and services.

**“98.2.** The sector-based associations are required to prepare a program of activities that complies with the priorities communicated to them by the Commission.”

**169.** The Act is amended by inserting the following section after section 100:

“**100.1.** Where a sector-based association fails in its obligations, the Commission may revoke approval of the agreement referred to in section 98 or reduce the amount of the subsidy provided for in section 100.”

**170.** Section 101 of the Act is amended, in the second paragraph,

(1) by replacing “and job-site committees” in subparagraph 2 by “, job-site committees, health and safety representatives and health and safety coordinators”;

(2) by inserting the following subparagraph after subparagraph 2:

“(2.1) cooperate in the preparation and implementation of prevention programs referred to in this Act to which its member establishments are subject;”;

(3) by inserting the following subparagraph after subparagraph 4:

“(4.1) cooperate with the Commission in working committees on matters related to preventing employment injuries;”.

**171.** The heading of Division I of Chapter VIII of the Act is amended by replacing “AND THE STANDARD CONTRACT” by “, SPECIFICATIONS AND FRAMEWORK AGREEMENT”.

**172.** Sections 107 to 109 of the Act are replaced by the following sections:

“**107.** In cooperation with the Minister of Health and Social Services, the Commission shall prepare occupational health programs and determine the occupational health priorities and the territories or the establishments or categories of establishments to which they apply.

“**108.** In cooperation with the Minister of Health and Social Services, the Commission shall prepare specifications intended for the integrated health and social services centres that specify the expectations and requirements regarding occupational health, in particular as concerns the implementation of the occupational health programs.

For the purposes of this chapter, where a health region has more than one integrated health and social services centre, a reference to such a centre is a reference to the one resulting from the amalgamation of an agency and other institutions within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

**“109.** For the purpose of implementing the occupational health programs and taking into account the specifications, the Commission and the Minister of Health and Social Services shall enter into a management and accountability framework agreement stipulating the minimum content of the contracts to be entered into between the Commission and the integrated health and social services centres.

The agreement must, in particular, stipulate the rules applicable to the management of contracts between the Commission and the integrated health and social services centres, and to the reporting that must be carried out.

**“109.1.** In accordance with the specifications and for the purpose of providing the services necessary to implement the occupational health programs, an integrated health and social services centre must prepare a service offer describing the means it intends to use and the cost of the services it undertakes to deploy.

**“109.2.** The Commission shall enter into a contract with every integrated health and social services centre whereby, in accordance with the specifications, the centre undertakes to provide the necessary services, in particular the services for implementing the occupational health programs prepared by the Commission in the territory served by the centre or the services necessary for the establishments or categories of establishments located in the territory.

In addition to the components stipulated in the management and accountability framework agreement, the contract must contain the service offer prepared by the integrated health and social services centre.

The integrated health and social services centre shall designate, in the contract, any person or partnership that operates a hospital centre or a local community service centre and that provides, among the services referred to in the first paragraph, those which the integrated health and social services centre is unable to provide; that person or partnership shall be bound by the contract.

The contract shall be filed by the integrated health and social services centre with the Minister of Health and Social Services.”

**173.** Section 110 of the Act is amended

(1) by replacing “109” in the second paragraph by “109.2”;

(2) by replacing all occurrences of “agency” by “integrated health and social services centre”, with the necessary modifications.

**174.** Section 111 of the Act is replaced by the following section:

**“111.** The physician in charge of occupational health and the other health professionals within the meaning of the Health Insurance Act (chapter A-29) who provide services for the purposes of this chapter are remunerated by the Régie de l’assurance maladie du Québec, in accordance with the agreements entered into under section 19 of that Act.”

**175.** Division II of Chapter VIII of the Act, comprising sections 112 to 115, is repealed.

**176.** The heading of Division III of Chapter VIII of the Act is replaced by the following heading:

“PUBLIC HEALTH NETWORK FOR OCCUPATIONAL HEALTH”.

**177.** The Act is amended by inserting the following section before section 117:

**“116.1.** For the purposes of this division, “occupational health provider” means any person exercising a function within the scope of the service offer required under section 109.1.”

**178.** Section 117 of the Act is amended by replacing “placed in charge of health services in an institution”, “a person” and “109” by “appointed as physician in charge of occupational health”, “an integrated health and social services centre or a person or partnership” and “109.2”, respectively.

**179.** The Act is amended by inserting the following section after section 117:

**“117.1.** The physician in charge of occupational health shall cooperate in the preparation of the occupational health programs referred to in section 107.

He shall also cooperate, at an employer’s request, in the preparation of the health elements of the prevention program described in section 59, in particular those set out in subparagraphs 6 to 8 of the second paragraph of that section.

He may retain the services of any occupational health provider that he considers necessary.”

**180.** Sections 118 and 119 of the Act are repealed.

**181.** Section 120 of the Act is amended

(1) by striking out the first paragraph;



(2) by replacing “Similarly, a physician whose application, as contemplated in section 117, has not been accepted or, once accepted has not been renewed by person operating a hospital centre or a local community service centre” in the second paragraph by “A physician whose application referred to in section 117 has been refused or whose accepted application has not been renewed”;

(3) by striking out the third paragraph.

**182.** Section 122 of the Act is repealed.

**183.** Sections 123 to 126 of the Act are replaced by the following sections:

**“123.** An occupational health provider who, in the performance of his duties, observes a deficiency in the health, safety or sanitation conditions that is likely to require a preventive measure must, in compliance with his confidentiality obligations, report it to the Commission, the employer, the workers concerned, the certified association, the health and safety committee and the public health director.

**“124.** The occupational health provider must inform a worker of any situation exposing him to a danger to his health, safety or physical well-being.

An occupational health provider who is a professional within the meaning of the Professional Code (chapter C-26) and who observes a deterioration in a worker’s health following a medical supervision measure for prevention and detection must, in keeping with his professional obligations, inform the worker of the deterioration.

**“125.** The occupational health provider shall, on request, send his activity report to the employer, the workers, the certified association and the health and safety committee concerned as well as to the public health director.

**“126.** Where required for the performance of his duties within the scope of the service offer required under section 109.1, the occupational health provider has access at any reasonable time of the day or night to a workplace and he may be accompanied by an expert.

He has access to all the information necessary for the performance of his duties. He may not communicate it or use that information for any other purpose.

He may use a measuring device in a workplace.”

**184.** Section 127 of the Act is amended

(1) by replacing “the agency” and “109” in the introductory clause by “the integrated health and social services centre” and “109.2”, respectively;

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

“(1) ensure the cooperation of physicians in charge of occupational health in the preparation of the health components of the prevention program described in section 59;”;

(3) by replacing “of the person” in paragraph 2 by “of the integrated health and social services centre or of the person or partnership”;

(4) by inserting “and of the health elements of the prevention program set out in section 59, in particular the examinations, analyses and expert opinions made for the purposes of subparagraphs 6 to 8 of the second paragraph of that section” at the end of paragraph 3;

(5) by inserting the following paragraph after paragraph 3:

“(3.1) ensure, where an employer so requests, that the occupational health providers’ services are provided in his establishment or in a facility of the integrated health and social services centre or of the person or partnership operating a hospital centre or local community service centre and referred to in section 109.2, or elsewhere if the public health director believes this to be necessary because the other premises are not available;”;

(6) by striking out paragraph 7.

**185.** Division V of Chapter VIII of the Act, comprising sections 130 to 136, is repealed.

**186.** Section 140 of the Act is replaced by the following section:

“**140.** The Commission shall be administered by a board of directors composed of 15 members appointed by the Government, including the chairman of the board of directors, and the president and chief executive officer who is a member by virtue of office, without the right to vote.

The chairman of the board of directors shall be appointed after consultation with the most representative union associations and employers’ associations. He must, in the Government’s opinion, qualify as an independent director within the meaning of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 7 of that Act apply, with the necessary modifications.”

**187.** Section 141 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“With the exception of the chairman of the board of directors and the president and chief executive officer, the members of the board of directors shall be designated in the following manner:”;

(2) by striking out the second paragraph.

**188.** The Act is amended by inserting the following section after section 141:

**“141.1.** The Government shall appoint a president and chief executive officer to be responsible for the direction and management of the Commission.

The offices of president and chief executive officer and of chairman of the board of directors may not be held concurrently.”

**189.** The Act is amended by inserting the following section after section 142:

**“142.1.** The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer and of the vice-chairmen.”

**190.** Section 143 of the Act is amended by replacing “and chief executive officer” by “, the president and chief executive officer”.

**191.** Section 144 of the Act is amended by replacing “chief executive officer” and “in section 141” by “the president and chief executive officer” and “in sections 140 and 141”, respectively.

**192.** Section 146 of the Act is replaced by the following section:

**“146.** The offices of president and chief executive officer and of vice-chairman are full-time positions.”

**193.** Section 147 of the Act is amended by replacing “Commission and” by “Commission, the president and chief executive officer and”.

**194.** Section 148 of the Act is replaced by the following section:

**“148.** A vacancy on the board of directors, except in the position of president and chief executive officer, shall be filled in accordance with the rules of appointment set out in this Act.”

**195.** Section 149 of the Act is amended

(1) by replacing “and of the vice-chairmen” in the first paragraph by “, except the president and chief executive officer”;

(2) by striking out the second paragraph.

**196.** Section 151 of the Act is amended

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

“Eight members, including the following, constitute a quorum of the board of directors of the Commission:

(1) the chairman of the board of directors or the person appointed under section 155 to replace him;

(2) at least three of the members appointed under subparagraph 1 of the first paragraph of section 141; and

(3) at least three of the members appointed under subparagraph 2 of the first paragraph of section 141.”;

(2) by striking out “of directors and chief executive officer” in the second paragraph.

**197.** Section 152 of the Act is amended by replacing “and chief executive officer” in the first paragraph by “, the president and chief executive officer”.

**198.** Section 154 of the Act is amended by striking out “and chief executive officer” and the last sentence.

**199.** Section 155 of the Act is amended

(1) by replacing “and chief executive officer” by “, the president and chief executive officer”;

(2) by replacing “Government may” by “Minister shall”.

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

**“155.1.** The board of directors must establish the following committees:

(1) a governance and ethics committee;

(2) an audit committee chaired by the chairman of the board of directors; and

(3) a human resources committee.

The composition of the committees as well as the functions they exercise are prescribed by the Commission's by-laws."

**201.** Section 156 of the Act is amended by striking out "and chief executive officer" in paragraph 1.

**202.** The Act is amended by inserting the following section after section 156:

**"156.1.** Sections 10, 11 and 36 to 39 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) apply, with the necessary modifications, to the Commission."

**203.** Section 161.0.7 of the Act is amended by replacing "chairman and" by "president and chief executive officer and the".

**204.** Section 162.1 of the Act is amended by replacing "chairman of the board of directors and chief executive officer" by "president and chief executive officer".

**205.** Section 163 of the Act is amended by replacing "chairman of the board of directors and chief executive officer" in subparagraph 5 of the second paragraph by "president and chief executive officer".

**206.** Section 163.1 of the Act is amended by replacing both occurrences of "chairman of the board of directors and chief executive officer" by "president and chief executive officer".

**207.** Section 167 of the Act is amended

(1) by inserting "as well as priorities that a joint sector-based association on occupational health and safety must comply with in programming its activities" at the end of paragraph 1;

(2) by replacing paragraph 15 by the following paragraphs:

"(15) to grant financial assistance to an association or a body for an occupational health and safety training or information project that takes into account the priorities established by the Commission, provided the association or body has not received another sum for the same period under this Act;

"(15.1) to issue training certificates for the purposes of the Acts and regulations it administers and to recognize the persons or bodies authorized to issue such certificates;";

(3) by replacing "of health programs and seeing that" in paragraph 16 by "of the service offer contained in the contract entered into under section 109.2 and ensuring, for the purposes of the implementation of the occupational health programs and the delivery of the other services provided for in the specifications, that";

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

“(18) on its own behalf or for the fund, as the case may be, to transact or to make compromises on matters for which this Act or the Act respecting industrial accidents and occupational diseases (chapter A-3.001) grants it jurisdiction.”

**208.** Section 172 of the Act is amended by replacing “of directors and chief executive officer” in the first paragraph by “, the president and chief executive officer”.

**209.** The Act is amended by inserting the following section after section 173:

**“173.1.** The Commission may, by regulation, impose the use of a medium or technology for any document necessary for the application of an Act or a regulation it administers. It may also prescribe by regulation that such a document must be sent or received using any method of transmission it specifies in the regulation.”

**210.** Section 180 of the Act is amended by inserting “, including a physician in charge of occupational health or any other occupational health provider defined in section 116.1” at the end of paragraph 7.

**211.** Section 181 of the Act is amended

(1) by inserting “, the health and safety coordinator” after “contractor”;

(2) by replacing “prevention officer” and “safety representative” by “health and safety representative”.

**212.** Section 183 of the Act is amended

(1) by inserting “the representative association within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) that has affiliated workers present on the construction site,” after “association,”;

(2) by replacing “the safety representative” by “the health and safety coordinator, the principal contractor, the health and safety representative”.

**213.** Section 194 of the Act is amended

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

“(1.1) “health and safety coordinator” means a person designated under section 215.1;”;

(2) in paragraph 3,

(a) by replacing “safety” by “health and safety”;

(b) by inserting “or 212.1” at the end;

(3) by replacing “in the cases determined by regulation” in paragraph 4 by “undergoing a job shadowing or work training period under the responsibility of an educational institution”.

**214.** Section 199 of the Act is amended

(1) by inserting “relating to a construction site” after “program”;

(2) by replacing “Particularly, it must contain every component prescribed by regulation” by “It must comply with the regulations applicable to the construction site and contain the components set out in subparagraphs 1 to 5 of the second paragraph of section 59”.

**215.** Section 200 of the Act is replaced by the following section:

“**200.** A prevention program must be sent to the Commission before work begins, where it is foreseen that activities on the construction site will occupy at least 20 construction workers simultaneously at a stage of the work.”

**216.** Section 204 of the Act is amended

(1) by replacing “25” by “20”;

(2) by striking out “particular”.

**217.** Section 205 of the Act is replaced by the following section:

“**205.** A job-site committee consists of the following persons, as and when they are on the construction site, subject to the terms and conditions prescribed by regulation:

(1) one health and safety coordinator designated under section 215.1 or, if there is no such coordinator, at least one representative of the principal contractor;

(2) one representative of each employer;

(3) one health and safety representative; and

(4) one representative of each of the representative associations with at least one affiliated construction worker is present on the site.”

**218.** Section 206 of the Act is amended

(1) by replacing “supervise” in paragraph 2 by “ensure”, and by replacing “la mise en place et le fonctionnement” in the French text by “de la mise en place et du fonctionnement”;

(2) by replacing “or their unions or associations” in paragraph 3 by “, the representative associations, the joint sector-based construction association referred to in section 99”;

(3) by striking out paragraphs 6 and 7.

**219.** Section 207 of the Act is amended by inserting the following paragraph after the first paragraph:

“The health and safety coordinator or another member designated by the principal contractor shall coordinate the job-site committee’s activities.”

**220.** The Act is amended by inserting the following section after section 207:

**“207.1.** The members of the job-site committee must participate in training programs whose content and duration are determined by regulation.

They may, without loss of pay, take time off as necessary to participate in such programs.

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

**221.** Section 208 of the Act is amended by inserting “to the health and safety representatives and” after “modifications,”.

**222.** Section 209 of the Act is replaced by the following section:

**“209.** Where it is foreseen that activities on a construction site will occupy at least 10 construction workers simultaneously at a stage of the work, at least one health and safety representative must be designated, as soon as work begins, by a majority of the construction workers present on the construction site.

Failing that, the representative association with the most affiliated construction workers present on the construction site shall designate the health and safety representative.”

**223.** Section 210 of the Act is amended

(1) by replacing “safety” in the introductory paragraph by “health and safety”;



(2) by replacing paragraph 4 by the following paragraph:

“(4) to make any recommendations he considers appropriate, including recommendations concerning the psychosocial risks related to the work, to the job-site committee, or, if there is no such committee, to the construction workers or their representative association, to the employer and to the health and safety coordinator or the principal contractor;”.

**224.** The Act is amended by inserting the following section after section 212:

**“212.1.** Despite sections 209 and 212, where it is foreseen that activities on a construction site will occupy at least 100 construction workers simultaneously at a stage of the work or that the total cost of the work will exceed \$25,000,000, one or more health and safety representatives, assigned full-time to a construction site, must be designated by all the representative associations.

The minimum number of health and safety representatives assigned full-time to a construction site is determined by regulation.

The costs related to the performance of the functions set out in section 210 are borne by the principal contractor.

The total cost of the work foreseen under the first paragraph is revalorized every five years, on 1 January of the year, according to the method provided for in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).”

**225.** Section 213 of the Act is amended

(1) by striking out “, 95”;

(2) by replacing “safety” by “health and safety”.

**226.** The Act is amended by inserting the following division after section 215:

#### **“DIVISION IV.1**

#### **“HEALTH AND SAFETY COORDINATOR**

**“215.1.** Where it is foreseen that activities on a construction site will occupy at least 100 construction workers simultaneously at a stage of the work or that the total cost of the work will exceed \$25,000,000, the principal contractor must, as soon as work begins, designate one or more health and safety coordinators.

The minimum number of health and safety coordinators on a construction site is determined by regulation.

A health and safety coordinator is a member of the managerial staff and is under the responsibility of the principal contractor and assigned full-time to a construction site.

The total cost of the work referred to in the first paragraph is revalorized every five years, on 1 January of the year, according to the method provided for in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

**“215.2.** The functions of a health and safety coordinator are

(1) to participate in the preparation and updating of the prevention program implemented on the construction site;

(2) with a view to the safety of the construction workers, to supervise the setting up and operation of mechanisms to coordinate the activities of employers who are on the construction site simultaneously;

(3) to identify situations that may be a source of danger to the construction workers;

(4) to inspect workplaces;

(5) to ensure that all workers know the risks related to their work;

(6) to receive copies of accident notices and investigate incidents that have caused or could have caused an accident; and

(7) to accompany the inspector on visits of inspection.

**“215.3.** A health and safety coordinator must participate in training programs whose content and duration are determined by regulation.

The health and safety coordinator may, without loss of pay, take time off as necessary to participate in such programs.

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

**227.** Section 221 of the Act is amended by replacing “the safety representative, the inspectors” by “the health and safety coordinator, the health and safety representative”.

**228.** Section 223 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 5;

(2) by striking out “, and determining the form and tenor of the certificate contemplated in sections 32, 40 and 46” in subparagraph 6;

(3) by replacing “every establishment or construction site in view of ensuring” in subparagraph 7 by “every workplace so as to ensure”;

(4) by replacing “devices” in subparagraph 9 by “means”;

(5) by replacing subparagraph 10 by the following subparagraph:

“(10) determining the contaminants and dangerous substances for which the employer must draw up and keep up to date a register in accordance with section 52 and prescribing the content of the register and the manner in which it is to be sent;”;

(6) by replacing subparagraph 17 by the following subparagraphs:

“(17) establishing the rules applicable to maintaining a prevention program and a health and safety committee for establishments employing fewer than 20 workers;

“(17.1) determining the risk levels related to the activities carried on in the establishments for which the employer must prepare and implement a prevention program and designate a health and safety representative;

“(17.2) determining the manner and the time limits for implementing and updating a prevention program and establishing the hierarchy of preventive measures for the purpose of preparing the prevention program;”;

(7) by replacing “determining the categories of establishments in which a health and safety committee may be formed and fixing, by category, the minimum and maximum number of members of a committee;” in subparagraph 22 by “setting, by category of establishments, the minimum and maximum number of members of a health and safety committee and”;

(8) by replacing subparagraph 23 by the following subparagraph:

“(23) setting, by category of establishments, the minimum frequency of the health and safety committees’ meetings;”;

(9) in subparagraph 24,

(a) by replacing “safety representative may devote to his functions, determining, by category of establishments or construction sites, the instruments or apparatus a safety representative needs to exercise his functions” by “health and safety representative must devote to his functions”;

(b) by replacing “91 and 211” by “78.1, 91, 207.1, 211 and 215.3”;

(10) by inserting the following subparagraph after subparagraph 24:

“(24.1) determining the content and duration of the training programs in which the members of the health and safety committees and the health and safety representatives must participate under sections 78.1 and 91 and prescribing the time limit for completing that training;”;

(11) by replacing subparagraph 31 by the following subparagraph:

“(31) determining the terms and conditions relating to the composition of job-site committees and the designation of their members, establishing the rules of operation of the committees, setting, by category of construction sites, a minimum number of meetings that is different than the number set by this Act, determining the content and duration of the training programs in which the members of the job-site committees must participate under section 207.1 and prescribing the time limit for completing that training;”;

(12) by replacing “the amount of time that a safety representative” and “the safety representative contemplated” in subparagraph 32 by “the minimum number of designated health and safety representatives on a site, the amount of time that a health and safety representative” and “the health and safety representative contemplated”, respectively;

(13) by inserting the following subparagraph after subparagraph 32:

“(32.1) determining, by category of construction sites, the minimum number of health and safety coordinators designated on a site as well as the content and duration of the training programs in which they must participate under section 215.3 and prescribing the time limit for completing that training;”;

(14) by inserting the following subparagraph after subparagraph 40:

“(40.1) imposing the use of a medium or technology for a document necessary for the application of an Act or a regulation it administers and prescribing that such a document must be sent or received using any method of transmission specified by the Commission;”.

**229.** The Act is amended by replacing all occurrences of “safety representative” and “prevention representative” by “health and safety representative”.

## HEALTH INSURANCE ACT

**230.** Section 3 of the Health Insurance Act (chapter A-29) is amended by inserting “, by a member of a committee on occupational oncological diseases or by a member of a scientific committee” at the end of the fourteenth paragraph.

## ACT RESPECTING LABOUR STANDARDS

**231.** Section 39.0.1 of the Act respecting labour standards (chapter N-1.1) is amended by striking out paragraphs 1 to 5 and 10 to 16 of the definition of “employer subject to contribution” in the first paragraph.

## ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**232.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing paragraph 9 by the following paragraph:

“(9) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

## ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**233.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing paragraph 10 by the following paragraph:

“(10) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

## ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

**234.** Section 6 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “360,” after “359.1,” in paragraph 1.

**235.** Section 9 of the Act is amended, in the second paragraph,

(1) by inserting “on application or on its own initiative,” at the beginning of subparagraph 1;

(2) by inserting the following subparagraph after subparagraph 2:

“(2.1) on application or on its own initiative, prohibit a party whose conduct is vexatious or quarrelsome from commencing a matter, except with the prior authorization of the president or any other member designated by the latter, and subject to the conditions determined by the president or any other member designated by the latter;”;

(3) by inserting “or a stay order” after “provisional order” in subparagraph 3.

**236.** Section 82 of the Act is amended by inserting “or any person” after “member” in subparagraph 3 of the second paragraph.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**237.** Section 337 of the Act respecting occupational health and safety (1979, chapter 63) is amended by inserting “, and Division III of Chapter XI, comprising sections 204 to 208, the heading of Division IV of Chapter XI and sections 212 to 215, which come into force on 1 January 2022, and section 211, which comes into force on 1 January 2023” at the end.

#### REGULATION RESPECTING OCCUPATIONAL DISEASES

**238.** The Regulation respecting occupational diseases, the text of which appears below, is enacted.

#### “REGULATION RESPECTING OCCUPATIONAL DISEASES

##### “DIVISION I

##### “SCOPE AND DEFINITIONS

**1.** This Regulation determines, in Schedules A and B, diseases and the special conditions in relation to them for the purposes of the occupational disease presumption provided for in section 29 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). It identifies the applicable time limit for claims for such diseases.

The Regulation also determines, for the purposes of sections 29 and 30 of the Act, the eligibility criteria for a claim for certain occupational diseases.

**2.** For the purposes of this Regulation, “operational firefighter” means

- (1) an officer or a firefighter assigned to firefighting interventions;
- (2) an officer or a firefighter who conducts clearing or searches for the causes and circumstances of fires;
- (3) a firefighter who drives the trucks; and
- (4) a firefighter who operates the pumpers and the elevating devices.

##### “DIVISION II

##### “GENERAL PROVISIONS

**3.** The time limit for claims for the diseases set out in Schedule A is the time limit prescribed in section 272.1 or 272.2 of the Act.

The time limit for claims for the diseases set out in Schedule B is the time limit prescribed in section 272.3 of the Act.

### “DIVISION III

#### “ELIGIBILITY CRITERIA FOR CERTAIN OCCUPATIONAL DISEASES

“4. The eligibility of the claim of a worker suffering from an occupational disease for which the diagnosis is a hearing impairment caused by noise is conditional on demonstrating sensorineural hearing loss caused by noise above 22.5 decibels, that is, the average of the thresholds measured at the frequencies of 500, 1,000, 2,000 and 4,000 Hz, in each ear.

“5. Where the claim of a worker referred to in section 4 is filed more than five years after the end of exposure to noise in the work context and the worker is over the age of 60 at the time of the diagnosis, a presbycusis factor of 0.5 decibels is deducted from the average hearing loss in each ear for each year over the age of 60 or for each year after the expiry of a five-year period following the date of the end of the exposure, whichever is later.

The sensorineural hearing loss obtained using that calculation is used to determine if the worker fulfills the minimum eligibility criterion under section 4.

### “SCHEDULE A

#### DIVISION I—DISEASES CAUSED BY CHEMICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Poisoning by lead and its organic or inorganic compounds	Having carried on any work involving the utilization or handling of lead, or any other form of exposure to lead or its compounds and having a blood lead level equal to or higher than 700 µg/L.

#### DIVISION II—BIOLOGICAL AGENTS AND INFECTIOUS OR PARASITIC DISEASES

DISEASE	SPECIAL CONDITIONS
Bacterial cutaneous or fungus infections (pyodermatosis, bacterial folliculitis, panaris, dermatomycosis, candida cutaneous infection)	Having carried on any work involving contact with tissues or material contaminated by bacteria or fungi.
Anthrax	Having carried on any work involving the utilization, handling or other form of exposure to contaminated wool, hair, bristles, hides or skins.

Brucellosis	Having carried on any work related to the care, slaughtering, cutting or transport of animals or any laboratory work involving contact with brucella.
Viral hepatitis	Having carried on any work involving contact with contaminated humans, human products or other contaminated substances.
Tuberculosis	Having carried on any work involving contact with contaminated humans or animals, human or animal products or other contaminated substances.
Warts on the hands	Having carried on any work carried on 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 a solvent, detergent, soap, acid, alkali, cement, lubricant or other irritating agent.
Allergic contact dermatitis	Having carried on any work involving contact with substances such as nickel, chrome, epoxy, mercury, antibiotics or other allergens.
Dermatosis caused by mechanical action (localized callosities and keratoderma)	Having carried on any work involving friction or pressure.
Photodermatitis, folliculitis, dyaschromia, 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.
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.



DIVISION IV — DISEASES CAUSED BY PHYSICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Hearing impairment caused by noise	<p>Having carried on any work involving exposure to a daily noise level above 85 dBA for eight hours per day or the equivalent (based on an exchange rate of 3) for a minimum of two years, or a peak sound pressure level above the limits allowed in the Regulation respecting occupational health and safety (chapter S-2.1, r. 13).</p> <p>Having carried on work involving exposure to a noise level above 85 dBA is evidenced by</p> <ul style="list-style-type: none"> <li>– measurement of noise level;</li> <li>– the use of material known to produce sound levels above 85 dBA, such as a chainsaw or hydraulic percussion tools;</li> <li>– the mandatory wearing of hearing protectors in the workplace; or</li> <li>– the presence of measures to reduce time of exposure to noise in the workplace.</li> </ul>
Retinitis	Having carried on any work involving electro-welding or acetylene welding.

DIVISION V — RESPIRATORY SYSTEM DISEASES

DISEASE	SPECIAL CONDITIONS
Asbestosis	Having carried on any work involving exposure to asbestos fibre.
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.

## DIVISION VI—MUSCULOSKELETAL DISORDERS

DISEASE	SPECIAL CONDITIONS
Musculoskeletal lesions manifested by objective signs (bursitis, tendinitis, tenosynovitis)	<p>Having carried on any work involving repeated movements or pressure over an extended period of time and that must have been carried on over a minimum period of two consecutive months.</p> <p>If force is not used, at least 50% of the time worked within a work shift must consist in repeating the same movement or the same sequence of movements or pressure that use the affected anatomical structure or muscle.</p> <p>The duration of daily exposure may be less than 50% of the time worked if there is a combination of repeated movements and force exerted, which use the affected anatomical structure or muscle, or when the work cycle is very short and the pace is very fast.</p>

## 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	<p>Having carried on any work involving exposure to asbestos fibre.</p> <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 a minimum duration of employment of 15 years.</p> <p>Not having smoked a tobacco product in the 10 years preceding the diagnosis.</p>

Non-pulmonary mesothelioma	<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>
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 a minimum duration of employment of 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 a minimum duration of employment of 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 a minimum duration of employment of 15 years.</p> <p>Not having smoked a tobacco product 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> <p>The diagnosis must have been made after a minimum duration of employment of 15 years.</p>

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 a minimum duration of employment of 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 a minimum duration of employment of 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 a minimum duration of employment of 15 years and before the age of 50.</p>

“SCHEDULE B

DIVISION I—DISEASES CAUSED BY CHEMICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Poisoning by metals and their organic or inorganic toxic compounds, excluding poisoning by lead and its organic or inorganic 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 silicium and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to silicium or such compounds of silicium.
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.
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.

**DIVISION II — BIOLOGICAL AGENTS AND INFECTIOUS OR PARASITIC DISEASES**

DISEASE	SPECIAL CONDITIONS
Parasitosis	Having carried on any work involving contact with humans, animals or material contaminated by parasites such as sarcoptes scabiei or pediculus humanus.

### DIVISION III — SKIN DISEASES

DISEASE	SPECIAL CONDITIONS
Phyto dermatosis	Having carried on any work involving contact with plants.
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
Disease caused by working in compressed air	Having carried on any work carried on in compressed air.
Disease caused by exposure to thermal stress	Having carried on any work carried on 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.
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
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.
Extrinsic allergic alveolitis	Having carried on any work involving exposure to an agent recognized as able to cause extrinsic allergic alveolitis.
Bronchial asthma	Having carried on any work involving exposure to a specific sensitizing agent.

## REGULATION RESPECTING PREVENTION MECHANISMS

**239.** The Regulation respecting prevention mechanisms, the text of which appears below, is enacted.

### “REGULATION RESPECTING PREVENTION MECHANISMS

#### “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 to establishments with regard to the prevention program, the health and safety committee and the health and safety representative.

It also determines the rules applicable on a construction site with regard to the job-site committee, the health and safety representative and the health and safety coordinator.

#### “CHAPTER II

##### “PREVENTION MECHANISM SPECIFIC TO AN ESTABLISHMENT

##### “DIVISION I

##### “RISK LEVELS ASSOCIATED WITH THE ACTIVITIES CARRIED ON IN AN ESTABLISHMENT

**2.** The risk levels associated with the activities carried on in an establishment for the purpose of preparing and implementing a prevention program and designating a health and safety representative are set out in Schedule 1 to this Regulation.

The risk levels are classified into three categories, low, medium and high, for the activities that correspond to the North American Industry Classification System (NAICS Canada) published by Statistics Canada.

If more than one activity is carried on in an establishment, the establishment risk level is the one corresponding to its main activity.

“Main activity” means the activity through which the establishment fulfils its purpose of producing or distributing goods or services.

**3.** An employer must prepare and implement a prevention program specific to each establishment if the risk level associated with the activities carried on there is medium or high.

**“4.** Where an establishment employs at least 5 workers and the risk level is high, or where it employs at least 10 workers and the risk level is medium, at least one health and safety representative must be designated from among the establishment’s workers.

## **“DIVISION II**

### **“PREVENTION PROGRAM**

#### **“§1.—*Implementation and updating of prevention program***

**“5.** An employer subject to the obligation to prepare and implement a prevention program in accordance with the first and second paragraphs of section 58 of the Act has one year from the time the employer becomes subject to that obligation to implement the program.

**“6.** The employer must update the prevention program each year.

**“7.** A prevention program implemented under the first paragraph of section 58 of the Act must be maintained until 31 December of the year following the year in which the number of workers in the establishment is less than 20, unless the risk level associated with the establishment’s activities requires the implementation of a prevention program in accordance with the second paragraph of section 58 of the Act.

#### **“§2.—*Hierarchy of preventive measures***

**“8.** The measures and priorities for action to eliminate or, failing that, to control risks that may affect the health and safety of the establishment’s workers, identified by the employer in preparing its prevention program, must give precedence to the following hierarchy of prevention measures:

- (1) eliminating the risk;
- (2) replacing materials, processes or equipment in order to eliminate or reduce the risk;
- (3) implementing technical control measures regarding the risk associated with the work environment and equipment, such as installing a ventilation system and adding a safety guard on a machine;
- (4) installing signals, such as a sound alarm or a warning light, to increase workers’ awareness of the risk;
- (5) implementing administrative control measures regarding the risk, such as worker training and the use of safe working methods and techniques; and



(6) putting collective or individual protective means and equipment at the workers' disposal, and implementing measures to ensure that they are properly used and maintained.

If the risks are not eliminated, the employer must control them by using a combination of such preventive measures.

### **“DIVISION III**

#### **“HEALTH AND SAFETY COMMITTEE**

**“§1. — *Composition and maintenance of health and safety committee***

**“9.** If no agreement is entered into in accordance with section 70 of the Act, 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.

**“10.** The health and safety committee revises the number of its members on the basis of the number of workers in the establishment at the beginning of each year.

**“11.** A health and safety committee established under the first paragraph of section 68 of the Act must be maintained until 31 December of the year following the year in which the number of workers in the establishment is less than 20.

**“§2. — *Procedure to designate workers' representatives***

**“12.** Where several certified associations representing all the workers of an establishment fail to agree on the designation of the workers' representatives on the health and safety committee, the workers are designated in accordance with the following terms and conditions:

- (1) the certified association that, where applicable, represents the absolute majority of the workers designates the absolute majority of the workers' representatives;

(2) (a) the other certified associations designate, where applicable, their workers' representatives in accordance with the following procedure:

i. the certified association that represents the highest percentage of workers in an establishment designates a representative;

ii. the percentage of the certified association that made the last designation is reduced by half; and

iii. the certified association that then represents the highest percentage of workers designates another representative.

The procedure described in subparagraphs ii and iii is repeated until all the required workers' representatives have been designated.

A certified association may form a group with one or more other certified associations for the purposes of this subparagraph. The overall percentage of workers represented by the group in the establishment is then the percentage taken into consideration.

Where two or more associations or groups of associations have an equal number of representatives, the workers' representative is designated by a draw, with each association and each group of associations presenting the name of one candidate for the draw. The association or group of associations whose candidate's name is drawn is deemed to have designated that representative.

(b) if the application of the terms and conditions of designation described in subparagraph *a* does not make it possible for a certified association or group of certified associations to designate a workers' representative, the last representative to be designated is, despite subparagraph *a*, designated by a draw between the certified associations or groups of certified associations that have not designated a representative.

A certified association authorized to designate a workers' representative on the committee that fails to do so within 30 days after a failure to reach an agreement is noted is deemed to have refused or neglected to designate its representative.

**“13.** Where a single certified association represents some but not all of an establishment's workers, the association designates the majority of the workers' representatives on the health and safety committee. The other workers' representatives on the committee are appointed by the group of workers not represented by the certified association.

**“14.** Where two or more certified associations represent some but not all of an establishment's workers, the workers' representatives on the health and safety committee are designated in accordance with section 12.

For the purposes of subparagraph 2 of the first paragraph of section 12, the group of workers not represented by a certified association is deemed to constitute a certified association. However, such a group may not designate more workers' representatives than all the certified associations.

**“15.** The group of workers not represented by a certified association that is authorized to designate a representative on the health and safety committee under sections 13 and 14 designates the representative by a vote held at a meeting convened for that purpose by the workers' and employer's representatives who are already committee members.

The notices for the vote and the nomination meeting must be posted up in the establishment at least five days before the vote and meeting are held.

The candidate who obtains the most votes is designated as representative.

**“16.** Where the group of workers not represented by a certified association or a certified association refuses or neglects to designate its representative on the health and safety committee, the position left vacant is filled in accordance with section 12, 13 or 14, as applicable, as long as the designation has not been made.

**“17.** Where an establishment's workers are not represented by a certified association, the workers' representatives on the health and safety committee are designated by a vote at a meeting convened for that purpose by a worker of the establishment.

The notices for the vote and the nomination meeting must be posted up in the establishment at least five days before the vote and meeting are held.

The candidates who obtain the most votes are designated as representatives.

**“18.** No one may hinder a vote held under this Regulation.

The employer must allow the notices for the vote and the nomination meeting to be posted up.

**“19.** The number of workers' representatives on the health and safety committee is revised at the beginning of each year.

**“20.** The workers' representatives on the health and safety committee exercise their functions on the committee as long as the certified association or the group of workers not represented by a certified association that designated them remains authorized to do so and as long as they have not been discharged.

“§3.—*Rules of operation for health and safety committee*

“**21.** The health and safety committee holds its first meeting within 90 days after the members are designated if the risk level associated with the establishment is low. That period is 60 days for an establishment whose risk level is medium, and 30 days for an establishment whose risk level is high.

“**22.** If no agreement is entered into in accordance with section 74 of the Act, the employer determines the frequency of the health and safety committee’s meetings at the beginning of each year, according to the number of workers and the establishment’s risk level, from among the following choices:

(1) low risk level:

(a) 20 to 50 workers: every 3, 4 or 6 months;

(b) 51 to 100 workers: each month or every 2, 3 or 4 months;

(c) more than 100 workers: each month or every 2 or 3 months;

(2) medium risk level:

(a) 20 to 50 workers: every 2, 3 or 4 months;

(b) 51 to 100 workers: each month or every 2 or 3 months;

(c) more than 100 workers: each month or every 2 months;

(3) high risk level:

(a) 20 to 50 workers: each month or every 2 or 3 months;

(b) 51 to 100 workers: each month or every 2 months;

(c) more than 100 workers: each month.

For the purpose of determining the minimum frequency of the meetings of a health and safety committee established under the first paragraph of section 68.1 of the Act, the number of workers corresponds to the total number of workers in the establishments covered by the prevention program and the risk level is the highest risk level among those establishments.

The frequency of meetings determined by the employer must be indicated in the prevention program.

“**23.** Where a worker dies, the health and safety committee must meet within three working days after a request of one of its members.

**“24.** The health and safety committee is presided over by the two following co-chairs:

(1) a workers’ representative designated by the workers’ representatives on the committee; and

(2) an employer’s representative designated by the employer’s representatives on the committee.

**“25.** The health and safety committee’s meetings are presided over by each co-chair in turn.

The committee decides which co-chair will preside over the first meeting. Where there is disagreement, the co-chair is determined by a draw.

**“26.** Where the co-chair who was to preside over a meeting is absent, the group to which he or she belongs designates a chair for the meeting from among its members.

**“27.** A vacancy in the health and safety committee co-chair position is filled in accordance with section 24, not later than 10 days after the committee is notified of the vacancy.

**“28.** The agenda of a meeting of the health and safety committee is determined by the co-chairs.

The notice convening a meeting must indicate the place, date and time of the meeting, and the subjects to be discussed.

The notice is given by the co-chair who is to preside over the meeting.

At the beginning of the meeting and with the other members’ agreement, any committee member may propose amendments to the agenda.

**“29.** The quorum at a meeting is at least half of the workers’ representatives and at least one employer’s representative.

**“30.** Where the employer’s representatives or the workers’ representatives are not unanimous on the position to be adopted with regard to a particular matter, the position of the group is the one that receives a majority of the votes of the group’s representatives attending the meeting.

**“31.** Any vacancy on the health and safety committee must, not later than 30 days after the committee is notified of it, be filled by the certified association, the group of workers not represented by a certified association or the employer that designated the committee member to be replaced.

Where a certified association or group of workers not represented by a certified association fails to fill a vacancy during the prescribed period, the position left vacant is filled in accordance with section 12, 13 or 14, as applicable, as long as the appointment has not been made.

**“32.** At each meeting, the health and safety committee adopts the minutes of its previous meeting. The minutes thus adopted must be kept for a minimum period of five years.

**“33.** The health and safety committee must enter the minutes of its meetings in a register established for that purpose; the register is kept at a place determined by the committee.

**“34.** The health and safety committee members may obtain a copy of the committee’s minutes by a request made to one of the co-chairs.

*“§4.—Training of members of health and safety committee*

**“35.** The members of a health and safety committee must, within 120 days after being designated, obtain a certificate for at least seven hours of theoretical training issued by the Commission or by a person or 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 an establishment;

(2) the content of a prevention program;

(3) the mandate, functions and rules of operation of the health and safety committee;

(4) the roles and responsibilities of the members and co-chairs of the health and safety committee;

(5) identification and analysis of the risks that may affect the health and safety of the establishment’s workers;

(6) the keeping of the registers of work accidents, occupational diseases and incidents that could have caused them; and

(7) accident investigation and analysis of reported incidents.

## **“DIVISION IV**

### **“HEALTH AND SAFETY REPRESENTATIVE**

**“36.** If no agreement is entered into in accordance with the second paragraph of section 92 of the Act and where there is a health and safety committee in an establishment, the minimum amount of time that a health and safety representative must devote to his or her functions, except the functions referred to in paragraphs 2, 6 and 7 of section 90 of the Act, is established at the beginning of each year in accordance with Schedule 2 according to the number of workers, the establishment’s risk level and the minimum frequency of the health and safety committee’s meetings as determined by the employer under section 22.

If no health and safety committee is established in an establishment, the minimum amount of time that a health and safety representative must devote to his or her functions is established at the beginning of each year as follows, according to the number of workers in the establishment and the establishment’s risk level:

- (1) 5 to 9 workers and high risk level: one hour and 30 minutes per week;
- (2) 10 to 19 workers and medium risk level: one hour per week;
- (3) 10 to 19 workers and high risk level: two hours per week.

For the purpose of determining the minimum amount of time the health and safety representative designated under section 87.1 of the Act must devote to his or her functions, the number of workers corresponds to the total number of workers in the establishments concerned as regards the performance of his or her functions and the risk level is the highest risk level among those establishments.

If two or more health and safety representatives are designated within an establishment or within two or more establishments in accordance with section 87.1 of the Act, the minimum amount of time that they as a group must devote to their functions is the same as the time prescribed in the first and second paragraphs for a representative, subject to an agreement entered into under the second paragraph of section 92 of the Act.

**“37.** The health and safety representative must, within 120 days after being designated, obtain a certificate for at least seven hours of theoretical training issued by the Commission or by a person or 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 an establishment;
- (2) the content of a prevention program;

(3) the representative's role, functions and responsibilities, including the recommendations the representative must make to the health and safety committee concerning the psychosocial risks related to the work;

(4) inspection of workplaces;

(5) assistance to workers in the exercise of their rights recognized by the Act and the regulations;

(6) the representative's role during an inspector's visit;

(7) intervention when a worker exercises a right of refusal;

(8) complaints to the Commission;

(9) accident investigation and analysis of reported incidents; and

(10) identification and analysis of the risks that may affect the health and safety of the establishment's workers.

Despite the first paragraph, a health and safety representative who holds a training certificate issued under section 35 must obtain a certificate for at least four hours of training specific to the functions of a health and safety representative. Such training must pertain, in particular, to the subjects listed in subparagraphs 3 to 8 of the second paragraph.

### **“CHAPTER III**

#### **“PREVENTION MECHANISMS SPECIFIC TO A CONSTRUCTION SITE**

#### **“DIVISION I**

#### **“JOB-SITE COMMITTEE**

*“§1.— Composition of job-site committee and designation of members*

**“38.** 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.



**“39.** 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 49 and 52, according to the category of construction site.

**“40.** 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.

**“§2.** — *Rules of operation for job-site committee*

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

**“42.** 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.

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

At the beginning of the meeting and with the other members’ agreement, any committee member may propose amendments to the agenda.

**“44.** 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.

**“45.** 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.

**“46.** 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.

“§3.—*Training of members of job-site committee*

“**47.** 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 procedure;
- (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 51 is not required to take such training.

“**DIVISION II**

“**HEALTH AND SAFETY REPRESENTATIVE**

“**48.** The minimum amount of time that a health and safety representative may devote daily to 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;
- (5) 100 workers and more: 8 hours.

**“49.** 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 299 workers: 1;
- (2) 300 to 599 workers: 2;
- (3) 600 to 899 workers: 3;
- (4) 900 to 1,199 workers: 4;
- (5) 1,200 workers and more: 5.

**“50.** 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.

**“51.** 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 50, the training must pertain to the prevention program and the operation of a job-site committee.

### **“DIVISION III**

#### **“HEALTH AND SAFETY COORDINATOR**

**“52.** 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 299 workers: 1;

- (2) 300 to 599 workers: 2;
- (3) 600 to 899 workers: 3;
- (4) 900 to 1,199 workers: 4;
- (5) 1,200 workers and more: 5.

**“53.** A health and safety coordinator must obtain a certificate for at least 120 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 IV**

#### **“MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

**“54.** A person who, on 1 January 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 51 and 53.

“SCHEDULE 1  
“(Section 2)

“RISK LEVELS ASSOCIATED WITH ACTIVITIES CARRIED ON IN AN ESTABLISHMENT

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
1111	Oilseed and grain farming	Medium
1112	Vegetable and melon farming	Medium
1113	Fruit and tree nut farming	Medium
1114	Greenhouse, nursery and floriculture production	Medium
1119	Other crop farming	Medium
1121	Cattle ranching and farming	High
1122	Hog and pig farming	High
1123	Poultry and egg production	High
1124	Sheep and goat farming	High
1125	Aquaculture	High
1129	Other animal production	High
1131	Timber tract operations	High
1132	Forest nurseries and gathering of forest products	High
1133	Logging	High
1141	Fishing	High
1142	Hunting and trapping	High
1151	Support activities for crop production	High
1152	Support activities for animal production	High
1153	Support activities for forestry	High
2111	Oil and gas extraction	Medium
2121	Coal mining	Medium
2122	Metal ore mining	Medium
2123	Non-metallic mineral mining and quarrying	High
2131	Support activities for mining, and oil and gas extraction	High
2211	Electric power generation, transmission and distribution	Low
2212	Natural gas distribution	Low
2213	Water, sewage and other systems	Low
2361	Residential building construction	High
2362	Non-residential building construction	High
2371	Utility system construction	High
2372	Land subdivision	Medium

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
2373	Highway, street and bridge construction	High
2379	Other heavy and civil engineering construction	Medium
2381	Foundation, structure, and building exterior contractors	High
2382	Building equipment contractors	High
2383	Building finishing contractors	High
2389	Other specialty trade contractors	High
3111	Animal food manufacturing	Medium
3112	Grain and oilseed milling	Medium
3113	Sugar and confectionery product manufacturing	Medium
3114	Fruit and vegetable preserving and specialty food manufacturing	High
3115	Dairy product manufacturing	Low
3116	Meat product manufacturing	High
3117	Seafood product preparation and packaging	High
3118	Bakeries and tortilla manufacturing	Medium
3119	Other food manufacturing	Medium
3121	Beverage manufacturing	Medium
3122	Tobacco manufacturing	Medium
3123	Cannabis product manufacturing	Medium
3131	Fibre, yarn and thread mills	Medium
3132	Fabric mills	Medium
3133	Textile and fabric finishing and fabric coating	Medium
3141	Textile furnishings mills	Medium
3149	Other textile product mills	Medium
3151	Clothing knitting mills	Low
3152	Cut and sew clothing manufacturing	Low
3159	Clothing accessories and other clothing manufacturing	Low
3161	Leather and hide tanning and finishing	Medium
3162	Footwear manufacturing	Medium
3169	Other leather and allied product manufacturing	Medium
3211	Sawmills and wood preservation	High
3212	Veneer, plywood and engineered wood product manufacturing	High
3219	Other wood product manufacturing	High
3221	Pulp, paper and paperboard mills	Low
3222	Converted paper product manufacturing	Medium
3231	Printing and related support activities	Low

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
3241	Petroleum and coal product manufacturing	Medium
3251	Basic chemical manufacturing	Low
3252	Resin, synthetic rubber, and artificial and synthetic fibres and filaments manufacturing	Low
3253	Pesticide, fertilizer and other agricultural chemical manufacturing	Low
3254	Pharmaceutical and medicine manufacturing	Low
3255	Paint, coating and adhesive manufacturing	Low
3256	Soap, cleaning compound and toilet preparation manufacturing	Medium
3259	Other chemical product manufacturing	Low
3261	Plastic product manufacturing	Medium
3262	Rubber product manufacturing	Medium
3271	Clay product and refractory manufacturing	Medium
3272	Glass and glass product manufacturing	Medium
3273	Cement and concrete product manufacturing	High
3274	Lime and gypsum product manufacturing	High
3279	Other non-metallic mineral product manufacturing	High
3311	Iron and steel mills and ferro-alloy manufacturing	Medium
3312	Steel product manufacturing from purchased steel	Medium
3313	Alumina and aluminum production and processing	Medium
3314	Non-ferrous metal (except aluminum) production and processing	Medium
3315	Foundries	High
3321	Forging and stamping	Medium
3322	Cutlery and hand tool manufacturing	Medium
3323	Architectural and structural metals manufacturing	High
3324	Boiler, tank and shipping container manufacturing	Medium
3325	Hardware manufacturing	Medium
3326	Spring and wire product manufacturing	Medium
3327	Machine shops, turned product, and screw, nut and bolt manufacturing	Medium
3328	Coating, engraving, cold and heat treating and allied activities	High
3329	Other fabricated metal product manufacturing	High
3331	Agricultural, construction and mining machinery manufacturing	High
3332	Industrial machinery manufacturing	Medium
3333	Commercial and service industry machinery manufacturing	Medium

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
3334	Ventilation, heating, air-conditioning and commercial refrigeration equipment manufacturing	Medium
3335	Metalworking machinery manufacturing	Medium
3336	Engine, turbine and power transmission equipment manufacturing	Medium
3339	Other general-purpose machinery manufacturing	Low
3341	Computer and peripheral equipment manufacturing	Low
3342	Communications equipment manufacturing	Low
3343	Audio and video equipment manufacturing	Low
3344	Semiconductor and other electronic component manufacturing	Low
3345	Navigational, measuring, medical and control instruments manufacturing	Low
3346	Manufacturing and reproducing magnetic and optical media	Low
3351	Electric lighting equipment manufacturing	Medium
3352	Household appliance manufacturing	Medium
3353	Electrical equipment manufacturing	Medium
3359	Other electrical equipment and component manufacturing	Low
3361	Motor vehicle manufacturing	Medium
3362	Motor vehicle body and trailer manufacturing	Medium
3363	Motor vehicle parts manufacturing	Low
3364	Aerospace product and parts manufacturing	Low
3365	Railroad rolling stock manufacturing	Low
3366	Ship and boat building	High
3369	Other transportation equipment manufacturing	Low
3371	Household and institutional furniture and kitchen cabinet manufacturing	Medium
3372	Office furniture (including fixtures) manufacturing	Medium
3379	Other furniture-related product manufacturing	Medium
3391	Medical equipment and supplies manufacturing	Medium
3399	Other miscellaneous manufacturing	Medium
4111	Farm product merchant wholesalers	Low
4121	Petroleum and petroleum products merchant wholesalers	Medium
4131	Food merchant wholesalers	Medium
4132	Beverage merchant wholesalers	Medium
4133	Cigarette and tobacco product merchant wholesalers	Medium
4134	Cannabis merchant wholesalers	Medium



<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
4141	Textile, clothing and footwear merchant wholesalers	Low
4142	Home entertainment equipment and household appliance merchant wholesalers	Low
4143	Home furnishings merchant wholesalers	Low
4144	Personal goods merchant wholesalers	Low
4145	Pharmaceuticals, toiletries, cosmetics and sundries merchant wholesalers	Low
4151	Motor vehicle merchant wholesalers	Low
4152	New motor vehicle parts and accessories merchant wholesalers	Low
4153	Used motor vehicle parts and accessories merchant wholesalers	Low
4161	Electrical, plumbing, heating and air-conditioning equipment and supplies merchant wholesalers	Low
4162	Metal service centres	Medium
4163	Lumber, millwork, hardware and other building supplies merchant wholesalers	Low
4171	Farm, lawn and garden machinery and equipment merchant wholesalers	Low
4172	Construction, forestry, mining and industrial machinery, equipment and supplies merchant wholesalers	Low
4173	Computer and communications equipment and supplies merchant wholesalers	Low
4179	Other machinery, equipment and supplies merchant wholesalers	Low
4181	Recyclable material merchant wholesalers	High
4182	Paper, paper product and disposable plastic product merchant wholesalers	Medium
4183	Agricultural supplies merchant wholesalers	Medium
4184	Chemical (except agricultural) and allied product merchant wholesalers	Medium
4189	Other miscellaneous merchant wholesalers	Low
4191	Business-to-business electronic markets, and agents and brokers	Low
4411	Automobile dealers	Low
4412	Other motor vehicle dealers	Medium
4413	Automotive parts, accessories and tire stores	Medium
4421	Furniture stores	Low
4422	Home furnishings stores	Low
4431	Electronics and appliance stores	Low
4441	Building material and supplies dealers	Medium

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
4442	Lawn and garden equipment and supplies stores	Medium
4451	Grocery stores	Low
4452	Specialty food stores	Medium
4453	Beer, wine and liquor stores	Medium
4461	Health and personal care stores	Low
4471	Gasoline stations	Low
4481	Clothing stores	Low
4482	Shoe stores	Low
4483	Jewelry, luggage and leather goods stores	Low
4511	Sporting goods, hobby and musical instrument stores	Low
4513	Book stores and news dealers	Low
4521	Department stores	Medium
4529	Other general merchandise stores	Medium
4531	Florists	Low
4532	Office supplies, stationery and gift stores	Low
4533	Used merchandise stores	Low
4539	Other miscellaneous store retailers	Low
4541	Electronic shopping and mail-order houses	Medium
4542	Vending machine operators	Medium
4543	Direct selling establishments	Medium
4811	Scheduled air transportation	Low
4812	Non-scheduled air transportation	Low
4821	Rail transportation	High
4831	Deep sea, coastal and Great Lakes water transportation	High
4832	Inland water transportation	High
4841	General freight trucking	High
4842	Specialized freight trucking	High
4851	Urban transit systems	Medium
4852	Interurban and rural bus transportation	Medium
4853	Taxi and limousine service	Medium
4854	School and employee bus transportation	Medium
4855	Charter bus industry	Medium
4859	Other transit and ground passenger transportation	Medium
4861	Pipeline transportation of crude oil	High
4862	Pipeline transportation of natural gas	High
4869	Other pipeline transportation	High
4871	Scenic and sightseeing transportation, land	High

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
4872	Scenic and sightseeing transportation, water	High
4879	Scenic and sightseeing transportation, other	High
4881	Support activities for air transportation	Medium
4882	Support activities for rail transportation	Medium
4883	Support activities for water transportation	Medium
4884	Support activities for road transportation	High
4885	Freight transportation arrangement	Medium
4889	Other support activities for transportation	Medium
4911	Postal service	Medium
4921	Couriers	Medium
4922	Local messengers and local delivery	Medium
4931	Warehousing and storage	Medium
5111	Newspaper, periodical, book and directory publishers	Low
5112	Software publishers	Low
5121	Motion picture and video industries	Low
5122	Sound recording industries	Low
5151	Radio and television broadcasting	Low
5152	Pay and specialty television	Low
5173	Wired and wireless telecommunications carriers (except satellite)	Low
5174	Satellite telecommunications	Low
5179	Other telecommunications	Low
5182	Data processing, hosting, and related services	Low
5191	Other information services	Low
5211	Monetary authorities – central bank	Low
5221	Depository credit intermediation	Low
5222	Non-depository credit intermediation	Low
5223	Activities related to credit intermediation	Low
5231	Securities and commodity contracts intermediation and brokerage	Low
5232	Securities and commodity exchanges	Low
5239	Other financial investment activities	Low
5241	Insurance carriers	Low
5242	Agencies, brokerages and other insurance related activities	Low
5261	Pension funds	Low
5269	Other funds and financial vehicles	Low
5311	Lessors of real estate	Medium

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
5312	Offices of real estate agents and brokers	Medium
5313	Activities related to real estate	Medium
5321	Automotive equipment rental and leasing	Medium
5322	Consumer goods rental	Medium
5323	General rental centres	Medium
5324	Commercial and industrial machinery and equipment rental and leasing	Medium
5331	Lessors of non-financial intangible assets (except copyrighted works)	Medium
5411	Legal services	Low
5412	Accounting, tax preparation, bookkeeping and payroll services	Low
5413	Architectural, engineering and related services	Low
5414	Specialized design services	Low
5415	Computer systems design and related services	Low
5416	Management, scientific and technical consulting services	Low
5417	Scientific research and development services	Low
5418	Advertising, public relations, and related services	Low
5419	Other professional, scientific and technical services	Low
5511	Management of companies and enterprises	Low
5611	Office administrative services	Low
5612	Facilities support services	Low
5613	Employment services	Medium
5614	Business support services	Low
5615	Travel arrangement and reservation services	Low
5616	Investigation and security services	Medium
5617	Services to buildings and dwellings	High
5619	Other support services	Low
5621	Waste collection	High
5622	Water treatment and disposal	High
5629	Remediation and other waste management services	High
6111	Elementary and secondary schools	Low
6112	Community colleges and C.E.G.E.P.s	Low
6113	Universities	Low
6114	Business schools and computer and management training	Low
6115	Technical and trade schools	Low
6116	Other schools and instruction	Low

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
6117	Educational support services	Low
6211	Offices of physicians	Low
6212	Offices of dentists	Low
6213	Offices of other health practitioners	Low
6214	Out-patient care centres	Low
6215	Medical and diagnostic laboratories	Low
6216	Home health care services	Low
6219	Other ambulatory health care services	High
6221	General medical and surgical hospitals	Low
6222	Psychiatric and substance abuse hospitals	Medium
6223	Specialty (except psychiatric and substance abuse) hospitals	Low
6231	Nursing care facilities	Medium
6232	Residential developmental handicap, mental health and substance abuse facilities	Medium
6233	Community care facilities for the elderly	High
6239	Other residential care facilities	High
6241	Individual and family services	Low
6242	Community food and housing, and emergency and other relief services	Medium
6243	Vocational rehabilitation services	Medium
6244	Child day-care services	Medium
7111	Performing arts companies	Low
7112	Spectator sports	Low
7113	Promoters (presenters) of performing arts, sports and similar events	Low
7114	Agents and managers for artists, athletes, entertainers and other public figures	Low
7115	Independent artists, writers and performers	Low
7121	Heritage institutions	Low
7131	Amusement parks and arcades	Low
7132	Gambling industries	Low
7139	Other amusement and recreation industries	Low
7211	Traveller accommodation	Medium
7212	Recreational vehicle (RV) parks and recreational camps	Medium
7213	Rooming and boarding houses	Medium
7223	Special food services	Medium
7224	Drinking places (alcoholic beverages)	Low

<b>NAICS Code</b>	<b>Group of Activities</b>	<b>Risk Level</b>
7225	Full-service restaurants and limited-service eating places	Low
8111	Automotive repair and maintenance	Medium
8112	Electronic and precision equipment repair and maintenance	Medium
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	High
8114	Personal and household goods repair and maintenance	Medium
8121	Personal care services	Low
8122	Funeral services	Medium
8123	Dry cleaning and laundry services	High
8129	Other personal services	Medium
8131	Religious organizations	Low
8132	Grant-making and giving services	Low
8133	Social advocacy organizations	Low
8134	Civil and social organizations	Low
8139	Business, professional, labour and other membership organizations	Low
8141	Private households	Medium
9111	Defence services	Low
9112	Federal protective services	Low
9113	Federal labour, employment and immigration services	Low
9114	Foreign affairs and international assistance	Low
9119	Other federal government public administration	Low
9121	Provincial protective services	Medium
9122	Provincial labour and employment services	Low
9129	Other provincial and territorial public administration	Low
9131	Municipal protective services	Low
9139	Other local, municipal and regional public administration	Low
9141	Aboriginal public administration	Low
9191	International and other extra-territorial public administration	Low

“SCHEDULE 2  
“(Section 36)

“MINIMUM AMOUNT OF TIME THAT HEALTH AND SAFETY  
REPRESENTATIVES MUST DEVOTE TO THEIR FUNCTIONS

<b>Number of workers</b>	<b>Risk level</b>	<b>Frequency of meetings of the health and safety committee</b>	<b>Representative’s minimum leave time</b>
20 to 50	Low	6 months	0.5 h/week
		4 months	0.5 h/2 weeks
		3 months	0.5 h/4 weeks
	Medium	4 months	1.5 h/week
		3 months	1.5 h/2 weeks
		2 months	1.5 h/4 weeks
	High	3 months	2.25 h/week
		2 months	1 h/week
		Each month	1.5 h/2 weeks
51 to 100	Low	4 months	1 h/week
		3 months	0.5 h/week
		2 months	0.5 h/2 weeks
		Each month	0.5 h/4 weeks
	Medium	3 months	2 h/week
		2 months	1 h/week
		Each month	0.5 h/week
	High	2 months	4.5 h/week
		Each month	2.25 h/week
101 to 200	Low	3 months	1.5 h/week
		2 months	1 h/week
		Each month	0.5 h/week
	Medium	2 months	3 h/week
		Each month	1.5 h/week
	High	Each month	7.5 h/week

<b>Number of workers</b>	<b>Risk level</b>	<b>Frequency of meetings of the health and safety committee</b>	<b>Representative's minimum leave time</b>
More than 200 workers	Low	3 months	2 h/week plus 0.5 h/week per additional 100 workers
		2 months	2.5 h/2 weeks plus 0.5 h/2 weeks per additional 100 workers
		Each month	2.5 h/4 weeks plus 0.5 h/4 weeks per additional 100 workers
	Medium	2 months	4 h/week plus 1 h/week per additional 100 workers
		Each month	2 h/week plus 0.5 h/week per additional 100 workers
		High	Each month

## REGULATION RESPECTING FINANCING

**240.** Section 52 of the Regulation respecting financing (chapter A-3.001, r. 7) is amended by inserting “, 328.1” after “328” in the first paragraph.

**241.** Section 53 of the Regulation is amended by replacing “the medical aid benefits to which the worker is entitled under Chapter V of the Act” in subparagraph *a* of subparagraph 1 of the first paragraph by “health services to which the worker is entitled under Chapter V of the Act, the cost of benefits to which the worker is entitled under Chapter V.1 of the Act,”.

**242.** Section 96 of the Regulation is amended by inserting “, 328.1” after “328” in the first paragraph.

**243.** Section 97 of the Regulation is amended by replacing “medical aid benefits to which the worker is entitled under Chapter V of the Act” in subparagraph *a* of subparagraph 1 of the first paragraph by “health services to which the worker is entitled under Chapter V of the Act, the cost of benefits to which the worker is entitled under Chapter V.1 of the Act,”.



**244.** Section 224 of the Regulation is amended by replacing “of the Act” in the introductory clause by “of the Act or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act”.

**245.** Section 227 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end of the first paragraph.

**246.** Section 232 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end.

**247.** Section 235 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end of the first paragraph.

**248.** Sections 238 and 239 of the Regulation are amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end.

#### JOINT SECTOR-BASED CONSTRUCTION ASSOCIATION ON OCCUPATIONAL HEALTH AND SAFETY REGULATION

**249.** Section 21 of the Joint Sector-Based Construction Association on Occupational Health and Safety Regulation (chapter S-2.1, r. 1) is amended by replacing “suspend payment” in the second paragraph by “reduce the amount”.

**250.** Section 23 of the Regulation is amended

(1) by striking out “by registered mail” in the introductory clause;

(2) by inserting “, in keeping with the priorities communicated to it by the Commission” at the end of paragraph 2;

(3) by striking out subparagraph *c* of paragraph 4.

**251.** Section 27 of the Regulation is amended by replacing “the Commission intends to undertake during” in paragraph 4 by “determined by the Commission for”.

#### REGULATION RESPECTING JOINT SECTOR-BASED ASSOCIATIONS ON OCCUPATIONAL HEALTH AND SAFETY

**252.** Section 1 of the Regulation respecting joint sector-based associations on occupational health and safety (chapter S-2.1, r. 2) is amended

(1) by replacing “union signatory(ies)” in the definition of “signatories” by “worker signatory(ies)”;

(2) by replacing “referred to” in the definition of “employer signatory” by “or the employers’ representative(s) according to the cases provided for”;

(3) by replacing the definition of “union signatory” by the following definition:

““worker signatory” means the union association(s) or the workers’ representative(s) according to the cases provided for in section 98 of the Act that have entered into or become a party to an agreement.”

**253.** Section 3 of the Regulation is amended by replacing “and union associations” by “, union associations, employers’ representatives and workers’ representatives”.

**254.** Section 8 of the Regulation is amended by replacing “union signatory” by “worker signatory”.

**255.** Section 10 of the Regulation is amended by replacing “union signatory” in the first paragraph by “worker signatory”.

**256.** Section 11 of the Regulation is amended

(1) by replacing “constituted as a professional syndicate, union, brotherhood or otherwise” in subparagraph *a* of paragraph 2 by “, whether constituted as a professional syndicate or not,”;

(2) by replacing “belongs to a group of syndicates, unions, brotherhoods or other groups of workers otherwise constituted” and “the group of syndicates, unions, brotherhoods or other groups of workers otherwise constituted” in subparagraph *b* of paragraph 2 by “belongs to a group of syndicates or another group of workers” and “the group of syndicates or the other group of workers”, respectively.

**257.** Section 17 of the Regulation is amended by replacing “or a union association” by “, an employers’ representative, a union association or a workers’ representative”.

**258.** Section 18 of the Regulation is amended by striking out “, such as when a new party joins the agreement” at the end of the first paragraph.

**259.** Section 24 of the Regulation is amended by replacing “suspend payment of a subsidy” in the second paragraph by “reduce the amount of a subsidy or revoke the approval of the agreement referred to in section 98 of the Act”.

**260.** Section 26 of the Regulation is amended

(1) by striking out “by registered mail,” in the introductory clause;

(2) by inserting “, in keeping with the priorities communicated to it by the Commission” at the end of paragraph 2;

(3) by striking out subparagraph *c* of paragraph 4.

**261.** Section 30 of the Regulation is amended by replacing “the Commission intends to undertake during” in paragraph 4 by “determined by the Commission for”.

**262.** Section 32 of the Regulation is amended by inserting “and health and safety representatives” and “and representatives” after “safety committees” and “such committees”, respectively, in paragraph 10.

#### REGULATION RESPECTING THE CERTIFICATE ISSUED FOR THE PREVENTIVE WITHDRAWAL AND RE-ASSIGNMENT OF A PREGNANT OR BREAST-FEEDING WORKER

**263.** The Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3) is repealed.

#### SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

**264.** The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by striking out section 2.2.4 and subdivision 2.5 of Division II, comprising sections 2.5.1 to 2.5.4.

#### REGULATION RESPECTING HEALTH AND SAFETY COMMITTEES

**265.** The Regulation respecting health and safety committees (chapter S-2.1, r. 5) is repealed.

#### REGULATION RESPECTING PULMONARY HEALTH EXAMINATIONS FOR MINE WORKERS

**266.** Section 1 of the Regulation respecting pulmonary health examinations for mine workers (chapter S-2.1, r. 7) is amended by replacing the definition of “physician in charge of health services” by the following definition:

““physician in charge of occupational health” means the physician in charge of occupational health within the meaning of Division III of Chapter VIII of the Act respecting occupational health and safety (chapter S-2.1);”.

**267.** Section 7 of the Regulation is amended by replacing “establishment’s physician in charge of health services” in the second paragraph by “physician in charge of occupational health”.

**268.** Section 9 of the Regulation is amended by replacing “physician in charge of health services at the establishment where the worker is employed” in the first paragraph by “physician in charge of occupational health”.

#### REGULATION RESPECTING PREVENTION PROGRAMS

**269.** The Regulation respecting prevention programs (chapter S-2.1, r. 10) is repealed.

#### REGULATION RESPECTING SAFETY REPRESENTATIVES IN ESTABLISHMENTS

**270.** The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is repealed.

#### REGULATION RESPECTING OCCUPATIONAL HEALTH SERVICES

**271.** The Regulation respecting occupational health services (chapter S-2.1, r. 16) is repealed.

#### REGULATION RESPECTING THE IMPLEMENTATION OF THE AGREEMENT ON ANY PROGRAM OF THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

**272.** Section 4.01 of Schedule I to the Regulation respecting the implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux (chapter S-2.1, r. 29) is amended by replacing “a regional agency instituted under that Act” in the third paragraph by “an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)”.

#### TRANSITIONAL AND FINAL PROVISIONS

**273.** Section 53 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as amended by section 19, applies to any worker who suffers an employment injury that arises on or after (*insert the date that is one year after the date of assent to this Act*).

**274.** The employer of a worker who, on (*insert the date that is one year after the date of assent to this Act*), is on temporary assignment must, within 90 days after that date, inform the Commission des normes, de l'équité, de la santé et de la sécurité du travail of the option the employer chooses in accordance with section 180 of the Act respecting industrial accidents and occupational diseases, replaced by section 43.

The option chosen applies from the time it is received by the Commission.

**275.** The provisions of Division II.1 of Chapter VI of the Act respecting industrial accidents and occupational diseases, enacted by section 73, do not apply to claims received by the Commission des normes, de l'équité, de la santé et de la sécurité du travail before the date of coming into force of section 233.1 of the Act respecting industrial accidents and occupational diseases, as enacted by section 73.

**276.** The following persons have until (*insert the date that is six months after the date of assent to this Act*) to file their claim for an occupational disease under the Act respecting industrial accidents and occupational diseases:

(1) a worker who, on (*insert the date of assent to this Act*), has already received a diagnosis of a disease provided for in the Regulation respecting occupational diseases (*insert the year and chapter number of this Act and the number of the section of this Act that enacts that regulation*), enacted by section 238, for which the time limit for claims prescribed in section 272.2 of the Act respecting industrial accidents and occupational diseases, enacted by section 88, would apply and who, on the day of the diagnosis, would have met the special conditions prescribed by that regulation in relation to that disease; and

(2) the beneficiary of a worker who died before (*insert the date of assent to this Act*) of a disease provided for in the Regulation respecting occupational diseases for which the time limit for claims prescribed in section 272.2 of the Act respecting industrial accidents and occupational diseases would apply and who, on the day of the diagnosis, would have met the special conditions prescribed by that regulation in relation to that disease.

A claim filed under this section is deemed to be a claim filed under section 272.2 of the Act respecting industrial accidents and occupational diseases for the purposes of that Act.

**277.** A person or enterprise that was assigned a supplier number by the Commission des normes, de l'équité, de la santé et de la sécurité du travail before (*insert the date of assent to this Act*) is deemed to be an authorized supplier under Division I of Chapter VIII.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 89.

**278.** Sections 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, apply to any application for imputation made by an employer and to any imputation made on the initiative of the Commission des normes, de l'équité, de la santé et de la sécurité du travail on or after (*insert the date of assent to this Act*).

**279.** The Government may make a regulation referred to in paragraphs 3.0.1, 3.0.2, 3.1 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, enacted or replaced by section 115, 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*).

**280.** Until the coming into force of a regulation made under subparagraphs 3.1 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, as amended by section 115, a reference to health services, adapted equipment or other expenses in paragraph 3 of section 327 of that Act, as replaced by section 94, and in paragraph 1 of section 341 of that Act, as amended by section 99, is a reference to medical aid.

**281.** Until the coming into force of a regulation made under paragraph 2 of section 454.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 116, a person or enterprise that wishes to obtain the authorization of the Commission des normes, de l'équité, de la santé et de la sécurité du travail required under section 280.2 of that Act, enacted by section 89, must attach the following documents to the application:

(1) a document attesting that the person or, in the case of an enterprise, each professional working there is a member of a professional order, where applicable; and

(2) an attestation from the Commission, which must not have been issued more than 30 days before the date on which the application is filed, certifying that the person or enterprise is not in default regarding the person's or enterprise's obligations under the Act respecting industrial accidents and occupational diseases.

**282.** Until the coming into force of a regulation made under paragraph 3 of section 454.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 116, a person or enterprise must, in order to obtain the authorization of the Commission des normes, de l'équité, de la santé et de la sécurité du travail required under section 280.2 of that Act, enacted by section 89, meet the following conditions:

(1) the person or, in the case of an enterprise, each professional working there must be a member of a professional order;

(2) the person or enterprise must not be registered in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies (chapter C-65.1); and

(3) the person or enterprise must not be in default regarding compliance with any provision of the Act respecting industrial accidents and occupational diseases, the Act respecting occupational health and safety (chapter S-2.1) and their regulations.

To maintain an authorization, a supplier must, at all times, meet the conditions set out in subparagraphs 2 and 3 of the first paragraph and ensure that professional activities reserved for members of a professional order are engaged in only by such a member.

**283.** A regulation amending Schedule 1 to the Regulation respecting financing is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) if the regulation enacts, for the year of assessment (*insert the year of assent to this Act*), provisions governing the employer of a domestic worker.

**284.** An employer whose prevention program is in effect on 1 January 2022 must, according to the risk level associated with the employer's establishment, amend the program to make it compliant with section 59 of the Act respecting occupational health and safety, as amended by section 147, not later than

- (1) 1 January 2023, if the risk level associated with the establishment is high;
- (2) 1 January 2024, if the risk level associated with the establishment is medium; or
- (3) 1 January 2025, if the risk level associated with the establishment is low.

**285.** An employer must, according to the risk level associated with the employer's establishment, prepare and implement a prevention program, establish the health and safety committee and designate the health and safety representative in accordance with sections 58 and 58.1, 68 to 70 and 87 to 88.1 of the Act respecting occupational health and safety, as replaced or enacted by sections 146, 152 and 162, not later than

- (1) 1 January 2023, if the risk level associated with the establishment is high;
- (2) 1 January 2024, if the risk level associated with the establishment is medium; or
- (3) 1 January 2025, if the risk level associated with the establishment is low.

**286.** An employer referred to in sections 284 and 285 must send the priorities for action required under the second paragraph of section 60 of the Act respecting occupational health and safety, as amended by section 148, within three years after the updating or implementation, as applicable, of the prevention program within the time limits prescribed in sections 284 and 285.

**287.** Safety representatives designated before 1 January 2022 are exempt from the obligation to participate in the training programs required under the first paragraph of section 91 of the Act respecting occupational health and safety, as amended by section 165.

**288.** The chair of the board of directors and chief executive officer of the Commission des normes, de l'équité, de la santé et de la sécurité du travail in office on (*insert the date of assent to this Act*) continues in office, for the unexpired portion of the term, on the same terms as chief executive officer.

That person exercises the functions of chair of the board of directors until that office is filled in accordance with section 140 of the Act respecting occupational health and safety, replaced by section 186.

**289.** The provisions of the Act respecting occupational health and safety and the Safety Code for the construction industry (chapter S-2.1, r. 4), as they read before being amended or repealed, continue to apply with respect to construction sites for which the Commission received, before 1 January 2022, the notice of opening of a construction site required under section 197 of the Act respecting occupational health and safety.

**290.** The contribution rate provided for in section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is, for the employers referred to in paragraphs 1 to 5, 10 and 11 of the definition of "employer subject to contribution" in the first paragraph of section 39.0.1 of the Act respecting labour standards (chapter N-1.1), as it read before being amended by section 231, and for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2), reduced by

- (1) 0.04 percentage points for the period from 1 January to 31 December 2022;
- (2) 0.03 percentage points for the period from 1 January to 31 December 2023;  
and
- (3) 0.01 percentage points for the period from 1 January to 31 December 2024.

**291.** Sections 53 and 97 of the Regulation respecting financing, as they read before being amended, continue to apply for the purpose of calculating the compensation cost of an accident or disease for benefits paid before the coming into force of sections 241 and 243.

**292.** Schedule I to the Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3) remains in force for the sole purpose of applying section 6 of the Regulation respecting the preventive withdrawal of certain home childcare providers (chapter R-24.0.1, r. 1) until that section is repealed, amended or replaced.



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

(1) section 55, section 128 insofar as it concerns the definitions of “agency”, “integrated health and social services centre”, “health and safety representative”, “health and safety committee” and “safety representative”, sections 130 and 133 to 142, paragraphs 1 and 3 of section 143, sections 144, 146 to 149, 152, 153 and 155, paragraphs 1, 2 and 4 to 9 of section 156, sections 157 and 158, paragraphs 1, 3 and 4 of section 159, sections 160 to 185, paragraphs 1 to 3 of section 207, sections 210 to 212, paragraphs 1 and 2 of section 213, sections 214 to 219 and 221 to 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 5 to 13 of section 228, sections 229 and 231, section 239 insofar as it enacts the Regulation respecting prevention mechanisms, except sections 47, 50, 51 and 53 of that regulation, and sections 249 to 272, which come into force on 1 January 2022;

(2) 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 47, 50, 51 and 53 of the Regulation respecting prevention mechanisms, which come into force on 1 January 2023;

(3) sections 22 and 85, which come into force on (*insert the date that is six months after the date of assent to this Act*);

(4) paragraph 3 of section 2, paragraph 4 of section 2 insofar as it enacts the definition of “his employment”, sections 9 and 11, section 15 insofar as it concerns section 217 of the Act respecting industrial accidents and occupational diseases, section 16, paragraph 1 of section 17, section 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, 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”, sections 42 to 45, paragraph 1 of section 46, sections 47 and 48, 62 to 64, 66 to 69 and 74 to 84, sections 106, 108 to 110 and 112, subparagraph *b* of paragraph 1 of section 115, and sections 234 and 244 to 248, which come into force on (*insert the date that is one year after the date of assent to this Act*);

(5) section 1, 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 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accident and occupational diseases, amended by section 115 of this Act;

(6) section 15 insofar as it concerns section 233.4 of the Act respecting industrial accidents and occupational diseases, and sections 73 and 107 insofar as they enact sections 233.1 and 233.4 to 233.8 of the Act respecting industrial accidents and occupational diseases, 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

(7) 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.



