



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 101

An Act to improve certain labour laws

Introduction

**Introduced by
Mr. Jean Boulet
Minister of Labour**

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EXPLANATORY NOTES

The purpose of this bill is to improve some certain labour laws.

As regards the Act respecting industrial accidents and occupational diseases, the bill specifies that no provision of the Act may prevent from qualifying as a worker an executive officer who personally performs work for a person other than the person for whom he holds the role of executive officer. It reviews certain rules relating to the determination of the gross income that is retained for the purpose of computing a worker's income replacement indemnity and its revalorization. The bill also introduces an obligation for the Commission des normes, de l'équité, de la santé et de la sécurité du travail to offer, in certain cases, to the parties involved the possibility of negotiating following an application for an administrative review and determines the rules applicable to such a process as well as those relating to the content of the agreement that may result from it. It also revises the amounts of certain fines so that they are higher where the offence relates to the confidentiality of the record of a worker whose employment injury results from physical or psychological violence he or she suffered, including sexual violence.

As regards the Labour Code, the bill revises various rules applicable to the arbitration of grievances, in particular by setting a time limit for the designation of an arbitrator and the holding of a first day of hearing, by requiring the parties to consider mediation, by determining the cases in which a pre-hearing conference must be held before the hearing of a grievance and by determining the rules relating to the communication of evidence before the hearing of the grievance. The bill also amends the Code, as well as the Act respecting labour relations, vocational training and workforce management in the construction industry, in particular to require the union associations to, as the case may be, present each year to their members, at a general meeting, their financial statements audited in accordance with generally accepted accounting principles or remit, free of charge, a copy of such financial statements to any member who so requests.

As regards the Act respecting labour standards, the bill revises certain rules applicable to absences of employees who are reservists, in particular in order to reduce the period of uninterrupted service required to be entitled to a leave of absence to take part in an operation of the Canadian Forces outside Canada and to include

additional reasons for which the person may be absent. It introduces the possibility for any employee to be absent from work if the person is unable to perform work because of a public health decision or because of a disaster or its imminence. It also amends the penal provisions of that Act, in particular to increase the amounts of the fines.

As regards the Act respecting occupational health and safety, the bill provides for the right of an employer to claim from the Commission des normes, de l'équité, de la santé et de la sécurité du travail part of the salary paid to a pregnant or breast-feeding worker who the employer assigned to other duties as well as the rules applicable to the exercise of that right, in particular those relating to the recovery by the Commission of an overpayment made to an employer following the latter's claim. Two members are added to the Commission's board of directors: one member chosen from the lists provided by the most representative union associations and one member representing the employers of the public and parapublic sectors. The bill enables the Commission to establish building and safety standards applicable to buildings the Commission identifies.

As regards prevention and worker participation mechanisms, the bill provides for special rules applicable to establishments of the education and health and social services sectors, which will cease to apply on the date to be determined by the Government. These special rules pertain, in particular, to the minimum amount of time the health and safety representative may devote to the exercise of certain functions; they also pertain to the functions of the health and safety committee and of the health and safety representative. The bill provides that, where the Commission determines, by regulation, the minimum amount of time an establishment's health and safety representative may devote to the exercise of certain functions, that time must vary according to the number of workers in the establishment.

As regards the Professional Syndicates Act, the bill removes, among other things, the references to the requirement to be a Canadian citizen for any person who forms an association or a professional syndicate, or is a member of the administrative council or forms part of the personnel of such a syndicate. It entrusts the responsibility of that Act to the Minister of Labour.

As regards the Act to establish the Administrative Labour Tribunal, the bill provides that only a person authorized by the Tribunal may have access to a record of the occupational health and safety division that contains information relating to the physical or mental health of a person or information it considers to be confidential

and which, if disclosed, would be prejudicial to a person. The bill also provides that the remuneration of a member of that Tribunal may be reduced once it has been set to take into account the retirement pension from the public sector that is paid to the member.

As regards the Act to modernize the occupational health and safety regime, the bill postpones the deadline for the Government to set the date of coming into force of the provisions relating to the prevention and worker participation mechanisms of the Act respecting occupational health and safety.

As regards the Master Electricians Act, the bill abolishes the executive committee and enables the provincial council of administration of the Corporation of Master Electricians of Québec to establish a provincial advisory forum and to determine the composition and functions of that forum.

Lastly, the bill contains consequential amendments as well as transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Labour Code (chapter C-27);
- Master Electricians Act (chapter M-3);
- Act respecting labour standards (chapter N-1.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting occupational health and safety (chapter S-2.1);
- Professional Syndicates Act (chapter S-40);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Act to modernize the occupational health and safety regime (2021, chapter 27).

REGULATIONS AMENDED BY THIS BILL:

- Building Code—1985 Regulation (chapter S-2.1, r. 0.1);
- Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal (chapter T-15.1, r. 2).

Bill 101

AN ACT TO IMPROVE CERTAIN LABOUR LAWS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. The Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by inserting the following section after section 2:

“2.1. Paragraph 4 of the definition of “**worker**” in section 2 may not operate to prevent from qualifying as a worker an executive officer who personally performs work for a person other than the person for whom he holds the status of executive officer and from determining, in his respect, a gross income for the purpose of computing the income replacement indemnity and gross wages for the purposes of Chapter IX in accordance with the criteria the Commission determines.”

2. Section 64 of the Act is amended by replacing “income used as the basis for the computation of the indemnity” by “annual employment income of a worker determined at the time of the worker’s injury,”.

3. Section 70 of the Act is amended

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

“Where a worker suffers a recurrence, relapse or aggravation, the Commission retains the gross income that is the greater of the income he derives from the employment he holds when he suffers the recurrence, relapse or aggravation and the gross annual employment income determined at the time of his employment injury. Where the worker suffers a new recurrence, relapse or aggravation, the Commission retains the worker’s gross income that is the greater of the income he derives at the time of the new recurrence, relapse or aggravation and the gross income previously retained by the Commission.”;

(2) by replacing “used for computing his former indemnity” in the second paragraph by “previously retained by the Commission”.

4. Section 117 of the Act is replaced by the following section:

“117. The worker’s gross annual employment income determined at the time of his injury is revalorized each year, on the anniversary of the day the worker became unable to carry on his employment.

The result of the revalorization constitutes the new amount of the gross annual employment income that is used as the basis for computing the income replacement indemnity, including for the purposes of section 101. In no case may the amount be lower than the gross annual income determined on the basis of the minimum wage in force at the time of the revalorization, or greater than the Maximum Yearly Insurable Earnings then in force.

The amount of the gross annual income that the Commission evaluates under the first paragraph of section 50 is also revalorized each year on the anniversary of the day the worker became unable to carry on his employment.”

5. Section 354 of the Act is amended by inserting the following paragraph after the first paragraph:

“In addition to the proceedings under this Act, the Commission shall indicate in its decision, where the decision relates to a matter referred to in section 358.6 or in a regulation made under that section, the possibility, within the scope of an application for review, of requesting to participate in a negotiation process provided for in sections 358.6 to 358.9.”

6. The Act is amended by inserting the following sections after section 358.5:

“358.6. A person designated by the president and chief executive officer of the Commission shall inform the parties to an application for review of the possibility of initiating a negotiation process to settle the dispute that is the subject of the application, where the application received by the Commission relates to any of the following matters:

- (1) the worker’s right to an income replacement indemnity;
- (2) the right to an indemnity referred to in Division IV of Chapter III, to a health service referred to in Chapter V or to adapted equipment or other costs referred to in Chapter V.1;
- (3) the worker’s capacity to carry on his employment, an equivalent employment or a suitable employment;
- (4) the determination of the worker’s suitable employment; or
- (5) any other matter prescribed by regulation.

The person designated by the president and chief executive officer of the Commission is required to initiate the negotiation process if so requested by the person who believes he has been wronged by the decision and if the other party consents to it. An agreement entered into within the scope of the negotiation process may pertain to any element that is the subject of the application for review, an element that is the subject of a dispute in the record in the possession of the Commission in respect of the employment injury, or any element closely related to the element that is the subject of the application for review, if there is a likelihood of a dispute arising from such an element and that dealing with it could lead to the entering into of an agreement within the scope of the negotiation process.

The person who participates in the negotiation process on behalf of the Commission must not have acted or act in any other capacity in the case.

“358.7. An agreement entered into in accordance with section 358.6 must be in writing. It binds the parties and the Commission and ends the dispute.

The agreement may not be the subject of an application for review under section 358 or of a contestation before the Administrative Labour Tribunal under sections 359 to 360.

“358.8. Anything said or written in the course of a negotiation process held under section 358.6 is confidential.

Unless the president and chief executive officer of the Commission, or a person designated by him, and the parties consent to it, nothing that is said or written in the course of the negotiation process may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

“358.9. If there is no agreement or if the agreement does not cover the application for review in its entirety, the Commission shall make a decision on the elements in the application for review that have not been dealt with in accordance with sections 358 to 358.5.

In such cases, the review is not to be carried out by the person who participated in the negotiation process on behalf of the Commission.”

7. Section 359 of the Act is amended by adding the following sentence at the end of the third paragraph: “In addition, if a negotiation process has been initiated under section 358.6, the 90-day time limit runs from the time the Commission must, in accordance with section 358.9, make a decision on the elements in the application for review that have not been dealt with.”

8. Section 363 of the Act is amended by inserting “or an agreement entered into in accordance with section 358.6” after “358.3”.

9. Section 364 of the Act is amended by inserting “or an agreement entered into in accordance with section 358.6” after “Tribunal” in the first paragraph.

10. Section 365 of the Act is amended by inserting “or of an agreement entered into in accordance with section 358.6” after “358.3” in the first paragraph.

11. Section 454 of the Act, amended by section 109 of chapter 27 of the statutes of 2021, is again amended by inserting the following subparagraph after subparagraph 16 of the first paragraph:

“(16.1) determining any matter other than those provided for in section 358.6 for which a negotiation process may be initiated;”.

12. Section 455 of the Act is amended by inserting “, 16.1” after “14” in the first paragraph.

13. Section 458.1 of the Act is replaced by the following section:

“458.1. The following are guilty of an offence and are liable to a fine 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:

(1) an employer who contravenes section 38;

(2) an employer, or a person authorized by him, who contravenes section 38.1 or the second paragraph of section 39; and

(3) a health professional who contravenes section 38.1 or the first paragraph of section 39.

In the case of an employment injury resulting from physical or psychological violence, including, in particular, sexual violence, suffered by the worker, the fine is not less than \$1,000 nor more than \$5,000 in the case of a natural person and not less than \$2,000 nor more than \$10,000 in all other cases.”

LABOUR CODE

14. Section 47.1 of the Labour Code (chapter C-27) is replaced by the following section:

“47.1. A certified association must, each year, present to its members, at a general meeting, its financial statements audited in accordance with generally accepted accounting principles. It must also remit, free of charge, a copy of the financial statements to any member who requests it.

A union, federation, confederation, legal person, labour body or any other organization must remit, free of charge, a copy of its financial statements audited in accordance with generally accepted accounting principles to any member of the certified association that joins, belongs to or is affiliated with it who so requests.”

15. Section 100 of the Code is amended by replacing “Every” in the first paragraph by “Subject to section 100.0.0.1, every”.

16. The Code is amended by inserting the following section after section 100:

“100.0.0.1. If an arbitrator has not been designated within six months of the filing of the grievance, the party that filed it must, within ten days after the expiry of that time, request the Minister to appoint an arbitrator; failing that, the party is deemed to have discontinued the grievance.

The Tribunal may extend that time limit by ten days if the party concerned proves that it was impossible for the party to act.

The hearing of the grievance must begin not later than one year after it is filed, which time may be extended, only once, by a specific number of days, if the parties make such a request to the arbitrator and the latter consents to it.”

17. The Code is amended by inserting the following sections after section 100.0.1:

“100.0.1.1. The parties must consider using mediation to attempt to settle the grievance before resorting to arbitration.

“100.0.1.2. Unless the parties consent to it, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court or an arbitrator or before a body or person exercising judicial or quasi judicial functions.

No mediator may be compelled to disclose anything that has been revealed to him or that has come to his knowledge in the exercise of his functions, or to produce any document made or obtained in the exercise of his functions, before a court or an arbitrator or before a body or person exercising judicial or quasi judicial functions.

“100.0.1.3. A person acting as a mediator in a grievance must not act as an arbitrator in the same grievance, unless the parties consent to it.”

18. Section 100.0.2 of the Code is amended by inserting “, 100.0.0.1” after “71”.

19. Section 100.2 of the Code is amended by replacing the third paragraph by the following paragraph:

“For the purposes set out in section 27 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the arbitrator may also, *ex officio*, hold a pre-hearing conference with the parties prior to the hearing of the grievance. However, he must hold the pre-hearing conference upon application by one of the parties.”

20. The Code is amended by inserting the following section after section 100.3:

“100.3.1. The party that intends to produce an exhibit or other evidence at the hearing must provide a copy of it to the other parties and the arbitrator within the time agreed upon at the pre-hearing conference or at least 30 days before the beginning of the hearing, except in an urgent situation or unless otherwise decided to ensure the proper administration of justice.

The party must also file with the arbitrator proof that the copy has been provided to the other parties.”

21. Section 109.2 of the Code is amended by replacing “an order contemplated” and “or order” by “a decision referred to” and “or decision”, respectively.

22. Section 111.1 of the Code is amended by inserting “section 100.0.0.0.1,” after “Excluding”.

23. Section 141 of the Code is amended by replacing “\$100 to \$1,000” in the first paragraph by “\$1,500 to \$7,500”.

24. Section 142 of the Code is amended by replacing “\$25 to \$100”, “\$1,000 to \$10,000” and “\$5,000 to \$50,000” by “\$500 to \$2,500”, “\$5,000 to \$50,000” and “\$10,000 to \$100,000”, respectively.

25. Section 142.1 of the Code is amended by replacing “not more than \$1,000” by “\$2,500 to \$25,000”.

26. The Code is amended by inserting the following section after section 142.1:

“142.2. Any person who impedes or hinders the action of an investigator designated under section 109.4 or misleads the investigator by concealment or misrepresentation is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine

(1) of \$500 to \$2,500, in the case of an employee;

(2) of \$1,000 to \$5,000, in the case of a senior officer or employee of an association of employees or of an administrator, agent or adviser of an association of employees or of an employer;

(3) of \$5,000 to \$25,000, in the case of an employer, an association of employees or a union, federation or confederation to which an association of employees is affiliated or belongs.”

27. Section 143 of the Code is amended by replacing “\$100 to \$1,000” by “\$5,000 to \$50,000”.

28. Section 143.1 of the Code is amended by replacing “\$25 to \$100”, “\$100 to \$500” and “\$500 to \$1,000” by “\$500 to \$2,500”, “\$1,000 to \$5,000” and “\$5,000 to \$25,000”, respectively.

29. Section 144 of the Code is amended by replacing “, unless another penalty is applicable, to a fine of \$100 to \$500 and of \$1,000 to \$5,000 for any subsequent conviction.” by “to a fine

(1) of \$500 to \$2,500, in the case of an employee;

(2) of \$1,000 to \$5,000, in the case of a senior officer or employee of an association of employees or of an administrator, agent or adviser of an association of employees or of an employer;

(3) of \$1,500 to \$7,500, in the case of an employer, an association of employees or a union, federation or confederation to which an association of employees is affiliated or belongs.”

30. Section 146.1 of the Code is amended by replacing “\$500” by “\$5,000”.

31. Section 146.2 of the Code is amended by replacing “\$1,000 to \$10,000” by “\$5,000 to \$50,000”.

32. The Code is amended by inserting the following section after section 148:

“149. Despite any provision to the contrary in this Code, the minimum and maximum fines prescribed by this Code are doubled for a second offence and tripled for a subsequent offence.”

MASTER ELECTRICIANS ACT

33. Section 12 of the Master Electricians Act (chapter M-3) is amended by inserting the following subparagraph after subparagraph *i* of paragraph 1:

“(j) the establishment and composition of a provincial advisory forum which has the functions entrusted to it by the council;”.

34. The “EXECUTIVE COMMITTEE” division of the Act, comprising sections 17.1 to 17.4, is repealed.

35. Section 20.9 of the Act is amended by striking out “and of the executive committee” in the first paragraph.

ACT RESPECTING LABOUR STANDARDS

36. Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by inserting “V.1.2,” after “Divisions” in the first paragraph.

37. Section 81.17.1 of the Act is amended, in the first paragraph,

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

“(1) if the employee is credited with three months of uninterrupted service, to take part in an operation of the Canadian Forces outside Canada, including preparation, training, rest and transportation from the reservist’s place of residence and back;”;

(2) by replacing subparagraph 3 by the following subparagraph:

“(3) to take part in Canadian Forces military skills training activities;”;

(3) by replacing “, on the conditions and for the period” in subparagraph 4 by “and on the conditions”;

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

“(5) to receive treatment or take part in a rehabilitation program in respect of a physical or mental health problem resulting from the performance of their military service within the scope of an operation or activity referred to in this section, or to recover from such a health problem.”

38. Section 81.17.3 of the Act is amended by replacing “three” in the second paragraph by “four”.

39. Section 81.17.5 of the Act is replaced by the following section:

“81.17.5. An employee who is absent for one of the reasons set out in section 81.17.1 may be absent from work for a period of not more than 24 months over a period of 60 months.

The Government may, however, by regulation, determine a longer period of absence for any of the reasons set out in subparagraph 4 or 5 of the first paragraph of section 81.17.1.

The first paragraph does not apply to a leave taken as a result of a national emergency within the meaning of the Emergencies Act (R.S.C., 1985, c. 22 (4th Supp.)).”

40. The Act is amended by inserting the following division after section 81.17.6:

“DIVISION V.1.2

**“ABSENCES FOR REASONS OF PUBLIC HEALTH
OR CIVIL PROTECTION**

“81.17.7. An employee may be absent from work, without pay, if unable to perform work because of a recommendation, order, direction, decision or court order issued under the Public Health Act (chapter S-2.2), the Quarantine Act (S.C. 2005, c. 20), the Emergencies Act (R.S.C. 1985, c. 22 (4th Supp.)) or the Act respecting civil protection to promote disaster resilience (chapter S-2.4) or because of a disaster within the meaning of that latter Act, or its imminence.

The employee must notify the employer of the absence as soon as possible and take reasonable action within the employee’s power to limit the duration of the leave.

If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”

41. Section 89 of the Act is amended by inserting the following paragraph after paragraph 6.1.1:

“(6.1.2) a longer period of absence for any of the reasons provided for in subparagraph 4 or 5 of the first paragraph of section 81.17.1;”.

42. Sections 139 to 141 of the Act are replaced by the following sections:

“139. Any employer who fails, neglects or refuses to keep a registration system, a register or any other document dealing with the carrying out of this Act or a regulation, or who destroys, alters or falsifies such a document, is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and to a fine of \$2,000 to \$20,000 in any other case.

“140. Anyone is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and to a fine of \$2,000 to \$20,000 in any other case, who

(1) hinders in any way the Commission or any person authorized by it in the discharge of their duties;

(2) deceives the Commission by concealment or false declaration;

(3) refuses to give the Commission any information or document it is entitled to obtain under this Act;

(4) conceals a document or anything related to an inquiry;

(5) is a party to an agreement stipulating conditions of employment inferior to labour standards adopted under this Act or the regulations; or

(6) contravenes any other provision of this Act or the regulations except subparagraphs 7, 10, 11 and 13 to 20 of the first paragraph of section 122 and the provisions referred to in section 140.1.

“140.1. Anyone who contravenes any provision of sections 81.19, 81.20, 84.2 to 84.7, 92.5 and 92.6 is liable to a fine of \$1,000 to \$25,000 in the case of a natural person and to a fine of \$2,000 to \$50,000 in any other case.

“141. Anyone who attempts to commit an offence described in sections 139 to 140.1, or aids or incites another person to commit an offence under this Act or a regulation, is liable to the penalties prescribed for such an offence.”

43. Section 141.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“Any employer who does not give the notice required by section 84.0.4, or who gives insufficient notice, is liable to a fine of \$500 for each week or part of a week of failure to comply or late compliance in the case of a natural person and to a fine of \$2,000 in any other case.”

44. The Act is amended by inserting the following section after section 141.1:

“141.2. Despite any provision to the contrary in this Act, the minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

45. Section 93.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended

(1) by inserting “, present them” after “principles” in the second paragraph;

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

“The Centrale des syndicats démocratiques (CSD), the Confédération des syndicats nationaux (CSN) and the Fédération des travailleurs et travailleuses du Québec (FTQ) must, on request, remit to a member of an affiliated association, free of charge, a copy of its financial statements audited in accordance with generally accepted accounting principles.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

46. The Act respecting occupational health and safety (chapter S-2.1) is amended by inserting the following sections after section 48:

“48.0.1. An employer may claim from the Commission, within one year after the end of a pregnant or breast-feeding worker’s period of re-assignment, a sum corresponding to the difference between the gross income that the worker derives from her regular employment during the period of re-assignment and the gross income she would have derived from the duties to which she was re-assigned had she not received the benefits provided for in this subdivision, up to the amount of the income replacement indemnity the worker would have been entitled to had she not been re-assigned. Where the gross income that the re-assigned worker derives from her regular employment is greater than the income determined on the basis of the Maximum Yearly Insurable Earnings established under section 66 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the worker’s gross income is, for calculation purposes, the income determined on the basis of those maximum earnings.

The Commission shall render its decision based on the following:

(1) where the worker is simultaneously re-assigned with more than one employer, the sum paid by the Commission to all the employers may not exceed the amount of the income replacement indemnity that the worker would have been entitled to had she not been so re-assigned; and

(2) where the worker has received an income replacement indemnity for a work stoppage with another employer simultaneously with a re-assignment with the employer who made the claim, the sum paid to the latter by the Commission, added to that indemnity, may not exceed the income replacement indemnity that the worker would have been entitled to had she ceased to work with all the employers.

“48.0.2. The employer’s application is to be sent to the Commission using the form prescribed by the Commission. It is admissible only if the following conditions are met:

(1) the worker was re-assigned by that employer to duties that are performed part-time or to duties giving rise to a gross income that is lower than the gross income derived from her regular employment;

(2) the worker being re-assigned received all the benefits attached to the employment she held before her re-assignment to other duties in accordance with section 43; and

(3) the gross income the worker would have derived from the duties to which she was re-assigned is lower than the income determined on the basis of the Maximum Yearly Insurable Earnings.

“48.0.3. The Commission may recover the sum that an employer received under this subdivision without being entitled to it within three years of the payment of the sums unduly paid or, in a case of bad faith, within three years following the date on which the Commission became aware of it.

“48.0.4. The Commission shall notify the employer of the sum to be repaid by a notice stating the amount and the reasons for the exigibility of the debt as well as the employer’s right to apply for a review of the decision and grant the employer 30 days to repay the sum claimed.

“48.0.5. An employer who believes he has been wronged by a decision made under section 48.0.1 or 48.0.4 may, within 30 days of being notified of the decision, apply for a review of the decision by the Commission in accordance with sections 358.1 to 358.5 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

“48.0.6. An employer who believes he has been wronged by a decision made by the Commission following an application under section 48.0.5 may, within 60 days of being notified of the decision, contest it before the Administrative Labour Tribunal.

“48.0.7. The debt is exigible upon the expiry of the time for filing an application for review under section 48.0.5 or the time for bringing a proceeding under section 48.0.6 or, if the application has been filed or the proceeding brought, on the day of the final decision confirming the decision of the Commission.

“48.0.8. Where the debt becomes exigible in accordance with section 48.0.7, sections 322 to 324 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) apply, with the necessary modifications, to the employer who fails to repay the sum.

“48.0.9. A decision of the Commission made under section 48.0.1 or 48.0.4 or following an application under section 48.0.5, where it concerns the review of a decision made under section 48.0.1, has effect immediately, despite any application for review or contestation before the Administrative Labour Tribunal.

“48.0.10. The cost relating to the payment of the sums paid to an employer under section 48.0.1 shall be charged to all the employers.”

47. Section 92 of the Act, amended by section 165 of chapter 27 of the statutes of 2021, is again amended by adding the following sentences at the end of the second paragraph: “Such a regulation must provide for a variation in the minimum time according to the number of workers in the establishment, including those whose services are lent or hired out to the employer. However, in the case of an educational institution, that number excludes the students undergoing, under the institution’s responsibility, a job shadowing or work training period with another employer.”

48. Section 140 of the Act is amended by replacing “15” in the first paragraph by “17”.

49. Section 141 of the Act is amended

(1) in paragraph 1,

(a) by replacing “seven” by “eight”;

(b) by striking out “et” in the French text;

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

“(3) one member representing the employers of the public and parapublic sectors.”

50. Section 151 of the Act is amended, in the first paragraph,

(1) by replacing “Eight” in the introductory clause by “Ten”;

(2) by replacing “three” in subparagraph 2 by “four”;

(3) in subparagraph 3,

(a) by replacing “three” by “four”,

(b) by replacing “subparagraph 2 of the first paragraph” by “paragraph 2 or 3”.

51. The Act is amended by inserting the following division after section 176:

“DIVISION II.1

“DECISIONS OF THE COMMISSION WITH REGARD TO EQUIVALENT AND DIFFERENT MEASURES

“176.0.0.1. The Commission may, by regulation, establish building and safety standards applicable to buildings it identifies from among the buildings

exempted from the application of Chapter I of the Construction Code (chapter B-1.1, r. 2) or Chapter VIII of the Safety Code (chapter B-1.1, r. 3).

“176.0.0.2. The Commission may, on the conditions it determines, authorize, in the case of construction work relating to a building referred to in section 176.0.0.1,

(1) a design, building method or the use of material or equipment different from that prescribed by a regulation made under section 176.0.0.1, where the Commission finds that the quality of the design, method, material or equipment is equivalent to what is sought by the standards prescribed by the regulation and that the safety of the premises is ensured; and

(2) the application of measures different from those prescribed by a regulation made under section 176.0.0.1, where the provisions of the regulation are shown not to be reasonably applicable.

“176.0.0.3. Any person who believes he has been wronged by a decision made by the Commission under section 176.0.0.2 may, at his choice, within 30 days of being notified of the decision, apply for a review of the decision in accordance with sections 358.1 to 358.5 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or contest it before the Administrative Labour Tribunal.

“176.0.0.4. Any person who believes he has been wronged by a decision made by the Commission following an application under section 176.0.0.3 may, within 30 days of being notified of the decision, contest it before the Administrative Labour Tribunal.”

52. Section 223 of the Act, amended by section 232 of chapter 27 of the statutes of 2021, is again amended, in the first paragraph,

(1) by replacing “standards of construction,” in subparagraph 14 by “building standards other than those established for the purposes of Division II.1 of Chapter IX as well as standards of”;

(2) by replacing “the amount of time” in subparagraph 24 by “, according to the number of workers in an establishment, including those whose services are lent or hired out to the employer, the minimum amount of time”;

(3) by inserting the following subparagraph after subparagraph 27:

“(27.1) for the purposes of Division II.1 of Chapter IX, establishing building and safety standards applicable to the buildings it identifies from among the buildings exempted from the application of Chapter I of the Construction Code (chapter B-1.1, r. 2) or Chapter VIII of the Safety Code (chapter B-1.1, r. 3);”.

53. Section 224 of the Act is amended

- (1) by replacing “made” by “adopted”;
- (2) by inserting “, which may approve it with or without amendment” at the end.

54. The Act is amended by inserting the following chapter after section 335:

“CHAPTER XVI.1

**“SPECIAL PROVISIONS APPLICABLE IN CERTAIN
ESTABLISHMENTS OF THE EDUCATION AND HEALTH
AND SOCIAL SERVICES SECTORS**

“335.1. This chapter sets out special rules that add to or depart from the rules of this Act and have precedence over any other inconsistent provision of this Act. This chapter applies to

- (1) Santé Québec;
- (2) any private institution under agreement governed by Chapter I of Title I of Part V of the Act respecting the governance of the health and social services system (chapter G-1.021);
- (3) any grouped institution referred to in Schedule II to the Act respecting the governance of the health and social services system;
- (4) the Nunavik Regional Board of Health and Social Services;
- (5) any private educational institution governed by the Act respecting private education (chapter E-9.1);
- (6) any school service centre established by the Education Act (chapter I-13.3);
- (7) any school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);
- (8) any educational institution established, administered and operated in accordance with the first paragraph of section 5 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15);
- (9) any public institution or private institution under agreement governed by the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2);
- (10) the Cree Board of Health and Social Services of James Bay;
- (11) Urgences-santé;

(12) any health communication centre or holder of an ambulance service permit governed by the Act respecting pre-hospital emergency services (chapter S-6.2); and

(13) the Centre de services scolaire du Littoral established by the Act respecting the Centre de services scolaire du Littoral (1966-1967, chapter 125).

This chapter applies to the establishment of an employer referred to in the first paragraph if the establishment is an establishment within the meaning of this Act.

“335.2. For the purposes of subdivision 3 of Division II of Chapter III,

(1) the fourth paragraph of section 58 does not apply; and

(2) the elements referred to in subparagraphs 4 and 5 of the second paragraph of section 59 are determined by the employer, who must provide the worker, free of charge, with all the individual protective means and equipment determined.

“335.3. For the purposes of Chapter IV,

(1) the third paragraph of section 68 does not apply;

(2) if there is no agreement between the employer and the workers of the establishment in accordance with section 70, the number of workers' representatives on the health and safety committee is as follows, according to the number of workers in the establishment:

(a) 20 to 50 workers: 2;

(b) 51 to 100 workers: 3;

(c) 101 to 500 workers: 4;

(d) 501 to 1,000 workers: 5; and

(e) more than 1,000 workers: 6;

(3) until an agreement concerning the minimum frequency of committee meetings is entered into between the members of a health and safety committee or if there is no agreement in accordance with section 74, the committee shall meet at least once every three months;

(4) the functions of the health and safety committee are those provided for in paragraphs 5 to 6, 10.1, 11 and 13 of section 78, and also to receive copies of accident notices and to submit the appropriate recommendations to the employer and the Commission;

(5) the members of the health and safety committee must, within 120 days following their designation, participate in a one-day training program whose content is determined by the Commission; and

(6) a health and safety representative who is a member of a health and safety committee is exempted from participating in the training program referred to in paragraph 5.

“335.4. For the purposes of Chapter V,

(1) sections 88 and 88.1 do not apply;

(2) the health and safety representative exercises the functions provided for in subparagraphs 1, 3, 4, 7 and 8 of the first paragraph of section 90;

(3) the health and safety representative must, within 120 days following his designation, participate in a one-day training program whose content is determined by the Commission; and

(4) if there is no agreement between the members of the health and safety committee in accordance with section 92, the minimum amount of time the health and safety representative may devote to the exercise of the functions provided for in subparagraphs 1, 3, 4 and 8 of the first paragraph of section 90 is as follows, according to the number of workers in the establishment and for every three months:

(a) 20 to 50 workers: 9 hours and 45 minutes;

(b) 51 to 100 workers: 19 hours and 30 minutes;

(c) 101 to 200 workers: 32 hours and 30 minutes;

(d) 201 to 300 workers: 48 hours and 45 minutes;

(e) 301 to 400 workers: 58 hours and 30 minutes;

(f) 401 to 500 workers: 68 hours and 15 minutes; and

(g) more than 500 workers: 68 hours and 15 minutes, to which are added 13 hours per additional 100 workers.”

PROFESSIONAL SYNDICATES ACT

55. Section 1 of the Professional Syndicates Act (chapter S-40) is amended

(1) by striking out “, Canadian citizens,” in subsection 1;

(2) by striking out both occurrences of “, nationality” in paragraph *c* of subsection 2.

56. Section 5 of the Act is amended by striking out “nationality,” in paragraph *b*.

57. Section 8 of the Act is amended by striking out the first paragraph.

58. Section 26 of the Act is amended, in the first paragraph,

(1) in subparagraph *b*,

(a) by striking out “who are Canadian citizens and in good standing”,

(b) by replacing “; or” by “.”;

(2) by striking out subparagraph *c*.

59. Section 30 of the Act is amended by replacing “The Government designates the Minister” by “The Minister of Labour is”.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

60. Section 6 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “, 48.0.6” after “37.3” in paragraph 2.

61. Section 8 of the Act is amended by adding the following paragraph at the end:

“(5) matters arising from the enforcement of sections 176.0.0.3 and 176.0.0.4 of the Act respecting occupational health and safety (chapter S-2.1).”

62. The Act is amended by inserting the following section after section 13:

“**13.1.** Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a person authorized by the Tribunal may have access to a record of the occupational health and safety division that contains information relating to the physical or mental health of a person or information the Tribunal considers to be confidential which, if disclosed, would be prejudicial to a person.

A person having access to such a record is required to maintain its confidentiality. If a copy or extract is given to the person, the person must destroy it as soon as it is no longer of use to the person.”

63. Section 63 of the Act is amended by inserting “, except to take into account a retirement pension from the public sector that is paid to the member” at the end of the first paragraph.

ACT TO MODERNIZE THE OCCUPATIONAL HEALTH AND SAFETY REGIME

64. Section 313 of the Act to modernize the occupational health and safety regime (2021, chapter 27) is amended by replacing “2025” at the end of paragraph 7 by “2026”.

BUILDING CODE — 1985 REGULATION

65. Section 1 of the Building Code — 1985 Regulation (chapter S-2.1, r. 0.1) is amended by striking out the definition of “building”.

66. The Regulation is amended by inserting the following section before section 2:

“1.1. This Regulation applies to the following buildings that are exempted from the application of Chapter I of the Construction Code (chapter B-1.1, r. 2) or Chapter VIII of the Safety Code (chapter B-1.1, r. 3):

- (1) a detention occupancy that constitutes a prison;
- (2) a subway station;
- (3) an agricultural facility; and
- (4) an industrial occupancy.

Any reference to a building in this Regulation is a reference to one of the buildings referred to in the first paragraph, unless the context indicates otherwise.”

67. Section 3 of the Regulation is repealed.

REGULATION RESPECTING THE REMUNERATION AND OTHER CONDITIONS OF EMPLOYMENT OF THE MEMBERS OF THE ADMINISTRATIVE LABOUR TRIBUNAL

68. Section 4 of the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal (chapter T-15.1, r. 2) is amended by replacing the second sentence of the first paragraph by the following sentence: “Such deduction is made at the time of appointment or at the time the person begins to receive the pension.”

TRANSITIONAL AND FINAL PROVISIONS

69. Until the coming into force of the first regulation made under subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), amended by section 109 of chapter 27 of the statutes of 2021, subparagraph 2 of the first paragraph of section 358.6 of the Act respecting industrial accidents and occupational diseases, enacted by section 6 of this Act, is to be read as if “, to a health service referred to in Chapter V or to adapted equipment or other costs referred to in Chapter V.1” were replaced by “or to the medical aid referred to in Chapter V”.

70. The provisions of Division III of Chapter IV of the Labour Code (chapter C-27), as they read on (*insert the date preceding the date of coming into force of sections 15 to 20 of this Act*), continue to apply to grievances filed before (*insert the date preceding the date of assent to this Act*).

71. Section 224 of the Act respecting occupational health and safety (chapter S-2.1), as amended by section 53 of this Act, applies to any draft regulation already adopted by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 223 of the Act respecting occupational health and safety that was not approved by the Government before (*insert the date of assent to this Act*).

72. The provisions of Chapter XVI.1 of the Act respecting occupational health and safety (chapter S-2.1), enacted by section 54 of this Act, cease to have effect, on the date or dates to be set by the Government. The Government may, by regulation, for the establishments of the employers referred to in section 335.1 of the Act respecting occupational health and safety, enacted by section 54 of this Act, take any transitional measure related to the time within which a prevention program or action plan must be prepared, implemented or updated, or related to the training programs which the members of the health and safety committee or the health and safety representative must undergo.

73. The Minister must, in collaboration with the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Minister of Health and Social Services and the Minister of Education, Recreation and Sports, not later than 1 October 2029, report to the Government on the carrying out of the provisions of Chapter XVI.1 of the Act respecting occupational health and safety (chapter S-2.1), enacted by section 54 of this Act, and the advisability of maintaining or amending them.

74. The provisions of the Building Code — 1985 Regulation (chapter S-2.1, r. 0.1) are deemed to be made under section 176.0.0.1 of the Act respecting occupational health and safety (chapter S-2.1), enacted by section 51 of this Act.

75. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

- (1) the provisions of sections 2 to 4, which come into force on 1 January 2026;
- (2) the provisions of sections 5 to 12, which come into force on *(insert the date that is 18 months after the date of assent to this Act)*;
- (3) the provisions of sections 33 to 35, which come into force on the date of coming into force of the first regulation made under subparagraph *j* of paragraph 1 of section 12 of the Master Electricians Act (chapter M-3), enacted by section 33 of this Act;
- (4) the provisions of section 47 and paragraph 2 of section 52, which come into force on the date of coming into force of section 165 and paragraph 9 of section 232 of the Act to modernize the occupational health and safety regime (2021, chapter 27);
- (5) the provisions of sections 48 to 50, which come into force on the date the member chosen from the lists provided by the most representative union associations and the member representing the employers of the public and parapublic sectors on the board of directors of the Commission des normes, de l'équité, de la santé et de la sécurité du travail referred to in section 141 of the Act respecting occupational health and safety (chapter S-2.1), as amended by section 49 of this Act, have both been appointed under section 140 of that Act, as amended by section 48 of this Act; and
- (6) the provisions of section 54, which come into force on the date or dates to be set by the Government.

