



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 110

**An Act to amend the occupational
health and safety plan to grant greater
protection to certain domestics**

Introduction

**Introduced by
Mr. Sam Hamad
Minister of Labour**

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EXPLANATORY NOTES

This bill amends the Act respecting industrial accidents and occupational diseases in order to allow domestics hired on a regular basis of at least 24 hours per week to benefit by operation of law from the protection offered by that Act.

All other domestics will also be able to register with the Commission de la santé et de la sécurité du travail in order to be entitled, as if they were workers, to the benefits provided for by law in the event of employment injuries.

It is stated that the Commission is not authorized to order an employer to reinstate a dismissed domestic but may only order the employer to pay the domestic the equivalent of the salary or wages and other benefits of which the domestic was or is deprived.

In the case of a worker receiving an amount for personal home assistance who hires a domestic as a result of the employment injury sustained, the Commission must assume the cost of the assessment the worker must pay as the domestic's employer.

The Act respecting occupational health and safety is also amended to allow a domestic hired on a regular basis of at least 24 hours per week to benefit from additional rights, including the right to protective re-assignment for a pregnant or nursing worker.

Lastly, certain provisions of the abovementioned Acts are made inapplicable in the case of a domestic.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

Bill 110

AN ACT TO AMEND THE OCCUPATIONAL HEALTH AND SAFETY PLAN TO GRANT GREATER PROTECTION TO CERTAIN DOMESTICS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. Section 2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended

(1) by replacing the definition of “domestic” by the following definition:

““**domestic**” means a natural person whose main duty, under a contract of employment entered into with an individual and for remuneration, is to do housework, to take care of or provide care for a child or a sick, handicapped or elderly person or to perform other tasks of a domestic worker in the individual’s dwelling;”;

(2) by adding the following at the end of the definition of “establishment”:
“; in the case of a domestic hired on a regular basis of at least 24 hours per week, “establishment” also means the dwelling of the individual where the services are usually rendered;”;

(3) by striking out paragraphs 1 and 2 in the definition of “worker”.

2. Section 18 of the Act is amended by inserting “not hired on a regular basis of at least 24 hours per week” after “domestics” in the first paragraph.

3. Section 19 of the Act is amended by inserting “not hired on a regular basis of at least 24 hours per week” after “domestics” in the first paragraph.

4. Section 34 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to the employer of a domestic.”

5. The Act is amended by inserting the following section after section 164:

“164.1. If a worker who receives an amount for personal home assistance hires a domestic as a result of the employment injury, the Commission shall assume the cost of the assessment the worker must pay as the employer of the domestic.”

6. Section 256 of the Act is amended by adding the following paragraph at the end:

“However, in the case of the dismissal of a domestic, the Commission may not order the employer to reinstate the domestic. It may only order the employer to pay the domestic the equivalent of the salary or wages and other benefits of which the domestic was deprived until it decides the complaint.”

7. Section 257 of the Act is amended by adding the following paragraph at the end:

“However, in the case of the dismissal of a domestic, the Commission may not order the employer to reinstate the domestic. It may only order the employer to pay the domestic the equivalent of the salary or wages and other benefits of which the domestic was deprived.”

8. Section 259 of the Act is amended by adding the following paragraph at the end:

“However, where the worker concerned is a domestic, the Commission may only order the employer to pay the domestic the equivalent of the salary or wages and other benefits of which the domestic was deprived.”

9. Section 280 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to the employer of a domestic.”

10. Section 316 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to the employer of a domestic.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

11. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting the following definition in alphabetical order:

“**“domestic”** means a domestic within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);”.

12. The Act is amended by inserting the following sections after section 8.1:

“**8.2.** In the case of a domestic hired on a regular basis of at least 24 hours per week, the dwelling where the services are usually rendered is considered the employer’s establishment solely for the purposes of sections 14, 28, 33 and 37 and subparagraph 9 of the first paragraph of section 223.

“**8.3.** Sections 8, 16, 17 and 29, paragraphs 2, 6, 10 and 15 of section 51, sections 52 and 54 and subdivision 5 of Division II of Chapter III do not apply to the employer of a domestic. However, the employer of a domestic must make sure that the workplace under the employer’s authority is equipped and laid out so as to ensure the protection of the domestic.

Section 56 does not apply to a domestic.

Section 188 does not apply if the workplace is the dwelling of the employer of a domestic.”

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

