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Sommaire

Table des matières
Lois 2001
Entrée en vigueur de lois
Règlements et autres actes
Projets de règlement
Conseil du trésor
Décrets
Avis
Index

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Table des matières

Page

Lois 2001

5	Loi modifiant la Loi sur la Régie de l'énergie	4913
8	Loi modifiant la Loi sur la Société Innovatech Québec et Chaudière-Appalaches	4917
12	Loi modifiant de nouveau la Loi sur l'aide financière aux études	4921
21	Loi modifiant le Code de la sécurité routière	4925
23	Loi modifiant la Loi sur les conditions de travail et le régime de retraite des membres de l'Assemblée nationale	4929
32	Loi modifiant la Loi sur les transports et la Loi concernant les propriétaires et exploitants de véhicules lourds	4933
33	Loi modifiant la Loi sur le ministère de la Recherche, de la Science et de la Technologie	4937
41	Loi modifiant la Loi sur l'instruction publique relativement au Conseil scolaire de l'île de Montréal	4947
161	Loi concernant le cadre juridique des technologies de l'information	4951
166	Loi modifiant la Loi sur la protection de la jeunesse	4985
169	Loi modifiant le Code des professions et d'autres dispositions législatives concernant l'exercice des activités professionnelles au sein d'une société	4989
194	Loi constituant Capital régional et coopératif Desjardins	5001
	Liste des projets de loi sanctionnés (21 juin 2001)	4909

Entrée en vigueur de lois

844-2001	Services de santé et les services sociaux et modifiant diverses dispositions législatives, Loi modifiant la Loi sur les... — Entrée en vigueur de certaines dispositions	5017
877-2001	Géologues, Loi sur les... — Entrée en vigueur	5017

Règlements et autres actes

859-2001	Contrepartie exigible des offices municipaux d'habitation et des autres organismes sans but lucratif pour l'utilisation des immeubles de Immobilière SHQ	5019
871-2001	Valeur mobilières (Mod.)	5019
885-2001	Santé et sécurité du travail	5020
886-2001	Corporation des maîtres électriciens du Québec — Corporation des maîtres mécaniciens en tuyauterie — Mandat confié	5133
887-2001	Corporation des maîtres électriciens du Québec — Qualification professionnelle de ses membres et garanties financières exigibles	5135
888-2001	Corporation des maîtres mécaniciens en tuyauterie du Québec — Qualification professionnelle de ses membres et garanties financières exigibles	5141
889-2001	Services automobiles — Montréal (Mod.)	5148
	Code des professions — Acupuncteurs — Effets, cabinets de consultation et autres bureaux	5149
	Code des professions — Comptables en management accrédités — Tenue des dossiers et des cabinets de consultation et cessation d'exercice d'un membre de l'Ordre	5154
	Code des professions — Évaluateurs agréés — Modalités d'élection au Bureau de l'Ordre	5158

Projets de règlement

Sécurité des barrages	5163
-----------------------------	------

Conseil du trésor

196697	Entente de transfert à conclure entre la Commission administrative des régimes de retraite et d'assurances et le Comité de retraite du Régime complémentaire de retraite des employés de la Fédération des médecins omnipraticiens du Québec et ses organismes affiliés	5187
196698	Régime de retraite des employés du gouvernement et des organismes publics, Loi sur le... — Annexe I (Mod.)	5188
196701	Approbation de certaines modifications à une entente relative au régime d'assurance maladie et au régime d'assurance-hospitalisation	5189

Décrets

767-2001	Acquisition par expropriation par la Commission de la capitale nationale du Québec du boisé des Compagnons-de-Cartier	5191
787-2001	Responsabilités régionales de certains ministres	5192
788-2001	Loi sur la Commission de la capitale nationale	5192
789-2001	Comité de législation	5192
790-2001	Comité ministériel de l'emploi, du développement économique et de la recherche	5193
791-2001	Comité ministériel des affaires régionales et territoriales	5193
792-2001	Nomination des membres du Conseil du trésor	5193
793-2001	Nomination de monsieur Gilles Vézina comme sous-ministre adjoint au ministère de l'Agriculture, des Pêcheries et de l'Alimentation	5193
794-2001	Nomination de monsieur Abraham Assayag comme sous-ministre associé au ministère des Relations avec les citoyens et de l'Immigration	5194
795-2001	Exercice des fonctions de certains ministres	5194
797-2001	Versement d'une aide financière aux villes de Jonquière, Gatineau, Longueuil et Lévis	5195
799-2001	Modification au Programme d'aide aux propriétaires de bâtiments résidentiels endommagés par l'oxydation de la pyrite	5195
801-2001	Nomination de madame Céline Signori comme membre additionnelle de la Commission municipale du Québec	5197
802-2001	Signature de l'Accord modificateur n ^o 3 à l'« Accord cadre Canada-Québec sur la gestion des risques agricoles »	5199
803-2001	Délivrance d'un certificat d'autorisation en faveur d'Hydro-Québec pour le projet d'aménagement hydroélectrique de la Toulustouc sur le territoire de la municipalité régionale de comté de Manicouagan	5199
804-2001	Modification du décret numéro 606-99 du 2 juin 1999 relatif à la réalisation du Programme décennal de dragage d'entretien des installations portuaires de Bécancour par la Société du parc industriel et portuaire de Bécancour	5202
805-2001	Rémunération des membres additionnels à temps partiel du Bureau d'audiences publiques sur l'environnement	5203
806-2001	Nomination de membres du conseil d'administration de la Société québécoise de récupération et de recyclage (RECYC-QUÉBEC)	5203
807-2001	Nomination de quatre membres du Conseil de la famille et de l'enfance	5205
808-2001	Nomination de quatre membres du Conseil des aînés	5206
809-2001	Nomination de madame Monique L. Bégin comme membre du conseil d'administration et présidente-directrice générale de la Société de la faune et des parcs	5206
810-2001	Participation de 250 000 000 \$ d'Investissement-Québec pour la vente d'avions par Bombardier inc.	5209
811-2001	Souscription par la ministre des Finances au capital-actions de la Société de développement de la Baie James pour une somme maximale de 7 525 000 \$	5210
812-2001	Désignation du président du conseil d'administration de la Société de développement de la Zone de commerce international de Montréal à Mirabel	5211
813-2001	Approbation des prévisions budgétaires de l'Office des professions du Québec pour l'exercice financier 2001-2002	5211
814-2001	Octroi d'une aide financière d'un montant de 1 770 000 \$ à Industries Océan inc.	5212

815-2001	Nomination de madame Louise Dandurand comme membre et présidente du Conseil québécois de la recherche sociale	5212
816-2001	Nomination de quatre membres du Conseil de la Science et de la Technologie	5216
817-2001	Établissement d'un service d'immigration à Rabat	5216
818-2001	Établissement d'un service d'immigration à Beyrouth	5217
819-2001	Versement d'une subvention à l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) relative à l'établissement à Montréal de l'Institut de statistique de l'UNESCO	5217
820-2001	Entente entre le gouvernement du Québec et l'Organisation mondiale du tourisme relative à l'organisation et au financement du Sommet mondial de l'écotourisme Québec 2002 qui se tiendra à Québec en mai 2002	5218
821-2001	Entente entre le gouvernement du Québec et l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) relative à l'établissement à Montréal de l'Institut de statistique de l'UNESCO	5219
822-2001	Autorisation à Hydro-Québec à réaliser les études d'avant-projet pour l'aménagement hydroélectrique des Rapides-des-Cœurs et à effectuer les travaux d'exploration, les études, les relevés scientifiques et toute autre activité précédant la réalisation du projet	5219
823-2001	Autorisation à Hydro-Québec à réaliser les études d'avant-projet pour l'aménagement hydroélectrique de la Chute Allard et à effectuer les travaux d'exploration, les études, les relevés scientifiques et toute autre activité précédant la réalisation du projet	5220
824-2001	Autorisation à Hydro-Québec de construire l'aménagement hydroélectrique de la Toulnostouc ainsi que les infrastructures et les équipements connexes	5221
826-2001	Modification au décret numéro 1114-96 du 4 septembre 1996 concernant la mise en opération du Fonds forestier tel que modifié par le décret numéro 1493-97 du 19 novembre 1997	5221
827-2001	Plan de développement 2001-2002 de l'Agence de l'efficacité énergétique	5222
828-2001	Approbation des prévisions budgétaires de la Régie de l'énergie pour l'exercice financier 2001-2002	5223
829-2001	Modification au décret n ^o 1091-2000 du 13 septembre 2000 relatif à la forme, la teneur et la périodicité du plan stratégique d'Hydro-Québec	5223
830-2001	Mandat de vérification particulière au vérificateur général	5224
831-2001	Madame Nicole Brodeur, présidente directrice générale et présidente du conseil d'administration du Centre de référence des directeurs généraux et des cadres	5225
832-2001	Remplacement du programme spécial d'assistance financière relatif au sauvetage en conditions nordiques de résidences principales localisées dans certains villages du Nunavik et de la Basse-Côte-Nord	5228
833-2001	Traitement des officiers de la Sûreté du Québec	5234
834-2001	Octroi d'une subvention à l'École nationale des pompiers du Québec en 2001-2002	5235
835-2001	M ^e Serge Lafontaine, régisseur et président de la Régie des alcools, des courses et des jeux	5236
837-2001	Aide financière de 5 M\$ à l'Agence métropolitaine de transport (AMT) pour la mise en service d'un train de banlieue entre Montréal et Delson, à titre de projet pilote, en vue d'augmenter l'utilisation du transport en commun et de réduire le nombre d'automobiles en provenance ou en direction de la Rive-Sud durant les heures de pointe	5236
838-2001	Nomination de M ^e Richard Parent comme président par intérim du Conseil des services essentiels	5237
839-2001	Nomination de M ^e Jean-François Beaudry comme vice-président par intérim du Conseil des services essentiels	5237
840-2001	Nomination d'un membre du conseil d'administration de la Commission de la construction du Québec	5238
842-2001	Attribution, par la Société d'habitation du Québec, d'unités de logement additionnelles de Supplément au loyer	5238

Avis

Réserve écologique de Manche-d'Épée, partie nord — Plan de la réserve	5241
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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 21 JUNE 2001

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 21 June 2001*

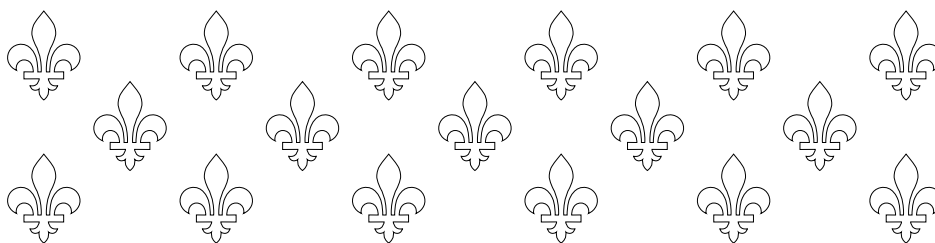
This day, at ten minutes past eight o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 163 An Act respecting transportation services by taxi
- 5 An Act to amend the Act respecting the Régie de l'énergie
- 8 An Act to amend the Act respecting Société Innovatech Québec et Chaudière-Appalaches
- 12 An Act to again amend the Act respecting financial assistance for education expenses
- 19 An Act concerning the organization of police services
- 20 An Act to amend the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons
- 21 An Act to amend the Highway Safety Code

- 23 An Act to amend the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly
- 24 An Act respecting public transit authorities
- 28 An Act to amend the Act respecting health services and social services and other legislative provisions
- 29 An Act to amend various legislative provisions concerning municipal affairs
- 31 An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions
- 32 An Act to amend the Transport Act and the Act respecting owners and operators of heavy vehicles
- 33 An Act to amend the Act respecting the Ministère de la Recherche, de la Science et de la Technologie
- 38 An Act to amend the Highway Safety Code as regards alcohol-impaired driving
- 41 An Act to amend the Education Act concerning the Conseil scolaire de l'île de Montréal
- 159 An Act respecting the Pension Plan of Management Personnel
- 161 An Act to establish a legal framework for information technology
- 166 An Act to amend the Youth Protection Act
- 169 An Act to amend the Professional Code and other legislative provisions as regards the carrying on of professional activities within a partnership or company
- 184 An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions
- 194 An Act constituting Capital régional et coopératif Desjardins

- 200 An Act respecting Associates Mortgage Corporation and Avco Financial Services Québec Limited
- 201 An Act respecting an immovable of the cadastre of the city of Montréal (Saint-Antoine ward)
- 202 An Act respecting certain immovables of the cadastre of the township of Métabetchouan
- 203 An Act respecting Ville de Sept-Îles
- 230 An Act respecting the Régie intermunicipale d'assainissement des eaux de Sainte-Thérèse et Blainville
- 241 An Act to amend the Act respecting the fabrique of the parish of Notre-Dame de Montréal (*modified title*)

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 5
(2001, chapter 16)

An Act to amend the Act respecting the Régie de l'énergie

**Introduced 5 April 2001
Passage in principle 22 May 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTE

This bill amends the Act respecting the Régie de l'énergie to identify the persons and partnerships that are deemed, in the field of petroleum products, to be distributors for the purposes of certain legislative provisions, particularly as regards the financing of the Régie's activities.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01).

Bill 5

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by inserting the following section after section 2.1, introduced by section 3 of chapter 22 of the statutes of 2000 :

“2.2. For the purposes of sections 36, 44, 56 and 85.1, Chapter VIII and section 112, persons or partnerships that refine petroleum products intended for Québec markets in Québec, trade petroleum products intended for Québec markets with a refiner in Québec or bring petroleum products intended for Québec markets into Québec are deemed to be distributors.”

2. Section 36 of the said Act, amended by section 8 of chapter 22 of the statutes of 2000, is replaced by the following section :

“36. The Régie may order the electric power carrier or any electric power or natural gas distributor to pay all or part of the costs incurred in respect of any matter submitted to the Régie or the costs incurred to enforce the decisions or orders of the Régie.

The Régie may order the electric power carrier or any electric power or natural gas distributor to pay all or part of the expenses, including expert fees, of any person whose participation in Régie proceedings is considered useful by the Régie.

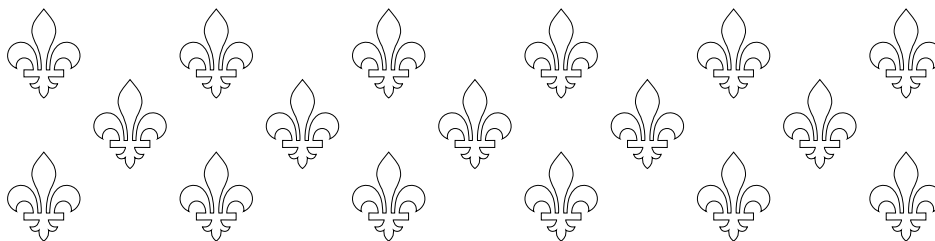
Where it is warranted by the public interest, the Régie may pay the expenses of groups formed to take part in its public hearings.”

3. Section 112 of the said Act, amended by section 50 of chapter 22 of the statutes of 2000, is again amended by adding the following at the end of the second paragraph: “and it may exclude a petroleum products distributor on the basis of the volume of gasoline or diesel fuel intended for Québec markets that the distributor refines in Québec, trades with a refiner in Québec or brings into Québec.”

4. The first regulation to amend the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie, made by Order in Council 383-98 (1998, G.O. 2, 1452), following the passage of this Act is not subject to the publication requirement set out in section 8 of

the Regulations Act (R.S.Q., chapter R-18.1). In addition, the regulation may, once published and if it so provides, apply from 1 April 2001.

5. Sections 1 to 3 have effect from 1 April 2001.
6. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 8
(2001, chapter 17)

**An Act to amend the Act respecting
Société Innovatech Québec et
Chaudière-Appalaches**

**Introduced 9 May 2001
Passage in principle 13 June 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTE

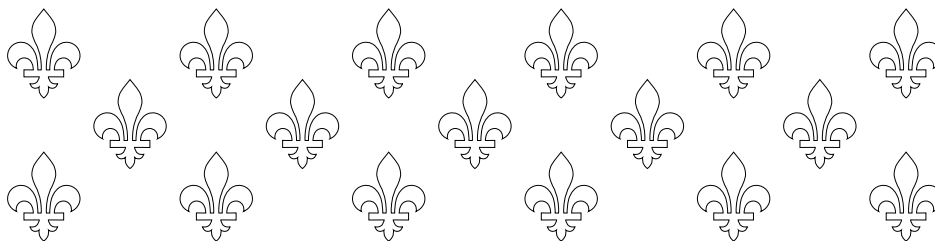
This bill increases the capital of Société Innovatech Québec et Chaudière-Appalaches to \$150,000,000 and increases to \$150,000,000 the amount that may be invested by the Minister of Finance to purchase shares of the Société.

Bill 8

AN ACT TO AMEND THE ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 25 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4) is amended by replacing “\$75,000,000” and “750,000” by “\$150,000,000” and “1,500,000”, respectively.
2. Section 27 of the said Act is amended by replacing “\$75,000,000” and “750,000” in the first paragraph by “\$150,000,000” and “1,500,000”, respectively.
3. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 12
(2001, chapter 18)

**An Act to again amend the Act
respecting financial assistance
for education expenses**

**Introduced 15 May 2001
Passage in principle 29 May 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Act respecting financial assistance for education expenses to grant to the Government the power to prescribe that a person who has completed the number of trimesters and accumulated the number of credits determined by regulation, in the same university course of study, is not deemed to receive a contribution from his or her parents or sponsor.

The bill also grants the Government the power to extend the period of eligibility for a bursary according to a person's family situation. The bill establishes rules for the computation of the amount of the bursary that may be paid in that case.

Lastly, the bill provides that a person who, without being entitled to it, has received financial assistance in the form of a bursary, as a result of an administrative error of which the person could not reasonably have been aware, is not required to reimburse the amount to which he or she was not entitled.

Bill 12

AN ACT TO AGAIN AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3), amended by section 191 of chapter 54 of the statutes of 1993 and by section 73 of chapter 2 of the statutes of 1994, is again amended by inserting the following subparagraph after subparagraph 5 of the first paragraph :

“(5.1) he has completed the number of trimesters and accumulated the number of credits determined by regulation, in the cases and on the conditions provided for therein, in the same university course of study ;”.

2. Section 21 of the said Act is amended by inserting the following paragraph after the first paragraph :

“However, where the eligibility period is extended, the amount of the bursary shall be computed by adding the amounts allocated, for the categories of allowable expenses determined by regulation, up to the amount obtained under the first paragraph.”

3. Section 42 of the said Act is amended by inserting the following paragraph after the first paragraph :

“However, any person who, without being entitled to it, has received financial assistance in the form of a bursary as a result of an administrative error of which he could not reasonably have been aware, is not required to reimburse the amount to which he was not entitled.”

4. Section 44 of the said Act is amended

(1) by striking out the second sentence of the second paragraph ;

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

“In addition, where the Minister grants financial assistance under the first paragraph to a person who is no longer within the period of eligibility for a loan or a bursary, the financial assistance granted in the form of a bursary shall not exceed the amount established under the second paragraph of section 21.

Where such assistance is granted to a person who benefits from an extension of the period of eligibility for a bursary, the financial assistance shall be granted only in the form of a loan.”

5. Section 57 of the said Act, amended by section 1 of chapter 10 of the statutes of 2001, is again amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) determine, for the purposes of subparagraph 5.1 of the first paragraph of section 4, the number of trimesters that a student must have completed and the number of credits that he must have accumulated in the same university course of study and determine in which cases and subject to what conditions he is not then deemed to receive a contribution from his parents or his sponsor;”;

(2) by adding the words “and provide for the duration of the extension of the period of eligibility for a bursary according to the family situation of the student” at the end of subparagraph 5 of the first paragraph;

(3) by inserting the following subparagraph after subparagraph 7 of the first paragraph:

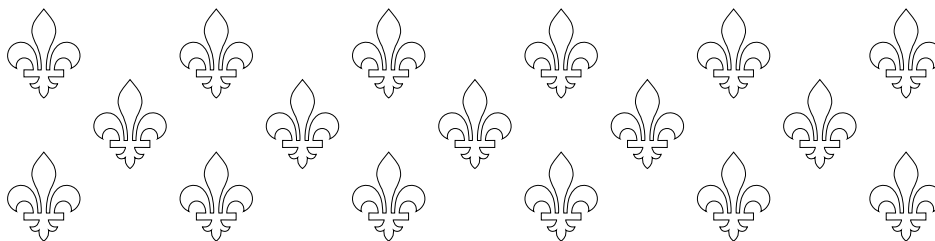
“(7.1) determine the categories of allowable expenses that must be taken into account for the purpose of computing the amount of financial assistance which may be paid if the period of eligibility for a bursary is extended;”.

6. Section 3 applies only in respect of an amount received for the year of allocation 2001-2002 or for a subsequent year of allocation.

7. The first regulation made under the provisions of subparagraphs 3.1, 5 and 7.1 of the first paragraph of section 57 of the Act respecting financial assistance for education expenses enacted by section 5 of this Act may, if it so provides, have effect from 1 May 2001.

8. Sections 1, 2, 4 and 5 of this Act have effect from 1 May 2001.

9. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 21
(2001, chapter 21)

An Act to amend the Highway Safety Code

Introduced 15 May 2001
Passage in principle 29 May 2001
Passage 21 June 2001
Assented to 21 June 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Highway Safety Code to authorize the person responsible for the maintenance of a public highway to set a rate of speed in a roadwork area that differs from the prescribed rate of speed, and to provide related fines.

The bill introduces an amendment authorizing the driver of a service vehicle to travel on the shoulder of a public highway, including a limited access highway, during construction or maintenance work.

Lastly, the bill introduces amendments to prohibit the use of motorized scooters on public highways.

Bill 21

AN ACT TO AMEND THE HIGHWAY SAFETY CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 14 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding the following paragraph at the end :

“(6) a motorized scooter.”

2. Section 288 of the said Code is amended by replacing “a non-motorized scooter” in the first line of the second paragraph by “a scooter other than a motorized scooter”.

3. Section 303 of the said Code is amended by striking out “or a rate of speed other than the prescribed rate of speed to be respected” in the fifth and sixth lines.

4. The said Code is amended by inserting the following sections after section 303 :

“303.1. During construction or maintenance work, the person responsible for the maintenance of a public highway may, for the duration of the work, erect signs or signals in conformity with the standards laid down by the Minister of Transport to indicate a rate of speed other than the prescribed rate of speed to be respected.

The decision to change a rate of speed must be entered in a register kept by the person responsible for the maintenance of the public highway with an indication of the location where the rate of speed is prescribed and the duration of the work.

“303.2. No person may travel at a rate of speed exceeding the limit indicated on the signs or signals erected under section 303.1.”

5. Section 319 of the said Code is amended by replacing “a non-motorized scooter” in the first line of the second paragraph by “a scooter other than a motorized scooter”.

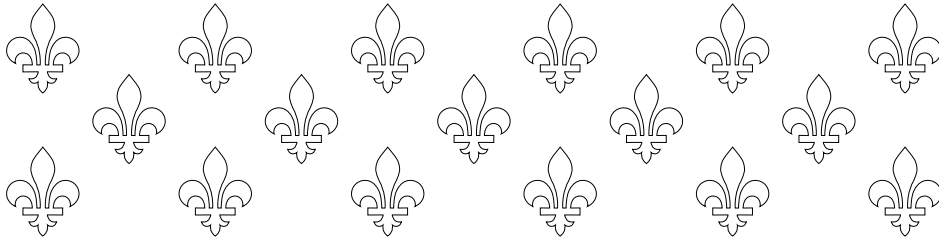
6. The said Code is amended by inserting the following section after section 418 :

“418.1. Notwithstanding the prohibitions under sections 416 and 418, the driver of a vehicle used in the maintenance of a public highway may, during construction or maintenance work, travel or back up on the shoulder of a public highway, including a limited access highway, and on the entrance and exit ramps of a limited access highway.”

7. Section 421.1 of the said Code is amended by inserting “a motorized scooter and” after “except” in the first line of the second paragraph.

8. Section 516 of the said Code is amended by replacing “section 328” in the second line by “section 303.2 or 328”.

9. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 23
(2001, chapter 22)

**An Act to amend the Act respecting
the conditions of employment and
the pension plan of the Members of
the National Assembly**

**Introduced 15 May 2001
Passage in principle 22 May 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTE

The purpose of this bill is to increase by 5% the amount of the additional indemnity payable each year to the Member occupying the recognized position of Deputy Government House Leader, the Member occupying the recognized position of Deputy House Leader of the Official Opposition, the Member occupying the position of Assistant Government Whip or Assistant Whip of the Official Opposition, a Member who presides over a sitting of a standing committee and a Member who is a member of the Office of the National Assembly.

Bill 23

AN ACT TO AMEND THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended

(1) by replacing “20%” in subparagraph 9 of the first paragraph by “25%”;

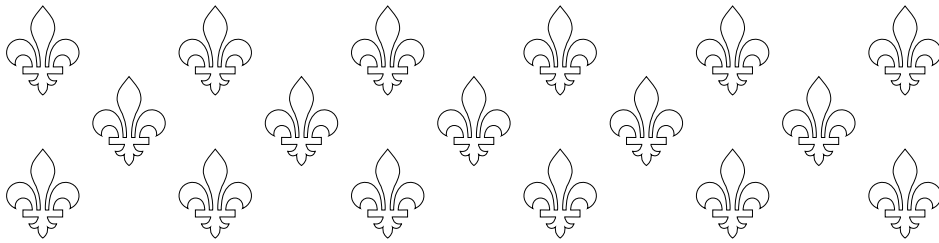
(2) by replacing “15%” in subparagraph 10 of the first paragraph by “20%”;

(3) by replacing “15%” in subparagraph 11 of the first paragraph by “20%”;

(4) by replacing “10%” in subparagraph 13.1 of the first paragraph by “15%”;

(5) by replacing “10%” in subparagraph 14 of the first paragraph by “15%”.

2. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 32
(2001, chapter 27)

**An Act to amend the Transport Act and
the Act respecting owners and operators
of heavy vehicles**

**Introduced 15 May 2001
Passage in principle 29 May 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Transport Act and the Act respecting owners and operators of heavy vehicles to enable the Commission des transports du Québec to make public the information contained in the register of owners and operators of heavy vehicles, the bulk trucking register, the list of freight movers and the files maintained for the processing of transportation permit applications.

This bill amends the Act respecting owners and operators of heavy vehicles to broaden the application of the provisions that make the transfer of heavy vehicles registered in the name of a person declared disqualified as an owner or operator of heavy vehicles conditional on the prior consent of the Commission. The bill proposes to make those provisions applicable while the Commission is conducting an inquiry and while the file is being examined so as to prevent an owner or operator of heavy vehicles from avoiding the application of that Act.

This bill amends the Transport Act to increase the number of members of the Commission from nine to eleven and enable the Government to appoint additional members. Other amendments are introduced to allow the delegation of signing authority for acts, documents or writings that are binding on the Commission.

Lastly, the bill amends the Transport Act to increase to 45 days the period for which temporary permits may be issued by the Commission.

Bill 32

AN ACT TO AMEND THE TRANSPORT ACT AND THE ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 16 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing “nine” in the first line of the first paragraph by “eleven”.

2. The said Act is amended by inserting the following section after section 16:

“16.0.1. Notwithstanding section 16, the Government may, where it considers that the dispatch of the business of the Commission so requires, appoint any additional member for the time it determines; the Government shall fix the member’s salary and, if applicable, the member’s additional salary, fees or allowances.”

3. The said Act is amended by inserting the following section after section 24:

“24.1. An act, document or writing is binding on the Commission or may be attributed to it only if it is signed by the president or by a member or an officer of the Commission and, in the latter cases, only to the extent determined by regulation of the Commission.”

4. Section 38 of the said Act is amended by replacing “fifteen” in the fourth line by “forty-five”.

5. Section 47.9 of the said Act is amended by adding, at the end, the following paragraphs:

“The name of an operator and the address of the operator’s main establishment constitute public information.

The Commission may, by regulation, after consulting the Commission d’accès à l’information, prescribe that the other personal information contained in the register which it determines constitutes public information.

The opinion of the Commission d’accès à l’information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

6. Section 48 of the said Act is amended by inserting the following paragraphs after the first paragraph :

“The name and address of any person who makes an application to the Commission constitute public information.

The Commission may, by regulation, after consulting the Commission d'accès à l'information, prescribe that the other personal information it determines from the information furnished by a person in support of an application constitutes public information.

The opinion of the Commission d'accès à l'information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

7. Section 48.11.16 of the said Act, enacted by section 2 of chapter 35 of the statutes of 2000, is amended by inserting the following paragraphs after the first paragraph :

“The names and addresses of the freight movers on the list constitute public information.

The Commission may, by regulation, after consulting the Commission d'accès à l'information, prescribe that the other personal information contained in the list which it determines constitutes public information.

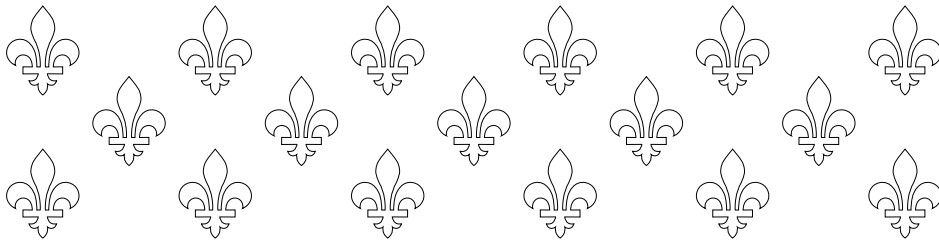
The opinion of the Commission d'accès à l'information shall be tabled in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.”

8. Section 33 of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3) is amended by adding, at the end, the following paragraph :

“The first paragraph applies, with the necessary modifications, to every owner or operator of heavy vehicles who is the subject of an inquiry made by the Commission to determine whether the owner or operator is attempting to avoid the application of this Act. The paragraph also applies to every owner or operator of heavy vehicles whose file is referred to the Commission for the imposition of an administrative measure, from the transmission to the Commission of the file maintained by the Société in accordance with section 22 or, in other cases, from the transmission by the Commission of a prior notice under section 37.”

9. Section 40 of the said Act is repealed.

10. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 33
(2001, chapter 28)

**An Act to amend the Act respecting the
Ministère de la Recherche, de la Science
et de la Technologie**

**Introduced 1 June 2001
Passage in principle 12 June 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the Ministère de la Recherche, de la Science et de la Technologie to merge the Conseil québécois de la recherche sociale and the research support funds. For that purpose, the bill establishes the Fonds québécois de la recherche sur la société et la culture, which will assume the principal functions and obligations of the Conseil québécois de la recherche sociale, and the Conseil is abolished.

The bill establishes the Fonds québécois de la recherche sur la nature et les technologies, which replaces the Fonds pour la formation de chercheurs et l'aide à la recherche and assumes its principal functions.

The bill modifies the mandates of the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture.

The bill modifies the functions of the chairmen of the different Fonds as they become chairmen and managing directors. It includes modifications to the mechanisms adopted by the various Fonds for the approval of plans, scales and limits of the financial support.

The bill establishes the Comité permanent des présidents-directeurs généraux des Fonds de recherche du Québec. The committee is responsible, among other things, for harmonizing the strategic programming of the Fonds, ensuring the coherence and complementarity among their activities and advising the Minister of Research, Science and Technology on any question submitted by the Minister to the committee with respect to the development of research support programs.

Lastly, the bill contains transitional and final provisions to facilitate its application.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2);
- Financial Administration Act (2000, chapter 15).

Bill 33

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 15.16 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2) is amended

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

“(1) the “Fonds québécois de la recherche sur la nature et les technologies” ;”;

(2) by adding the following paragraph :

“(4) the “Fonds québécois de la recherche sur la société et la culture”.”.

2. Section 15.20 of the said Act is amended by replacing “a chairman and a managing director,” in the first paragraph by “a chairman and managing director”.

3. Section 15.21 of the said Act is amended by replacing “chairman” by “chairman and managing director”.

4. Section 15.22 of the said Act is amended by replacing “chairman and the managing director are appointed” in the first paragraph by “chairman and managing director is appointed”.

5. Section 15.23 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The appointment of the chairman and managing director may be renewed more than once ; the appointment of the other members may be renewed only once.”

6. Section 15.25 of the said Act is amended

(1) by replacing “chairman” in the first paragraph by “chairman and managing director” ;

(2) by replacing “managing director” in the second and third paragraphs by “chairman and managing director”;

(3) by striking out the last sentence of the second paragraph;

(4) by replacing “chairman and of the managing director” in the fourth paragraph by “chairman and managing director”.

7. Section 15.26 of the said Act is amended by replacing “chairman and the managing director” by “chairman and managing director”.

8. Section 15.27 of the said Act is amended by replacing “managing director” in the first and second paragraphs by “chairman and managing director”.

9. Section 15.28 of the said Act is amended by replacing “chairman” in the third paragraph by “chairman and managing director”.

10. Sections 15.31 to 15.33 of the said Act are replaced by the following sections:

“15.31. The functions of the Fonds québécois de la recherche sur la nature et les technologies are

(1) to promote and provide financial support for research in the fields of natural sciences, mathematical sciences and engineering;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of research related to natural sciences, mathematical sciences and engineering;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to manage scholarship programs for graduate and postgraduate students, on its own behalf and on behalf of the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture and through grant programs for teaching duties reduction;

(5) to create any necessary partnership, in particular with universities, colleges and the industry, and the government departments and public and private bodies concerned.

“15.32. The functions of the Fonds de la recherche en santé du Québec are

(1) to promote and provide financial support for all areas of research in the field of health, including basic, clinical and epidemiological research, research in the field of public health and research in the field of health services ;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of health research ;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced ;

(4) to create any necessary partnership, in particular with universities, colleges and health care institutions, and the government departments and public and private bodies concerned.

“15.32.1. The functions of the Fonds québécois de la recherche sur la société et la culture are

(1) to promote and provide financial support for the development of research in the fields of social and human sciences and the field of education, management, arts and letters ;

(2) to promote and provide financial support for the dissemination of knowledge in fields of research related to social and human sciences and to education, management, arts and letters ;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced ;

(4) to create any necessary partnership, in particular with universities, colleges and cultural institutions, and the government departments and public and private bodies concerned.

“15.33. Each Fonds shall, every three years on the date fixed by the Minister, transmit to the Minister a three-year plan of activities describing

(1) the context in which the Fonds operates and the main issues it is concerned with ;

(2) the chosen strategic orientations, objectives and courses of action ;

(3) the results to be achieved at the end of the period covered by the plan ;

(4) the performance indicators used to measure the achievement of results.

The plan shall indicate separately, for the first year covered, the amounts estimated for the management expenditures of the Fonds and the amounts estimated for each of the financial support programs, and shall be accompanied with the budgetary estimates for the two following years.

The plan shall be submitted to the Government for approval and must take into account the directives that the Minister may give to the Fonds on its objectives and orientations.

The plan shall be tabled in the National Assembly within 15 days of its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.

“15.33.1. Each Fonds shall, for each of the last two years covered by the plan, on the date fixed by the Minister, transmit to the Minister for approval the budgetary estimates for the year concerned accompanied with an update of the list of the activities proposed in the plan for that year.”

11. Section 15.35 of the said Act is replaced by the following section :

“15.35. A financial support program must determine

(1) the form and content of applications for financial support, the information they must contain and the documents which must accompany them ;

(2) the terms and conditions subject to which financial support may be granted and the criteria for the assessment of applications for financial support ;

(3) the scales and limits of the financial support.

The elements mentioned in subparagraphs 2 and 3 are subject to approval by the Government.”

12. Section 15.43 of the said Act is amended

(1) by replacing “chairman or managing director” in the first paragraph by “chairman and managing director” ;

(2) by replacing “chairman” in the second to the last line in the second paragraph by “chairman and managing director”.

13. Sections 15.45 and 15.46 of the said Act are replaced by the following sections :

“15.45. The fiscal year of each Fonds ends on 31 March.

“15.46. Not later than 31 July each year, each Fonds shall transmit to the Minister a report of its activities for the preceding fiscal year.

The report shall, in addition to the information the Minister may prescribe, contain a progress report on the three-year plan approved under section 15.33.

The report shall be tabled in the National Assembly within 15 days of its receipt by the Minister if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.”

14. The said Act is amended by inserting the following after section 15.51 :

“CHAPTER II.3

“COMITÉ PERMANENT DES PRÉSIDENTS-DIRECTEURS GÉNÉRAUX DES FONDS DE RECHERCHE DU QUÉBEC

“15.52. The “Comité permanent des présidents-directeurs généraux des Fonds de recherche du Québec” hereinafter called the “committee” is hereby established.

The functions of the committee are

(1) to harmonize the strategic programs of the different Fonds and ensure the coherence and complementarity of their actions ;

(2) to integrate, so far as possible, the management services of the different Fonds ;

(3) to simplify the research financing procedure ;

(4) to advise the Minister on the development of the research support programs of the different Fonds.

“15.53. The committee is composed of the chairmen and managing directors of the Fonds established under section 15.16.

Any member who is absent or unable to act may be replaced by the vice-chairman of the Fonds of which the member is chairman and managing director.

“15.54. The committee may adopt internal management by-laws.

“15.55. The committee shall have no equity resources ; its operating costs shall be paid out of the budgets of the Fonds.

“15.56. Each year, the committee shall, on the date fixed by the Minister, transmit to the Minister a report of its activities. The report must contain all the information the Minister may prescribe.

The report shall be tabled in the National Assembly within 15 days of its receipt by the Minister if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.”

15. Sections 45 to 51 of the said Act are repealed.

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

16. Schedule 2 to the Financial Administration Act (2000, chapter 15) is amended

(1) by replacing “Fonds pour la formation de chercheurs et l’aide à la recherche” by “Fonds québécois de la recherche sur la nature et les technologies”;

(2) by adding “Fonds québécois de la recherche sur la société et la culture”.

17. The Fonds québécois de la recherche sur la nature et les technologies, established by section 1 of this Act, succeeds to the Fonds pour la formation de chercheurs et l’aide à la recherche and assumes the rights and obligations thereof, subject to the rights and obligations relating to functions which, under sections 15.32 and 15.32.1 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie, are assigned to the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture. A government order, issued on the recommendation of the Minister of Research, Science and Technology, may, in that case, determine the Fonds that will assume those rights and obligations.

18. The Fonds québécois de la recherche sur la société et la culture, established by section 1 of this Act, succeeds to the Conseil québécois de la recherche sociale established by Order in Council 2207-09 dated 8 August 1979 and assumes the rights and obligations thereof, subject to the rights and obligations relating to functions which, under sections 15.31 and 15.32 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie, are assigned to the Fonds québécois de la recherche sur la nature et les technologies or the Fonds de la recherche en santé du Québec. A government order, issued on the recommendation of the Minister of Research, Science and Technology, may, in that case, determine the Fonds that will assume those rights and obligations.

19. The public servants of the Ministère de la Recherche, de la Science et de la Technologie assigned to the Conseil québécois de la recherche sociale on the day preceding the coming into force of this section become, subject to the conditions of employment applicable to them, employees of the Fonds québécois de la recherche sur la société et la culture, the Fonds québécois de la recherche sur la nature et les technologies or the Fonds de la recherche en santé du Québec to the extent provided for by a decision of the Conseil du trésor. The decision shall be taken before the date that is one year after the date of coming into force of this section.

20. Every employee transferred under section 19 may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date of the transfer, the employee was a public servant with permanent tenure. Section 35 of the Public Service Act applies to any employee who enters such a competition for promotion.

21. Where an employee referred to in section 20 applies for a transfer or enters a competition for promotion, the employee may require the chair of the Conseil du trésor to give him or her an assessment of the classification that the employee would be assigned in the public service. The assessment must take account of the classification that the employee had in the public service on the date of the employee's transfer, as well as the years of experience and the formal training acquired while employed by the Fonds.

Where an employee is transferred under section 20, the deputy minister or chief executive officer shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

Where an employee is promoted under section 20, the employee's classification must take account of the criteria set out in the first paragraph.

22. Where a Fonds referred to in section 19 ceases all or part of its activities, or where there is a shortage of work, every employee referred to in section 20 is entitled to be placed on reserve in the public service with the classification the employee had before the date of transfer.

In such a case, the chair of the Conseil du trésor shall, where applicable, establish the employee's classification taking account of the criteria set out in the first paragraph of section 21.

23. Subject to the remedies which may exist under a collective agreement, every employee referred to in section 20 who is dismissed may file an appeal in accordance with section 33 of the Public Service Act.

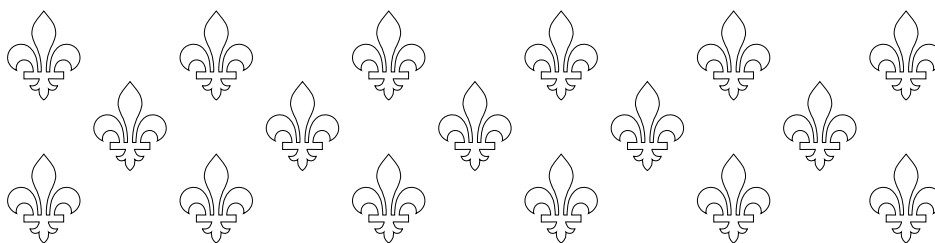
24. The members of the Fonds pour la formation de chercheurs et l'aide à la recherche and of the Conseil québécois de la recherche sociale, other than the chairman and the managing director and the president, in office on 20 June 2001, become, respectively, members of the Fonds québécois de la recherche sur la nature et les technologies and of the Fonds québécois de la recherche sur la société et la culture, until they are replaced or reappointed.

The chairman and managing director of the Fonds pour la formation de chercheurs et l'aide à la recherche in office on 20 June 2001 and the president of the Conseil québécois de la recherche sociale in office on that same date become, respectively, the chairman and managing director of the Fonds québécois de la recherche sur la nature et les technologies and the chairman and managing director of the Fonds québécois de la recherche sur la société et la culture, until they are replaced or reappointed.

25. The chairman of the Fonds de la recherche en santé du Québec in office on 20 June 2001 becomes the chairman and managing director of that Fonds, until replaced or reappointed.

26. Order in Council 2207-09 dated 8 August 1979 establishing the Conseil québécois de la recherche sociale is repealed.

27. The provisions of this Act come into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 41
(2001, chapter 30)

**An Act to amend the Education Act
concerning the Conseil scolaire de
l'île de Montréal**

**Introduced 19 June 2001
Passage in principle 20 June 2001
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTE

This bill provides for the averaging, for the purposes of the levy of school taxes, of the variation in the taxable values of the immovables situated in the territory of the Conseil scolaire de l'île de Montréal for the school years 2001-02 and 2002-03.

Bill 41

AN ACT TO AMEND THE EDUCATION ACT CONCERNING THE CONSEIL SCOLAIRE DE L'ÎLE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting the following section after section 723 :

“723. 1. For the purposes of the levy of school taxes for the years 2001-02 and 2002-03, Division IV.3 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) applies, with the necessary modifications, to the Conseil scolaire de l'île de Montréal. The Conseil is deemed to have adopted the resolution referred to in the second paragraph of section 253.27 of that Act.

The school tax shall be levied in accordance with section 310. However, the standardized assessment of taxable immovables shall be established by multiplying the adjusted values resulting from the application of the said Division IV.3 by the comparative factor established for the assessment roll under section 264 of the Act respecting municipal taxation.”

2. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 161
(2001, chapter 32)

An Act to establish a legal framework for information technology

Introduced 14 November 2000
Passage in principle 30 November 2000
Passage 21 June 2001
Assented to 21 June 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

The object of this bill is, principally, to provide for the legal security of documentary communications, the functional equivalence and legal value of documents regardless of the medium used, and interchangeability between media. The bill also promotes concerted action for the harmonization of the technical systems, norms and standards involved in communications by means of technology-based documents.

The bill first states that, except where otherwise required by law, a document may be in any medium and that any medium or technology may be used for documentary communication. The bill provides that technology-based documents may be used for the same purposes and have the same legal value as the paper documents they are functionally equivalent to and that in all other respects technology-based documents and paper documents must comply with the same rules of law. The bill sets out the rules governing information transfers, the rules concerning the retention, consultation and transmission of documents in a manner that ensures that their integrity are maintained throughout their life cycle. The bill also states the principles underlying the responsibilities of the various service providers acting as intermediaries on communication networks.

The bill provides for various ways of confirming the identity of a person communicating by means of a technology-based document, and measures to protect privacy in the context of such communications. It also asserts the necessity of linking a person to a document expressing the will of that person and of linking a document to an association, a partnership or the State. It sets guidelines for the provision of certification and directory services and offers all certification service providers, whether in Québec or elsewhere, the possibility of obtaining accreditation, on the basis of the same assessment criteria, from a person or body determined by the Government.

To promote the harmonization, both at the national and international levels, of technical systems, norms and standards, the bill provides for the creation of a multidisciplinary committee to foster the compatibility of or interoperability between different media and information technologies. A self-regulation approach will allow the committee to develop practical guidelines reflecting the consensus

reached which are to be implemented on a voluntary basis. Failing this, the Government may substitute regulatory provisions for the voluntary guidelines.

Last, the bill contains interpretative, amending and final provisions to facilitate its application.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec ;
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) ;
- Archives Act (R.S.Q., chapter A-21.1) ;
- Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1) ;
- Code of Civil Procedure (R.S.Q., chapter C-25) ;
- Code of Penal Procedure (R.S.Q., chapter C-25.1) ;
- Real Estate Brokerage Act (R.S.Q., chapter C-73.1) ;
- Interpretation Act (R.S.Q., chapter I-16) ;
- Consumer Protection Act (R.S.Q., chapter P-40.1) ;
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2).

Bill 161

AN ACT TO ESTABLISH A LEGAL FRAMEWORK FOR INFORMATION TECHNOLOGY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

GENERAL PROVISIONS

1. The object of this Act is to ensure

(1) the legal security of documentary communications between persons, associations, partnerships and the State, regardless of the medium used ;

(2) the coherence of legal rules and their application to documentary communications using media based on information technology, whether electronic, magnetic, optical, wireless or other, or based on a combination of technologies ;

(3) the functional equivalence and legal value of documents, regardless of the medium used, and the interchangeability of media and technologies ;

(4) the linking of a person, an association, a partnership or the State with a technology-based document, by any means allowing them to be linked, such as a signature, or any means allowing them to be identified and, if need be, located, such as certification ; and

(5) concerted action for the harmonization of the technical systems, norms and standards involved in communications by means of technology-based documents and interoperability between different media and information technologies.

2. Except where a document is required by law to be in a specific medium or technology, any medium or technology may be used, provided the medium or technology chosen is in compliance with legal rules, in particular those contained in the Civil Code.

Hence, media used to inscribe documentary information are interchangeable and a requirement that a document be in writing does not entail the use of a specific medium or technology.

CHAPTER II

DOCUMENTS

DIVISION I

CONCEPT OF DOCUMENT

3. Information inscribed on a medium constitutes a document. The information is delimited and structured, according to the medium used, by tangible or logical features and is intelligible in the form of words, sounds or images. The information may be rendered using any type of writing, including a system of symbols that may be transcribed into words, sounds or images or another system of symbols.

For the purposes of this Act, a database whose structuring elements allow the creation of documents by delimiting and structuring the information contained in the database is considered to be a document.

A record may comprise one or more documents.

In this Act, a technology-based document is a document in any medium based on any information technology referred to in paragraph 2 of section 1.

4. A technology-based document, even when the information it contains is fragmented and dispersed in one or more media at one or more locations, is considered to form a whole if its logical structuring elements allow the fragments to be connected, directly or by reference, and if such elements ensure both the integrity of each fragment and the integrity of the document reconstituted as it existed prior to its fragmentation and dispersal.

Conversely, separate technology-based documents, even when combined into a single document for transmission or retention purposes, do not lose their distinct nature, if logical structuring elements ensure both the integrity of the combined document and the integrity of each separate reconstituted document.

DIVISION II

LEGAL VALUE AND INTEGRITY OF DOCUMENTS

5. The legal value of a document, particularly its capacity to produce legal effects and its admissibility as evidence, is neither increased nor diminished solely because of the medium or technology chosen.

A document whose integrity is ensured has the same legal value whether it is a paper document or a document in any other medium, insofar as, in the case of a technology-based document, it otherwise complies with the legal rules applicable to paper documents.

A document in a medium or based on technology that does not allow its integrity to be confirmed or denied may, depending on the circumstances, be admissible as testimonial evidence or real evidence and serve as commencement of proof, as provided for in article 2865 of the Civil Code.

Where the law requires the use of a document, the requirement may be met by a technology-based document whose integrity is ensured.

6. The integrity of a document is ensured if it is possible to verify that the information it contains has not been altered and has been maintained in its entirety, and that the medium used provides stability and the required perennity to the information.

The integrity of a document must be maintained throughout its life cycle, from creation, in the course of transfer, consultation and transmission, during retention and until archiving or destruction.

To assess the integrity of a document, particular account must be taken of the security measures applied to protect the document throughout its life cycle.

7. It is not necessary to prove that the medium of a document or that the processes, systems or technology used to communicate by means of a document ensure its integrity, unless the person contesting the admission of the document establishes, upon a preponderance of evidence, that the integrity of the document has been affected.

8. The Government may, on the basis of technical norms or standards approved by a recognized body referred to in section 68, make an order prescribing that a device is capable of fulfilling a determined function.

Where a device, its function and the norm or standard used are specified in such an order, it is not necessary to prove that the device is capable of fulfilling the function.

DIVISION III

EQUIVALENCE OF DOCUMENTS USED FOR THE SAME FUNCTIONS

9. Two or more documents in different media have the same legal value if they contain the same information, if the integrity of each document is ensured and if each document complies with the applicable legal rules. One document may be substituted for another and the documents may be used simultaneously or in alternation. In addition, all such documents may be used for the same purposes.

If a document is lost, another document may serve to reconstitute it.

10. The sole fact that documents containing the same information but in different media show differences in the way in which the information is stored or presented, or contain different information, whether visible or hidden, relating to the medium used or to security, shall not be considered as affecting the integrity of the documents.

Similarly, differences relating to page numbering, the tangible or intangible nature of pages, format, recto or verso presentation, total or partial accessibility, and sequential or thematic information retrieval possibilities shall not be considered as affecting the integrity of the documents.

11. In the event of a divergence between documents in different media or based on different technologies that purport to contain the same information, the document containing information that can be verified as being unaltered and maintained in its entirety shall prevail unless evidence to the contrary is adduced.

12. A technology-based document may fulfil the functions of an original. To that end, the integrity of the document must be ensured and, where the desired function is to establish

(1) that the document is the source document from which copies are made, the components of the source document must be retained so that they may subsequently be used as a reference ;

(2) that the document is unique, its components or its medium must be structured by a process that makes it possible to verify that the document is unique, in particular through the inclusion of an exclusive or distinctive component or the exclusion of any form of reproduction ;

(3) that the document is the first form of a document linked to a person, its components or its medium must be structured by a process that makes it possible to verify that the document is unique, to identify the person with whom the document is linked and to maintain the link throughout the life cycle of the document.

For the purposes of subparagraphs 2 and 3 of the first paragraph, the processes must be based on technical norms and standards approved by a recognized body referred to in section 68.

13. Where the function of affixing a seal, signet, press, stamp or other instrument is

(1) to preserve the integrity of a document or authenticate the document as an original, the purpose may be achieved, in the case of a technology-based document, by means of any process appropriate to the medium used ;

(2) to identify a person, an association, a partnership or the State, the purpose may be achieved, in the case of a technology-based document, according to the rules provided in subdivision 1 of Division II of Chapter III ;

(3) to protect the confidentiality of a document, the purpose may be achieved in the case of a technology-based document, according to the rules provided in section 34.

14. As regards the form of a document, one or more processes may be used to fulfil the functions or achieve the purposes provided for in sections 12 and 13, making use of the characteristic features of the medium used.

15. To ensure the integrity of a copy of a technology-based document, the copying process must offer a sufficient guarantee that it contains the same information as the source document.

To assess the integrity of a copy, account must be taken of the circumstances in which the copy was made and of whether it was made systematically and without interruption or by means of a process meeting the technical norms or standards approved by a recognized body referred to in section 68.

However, where it is necessary to establish that a document is a copy, it must include characteristics as to form allowing it to be recognized as a copy, such as an indication of the place and date on which the copy was generated, a statement that it is a copy, or any other characteristic.

The integrity of a copy generated by an enterprise within the meaning of the Civil Code or by the State shall be presumed in favour of third persons.

16. Where a copy of a technology-based document must be certified, the requirement may be met by means of a comparison process that verifies that the information in the copy is identical to the information in the source document.

DIVISION IV

MAINTENANCE OF INTEGRITY OF DOCUMENTS THROUGHOUT LIFE CYCLE

§1. — Transfer of information

17. The information contained in an original document or a copy that must be retained for evidential purposes may be transferred to another medium based on a different technology.

However, subject to section 20, in order for the source document to be destroyed and replaced by the document resulting from the transfer without compromising legal value, the transfer must be documented so that it may be shown, if need be, that the resulting document contains the same information as the source document and that its integrity is ensured.

Transfer documentation must include a reference to the original format of the source document, the transfer process used and the guarantees it purports

to offer, according to the specifications provided with the product, as regards the integrity of the source document, if it is not destroyed, and the integrity of the resulting document.

The documentation, including that pertaining to any previous transfer, must be retained throughout the life cycle of the resulting document. The documentation may be attached, directly or by reference, to the resulting document, to its structuring elements or to the medium.

18. If the source document is destroyed, no rules of evidence may be invoked against the admissibility of a document resulting from a transfer effected and documented in conformity with section 17 to which the documentation referred to in that section is attached, on the sole ground that the document is not in its original form.

§2. — *Retention of documents*

19. Every person must, during the period a document is required to be retained, ensure that its integrity is maintained and see to it that equipment is available to make the document accessible and intelligible and usable for the purposes for which it is intended.

20. Documents that are required by law to be retained and that have been transferred may be destroyed and replaced by the documents resulting from the transfer. However, before such documents may be destroyed, the person responsible must

(1) unless the person is an individual, establish and update rules to be applied prior to the destruction for transferred documents;

(2) make sure that any confidential personal information contained in the documents to be destroyed is protected; and

(3) make sure that the documents, if in the possession of the State or of a legal person established in the public interest, are destroyed in accordance with the retention schedule established under the Archives Act (R.S.Q., chapter A-21.1).

However, a document which, in its original medium, has archival, historical or heritage value according to the criteria established under paragraph 1 of section 69 must be preserved in its original medium even if it has been transferred.

21. If a technology-based document is modified during its retention period, the person having the authority to make the modification must, in order to preserve the integrity of the document, record the name of the person having requested the modification, the time and reason for the modification and the name of the person having made the modification. The modification forms an integral part of the document even if it is recorded in a separate document.

22. A service provider, acting as an intermediary, that provides document storage services on a communication network is not responsible for the activities engaged in by a service user with the use of documents stored by the service user or at the service user's request.

However, the service provider may incur responsibility, particularly if, upon becoming aware that the documents are being used for an illicit activity, or of circumstances that make such a use apparent, the service provider does not act promptly to block access to the documents or otherwise prevent the pursuit of the activity.

Similarly, an intermediary that provides technology-based documentary referral services, such as an index, hyperlinks, directories or search tools, is not responsible for activities engaged in by a user of such services. However, the service provider may incur responsibility, particularly if, upon becoming aware that the services are being used for an illicit activity, the service provider does not act promptly to cease providing services to the persons known by the service provider to be engaging in such an activity.

§3. — *Consultation of documents*

23. Every document to which a person has a right of access must be intelligible, either directly or through the use of information technology.

A right of access may be satisfied by access to a copy of the document or to a document resulting from a transfer or a copy thereof.

The wishes of the person having the right of access as to the medium or technology to be used must be taken into account, unless substantial practical difficulties would be involved, owing in particular to high cost or the information transfer required.

24. The use of extensive search functions in a technology-based document containing personal information which is made public for a specific purpose must be restricted to that purpose. The person responsible for access to the document must see to it that appropriate technological means are in place to achieve that end. The person may also set conditions for the use of such search functions, in accordance with the criteria determined under paragraph 2 of section 69.

25. The person responsible for access to a technology-based document containing confidential information must take appropriate security measures to protect its confidentiality, such as controlling access to the document by means of a restricted view technique, or any technique that prevents unauthorized persons from accessing such information or from otherwise accessing the document or the components providing access to the document.

26. Anyone who places a technology-based document in the custody of a service provider is required to inform the service provider beforehand as to

the privacy protection required by the document according to the confidentiality of the information it contains, and as to the persons who are authorized to access the document.

During the period the document is in the custody of the service provider, the service provider is required to see to it that the agreed technological means are in place to ensure its security and maintain its integrity and, if applicable, protect its confidentiality and prevent accessing by unauthorized persons. Similarly, the service provider must ensure compliance with any other obligation provided for by law as regards the retention of the document.

27. A service provider, acting as an intermediary, that provides communication network services or who stores or transmits technology-based documents on a communication network is not required to monitor the information communicated on the network or contained in the documents or to identify circumstances indicating that the documents are used for illicit activities.

However, the service provider may not take measures to prevent the person responsible for access to documents from exercising his or her functions, in particular as regards confidentiality, or to prevent the competent authorities from exercising their functions, in accordance with the applicable legislative provisions, as regards public security or the prevention, detection, proof and prosecution of offences.

§4. — *Transmission of documents*

28. A document may be transmitted, sent or forwarded by any means appropriate to the medium, unless the exclusive use of a specific means of transmission is required by law.

Where the law requires the use of mail, the requirement may be met by means of the technology appropriate to the medium of the document. Similarly, where the law requires the use of certified or registered mail, the requirement may be met, in the case of a technology-based document, by means of an acknowledgement of receipt in the appropriate medium signed by the recipient, or by any other agreed method.

Where the law requires the transmission or reception of a document at a specific address, the address shall comprise, in the case of a technology-based document, an identifier specific to the location where the recipient may receive communication of such document.

29. A person may not be required to acquire a specific medium or technology to transmit or receive a document, unless such requirement is expressly provided by law or by an agreement.

Similarly, no person may be required to receive a document in a medium other than paper, or by means of technology that is not at the person's disposal.

A product or service, or information on a product or service, that is available in more than one medium, may be obtained in any such medium, at the option of the recipient of the product or service.

30. For the technology-based document received to have the same value as the document transmitted, the means of transmission must allow the integrity of both documents to be preserved. Documentation establishing the ability of a means of transmission to preserve the integrity of both documents must be available for production as evidence.

The sole fact that a document is fragmented, compressed or stored during its transmission for a limited time to improve the efficiency of the transmission does not entail the conclusion that the its integrity has been affected.

31. A technology-based document is presumed transmitted, sent or forwarded where the action required to send it to the active address of the recipient has been accomplished by or on the instructions of the sender, and the transmission cannot be stopped or, although it can be stopped, is not stopped by or on the instructions of the sender.

A technology-based document is presumed received or delivered where it becomes accessible at the address indicated by the recipient as the address where the recipient accepts the receipt of documents from the sender, or at the address that the recipient publicly represents as the address where the recipient accepts the receipt of documents, provided the address is active at the time of sending. The document received is presumed intelligible, unless notice to the contrary is sent to the sender as soon as the document is accessed.

The time of sending or of receipt of a document may be established by producing transmission slip or an acknowledgement of receipt or the information kept with the document providing it guarantees the date, hour, minute and second of sending or receipt and indicates the source and destination of the document, or by any other agreed method that provides the same guarantees.

32. Where the law requires that two or more copies of a document be transmitted, sent, forwarded, remitted or delivered to one and the same recipient, the requirement may be met, in respect of a technology-based document transmittable on a communication network, by the transmission of a single copy.

33. A presumption of document integrity exists in favour of a third person who generates a copy of a document of an enterprise, within the meaning of the Civil Code, or a document in the State's possession by means of a system or from a document, including a program, placed at the person's disposal by the enterprise or the State.

34. Where the information contained in a document is declared by law to be confidential, confidentiality must be protected by means appropriate to the mode of transmission, including on a communication network.

Documentation explaining the agreed mode of transmission, including the means used to protect the confidentiality of the transmitted document, must be available for production as evidence.

35. A party that offers a product or service by means of a pre-programmed document must, on pain of non-enforceability of the communication or cancellation of the transaction, see to it that the document provides instructions that allow users to promptly advise the party of any errors or contains means that allow users to avoid or correct errors. Similarly, users must be provided instructions or means to avoid receiving unwanted products or services because of an ordering error, or instructions for the return or destruction of unwanted products.

36. A service provider, acting as an intermediary, that provides communication network services exclusively for the transmission of technology-based documents is not responsible for acts of service users performed with the use of the documents transmitted or stored during the normal course of the transmission for the time required for the efficiency of the transmission.

However, the service provider may incur responsibility, particularly if the service provider otherwise participates in acts performed by service users

- (1) by being the sender of a document ;
- (2) by selecting or altering the information in a document ;
- (3) by determining who transmits, receives or has access to a document ; or
- (4) by storing a document longer than is necessary for its transmission.

37. A service provider, acting as an intermediary, which, as part of transmission services provided via a communication network, maintains technology-based documents furnished by clients on that network for the sole purpose of ensuring the efficiency of their subsequent transmission to persons having a right to access the information, is not responsible for acts of service users performed with the use of those documents.

However, the service provider may incur responsibility, particularly if the service provider otherwise participates in acts performed by service users

- (1) as specified in the second paragraph of section 36 ;
- (2) by not complying with the conditions for access to a document ;
- (3) by preventing the verification of who has accessed a document ;
- (4) by failing to withdraw a document from the network or to block access to the document after becoming aware that the document has been withdrawn

from its initial position on the network, that persons having the right to access the document are unable to do so or that a competent authority has ordered that the document be withdrawn from the network or that access to the document be blocked.

CHAPTER III

ESTABLISHMENT OF LINK WITH TECHNOLOGY-BASED DOCUMENTS

DIVISION I

CHOOSING A LINKING PROCESS

38. The link between a person and a technology-based document, or the link between such a document and an association, a partnership or the State, may be established by any process or combination of processes, to the extent that it allows

(1) the identity of the person or the identification of the association, partnership or the State and, where applicable, their location, to be confirmed, and allows their link with the document to be confirmed; and

(2) the document to be identified and, if need be, allows its origin and destination at any given time to be determined.

39. The link between a person and a document, whatever the medium used, may be established by means of the person's signature. A person's signature may be affixed to the document by means of any process that meets the requirements of article 2827 of the Civil Code.

A person's signature affixed to a technology-based document may be set up against that person if the integrity of the document is ensured and the link between the signature and the document was established at the time of signing and has since been maintained.

DIVISION II

MODES OF IDENTIFICATION AND LOCATION

§1. — *Persons, associations, partnerships or the State*

40. A person who, following verification, is able to confirm the identity of a person or the identification of an association, a partnership or the State may do so by means of any document, such as a certificate, whose integrity is ensured. The document may be transmitted in any medium provided confidential information is protected.

A person's identity or an entity's identification must be verified in compliance with the law. It may be verified by reference to the registers kept pursuant to the Civil Code or the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45), regardless of the medium used to communicate. A person's identity may also be verified on the basis of the person's characteristics or knowledge of certain facts or of the objects in the person's possession.

The verification may be carried out by or for a person on the premises or by remote access, by direct observation or by means of such documents whose integrity is ensured as may be available in different media for consultation on the premises or by remote access.

41. The use, as proof of one's identity or the identity of another person, of a technology-based document specifying a personal characteristic or a particular fact or indicating that the person to be identified possesses a particular object requires that the integrity of the document be preserved.

Such a document must, in addition, be protected from interception if its storage or transmission on a communication network makes it possible to usurp the identity of the person referred to in the document. Its confidentiality must be protected, where applicable, and its consultation must be logged.

42. Where an attestation, card, certificate, identity document or other document is required by law to identify a person, the requirement may be met by means of a technology-based document in a medium appropriate to the medium of the document.

43. A person may not be required to submit, for identification purposes, to a process or device that affects the person's physical integrity.

Unless otherwise expressly provided by law for health protection or public security reasons, a person may not be required to be connected to a device that allows the person's whereabouts to be known.

44. A person's identity may not be verified or confirmed by means of a process that allows biometric characteristics or measurements to be recorded, except with the express consent of the person concerned. Where consent is obtained, only the minimum number of characteristics or measurements needed to link the person to an act and only such characteristics or measurements as may not be recorded without the person's knowledge may be recorded for identification purposes.

No other information revealed by the characteristics or measurements recorded may be used as a basis for a decision concerning the person or for any other purpose whatsoever. Such information may only be disclosed to the person concerned, at the person's request.

The record of the characteristics or measurements and any notation relating thereto must be destroyed as soon as the purpose of verification or confirmation of identity has been met or the reason for the verification or confirmation no longer exists.

45. The creation of a database of biometric characteristics and measurements must be disclosed beforehand to the Commission d'accès à l'information. As well, the existence of such a database, whether or not it is in service, must be disclosed to the Commission.

The Commission may make orders determining how such databases are to be set up, used, consulted, released and retained, and how measurements or characteristics recorded for personal identification purposes are to be archived or destroyed.

The Commission may also suspend or prohibit the bringing into service or order the destruction of such a database, if the database is not in compliance with the orders of the Commission or otherwise constitutes an invasion of privacy.

§2. — *Documents and other objects*

46. Where a document used for a network communication must be retained for evidential purposes, the person responsible for the document must store the identifier of the document with the document throughout its life cycle.

The identifier of the document must be accessible through a directory service, capable of linking an identifier with its location. The link between an identifier and an object may be guaranteed by a certificate which is itself accessible through a directory service that may be consulted by the public.

The identifier shall comprise a reference name that is unique and unambiguous within the set of local names where it is registered, along with the necessary extensions to link the name to sets of universal names.

To allow the origin or destination of a document at any given time to be established, the other objects used to transmit the document, such as certificates, algorithms and originating and receiving servers, must be identifiable and locatable by means of the identifiers assigned to each.

DIVISION III

CERTIFICATION

§1. — *Certificates and directories*

47. A certificate may be used to establish one or more facts including the confirmation of a person's identity, the identification of a partnership, an association or the State, the correctness of the identifier of a document or

other object, the attributes of a person, document or other object or the link between a document or other object and a tangible or logical identification or location device.

An attribute certificate may be used to certify a person's function, capacity, rights, and powers or privileges within a legal person, association, partnership or the State or within a position of employment. An attribute certificate may be used to certify the location of an association, or partnership or of a location where the State sends or receives documents. An attribute certificate may also be used to confirm the information used to identify or locate a document or object or determine the use of or the right of access to a document or object or any other right or privilege relating to a document or object.

Access to a personal attribute certificate must be authorized by the person concerned or by a person having authority over the person concerned.

48. A certificate may be attached directly to another document used in a communication or be made accessible through a directory that is itself accessible to the public.

A certificate must contain, at least, the following information :

(1) the distinctive name and the signature of the issuing certification service provider ;

(2) a reference to the policy statement of the certification service provider, including its practices, on which the guarantees offered by the certificate are based ;

(3) the certificate version and the serial number of the certificate ;

(4) the dates of the beginning and end of the valid period of the certificate ;

(5) in the case of a certificate confirming the identity of a person or the identification of an association, a partnership or the State, the distinctive name of the person or entity or, in the case of a certificate confirming the identifier of an object, that identifier ; and

(6) in the case of an attribute certificate, the designation of the attribute confirmed by the certificate and, if need be, the identification of the person, association, partnership, State or object to which it is linked.

The distinctive name of a natural person may be a pseudonym, but the certificate must indicate if that is the case. Certification service providers are required to communicate the name of the person using the pseudonym to any person legally authorized to obtain that information.

49. Where a legal person, an association, a partnership or the State acts through an authorized natural person, the certificate confirming its identification

must indicate who is acting. Failing such indication, the natural person must attach one or more certificates confirming such fact.

50. A directory whose function is to identify or locate a person or object, to confirm the identification of or locate an association, a partnership or the State, to locate a place where the State sends or receives documents, or to establish a link between any such entity and an object, must be constituted in accordance with the technical norms or standards approved by a recognized body referred to in section 68.

The directory must be accessible to the public, either directly or by means of a device for consultation on the premises or by remote access, or by means of a procedure or through an intermediary, that can access various domains of a network where confirmation of the validity of an identifier, a certificate or any other information included in the directory may be obtained.

However, the reason for the suspension or cancellation of a certificate is accessible only on the authorization of the person having suspended or cancelled it.

§2. — *Certification and directory services*

51. Certification and directory services may be provided by a person or by the State.

Certification services involve verifying the identity of persons and issuing certificates confirming personal identity, the identification of an association, a partnership or the State or the correctness of an object identifier. Directory services involve entering certificates and identifiers in a directory that is accessible to the public and confirming the validity of the certificates contained in the directory and their link with the information they confirm.

A service provider may offer all or some of these services.

52. The policy statement of a certification or directory service provider must specify, at least,

(1) what information may be entered in a certificate or a directory and what information is confirmed as accurate by a certificate, as well as the guarantees of accuracy offered by the service provider;

(2) the information review intervals and the updating procedure;

(3) who may be issued a certificate and who may cause information to be entered in a certificate or a directory;

(4) any restrictions on the use of certificates and directory entries, including a limit on the value of the transactions for which they may be used;

(5) how it can be determined, upon making a communication, whether a certificate or information entered in a certificate or in a directory is valid, suspended, cancelled or stored;

(6) how additional available information not yet entered in the certificate or the directory, especially as regards updated use restrictions applicable to certificates, may be obtained;

(7) the confidentiality policy applicable to information received or communicated by the service provider;

(8) the complaints procedure; and

(9) how certificates will be disposed of by the service provider upon ceasing to operate or becoming bankrupt.

The policy statement of a certification or directory service provider must be accessible to the public.

53. A certification service provider may join a voluntary accreditation scheme. Accreditation shall be granted, subject to satisfaction of the requirements of paragraph 3 of section 69, by a person or body designated by the Government.

The same criteria are applicable regardless of the territory of origin of the service provider. Certificates issued by an accredited service provider are presumed to meet the requirements of this Act.

54. Certificates issued by a certification service provider on the basis of standards other than those applicable in Québec may be considered to be equivalent to certificates issued by an accredited certification service provider. Their equivalency must be recognized by the person or body designated by the Government for the purpose of concluding mutual recognition agreements with the designated authority having established the standards. The same applies to directory services.

A public register of all accredited service providers, or service providers whose services are recognized as equivalent to those provided by an accredited service provider, shall be kept by the accrediting person or body or by the person or body that recognizes equivalency.

55. To decide whether an accreditation may be granted or renewed, account must be taken of the information contained in the proposed policy statement and at least of

(1) whether the applicant's identity has been established;

(2) the extent of the applicant's expertise, the existing infrastructure, the services offered and the regularity and extent of audits;

(3) the availability of financial guarantees for the proposed activity ;

(4) the guarantees offered as to the independence and probity of the applicant and the policy established by the applicant to guarantee the expertise and probity of the persons dispensing the services ;

(5) the guarantees offered as to directory or certificate integrity, accessibility and security ; and

(6) the applicability of the stated policies and, in the case of a renewal, the implementation of the policies, and the fulfilment of the other obligations of a service provider.

56. A certification service provider must offer guarantees of impartiality towards any person or object that is the subject of a certification, even if the service provider is not a third person in relation to the person or object.

The service provider must ensure the integrity of certificates throughout their life cycle, including when they are modified, suspended, cancelled or archived and when the information they contain is updated.

In addition, the service provider must be able to confirm the link between the tangible or logical identification or location device and the person, association, partnership, State or object identified or located by means of the device.

The issue of a document represented to be a certificate confirming the identity of a person, the identification of an association, a partnership or the State or the correctness of an object identifier, where no verification has been carried out by or for the service provider or where the verification was so insufficient as to constitute an absence of verification, is false representation.

57. Where the certification applies to the holder of a tangible or logical device that allows the holder to be identified or located or one of the holder's attributes to be specified and where the device contains a secret element, the holder must protect its confidentiality. Where the secret element must be transmitted to the holder of the device, the transmission must be done in such a manner that only the holder of the device is informed thereof.

The holder of the device must see to it that the device is not used without authorization. Every use of the device is presumed to be made by the holder of the device.

58. The holder of a device who has reasonable grounds to believe that the device has been stolen or lost or that its confidentiality is at risk must, as soon as practicable, advise

(1) any person the holder has authorized to use the device ;

(2) any third person who may reasonably be expected to act on the basis of the fact that the device was used by a person authorized to use it; and

(3) the certification service provider so that the certificate linked to the device may be suspended or cancelled.

An authorized person is bound by the same obligation to advise the holder of the device and the persons referred to in subparagraphs 2 and 3.

No person may use a tangible or logical device to sign a document after learning that the certificate issued for the device has been suspended or cancelled.

59. A person who provides information in order to be issued a certificate is bound to inform the certification service provider, as soon as practicable, of any change affecting the information.

Where the information for the issue of a certificate was provided under a mandate, a service contract or a contract of enterprise, the certificate holder is bound by the same obligation to provide information to the certification service provider.

60. When a technology-based document is to be used in a communication, the validity and scope of the certificate must be verified before the certificate may be relied upon, in order to obtain confirmation of the identity or identification of any party to the communication or of the correctness of an object identifier.

Similarly, before the information contained in the certificate is relied upon, it is necessary to verify whether the accuracy of the information is confirmed by the certification service provider.

The verification may be made in the directory or at the place indicated in the directory or with the service provider by means of a device for consultation on the premises or by remote access.

61. The certification and directory service providers, the holder of a certificate and any person who relies on a certificate to act are, in respect of their obligations under this Act, bound by an obligation of diligence.

62. Where a transaction is carried out by means of a technology-based document supported by a certificate appropriate to the transaction, in accordance with subparagraphs 4 and 6 of the first paragraph of section 52, each of the persons referred to in section 61 is liable for any damage resulting from the inaccuracy or invalidity of the certificate or of any information contained in the directory, unless the person shows that he or she has committed no fault in the performance of his or her obligations. Where two or more of them are liable, the obligation to provide reparation for the damage is a joint obligation; if liability cannot be apportioned, it is apportioned equally among them. In

addition, if there is no fault on the part of any of those persons, reparation for the damage shall be provided by them jointly and equally.

None of those persons may refuse to assume liability under this section.

CHAPTER IV

ESTABLISHMENT OF TECHNOLOGICAL AND LEGAL INFRASTRUCTURES

DIVISION I

HARMONIZATION OF TECHNICAL SYSTEMS, NORMS AND STANDARDS

63. A multidisciplinary committee shall be formed to promote the harmonization, both at the national and international levels, of the technical processes, systems, norms and standards established for the purposes of this Act. To that end, the Government shall, after consultation with the Bureau de normalisation du Québec, call upon persons from the business community, the information technology industry and the scientific and technical community, persons from the public, parapublic and municipal sectors and persons belonging to the professional orders, all of whom must have expertise in the field of information technology.

The committee shall be chaired by a representative of the Bureau de normalisation du Québec. The committee may call upon other persons having expertise in the field of information technology. The secretariat of the committee is the responsibility of the Bureau.

The members of the committee shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

64. The mission of the harmonization committee is to examine ways to

(1) ensure the compatibility of or interoperability between different media and technologies, and the harmonization of technical norms and standards for the production and signature of technology-based documents and their use in communications ;

(2) avert the multiplication of processes, in particular as regards the verification of personal identity ;

(3) promote the standardization of certificates and directories and the mutual recognition of certificates ;

(4) guarantee the integrity of technology-based documents through physical, logical or operational security measures and document management measures capable of ensuring the integrity of documents throughout their life cycle;

(5) standardize auditing practices, including the examination and evaluation of accessing, maintenance and backup methods, physical, logical and operational security measures, security registers and correctives in the event of a deficiency that may affect the integrity of documents; and

(6) facilitate the application of this Act, making appropriate recommendations.

65. The committee shall develop practical guidelines reflecting the consensus reached on the subjects referred to in section 64.

The guidelines shall determine the common technical standards selected, such as formats and mark-up language, character representation codes, signature algorithms, encryption methods, data compression, image and audio enhancement, key length, and communications protocols or links. The selection must be made for a specific period; it may be extended, or a new selection may be made before or upon the expiry of the determined period. However, the guidelines must specify that any new selection must provide for the retention period of documents based on the previous selections and the need for continued access to those documents throughout their retention period.

The guidelines shall be published and updated by the Bureau de normalisation du Québec.

66. The Bureau shall report annually to the Minister on the proceedings of the harmonization committee and on the voluntary implementation of the guidelines.

Within 30 days after receiving the report, the Minister shall forward a copy to the Government and shall lay the report before the National Assembly within the next 30 days or, if the Assembly is not in session, within 30 days of resumption.

67. If the guidelines are not implemented voluntarily in whole or in part, the Government may, after consultation with the committee, substitute regulatory provisions for the guidelines.

68. Where this Act requires that a technical process, norm or standard be approved by a recognized body to establish that it is capable of fulfilling a specific function, the recognition may be given by

(1) the International Electrotechnical Commission (IEC), the International Organization for Standardization (ISO) or the International Telecommunication Union (ITU);

(2) the Standards Council of Canada or a body accredited by that Council ;
or

(3) the Bureau de normalisation du Québec.

The recognition may include a reference to a process or documentation developed by an experts group, such as the Internet Engineering Task Force or the World Wide Web Consortium.

DIVISION II

REGULATORY POWERS OF THE GOVERNMENT

69. In addition to such substitute standards as may be prescribed under section 67, the Government may make regulations determining

(1) criteria for the recognition of the archival, historical or heritage value of a document in its original medium ;

(2) criteria for the use of extensive search functions in respect of personal information contained in technology-based documents that are made public for a specific purpose ;

(3) the accreditation procedure applicable to certification service providers, the requirements and waiting period for accreditation and for a modification of accreditation conditions, the requirements for accreditation renewal and the conditions that can lead to the suspension or cancellation of accreditation, and the related fees ; and

(4) so as to ensure the security of documentary communications and if the Government is of the opinion that it is required in the public interest, the cases warranting and the conditions applicable to the use of a specific medium or technology.

CHAPTER V

INTERPRETATION AND AMENDING AND FINAL PROVISIONS

70. No provision of this Act shall be construed as limiting rights existing at the time it comes into force.

Similarly, no provision of this Act shall be construed as affecting the legal value of documentary communications effected before the date on which it comes into force.

71. The concept of document, as used in this Act, is applicable to all documents referred to in legislative texts whether by the term “document” or by terms such as act, deed, record, annals, schedule, directory, order, order in council, ticket, directory, licence, bulletin, notebook, map, catalogue, certificate,

charter, cheque, statement of offence, decree, leaflet, drawing, diagram, writing, electrocardiogram, audio, video or electronic recording, bill, sheet, film, form, graph, guide, illustration, printed matter, newspaper, book, booklet, program, manuscript, model, microfiche, microfilm, note, notice, pamphlet, parchment, papers, photograph, minute, programme, prospectus, report, offence report, manual and debt security or title of indebtedness.

In this Act, the rules relating to documents may, depending on context, apply to an excerpt from a document or to a set of documents.

72. Subparagraph 1 of the first paragraph of section 12 applies where the terms “duplicate”, “copy”, “original copy” and “triplicate” are used in a legislative text in a context that indicates that the document to which they refer must fulfil the function of an original as the source document from which copies are made.

73. Section 16 applies to technology-based documents where the term “certified copy”, “certified true copy” or “authentic copy” is used in a legislative text, and where the term “collate”, “copy”, “duplicate”, “triplicate” or “authenticated” is used in connection with the issue of a copy.

74. A reference in the law to the possibility of using one or more specific means of transmission such as sending by mail, by messenger, by cablegram or telegram, by fax, by telematic, computerized or electronic means, by way of telecommunication, teletransmission, fibre optics or any other information technology, does not preclude the use of another means of transmission appropriate to the medium of the document to be sent, provided the legislative provision does not require the exclusive use of a specific means of transmission.

75. Where it is provided by law that a signature may be engraved or printed or affixed by means of an engraved, printed or lithographed facsimile, or that a mark may be made by means of a signature stamp, device or mechanical or automatic process, it shall be construed as allowing a signature to be affixed on a paper document otherwise than by hand, or as allowing a personal mark to be affixed on a paper document by someone else. Such a provision does not preclude the use of another mode of signature appropriate to the document in a medium other than paper.

76. A provision creating an offence that specifies that the offence may be committed with the use of a document shall be construed as meaning that an offence may be committed whatever the medium of the document may have been, whether paper or any other, at any point in its life cycle.

77. Article 2827 of the Civil Code of Québec (1991, chapter 64) is amended by replacing “on a writing” by “to a writing”.

78. Sections VI and VII of Chapter I of Title II of Book VII of the said Code are replaced by the following sections :

“SECTION VI**“MEDIA FOR WRITINGS AND TECHNOLOGICAL NEUTRALITY**

“2837. A writing is a means of proof whatever the medium, unless the use of a specific medium or technology is required by law.

Where a writing is in a medium that is based on information technology, the writing is referred to as a technology-based document within the meaning of the Act to establish a legal framework for information technology.

“2838. In addition to meeting all other legal requirements, the integrity of a copy of a statute, an authentic writing, a semi-authentic writing or a private writing drawn up in a medium based on information technology must be ensured for it to be used to adduce proof in the same way as a writing of the same kind drawn up as a paper document.

“2839. The integrity of a document is ensured if it is possible to verify that the information it contains has not been altered and has been maintained in its entirety, and that the medium used provides stability and the required perennity to the information.

Where the medium or technology used does not allow the integrity of the document to be confirmed or denied, the document may, depending on the circumstances, be admitted as testimonial evidence or real evidence and serve as commencement of proof.

“2840. It is not necessary to prove that the medium of a document or that the processes, systems or technology used to communicate by means of a document ensure its integrity, unless the person contesting the admission of the document establishes, upon a preponderance of evidence, that the integrity of the document has been affected.

“SECTION VII**“COPIES AND DOCUMENTS RESULTING FROM A TRANSFER**

“2841. A document may be reproduced either by generating a copy in the same medium or in a medium that is based on the same technology, or by transferring the information contained in the document to a medium based on different technology.

Where it reproduces an original document or a technology-based document fulfilling the functions of an original as provided for in section 12 of the Act to establish a legal framework for information technology, a copy, provided it is certified, or a document resulting from the transfer of information, provided it is documented, may legally replace the reproduced document.

In the case of a document in the possession of the State, a legal person, a partnership or an association, certification is effected by a person in authority or the person responsible for document retention.

“2842. A certified copy is supported, if necessary, by a statement establishing the circumstances and the date of the reproduction, attesting that the copy contains the same information as the reproduced document and indicating the means used to ensure the integrity of the copy. The statement is made by the person responsible for document reproduction or by the person who reproduced the document.

A document resulting from the transfer of information is supported, if necessary, by the documentation referred to in section 17 of the Act to establish a legal framework for information technology.”

79. Article 2855 of the said Code is amended by adding the following sentence at the end: “However, where the material thing produced is a technology-based document within the meaning of the Act to establish a legal framework for information technology, authenticity need only be established in cases to which the third paragraph of section 5 of that Act applies.”

80. Article 2860 of the said Code is amended by adding the following paragraph at the end:

“In the case of technology-based documents, the functions of the original are fulfilled by a document meeting the requirements of section 12 of the Act to establish a legal framework for information technology and the functions of the copy replacing the original are fulfilled by a certified copy of the document meeting the requirements of section 16 of that Act.”

81. Article 2874 of the said Code is amended by adding the following sentence at the end: “However, where the recording is a technology-based document within the meaning of the Act to establish a legal framework for information technology, authenticity need only be established in cases to which the third paragraph of section 5 of that Act applies.”

82. Section 10 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by adding “or by remote access” at the end of the first paragraph.

83. Section 13 of the said Act is amended

(1) by replacing “can only be exercised” in the first paragraph by “is exercised”;

(2) by inserting “or by remote access” after “working hours” in the first paragraph;

(3) by inserting “or by remote access” after “working hours” in subsection 1 of the second paragraph.

84. Section 16 of the said Act is amended by replacing “shall not be exercised except by examining it on the premises during regular working hours” in the second paragraph by “is only exercised by examining it on the premises during working hours or by remote access”.

85. Section 84 of the said Act is amended by replacing “during regular working hours” in the first paragraph by “on the premises during regular working hours or by remote access”.

86. Section 2 of the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing the definition of “document” by the following definition :

“**document**” means any document within the meaning of section 3 of the Act to establish a legal framework for information technology (2001, chapter 32)”.

87. The said Act is amended by inserting the following section after section 2:

“2.1. This Act does not apply to documents to which the Act respecting the Bibliothèque nationale du Québec (chapter B-2.1) applies.”

88. Section 31 of the said Act is replaced by the following section :

“31. Where the Keeper considers that a version of or excerpt from a technology-based document of a public body must be preserved permanently, he may require that it be reproduced for that purpose.”

89. Section 16 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1) is amended by adding the following paragraph at the end :

“The administrative unit of the Centre referred to as “Bureau de normalisation du Québec” shall carry out any mandate entrusted to it by an Act or a regulation in the field of standardization and certification.”

90. Article 89 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph :

“(4) the contestation of a technology-based document on the ground of a violation of integrity ; in such a case the affidavit must state precisely the facts and reasons suggesting a probable violation of the document’s integrity.”

91. Article 61 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by adding, at the end, “and the Act to establish a legal framework for information technology (2001, chapter 32)”.

92. Article 62.1 of the said Code is amended by striking out “, including the electronically-generated form,” in the first paragraph.

93. Articles 62.2 to 62.5, 67.1 and 68.1 of the said Code, enacted by sections 6, 10 and 11 of chapter 51 of the statutes of 1995, are repealed.

94. Article 71 of the said Code, amended by section 13 of chapter 51 of the statutes of 1995, is again amended

(1) by striking out “, including a digitized signature or a signature affixed by means of an automatic device,” in the first paragraph;

(2) by striking out the second paragraph.

95. Article 184.1 of the said Code is amended by striking out “or in a document electronically appended to the statement of offence if the latter is drawn up electronically or digitized” at the end.

96. Article 191.1 of the said Code is amended

(1) by striking out “in electronic or hard copy form”;

(2) by striking out “in such form”.

97. Articles 218.1 and 225.1 of the said Code are repealed.

98. Article 367 of the said Code is amended

(1) by striking out “, including the electronically-generated form,” in paragraph 1;

(2) by striking out paragraph 1.1.

99. Section 34 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by inserting “, in paper form,” after “contract” in the first paragraph.

100. Section 61 of the Interpretation Act (R.S.Q., chapter I-16) is amended by striking out paragraph 21.

101. Section 25 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by adding “and in paper form” at the end.

102. Section 127 of the said Act is amended by adding the following paragraph at the end:

“Provided that the consumer has so requested expressly in writing, the address of the consumer includes, for the purposes of the first paragraph, the address where the consumer accepts the receipt of technology-based documents

within the meaning of section 3 of the Act to establish a legal framework for information technology (2001, chapter 32).”

103. Section 34 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by inserting “, in paper form,” after “payment” in subparagraph 1 of the first paragraph.

104. The minister responsible for the administration of this Act shall be designated by the Government.

105. The provisions of this Act come into force on the date or dates to be fixed by the Government.

TABLE OF CONTENTS

CHAPTER I	GENERAL PROVISIONS	1
CHAPTER II	DOCUMENTS	3
DIVISION I	CONCEPT OF DOCUMENT	3
DIVISION II	LEGAL VALUE AND INTEGRITY OF DOCUMENTS	5
DIVISION III	EQUIVALENCE OF DOCUMENTS USED FOR THE SAME FUNCTIONS	9
DIVISION IV	MAINTENANCE OF INTEGRITY OF DOCUMENTS THROUGHOUT LIFE CYCLE	17
	§1. — <i>Transfer of information</i>	17
	§2. — <i>Retention of documents</i>	19
	§3. — <i>Consultation of documents</i>	23
	§4. — <i>Transmission of documents</i>	28
CHAPTER III	ESTABLISHMENT OF LINK WITH TECHNOLOGY-BASED DOCUMENTS	38
DIVISION I	CHOOSING A LINKING PROCESS	38
DIVISION II	MODES OF IDENTIFICATION AND LOCATION ...	40
	§1. — <i>Persons, associations, partnerships or the State</i> ...	40
	§2. — <i>Documents and other objects</i>	46
DIVISION III	CERTIFICATION	47
	§1. — <i>Certificates and directories</i>	47
	§2. — <i>Certification and directory services</i>	51
CHAPTER IV	ESTABLISHMENT OF TECHNOLOGICAL AND LEGAL INFRASTRUCTURES	63
DIVISION I	HARMONIZATION OF TECHNICAL SYSTEMS, NORMS AND STANDARDS	63
DIVISION II	REGULATORY POWERS OF THE GOVERNMENT	69
CHAPTER V	INTERPRETATION AND AMENDING AND FINAL PROVISIONS	70



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 166
(2001, chapter 33)

An Act to amend the Youth Protection Act

Introduced 1 December 2000
Passage in principle 30 May 2001
Passage 21 June 2001
Assented to 21 June 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Youth Protection Act to introduce new provisions enabling the Government to enter into an agreement with a first nation, a Native community, a group of Native communities or any other Native group for the establishment of a special youth protection program.

The bill also determines the framework within which such an agreement may be entered into.

Bill 166

AN ACT TO AMEND THE YOUTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Youth Protection Act (R.S.Q., chapter P-34.1) is amended by inserting the following after section 37.4 :

“DIVISION III

“NATIVE COMMUNITIES

“37.5. In order to better adapt the application of this Act to the realities of Native life, the Government is authorized, subject to the applicable legislative provisions, to enter into an agreement with a first nation represented by all the band councils of the communities making up that nation, with a Native community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Native group, for the establishment of a special youth protection program applicable to any child whose security or development is or may be considered to be in danger within the meaning of this Act.

The program established by such an agreement must be compatible with the general principles stated in this Act and with children’s rights thereunder, and is subject to the provisions of Division I of Chapter III thereof. In particular, the powers provided for in section 26 may be exercised with respect to the record relating to the case of a child to whom such an agreement applies.

The agreement shall specify the persons to whom it applies and define the territory in which the services are to be organized and provided. It shall identify the persons or authorities that will be entrusted with exercising, with full authority and independence, all or part of the responsibilities assigned to the director, and may provide, as regards the exercise of the entrusted responsibilities, procedures different from those provided for in this Act. The agreement shall contain provisions determining the manner in which a situation is to be taken in charge by the youth protection system provided for in this Act.

The agreement shall also provide measures to evaluate its implementation, and specify the cases, conditions and circumstances in which the provisions of the agreement cease to have effect.

To the extent that they are in conformity with the provisions of this section, the provisions of an agreement shall have precedence over any inconsistent provision of this Act and, as regards the organization and provision of services, of the Act respecting health services and social services or of the Act respecting health services and social services for Cree Native persons.

Any agreement entered into under this section shall be tabled in the National Assembly within 15 days of being signed, or, if the Assembly is not in session, within 15 days of resumption. It shall also be published in the *Gazette officielle du Québec*.”

2. Section 134 of the said Act is amended

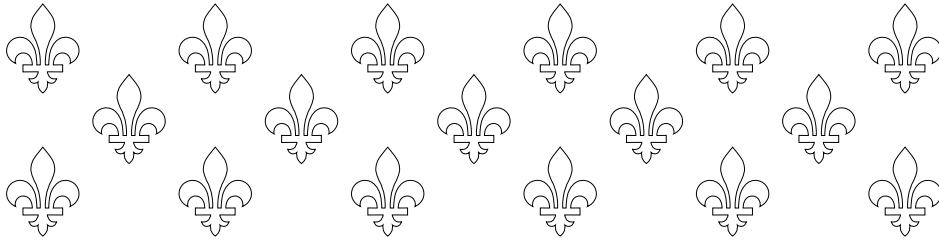
(a) by inserting “, any person or authority to whom or to which responsibilities assigned to the director are entrusted under section 37.5,” after “33” in the second line of subparagraph *b* of the first paragraph ;

(b) by replacing “or the latter person” in the last line of subparagraph *b* of the first paragraph by “, that authority or that person” and by inserting “or its” after “his” in that line ;

(c) by inserting “or of any person or authority to whom or to which responsibilities assigned to the director are entrusted under section 37.5” after “director” in the second line of subparagraph *d* of the first paragraph ;

(d) by inserting “or of such a person or authority” after “director” at the end of subparagraph *d* of the first paragraph.

3. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 169
(2001, chapter 34)

**An Act to amend the Professional Code
and other legislative provisions as
regards the carrying on of professional
activities within a partnership or
company**

**Introduced 1 December 2000
Passage in principle 12 December 2000
Passage 21 June 2001
Assented to 21 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill allows a professional order to authorize its members, by way of a regulation, to carry on their professional activities within a limited liability partnership or a joint-stock company, and determine, as appropriate, the applicable terms and conditions and restrictions. Members of an order who have been so authorized will be required to secure and maintain professional liability coverage on behalf of the partnership or company in accordance with the regulation made by the Bureau. Such professionals will also be required to declare to the order that they are carrying on their professional activities within such a partnership or company.

Specific rules are provided with regard to the carrying on of professional activities within a limited liability partnership, including provisions concerning the limited liability of a member of an order, the name of the partnership, the continuance of a general partnership as a limited liability partnership, and the effect of such a continuance.

Specific rules are also provided with regard to the liability of a member of an order who is to carry on his or her professional activities within a joint-stock company and the relationship between such a company, the professionals who are to practise within the company, and the directors, officers and representatives of the company.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Code (R.S.Q., chapter C-26);
- Engineers Act (R.S.Q., chapter I-9);
- Pharmacy Act (R.S.Q., chapter P-10);
- Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);
- Act to amend the Architects Act (2000, chapter 43).

Bill 169

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS THE CARRYING ON OF PROFESSIONAL ACTIVITIES WITHIN A PARTNERSHIP OR COMPANY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by adding the following subparagraph to the third paragraph :

“(11) report to the Government, on or before the expiry of one year from 21 June 2001 and every five years thereafter, on the carrying out of the provisions of this Code pertaining to the security against liability that must be furnished by the members of an order.”

2. Section 46 of the said Code is amended by inserting “and, where applicable, the liability of the partnership or the company, in accordance with paragraph *d* or *g* of section 93,” after “liability” in the second line of paragraph 3.

3. Section 86 of the said Code, amended by section 17 of chapter 13 of the statutes of 2000, is again amended

(1) by inserting “and, where applicable, the liability of the partnership or the company, in accordance with paragraph *d* or *g* of section 93,” after “liability” in the second line of subparagraph ii of subparagraph *l* of the first paragraph ;

(2) by replacing “regulation made under paragraph *d*” in the first line of the first paragraph of subparagraph *p* of the first paragraph by “regulations made under paragraphs *d* and *g*” ;

(3) by inserting “or, pursuant to the regulation made under paragraph *g* of section 93, solely among the members carrying on their professional activities within a partnership or a company in accordance with section 187.11” after “them” in the fourth line of the first paragraph of subparagraph *p* of the first paragraph.

4. Section 86.1 of the said Code is amended

(1) by replacing “to insure its members in respect of professional liability pursuant to a regulation adopted under paragraph *d* of section 93” in the

second, third and fourth lines of the second paragraph by “in accordance with section 174.5 of the Act respecting insurance”;

(2) by adding “or the liability of a partnership or company which may arise from fault or negligence on the part of members authorized to carry on their professional activities within the partnership or company in accordance with section 187.11” at the end of the fourth paragraph.

5. Section 93 of the said Code is amended by adding the following paragraphs after paragraph *f*:

“(g) pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain security, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1; the regulation shall also determine the minimum amount of security and prescribe specific rules according to such factors as the nature of the professional activities carried on and the number of members of the order in the partnership or company;

“(h) fix the conditions and procedure and, as appropriate, any fees applicable to a declaration pursuant to paragraph 3 of section 187.11.”

6. Section 94 of the said Code, amended by section 20 of chapter 13 of the statutes of 2000, is again amended by adding the following paragraph after paragraph *o*:

“(p) authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions. If the Bureau authorizes the members to carry on their professional activities within a joint-stock company, the regulation may, in particular,

(1) determine standards with regard to the name of the company;

(2) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion of voting shares that must be held by members of the order;

(3) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion or number of directors of the company who must be members of the order;

(4) determine, according to whether or not the shares of the company are listed on a stock exchange, conditions governing the transfer of shares, or shares of certain classes, and the exercise of the voting rights of a shareholder whose right to engage in professional activities has been restricted or suspended or who is no longer a member of the order, and, as appropriate, the applicable procedures and restrictions; and

(5) define, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the status of employee, shareholder or director of the company.”

7. Section 95.2 of the said Code, amended by section 21 of chapter 13 of the statutes of 2000, is again amended

(1) by replacing “paragraph *d*” in the first line of the first paragraph by “paragraph *d, g* or *h*”;

(2) by adding the following sentence at the end of the first paragraph: “The same applies to any regulation under paragraph *p* of section 94 if it is not the first regulation adopted by the Bureau under that paragraph.”

8. Section 95.3 of the said Code, amended by section 22 of chapter 13 of the statutes of 2000, is again amended by replacing “paragraph *d* of section 93 or paragraph *j* or *o*” in the second line by “paragraph *d* or *g* of section 93 or paragraph *j, o* or *p*”.

9. The said Code is amended by inserting the following chapter after section 187.10:

“CHAPTER VI.3

“CARRYING ON OF PROFESSIONAL ACTIVITIES WITHIN A LIMITED LIABILITY PARTNERSHIP OR A JOINT-STOCK COMPANY

“187.11. The members of an order may carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose, if

(1) the Bureau of the order makes a regulation under paragraph *p* of section 94 authorizing the members of the order to carry on their professional activities within such a partnership or company and, as appropriate, determining the applicable terms and conditions and restrictions;

(2) the members of the order carrying on their professional activities within such a partnership or company furnish and maintain security against professional liability, on behalf of the partnership or company, in accordance with the requirements prescribed in a regulation made by the Bureau of the order under paragraph *g* of section 93; and

(3) the members of the order carrying on their professional activities within such a partnership or company declare that fact to the order in accordance with the conditions and procedure fixed in a regulation made by the Bureau under paragraph *h* of section 93.

“187.12. Subject to the provisions of this chapter, a limited liability partnership is governed by the rules concerning general partnerships contained in the Civil Code of Québec.

“187.13. Members of an order carrying on their professional activities within a limited liability partnership must include the expression “limited liability partnership” or the abbreviation “L.L.P.” in the name of the partnership.

“187.14. A member of an order carrying on his or her professional activities within a limited liability partnership is not personally liable for obligations of the partnership or of any other professional arising from fault or negligence on the part of the other professional or the other professional’s servant or mandatary in the course of their professional activities within the partnership.

“187.15. Two or more members of an order who decide to form a limited liability partnership for the carrying on of their professional activities or who continue a general partnership as a limited liability partnership must so stipulate expressly in a written agreement.

Where a partnership ceases to be a limited liability partnership, the change must also be expressly stipulated in a written agreement.

“187.16. Upon continuance of a general partnership as a limited liability partnership, all rights and obligations of the general partnership which were in existence immediately before its continuance are transferred to the limited liability partnership, and all persons who were partners immediately before the continuance remain liable for all obligations of the general partnership, in accordance with article 2221 of the Civil Code of Québec.

“187.17. A member of an order carrying on his or her professional activities within a joint-stock company is not personally liable for obligations of the company or of any other professional arising from fault or negligence on the part of the other professional or the other professional’s servant or mandatary in the course of their professional activities within the company.

“187.18. No director, officer or representative of a joint-stock company may help or, by encouragement, advice or consent, or by an authorization or order, induce a member of an order carrying on his or her professional activities within the company to contravene a provision of this Code, the Act constituting the order or the regulations made under this Code or that Act.

“187.19. A member of an order may not invoke decisions or acts of a joint-stock company within which the member carries on his or her professional

activities to justify a contravention of a provision of this Code, the Act constituting the order or the regulations made under this Code or that Act.

“187.20. Members of an order may carry on their professional activities in Québec within a limited liability partnership or a joint-stock company constituted under any Act other than an Act of Québec if the conditions set out in section 187.11 are met in respect of the members and if, in the case of a limited liability partnership, the members comply with the provisions of section 187.13 in carrying on their professional activities in Québec.

The personal liability of members within such a partnership or company, including the liability relating to the obligations of the partnership or company or of another professional within the partnership or company, shall continue to be governed by the law of Québec for all matters concerning the professional activities they carry on in Québec, as if the partnership or company had been constituted under this Code.”

10. The said Code is amended by inserting the following section after section 189:

“189.1. A professional order may, on a resolution of its Bureau or administrative committee and in accordance with article 10 of the Code of Penal Procedure, institute penal proceedings for an offence under section 187.18.”

11. Section 174.1 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by adding the following paragraph:

“A professional order may also, subject to the same conditions and for the purposes specified in paragraph *g* of section 93 of the Professional Code, provide liability insurance to a partnership or company within which members of the order are authorized to carry on their professional activities in accordance with section 187.11 of that Code.”

12. Section 174.2 of the said Act is amended

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

“(1) that a by-law was passed to impose on its members, certain classes of them and, where applicable, those who carry on their professional activities within a partnership or company in accordance with section 187.11 of the Professional Code the obligation to contribute to a professional liability insurance fund;”;

(2) by adding the following paragraph:

“However, if the professional order is already authorized to insure its members in respect of professional liability, the order shall, before it may provide liability insurance to a partnership or company within which members

of the order are authorized to carry on their professional activities in accordance with section 187.11 of the Professional Code, transmit to the Inspector General an application signed by its president and stating

(1) that a by-law was passed to impose on the members of the order who carry on their professional activities within such a partnership or company the obligation to contribute to a professional liability insurance fund for the purposes specified in paragraph *g* of section 93 of that Code;

(2) that the sums which will be payable by its members will be sufficient to provide for the financing of its insurance transactions and to maintain a surplus of assets over liabilities equal to or greater than the minimum amount required pursuant to section 275.”

13. Section 174.3 of the said Act is amended

(1) by replacing the line before paragraph 1 by the following :

“174.3. The application referred to in the first paragraph of section 174.2 must be accompanied with the following documents :” ;

(2) by adding the following paragraph :

“The application referred to in the second paragraph of section 174.2 must be accompanied with the documents specified in subparagraph 1 of the first paragraph.”

14. Section 174.5 of the said Act is replaced by the following section :

“174.5. The Minister may, if he considers it expedient and after obtaining the opinion of the Inspector General, grant to the professional order the authorization to insure its members in respect of professional liability and, for the purposes specified in paragraph *g* of section 93 of the Professional Code, to provide liability insurance to a partnership or company within which members of the order are authorized to carry on their professional activities in accordance with section 187.11 of that Code.”

15. Section 174.13 of the said Act is amended by striking out “professional” in the third line of the first paragraph.

16. Section 174.15 of the said Act is amended by striking out “professional” in the second line of the first paragraph.

17. Section 125 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by adding the following sentence at the end of subsection 1 : “However, a joint-stock company within which an advocate is authorized to carry on his or her professional activities may, in accordance with the terms and conditions established by a regulation made under paragraph *p* of section 94 of the Professional Code, collect such costs on behalf of the advocate.”

18. Section 11 of the Engineers Act (R.S.Q., chapter I-9) is repealed.

19. The said Act is amended by inserting the following section after section 28:

“28.1. An engineer may carry on his or her professional activities within a joint-stock company constituted for that purpose before 21 June 2001 until the coming into force of the first regulation made by the Order under paragraph *p* of section 94 of the Professional Code.

From the coming into force of the regulation, an engineer may carry on his or her professional activities within such a company insofar as the engineer complies with the provisions of the regulation. The regulation may nevertheless provide that an obligation, term, condition or restriction in respect of the carrying on of professional activities within a joint-stock company shall not apply to the engineer until the expiry of a certain period of time, which may not exceed one year from the coming into force of the regulation.”

20. Section 27 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by replacing “or partnership of pharmacists.” in the first and second lines by “, a partnership of pharmacists or a joint-stock company all of the shares of which are held by one or more pharmacists and all of the directors of which are pharmacists.”

21. Section 11 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by replacing paragraph 3 by the following paragraphs:

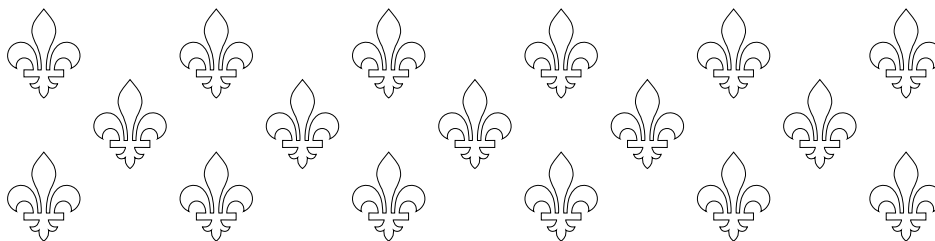
“(3) an entry indicating that the liability of some or all of the partners is limited, if the partnership is a limited liability partnership or is not formed in Québec;

“(4) the date on which a general partnership becomes or ceases to be a limited liability partnership.”

22. Section 7 of the Act to amend the Architects Act (2000, chapter 43) is amended by replacing “The said Act” in the first line by “The Architects Act (R.S.Q., chapter A-21)”.

23. Section 22 has effect from 5 December 2000.

24. This Act comes into force on 21 June 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 194
(2001, chapter 36)

An Act constituting Capital régional et coopératif Desjardins

Introduced 15 May 2001
Passage in principle 8 June 2001
Passage 21 June 2001
Assented to 21 June 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill gives effect to the Budget Speech of 29 March 2001.

The object of this bill is to constitute Capital régional et coopératif Desjardins, called the Société, whose main objective is to raise venture capital for the resource regions of Québec and the cooperative sector.

It provides for the organization of the Société and defines its main functions.

The Société may invest in any enterprise, although 60% of its assets must be made available, with no form of guarantee or security required, to small and medium-sized businesses and to cooperatives. A portion equal to 35% of that percentage must be invested in cooperatives or in enterprises operating in the resource regions of Québec.

Lastly, the bill provides that the Commission des valeurs mobilières du Québec is to monitor the carrying out by the Société of the obligations imposed on it under this Act.

LEGISLATION AMENDED BY THIS BILL :

- Cooperatives Act (R.S.Q., chapter C-67.2);
- Act respecting financial services cooperatives (2000, chapter 29).

Bill 194

AN ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

WHEREAS Mouvement des caisses Desjardins has proposed the constitution of an investment entity devoted mainly to fostering investment in the resource regions of Québec and meeting the capital needs of cooperatives ;

Whereas, to achieve those objectives, a share offering will be made to the Québec public ;

Whereas it is expedient to accede to the request of Mouvement des caisses Desjardins ;

Whereas the establishment of an entity of this type requires the enactment of special legislation as regards both its organization and the protection of investors ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

CONSTITUTION AND ORGANIZATION

1. “Capital régional et coopératif Desjardins” is hereby constituted, hereinafter called “the Société”.

The Société is a legal person with share capital.

2. The Société is deemed to have been constituted by the filing of articles on 1 July 2001.

3. The head office of the Société shall be established in the territory of Ville de Lévis.

4. The affairs of the Société are managed by a board of directors consisting of

(1) eight persons appointed by the president of Mouvement des caisses Desjardins ;

(2) two persons elected by the general meeting of shareholders ;

(3) two persons appointed by the members referred to in paragraphs 1 and 2 from among the persons considered by those members to be representative of the eligible entities described in subparagraph 1 of the first paragraph of section 18 in the case of one of those persons, and in subparagraph 2 of that paragraph for the other person; and

(4) the chief executive officer of the Société.

5. The members of the board of directors shall appoint the chief executive officer of the Société.

The Société may, by by-law, designate the chief executive officer by a different title.

6. If a vacancy occurs among the members of the board of directors referred to in paragraph 1 of section 4, the president of the Mouvement des caisses Desjardins may appoint a person for the unexpired portion of the term.

7. Any director having an interest in an economic activity causing the director's personal interest to conflict with that of the Société shall, under pain of forfeiture of office, disclose the interest and abstain from voting on any decision involving the activity in which the director has an interest.

A director is deemed to have an interest in any economic activity in which the director's spouse or child has an interest.

8. The main functions of the Société are

(1) to raise venture capital for the benefit of the resource regions and the cooperative sector;

(2) to promote the economic development of the resource regions through investment in eligible entities operating in those regions;

(3) to support the cooperative movement throughout Québec by investing in eligible cooperatives;

(4) to support eligible entities in their start-up phase and in their development;

(5) to stimulate the Québec economy through investments in all parts of the territory of Québec.

CHAPTER II

SHARE CAPITAL

9. Subject to section 10, the Société is authorized to issue shares without par value, carrying the rights defined in section 123.40 of the Companies Act (R.S.Q., chapter C-38), the right to elect two directors and the right of redemption defined in sections 12 and 14.

The Société is also authorized, subject to section 10, to issue fractional shares without par value, carrying proportionately the same rights as shares, except the voting rights attached to such shares.

10. The total amount of the subscription for the issued and outstanding shares and fractional shares of the Société may not increase by more than 150 million dollars per year or exceed 1,500 million dollars.

However, if the increase in the total amount of the subscription for the issued and outstanding shares and fractional shares of the Société, for a particular year, is less than 150 million dollars, the amount of the difference for that year may be carried forward to a subsequent year without, however, the total amount of the subscription for the issued and outstanding shares and fractional shares exceeding the amount indicated for each of the years listed in Schedule 1.

11. Only a natural person may acquire or hold shares or fractional shares of the Société. The holder of shares or fractional shares may not alienate them and such shares or fractional shares, subject to section 123.56 of the Companies Act, may not be purchased by agreement by the Société, except with the authorization of the board of directors or a committee composed of persons designated by the board for that purpose.

The Société may purchase by agreement shares or fractional shares only in the cases and to the extent provided in a policy adopted by the board of directors and approved by the Minister of Finance and only at a price not exceeding the redemption price determined in accordance with section 15.

12. A share or fractional share is redeemable by the Société only in the following cases:

(1) at the request of a person who acquired the share or fractional share from the Société at least 7 years prior to redemption;

(2) at the request of a person to whom the share or fractional share has devolved by succession;

(3) at the request of a person who acquired the share or fractional share from the Société, if the person applies to the Société therefor in writing within 30 days after subscribing for the share or fractional share;

(4) at the request of a person who acquired the share or fractional share from the Société, if the person is declared, in the manner prescribed by by-law of the board of directors, to be suffering from a severe and permanent mental or physical disability which prevents the person from working.

13. For the purposes of paragraph 4 of section 12, a disability is severe only if by reason thereof the person is regularly incapable of holding any substantially gainful occupation.

However, in the case of a person 60 years of age or over, a disability is severe if by reason thereof the person is regularly incapable of carrying on the substantially gainful occupation the person held at the time he or she ceased to work owing to the disability.

A disability is permanent only if it is likely to result in death or to be of indefinite duration.

14. Subject to the second paragraph of section 123.54 of the Companies Act, the Société is bound to redeem any share or fractional share at the request of a person pursuant to section 12 of this Act.

15. The price of redemption of the shares or fractional shares shall be fixed by the board of directors twice a year, on dates six months apart, on the basis of the value of the Société as established by experts under the responsibility of an independent firm of chartered accountants and according to generally accepted accounting principles.

The board of directors may also fix the price of redemption referred to in the first paragraph at any other time in the year, on the basis of an internal valuation which, in each case, must be the subject of a special report of independent chartered accountants confirming continued adherence to the generally accepted accounting principles and methods used to value the Société.

The Société may, however, accept the offer of a shareholder to receive the last price of redemption so determined rather than the subsequent one. The redemption shall be made within a reasonable time after the date of the request therefor.

However, in the case described in paragraph 3 of section 12, the Société is bound to redeem the share or fractional share at the price at which it was acquired from the Société and to make the payment not later than 30 days after the date of receipt of the request.

16. Each shareholder is entitled to receive written confirmation of the number of shares or fractional shares he or she holds and of the amount paid thereon.

The confirmation shall be provided annually to the shareholder free of charge in the form and according to the procedure prescribed by by-law of the Société.

Where a mode of confirmation other than a share certificate is prescribed, the document sent to the shareholder stands in lieu of a certificate issued pursuant to section 53 of the Companies Act.

Moreover, at the request of the holder of fractional shares, the Société shall exchange the fractional share certificates, or documents standing in lieu thereof, for certificates, or documents standing in lieu thereof, representing the corresponding whole shares.

CHAPTER III

INVESTMENTS

17. For the purposes of this Act, an “investment” includes any financial assistance granted in the form of a loan, guarantee, security, the acquisition of bonds or other debt securities, an interest in share capital, capital stock or any other form.

18. For the purposes of this Act, “eligible entity” means

(1) an eligible cooperative;

(2) a partnership or a legal person actively operating an enterprise, the majority of whose employees are resident in Québec and whose assets are less than \$50,000,000 or whose net equity is not over \$20,000,000, other than an eligible cooperative or a partnership or legal person whose activities consist mainly in investing.

For the purposes of subparagraph 1 of the first paragraph, an “eligible cooperative” is a legal person governed by the Cooperatives Act (R.S.Q., chapter C-67.2) or a legal person governed by the Canada Cooperatives Act (Statutes of Canada, 1998, chapter 1) having its head office in Québec, or in respect of which half of the salaries paid to its employees, during its fiscal year ended before the date on which the investment is made, was paid to the employees of an establishment situated in Québec, and the legal persons controlled by one or several cooperatives or controlled by one or several cooperatives and the Société.

For the purposes of subparagraph 2 of the first paragraph, the assets or net equity of an eligible entity are the assets or net equity shown in its financial statements for the fiscal year ended before the date on which the investment is made, minus the write-up surplus of its property and intangible assets. In the case of an entity which has not completed its first fiscal year, the fact that the assets or net equity, as the case may be, of the entity are, immediately before the investment, under the limits prescribed in this section must be confirmed in writing to the Société by a chartered accountant.

19. The Société may make investments, with or without a guarantee or security.

However, in the course of each fiscal year, the proportion of the Société's investments in eligible entities, entailing no security or hypothec, must represent, on the average, at least 60% of the average net assets of the Société for the preceding year, and of which a part representing at least 35% of that percentage must be invested in entities situated in the resource regions of Québec referred to in Schedule 2 or in eligible cooperatives.

For the purposes of this section, the average net assets for the preceding fiscal year and the average investments for the current fiscal year shall be determined by adding the net assets or, as the case may be, the investments at the beginning of the years concerned, to the net assets or, as the case may be, to the investments at the end of the years concerned and by dividing each of the sums thus obtained by 2. Furthermore, net assets do not include the movable or immovable property used by the Société to carry on its operations.

For the application of the above requirement, the following investments are also eligible investments :

(1) investments made otherwise than as first purchaser for the acquisition of securities issued by an eligible entity, except to the extent where they represent more than one third of the total investments made as first purchaser in that entity ;

(2) investments made in addition to an investment already made in an entity where the investment is eligible under the second paragraph and where the entity would be an eligible entity under subparagraph 2 of the first paragraph of section 18 if the amounts "\$50,000,000" and "\$20,000,000" mentioned in that subparagraph were replaced by "\$100,000,000" and "\$40,000,000" respectively.

The total investments permitted under the fourth paragraph may not exceed 20% of the net assets of the Société at the end of the preceding fiscal year. For the purposes of subparagraph 1 of the fourth paragraph, a broker acting as an intermediary or underwriter is not considered to be a first purchaser.

The investments the Société has agreed to make and for which sums have been committed but not yet disbursed at the end of a fiscal year shall be taken into account in computing investments eligible for the purposes of the requirements set out in this section, up to an overall sum not exceeding 12% of the net assets of the Société at the end of the preceding fiscal year.

The requirement set out in the second paragraph applies from the fiscal year beginning on 1 January 2006.

20. The Société may not make an investment in an entity that would cause the total amount of its investment in the entity and any other entity associated with it at that time to exceed 5% of the assets of the Société, as established on

the basis of the latest valuation by the chartered accountants referred to in the first paragraph of section 15.

The percentage may be increased up to 10% to enable the Société to acquire securities in an entity carrying on business in Québec but that is not an eligible entity within the meaning of section 18. In such a case, the Société may not, directly or indirectly, acquire or hold shares carrying more than 30% of the voting rights attached to the shares of the entity that may be exercised under any circumstances.

Where the Société avails itself of the second paragraph as regards an entity in which it already holds, directly or indirectly, shares carrying more than 30% of the voting rights attached to the shares of the entity that may be exercised under any circumstances, the Société has five years from the date of the investment to bring its shareholding in the entity into conformity with that paragraph.

These restrictions do not apply, however, where the Société makes an investment in

(1) securities guaranteed by the Government of Québec or of Canada or a Canadian province or territory ;

(2) securities guaranteed by an undertaking made to a trustee by Québec to pay sufficient subsidies to pay the interest and principal on their respective maturity dates ;

(3) bills of exchange accepted or certified by a bank or financial institution registered with the Régie de l'assurance-dépôts du Québec.

21. For the purposes of the first paragraph of section 20, an entity is associated with another entity at any time where those entities are, at that time, corporations associated with each other in accordance with the provisions of Chapter IX of Title II of Book I of Part I of the Taxation Act (R.S.Q., chapter I-3) and, for that purpose,

(1) an entity that is an individual carrying on an enterprise is deemed to carry on the enterprise through a corporation all of whose shares of the capital stock carrying voting rights belong to the individual at that time ;

(2) an entity that is a partnership is deemed to be a corporation all of whose shares of the capital stock carrying voting rights belong to each member of the partnership, at that time, in the proportion represented by the ratio between the share of the member in the income or loss of the partnership for the fiscal period ending on or before that time and the income or loss of the partnership for that fiscal period, assuming that if the income and loss of the partnership for that fiscal period are nil, the income of the partnership for that fiscal period is equal to \$1,000,000 ;

(3) an entity that is a trust, within the meaning of section 1 of the Taxation Act, is deemed to be a corporation all of whose shares of the capital stock carrying voting rights belong to each beneficiary of the income, at that time, in the proportion represented by the ratio between the share of the beneficiary in the income or loss of the trust for its fiscal period ending on or before that time and the income or loss of the trust for that fiscal period, assuming, if the income and loss of the trust for that fiscal period are nil, that the income of the trust for that fiscal period is equal to \$1,000,000.

22. Where the Société makes an investment in the form of a guarantee or security, it shall establish and maintain for the term of the guarantee or security a reserve equivalent to not less than 50% of the amount of the guarantee or security.

The Société may invest the money deposited in the reserve in the manner provided in paragraphs 2, 3, 4, 5 and 10 of article 1339 of the Civil Code.

CHAPTER IV

LOANS

23. The Société may not contract any loan that will cause the current principal of its total debt to exceed 100% of the total consideration paid for its shares or fractional shares.

For the purposes of this section, “total debt” means the amount obtained by applying the following equation :

$$x = \text{the debt of the Société} + y^1 [\text{debt of any subsidiary of the Société} + y^2 (\text{debt of any subsidiary of the particular subsidiary of the Société})]$$

where

x = the total debt of the Société; and

y^1 = the percentage of the shares carrying voting rights held, directly or indirectly, by the Société in the capital stock of its particular subsidiary; and

y^2 = the percentage of the shares carrying voting rights held, directly or indirectly, by the particular subsidiary of the Société in the capital stock of the particular subsidiary of that subsidiary of the Société.

Furthermore, the debt of a subsidiary does not include the principal of a loan granted to the subsidiary by the parent legal person, either directly or by subscription for any evidence of indebtedness.

This equation, with the necessary modifications, applies to any subsidiary of a subsidiary, in descending line.

CHAPTER V

CONFLICTS OF INTEREST

24. The Société may not make an investment for the benefit of one of its senior executives, his or her spouse or a child of either.

“Senior executive” has the meaning assigned by the Securities Act (R.S.Q., chapter V-1.1).

25. The Société may not invest in an entity in which a director referred to in paragraph 1, 2 or 4 of section 4 or a senior executive other than a director has a major or controlling interest.

26. A person is considered to have a major interest in an entity if the person holds more than 10% of the stock or shares of the entity.

Such person is deemed to control an entity if the person holds securities enabling the person under all circumstances to elect a majority of its directors.

27. Any contract made in contravention of section 24 or 25 may be cancelled within one year of the date on which it is made.

The senior executives of the Société who made the contract or consented thereto are solidarily liable for the resulting losses to the Société.

28. A contract in contravention of section 24 or 25 is not subject to cancellation and the second paragraph of section 27 does not apply if the contravention results from the opening of a succession or from a gift and if the beneficiary renounces the property concerned or disposes of it with dispatch.

CHAPTER VI

MISCELLANEOUS PROVISIONS

29. Notwithstanding section 125 of the Companies Act, the provisions of that Act which are applicable to legal persons constituted by the filing of articles, with the necessary modifications, apply to the Société where they are not inconsistent with this Act, except the second paragraph of section 46, paragraph 1 of section 53, sections 54, 123.9 to 123.11, 123.22 to 123.24, 123.26, 123.27, 123.27.1 to 123.27.6, 123.55, 123.72, 123.82, 123.91 to 123.93, 123.95, 123.96, 123.98 to 123.100, the second paragraph of section 123.114 and sections 123.115 to 123.136, 123.138 and 123.139.

Sections 123.77 to 123.79 of the said Act apply only in the case of the directors elected under paragraph 2 of section 4.

30. The articles of the Société may be amended but the filing of articles shall not operate to amend any provision of this Act.

31. A shareholder may, on payment of the fee prescribed by by-law of the board of directors, obtain a copy of the articles and by-laws of the Société.

32. Notwithstanding section 472 of the Act respecting financial services cooperatives (2000, chapter 29), the Société is deemed to be a legal person that is not controlled by the Fédération des caisses Desjardins du Québec for the purposes of sections 473 to 486, section 556 and sections 567 and 688 of the said Act.

33. In addition to the other statutory functions it may exercise regarding the operations of the Société, the Commission des valeurs mobilières du Québec shall be charged with inspecting the internal affairs and the operations of the Société annually to ascertain whether this Act is being complied with.

For the purposes of the inspection, the Commission has the powers vested in it by Chapters I and II of Title IX of the Securities Act.

The Commission shall make a report upon each inspection to the Minister of Finance and shall include therein any other information or document the Minister determines.

CHAPTER VII

AMENDING PROVISIONS

COOPERATIVES ACT

34. Section 49.4 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended by striking out the following sentence in the first paragraph: "Such participation shall be determined by the annual meeting."

35. Section 76 of the said Act is amended by striking out paragraph 1.1.

36. Section 143 of the said Act is amended

(1) by inserting "including interest allocated as participation in the operating surplus or surplus earnings" after "deducted" in the fifth line of the first paragraph;

(2) by striking out subparagraph 4 of the first paragraph.

37. Section 144 of the said Act is amended by replacing ", allotted as rebates, or allocated to the payment of interest on the participating preferred shares" in the second and third lines by "or allotted as rebates".

38. Section 146 of the said Act is amended by replacing "other than" in the fourth line of the second paragraph by "including".

39. Section 163 of the said Act is amended by striking out “, to the payment of interest on participating preferred shares as participation in the operating surplus or surplus earnings,” in the fifth and sixth lines of the third paragraph.

40. Section 172 of the said Act is amended by striking out “, to the payment of interest on participating preferred shares as participation in the operating surplus or surplus earnings,” in the fifth and sixth lines of the second paragraph.

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

41. The Act respecting financial services cooperatives (2000, chapter 29) is amended by replacing “DIVISION IV” by “DIVISION V” after section 270.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

42. The first persons appointed under paragraph 1 of section 4 shall appoint two persons for a period not exceeding one year to act as directors until the election of persons under paragraph 2 of the said section.

43. Upon the appointment of the directors under paragraphs 1 and 2 of section 4, two copies of a list of their full names and addresses shall be filed with the Inspector General of Financial Institutions. The directors come into office on the date of the filing of the list.

44. This Act shall come into force on 1 July 2001, except section 32, which will come into force on the date of coming into force of section 689 of the Act respecting financial services cooperatives.

SCHEDULE 1
(Section 10)

TOTAL AMOUNT OF THE SUBSCRIPTION FOR THE ISSUED AND
OUTSTANDING SHARES AND FRACTIONAL SHARES

- 150 millions on 31 December 2001 ;
- 300 millions on 31 December 2002 ;
- 450 millions on 31 December 2003 ;
- 600 millions on 31 December 2004 ;
- 750 millions on 31 December 2005 ;
- 900 millions on 31 December 2006 ;
- 1,050 millions on 31 December 2007 ;
- 1,200 millions on 31 December 2008 ;
- 1,350 millions on 31 December 2009 ;
- 1,500 millions on 31 December 2010.

SCHEDULE 2
(Section 19)

RESOURCE REGIONS OF QUÉBEC

The regions of Abitibi-Témiscamingue, Bas-Saint-Laurent, Côte-Nord, Gaspésie-Îles-de-la-Madeleine, Mauricie, Nord-du-Québec and Saguenay-Lac-Saint-Jean as described in Order in Council 2000-87 (1987, G.O. 2, 120).

Coming into force of Acts

Gouvernement du Québec

O.C. 844-2001, 29 June 2001

An Act to amend the Act respecting health services and social services and other legislative provisions (2001, c. 24)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting health services and social services and other legislative provisions (2001, c. 24)

WHEREAS the Act to amend the Act respecting health services and social services and other legislative provisions (2001, c. 24) was assented to on 21 June 2001;

WHEREAS, under section 128 of the Act, its provisions come into force on the date or dates to be fixed by the Government, except sections 3, 4, 35, 43, 44, 45, 48, 53, 54, 57, 62, 79, 83, 86, 88, 89, 93, 102, 103, 105 and 110 to 127, and section 397.2 of the Act respecting health services and social services replaced by section 67, which come into force on 21 June 2001;

WHEREAS it is expedient to fix the date of coming into force of the provisions of section 6, the second paragraph of section 126.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2) introduced by section 7, and sections 8 and 11 of the Act to amend the Act respecting health services and social services and other legislative provisions;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT 29 June 2001 be fixed as the date of coming into force of the provisions of section 6, the second paragraph of section 126.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2) introduced by section 7, and sections 8 and 11 of the Act to amend the Act respecting health services and social services and other legislative provisions (2001, c. 24).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4427

Gouvernement du Québec

O.C. 877-2001, 4 July 2001

Geologists Act (2001, c. 12) **— Coming into force**

COMING INTO FORCE of the Geologists Act

WHEREAS the Geologists Act (2001, c. 12) was assented to on 1 June 2001;

WHEREAS, under section 25 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 22 August 2001 as the date of coming into force of all the provisions of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT 22 August 2001 be fixed as the date of coming into force of all the provisions of the Geologists Act (2001, c. 12).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4443

Regulations and other acts

Gouvernement du Québec

O.C. 859-2001, 4 July 2001

An Act respecting Immobilière SHQ
(R.S.Q., c. I-0.3)

Consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ

Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ

WHEREAS under the first paragraph of section 23 of the Act respecting Immobilière SHQ (R.S.Q., c. I-0.3), Immobilière SHQ may, by regulation, determine the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of its immovables;

WHEREAS under the second paragraph of the same section, the regulation shall be submitted to the Government for approval;

WHEREAS the board of directors of Société Immobilière SHQ made the Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ, by its resolutions 00-07 dated 27 January 2000 and 2001-11 dated 6 April 2001;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 September 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS no comments were made;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Regulation respecting the consideration to be paid by municipal housing bureaus and other non-

profit organizations for the use of the immovables of Immobilière SHQ, attached to this Ordre in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ

An Act respecting Immobilière SHQ
(R.S.Q., c. I-0.3, s. 23)

1. The consideration to be paid by a municipal housing bureau or a non-profit organization for the use of an immovable of Immobilière SHQ is equal to the amount, in principal, interest, costs and incidentals, of any loan contracted to finance the acquisition, construction or renovation of that immovable.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4437

Gouvernement du Québec

O.C. 871-2001, 4 July 2001

Securities Act
(R.S.Q., c. V-1.1)

Securities — Amendments

Regulation to amend the Regulation respecting securities

WHEREAS, under subparagraph 2 of the first paragraph of section 331.1 of the Securities Act (R.S.Q., c. V-1.1), the Commission des valeurs mobilières du Québec may, by regulation, prescribe the fees payable by an investor for a securities transaction, and the terms and conditions of collection and remittance of the fees to the Commission;

WHEREAS, the Government, by Order in Council 660-83 dated 30 March 1983, made the Regulation respecting securities;

WHEREAS, the Commission des valeurs mobilières du Québec made, on 2 March 2001, the Regulation to amend the Regulation respecting securities to abolish fees for securities transactions;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in *the Gazette officielle du Québec* of 4 April 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting securities, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting securities*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1(2))

1. Sections 271.7 to 271.10 of the Regulation respecting securities are revoked.
2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4439

* The Regulation respecting securities, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.2*, 1269) was last amended by the Regulation made by Order in Council 627-2000 dated 24 May 2000 (2000, *G.O.2*, 2531). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated 1 November 2000.

Gouvernement du Québec

O.C. 885-2001, 4 July 2001

Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Occupational health and safety

Regulation respecting occupational health and safety

WHEREAS under subparagraphs 1, 3, 4, 7 to 16, 18 to 21.1, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters mentioned therein;

WHEREAS under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS in accordance with section 224 of the Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 16 September 1998, with a notice that, upon the expiry of 90 days following that notice, it would be made by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission made the Regulation respecting occupational health and safety, with amendments, at its sitting of 15 February 2001;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

TABLE OF CONTENTS**REGULATION RESPECTING OCCUPATIONAL
HEALTH AND SAFETY**

	Section	
Division I INTERPRETATION AND SCOPE	1	Division XI VENTILATION AND HEATING
Division II GENERAL PROVISIONS	3	Division XII HEATING ENVIRONMENT
Division III ESTABLISHMENT CONDITIONS	6	Division XIII HEAT STRESS
Division IV EMERGENCY SAFETY PRECAUTIONS	34	Division XIV LIGHTING
Division V AIR QUALITY	39	Division XV NOISE
Division VI INDIVIDUAL PROTECTIVE RESPIRATORY EQUIPMENT	45	Division XVI HAZARDOUS RADIATIONS
Division VII FLAMMABLE VAPOURS AND GASES	49	Division XVII QUALITY OF WATER
Division VIII COMBUSTIBLE DUSTS AND DRY MATERIALS	54	Division XVIII COMMON FACILITIES
Division IX SPECIAL PROVISIONS CONCERNING VARIOUS DANGEROUS SUBSTANCES	61	Division XIX SANITARY FACILITIES
Division X STORAGE AND HANDLING OF DANGEROUS SUBSTANCES		Division XX SPECIAL ERGONOMIC MEASURES
§1. Interpretation and general provisions	70	Division XXI MACHINES
§2. Compressed gases	77	§1. Protectors and protective devices
§3. Flammable and combustible substances	81	§2. Control devices or switches
§4. Combustive substances	86	§3. Pulleys and belts
§5. Toxic substances	92	§4. Grinding machines and abrasive materials
§6. Corrosive substances	96	§5. Grinders
§7. Dangerously reactive substances	100	§6. General purpose machines for wood working and saws
		§7. Presses
		§8. Full-cycle punch presses
		§9. Friction clutch presses
		Division XXII HAND TOOLS AND PORTABLE POWER TOOLS

Division XXIII HANDLING AND TRANSPORTING MATERIAL	Part 3 Daily exposure to several substances
§1. Handling techniques 243	Part 4 Identification of substances by CAS number
§2. Hoisting devices 245	Schedule II (s. 70) List of dangerous substances by category
§3. Conveyors 265	Schedule III (s. 103) Minimum rate of air change per hour
§4. Self-propelled vehicles 272	Table 1 Average general ventilation
§5. All terrain vehicles 286	Table 2 Rate of air change per hour for certain classes of establishment
Division XXIV PILING OF MATERIALS 288	Table 3 Ventilation in warehouses where internal combustion vehicles are operated
Division XXV HANDLING AND USING EXPLOSIVES 291	Schedule IV (s. 117) Standards of temperature in establishments
Division XXVI WORKING IN AN ENCLOSED AREA 297	Schedule V (s. 121, 122, 123 and 124) Evaluation of heat stress
Division XXVII WELDING AND CUTTING 313	Table 1 Permissible heat exposure limit values, in °C (WBGT)
Division XXVIII OTHER HIGH RISK TASKS 322	Table 2 Assessment of work load Average values of metabolic rate during different activities
Division XXIX VEHICLE MAINTENANCE 333	Schedule VI (s. 125) Illumination levels in establishments
Division XXX MEANS AND EQUIPMENT FOR INDIVIDUAL AND GROUP PROTECTION 338	Schedule VII (s. 133) Measuring method of predominant frequency bands (in corrected dBA)
Division XXXI TRANSPORTING WORKERS 358	Schedule VIII (s. 145) Daily quantity of drinking water required by workers
Division XXXII FINAL PROVISIONS 365	Schedule IX (s. 161) Sanitary facilities
Schedules	
Schedule I (s. 41, 42, 43, 66, 108 and 302) Permitted exposure values for gases, dusts, fumes, vapours or mists in the work environment	
Part 1 Permitted exposure values for air contaminants	
Part 2 Daily exposure of a worker working at several work locations to a specific substance	

Regulation respecting occupational health and safety

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223. 1st par. subpar. (1), (3), (4), (7) to (16), (18) to (21.1), (41) and (42), 2nd par. and 3rd par.)

DIVISION I

INTERPRETATION AND SCOPE

1. Definitions: In this regulation, the following words and expressions mean:

“ACNOR”: The Canadian Standards Association or the Association canadienne de normalisation;

“aerial basket lifting device”: any elevator equipped with an extendable/retractable or jointed arm designed to be fitted with a carrier and used to lift workers or supplies by means of a basket on work sites;

“air recirculation”: local exhaust ventilation by extraction, filtering of the air and redistribution of the filtered air in a work area;

“all-terrain vehicle”: any passenger vehicle designed for sports driving off public thoroughfares and whose net weight does not exceed 450 kilograms;

“ANSI”: The American National Standards Institute;

“asbestos”: the fibrous form of mineral silicates belonging to rock-forming minerals of the serpentine group, namely chrysotile, and the amphibole group, namely actinolite, amosite, anthophyllite, crocidolite, tremolite or any mixture containing one or more of these minerals;

“asbestos dust”: airborne asbestos particles or deposited asbestos particles liable to become airborne in the work area;

“ASME”: The American Society of Mechanical Engineers;

“CGA”: The Canadian Gas Association or the Association canadienne du gaz;

“continuous noise”: a steady noise including a noise caused by mechanical shocks of solid bodies or by impulses repeated at a frequency greater than one per second;

“corrected dBA”: the sound level expressed in dBA after an increase in the measured level of the predominant frequency band;

“CSA”: Canadian Standards Association or the Association canadienne de normalisation;

“dB”: a dimensionless unit used to express in logarithmic form the relation existing between a measured quantity and a reference value which, when applied to sound pressure, is established in accordance with section 3 of publication No. 179 (second edition, 1973) of the Central Office of the International Electrotechnical Commission;

“dBA”: the value of the overall sound level measured on the A scale established in accordance with the standards and methods prescribed in publication No. 179 (second edition, 1973) of the Central Office of the International Electrotechnical Commission;

“EN”: a European standard issued by the European Committee for Standardisation;

“enclosed area”: any area that is completely or partially enclosed, especially a reservoir, a silo, a vat, a hopper, a chamber, a vault, a tank, a sewer including a ditch and a temporary manure storage ditch, a pipe, a chimney, an access shaft, a truck or freight car tank, which has the following inherent conditions:

(1) which is not designed for human occupation, nor intended to be, but may occasionally be occupied for the performance of work;

(2) access to which can only be had by a restricted entrance/exit;

(3) which can represent a risk for the health and safety of anyone who enters, owing to any one of the following factors:

(a) its design, construction or location, except for the entrance/exit provided for in subsection (2);

(b) its atmosphere or insufficiency of natural or mechanical ventilation;

(c) the materials or substances that it contains;

(d) or other related hazards;

“friable material”: material that can be crumbled, pulverized or powdered by hand pressure when dry or that is crumbled, pulverized or powdered;

“heat stress”: heat unbalance in a worker caused by working in a hot environment;

“high-efficiency filter”: any filter capable of filtering particles 0,3 micrometres (μm) in size at an efficiency rate of at least 99,97% ;

“hoisting apparatus”: includes cranes, travelling cranes, gantries, winches, blocks, lift trucks, aerial basket lifting devices, work platform lifts, screw-type jacks, rack-type jacks and other similar apparatus but does not include elevators and dumb-waiters ;

“impact noise”: any noise caused by mechanical shocks of solid bodies or by impulses repeated or not repeated at a frequency less than or equal to one per second ;

“linear dB”: the overall sound level measured in such a way that the various frequencies of the sound spectrum are in no way attenuated ;

“NFPA”: the National Fire Protection Association ;

“peak value”: the maximum level reached by a sound wave ;

“predominant frequency band”: a frequency band whose level passes through a maximum that exceeds the arithmetic average of the levels of the preceding and following octave bands by 4 dB or more, and for the bands at the upper and lower limits of the sound spectrum, whose level exceeds that of the contiguous octave band by 5 dB ;

“protective device”: set of devices which when used alone or with a protector on machinery, eliminates dangers or reduces risks for the health, safety and physical well-being of workers ;

“rated load”: the maximum load set by the manufacturer or an engineer ;

“respirable asbestos fibre”: asbestos fibre having a diameter of less than 3 micrometres (μm) and a ratio of length to diameter of more than 3:1. Only fibres longer than 5 micrometres (μm) are taken into account for measurement purposes ;

“respiratory zone”: the zone within a hemisphere having a 300 mm radius extending in front of the face and measured from the midpoint of an imaginary line joining the ears ;

“SAE”: The Society of Automotive Engineers ;

“safety factor”: the ratio between the rupture load and the working load ;

“self-propelled vehicle”: a motor vehicle mounted on wheels, on tracks or on rails, used for the transportation of objects or materials, or for towing or pushing trailers or materials, with the exception of an all-terrain vehicle or an elevating or lifting device ;

“stationary work station”: any work station in which a worker is required to perform his duties for at least 4 hours of his working day over a usual work surface of 30 square metres or less ;

“washroom”: any room containing one or several toilets, urinals, sinks or showers to meet the sanitary needs of the workers of an establishment ;

“work station”: any place, including a vehicle occupied by a worker to perform his work ;

“ULC”: Underwriters’ Laboratories of Canada or the Laboratoires des assureurs du Canada.

2. Scope: Notwithstanding any provisions to the contrary, this regulation applies to all establishments.

Sections 1 to 5, 17, 40, 44 to 48, 61, 64 and 65, subparagraphs 1) to 3) of the first paragraph and the second paragraph of section 66, sections 107 to 111, 113 to 115, 121 to 124, the first paragraph of section 145 and sections 146, 148 to 151 and 162 to 165 also apply with appropriate changes to construction sites or, if applicable, to categories of sites specified therein.

DIVISION II

GENERAL PROVISIONS

3. Purpose: The purpose of this Regulation is to establish standards pertaining in particular to the quality of air, temperature, humidity, heat stress, lighting, noise and other contaminants, sanitary facilities, ventilation, hygiene, sanitation and cleanliness in establishments, area conditions, storage and handling of dangerous substances, machine and tool safety, certain high risk tasks, individual protective equipment and the transportation of workers to ensure the quality of the work environment, to safeguard the health of workers and to ensure their safety and physical well-being.

4. Employer’s obligations: The employer shall comply with the standards set hereunder, with the exception of those of section 339.

5. Operational status of equipment: Any equipment used or installed in an establishment for purposes of preventing the emission of gases, dusts, fumes and vapours, to ensure proper conditions for lighting, venti-

lation, temperature, salubrity and hygiene prescribed hereunder or to ensure that noise or heat stress conditions comply with the requirements hereunder, shall always be in operational condition and shall give optimal performance during the establishment's business hours in such manner as to provide the performance for which it was designed.

DIVISION III ESTABLISHMENT CONDITIONS

6. Access routes and passageways: Access routes providing access to buildings and reserved pedestrian passages shall be:

- (1) kept in good condition and free from any obstructions;
- (2) maintained to keep the surface from becoming slippery;
- (3) protected from falling objects or materials;
- (4) properly lit.

7. Passageway markings: In yards, passages and walkways reserved for pedestrians, and if applicable, their intersections with vehicle roadways, shall be clearly marked with signs in full view.

8. Yards: Yards or parts of yards used for the handling and transportation of supplies shall be kept level and drained so as to ensure safe usage, particularly in preventing the destabilization of loads, vehicles and equipment.

9. Horizontal openings: Excavations, wells or basins presenting a falling hazard shall be solidly covered or protected with guardrails on all exposed sides.

The same applies to vats, tanks, reservoirs, basins and other containers used for the storing or mixing of substances that are open and whose opening is less than 750 millimetres above floor level or above a working platform.

This section does not apply to basins used for recreational or fish-breeding purposes.

10. Vertical openings: Any opening made through a wall that presents a falling hazard for a worker or for any object shall be protected with a guardrail or a protective screen.

11. Exceptions: Sections 9 and 10 do not apply when the use of a cover, guardrail or protective screen prevents the carrying out of a task that could not be reasonably performed otherwise.

In such a case, the cover, guardrail or protective screen may be removed, but only while the work is being performed. The wearing of a safety harness is then compulsory for any worker exposed to a danger of falling in the opening, except if the worker is protected by some other device that provides him with equivalent safety or by a safety net.

12. Guardrails: Any guardrail incorporated in a building, with the exception of a guardrail that is part of any equipment, shall comply with the National Building Code as applied at the time of its installation.

Other guardrails shall be so designed, constructed and installed as to withstand the following minimum loads:

- (1) a 0,55 kilonewton horizontal single point load applied at any location on the top rail;
- (2) a 1,5 kilonewtons per linear metre load applied vertically at the top rail.

In addition, such guardrails shall be provided with a top rail located between 900 millimetres and 1 100 millimetres from the floor and at least an intermediate rail fixed at midway between the top rail and the floor.

The intermediate rail may be replaced by balusters or panels.

13. Toeboard: If there is danger from falling objects capable of causing injuries, the guardrails shall be fitted with a minimum 100 millimetre high toeboard at floor level.

14. Floor: Any floors shall be:

- (1) kept in good order, clean and free from any obstruction;
- (2) provided with walkways that comply with section 15;
- (3) provided with drains, if required for maintenance and the draining off of liquids;
- (4) free from any opening capable of causing an accident, unless they are protected with a guardrail or a cover capable of withstanding loads to which they may be exposed.

15. Walkways: Walkways inside a building shall:

- (1) be kept in good order and free from any obstruction;
- (2) be maintained to keep the surface free becoming slippery, even through wear or humidity;
- (3) be wide enough to allow the safe handling of materials and be at least 600 millimetres wide;
- (4) be at least 1 100 millimetres wide if they serve as direct access to an exit;
- (5) be clearly marked out by lines traced on the floor or be bordered by facilities, equipment, walls or material or merchandise depots, to permit the safe passage of persons;
- (6) have a free space of at least 2 metres above the floor unless the danger is made known by means of a visible sign;
- (7) be equipped with a guardrail wherever there is a falling hazard.

16. Work stations: A work station shall

- (1) be kept in good condition and free from any obstructions;
- (2) be situated on a surface that is maintained so as not to become slippery, even through wear or humidity;
- (3) have sufficient free space between machines, facilities or material depots in order that workers may carry out their task safely; this free space shall not be less than 600 millimetres.

Subparagraph 3) of the first paragraph does not apply to a work station in a vehicle.

17. Cleaning: Subject to section 326, the upkeep of the work premises of an establishment shall be ensured through vacuuming, wet mopping or any other method that controls and reduces to a maximum the stirring up of dust.

18. Refuse containers: Refuse, sweepings and other residues shall be removed from work stations.

Appropriate containers shall be available in various locations for such purpose.

19. Location of machines: Machines shall be located in such manner as to provide necessary free space for their upkeep and the safe handling of material and refuse.

20. Machine guidance tracks: Machine guidance tracks such as those of conveyors, gantries or machines used for transporting persons or things, can only be crossed in the following cases:

- (1) at places protected and so designated;
- (2) according to a procedure ensuring worker safety;
- (3) at any place where they can be crossed safely, in the case of a slow-moving conveyor.

21. Work station access: Machines, machine rooms or service platforms for these machines, which constitute a work station, shall, if they are situated above or below a floor and if they are not serviced by a stairway, be accessible by a service stairway, an access ramp or a fixed ladder.

However, access to such a place by means of a fixed ladder is prohibited when a worker cannot use both hands for holding onto the side rails or rungs of the permanent ladder.

This section does not apply to a vehicle.

22. Service stairs: Any service stairs shall:

- (1) have a minimum width of 550 millimetres for stairways built or modified starting on the date this regulation comes into force;
- (2) have a slope between at least 20° and at most 50° with the horizontal, except for stairways installed before January 1, 1973 which may have a slope up to 60°;
- (3) be provided with guardrails along any free side;
- (4) be provided with steps having:
 - (a) a uniform depth and width in any one flight;
 - (b) a depth of at least 150 millimetres (nose excluded);
 - (c) a maximum height of 240 millimetres, except for stairs built before January 1, 1973 for which the stair height may reach 280 millimetres;
- (5) have a free space of at least 2 metres above each stair, measured from the nose or the forward part of the stair.

The depth of stairs on circular or spiral service stairs shall measure 230 millimetres from the post or the supports for the inside railing.

Subparagraph 5) of the first paragraph only applies to stairs built, installed or modified starting on the date of the coming into force of this regulation and whose construction, installation or modification does not require a modification of the existing building structure. Stairs that do not have to comply with subparagraph 5) shall have an adequate warning sign.

23. Permanent ladders: Permanent ladders used to replace service stairs shall:

(1) be of safe construction and solidly anchored to withstand a mass of 90 kilograms at the centre of the rungs with a safety factor of 4;

(2) for ladders exceeding 9 metres, have rest platforms equipped with guardrails, at least at 6-metre intervals;

(3) have a space behind the rungs of at least 150 millimetres;

(4) have a free space on each side of at least 375 millimetres and forward of at least 800 millimetres, measured from the centre of a rung;

(5) extend 900 millimetres beyond the top storey;

(6) be provided with guardrails surrounding the floor opening with a removable gate for access to the ladder;

(7) be provided with crinolines or cages or a fall arrestor in compliance with the standard Fall arresters, vertical lifelines and rails CAN/CSA Z259.2.1-98, where there is danger of a fall greater than 6 metres.

Subparagraphs 3) and 4) of the first paragraph only applies to permanent ladders built, installed or modified starting on the date of the coming into force of this regulation.

24. Exception: Notwithstanding subparagraph 2) of section 23, the permanent ladders servicing elevated towers, water reservoirs or other elevated constructions to which workers only occasionally have access, may be exempt from rest platforms.

25. Compliance with the standard: Any portable ladder and any stepladder used on a work site shall comply with the CAN3-Z11-M81 Portable Ladders standard.

However, portable ladders and stepladders in use when the regulation enters into force may also be used if they are in good condition and if they comply with the ACNOR Z11-1969 Portable Ladders standard.

This section does not apply to three-rail orchard ladders.

26. Operating conditions: Portable ladders shall:

(1) rest on a firm base with the upper part propped on the 2 siderails;

(2) be firmly held in place by one or more persons, if they are not firmly attached and if their length is equal to or more than 9 metres;

(3) be protected against any sliding and against any shock that could compromise equilibrium;

(4) if not firmly fixed, be so inclined that the horizontal distance between the base of the ladder and the vertical plane of its top support is approximately between the quarter and the third of the length of the ladder between its supports;

(5) where used as a means of access:

(a) be firmly fixed in place;

(b) extend 900 millimetres beyond the top storey;

(c) have a space behind the rungs of at least 150 millimetres;

(6) be set in such a manner that there is sufficient space at the base allowing safe access;

(7) never be used as a horizontal prop;

(8) never be linked to another ladder, end to end, by lapped joints;

(9) when used close to electrical conductors, be made of wood or other insulating material;

(10) have a sufficient length so the worker does not work from the two top rungs;

(11) not be put on scaffolding, an elevated platform, an aerial basket or platform, on crates, barrels or in front of a door opening onto the ladder.

27. Maximum length: The length of a portable extension ladder with 2 or more extensions, measured along the siderails, cannot exceed 15 metres.

28. A stepladder: Any stepladder used on a work site shall:

(1) when used close to electrical conductors, be made of wood or other insulating material;

(2) have the legs fully spread and the retaining device locked.

29. Prohibited usage: The top and the pail shelf of a stepladder shall never be used as a step.

30. Safety precaution: The worker shall always be turned facing the ladder or stepladder while climbing or descending.

31. Gangways and stationary platforms: Gangways and stationary platforms shall:

(1) not be subject to loads greater than the ones specified by the manufacturer or by an engineer;

(2) be provided with guardrails complying with sections 12 and 13 on the sides exposed to falls, if their height from the ground or floor is higher than 450 millimetres, except for unloading piers and loading platforms;

(3) if made of perforated materials and located more than 1,8 metres from the floor or the ground, not include openings through which a sphere 30 millimetres in diameter can pass;

(4) have a minimum width of 600 millimetres for gangways or platforms built or modified starting on the date this regulation comes into force;

(5) have a free space of at least 2 metres above and below, unless a danger sign is posted.

32. Installation of scaffolds: Scaffolds or devices designed and built for lifting persons shall be used in places where workers, from the ground or a solid structure, are unable to perform their work.

However, the use of a ladder or stepladder is permitted for work of short duration.

33. Operating conditions: Scaffolds shall be designed for the type of work to be performed and the probable risks. They shall meet the following conditions:

(1) be so designed, constructed, trussed, braced and maintained as to support any loads and stresses they may be subjected to, and resist wind action;

(2) have a safety factor of at least 4 for each constituent element;

(3) rest on firm ground or foundations;

(4) be provided with guardrails when workers are exposed to a danger of falling more than 3 metres.

The guardrails of the scaffolds may be temporarily removed if they prevent the carrying out of work that cannot reasonably be performed otherwise. In these cases, the wearing of a safety harness is compulsory for the worker and the worksite shall be marked off to prevent access to those persons not working there.

DIVISION IV EMERGENCY SAFETY PRECAUTIONS

34. Evacuation plan: In any establishment, an emergency evacuation plan shall be drawn up and be in force, if applicable.

35. Drills: Rescue and evacuation drills shall be held at least once a year. These drills are to be adapted to risks found in the establishment as well as to the nature of activities carried on there.

36. Portable fire extinguishers: portable fire extinguishers shall be installed in all buildings so that action may be taken in the early stages of a fire.

The choice, installation, utilization and maintenance of these portable fire extinguishers shall comply with the NFPA-10 Portable Fire Extinguishers standard, applicable according to the year the extinguishers were installed.

Additional fire extinguishers shall be installed in places where there is a localized risk of fire.

37. Operating conditions: Portable fire extinguishers shall:

(1) be approved by Underwriters Laboratories of Canada (U.L.C.);

(2) provide protection according to the nature of the present hazard;

(3) be filled after use;

(4) bear the name of the person entrusted therewith and the date of the last inspection.

38. Emergency systems: Alarm and detection systems as well as emergency lighting shall always be in good working order.

DIVISION V AIR QUALITY

39. Replacement: Insofar as possible, dangerous substances that are sources of dusts, fumes, mists, vapours or gases shall be replaced with substances that are not dangerous or are the least dangerous possible.

40. Oxygen: Subject to section 45, the percentage in volume of airborne oxygen in any work location of an establishment shall not be less than 19,5% at normal atmospheric pressure.

41. Standards: Subject to section 45, any establishment whose operation could cause the emission of gases, dusts, fumes, vapours and mists into the work area shall be operated so that the concentration of any gas, dust, fume, vapour or mist does not exceed, in the respiratory zone of the workers, the standards provided for in Schedule I for any time period specified therein.

The use of crocidolite, amosite or a product containing either of these substances is prohibited, except where their replacement is not reasonable or practicable.

Such an establishment shall be designed, constructed, fitted or provided with an evacuation system for gases, dusts, fumes, vapours or mists to comply with the standards provided for in the first paragraph.

The first paragraph also applies to any work station located in a vehicle, wherever situated.

42. Carcinogenic and isocyanate substances: When a worker is exposed to a substance identified in Schedule I as having a known or suspected carcinogenic effect on humans or being diisocyanate or isocyanate oligomers, such exposure shall be reduced to a minimum, even when it remains within the standards provided under this schedule.

43. Measurement: In any establishment that employs 50 workers or more where the concentration of gases, dusts, fumes, vapours or mists at a work location exceeds or could exceed the standards prescribed in Schedule I, the concentration of such gases, dusts, fumes, vapours or mists emitted into the work environment concerned shall be measured at least once a year, in compliance with paragraph 1 of section 44.

However, in any establishment where workers are exposed to asbestos, the concentration of airborne asbestos dust and the concentration of respirable asbestos fibres in the respiratory zone of the workers shall also be measured at least once a year. A sampling strategy may

provide for more frequent measuring, at shorter intervals, depending on the extent of the risk to the health, safety or physical well-being of the workers.

These measurements shall also be taken each time there is a change in industrial processes or each time facilities are installed for improving the quality of the air in the work environment of the establishment.

The results of any measurement of the quality of the air taken in the work environment by the employer shall be entered in a register that shall be kept by the employer for a period of at least 5 years.

44. Methods: Dusts, gases, fumes, vapours and mists found in the workplace environment shall be measured in the respiratory zone of workers or, if this proves to be impossible owing to the lack of equipment for taking a sampling in this zone, then outside the breathing zone but in a place located as close as possible to such zone.

These dusts, gases, fumes, vapours and mists found in the workplace environment shall be sampled and analyzed to obtain an accuracy equivalent to that obtained by applying the methods described in the Sampling Guide for Air Contaminants published by the Institut de recherche Robert-Sauvé en santé et sécurité du travail du Québec, as it reads at the time that it is applied.

The sampling strategy for these contaminants shall be carried out in accordance with common practices in industrial hygiene as summarized in the aforementioned guide.

DIVISION VI INDIVIDUAL PROTECTIVE RESPIRATORY EQUIPMENT

45. Protective equipment: Where existing technology prevents an employer from complying with sections 40 and 41, and for work involving maintenance, inspection or repairs outside the workshop, or transportation where the standards provided for in sections 40 and 41 are not complied with or, where the technology exists, while waiting for the measures required for compliance with those sections to be implemented, the employer shall provide the worker, free-of-charge, with respiratory protective equipment and ensure that he uses it, as indicated in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied.

The equipment shall be selected, adjusted, used and cared for in accordance with the CSA Standard Z94.4-93

entitled "Selection, Use and Care of Respirators." A respiratory protection program shall be drafted and applied in compliance with this standard.

Notwithstanding the foregoing, where the exposure of a worker to asbestos does not exceed 5 times the time-weighted average exposure value, the employer may provide him with a mask certified at a minimum FFP2, pursuant to the Appareils de protection respiratoire: demi-masques filtrants contre les particules: exigences, essais, marquage EN-149 Standard of the European Committee for Standardisation, by a laboratory accredited by the latter. In such case, the employer shall make sure that the worker wears this equipment.

The preceding provision in no way diminishes the employer's obligation to reduce at the source the dangers to the health, safety and physical well-being of workers.

46. Prohibition: Notwithstanding section 45, an employer may not provide the worker with a self-contained or air-supplied protective respiratory apparatus equipped with an automatic device which interrupts or restricts the air supply in the part of the apparatus covering the face.

47. Use of protective equipment: The respiratory protective equipment prescribed in section 45 shall be:

- (1) designed to offer protection from the danger to which the worker is exposed;
- (2) kept in good working order;
- (3) inspected by the worker each time he wears it;
- (4) inspected by the employer at least once a month and each time the worker using the equipment reports to his employer that it is not working properly;
- (5) disinfected before being used by another worker, except in an emergency;
- (6) stored in a clean place.

The principles of operation and the use of the equipment shall be explained to the workers, and the employer shall ensure that its use is fully understood by the workers.

48. Air supply: Breathable compressed air that supplies respiratory protection devices of the types - flow air line respirators or self-contained breathing apparatuses referred to under section 45 and diving equip-

ment as well as the production facilities and the distribution systems for such air, shall comply with the CSA Standard Production and Distribution CAN3 Z180.1-M85.

Samples of this air shall be taken and analyzed to obtain an accuracy equivalent to that obtained by applying the methods described in the Sampling Guide for Air Contaminants published by the Institut de recherche Robert-Sauvé en santé et sécurité du travail du Québec, as it reads at the time that it is applied. The results of these analyses shall be entered in a register that shall be kept for a period of at least 5 years.

Breathable compressed air supply and distribution systems shall be maintained in compliance with the manufacturers' instructions. The date on which such maintenance is performed as well as the name of the person who performed it shall be recorded by the employer in a register that shall be kept for a period of at least 5 years.

DIVISION VII

FLAMMABLE VAPOURS AND GASES

49. Lower explosion limit: The concentration of inflammable vapours or gases in a building or other workplace that is not an enclosed area shall be kept below 25% of the lower explosion limit.

50. Flammable source: No flammable source shall be allowed either inside or outside, where the concentration of flammable gases or vapours is equal to or exceeds 25% of the lower explosion limit.

51. Prohibition: Smoking in any area where there may be flammable vapours or gases is prohibited.

52. Ground: Any equipment in areas containing flammable vapours or gases shall be grounded.

53. Ventilation system: Any ventilation system for removing flammable vapours or gases that may present a danger of fire or explosion shall:

- (1) be made of non-combustible substances;
- (2) use ventilators whose rotating parts are made of materials that do not produce sparks;
- (3) have all metallic components grounded;
- (4) be equipped with air-tight exhaust conduits oriented directly outdoors without ever passing through an intermediate room, and built to resist explosions.

DIVISION VIII COMBUSTIBLE DUSTS AND DRY MATERIALS

54. Preventive cleaning: All rooms where combustible dusts are generated shall be cleaned as often as necessary to prevent the accumulation of dusts on floors, beams, equipment, and machines, in quantities that can present a fire or explosion hazard.

55. Ground: Any equipment, including machines, in rooms where combustible dusts presenting a fire or explosion hazard are generated shall be grounded.

56. Flammable source: No flammable source is permitted in areas where combustible dusts present a fire or explosion hazard. Smoking is prohibited.

57. Fire or explosion hazard: Machines and equipment presenting a fire or explosion hazard due to combustible dusts, shall be so located, constructed, enclosed or purged as to protect employees near such machines or equipment.

58. Collection systems: Any blower system for evacuating pulverized combustible dusts and any other suspended matter presenting a fire or explosion hazard shall be in compliance with subparagraphs 1) to 4) of section 53.

59. Dust collectors: Any combustible dust collector that is a dangerous source of fire or explosion shall be designed, manufactured, installed and maintained in compliance with the standard: NFPA-91-1995 Exhaust Systems for Air Conveying Materials.

Dust collectors operating on the date this regulation comes into force shall be designed, manufactured, installed and maintained in compliance with current practices and be made out of fire resistant materials. Such dust collectors shall also:

- (1) be provided with explosion vents in accordance with the provisions of the Guide for Venting of Deflagrations, NFPA-68-1998; vents currently installed in collectors at the date that this regulation comes into force may also be used provided that they comply with a previous text of this standard and are in good working order;

- (2) if possible, be located outside buildings.

However, if collectors are located indoors, they shall either be placed adjacent to a wall or ceiling opening outdoors towards which they are channeled by ducts designed so that pressure caused by an explosion does not entail the rupture of the duct or the dust collector, or

be equipped with an automatic system for preventing explosions in compliance with the standard NFPA 69-1997 Explosion Prevention Systems.

60. Silos: Silos used for storing dry combustible substances shall be:

- (1) made of fire resistant materials;

- (2) provided with covers and adequate ventilation;

- (3) provided with explosion vents complying with the standard Guide for Venting of Deflagrations, NFPA 68-1998, where there is a risk of explosion. Vents already installed in silos on the date when this regulation comes into force may also be used if they comply with a previous text of this standard and are in good working order.

DIVISION IX SPECIAL PROVISIONS CONCERNING VARIOUS DANGEROUS SUBSTANCES

61. Facility or equipment alterations: An employer who makes alterations to facilities or equipment in an establishment that could cause the emitting of asbestos dust has in this respect the same obligations as those recognized in the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) as it stands at the time it is applied, to an employer, as if such works were carried out on a construction site.

The establishment is then classified in accordance with the type of work performed therein under one of the construction categories determined under section 3.23.2 of this Code.

62. Dust or scraps: Any asbestos dust or scraps of crumbling material whose concentration of asbestos is at least 0,1%, shall be stored and transported in a sealed container.

A label shall be affixed to any container referred to in the preceding paragraph. The label shall permanently include the following indications and be easily legible:

- (1) materials containing asbestos;

- (2) toxic if inhaled;

- (3) keep container tightly closed;

- (4) do not inhale the dust.

63. Protective suit: The employer shall supply a protective suit to any worker whose personal clothing

risks being contaminated by chrysotile asbestos fibres from exposure thereto while performing his duties

The employer shall ensure the care of this protective suit that shall not be worn outside the workplace.

64. Lead: The recovery of lead or lead products and other related operations shall be performed inside an establishment in compliance with the requirements under section 107.

65. Floor: In any establishment where lead, mercury or their compounds are handled, stored or used in either solid or liquid form, the floor covering shall be made of a non-porous material.

66. Protective clothing: The employer shall make sure that workers wear protective clothing used exclusively for their work when performing any of the following activities:

- (1) the recovery or melting of lead or lead products;
- (2) the manufacturing of lead batteries;
- (3) the manufacturing of lead powders or salts, chlorine, fluorescent lamps or caustic soda where workers must handle lead or mercury;
- (4) any work involving exposure to crocidolite asbestos, amosite or any other type of amphibole;
- (5) any work involving exposure to chrysotile asbestos fibres that cannot be contained within the exposure value levels specified in Schedule I.

Before reuse, the employer shall ensure that such clothing has been cleaned with a vacuum equipped with a high-efficiency filter, unless the clothing has been washed.

67. Double changing room: Two separate lockers: one for the worker's street clothes and the other for his work clothes shall be put at his disposal in an establishment where workers are exposed to lead, mercury, asbestos or beryllium or their compounds, in the form of steam or dust.

These lockers shall be placed in 2 separate rooms used exclusively for that purpose, between which a shower room shall be installed so that the workers may take a shower before putting on their street clothes. The storage space of each locker shall be at least 0,14 cubic metres, and there shall be a clearance of at least 600 millimetres in front of each row of lockers.

Workers thus exposed may not wear their work clothes elsewhere than on the work premises.

68. Abrasive blast cleaning: Any industrial cleaning operation using abrasive air blasting inside an establishment shall be carried out in an isolated room or booth ventilated by extraction.

69. Other protective equipment: In addition to the requirements under section 68, the employer shall make sure that any worker exposed to dust raised by abrasive air blast cleaning wears an air-supplied abrasive hood, gloves, leg protectors and clothing designed to ensure protection from dust and abrasive or metal projections. This equipment shall be put at the disposal of workers by the employer.

The worker shall put on, remove and store the protective equipment described in the first paragraph away from the place where the abrasive air blast cleaning is being carried out.

DIVISION X STORAGE AND HANDLING OF DANGEROUS SUBSTANCES

§1. Interpretation and general provisions

70. Dangerous substances: In this section, "dangerous substance" designates a substance that is either a controlled product or a substance that appears on the list in Schedule II and that belongs to one of the following categories:

- (1) compressed gases;
- (2) flammable and combustible substances;
- (3) combustive substances;
- (4) toxic substances;
- (5) corrosive substances;
- (6) dangerously reactive substances.

71. Controlled product: In this section, "controlled product" means a product controlled within the meaning of the Regulation respecting information concerning controlled products, approved by Order in Council 445-89 dated March 22, 1989.

A dangerous substance that is both a controlled product and one appearing on the list in Schedule II, shall meet the requirements of this section applying to it, as

regards each and every category to which it belongs both as a controlled product and a substance appearing on the list.

72. Safety precautions: The storage and handling of dangerous substances shall be so controlled as to prevent accidental spillage or lighting of these substances. The following precautions shall be taken:

- (1) separate or isolate any dangerous substances which when mixed with other substances, may cause a fire or an explosion, or may discharge flammable or toxic gases;
- (2) keep containers, piping and other apparatus in good working order;
- (3) clean immediately but safely any dangerous substance spilled on floors or shelves;
- (4) when pouring from one container to another, use a secure recipient taking into account the type of dangerous substance being poured;
- (5) depending on the category in which the dangerous substance is classified, it shall comply with sections 77 to 99.

73. Monitoring devices: The devices for monitoring any open recipient containing liquid state dangerous substances at temperatures in excess of 60 °C shall be isolated or equipped with screens in order to protect workers from splashes if such substances are agitated or heated.

74. Level indicators: Level indicators on reservoirs, vats or other containers with liquid state dangerous substances at temperatures in excess of 60 °C shall be provided with protective screens.

75. Emergency equipment: Emergency showers and eye wash fountains shall be put at the disposal of workers in the following circumstances:

- (1) when a corrosive substance or other dangerous substance is likely to rapidly cause serious or irreversible damage to the skin or eyes of workers.
- (2) when a toxic substance is likely to be rapidly absorbed by the skin or the eyes and cause them to have serious irritations.

In other cases, equipment for rinsing eyes and washing skin, such as showers, portable showers, eye wash fountains or any other type of plumbing shall be put at the disposal of workers, according to the nature of the

dangers to which they are exposed. Such equipment shall be located near the work station of the exposed workers.

76. Shower facilities: Emergency showers and eye wash fountains referred to in the first paragraph of section 75 shall be clearly identified and easily accessible. In addition, they shall be located within the immediate vicinity of exposed workers and supplied with warm water.

Water from showers supplied by a drinking water network as well as water supplying portable showers shall be regularly changed to ensure its safety.

The warm water supply only applies to showers installed or modified starting one year after this regulation comes into force.

§2. *Compressed gases*

77. Compressed gas cylinders: All compressed gas cylinders shall:

- (1) comply with the Act respecting pressure vessels (R.S.Q., s. A-20.01) and its regulations, as they stand when applied;
- (2) be kept away from any source of heat and not be exposed to temperatures in excess of 50 °C;
- (3) be used only for the purposes for which they were designed;
- (4) be handled in such a manner as not to damage them, and be fastened upright or held in a cart when in use;
- (5) be kept in an upright position with the valves facing upwards and be solidly held in place;
- (6) be equipped with a protective cap for the valves when not connected for use.

78. Compressed gas cylinders in series: Compressed gas cylinders linked in a series via a collector shall be supported, held together and form a unit by means of a rack or other frame designed for such purpose, and the cocks and safety valves shall be protected from being accidentally bumped or knocked.

79. Prohibition: The protective cap or a valve collar shall not be used for raising a compressed gas cylinder unless the collar has been specifically designed for such purpose.

80. Propane gas: Any propane gas cylinder that is not connected for use shall be stored in accordance with the Propane Installation Code, CAN/CGA B149.2-M91.

Non-reusable propane gas cylinders shall also be stored in compliance with paragraph 9.5.6 of this code.

§3. *Flammable and combustible substances*

81. Storage: Flammable and combustible substances shall be stored:

- (1) away from areas with a high fire hazard;
- (2) away from combustible substances or powerful oxidizing agents.

82. Liquid state flammables and combustibles: The storage, handling and use of liquid state flammables and combustibles shall be carried out in accordance with the standard Flammable and Combustible Liquids Code NFPA 30-1996.

In the case of buildings in existence on the date this regulation comes into force, the employer may, however, take precautions that ensure a level of safety equivalent to that prescribed in this standard.

83. Gaseous state flammable substances: Gaseous state flammable substances such as ammonia gas, hydrogen, acetylene and hydrogen sulfide shall never be stored with combustible substances or with oxidizing agents in a gaseous state such as chlorine, fluorine, nitrogen dioxide, nitrous oxides, nitrogen tetroxide, oxygen or compressed air.

84. Reactive substances flammable in contact with air: Reactive substances that are flammable in contact with air to the point of being able to burn shall be kept either:

- (1) under an inert liquid;
- (2) in an inert atmosphere;
- (3) in sealed containers.

85. Reactive substances flammable in contact with water: Reactive substances that are flammable in contact with water shall be stored:

- (1) in closed containers;
- (2) away from sources of humidity;
- (3) away from plumbing with condensation or drippings.

§4. *Combustive substances*

86. Interpretation: For the purposes of sections 87 to 91, powerful oxidizing agents such as chlorine and fluorine are considered to be combustive substances.

87. Storage: Combustive substances shall be stored away from substances with which they may react and especially from the following substances:

- (1) a corrosive substance with which they may react by exploding;
- (2) an inflammable or combustible substance with which they may react violently;
- (3) a toxic substance;
- (4) a reducing agent, especially a metallic powder;
- (5) a substance which oxidizes easily, including wood surfaces.

88. Containers for combustive substances: Containers having combustive substances shall:

- (1) be stored closed;
- (2) have their content clearly identified;
- (3) be kept in cool, dry places;

89. Gaseous state combustive substances: Gaseous state combustive substances shall never be stored with gaseous state flammable substances.

90. Ground: Equipment, including machines, used for processing or handling combustive substances such as organic peroxides, nitrates and chlorates shall be grounded.

91. Contaminated clothing: Clothing contaminated by combustive substances shall be removed immediately and washed before being worn again.

§5. *Toxic substances*

92. Storage: Toxic substances shall be stored:

- (1) away from areas of high fire hazard and from heat sources;
- (2) away from combustive substances and powerful oxidizing agents;
- (3) in cool and well ventilated areas.

93. Overflow prevention devices: Reservoirs and vats containing liquid state toxic substances shall be equipped with overflow prevention devices.

Level indicators on such open reservoirs and vats shall be provided with protective screens.

94. Identification of cylinders: Any cylinder containing a gaseous state toxic substance shall be clearly identified.

95. Posting warnings: A warning indicating the type of danger shall be posted at all entrances where a gaseous state toxic substance is stored.

§6. Corrosive substances

96. Storage: Corrosive substances shall be stored:

- (1) away from areas with a high fire hazard;
- (2) away from combustible substances and powerful oxidizing agents;
- (3) protected against direct sun rays;
- (4) in cool and well ventilated areas.

In addition, corrosive acid substances shall be stored away from corrosive antacid substances.

97. Containers for corrosive substances: Containers for corrosive substances shall:

- (1) be kept closed;
- (2) have their content clearly identified;
- (3) handled with care.

98. Protection from splashes: Open reservoirs and vats in which liquid-state corrosive substances are agitated with compressed air or steam heated, shall be protected so that workers are not exposed to splashes.

99. Overflow prevention devices: Reservoirs and vats containing liquid state corrosive substances shall be equipped with an overflow prevention device.

Level indicators on such reservoirs and vats shall be provided with protective screens.

§7. Dangerously reactive substances

100. Storage: Dangerously reactive substances and substances that could trigger a violent polymerization,

decomposition or condensation reaction due to vibrations, light or sound waves shall be stored separately, well protected and stabilized, as the case may be.

DIVISION XI **VENTILATION AND HEATING**

101. Necessity: Establishments shall be adequately ventilated either by natural or mechanical means, and excessive air draughts shall be avoided.

Ventilation systems and devices in service shall be designed, manufactured and installed in compliance with state-of-the-art techniques then current at the time of their installation.

In addition, all work stations shall be ventilated as to comply with the standards provided under sections 40 and 41, with the exception of work stations assigned to out-of-shop inspections, maintenance or repairs.

102. Natural ventilation: In any establishment where overall ventilation is provided by natural means, it shall be obtained by means of windows, shutters or vents having a ventilation area at least equal to the percentage of floor area indicated in the following table, according to the type of establishment in question:

Type of establishment	Percentage of floor area
Laboratories and office buildings	5%
Any other establishment	2%

For the purposes of this section, floor area does not include stairwells and other vertical empty spaces.

103. Air changes: Any mechanical ventilation system installed in an establishment shall be able to furnish a minimum number of fresh air changes at the time indicated in Schedule III, in accordance with the category or use of the establishment or any of its parts.

104. Inspection: Mechanical ventilation systems shall be inspected and adjusted at least once a year with the filters being maintained or replaced as the need arises.

105. Ducts: Ducts used to transport contaminated air shall not be used for any other purpose, and must not risk contaminating the workplace.

106. Air intakes: Air intakes shall be so placed as not to introduce into the establishment air that is already contaminated or unhealthy.

107. Local ventilation: Any localized source at a stationary work station that emits dusts, gases, fumes, vapours or mists shall be equipped with a local exhaust ventilation system for trapping the dusts, gases, fumes, vapours or mists at their source.

108. Recirculation of air: Any air recirculation system shall be designed so that:

(1) the concentration of dusts, fumes, gases, vapours and mists in any work station is lower than the weighted average exposure value permissible in the work environment and the permissible recirculation concentration provided for in Schedule I;

(2) a duct is provided for evacuating contaminated air outside the establishment in case the air filtering system breaks down or is not working properly ;

(3) no dusts, fumes or mists are discharged into a room where no dusts, fumes or mists were present before the air recirculation system is put into operation; and;

(4) there is no recirculation of gases, vapours, mists, fumes or dusts which are identified under Schedule I as a substance whose recirculation is prohibited.

109. Fresh air intake: Subject to section 108, an establishment ventilated mechanically shall be equipped with a fresh air intake system designed to replace the volume of air evacuated from the work environment with fresh air from the atmosphere.

The fresh air intake shall be situated so that no air already evacuated from an establishment is reintroduced.

110. Adjacent facilities: All establishments shall be designed, built, equipped and operated so that they do not emit gases, dusts, fumes, vapours, odours or mists through ceilings, walls, floors, corridors, stairwells, or freight or passenger elevator hoistways into any building or facility adjacent to the establishment.

111. Ventilation of change rooms and toilets: During the hours of operation of an establishment, the change rooms and washrooms shall be ventilated toward the outside of the establishment, either naturally in accordance with section 102, or mechanically by extraction in accordance with the standards prescribed in the following table:

Place	Ventilation (in cubic metres of air per hour)	
Change rooms	hooks or lockers for street clothes or unsoiled work clothes	18 m ³ /h, per square metre of the room's surface area.
	hooks or lockers for damp work clothes (drying facilities)	the greater of: 36 m ³ /h, per square metre of the room's surface area, or 12 m ³ /h, per locker.
Toilets and urinals	the greater of: - 36 m ³ /h, per square metre of the room's surface area, or - 45 m ³ /h, per toilet or urinal, but not less than 350 m ³ /h.	
Showers	the greater of: - 36 m ³ /h, per square metre of the room's surface area, or - 90 m ³ /h, per shower head, but not less than 350 m ³ /h.	

Where a washroom is ventilated naturally, the ventilation area per toilet shall be 0,1 square metres.

112. Ventilation of a lunch room: Where a lunch room is put at the disposal of workers for eating their meals, the room shall be ventilated naturally in accordance with the standards applicable to laboratories and to office buildings prescribed in section 102 or ventilated mechanically by the addition of air at the rate of 20 cubic metres of air per hour per worker in accordance with section 109.

Where a stove is used for the cooking of food, the lunch room shall be provided with a hood for evacuating smoke and odours into the atmosphere outside the establishment.

This section does not apply to facilities used as offices.

113. Combustion products: Except in the cases provided for in sections 114 and 115, combustion products vented by the air heating facilities of an establishment shall be evacuated directly outside the establishment by means of a duct.

114. Infrared heating: In any establishment heated by a gas-fired infrared device, air contaminated by combustion gases shall be evacuated outside by natural or mechanical ventilation at the minimum rate of

9 m³/h.
Megajoule/h

115. Make-up air heaters: Any make-up air heater used in an establishment and operated with natural or propane gas shall comply with CGA Standard 3.7-1976 of the Canadian Gas Association published in a document entitled Direct Gas-Fired Non-Recirculating Make-up Air Heaters and with the standards of the Installation Code for natural gas burning appliances and equipment and the Installation Code for propane burning appliances and equipment as made mandatory by Order in Council 174-80 dated January 23, 1980.

DIVISION XII **HEATING ENVIRONMENT**

116. General conditions: Subject to sections 117 and 118, in any closed rooms, an appropriate temperature shall be maintained considering the nature of work performed therein as well as outdoor climatic conditions; if such temperature cannot be reasonably maintained, a warm place shall be put at the disposal of workers.

117. Stationary work station: In any establishment, the minimum temperature prescribed in Schedule IV shall be maintained at any stationary work station inside a building according to the type of work performed, except if the purpose for which the rooms are used or the nature of a process or of the products handled requires a cooler temperature, and unless the work station is situated in a motor vehicle, or the work involves maintenance, inspection or repairs outside the workshop.

118. Lunch room: Where a lunch room is put at the disposal of workers for eating their meals, the room shall be kept at a minimum temperature of 20°C.

This section does not apply to facilities used as offices.

119. Relative humidity: In any closed rooms, a suitable relative humidity percentage shall be maintained according to the type of work performed therein and the outdoor climatic conditions.

A relative humidity percentage of at least 20% shall be maintained during business hours in any office building or commercial establishment built or operated after December 19, 1979.

120. Measuring humidity: The humidity in an establishment is measured with a psychrometer or hygrometer.

DIVISION XIII **HEAT STRESS**

121. Compulsory measurements: In any establishment employing 50 workers or more where workers are exposed to heat stress conditions in which the heat stress index reaches or exceeds the continuous work curve in the graph of Schedule V, this index shall be measured twice a year, once during the summer, at each work station where the index is reached or exceeded.

The measurements obtained in accordance with the first paragraph shall be entered in a register. The register shall be kept for at least 5 years.

122. Method: For the purposes of enforcing this Regulation, the heat stress index is measured by the Wet BulbGlobe Temperature Index (W.B.G.T. method) as established in Schedule V.

123. Index exceeds the continuous work curve: In any establishment where workers are exposed to heat stress conditions such that the heat stress index exceeds the continuous work curve in the graph of Schedule V, the employer shall ensure that the workers thus exposed undergo medical supervision and shall provide them with water at a temperature of between 10 °C and 15 °C, and one shower per 15 exposed workers.

124. Special measures: In any establishment where workers are exposed to heat stress conditions such that the heat stress index exceeds the continuous work curve in the graph of Schedule V, the following measures shall be taken:

(1) re-equipping the exposed work station with reflecting screens, additional insulation or ventilation to reduce the heat stress index of the work station to a value less than or equal to the values of the continuous work curve;

(2) if the application of subparagraph 1) proves impossible or does not allow the continuous work curve to be reached, control the work load, the time of exposure and the rest time in accordance with the alternate work-rest regimen prescribed for that purpose in Schedule V;

(3) if the application of subparagraphs 1) and 2) proves impossible or does not allow the continuous work curves indicated in the graph in Schedule V to be reached or while waiting for the alterations required under subparagraph 1) to be done, ensure that the workers wear appropriate individual equipment in accordance with the nature of the heat stress.

DIVISION XIV LIGHTING

125. Illumination levels: Every establishment shall be provided with natural or artificial lighting the intensity of which depends on the nature of the work done at any work station or the nature of the places where workers circulate in order to provide the illumination levels stipulated in Schedule VI.

126. Method of measurement: For the purpose of enforcing section 125, the illumination level shall be measured at a distance of 750 millimetres from the floor on the usable work surface, with a luxmeter corrected for incident light rays.

127. Lunch room: Where a lunch room is put at the disposal of workers for eating their meals, the room shall have a minimum level of illumination of 250 lux.

This section does not apply to facilities used as offices.

128. Toilets: In any establishment, toilet facilities shall have a minimum level of illumination of 250 lux.

129. Exception: This section does not apply to tasks which by their very nature shall be performed without illumination or under controlled lighting conditions.

DIVISION XV NOISE

130. Operations and organization: Any establishment the operation of which is likely to emit noise at the auditory level of workers shall be operated in accordance with section 136 so that the noise measured at any work station does not exceed the standards prescribed in sections 131 to 135 for any time period indicated therein.

An establishment shall be designed, constructed or equipped so that the standards and requirements prescribed in the first paragraph are complied with and so that the ceilings, walls, floors, corridors, stairwells, or freight or passenger elevator hoistways of the establishment do not emit noise toward any building or facility adjacent to the establishment.

131. Continuous noise: No worker in an establishment may be exposed to the continuous noise levels prescribed below during a time period longer than that indicated in the following table:

Sound level (in dBA, corrected dBA or dBA equivalent)	Duration of exposure* permitted (hours per day)
85	16
86	13,9
87	12,1
88	10,6
89	9,2
90	8
91	7
92	6
93	5,3
94	4,6
95	4
96	3,5
97	3
98	2,6
99	2,3
100	2
101	1,75
102	1,50
103	1,3
104	1,2
105	1
106	0,9
107	0,8
108	0,7
109	0,6
110	0,5
111	0,45
112	0,4
113	0,35
114	0,30
115	0,25
>115	0

* this includes any continuous exposure or number of short term exposures during a worker's work period.

The permitted duration of exposure for any worker at any sound level indicated in the preceding table is reduced by one half, effective from a date to be determined by a regulation made in accordance with section 223 of the Act respecting occupational health and safety (R.S.Q., s. S-2.1).

132. Continuous noises at different levels: Where a worker is exposed to continuous noises at different levels, the combined effect of those levels shall be computed by using one of the following methods:

(1)° by adding the following fractions:

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_m}{T_m}, \text{ where } C \text{ indicates the total time in hours}$$

of exposure at a specific level and where T indicates the total duration in hours of exposure permitted in accordance with section 131;

(2) by computing the equivalent sound level in dBA equivalent with the following formula:

$$L_{eq} = 16,61 \log_{10} \frac{1}{T} \int_0^T 10^{L(t)/16,61} dt,$$

where: L_{eq} = equivalent sound level
 L = instantaneous sound level in dBA

T = total duration of worker's exposure, expressed in hours and by using the sound level thus obtained to apply the table under section 131.

Where the method of computation specified in subparagraph 1) of the first paragraph is used, a worker shall not be exposed to a sound level such that the sum of the fractions exceeds the unit.

The computations specified in this evaluation shall not include any exposure of a worker to a sound level of less than 85 dBA.

133. Predominant frequency band: Where a continuous noise includes predominant frequency bands, the continuous level shall be computed in corrected dBA in accordance with the method prescribed in Schedule VII.

134. Impact noise: In an establishment, the daily exposure of a worker to impact noise shall not exceed the number indicated in the following table:

Sound level in dB linear as peak value	Permitted number of impacts (per 8 hours)
120	10 000
121	7 943
122	6 310
123	5 012
124	3 981
125	3 162
126	2 512
127	1 995
128	1 585
129	1 259
130	1 000
131	794
132	631
133	501
134	398
135	316

Sound level in dB linear as peak value	Permitted number of impacts (per 8 hours)
136	251
137	200
138	158
139	126
140	100
>140	0

135. Impact noises on different levels: Where a worker is exposed to impact noises on different levels, the combined effect of these levels shall be computed by using one of the following methods:

(1) by adding the following fractions:

$\frac{C_1}{N_1} + \frac{C_2}{N_2} + \dots + \frac{C_m}{N_m}$, where C indicates the total number of impacts at a specific level and N indicates the total number of impacts permitted according to section 134;

(2) by computing the equivalent level in dB linear peak value with the following formula:

$$L_{eq} = 10 \log_{10} \frac{1}{N} \sum_{n=0}^N 10^{L_n/10} n$$

$$SEA = L_{eq} + 10 \log N$$

where: SEA = sum of acoustic energies
 L_{eq} = equivalent level of impact noises
 L_n = impact noise level in dB linear peak value
 N = total number of impact noises to which a worker is exposed per day
 n = number of impact noises for each sound level of impact noises

Where the method of computation specified in subparagraph 1) of the first paragraph is used, a worker shall not be exposed to an impact sound level such that the sum of the fractions exceeds the unit.

Where the measurements are taken pursuant to subparagraph 2) of the first paragraph, a worker shall not be exposed to impact noises such that the SAE exceeds 160 or such that the peak value in dB linear exceeds 140.

The computations in this evaluation shall not include any exposure of a worker to a sound level of less than 120 dB linear as peak value.

136. Corrective measures and individual protective equipment: The employer shall comply with the standards established under sections 131 to 135 by implementing the measures indicated hereafter in the following order:

- (1) reduce the noise at its source;
- (2) isolate any work station exposed to the noise;
- (3) insulate the work areas acoustically.

When, in taking the measures presented in the first paragraph, it proves to be impossible to comply with the standards prescribed in sections 131 to 135 or until the changes stipulated in the said paragraph are made, the employer shall put hearing protectors at the disposal of workers or shall limit the time that they are exposed to noise, in conjunction with an audiometric testing program.

The measures stipulated in the first paragraph shall be implemented, even if the employer is unsuccessful in complying with the standards prescribed under sections 131 to 135.

137. Hearing protectors: Any hearing protector provided to a worker in accordance with the second paragraph of section 136 shall reduce the noise such that the worker is no longer exposed to noises that exceed the standards established in sections 131 to 135.

These hearing protectors shall comply with the CSA Standard Z.94.2-1974 entitled Hearing Protectors.

They shall also be disinfected before being used by another worker, except in an emergency.

138. Posting of notices: Where a worker is exposed to noises that exceed the standards established in sections 131 to 135, a poster indicating that the wearing of ear protectors is mandatory, shall be displayed near the work station or room where the worker is assigned. If the notice includes characters, the latter shall be at least 30 millimetres high.

139. Measuring devices: For the purpose of enforcing this Division, the sound level shall be measured with a Type 2 sound level meter for general use or a Type I sound level meter for precision purposes as prescribed in CSA Standard Specifications for Sound Level Meters Z.107.1-1973.

Devices used to determine predominant frequency bands shall comply with CSA Standard Z.107.5-1975 entitled Octave, Half-Octave and Third Octave Band Filter Sets.

140. Measurement methods: For the purposes of enforcing this Division, except for the case provided for in section 133, the noise shall be measured in accordance with CSA Standard Z.107.2-1973 entitled Methods for the Measurement of Sound Pressure Levels.

141. Measurement of noise: Noise emitted at a work station shall be measured at least once a year in any establishment that employs 50 workers or more and where such noise is likely to exceed the standards prescribed in sections 131 to 135.

Measurements shall also be taken within 30 days after a change in industrial processes or equipment or after the installation of devices for reducing the levels of noise emitted at a work station. Measurements shall be entered in a register and kept for a period of at least 5 years.

DIVISION XVI HAZARDOUS RADIATIONS

142. Infra-red radiation: All intense infra-red radiation sources shall be shielded by one of the following devices:

- (1) heat absorbent screens;
- (2) water screens;
- (3) any other devices to protect workers.

143. Ultra-violet radiations: In areas where operations producing dangerous emanations of ultra-violet radiations such as arc welding and cutting and resistance welding are carried out, the following precautions shall be taken:

- (1) enclose the emanation sources with protective screens;
- (2) protect the hands and forearms of workers exposed to appreciable doses with gloves or protective creams;
- (3) protect eyes and face as required under section 343.

144. Ionizing radiation: Workers exposed to ionizing radiation shall be monitored by dosimetry.

In the event of an overdose, workers thus exposed shall undergo medical examinations at more or less regular intervals, depending on the duration of exposure.

DIVISION XVII QUALITY OF WATER

145. Drinking water: Any establishment shall provide workers with drinking water whose quality complies with the standards of a regulation with respect to drinking water for human consumption taken under the Environment Quality Act (R.S.Q., s. Q-2).

The daily quantity of drinking water that an establishment shall put at the disposal of its workers is that prescribed in Schedule VIII.

146. Authorization: A person intending to establish, reconstruct, enlarge or alter a water supply intake designed to supply an establishment with drinking water shall submit the plans and specifications thereof to the Deputy Minister of Environment and obtain his authorization in accordance with section 32 of the Environment Quality Act.

The authorization provided for in the first paragraph is not required where the establishment receives its water supply from a municipal waterworks system or from a waterworks system operated by a holder of the permit prescribed in section 32.1 of the Act.

147. Analysis: In any establishment that is not supplied with water by a municipal waterworks system or a waterworks system operated by a holder of the permit prescribed in section 32.1 of the Environment Quality Act, the results of a bacteriological analysis of a sample of the water provided to the workers for consumption purposes shall be sent to the Minister of Environment once a month.

This section does not apply to bottled water.

148. Bottled water: Any bottled water distributed in an establishment shall comply with the stipulations in the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r. 5, deemed adopted by section 19 of chapter 50 of the Statutes of 1996, under section 40 of the Agricultural Products, Marine Products and Food Act).

149. Distributors: All establishments shall be equipped with drinking water distributors intended for consumption by the workers in a proportion of one distributor per group of 75 workers and an additional distributor for any fraction of that number above 75 workers. In an establishment with less than 75 workers, at least one drinking water distributor shall be provided.

Drinking water distributors shall be easy to clean and made of leakproof material. They shall be kept free from any source of water contamination.

150. Water unsafe for drinking: Any drinking water distribution system intended for workers' consumption shall be designed and installed to eliminate any possibility of cross-connection or contamination with any piping system likely to contain water that is unsafe for drinking.

Any tap for water that is unsafe for drinking shall be identified.

151. Paper cups: Except where workers are provided with water fountains, they shall have at their disposal sanitary individual disposable paper cups.

The use of a common glass or cup is prohibited.

When workers are provided with paper cups, a refuse container shall be placed less than 2 metres from the drinking water distributor.

DIVISION XVIII COMMON FACILITIES

152. In this division as well as in DIVISION XIX, the word "disinfected" means being washed with a bleach-based solution or with some comparable product;

153. Lunch room: A lunch room shall be provided in the establishment for workers who eat their meals at work.

The lunch room shall:

(1) occupy a minimum area of 1,1 square metres per worker for all workers likely to eat there at the same time;

(2) be provided with tables and seats for all workers likely to eat there at the same time;

(3) be separate from the work premises;

(4) be cleaned after each meal period, except for unused spaces,

(5) be disinfected daily;

(6) be equipped with covered garbage containers that shall be leakproof, corrosion resistant, and cleaned daily on working days;

(7) be provided with hooks for hanging clothes, except where cloakrooms or hooks already exist in an area adjacent to the lunch room;

(8) not be used for storage purposes.

This section does not apply to facilities used as offices.

154. Change rooms: In the case of an establishment or a part of an establishment referred to under sections 41, 69 or in subparagraph 3) of section 124 where the workers wear clothes used exclusively for work, the workers shall be provided with a place separate from the workplace and equipped with hooks or lockers for hanging such clothes.

This room shall be equipped with a minimum level of illumination of 250 lux and kept at a minimum temperature of 20 °C.

155. Change room with drying facilities: A change room with drying facilities shall be put at the disposal of workers assigned to do work involving compressed air, unless such work is performed occasionally.

The change room with drying facilities shall consist of a room with:

- (1) a space where the workers may change their clothes;
- (2) benches and lockers or hooks;
- (3) a clearance of at least 600 millimetres in front of each row of lockers;
- (4) facilities with sources of heat for drying workers' clothes;
- (5) showers with hot and cold water installed in an adjacent room, in the proportion of one shower per 15 workers who finish their shift at the same time.

156. Maintenance: All change rooms and other common facilities put at the disposal of workers shall be maintained in sanitary conditions and cleaned daily.

In addition, change rooms adjacent to toilets or a bathroom or showers shall be disinfected daily.

157. Heated shelter: Where a sanitary landfill is operated more than 16 hours per week, a heated shelter equipped with drinking water, a telephone or a radio transmitter, lighting and a toilet facility shall be installed.

158. Camp: A camp and eating facilities shall be provided to workers who perform work in remote areas that do not offer lodging accommodations, except where the work is carried out over short periods.

159. Transportation facilities: Where a camp is not provided in accordance with section 158, the employer shall provide workers with transportation facilities in accordance with Division XXXI.

160. Camp facilities: For the purposes of section 158 and 159, "camp" means an aggregate of temporary or permanent facilities, as well as their outbuildings, that the employer organizes to lodge workers, whether it involves permanent camps, permanent summer camps or temporary camps as defined under the Regulation respecting sanitary conditions in industrial or other camps (R.R.Q., 1981, c. Q-2, r. 3).

DIVISION XIX

SANITARY FACILITIES

161. Sanitary facilities: All establishments shall have installed one or more washrooms that are separate from the other rooms in the establishment.

The quantity of washrooms, toilets, urinals, sinks, showers and other facilities shall comply in number with the standards provided under Schedule IX.

162. Sinks: In any establishment, a sink for individual use may be replaced by a sink for common use having a length of 600 millimetres.

163. Items for ensuring hygiene: In washrooms, the following items shall be at the disposal of workers:

- (1) soap or another cleaning product;
- (2) paper towels, hand dryers or roller towels;
- (3) where paper towels are used, waste paper baskets for disposal of such towels.

164. Accessories, operation and maintenance: The toilets of any establishment shall be:

- (1) provided with toilet paper;
- (2) kept in good working order;
- (3) provided with seats.

Any cracked or damaged toilet seat shall be replaced immediately.

165. Facilities and upkeep: The toilets of any establishment shall be:

- (1) used exclusively for the purposes for which they were designed;

(2) free from any obstacle or obstruction that could prevent them from being used;

(3) kept clean and free of vermin, rodents or insects;

(4) maintained in sanitary condition;

(5) cleaned and washed before each shift or on the first half of each shift, except if they have not been used;

(6) disinfected daily.

DIVISION XX

SPECIAL ERGONOMIC MEASURES

166. Handling: Workers assigned to the handling of loads or persons shall be instructed in the proper manner of performing their work safely.

When the manual moving of loads or persons compromises the worker's safety, mechanical devices shall be put at his disposal.

167. Working on piles: A worker shall have the necessary equipment allowing him to reach the top of piles of material safely, such as step ladders, ladders, pinch grips or any other equipment designed for such purpose.

168. Level of work: The height of workbenches and the position of chairs shall be adapted to the work and the worker in such manner as to ensure workers a correct posture and to reduce their fatigue.

169. Position: Tools, handles and materials shall be located in positions that facilitate work and reduce strain

170. Chairs and benches: Workers shall have chairs or benches put at their disposal when the nature of their work so permits.

171. Break for meals: When the duration of the work exceeds 5 hours, a break of at least 30 minutes shall be granted to allow workers to eat a meal.

Unless there is agreement to the contrary, this break for meals shall begin in a 2-hour period situated in the middle of the worker's work period.

DIVISION XXI

MACHINES

§1. Protectors and protective devices

172. In this division as well as in section 323, "danger zone" means any zone situated inside or around a

machine and which poses a risk for the health, safety or physical well-being of workers.

In this division as well as in sections 239 and 267, "protector" means the part of a machine used specifically to isolate a machine's danger zone by means of a material barrier, such as a housing, a cover, a screen, a door or a cabinet.

173. Applicable provisions: Subsections 1 to 3 apply, with necessary adaptations, to all types of machines, subject to the provisions of subsections 4 to 9.

174. Permanent protector: A permanent protector is one that can only be removed with the assistance of a tool or is set in place permanently, for instance, by being welded.

175. Interlocking protector: A protector equipped with an interlocking device shall have the following features:

(1) it causes the stoppage of the machine or of the operation of its dangerous parts when it is moved;

(2) it makes it impossible to start the machine or to operate its dangerous parts for as long as it is being moved;

(3) it does not cause the machine or its dangerous parts to be restarted once it is restored to its place.

176. Interlocked protector: An interlocked protector equipped with an interlocking device shall have the following characteristics:

(1) it remains in place and is interlocked as long as the machine or its dangerous parts remain in operation;

(2) it makes it impossible to start the machine or to operate its dangerous parts for as long as it has not been restored to its place and reactivated;

(3) it does not cause the machine or its dangerous parts to be restarted once it is restored to its place and reactivated.

177. An automatic closing protector: An automatic closing protector is one that returns to its place automatically to isolate the worker completely from the danger zone, once the material that triggered its movement is removed from the machine.

178. Adjustable protector: An adjustable protector is one that shall be adjusted to the material in order to isolate the worker from the danger zone completely and at all times.

179. Sensor device: A sensor device is one that reacts by causing the elimination of risks associated with the danger zone, as soon as a worker approaches within a given distance of this zone.

180. Two-hand control: Any two-hand control shall have the following characteristics:

(1) it operates in such a manner that the worker shall use both hands to start the machine;

(2) it is designed and located to prevent involuntary or accidental operations;

(3) it is kept at a safe distance from the danger zone.

181. Multiple two-hand control: If one of the machine's functions is started by more than one two-hand control, these controls shall be designed in such a manner that none of them can start the machine unless all the other controls are also activated and held in this same position.

182. Controlling the danger zone: Subject to section 183, a machine shall be designed and built so as to make its danger zone inaccessible, failing which it shall be equipped with at least one of the following protectors or protective devices:

(1) in the case where no one will have access to the machine's danger zone while it is in operation:

(a) a permanent protector;

(b) a protector fitted with an interlocking device;

(c) an interlocked protector fitted with an interlocking device;

(d) a sensor device;

(2) in the case where at least one person will have access to the machine's danger zone while it is in operation:

(a) a protector fitted with an interlocking device;

(b) an interlocked protector fitted with an interlocking device;

(c) an automatic closing protector;

(d) an adjustable protector;

(e) a sensor device;

(f) a two-hand control.

183. Equivalent safety precautions: Section 182 does not apply when it is foreseeable that the effects of installing a protector or a protective device on a machine will make the operations for which it was designed reasonably impractical, notably a snow blower, a railway switch or a medical appliance intended to act directly on a patient.

In this case, the employer shall take precautions that ensure the equivalent safety of workers, namely with respect to the organization of the work, worker training, the machine's operating conditions and operating modes, and individual protective means and equipment that take into account the absence of a protector or of a protective device.

184. Installation: Subject to section 186, before operating a machine, the protectors shall be installed or the protective devices shall be operational.

185. Making secure: Subject to the provisions of section 186, before undertaking any maintenance, repair or unjamming work in a machine's danger zone, the following safety precautions shall be taken:

(1) turn the machine's power supply switch to the off position;

(2) bring the machine to a complete stop;

(3) each person exposed to danger locks off all the machine's sources of energy in order to avoid any accidental start-up of the machine for the duration of the work.

186. Adjustment, repair, unjamming, maintenance and apprenticeship: When a worker must access a machine's danger zone for adjustment, unjamming, maintenance, apprenticeship or repair purposes, including for detecting abnormal operations, and to do so, he must move or remove a protector, or neutralize a protective device, the machine shall only be restarted by means of a manual control or in compliance with a safety procedure specifically provided for allowing such access. This manual control or this procedure shall have the following characteristics:

(1) it causes any other control mode or any other procedure, as the case may be, to become inoperative;

(2) it only allows the operating of the dangerous parts of the machine by a control device requiring continuous action or a two-hand control device;

(3) it only allows the operation of these dangerous parts under enhanced security conditions, for instance,

at low speed, under reduced tension, step-by-step or by separate steps.

187. Characteristics of a protector: A protector or a protective device shall not:

- (1) cause additional risks for workers;
- (2) be in itself a source of danger, for instance due to the presence of cutting edges, irregularities or burrs.

188. Spare part: When a protector or a protective device is replaced, the spare protector or protective device shall offer safety features at least equivalent to those of the original part.

§2. Control devices or switches

189. Control devices and switches: Control devices and switches shall be designed, installed and maintained so as to avoid the accidental start-up or shut-down of a machine.

190. Start and stop switches: Each machine shall be equipped with a control device or switch making it possible to start and stop the machine under safe conditions.

191. Warning device: When the starting up of a machine constitutes a danger for anyone near the machine, a warning device or any other effective means of communication shall announce the starting up of the machine.

192. Emergency stop: Subject to section 270, any machine whose operation requires the presence of at least one worker, shall be equipped with an emergency stopping device or switch.

This device or switch stops the machine, considering the machine's design, in the shortest possible time. In addition, it has the following characteristics:

- (1) it is easily visible and within reach of the worker;
- (2) one single action activates it;
- (3) it is clearly identified.

The resetting of the emergency stopping device after it is used, shall not by itself cause the machine to start up.

193. Groups of machines: Any stopping device or switch for a machine belonging to a group of machines

that are wired to operate in series, including an emergency shut-off switch, shall in addition be designed to stop serial upstream and downstream machines if their operations constitute a danger for worker safety.

§3. Pulleys and belts

194. Prohibited use: No cracked pulleys or broken rim pulleys shall be used.

195. Safety precaution: The installing of belts or cables shall not be done while the pulleys are in motion.

196. Clutch mechanisms: When the clutch of a machine is engaged by means of pulleys, this clutch mechanism shall be equipped with a mechanism that prevents the belts from sliding from the idle pulley to the fast pulley.

§4. Grinding machines and abrasive materials

197. Grinding machines: Grinding machines, with the exception of grinders, which are equipped with a 50 millimetre diameter grindstone or more, shall be provided with a guard compatible with the task being performed and shall offer the most efficient protection.

198. Mounting a flat grinding wheel: A flat grinding wheel that is non-permanently mounted on its spindle shall be mounted between two plates whose diameter is at least 1/3 the nominal diameter of the grinding wheel by inserting a buffer of blotter paper between the wheel and the plates.

199. Storage of grinding wheels: Grinding wheels shall be stored:

- (1) in compliance with the manufacturer's recommendations;
- (2) protected from impacts, in chests or drawers specially designed for such purpose;
- (3) in dry areas, protected from sudden temperature changes.

200. Precautions: Before installing or using a grinding wheel, the following precautions shall be taken:

- (1) the grinding wheel shall not be cracked, split, chipped or unbalanced;
- (2) at no time during its use, shall the manufacturer's rated rotational speed be exceeded.

§5. Grinders

201. Protectors and protective devices: A grinder shall be equipped with the following protectors and protective devices:

- (1) a grinder casing and, if applicable, a wire brush casing;
- (2) an adjustable spark shield;
- (3) an adjustable workpiece support or chuck;
- (4) a transparent screen.

202. Housing: The grinding wheel housing shall be built to withstand impacts and the projection of fragments if the wheel ruptures.

203. Spark shield: The spark shield is designed to prevent sparks and grinding wheel fragments from being projected outside the housing.

The gap between the spark shield and the grinding wheel shall be adjusted as the wheel wears down and this gap shall not exceed 5 millimetres with a 1 millimetre margin of error.

204. Gap adjustment: The gap between a workpiece holder or adjustable chuck and the grinding wheel shall be adjusted as the grinding wheel wears down such that the gap does not exceed 3 millimetres.

205. Transparent screen: The purpose of the transparent screen is to prevent particles from being projected into the operator's face and eyes.

The screen shall be made of a shock-resistant transparent material.

206. Abrasive materials: Sections 198 to 200 apply to grinders.

§6. General purpose machines for wood working and saws

207. Bandsaw: Bandsaw wheels shall be housed in a casing.

Moreover, the saw shall be equipped with a protector or protective device that prevents access to the band over its entire length, except on the side where sawing is carried out between the blade shield and the bench.

208. Circular saw: Circular saws shall be provided with protective hoods or protective devices.

209. Prohibition: The use of a saw blade that is not properly adjusted is prohibited.

210. Safety precautions: All circular saw blades shall be used solely for the purposes for which they were designed.

Moreover, the saw shall not be operated beyond the maximum speed specified by the blade manufacturer, nor shall the blade exceed the maximum diameter specified by the machine manufacturer.

211. Guide blocks and gages: Guide blocks and gages for pit saws and crosscut saws shall be available and in good condition.

212. Knife-type splitter: Hand-fed circular saws such as pit saws and crosscut saws shall be equipped with a knife-type splitter, which shall be chosen and installed according to trade practice.

213. Accessories: On wood working machines, accessories such as push sticks, jigs or mounting devices intended to keep workers' hands away from the danger zones shall be used whenever the work so permits.

214. Recoiling parts: Wood working machines likely to cause the projection of parts, such as circular rip saws and planing machines, shall be equipped with a device to prevent the recoil of parts.

§7. Presses

215. Applicable provisions: The provisions of this subdivision apply to all presses, including full-cycle punch presses and friction clutch presses.

216. Power shut-off mechanism: A press shall be equipped with a power shut-off mechanism, such as a switch or a general circuit breaker.

The purpose of this power shut-off mechanism is to cut all power to the punch press, including that of the auxiliary circuits. It shall be possible to lock off this mechanism in the off position.

217. Start-up: The starter of the punch press motor shall be protected against inadvertent or accidental starts.

In the event of a power failure, the starter shall return to the off position.

218. Auxiliary circuits: The auxiliary circuits of the punch press, such as those linked to two-hand control units and solenoid valves, shall only be powered by

a transformer having a secondary conductor that is insulated, i.e. grounded.

This transformer's rated output voltage shall not exceed 120 volts.

219. Protection of the pedal mechanism: The pedal of the punch press and its components shall be protected both on top and on the sides by a stationary guard to shield it from inadvertent or accidental movements.

When the punch press is in operation, this pedal shall only be accessible to the operator.

220. Purge valve: The pneumatic components of a punch press shall be equipped with an automatic purge valve which will close off the air supply and automatically purge the circuit.

A pressure gauge shall be installed on the punch press in full view of the worker to indicate that the line has been purged.

221. Pressure detector: When a pneumatic system is used to control the punch press clutch, a pressure detector shall be installed to prevent the operation of the clutch control when the pressure falls below the minimum operating pressure.

222. Anti-repetition device: When the punch press has a two-hand control unit, it shall be equipped with an anti-repetition device.

Such a punch press shall also be equipped in such a way as to prevent the simultaneous use of other types of controls to operate the machine.

§8. Full-cycle punch presses

223. Single action mechanism: A full-cycle punch press shall be equipped with a single action mechanism which disconnects the controls of the trigger mechanism, including those of the pedal, at the end of each cycle.

224. Rod or guide for springs: The springs of the single action mechanism, those of the mechanism that controls the clutch and those of the rod linkage assembly of the clutch control shall be of the compression type, mounted on a rod or placed in a guide, to prevent the windings from becoming entangled in the event of breakage. The space between the windings shall be less than the diameter of the wire.

225. Prevention of early triggering: The punch press control unit components, such as the pedal or

control lever, shall have a device that prevents early triggering.

§9. Friction clutch presses

226. Safety precautions: A friction clutch press shall:

(1) have clutch-braking control devices that automatically stop the press by activating the clutch and brakes; this clutch action shall remain inoperative until activated;

(2) be equipped with lockable control devices for switching off-circuit and for single or automatic step advancing;

(3) require the use of a two-hand control device in step-by-step advancing mode, except if the danger zone is not accessible or is protected by a protector or protective device;

(4) never be used for production in step-by-step advance mode;

(5) be equipped with double or twin load breakers when the clutch is air-powered; any failure of a load breaker shall prevent the press from operating.

DIVISION XXII

HAND TOOLS AND PORTABLE POWER TOOLS

227. Safe usage: Hand tools and portable power tools shall be appropriate for the job for which they are intended and be used solely for the purposes for which they were designed.

228. Inspection and maintenance: Hand tools and portable power tools shall be examined regularly and if found defective, be repaired or replaced.

229. Storage of hand tools: Hand tools shall not:

(1) be left on the floor, in passages, on stairs or in other areas where people work or circulate;

(2) be placed in elevated locations from where they could fall on people.

230. Handles: Handles for tools such as: axes, hammers, sledge-hammers, shall be carefully adjusted at the heads, firmly fixed and replaced if found defective.

231. Files: Files shall have metal ferruled handles or other sturdy handles and shall not be used without them.

232. Extensions: It is prohibited to adapt an extension to a tool used for tightening or loosening nuts, screws, bolts or pipes unless the tool was designed to be fitted with such an extension.

233. Burrs: The head of a steel tool used with a hammer or a sledge-hammer, such as a punch, stone chisel or other similar tool, shall be kept free of burrs.

234. Cutting tool: A cutting tool, such as an axe or a saw shall be transported in such manner as to prevent any contact with the worker, namely by being stored in a box or in a covered container, or firmly attached to the vehicle.

235. Ground: A portable electric power tool shall use an extension with a third conductor for grounding which is connected to the tool's exterior metal casing, unless the tool is battery powered or equipped with double-layered insulation.

236. Position of trigger: The trigger on a portable electric power tool shall be so designed as to eliminate any risk of an accidental start-up.

237. Air supply inlet valve control: The switch for an air-driven portable tool shall, in addition, be designed to automatically close the compressed air supply inlet valve when the operator releases the trigger.

238. Electrical wire and flexible hose: If they hamper circulation, the electrical wire feeding an electric power tool and the flexible hose supplying an air-driven power tool with compressed air shall:

(1) when left on the ground, be protected so as not to be damaged and be secured so as to eliminate any risk of falling;

(2) when suspended, be at a sufficient height to ensure clearance, but at least at 2 metres.

239. Protectors and protective devices: Protectors or protective devices for portable power tools shall be left in place when such tools are being used.

240. Safety precautions: When carrying a portable power tool from one working area to another, the following precautions shall be taken:

(1) cut off the power supply;

(2) wait for the tool to come to a complete stop.

241. Chain saw: Portable power saws and chain saws shall comply with the CAN3-Z62.1-M85 Chain saw standard.

Notwithstanding the first paragraph, they shall be equipped with an anti-vibrating system.

242. Conditions for using a chain saw: A portable power saw or chain saw shall only be used under the following conditions:

(1) it may only be started at a distance of over 3 metres from the place where the gasoline tank was filled;

(2) it may only be started if the chain stopper is applied;

(3) it may only be started if it is firmly set on the ground or if the worker holds it by gripping the main handle near the chain stopper while securing the rear handle between his knees except if it weighs less than 6,8 kilograms;

(4) it shall be used by holding it with both hands and with both feet firmly standing on a stable surface;

(5) it shall have the chain stopper applied when not held firmly by the worker and while being carried from one work area to another;

(6) it shall be equipped with a chain that is sharpened, adjusted and maintained according to the manufacturer's recommendations;

(7) it shall never be used any higher than shoulder level;

(8) it shall only be adjusted or serviced when the motor is turned off;

(9) it shall never be fueled when there is a fire or explosion hazard;

DIVISION XXIII **HANDLING AND TRANSPORTING MATERIAL**

§1. Handling techniques

243. Inclined plane: Where a worker uses an inclined plane for raising or lowering heavy objects, he shall:

(1) avoid standing on the lower end of the plane;

(2) control the movement of such objects by means of cables, blocks, wedges or other apparatus.

244. Rollers: Where rollers are used for moving objects, tools designed for this type of work such as bars or sledge-hammers shall be used; it is prohibited to use

one's hands or feet to change the position of moving rollers.

§2. *Hoisting devices*

245. Operating conditions: Every hoisting device shall be used, maintained and repaired in such a manner that its use does not compromise the health, safety or physical well-being of workers. Consequently, such a device shall:

- (1) be inspected before it is used for the first time;
- (2) have its motor turned off when filling the gas tank;
- (3) not be used if strong winds, storms or extreme temperatures make it dangerous to use;
- (4) not be used when repair or maintenance work is being carried out;
- (5) be inspected and maintained in accordance with the manufacturer's instructions or standards offering equivalent safety;
- (6) when one of its parts is repaired, reconditioned or replaced, provide as regards this part a level of safety that is equivalent to that of the original part;
- (7) not be modified to increase its rated load or to be used for any other purpose without a signed and sealed certificate from an engineer or a written certificate from the manufacturer, indicating that the modification is safe.

246. Hoisting accessories: Hoisting accessories shall be solidly built, have requisite resistance, depending on their use, and be kept in good working order.

247. Safe access: When a hoisting device has an operator's station for moving the device about or a control station for hoisting, the latter shall be safely accessible by means of a ladder, steps, grip handles or any other means.

248. Precautions: A hoisting device shall not:

- (1) be loaded beyond its rated load;
- (2) be subject to sudden movements.

249. Rated load: The rated load shall be indicated on all hoisting devices, at a place where it is easy to read.

250. Load-rating table: A table shall indicate the rated loads of a crane or of a similar device. This table shall:

- (1) be so placed as to be easily read by the operator;
- (2) provide information which complies with that provided by the manufacturer;
- (3) furnish all the necessary information for the safe operation of the crane or apparatus.

251. Mobile crane: A mobile crane shall meet the requirements of the CSA Z150-1974 Safety Code for Mobile Cranes standard and its supplement n° 1-1977, or any other recognized standard offering equivalent safety.

252. Transformed mobile crane: A mobile crane with a luffing boom transformed and used for purposes other than the hoisting of loads, and serving as a scoop, a dragging bucket, a clamshell bucket or a pile hammer shall be equipped:

- (1) with bumpers or boom stops;
- (2) a high boom angle switch.

253. Signalman: If the operator of a hoisting device does not have an unrestricted view during any manoeuvre, one or more signalmen shall assist the operator. The signalman shall:

- (1) observe the movement of the apparatus or the load when it is out of sight of the operator;
- (2) communicate with the operator by a well-established, uniform signal code or by means of a telecommunication system, when conditions so require or when the operator judges it necessary.

254. Travelling crane: A general purpose overhead travelling crane, with the exception of a single-girder overhead crane, shall conform to the CSA B167-1964 General Purpose Electric Overhead Travelling Cranes standard.

255. Safe handling of loads: The handling of loads on a work site shall take place in accordance with the following standards:

- (1) before hoisting a load, the operator or the signalman shall ensure that all the cables, chains, slings or other moorings are properly attached to the load and that hoisting does not present any hazard;

(2) the hoisting of loads shall be done vertically;

(3) when oblique hoisting is absolutely necessary, precautions dictated by the circumstances shall be taken, and this operation shall be performed in the presence of a competent person representing the employer;

(4) if the uncontrolled movement or the swinging of a raised load involves a danger, one or more guide ropes shall be used;

(5) the hoisting device shall not be left unsupervised when a load is suspended therefrom;

(6) the moving of loads above people shall be avoided and, if this is not possible, then specific measures shall be taken to ensure the safety of these persons;

(7) it is prohibited for any person to stand on a load, a hook or a sling suspended from a hoisting device;

(8) the hooks used to hoist loads as well as those attached to slings shall be equipped with a safety catch except where these hooks are specifically designed for the safe hoisting of certain loads.

256. Lift truck: A lift truck built starting on the date of the coming into force of this regulation shall conform to the ASME B56.1-1993 Safety Standard for Low Lift and High Lift Trucks.

A lift truck built before the date of the coming into force of this regulation shall conform to the CSA B335.1-1977 Low Lift and High Lift Trucks standard or the ANSI B56.1-1975 Low Lift and High Lift Trucks standard.

257. Lifting jacks: Lifting jacks that are used to lift loads shall:

(1) rest on solid bases;

(2) be lined up with the load to lift;

(3) be equipped with a positive stop to prevent overstop or a stop indicator.

258. Hoisting devices that can be dismantled: Hoisting devices that can be dismantled shall be assembled, maintained and dismantled in accordance with the manufacturer's instructions or trade practice.

259. Brakes and warning device: A hoisting device shall be equipped with:

(1) hoisting brakes so designed and installed as to stop a load of at least one and half times that of the rated load;

(2) a warning device when the hoisting device is motorized, except in the case of a person-lifter.

The warning device shall be used each time that a load is moved over a work station or a traffic area.

260. Prohibition: Subject to section 261, no operator shall lift a worker using a hoisting device, unless the latter was designed for that purpose by the manufacturer.

261. Lifting of a worker: The lifting of a worker using a lift truck or a mobile crane is permitted if the conditions set out in section 3.10.7 of the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6) as it reads at the time that it applies, are respected.

262. Aerial basket: Every vehicle with an aerial basket shall be equipped with an emergency stop button located within reach of the worker occupying the basket.

263. Carrier vehicle: Every vehicle carrying an aerial basket shall provide stable and structurally adequate support when the basket is used.

264. Protection against falls: The wearing of a safety harness is compulsory for any worker occupying the aerial basket of a lifting device, except if the worker is protected by some other device that provides him with equivalent safety.

A safety harness shall be equipped with an energy absorber and a lifeline attached to an anchorage point specified by the manufacturer or any other anchorage point independent of the basket and offering a resistance to breakage of at least 18 kilonewtons per worker who is anchored thereto.

§3. Conveyors

265. Carrying elements: The carrying elements of conveyors shall be designed to safely support the loads that are hauled.

266. Transmission devices: Belts, chains, gears, drive-shafts, drums, sheaves, chain pinions of conveyor installations shall be guarded, if these parts are located 2,1 metres or less above the floor or the working platform.

267. Protection from falling objects: Conveyors shall preferably not be installed above passages and work stations; otherwise they shall be provided with guardrails to prevent the falling of objects

268. Aerial conveyor: Subject to section 324, an aerial conveyor shall be equipped with a footbridge in compliance with section 31, when there is a danger of falling, and when workers must circulate on the conveyor.

269. Safety precaution: When a conveyor is in operation, it is prohibited to climb onto the moving part or to stand on the conveyor frame.

This prohibition does not apply to conveyors designed specifically for moving people and used for such purpose, or to slow-moving conveyors to which workers may safely have access.

270. Emergency stop: The emergency stop device of a conveyor to which workers have access comprises several control devices located at loading and unloading piers as well as at other points along the conveyor's itinerary. In addition, these devices have the following features:

- (1) they are easily visible;
- (2) one single action activates them;
- (3) they are clearly identified.

The resetting of the emergency stop device after it is used, shall not by itself cause the start up of the machine, except if the conveyor is moving slowly and workers can have access to it safely.

271. Bucket conveyors: A bucket conveyor shall be:

- (1) covered on all sides and from top to bottom;
- (2) equipped with doors or removable panels to facilitate inspection, cleaning and repairs. These panels shall be equipped with an interlocking device.

§4. Self-propelled vehicles

272. Conditions of use and maintenance: Every self-propelled vehicle shall be used, made and repaired in such way that it does not compromise the health, safety and well-being of workers. Consequently:

- (1) the vehicle motor shall be in the off position during fueling, except if a safe work method has been established;
- (2) the vehicle shall not be used if repair or maintenance work is being carried out on it;

(3) the vehicle shall be maintained and inspected in accordance with the manufacturer's instructions or standards offering equivalent safety;

(4) when one of its parts is repaired, reconditioned or replaced, this new part shall provide a level of safety that is equivalent to that of the original part.

273. Safe access: The control or operating station of a self-propelled vehicle shall be easily and safely accessible by means of a step, grip handles or a ladder.

274. Brakes and warning device: Every self-propelled vehicle shall:

- (1) be equipped with efficient brakes;
- (2) be equipped with a warning device (siren).

The warning device shall be used in yards and in buildings when there are persons nearby and in areas presenting a risk, such as doors and around bends.

Subparagraph 2) of the first paragraph does not apply to tracked bulldozers and hauling machines.

275. Design and safe layout: A self-propelled vehicle shall be designed, built and laid out so as to ensure that the driver is not struck or does not get caught by a moving vehicle part, and is not otherwise injured by operating the vehicle on entering or leaving the cab.

276. Protection of the driver: The self-propelled vehicle shall be equipped with a roof, a protective screen, a cab or a structure to protect the driver in the following cases:

- (1) where there is a risk of falling objects;
- (2) if the driver risks impact with an object being handled.

277. Protective structure of self-propelled vehicles: The following self-propelled vehicles manufactured starting on the date on which this regulation comes into force shall be provided before the date of the 180th day following the coming into force of this regulation with a roll-over protective structure which meets the CSA B352-M1980 Roll-over Protective Structures standard for farm, construction, landscaping, forestry, industrial and mining vehicles:

- (1) industrial tractors, motor graders, prime movers, tracked hauling machines, crawler tractors, tracked loaders, wheeled tractors and wheeled loaders, whose mass is greater than 700 kilograms;

(2) compacting machines and rollers whose mass is greater than 2 700 kilograms, except machines designed for compacting asphalt;

(3) wheeled agricultural tractors of more than 15 kilowatts.

This section does not apply to a low profile agricultural tractor when it is used in an orchard.

278. Protective structures of existing self-propelled vehicles: The following self-propelled vehicles manufactured before the date on which this regulation comes into force shall be provided with a roll-over protective structure which meets a standard from The Society of Automotive Engineers (SAE) standardization organization or a standard providing equivalent safety:

(1) power rams, and tracked or wheeled loaders and hauling machines;

(2) graders;

(3) tractor scrapers;

(4) agricultural and industrial tractors of more than 15 kilowatts.

The design, manufacture or installation of a protective structure is deemed to be in compliance with the standard if it has been certified, signed and sealed by an engineer.

This section does not apply to graders or loaders used for snow removal if these vehicles only circulate in places where there is no risk of overturning. Nor does it apply to a low profile agricultural tractor when used in an orchard.

279. Identification plate: A plate shall be attached to the protective structure in the event of an overturn. This plate shall indicate:

(1) the name of the manufacturer;

(2) the protective structure's serial number;

(3) the standard with which it complies;

(4) the make and model of equipment for which it was designed.

The plate shall be permanently attached and the inscriptions thereupon shall be legible at all times.

280. Safety belt: The wearing of a safety belt is mandatory for the driver of a self-propelled vehicle equipped with a roll-over protective structure as well as for any worker in the vehicle while it is in motion.

281. Protective shield: Self-propelled vehicles equipped with a winch for towing materials shall have a protective shield between the winch and the driver if there is a risk of injuring the driver should the cable snap.

282. Seat and belt: Any persons other than the driver are prohibited from being on a self-propelled vehicle, if it is not equipped with a seat and a belt to accommodate each person.

283. Vehicle in motion: No worker shall remain on the load of a self-propelled vehicle in motion.

284. Signalman: When a self-propelled vehicle moves in reverse, a signalman shall direct the driver if such a move poses a risk for the safety of a worker or the driver.

285. Prohibition: The driver of a self-propelled vehicle referred to under section 277 or 278 shall not leave his vehicle unattended when the mobile part of the device used for lifting, towing or pushing a load is in a raised position.

§5. All terrain vehicles

286. Operating conditions: The use of an all terrain vehicle is only permitted under the following conditions:

(1) the vehicle is mounted on at least four wheels;

(2) it is equipped with a portable fire extinguisher of the type ABC approved by Underwriters Laboratories of Canada (U.L.C.), if the task involves any risk of fire;

(3) it is equipped with a yellow warning flag measuring at least 0,05 square metres and placed at least 1,5 metres above ground level, if the vehicle is used in yards;

(4) the workers have been trained and warned of the specific dangers related to the use of this type of vehicle;

(5) the driver shall wear the following individual protective equipment:

(a) a protective helmet of the type for motorcyclists or snowmobile users in compliance with the Regulation

respecting protective helmets for motorcyclists and snowmobile users and their passengers, set forth in Order in Council 1015-95 dated July 19, 1995;

(b) protective goggles or a visor designed to be attached to a protective helmet;

(c) flexible gloves that provide a firm grip on the vehicle's handles and controls;

(6) The wearing of protective equipment provided under sub-subparagraphs *a* and *b* of subparagraph 5 is also mandatory for all passengers.

287. Prohibition: It is prohibited to use an all-terrain vehicle for pulling a load with any attachment which in the event it snaps, may cause a backlash effect.

DIVISION XXIV PILING OF MATERIALS

288. Piles of material: Piling of materials shall be performed such that the piles do not obstruct:

(1) the proper distribution of natural or artificial lighting;

(2) the proper operation of machines or other facilities;

(3) traffic in passages, aisles, stairs, elevators and near doors;

(4) access to electric panels;

(5) access to showers and other emergency equipment;

(6) the efficient operation of automatic sprinkler systems or access to fire fighting equipment.

The distance between the pile and the sprinkler shall not be less than 450 millimetres.

289. Resistance of walls and bulkheads: No material shall be piled against building walls or bulkheads without there being a previous determination that such walls or bulkheads can withstand the lateral pressure.

290. Stability of piles: Material shall not be piled to a height that may compromise the stability of the pile.

DIVISION XXV HANDLING AND USING EXPLOSIVES

291. Scope: This section applies to all blasting work or all work requiring the use of explosives. However, it

does not apply to such work when carried out in a mine within the meaning of the Regulation respecting occupational health and safety in mines approved by Order in Council 213-93 dated February 17, 1993.

292. Shot-firer: Every person who carries out blasting operations or any work requiring the use of explosives shall hold a valid shot-firer's certificate issued by the Commission de la santé et de la sécurité du travail or by an agency recognized by the latter.

293. Assistants: A shot-firer may not be assisted by more than 2 assistants who do not hold a shot-firer's certificate referred to in section 292.

Assistants can help the shot-firer in his work, with the exception of setting off the blast which shall be done by the shot-firer himself.

The shot-firer shall supervise and co-ordinate the work of his assistants.

294. Minimum age: Every worker must be at least 18 years old to perform blasting work or any work requiring the use of explosives.

295. Handling and use of explosives: All blasting work or all work requiring the use of explosives shall be carried out in conformity with section IV of the Safety Code for the construction industry, with the exception of subsection 4.2, as this section reads at the time that it applies.

296. Cancellation or suspension: The Commission de la santé et de la sécurité du travail shall cancel the certificate of a shot-firer who is found guilty of an offence under section 236 or 237 of the Act respecting Occupational Health and Safety.

The Commission can also cancel or suspend, for a period of from 3 to 24 months, the certificate of a shot-firer when the work he does is the subject of a remedial order under section 182 of the Act respecting Occupational Health and Safety or of an order under section 186 of that Act, by reason that he refused to comply with the Act or this regulation.

DIVISION XXVI WORKING IN AN ENCLOSED AREA

297. Definitions: For the purposes of this section, the following definitions shall apply:

"qualified person": a person who, by reason of his knowledge, his training or his experience, is able to identify, assess and control the dangers relating to an enclosed area;

“hot work”: any work that requires the use of a flame or that can produce an ignition source.

298. Qualified workers: Only those workers who have the knowledge, training or experience required to do work in an enclosed area are qualified to perform work there.

299. Entry prohibited: Entry to an enclosed area is prohibited for any person who is not assigned to do work, to perform a task or to carry out a rescue there.

300. Gathering information before work: Before any work or task is carried out in an enclosed area, the following information shall be available, in writing, on the work premises:

(1) information on the specific dangers associated with the enclosed area and that concern:

(a) the prevailing internal atmosphere, namely the concentration of oxygen, inflammable gases and vapours, combustible or explosive dusts as well as the categories of contaminants likely to be present in this enclosed area or nearby;

(b) the fact that the natural or mechanical ventilation is insufficient;

(c) the materials that are present there and that can cause the worker to sink, to be buried or to drown, such as sand, grain or a liquid;

(d) the interior configuration;

(e) energies such as electricity, moving mechanical parts, heat stress, noise and hydraulic energy;

(f) ignition sources such as open flames, lighting, welding and cutting, static electricity or sparks;

(g) any other special circumstances such as the presence of rodents or insects;

(2) the prevention measures that should be taken to protect the health and to ensure the safety and well-being of workers, and in particular those concerning:

(a) safe methods and techniques for carrying out the work;

(b) appropriate and necessary work equipment to perform the work;

(c) the personal or collective protective means and equipment that the worker shall use when performing his work;

4) the rescue procedures and equipment stipulated in section 309.

The information referred to in subparagraph 1) of the first paragraph shall be collected by a qualified person.

The precautionary measures referred to in subparagraph 2) of the first paragraph shall be drafted by a qualified person and implemented.

301. Information provided to workers prior to performing work: Information referred to in subparagraphs 1) and 2) of the first paragraph of section 300 shall be conveyed and explained to all workers before they enter an enclosed area; this information shall be given by someone who is capable of adequately informing the workers on how to perform the work safely.

302. Ventilation: Except in cases where the safety of workers is ensured in compliance with subparagraph 3) of section 303, no worker may enter or be present in an enclosed area unless the latter is ventilated either by natural or mechanical means such that the following atmospheric conditions are maintained:

(1) the concentration of oxygen shall be greater than or equal to 19,5% and less than or equal to 23%;

(2) the concentration of inflammable gases or vapours shall be less than or equal to 10% of the lower explosion limit;

(3) the concentration of one or more contaminants referred to under the sub- subparagraph of subparagraph 1) of the first paragraph of section 300 shall not exceed the standards provided in Schedule I for these contaminants;

If it proves impossible by ventilating the enclosed area to maintain an internal atmosphere in compliance with the standards provided under subparagraphs 1) and 3) of the first paragraph, a worker may only enter or be present in this area if he wears the respiratory protective equipment specified in section 45 and if the internal atmosphere of this enclosed area complies with subparagraph 2) of the first paragraph.

303. Combustible dusts: No worker may enter or be present in an enclosed area where there are combustible dusts posing a risk of fire or explosion unless the safety of the worker is ensured by the implementation of one of the following procedures:

(1) by maintaining and controlling such dusts at a safe level;

(2) by controlling existing ignition sources in the enclosed area associated with the training of the worker, by a qualified person, on the methods and techniques to be used for performing the work safely;

(3) by making the atmosphere in the enclosed area inert, associated with the worker wearing the respiratory protective equipment specified in section 45 and the training of the latter in compliance with subparagraph 2).

304. Hot work: Wherever hot work is performed in an enclosed area, a worker may only enter or be present therein if the following conditions are met:

(1) the conditions provided under sections 302 and 303;

(2) a continuous monitoring of the concentration of inflammable gases and vapours found therein is carried out by a direct reading instrument equipped with an alarm.

305. Special measures: Unless special precautionary measures are taken by the employer, no worker may enter or be present in an enclosed area when a qualified person has detected the presence of a contaminant, other than those referred to under section 300 and whose concentration requires the taking of such measures.

These measures include training devised by a qualified person and dealing with methods and techniques that shall be employed by the worker to carry out his work safely in this enclosed area. They can also provide, where necessary, for the use of equipment that is appropriate for this type of work as well as the other personal and collective protective means and equipment that the worker must use.

306. Method and frequency of readings: Readings of the oxygen concentration in the enclosed area as well as of inflammable gases and vapours and contaminants measurable by direct reading and likely to be present in the enclosed area or nearby shall be made:

(1) before workers enter the enclosed area and, subsequently, on a continuous or periodic basis, according to the evaluation of the danger made by a qualified person;

(2) if circumstances modify the internal atmosphere of the enclosed area and result in the evacuation of workers due to the fact that the quality of the air no longer complies with the standards set out in subparagraphs 1) to 3) of the first paragraph of section 302;

(3) if the workers leave the enclosed area and the work site, even momentarily, unless a continuous monitoring of the internal atmosphere of the enclosed area is maintained.

The readings shall be taken in such a manner as to obtain an accuracy equivalent to that obtained following the methods described in section 44 or, when these measures cannot be applied, by following another recognized method.

307. Register of readings: The results of the readings made under section 306 shall be recorded by the employer in a register, on the work premises, identifying the enclosed area in question.

However, in the case where the readings are made using continuous reading instruments equipped with alarms that sound when the air quality does not meet the standards set out in subparagraphs 1) to 3) of the first paragraph of section 302, the readings shall only be recorded in the register if the alarm goes off.

Only those entries in the register that do not comply with the standards set out in subparagraphs 1) to 2) of the first paragraph of section 302 shall be kept for a period of at least 5 years.

308. Supervision: When a worker is present in an enclosed area, another person posted and having the skills and information to supervise the worker shall remain in visual contact, hearing contact or contact by any other means with the worker to initiate, if necessary, the rescue procedures quickly.

The person responsible for the supervision shall remain outside the enclosed area.

309. Rescue procedure: A rescue procedure making it possible to rapidly assist any worker performing work in an enclosed area shall be established and tested. Such a procedure shall be implemented as soon as any situation so requires.

This procedure shall provide for the necessary rescue equipment. It may also make provision for a team of rescuers, an evacuation plan, alarm and communications devices, personal protective equipment, safety harnesses, lifelines, a first aid kit with emergency equipment as well as recovery equipment.

310. Unobstructed access: The personal or collective protective means or equipment used by workers shall not obstruct them when entering or leaving an enclosed area.

311. Precautions regarding free flow materials:

No person may enter an enclosed area used to store free flow materials, when filling or emptying is taking place and when precautions have not been taken to prevent an accidental resumption of filling.

312. Safety harness: When it is essential that workers enter an enclosed area where free flow materials are stored, each worker entering such an area shall wear a safety harness.

The safety harness shall be attached to a lifeline that is as short as possible and that is firmly attached outside the enclosed area.

DIVISION XXVII WELDING AND CUTTING

313. Prohibition: Welding and cutting operations are prohibited close to combustible substances or in places containing flammable gases or vapours or combustible dusts presenting a fire or explosion hazard, unless special precautions are taken to prevent any risk of fire or explosion.

314. Arc welding and cutting: Any task involving arc welding or cutting, as well as the installation, handling and maintenance of equipment required for doing so, shall comply with chapter 5 of the CAN/CSA W117.2-M94 Code for safety in welding, cutting and adjacent processes standard.

315. Resistance welding: Any task involving resistance welding, as well as the installation, handling and maintenance of equipment required for doing so, shall comply with chapter 6 of the CAN/CSA W117.2-M94 Code for safety in welding, cutting and adjacent processes standard.

316. Gas welding, brazing and cutting: Any task involving gas welding, brazing or cutting, as well as the installation, handling and maintenance of equipment required for doing so, shall comply with chapter 8 of the CAN/CSA W117.2-M94 Code for safety in welding, cutting and adjacent processes standard.

317. Protective screens: Permanent or movable protective screens shall be installed in places where welding or cutting operations are ordinarily performed and where people, other than welders, work or circulate.

318. Work performed on a recipient: Before performing welding, cutting or heating operations on a recipient, such as a reservoir, it shall be established that the recipient did not previously contain materials that are combustible or likely to discharge toxic or inflammable vapours when heated.

If the recipient has already contained such materials, no work involving welding, cutting or heating may be undertaken on the recipient until it has been properly cleaned in order to eliminate any material that is combustible or likely to discharge toxic or inflammable vapours when heated.

If after having cleaned the recipient and made a reading of the concentration of inflammable vapours and gases, there remains a risk of explosion, the work involving welding, cutting or heating may only be performed if one of the following conditions is met:

(1) the recipient is filled with water to within a few centimetres of the point of welding, cutting or heating and the remaining space is ventilated to ensure the evacuation of hot air;

(2) the recipient has been purged with inert gases.

Conduits and connections shall be disconnected, then closed to eliminate the spilling of any material that is combustible or likely to discharge toxic or inflammable vapours when heated.

319. Antiback-up arresters: The oxygen lead hose and the gas lead hose to a torch shall be equipped with at least an antiback-up gas arrester and an antiback-up flame arrester. The arresters shall comply with the manufacturer's instructions.

320. Ground: A portable welding machine powered by an internal combustion engine shall be grounded if it is equipped with auxiliary 120V or 240V plugs and if these plugs are used at the same time as the welding process.

However, such grounding is not necessary if the tools, appliances or accessories connected to the auxiliary plugs are equipped with double insulation or a third conductor ensuring the continuity of the grounding, or if the branch circuits are protected by Class A ground fault circuit interrupters.

321. Prohibited current return circuits: The use of electric conductors or conduits containing gases or inflammable liquids as a welding or cutting current return circuit is prohibited.

DIVISION XXVIII OTHER HIGH RISK TASKS

322. Work performed in an isolated environment: When a worker performs a task alone in an isolated environment where it is impossible for him to request

assistance, an efficient means of surveillance, whether continuous or intermittent, shall be installed.

323. Tasks involving maintenance or repairs: In the case of tasks involving maintenance or repairs, the following safety measures shall be taken:

(1) isolate the danger zone of a machine in operation or protect workers who are nearby;

(2) mark off the areas where such work is being performed in order to protect anyone likely to be exposed to danger.

324. Work presenting a falling hazard: Maintenance, repair or de-jamming work that presents a falling hazard shall be performed with the assistance of scaffolds, work platforms, bridges, portable ladders, safety harnesses or other appropriate equipment.

325. Compressed air cleaning: It is prohibited to clean a person with compressed air.

326. Air pressure limit: The pressure of compressed air used for the cleaning of a machine or piece of equipment shall be less than 200 kilopascals, unless the cleaning is carried out in an enclosure specially designed for abrasive air blasting and equipped with a vacuum system.

This section does not apply to automated cleaning systems.

327. Piping for compressed air: Piping in which compressed air flows shall be protected from all impacts and be clearly identified as to the nature of its contents.

328. Attachments: Flexible hoses in which compressed air flows shall be equipped with one of the following attachments in the event of section-by-section assembly:

(1) collars located on either side of the connection and held together by an attachment;

(2) an automatic locking device;

(3) a coupling fitted with a clamping device.

329. Working in compressed air: Any work carried out in compressed air shall be done in compliance with section IX of the Safety Code for the construction industry, with the exception of section 9.7.1, as it reads at the time that it applies.

330. Using a sealing pistol: Any work carried out with a sealing pistol shall be done in compliance with section VII of the Safety Code for the construction industry as it reads at the time that it applies.

331. Work performed near an electric power line: Any work carried out near an electric power line shall be done in compliance with section V of the Safety Code for the construction industry as it reads at the time that it applies.

332. Deforestation work: Deforestation work not involving the recovery of wood, which is mainly performed prior to the construction of an electric power line, shall be performed in compliance with the Regulation respecting forest operations (R.R.Q., 1981, c. S-2.1, r.22) as it reads at the time that it applies.

DIVISION XXIX VEHICLE MAINTENANCE

333. Automotive lifts and elevating platforms: In buildings built from the date this regulation comes into force, automobile vehicle or self-propelled vehicle maintenance and repair garages shall be equipped with automotive lifts and elevating platforms instead of ground level pits, unless such pits are needed for technical reasons.

334. Pits: Garage pits in existence on the date that this regulation comes into force and pits that are needed for technical reasons in new garages shall meet one of the following standards:

(1) the floor of the pit shall be higher than the level of the outside ground, with an opening towards the outside at the lowest level of the pit floor, allowing for natural ventilation;

(2) in the event that the pit is arranged differently, it shall be equipped with a separate mechanical ventilation system capable of providing an air flow equal to at least 12 times the volume of the pit per hour. As such, the floor shall have a 1 to 120 incline and have an opening at the lowest level of the pit to allow for the evacuation of air.

335. Access to pits: Access to garage pits is restricted only to the people who work in them.

336. Safety posters: Posters requiring that vehicle motors be turned off and prohibiting smoking during fueling shall be installed prominently in sight near gasoline pumps.

337. Tire holding cage: After the repair or mounting of a tire on removable rims, the wheel shall be put into a holding cage to be filled with air.

DIVISION XXX
MEANS AND EQUIPMENT FOR INDIVIDUAL AND GROUP PROTECTION

338. Employer's obligations: The employer shall provide the worker free-of-charge with the individual or collective means and equipment provided under this section, as well as sub-subparagraph *c* of subparagraph 2) of the first paragraph of section 300 and section 312 and ensure that the worker, when performing his work, uses such means and equipment.

The employer shall also ensure that the workers have received requisite information on the use of such protective means and equipment.

339. Worker's obligations: The worker shall wear or use, as the case may be, the individual or collective protective means and equipment provided in this section, as well as in sub-subparagraph *c* of subparagraph 2) of the first paragraph of section 300 and section 312.

340. Safety precautions: In areas where there is a danger of contact with moving parts, workers shall comply with the following standards:

- (1) their clothing shall fit well and have no loose flaps;
- (2) necklaces, bracelets or rings shall not be worn, with the exception of medical alert bracelets;
- (3) anyone with long hair shall tuck it under a bonnet, a hat or a hairnet.

341. Safety hat for vertical impact: The wearing of a safety hat in compliance with the ANSI Z89.1-1986 Protective Headwear for Industrial Workers standard is mandatory for any worker exposed to head injuries from vertical impacts, either by the penetration of falling objects or by an electric shock.

342. Safety hat for vertical and lateral impacts: The wearing of a safety hat in compliance with the CAN/CSA Z94.1-92 Industrial Protective Headwear standard, is mandatory for any worker exposed to head injuries from vertical impacts, from penetration by falling objects or from lateral impacts or by an electric shock.

343. Eye and face protectors: The wearing of an eye protector or a face protector in compliance with the

CAN/CSA Z94.3-92 Industrial Eye and Face Protectors standard is mandatory for any worker who is exposed to a danger that may cause injury to his eyes or face by:

- (1) particles or objects;
- (2) dangerous substances or molten metals;
- (3) intense radiation.

344. Protective footwear: The wearing of protective shoes in compliance with the CAN/CSA Z195-M92 Safety Footwear standard is mandatory for all workers exposed to foot injuries incurred in the following cases:

- (1) by perforation;
- (2) by electric shock;
- (3) by an accumulation of electrostatic charges;
- (4) by the falling of heavy, burning or sharp objects;
- (5) by contact with molten metal;
- (6) by contact with dangerous substances in a liquid state and at intense temperatures;
- (7) by contact with dangerous substances that are corrosive;
- (8) during other dangerous tasks.

345. Protectors for other parts of the body: The wearing of protective equipment suited to the type of work performed such as a hood, an apron, leggings, protective sleeves and gloves is mandatory for all workers exposed to burning objects or objects with sharp edges or dangerous projections, splashes of molten metals or in contact with dangerous or infectious substances.

346. Devices for protection from falls: The wearing of a safety harness is mandatory for all workers exposed to falls of over 3 metres from their work stations, except if a worker is protected by some other device that ensures equivalent safety or by a safety net, or when he is only using some means of access or egress.

347. Safety harnesses: A safety harness shall comply with the CAN/CSA Z259.10-M90 Safety Harness standard and be used with one of the following systems:

- (1) a shock absorber attached to a lifeline preventing a fall in excess of 1,2 metres;

(2) a harness retractor that includes a shock absorber or that is attached thereto.

The shock absorber shall comply with the CAN/CSA Z259.11-M92 standard on personal fall arrest systems

The lifeline shall comply with the CAN/CSA Z259.1-95 standard covering Safety Belts and Lanyards.

The harness retractor shall comply with the CAN/CSA Z259.2-M1979 standard covering shock absorbers, personal fall arrest systems and lowering devices.

348. Anchorage point: The anchorage point for a safety harness lifeline shall be attached in one of the following ways:

(1) be anchored to some point with a tensile strength at break of at least 18 kilonewtons;

(2) be attached to a sliding sleeve in compliance with the CAN/CSA Z259.2-M1979 standard covering shock absorbers, personal fall arrest systems and lowering devices 1979;

(3) be attached to a horizontal lifeline and anchorage point system, designed by an engineer, as demonstrated by a plan or certification available on the premises where such work is performed.

349. Vertical lifeline: A lifeline shall:

(1) comply with the CAN/CSA Z259.2-M1979 standard covering shock absorbers, personal fall arrest systems and lowering devices;

(2) be used by one person only;

(3) be less than 90 metres in length;

(4) be attached to an individual anchorage point with a tensile strength at break of at least 18 kilonewtons;

(5) be protected so as not to come into contact with any sharp edges;

(6) not have been spliced.

350. Safety belt: Where a worker is equipped with a safety belt, it can be used only to limit the movement of a worker or to keep him in his working position.

Such a belt shall comply with the CAN/CSA Z259.1-95 standard covering Safety Belts and Lanyards.

A safety belt may not be used as individual protective equipment to stop the fall of a worker.

351. Two-point suspension scaffold: When a worker uses a two-point suspension scaffold with four lifting cables, the lifeline anchorage point shall be attached in one of the following ways:

(1) by attaching it to a platform anchor with a tensile strength at break of at least 18 kilonewtons;

(2) by attaching it to a wire cable of at least 8 millimetres in diameter, attached at the ends and in the centre to the platform.

352. Safety snap and safety lock: When the lifeline ends with a locking safety snap, the snap shall be equipped with a self-locking safety catch.

353. Safety net: A safety net shall be used in the following circumstances:

(1) when the wearing of a safety harness can be harmful or be a source of danger to the worker;

(2) when the protection offered by the safety harness and personal floatation device is not sufficient because of the nature of the work.

354. Using a safety net: A safety net shall:

(1) be placed in such a way as to prevent a person from falling more than 6 metres in free fall;

(2) have sufficient surface spread to intercept a falling person;

(3) be capable of supporting a mass of 115 kilograms falling from a maximum height of 6 metres and with a safety factor of 3;

(4) be sufficiently flexible to break the fall and retain the person;

(5) be resistant to atmospheric agents;

(6) be free of all foreign matter;

(7) have a mesh measuring about 150 millimetres by 150 millimetres;

(8) be installed such that upon use the person falling into it will not strike any object above or below the net or be struck by any object whatsoever.

355. Floatation device: The wearing of a floatation device is mandatory for all workers who work over water, if the following conditions are met:

(1) no other safety measure may provide efficient protection;

(2) the depth of the water is adequate to allow for efficient usage.

356. Characteristics of a floatation device: A personal floatation device shall be adapted to the workplace situation and shall bear a stamp or label attesting to Transport Canada approval.

357. Safety equipment: In addition to personal floatation devices, the following safety equipment shall be put at the disposal of workers working over water:

(1) a motorized boat in good working order, moored near the work site, and fitted with:

(a) a life buoy connected to a Manila hemp cord with a diameter of 10 millimetres and at least 15 metres in length;

(b) a life drag;

(c) personal floatation devices in adequate number for the number of rescuers;

(d) paddles;

(2) if there is a current, a cable running across the stretch of water with floaters attached thereto capable of supporting a person in the water;

(3) an alarm system for triggering rescue operations.

A specific person shall be appointed for directing rescue operations.

DIVISION XXXI TRANSPORTING WORKERS

358. Exception: This section does not apply to automobiles used in general as common carriers.

359. Application of the Highway Safety Code: Any automobile used for transporting workers shall be arranged and used in compliance with the Highway Safety Code (R.S.Q., c. C-24.2) and its regulations, except insofar as they are modified under this section.

360. Prohibited transport: The transport of workers in trailers and semi-trailers is prohibited.

361. Other safety standards: The vehicle used for transporting workers shall:

(1) be driven by a person who has an appropriate licence issued in compliance with the Highway Safety Code;

(2) be examined and maintained so as to protect the health and ensure the safety and physical well-being of workers.

362. Safety equipment: Any vehicle used primarily or regularly for transporting workers shall be equipped with a first aid kit in compliance with the Regulation respecting minimum standards for first aid and care approved by Order in Council 1922-84 dated August 22, 1984 as it reads at the time that it applies.

Moreover, if the vehicle is a bus or a minibus, it shall be equipped with:

(1) a dry chemical fire extinguisher, of a type not less than 2-A:10-B:C, approved by Underwriters' Laboratories of Canada;

(2) at least 3 pyrotechnic flares, 3 flashlights or 3 reflectors. In the event of a breakdown on the road or less than 3 metres from the roadway, 2 of these devices shall be placed in front of or behind the vehicle on the traffic side, one at a distance of 3 metres and the other at 30 metres from the vehicle. The third device shall be placed based on the specific danger, such as the proximity of a sharp turn, fog, smog or haze conditions, or the presence of a person working on the vehicle.

363. Explosives and dangerous substances: A vehicle used for transporting workers shall not carry:

(1) explosives, unless such explosives are transported in compliance with the Safety Code for the construction industry as it reads at the time that it applies;

(2) dangerous pesticides and flammable and combustible substances, unless these substances are carried in containers designed for this purpose and outside the compartments occupied by the driver or passengers.

364. Measures for protecting passengers: Simultaneous transporting of both workers and materials in the same compartment is subject to the following conditions:

(1) in the case of small material, as long as a stowing device prevents any movement of this material likely to injure passengers;

(2) in the case of bulk material, if a strong device prevents this material from invading the passengers space.

DIVISION XXXII FINAL PROVISIONS

365. Repealed regulation: The Safety Code for the wood-working industry (R.R.Q. 1981, c. S-2.1, r. 5) is repealed.

366. The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6), amended by the regulation approved by Order in Council 749-83 dated April 13, 1983 and replaced by the regulation adopted on November 17 and 18, 1983 and published in the *Gazette officielle du Québec* on February 8, 1984 is further amended, in section 2.10.8, by the replacement of the words “Schedule A of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15)” by the words “Schedule I of the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated July 4, 2001”.

367. Section 2.10.9 of this code is amended by the replacement of the first and second subparagraphs by the following:

“**2.10.9.** When it is impossible to reduce the concentration of toxic vapours or gases, fumes, dusts or other harmful or toxic substances to a level lower than limits permitted under section 2.10.8, the employer shall provide the worker with the respiratory protective equipment specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied.

The apparatuses referred to in the first subparagraph shall, prior to use by another worker, be disinfected in compliance with the CSA Standard Z94.4-93 entitled “Selection, Use and Care of Respirators.”.

368. Section 3.20.1. of this code is replaced by the following:

“**3.20.1.** The wearing of an air-supplied hood as specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied, gloves and clothing designed to ensure protection from dust and abrasive or metal projections is compulsory for any worker using an abrasive air blaster unless the worker is isolated from the process.”.

369. Section 3.20.2 of this code is amended by the replacement of “Breathable compressed air CSA Standard Z180.1-M1978” by “Breathable compressed air: production and distribution CAN3-Z180.1-M85”.

370. This code is amended by the insertion, after section 3.20.5, of the following:

“**3.20.6.** For air blasting, the employer shall put at the workers’ disposal a room for changing their clothes. This room shall comply with sections 8.9.2 and 8.9.3.”.

371. Section 3.21.3. of this code is amended by the replacement of, in subparagraph b) of the first paragraph, “Section 13 of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15)” by “Section 44 of the Regulation respecting occupational health and safety”.

372. Section 3.23.14.1. of this code is amended by the replacement of subparagraph 1) of the first paragraph by the following:

“(1) it is specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied;”.

373. Section 3.23.15. of this code is amended by the replacement of subparagraph 1) of the first paragraph by the following:

“(1) the wearing of a reusable protective respiratory apparatus equipped with a high efficiency filter for protection from asbestos as specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied, is compulsory for any worker present in the work area; this equipment shall be selected, adjusted, and maintained in accordance with the CSA Standard Z94.4-93 entitled “Selection, Use and Care of Respirators;”.

374. Section 3.23.16 of this code is amended by:

“(1) the replacement, in subparagraphs 1) and 2) of the first paragraph, of “approved by the National Institute for Occupational Safety and Health (NIOSH) for protection from asbestos and listed in the document entitled NIOSH Certified Equipment List dated September 30, 1993” by “specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en

sécurité du travail, as it reads at the time that it is applied”;

(2) the replacement, in subparagraph 4) of the first paragraph, of “section 13 of the Regulation respecting the quality of the work environment” by “section 44 of the Regulation respecting occupational health and safety”;

(3) the replacement, in subparagraph 12) of the first paragraph, of “section 13 of the Regulation respecting the quality of the work environment” by “section 44 of the Regulation respecting occupational health and safety”.

375. Section 8.3.5. of this code is replaced by the following:

“**8.3.5.** The access to abandoned zones and any non-ventilated sector of the work site shall be declared prohibited for workers.”.

376. Section 8.3.6. of this code is replaced by the following:

“**8.3.6.** Self-propelled vehicles used for performing work in underground work sites shall:

(a) if they are powered by an internal combustion diesel type engine, be equipped with an exhaust-gas cooling system making it possible to keep the gas at 83°C, whatever the motor’s operating conditions may be;

(b) be equipped with position lights indicating their maximum width;

(c) not discharge into the air non-diluted exhaust gas containing over 0,25% carbon monoxide.”.

377. This code is amended by the replacement of “Schedule A” of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15)” by “Schedule I of the Regulation respecting occupational health and safety”, wherever it may be found in sections 3.10.17, 3.21.2 and 8.3.1.

378. Division II, with the exception of section 2.1.1., of subparagraph *b* of section 2.2.1., of subparagraphs *a*, *d* and *e* of section 2.2.2. and sections 2.3.1. to 2.3.3., division III, subdivision 4.5. of division IV, division V, with the exception of sections 5.2.2. and 5.2.3., divisions VI to XIII and division XIV, with the exception of section 14.1.1. and subdivision 14.3, of the Regulation respecting industrial and commercial establishments (R.R.Q., 1981, c. S-2.1, r.9) are repealed.

379. Division II, with the exception of section 3, divisions III to IX and division X, with the exception of section 79, of Regulation respecting the quality of the work environment (R.R.Q., c. S-2.1, r.15) are repealed.

380. Section 79 of this regulation is amended by the replacement of “8, 40, 50 and 51” by “45, 124, 136 and 137 of the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated July 4, 2001”.

381. The Regulation respecting occupational health and safety in mines and amending various regulatory provisions approved by Order in Council 213-93 dated February 17, 1993, is further amended, under section 85, by the replacement of “in sections 5 and 7 of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r.15) and its Schedule A” by “in sections 40 and 41 of the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated July 4, 2001 and its Schedule I”.

382. This regulation is amended by the replacement of “section 5 of the Regulation respecting the quality of the work environment” by “section 41 of the Regulation respecting occupational health and safety”, wherever it may be found in sections 96 and 403.

383. This regulation is amended by the replacement of “Schedule A of the Regulation respecting the quality of the work environment” by “Schedule I of the Regulation respecting occupational health and safety”, wherever it may be found in sections 97 and 102.

384. The Regulation respecting safety and health in foundry works (R.R.Q., 1981, c. S-2.1, r.20) is further amended, in section 9, by:

(1) the replacement, in subparagraph *e*, of the words “section 5.2.1 of the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9)” by the words “section XIV of the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated July 4, 2001”;

(2) the replacement, in subparagraph *f*, of “in subdivision 5.1 of the Regulation respecting industrial and commercial establishments” by “in divisions XI, XII and XIII of the Regulation respecting occupational health and safety”.

385. Section 138 of this regulation is amended by the replacement of “in section 12.4.1. of the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9)” by “in section 344 of the Regulation respecting occupational health and safety”.

386. Section 139 of this regulation is amended by the replacement “in section 12.3.1. of the Regulation respecting industrial and commercial establishments” by “in section 343 of the Regulation respecting occupational health and safety”.

387. Section 140 of this regulation is amended by the replacement “in section 12.7.1. of the Regulation respecting industrial and commercial establishments” by “in section 345 of the Regulation respecting occupational health and safety”.

388. The Regulation respecting forestry operations (R.R.Q., 1981, c. S-2.1, r.22) is amended, in section 3, by the deletion of the words “as defined in the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9)”.

389. Section 15 of this regulation is amended, by the replacement of “sections 8.4.3, 8.4.4, 8.4.5 and 8.4.6 of the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9)” by “sections 276 to 280 of the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated July 4, 2001”.

390. Section 44 of this regulation is amended by the replacement, in subparagraph *a*, of “exceeds the permitted limit according to Schedule 3 of the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9) and this” by “exceeds the standards specified in sections 131 to 135 of the Regulation respecting occupational health and safety, for any period of time indicated therein and this.”

391. Section 51 of this regulation is amended, by the replacement of “in sections 12.9.1 and 12.9.2 of the Regulation respecting industrial and commercial establishments” by “in sections 355 and 356 of the Regulation respecting occupational health and safety”.

392. Section 58 of this regulation is amended by the replacement, in subparagraph *c*) of the first paragraph, of “ the permitted limit according to Schedule 3 of the Regulation respecting industrial and commercial establishments (c. S-2.1, r.9)” by “the limits permitted in accordance with the Regulation respecting occupational health and safety”.

393. Section 63 of this regulation is amended, by the replacement of “by vehicles complying with division XIII of the Regulation respecting industrial and commercial establishments” by “in compliance with division XXXI of the Regulation respecting occupational health and safety”.

394. Coming into force: This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, with the exception of sections 262, 264, 312 and 346.

Section 262 comes into force 1 year following the date on which this regulation comes into force.

Section 264, 312 and 346 come into force on the 180th day following the date on which this regulation comes into force.

Until sections 264, 312 and 346 come into force, the wearing of a safety belt is mandatory for any worker exposed to a fall of more than 3 metres, unless other devices ensure the worker equivalent security. This safety belt must comply with CSA Z259.1-1976 standard covering Safety Belts and Personal Fall Arrest Systems for the construction industries and mines.

SCHEDULE I

(a. 41, 42, 43, 66, 108 and 302)

PERMISSIBLE EXPOSURE VALUES FOR GASES, DUSTS, FUMES, VAPOURS OR MISTS IN THE WORK ENVIRONMENT

DEFINITIONS AND NOTES

The present schedule must be read in accordance with the following notations and definitions:

1) **CARCINOGENS:** The designations under “carcinogen” in the Designation and remarks column refer to the following:

C1: carcinogenic effect detected in humans

C2: carcinogenic effect suspected in humans

C3: carcinogenic effect detected in animals. Results of studies relating to the carcinogenicity of these substances in animals are not necessarily applicable to humans.

2) **CAS:** Number given by the Chemical Abstracts Service, a division of the American Chemical Society, for the identification of a substance (see part 4).

3) **C: CEILING:** The designation “C” in the STEV/Ceiling column refers to a concentration never be exceeded during any length of time whatsoever.

4) **EM:** A substance to which exposure must be reduced to a minimum in accordance with section 42.

5) **EXCURSION LIMITS**: These limits apply to substances which do not have a short-term exposure value. Provided the time-weighted average exposure value is not exceeded, excursions in exposure levels may exceed 3 times that value for a cumulative period not exceeding a total of 30 minutes during a workday. Notwithstanding the foregoing, none of those excursions in exposure levels may exceed 5 times the time-weighted average exposure value during any length of time whatsoever.

6) **mg/m³**: milligram per cubic meter (milligram of substance per cubic meter of air).

7) **Pc: SKIN (percutaneous)**: The designation "Pc" in the Designation and remarks column refers to the potentially significant contribution to the overall exposure by the cutaneous route. Exposure is by contact with vapours or, of probable greater significance, by direct skin contact with the substance. The cutaneous route includes mucous membranes and the eyes.

8) **ppm**: part per million (parts of gas or vapour per million parts of airborne contaminants per volume measured at 25 °C and 101,3 kilopascals).

9) **Rd**: Respirable dust.

10) **RESPIRABLE FIBRES** (other than respirable asbestos fibres): Objects, other than respirable asbestos fibres, longer than 5 µm, having a diameter of less than 3 µm and a ratio of length to diameter of more than 3:1.

11) **RP**: A substance which may not be recirculated in accordance with section 108.

12) **S: SENSITIZER**: The designation "S" in the Designation and remarks column refers to a repeated exposure to a substance causing a sensitization, e.g. an organism reaction, in the form of an allergic response (immunologic) of the respiratory tree, the mucous, the conjunctivas or the skin.

13) **SIMPLE ASPHYXIANT**: A physiologically inert gas which acts primarily by displacing airborne oxygen and that can cause a decrease in the percentage in volume of airborne oxygen below the 19,5% provided for in section 40 and required to maintain blood oxygen saturation.

14) **STEV: SHORT-TERM EXPOSURE VALUE**: The 15-minute time-weighted average concentration for exposure to a chemical substance (in the form of gases, dusts, fumes, vapours or mists), present in the air in a worker's respiratory zone which should not be exceeded at any time during a workday, even if the time-weighted average exposure value is not exceeded.

The average exposure for a 15-minute consecutive period may be included between the TWAEV and the STEV, insofar as such exposures are not repeated more than 4 times a day and have intervals between them of periods of at least 60 minutes.

15) **Td**: Total dust.

16) **TWAEV: TIME-WEIGHTED AVERAGE EXPOSURE VALUE**: The time-weighted average concentration for an 8-hour workday and a 40-hour workweek of a chemical substance (in the form of gases, dusts, fumes, vapours or mists) present in the air in a worker's respiratory zone.

For any work period equal to or longer than 4 hours but less than 8 hours or a period in excess of 8 hours but less than or equal to 16 hours, an adjusted average exposure value (AAEV) must be established in accordance with the Guide to the adjustment of permissible exposure values for unusual work schedules, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time it is applied. Under no circumstance may the AAEV be higher than the TWAEV.

NOTES DEFINITIONS:

Note 1: The standard corresponds to dust containing no asbestos and the percentage in crystalline silica is less than 1%.

Note 2a: Permissible asbestos exposure values in number of respirable fibres per cm³.

Note 2b: Permissible recirculation concentration of asbestos respirable dust: 0,1 mg/m³.

Note 3: Where the use of these products is permitted.

Note 4: Permissible exposure values in number of respirable fibres per cm³.

Part 1

PERMISSIBLE EXPOSURE VALUES FOR AIRBORNE CONTAMINANTS

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Abate		See Temephos				
Acetaldehyde	[75-07-0]	25	45			C3
Acetic acid	[64-19-7]	10	25	15	37	
Acetic anhydride	[108-24-7]	5	21			
Acetone	[67-64-1]	750	1780	1000	2380	
Acetone cyanohydrin	[75-86-5]			C4,7	C5	Pc,RP
Acetonitrile	[75-05-8]	40	67	60	101	
Acetophenone	[98-86-2]	10	49			
Acetylene	[74-86-2]	Simple asphyxiant				
Acetylene dichloride		See 1,2-Dichloroethylene				
Acetylene tetrabromide		See 1,1,2,2-Tetrabromoethane				
Acetylsalicylic acid (Aspirin)	[50-78-2]		5			
Acrolein	[107-02-8]	0,1	0,23	0,3	0,69	
Acrylamide	[79-06-1]		0,03			Pc,C2,EM
Acrylic acid	[79-10-7]	2	5,9			Pc
Acrylonitrile	[107-13-1]	2	4,3			Pc,C2,RP,EM
Actinolite		See Asbestos				
Adipic acid	[124-04-9]		5			
Adiponitrile	[111-69-3]	2	8,8			Pc
Aldrin	[309-00-2]		0,25			Pc
Allyl alcohol	[107-18-6]	2	4,8	4	9,5	Pc
Allyl chloride		See 3-Chloropropene				
Allyl glycidyl ether (AGE)	[106-92-3]	5	23	10	47	
Allyl propyl disulfide	[2179-59-1]	2	12	3	18	
Aluminum (as Al)	[7429-90-5]					

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Alkyls			2			
Metal			10			
Pyrotechnical powders			5			
Soluble salts			2			
Welding fumes			5			
Aluminum oxide (as Al)	[1344-28-1]		10			<i>Td, note 1</i>
4-Aminodiphenyl	[92-67-1]	Without applicable permissible exposure value				<i>Pc, Cl, RP, EM</i>
2-Aminoethanol	[141-43-5]	3	7,5	6	15	
2-Aminopyridine	[504-29-0]	0,5	1,9			
3-Amino-1,2,4-triazole		<i>See Amitrole</i>				
Amitrole	[61-82-5]		0,2			<i>C3, RP</i>
Ammonia	[7664-41-7]	25	17	35	24	
Ammonium chloride fume	[12125-02-9]		10		20	
Ammonium perfluorooctanoate	[3825-26-1]		0,1			<i>Pc</i>
Ammonium sulfamate	[7773-06-0]		10			
Amosite		<i>See Asbestos</i>				
n-Amyl acetate	[628-63-7]	100	532			
sec-Amyl acetate	[626-38-0]	125	665			
Aniline	[62-53-3]	2	7,6			<i>Pc</i>
o-Anisidine	[90-04-0]	0,1	0,5			<i>Pc, C3</i>
p-Anisidine	[104-94-9]	0,1	0,5			<i>Pc</i>
Anthophyllite		<i>See Asbestos</i>				
Antimony [7440-36-0], metal and compounds (as Sb)			0,5			
Antimony trioxide (as Sb)	[1309-64-4]		0,5			<i>C3</i>
Antimony trioxide, production (as Sb)		Without applicable permissible exposure value				<i>C2, RP, EM</i>
ANTU (α -Naphthylthiourea)	[86-88-4]		0,3			
Argon	[7440-37-1]	Simple asphyxiant				

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Arsenic, elemental [7440-38-2], and inorganic compounds (except Arsine), (as As)			0,1			
Arsenic trioxide, production	[1327-53-3]	Without applicable permissible exposure value				<i>C2,RP,EM</i>
Arsine	[7784-42-1]	0,05	0,16			
Asbestos (note 2a) (note 2b)						
Actinolite	[12172-67-7]		1 fibre/cm ³		5 fibres/cm ³	<i>C1,EM</i>
Amosite (note 3)	[12172-73-5]		0,2 fibre/cm ³		1 fibre/cm ³	<i>C1,EM</i>
Anthophyllite	[17068-78-9]		1 fibre/cm ³		5 fibres/cm ³	<i>C1,EM</i>
Chrysotile	[12001-29-5]		1 fibre/cm ³		5 fibres/cm ³	<i>C1,EM</i>
Crocidolite (note 3)	[12001-28-4]		0,2 fibre/cm ³		1 fibre/cm ³	<i>C1,EM</i>
Tremolite	[14567-73-8]		1 fibre/cm ³		5 fibres/cm ³	<i>C1,EM</i>
Asphalt (petroleum) fumes	[8052-42-4]		5			
Aspirin		<i>See Acetylsalicylic acid</i>				
Atrazine	[1912-24-9]		5			
Attapulgit		<i>See Fibres-Natural Mineral Fibres</i>				
Azinphos-methyl	[86-50-0]		0,2			<i>Pc</i>
Barium [7440-39-3], soluble compounds (as Ba)			0,5			
Barium sulfate	[7727-43-7]		10 5			<i>Td, note 1</i> <i>Rd, note 1</i>
Benomyl	[17804-35-2]	0,84	10			
Benz(a)anthracene	[56-55-3]	Without applicable permissible exposure value				<i>C2,EM</i>
Benzene	[71-43-2]	1	3	5	15,5	<i>C1,RP,EM</i>
Benzidine (production)	[92-87-5]	Without applicable permissible exposure value				<i>Pc, C1,RP,EM</i>
Benzo(a)pyrene	[50-32-8]		0,005			<i>C2,RP,EM</i>
Benzo(b)fluoranthene	[205-99-2]	Without applicable permissible exposure value				<i>C2,EM</i>
p-Benzoquinone	[106-51-4]	0,1	0,44			
Benzoyl peroxide	[94-36-0]		5			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Benzyl chloride	[100-44-7]	1	5,2			
Beryllium [7440-41-7], metal and compounds (as Be)			0,002			C2,RP,EM
Biphenyl	[92-52-4]	0,2	1,3			
Bismuth telluride (as Bi ₂ Te ₃) Se-doped Undoped	[1304-82-1]		5 10			
Borax		See Sodium tetraborate, decahydrate				
Boron oxide	[1303-86-2]		10			
Boron tribromide	[10294-33-4]			C1	C10	RP
Boron trifluoride	[7637-07-2]			C1	C2,8	RP
Bromacil	[314-40-9]		10			
Bromine	[7726-95-6]	0,1	0,66	0,2	1,3	
Bromine pentafluoride	[7789-30-2]	0,1	0,72			
Bromochloromethane		See Chlorobromomethane				
2-Bromo-2-chloro- 1,1,1-trifluoroethane		See Halothane				
Bromoethane		See Ethyl bromide				
Bromoethylene		See Vinyl bromide				
Bromoform	[75-25-2]	0,5	5,2			Pc
Bromomethane		See Methyl bromide				
Bromotrifluoromethane	[75-63-8]	1000	6090			
1,3-Butadiene	[106-99-0]	2	4,4			C2,EM
Butane	[106-97-8]	800	1900			
Butanethiol		See Butyl mercaptan				
2-Butanone		See Methyl ethyl ketone (MEK)				
2-Butoxyethanol	[111-76-2]	25	121			Pc
n-Butyl acetate	[123-86-4]	150	713	200	950	

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
sec-Butyl acetate	[105-46-4]	200	950			
tert-Butyl acetate	[540-88-5]	200	950			
n-Butyl acrylate	[141-32-2]	10	52			
n-Butyl alcohol	[71-36-3]			C50	C152	Pc, RP
sec-Butyl alcohol	[78-92-2]	100	303			
tert-Butyl alcohol	[75-65-0]	100	303			
Butyl cellosolve7		See 2-Butoxyethanol				
tert-Butyl chromate (as CrO ₃)	[1189-85-1]				C0,1	Pc, RP
n-Butyl glycidyl ether (BGE)	[2426-08-6]	25	133			
n-Butyl lactate	[138-22-7]	5	30			
Butyl mercaptan	[109-79-5]	0,5	1,8			
n-Butylamine	[109-73-9]			C5	C15	Pc, RP
o-sec-Butylphenol	[89-72-5]	5	31			Pc
p-tert-Butyltoluene	[98-51-1]	1	6,1			
Cadmium elemental and compounds (as Cd)	[7440-43-9]		0,025			C2,EM
Calcium carbonate	[1317-65-3]		10			Td, note 1
Calcium cyanamide	[156-62-7]		0,5			
Calcium hydroxide	[1305-62-0]		5			
Calcium oxide	[1305-78-8]		2			
Calcium silicate (synthetic)	[1344-95-2]		10			Td, note 1
Calcium sulfate	[7778-18-9]		10 5			Td, note 1 Rd, note 1
Camphor (synthetic)	[76-22-2]	2	12	3	19	
Caprolactam	[105-60-2]					
Dust			1		3	
Vapour		5	23	10	46	
Captafol	[2425-06-1]		0,1			Pc

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Captan	[133-06-2]		5			
Carbaryl	[63-25-2]		5			
Carbofuran	[1563-66-2]		0,1			
Carbon black	[1333-86-4]		3,5			
Carbon dioxide	[124-38-9]	5000	9000	30000	54000	
Carbon disulfide	[75-15-0]	4	12	12	36	Pc
Carbon monoxide	[630-08-0]	35	40	200	230	
Carbon tetrabromide	[558-13-4]	0,1	1,4	0,3	4,1	
Carbon tetrachloride	[56-23-5]	5	31	10	63	Pc,C2,EM
Carbon, fibres		<i>See</i> Fibres-Organic Synthetic Fibres				
Carbonyl chloride		<i>See</i> Phosgene				
Carbonyl fluoride	[353-50-4]	2	5,4	5	13	
Catechol	[120-80-9]	5	23			Pc
Cellosolve® acetate		<i>See</i> 2-Ethoxyethyl acetate				
Cellulose (paper fibres)	[9004-34-6]		10			Td, note 1
Ceramic (fibres)		<i>See</i> Fibres-Artificial Vitreous Mineral Fibres				
Cesium hydroxide	[21351-79-1]		2			
Chlordane	[57-74-9]		0,5			Pc
Chlorinated camphene	[8001-35-2]		0,5		1	Pc,C3
Chlorinated diphenyl oxide	[55720-99-5]		0,5			
Chlorine	[7782-50-5]	0,5	1,5	1	2,9	
Chlorine dioxide	[10049-04-4]	0,1	0,28	0,3	0,83	
Chlorine trifluoride	[7790-91-2]			C0,1	C0,38	RP
2-Chloro-6-(trichloromethyl) pyridine		<i>See</i> Nitrapyrin				
Chloroacetaldehyde	[107-20-0]			C1	C3,2	RP
Chloroacetone	[78-95-5]			C1	C3,8	Pc,RP

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
α-Chloroacetophenone	[532-27-4]	0,05	0,32			
Chloroacetyl chloride	[79-04-9]	0,05	0,23	0,15	0,69	Pc
Chlorobenzene	[108-90-7]	50	230			
o-Chlorobenzylidene malononitrile	[2698-41-1]			C0,05	C0,39	Pc,RP
Chlorobromomethane	[74-97-5]	200	1060			
2-Chloro-1,3-butadiene		See β-Chloroprene				
Chlorodifluoromethane	[75-45-6]	1000	3540			
Chlorodiphenyl (42% chlorine)	[53469-21-9]		1			Pc,C2,EM
Chlorodiphenyl (54% chlorine)	[11097-69-1]		0,5			Pc,C2,EM
1-Chloro-2,3-epoxypropane		See Epichlorohydrin				
Chloroethane		See Ethyl chloride				
2-Chloroethanol		See Ethylene chlorohydrin				
bis (Chloroethyl) ether		See Dichloroethyl ether				
Chloroethylene		See Vinyl chloride (monomer)				
Chloroform	[67-66-3]	5	24,4			C2,RP,EM
Chloromethane		See Methyl chloride				
Chloromethyl methyl ether	[107-30-2]	Without applicable permissible exposure value				C1,RP,EM
bis (Chloromethyl) ether	[542-88-1]	0,001	0,0047			C1,RP,EM
p-Chloronitrobenzene		See p-Nitrochlorobenzene				
1-Chloro-1-nitropropane	[600-25-9]	2	10			
Chloropentafluoroethane	[76-15-3]	1000	6320			
Chloropicrin	[76-06-2]	0,1	0,67			
β-Chloroprene	[126-99-8]	10	36			Pc
3-Chloropropene	[107-05-1]	1	3	2	6	
2-Chloropropionic acid	[598-78-7]	0,1	0,44			Pc
o-Chlorostyrene	[2039-87-4]	50	283	75	425	

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
o-Chlorotoluene	[95-49-8]	50	259			
Chlorpyrifos	[2921-88-2]		0,2			<i>Pc</i>
Chromite ore processing (chromate) (as Cr)			0,05			<i>C1,RP,EM</i>
Chromium (metal)	[7440-47-3]		0,5			
Chromium (II) compounds (as Cr)			0,5			
Chromium (III) compounds (as Cr)			0,5			
Chromium (VI) compounds (as Cr) Certain water insoluble			0,05			<i>C1,RP,EM</i>
Chromium (VI) compounds (as Cr) Water soluble			0,05			
Chromyl chloride	[14977-61-8]	0,025	0,16			
Chrysene	[218-01-9]		Without applicable permissible exposure value			<i>C2,RP,EM</i>
Chrysotile			See Asbestos			
Clopidol	[2971-90-6]		10			
Coal dust (less than 5% crystalline silica)	[53570-85-7]		2			<i>Rd</i>
Coal dust (more than 5% crystalline silica)			0,1			<i>Rd, of quartz</i>
Coal tar pitch volatiles, as benzene solubles	[65996-93-2]		0,2			<i>C1,RP,EM</i>
Cobalt [7440-48-4], elemental, and inorganic compounds (as Co)			0,02			<i>C3</i>
Cobalt hydrocarbonyl (as Co)	[16842-03-8]		0,1			
Cobalt tetracarbonyl (as Co)	[10210-68-1]		0,1			
Continuous filament fibres (fibrous glass)			See Fibres-Artificial Vitreous Mineral Fibres			
Copper [7440-50-8], fume (as Cu)			0,2			
Copper [7440-50-8], dusts & mists (as Cu)			1			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Corundum	[1302-74-5]		10			<i>Td, note 1</i>
Cotton dust, cotton waste processing operation of waste recycling and garnetting.			1,0			
Cotton dust, in yarn manufacturing and cotton washing operations.			0,2			
Cotton dust, in textile mill waste house operations or in yarn manufacturing to dust from "lower-grade washed cotton".			0,5			
Cotton dust, in textile slashing and weaving operations.			0,75			
Coyden®			<i>See Clopidol</i>			
Crag®			<i>See Sesone</i>			
Cresol (all isomers)	[1319-77-3]	5	22			<i>Pc</i>
Cristobalite			<i>See Silica</i>			
Crocidolite			<i>See Asbestos</i>			
Crotonaldehyde	[4170-30-3]	2	5,7			
Crufomate®	[299-86-5]		5			
Cumene	[98-82-8]	50	246			<i>Pc</i>
Cyanamide	[420-04-2]		2			
Cyanides (as CN)				C10	C11	<i>Pc,RP</i>
Cyanogen	[460-19-5]	10	21			
Cyanogen chloride	[506-77-4]			C0,3	C0,75	<i>RP</i>
Cyclohexane	[110-82-7]	300	1030			
Cyclohexanol	[108-93-0]	50	206			<i>Pc</i>
Cyclohexanone	[108-94-1]	25	100			<i>Pc</i>
Cyclohexene	[110-83-8]	300	1010			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Cyclohexylamine	[108-91-8]	10	41			
Cyclonite	[121-82-4]		1,5			<i>Pc</i>
Cyclopentadiene	[542-92-7]	75	203			
Cyclopentane	[287-92-3]	600	1720			
Cyhexatin	[13121-70-5]		5			
2,4-D	[94-75-7]		10			<i>C2,EM</i>
DDT (Dichlorodiphenyltrichloroethane)	[50-29-3]		1			<i>C3</i>
Decaborane	[17702-41-9]	0,05	0,25	0,15	0,75	<i>Pc</i>
Demeton®	[8065-48-3]	0,01	0,11			<i>Pc</i>
Di-sec-octyl phthalate	[117-81-7]		5		10	<i>C3</i>
2,6-Di-tert-butyl-p-cresol	[128-37-0]				10	
Diacetone alcohol	[123-42-2]	50	238			
4,4'-Diaminodiphenylmethane		See 4,4'-Methylene dianiline				
1,2-Diaminoethane		See Ethylenediamine				
1,6-Diaminohexane	[124-09-4]	0,5	2,3			
Diatomaceous earth		See Silica				
Diazinon®	[333-41-5]		0,1			<i>Pc</i>
Diazomethane	[334-88-3]	0,2	0,34			
Diborane	[19287-45-7]	0,1	0,11			
Dibromodifluoromethane		See Difluorodibromomethane				
1,2-Dibromoethane	[106-93-4]	20	155			<i>Pc, C2, RP, EM</i>
Dibrom®		See Naled				
Dibutyl phenyl phosphate	[2528-36-1]	0,3	3,5			<i>Pc</i>
Dibutyl phosphate	[107-66-4]	1	8,6	2	17	
Dibutyl phthalate	[84-74-2]		5			
2-N-Dibutylaminoethanol	[102-81-8]	2	14			<i>Pc</i>

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
3,3'-Dichloro-4,4'-diamino-diphenylmethane		See 4,4'-Methylene bis (2-chloroaniline)				
1,3-Dichloro-5,5-dimethyl hydantoin	[118-52-5]		0,2		0,4	
Dichloroacetylene	[7572-29-4]			C0,1	C0,39	RP
o-Dichlorobenzene	[95-50-1]			C50	C301	RP
p-Dichlorobenzene	[106-46-7]	50	301	110	660	C3
3,3'-Dichlorobenzidine	[91-94-1]	Without applicable permissible exposure value				Pc,C2,RP,EM
1,4-Dichloro-2-butene	[764-41-0]	0,005	0,025			Pc,C2,EM
Dichlorodifluoromethane	[75-71-8]	1000	4950			
3,5-Dichloro-2,6-dimethyl-4 pyridinol		See Clopidol				
Dichlorodiphenyltrichloroethane		See DDT				
1,1-Dichloroethane	[75-34-3]	100	405			
1,2-Dichloroethane	[107-06-2]	1	4	2	8	C2,EM
Dichloroethyl ether	[111-44-4]	5	29	10	58	Pc
1,1-Dichloroethylene	[75-35-4]	1	4			
1,2-Dichloroethylene	[540-59-0]	200	793			
Dichlorofluoromethane	[75-43-4]	10	42			
Dichloromethane		See Methylene chloride				
1,1-Dichloro-1-nitroethane	[594-72-9]	2	12			
(2,4-Dichlorophenoxy) acetic acid		See 2,4-D				
1,2-Dichloropropane	[78-87-5]	75	347	110	508	
Dichloropropene (cis and trans isomers)	[542-75-6]	1	4,5			Pc,C3
2,2-Dichloropropionic acid	[75-99-0]	1	5,8			
1,2-Dichloro-1,1,2,2-tetrafluoroethane	[76-14-2]	1000	6990			
Dichlorvos	[62-73-7]	0,1	0,9			Pc
Dicrotophos	[141-66-2]		0,25			Pc

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
4,4'-Dicyclohexyl methane diisocyanate		See Methylene bis (4-cyclohexylisocyanate)				
Dicyclopentadiene	[77-73-6]	5	27			
Dicyclopentadienyl iron	[102-54-5]		10			
Dieldrin	[60-57-1]		0,25			Pc
Diethanolamine	[111-42-2]	3	13			Pc
Diethyl ether	[60-29-7]	400	1210	500	1520	
Diethyl ketone	[96-22-0]	200	705			
Diethyl phthalate	[84-66-2]		5			
Diethylamine	[109-89-7]	5	15	15	45	Pc
2-Diethylaminoethanol	[100-37-8]	10	48			Pc
Diethylene triamine	[111-40-0]	1	4,2			Pc
Di(2-ethylhexyl) phthalate		See Di-sec-octyl phthalate				
Difluorodibromomethane	[75-61-6]	100	858			
Diglycidyl ether (DGE)	[2238-07-5]	0,1	0,53			
Dihydroxybenzene		See Hydroquinone				
Diisobutyl ketone	[108-83-8]	25	145			
1,6-Diisocyanatohexane		See Hexamethylene diisocyanate				
Diisopropyl ether	[108-20-3]	250	1040	310	1300	
Diisopropylamine	[108-18-9]	5	21			Pc
Dimethoxymethane		See Methylal				
Dimethyl carbamoyl chloride	[79-44-7]	Without applicable permissible exposure value				C2,RP,EM
Dimethyl sulfate	[77-78-1]	0,1	0,52			Pc,C2,RP,EM
2,6-Dimethyl-4-heptanone		See Diisobutyl ketone				
N,N-Dimethylacetamide	[127-19-5]	10	36			Pc
Dimethylamine	[124-40-3]	10	18			
Dimethylaminobenzene		See Xylidine				

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
N,N-Dimethylaniline	[121-69-7]	5	25	10	50	<i>Pc</i>
Dimethylbenzene		<i>See Xylene</i>				
N,N-Dimethylformamide	[68-12-2]	10	30			<i>Pc,C2,EM</i>
1,1-Dimethylhydrazine	[57-14-7]	0,5	1,2			<i>Pc,C2,RP,EM</i>
Dimethylnitrosoamine		<i>See N-Nitrosodimethylamine</i>				
Dimethylphthalate	[131-11-3]		5			
Dinitolmide	[148-01-6]		5			
Dinitro-ortho-cresol	[534-52-1]		0,2			<i>Pc</i>
3,5-Dinitro-ortho-toluamide		<i>See Dinitolmide</i>				
Dinitrobenzene (all isomers) [528-29-0; 99-65-0; 100-25-4; 25154-54-4]		0,15	1			<i>Pc</i>
Dinitrotoluene	[25321-14-6]		0,75			<i>Pc,C3</i>
Dioxane	[123-91-1]	25	90			<i>Pc,C3</i>
Dioxathion	[78-34-2]		0,2			<i>Pc</i>
Diphenyl		<i>See Biphenyl</i>				
Diphenyl ether		<i>See Phenyl ether</i>				
Diphenylamine	[122-39-4]		10			
4,4'-Diphenylmethane diisocyanate (MDI)		<i>See Methylene bis (4-phenyl isocyanate)</i>				
Dipropylene glycol monomethyl ether	[34590-94-8]	100	600	150	900	
Diquat	[231-36-7]		0,5 0,1			<i>Td, note 1</i> <i>Rd, note 1</i>
Disulfiram	[97-77-8]		2			
Disulfoton	[298-04-4]		0,1			
Disyston®		<i>See Disulfoton</i>				
Diuron	[330-54-1]		10			
Divinyl benzene	[1321-74-0]	10	53			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Dursban®		See Chlorpyrifos				
Dust, inert or nuisance particulates		See Particulates Not Otherwise Classified (PNOC)				
Dyfonate®		See Fonofos				
Emery	[12415-34-8]		10			<i>Td, note 1</i>
Endosulfan	[115-29-7]		0,1			<i>Pc</i>
Endrin	[72-20-8]		0,1			<i>Pc</i>
Enflurane	[13838-16-9]	75	566			
Enzymes, proteolytic		See Subtilisins				
Epichlorohydrin	[106-89-8]	2	7,6			<i>Pc,C2,PR,EM</i>
EPN	[2104-64-5]		0,1			<i>Pc</i>
2,3-Epoxy-1-propanol		See Glycidol				
1,2-Epoxypropane		See Propylene oxide				
Erionite		See Fibres-Natural Mineral Fibres				
Ethane	[74-84-0]	Simple asphyxiant				
Ethanethiol		See Ethyl mercaptan				
Ethanol		See Ethyl alcohol				
Ethanolamine		See 2-Aminoethanol				
Ethion	[563-12-2]		0,4			<i>Pc</i>
2-Ethoxyethanol (EGEE)	[110-80-5]	5	18			<i>Pc</i>
2-Ethoxyethyl acetate (EGEEA)	[111-15-9]	5	27			<i>Pc</i>
Ethyl acetate	[141-78-6]	400	1440			
Ethyl acrylate	[140-88-5]	5	20	15	61	<i>C3</i>
Ethyl alcohol	[64-17-5]	1000	1880			
Ethyl amyl ketone	[541-85-5]	25	131			
Ethyl benzene	[100-41-4]	100	434	125	543	
Ethyl bromide	[74-96-4]	50	223			<i>Pc,C3</i>

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Ethyl butyl ketone	[106-35-4]	50	234			
Ethyl chloride	[75-00-3]	1000	2640			
Ethyl ether		See Diethyl ether				
Ethyl formate	[109-94-4]	100	303			
Ethyl mercaptan	[75-08-1]	0,5	1,3			
Ethyl silicate	[78-10-4]	10	85			
Ethylamine	[75-04-7]	10	18			
Ethylene	[74-85-1]	Simple asphyxiant				
Ethylene bromide		See Vinyl bromide				
Ethylene chlorohydrin	[107-07-3]			C1	C3,3	Pc,RP
Ethylene dibromide		See 1,2-Dibromoethane				
Ethylene dichloride		See 1,2-Dichloroethane				
Ethylene glycol (vapour and mist)	[107-21-1]			C50	C127	RP
Ethylene glycol dinitrate	[628-96-6]			C0,2	C1,2	Pc,RP
Ethylene glycol monoethyl ether		See 2-Ethoxyethanol				
Ethylene glycol monoethyl ether acetate		See 2-Ethoxyethyl acetate				
Ethylene glycol monomethyl ether		See 2-Methoxyethanol				
Ethylene glycol monomethyl ether acetate		See 2-Methoxyethyl acetate				
Ethylene imine	[151-56-4]	0,5	0,88			Pc
Ethylene oxide	[75-21-8]	1	1,8			C2,RP,EM
Ethylenediamine	[107-15-3]	10	25			
Ethylglycol acetate		See 2-Ethoxyethyl acetate				
Ethylidene chloride		See 1,1-Dichloroethane				
Ethylidene norbornene	[16219-75-3]			C5	C25	RP,EM
N-Ethylmorpholine	[100-74-3]	5	24			Pc
Fenamiphos	[22224-92-6]		0,1			Pc

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Fensulfothion	[115-90-2]		0,1			
Fenthion	[55-38-9]		0,2			<i>Pc</i>
Ferbam	[14484-64-1]		10			
Ferrovandium (dust)	[12604-58-9]		1		3	
Fibres-Artificial Vitreous Mineral Fibres (note 4)						
Fibrous glass, continuous filament			10			<i>Td, note 1</i>
Fibrous glass, microfibres			1 fibre/cm ³			
Insulation wool fibres, Glass wool			2 fibres/cm ³			<i>C3</i>
Insulation wool fibres, Rock wool			1 fibre/cm ³			<i>C2,EM</i>
Insulation wool fibres, Slag wool			1 fibre/cm ³			<i>C2,EM</i>
Refractory fibres (ceramic or others)			1 fibre/cm ³			<i>C3</i>
Fibres-Natural Mineral Fibres (note 4)						
Attapulgitte	[12174-11-7]		1 fibre/cm ³			<i>C1,EM</i>
Erionite	[66733-21-9]		Prohibited use			<i>C1</i>
Talc			See Talc (fibrous)			
Wollastonite	[13983-17-0]		10			<i>Td, note 1</i>
			5			<i>Rd, note 1</i>
Fibres-Organic Synthetic Fibres						
Carbon and graphite fibres			10			<i>Td, note 1</i>
			5			<i>Rd, note 1</i>
Para-aramides fibres (Kevlar®, Twaron®)			1 fibre/cm ³			
Polyolefines fibres			10			<i>Td, note 1</i>
Fibrous glass dust			See Fibres-Artificial Vitreous Mineral Fibres			
Fluorides (as F)			2,5			
Fluorine	[7782-41-4]		0,1		0,2	
Fluorotrichloromethane			See Trichlorofluoromethane			
Fonofos	[944-22-9]		0,1			<i>Pc</i>
Formaldehyde	[50-00-0]			C2	C3	<i>C2,EM,RP</i>
Formamide	[75-12-7]		10		18	<i>Pc</i>
Formic acid	[64-18-6]		5		9,4	10
					19	

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Formic aldehyde		See Formaldehyde				
Freon® 11		See Trichlorofluoromethane				
Freon® 112		See 1,1,1,2-Tetrachloro-1,2-difluoroethane				
Freon® 113		See 1,1,2-Trichloro-1,2,2-trifluoroethane				
Freon® 114		See 1,2-Dichloro-1,1,2,2-tetrafluoroethane				
Freon® 115		See Chloropentafluoroethane				
Freon® 12		See Dichlorodifluoromethane				
Freon® 12B2		See Difluorodibromomethane				
Freon® 21		See Dichlorofluoromethane				
Freon® 22		See Chlorodifluoromethane				
Furadan®		See Carbofuran				
Furfural	[98-01-1]	2	7,9			Pc
Furfuryl alcohol	[98-00-0]	10	40	15	60	Pc
Gasoline	[8006-61-9]	300	890	500	1480	C3
Germanium tetrahydride	[7782-65-2]	0,2	0,63			
Glass wool		See Fibres-Artificial Vitreous Mineral Fibres				
Glass, fibrous or dust		See Fibres-Artificial Vitreous Mineral Fibres				
Glutaraldehyde	[111-30-8]			C0,2	C0,82	RP
Glycerin (mist)	[56-81-5]		10			
Glycidol	[556-52-5]	25	76			
Glycol monoethyl ether		See 2-Ethoxyethanol				
Grain dust (oat, wheat, barley)			4			Td, note 1
Graphite (fibres)		See Fibres-Organic Synthetic Fibres				
Graphite (natural)	[7782-42-5]		2,5			Rd, note 1
Graphite (synthetic, except fibres)			5			Rd, note 1
Guthion®		See Azinphos-methyl				

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Gypsum	[13397-24-5]		10 5			<i>Td, note 1</i> <i>Rd, note 1</i>
Hafnium	[7440-58-6]		0,5			
Halothane	[151-67-7]	50	404			
Helium	[7440-59-7]	Simple asphyxiant				
Heptachlor	[76-44-8]		0,05			<i>Pc, C3</i>
Heptachlor epoxide	[1024-57-3]		0,05			<i>Pc, C3</i>
n-Heptane	[142-82-5]	400	1640	500	2050	
2-Heptanone		<i>See Methyl n-amyl ketone</i>				
3-Heptanone		<i>See Ethyl butyl ketone</i>				
Hexachlorobenzene	[118-74-1]		0,025			<i>Pc, C3</i>
Hexachlorobutadiene	[87-68-3]	0,02	0,21			<i>Pc, C2, RP, EM</i>
Hexachlorocyclopentadiene	[77-47-4]	0,01	0,11			
Hexachloroethane	[67-72-1]	1	9,7			<i>Pc, C3</i>
Hexachloronaphthalene	[1335-87-1]		0,2			<i>Pc</i>
Hexafluoroacetone	[684-16-2]	0,1	0,68			<i>Pc</i>
Hexamethylphosphoramide	[680-31-9]	Without applicable permissible exposure value				<i>Pc, C2, RP, EM</i>
Hexamethylene diisocyanate	[822-06-0]	0,005	0,034			<i>EM, S</i>
n-Hexane	[110-54-3]	50	176			
Hexane (other isomers)		500	1760	1000	3500	
2-Hexanone		<i>See Methyl n-butyl ketone</i>				
Hexone		<i>See Methyl isobutyl ketone</i>				
sec-Hexyl acetate	[108-84-9]	50	295			
Hexylene glycol	[107-41-5]			C25	C121	<i>RP</i>
Hydrazine	[302-01-2]	0,1	0,13			<i>Pc, C2, RP, EM</i>
Hydrogen	[1333-74-0]	Simple asphyxiant				

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Hydrogen bromide	[10035-10-6]			C3	C9,9	RP
Hydrogen chloride	[7647-01-0]			C5	C7,5	RP
Hydrogen cyanide	[74-90-8]			C10	C11	Pc,RP
Hydrogen fluoride (as F)	[7664-39-3]			C3	C2,6	RP
Hydrogen peroxide	[7722-84-1]	1	1,4			
Hydrogen selenide (as Se)	[7783-07-5]	0,05	0,16			
Hydrogen sulfide	[7783-06-4]	10	14	15	21	
Hydrogenated terphenyls	[61788-32-7]	0,5	4,9			
Hydroquinone	[123-31-9]		2			
Hydroquinone monomethyl ether		<i>See</i> 4-Methoxyphenol				
4-Hydroxy-4methyl-2-pentanone		<i>See</i> Diacetone alcohol				
2-Hydroxypropyl acrylate	[999-61-1]	0,5	2,8			Pc
2,2'-Iminodiethanol		<i>See</i> Diethanolamine				
Indene	[95-13-6]	10	48			
Indium [7440-74-6] and compounds (as In)			0,1			
Insulation wool fibres		<i>See</i> Fibres-Artificial Vitreous Mineral Fibres				
Iodine	[7553-56-2]			C0,1	C1,0	RP
Iodoform	[75-47-8]	0,6	10			
Iodomethane		<i>See</i> Methyl iodide				
Iron dicyclopentadienyl		<i>See</i> Dicyclopentadienyl iron				
Iron pentacarbonyl (as Fe)	[13463-40-6]	0,1	0,23	0,2	0,45	
Iron salts, soluble (as Fe)			1,0			
Iron trioxide, dust and fume (as Fe)	[1309-37-1]		5			
Isoamyl acetate	[123-92-2]	100	532			
Isoamyl alcohol	[123-51-3]	100	361	125	452	
Isobutyl acetate	[110-19-0]	150	713			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Isobutyl alcohol	[78-83-1]	50	152			
Isocyanate oligomers		Without applicable permissible exposure value				S
Isooctyl alcohol	[26952-21-6]	50	266			Pc
Isophorone	[78-59-1]			C5	C28	RP
Isophorone diisocyanate	[4098-71-9]	0,005	0,045			EM,S
Isopropoxyethanol	[109-59-1]	25	106			Pc
Isopropyl acetate	[108-21-4]	250	1040	310	1290	
Isopropyl alcohol	[67-63-0]	400	985	500	1230	
Isopropyl ether		See Diisopropyl ether				
Isopropyl glycidyl ether (IGE)	[4016-14-2]	50	238	75	356	
Isopropylamine	[75-31-0]	5	12	10	24	
N-Isopropylaniline	[768-52-5]	2	11			Pc
Isopropylbenzene		See Cumene				
Kaolin	[1332-58-7]		5			Rd, note 1
Ketene	[463-51-4]	0,5	0,86	1,5	2,6	
L.P.G. (Liquified petroleum gas)	[68476-85-7]	1000	1800			
Lead [7439-92-1] and inorganic compounds, dusts and fumes (as Pb)			0,15			
Lead arsenate (as Pb ₃ (AsO ₄) ₂)	[3687-31-8]		0,15			
Lead chromate (as Cr)	[7758-97-6]		0,012			C2,RP,EM
Lead tetraethyl (as Pb)	[78-00-2]		0,05			Pc
Lead tetramethyl (as Pb)	[75-74-1]		0,05			Pc
Limestone		See Calcium carbonate				
Lindane	[58-89-9]		0,5			Pc
Lithium hydride	[7580-67-8]		0,025			
Magnesite	[546-93-0]		10			Td, note 1

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Magnesium oxide fume (as Mg)	[1309-48-4]		10			
Malathion	[121-75-5]		10			<i>Pc</i>
Maleic anhydride	[108-31-6]	0,25	1,0			
Manganese (as Mn)	[7439-96-5]					
Dust and compounds			5			
Fume			1		3	
Manganese cyclopentadienyl tricarbonyl (as Mn)	[12079-65-1]		0,1			<i>Pc</i>
Manganese methyl cyclopentadienyl tricarbonyl (as Mn)	[12108-13-3]		0,2			<i>Pc</i>
Manganese tetroxide	[1317-35-7]		1			
Marble		<i>See Calcium carbonate</i>				
Mequinol		<i>See 4-Methoxyphenol</i>				
Mercury [7439-97-6], alkyl compounds (as Hg)			0,01		0,03	<i>Pc</i>
Mercury [7439-97-6], all forms except alkyl compounds (as Hg)						
Aryl and inorganic compounds			0,1			<i>Pc</i>
Mercury vapor			0,05			<i>Pc</i>
Mesityl oxide	[141-79-7]	10	40			
Methacrylic acid	[79-41-4]	20	70			
Methane	[74-82-8]	Simple asphyxiant				
Methanethiol		<i>See Methyl mercaptan</i>				
Methanol		<i>See Methyl alcohol</i>				
Methomyl	[16752-77-5]		2,5			
Methoxychlor	[72-43-5]		10			
2-Methoxyethanol (EGME)	[109-86-4]	5	16			<i>Pc</i>
2-Methoxyethyl acetate (EGMEA)	[110-49-6]	5	24			<i>Pc</i>
4-Methoxyphenol	[150-76-5]		5			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
1-Methoxy-2-propanol		<i>See</i> Propylene glycol monomethyl ether				
Methyl acetate	[79-20-9]	200	606	250	757	
Methyl acetylene	[74-99-7]	1000	1640			
Methyl acetylene-propadiene mixture (MAPP)	[59355-75-8]	1000	1640	1250	2050	
Methyl acrylate	[96-33-3]	10	35			Pc
Methyl alcohol	[67-56-1]	200	262	250	328	Pc
Methyl amyl alcohol	[108-11-2]	25	104	40	167	Pc
Methyl n-amyl ketone	[110-43-0]	50	233			
Methyl bromide	[74-83-9]	5	19			Pc
Methyl tert-butyl ether	[1634-04-4]	40	144			
Methyl n-butyl ketone	[591-78-6]	5	20			Pc
Methyl cellosolve®		<i>See</i> 2-Methoxyethanol				
Methyl cellosolve® acetate		<i>See</i> 2-Methoxyethyl acetate				
Methyl chloride	[74-87-3]	50	103	100	207	Pc
Methyl chloroform	[71-55-6]	350	1910	450	2460	
Methyl 2-cyanoacrylate	[137-05-3]	2	9,1	4	18	
Methyl demeton	[8022-00-2]		0,5			Pc
Methyl ethyl ketone (MEK)	[78-93-3]	50	150	100	300	
Methyl ethyl ketone peroxide	[1338-23-4]			C0,2	C1,5	RP
Methyl formate	[107-31-3]	100	246	150	368	
Methyl glycol		<i>See</i> 2-Methoxyethanol				
Methyl glycol acetate		<i>See</i> 2-Methoxyethyl acetate				
Methyl hydrazine	[60-34-4]			C0,2	C0,38	Pc,C2,RP,EM
Methyl iodide	[74-88-4]	2	12			Pc,C2,EM
Methyl isoamyl ketone	[110-12-3]	50	234			
Methyl isobutyl carbinol		<i>See</i> Methyl amyl alcohol				

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Methyl isobutyl ketone	[108-10-1]	50	205	75	307	
Methyl isocyanate	[624-83-9]	0,02	0,047			<i>Pc</i>
Methyl isopropyl ketone	[563-80-4]	200	705			
Methyl mercaptan	[74-93-1]	0,5	0,98			
Methyl methacrylate (monomer)	[80-62-6]	100	410			
Methyl parathion	[298-00-0]		0,2			<i>Pc</i>
Methyl propyl ketone	[107-87-9]	150	530			
Methyl silicate	[681-84-5]	1	6			
α-Methyl styrene	[98-83-9]	50	242	100	483	
Methylacrylonitrile	[126-98-7]	1	2,7			<i>Pc</i>
Methylal	[109-87-5]	1000	3110			
Methylamine	[74-89-5]	5	6,4			
N-Methylaniline	[100-61-8]	0,5	2,2			<i>Pc</i>
Methylcyclohexane	[108-87-2]	400	1610			
Methylcyclohexanol	[25639-42-3]	50	234			
o-Methylcyclohexanone	[583-60-8]	50	229	75	344	<i>Pc</i>
Methylene chloride	[75-09-2]	50	174			<i>C2,EM</i>
4,4'-Methylene bis (2-chloroaniline) (MOCA)	[101-14-4]	0,02	0,22			<i>Pc,C2,RP,EM</i>
Methylene bis (4-cyclohexylisocyanate)	[5124-30-1]	0,005	0,054			<i>EM,S</i>
4,4'-Methylene dianiline	[101-77-9]	0,1	0,81			<i>Pc,C2,EM</i>
Methylene bis (4-phenyl isocyanate) (MDI)	[101-68-8]	0,005	0,051			<i>EM,S</i>
5-Methyl-3-heptanone		<i>See Ethyl amyl ketone</i>				
N-Methyl-2,4,6-Trinitrophenyl nitramine		<i>See Tetryl</i>				
Metribuzin	[21087-64-9]		5			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Mevinphos®		See Phosdrin				
Mica	[12001-26-2]		3			Rd, note 1
Microfibres (fibrous glass)		See Fibres-Artificial Vitreous Mineral Fibres				
Mineral oil (mist)			5		10	
Mineral wool fibres		See Fibres-Artificial Vitreous Mineral Fibres				
Molybdenum (as Mo)	[7439-98-7]					
Insoluble compounds			10			
Soluble compounds			5			
Monocrotophos	[6923-22-4]		0,25			Pc
Morpholine	[110-91-8]	20	71			Pc
Naled (Dibrom®)	[300-76-5]		3			Pc
Naphtha		See VM&P Naphtha				
Naphthalene	[91-20-3]	10	52	15	79	
β-Naphthylamine	[91-59-8]	Without applicable permissible exposure value				CI,RP,EM
α-Naphthylthiourea		See ANTU				
Nemacur®		See Fenamiphos				
Neon	[7440-01-9]	Simple asphyxiant				
Nialate®		See Ethion				
Nickel	[7440-02-0]					
Metal			1			
Insoluble compounds (as Ni)			1			
Soluble compounds (as Ni)			0,1			
Nickel carbonyl (as Ni)	[13463-39-3]		0,001	0,007		
Nickel sulfide roasting, fume and dust (as Ni)			1			CI,RP,EM
Nicotine	[54-11-5]		0,5			Pc
Nitrapyrin	[1929-82-4]		10		20	
Nitric acid	[7697-37-2]	2	5,2	4	10	
Nitric oxide		See Nitrogen monoxide				

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
p-Nitroaniline	[100-01-6]		3			<i>Pc</i>
Nitrobenzene	[98-95-3]	1	5			<i>Pc</i>
p-Nitrochlorobenzene	[100-00-5]	0,1	0,64			<i>Pc</i>
4-Nitrodiphenyl	[92-93-3]	Without applicable permissible exposure value				<i>Pc, C1, RP, EM</i>
Nitroethane	[79-24-3]	100	307			
Nitrogen	[7727-37-9]	Simple asphyxiant				
Nitrogen dioxide	[10102-44-0]	3	5,6			
Nitrogen monoxide	[10102-43-9]	25	31			
Nitrogen trifluoride	[7783-54-2]	10	29			
Nitroglycerin (NG)	[55-63-0]			C0,2	C1,86	<i>Pc, RP</i>
Nitromethane	[75-52-5]	100	250			
1-Nitropropane	[108-03-2]	25	91			
2-Nitropropane	[79-46-9]	10	36			<i>C2, RP, EM</i>
N-Nitrosodimethylamine	[62-75-9]	Without applicable permissible exposure value				<i>Pc, C2, RP, EM</i>
Nitrotoluene (all isomers) [88-72-2; 99-08-1; 99-99-0; 1321-12-6]		2	11			<i>Pc</i>
Nitrotrichloromethane		<i>See Chloropicrin</i>				
Nitrous oxide	[10024-97-2]	50	90			
Nonane	[111-84-2]	200	1050			
Nuisance particulates		<i>See Particulates Not Otherwise Classified (PNOC)</i>				
Octachloronaphthalene	[2234-13-1]		0,1		0,3	<i>Pc</i>
Octane	[111-65-9]	300	1400	375	1750	
Oil mist, mineral		<i>See Mineral oil (mist)</i>				
Osmium tetroxide (as Os)	[20816-12-0]	0,0002	0,0016	0,0006	0,0047	
Oxalic acid	[144-62-7]		1		2	

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Oxygen difluoride	[7783-41-7]			C0,05	C0,11	RP
Ozone	[10028-15-6]			C0,1	C0,2	RP
Para-aramides fibres		<i>See</i> Fibres-Organic Synthetic Fibres				
Paraffin wax, fume	[8002-74-2]		2			
Paraquat, respirable particulates	[4685-14-7]		0,1			
Parathion	[56-38-2]		0,1			Pc
Particulate polycyclic aromatic hydrocarbons (PPAH)		<i>See</i> Coal tar pitch volatiles				
Particulates Not Otherwise Classified (PNOC)			10			Td, note 1
Pentaborane	[19624-22-7]	0,005	0,013	0,015	0,039	
Pentachloronaphthalene	[1321-64-8]		0,5			Pc
Pentachloronitrobenzene	[82-68-8]		0,5			
Pentachlorophenol	[87-86-5]		0,5			Pc,C2,RP,EM
Pentaerythritol	[115-77-5]		10			
n-Pentane	[109-66-0]	120	350			
2-Pentanone		<i>See</i> Methyl propyl ketone				
3-Pentanone		<i>See</i> Diethyl ketone				
Perchloroethylene	[127-18-4]	25	170	100	685	C3
Perchloromethyl mercaptan	[594-42-3]	0,1	0,76			
Perchloryl fluoride	[7616-94-6]	3	13	6	25	
Perfluorodimethylcetone		<i>See</i> Hexafluoroacetone				
Perfluoroisobutylene	[382-21-8]			C0,01	C0,082	RP
Perlite	[83969-76-0]		10 5			Td, note 1 Rd, note 1
Petroleum distillates		<i>See</i> Gasoline, Stoddard solvent, VM&P Naphtha				
Phenacyl chloride		<i>See</i> α -Chloroacetophenone				
Phenol	[108-95-2]	5	19			Pc

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Phenothiazine	[92-84-2]		5			<i>Pc</i>
Phenyl ether, vapour	[101-84-8]	1	7	2	14	
Phenyl glycidyl ether (PGE)	[122-60-1]	1	6,1			<i>Pc,S,C3</i>
Phenyl mercaptan	[108-98-5]	0,5	2,3			
meta-Phenylenediamine	[108-45-2]		0,1			
ortho-Phenylenediamine	[95-54-5]		0,1			<i>C2,EM</i>
para-Phenylenediamine	[106-50-3]		0,1			<i>Pc,S</i>
Phenylethylene		<i>See Styrene (monomer)</i>				
Phenylhydrazine	[100-63-0]	0,1	0,44			<i>Pc,C2,RP,EM</i>
N-Phenyl-β-naphthylamine	[135-88-6]	Without applicable permissible exposure value				<i>C2,RP,EM</i>
Phenylphosphine	[638-21-1]			C0,05	C0,23	<i>RP</i>
Phorate	[298-02-2]		0,05		0,2	<i>Pc</i>
Phosdrin	[7786-34-7]	0,01	0,092	0,03	0,27	<i>Pc</i>
Phosgene	[75-44-5]	0,1	0,40			
Phosphine	[7803-51-2]	0,3	0,42	1	1,4	
Phosphoric acid	[7664-38-2]		1		3	
Phosphorus (yellow)	[7723-14-0]		0,1			
Phosphorus oxychloride	[10025-87-3]	0,1	0,63			
Phosphorus pentachloride	[10026-13-8]	0,1	0,85			
Phosphorus pentasulfide	[1314-80-3]		1		3	
Phosphorus trichloride	[7719-12-2]	0,2	1,1	0,5	2,8	
Phthalic anhydride	[85-44-9]	1	6,1			
m-Phthalodinitrile	[626-17-5]		5			
Picloram	[1918-02-1]		10			
Picric acid	[88-89-1]		0,1			<i>Pc</i>
Pindone	[83-26-1]		0,1			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Piperazine dihydrochloride	[142-64-3]		5			
Plaster of Paris	[26499-65-0]		10 5			<i>Td, note 1</i> <i>Rd, note 1</i>
Platinum Metal Soluble salts (as Pt)	[7440-06-4]		1 0,002			
Polychlorobiphenyls		<i>See Chlorodiphenyl</i>				
Polyolefines fibres		<i>See Fibres-Organic Synthetic Fibres</i>				
Polytetrafluoroethylene decomposition products	[9002-84-0]	Determine quantitatively the decomposition products in the air and express the results as Fluorides (see Fluorides standards)				
Portland cement	[65997-15-1]		10 5			<i>Td, note 1</i> <i>Rd, note 1</i>
Potassium hydroxide	[1310-58-3]				C2	<i>RP,EM</i>
Precipitated silica		<i>See Silica - Amorphous, precipitated</i>				
Propane	[74-98-6]	1000	1800			
Propane sultone	[1120-71-4]	Without applicable permissible exposure value				<i>C2,RP,EM</i>
Propanol		<i>See n-Propyl alcohol</i>				
Propargyl alcohol	[107-19-7]	1	2,3			<i>Pc</i>
β-Propiolactone	[57-57-8]	0,5	1,5			<i>C2,RP,EM</i>
Propionic acid	[79-09-4]	10	30			
Propoxur	[114-26-1]		0,5			
n-Propyl acetate	[109-60-4]	200	835	250	1040	
n-Propyl alcohol	[71-23-8]	200	492	250	614	<i>Pc</i>
n-Propyl nitrate	[627-13-4]	25	107	40	172	
Propylene	[115-07-1]	Simple asphyxiant				
Propylene dichloride		<i>See 1,2-Dichloropropane</i>				
Propylene glycol dinitrate	[6423-43-4]	0,05	0,34			<i>Pc</i>
Propylene glycol monomethyl ether	[107-98-2]	100	369	150	553	

Substance	[#CAS]	TWA/EV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Propylene imine	[75-55-8]	2	4,7			<i>Pc, C2, RP, EM</i>
Propylene oxide	[75-56-9]	20	48			<i>C2, RP, EM</i>
Propyne		<i>See Methyl acetylene</i>				
Propyne-Propadiene mixture		<i>See Methyl acetylene-propadiene mixture (MAPP)</i>				
Pyrethrum	[8003-34-7]		5			
Pyridine	[110-86-1]	5	16			
Pyrocatechol		<i>See Catechol</i>				
Quartz		<i>See Silica - Crystalline, Quartz</i>				
Quinone		<i>See p-Benzoquinone</i>				
RDX		<i>See Cyclonite</i>				
Refractory fibres		<i>See Fibres-Artificial Vitreous Mineral Fibres</i>				
Resorcinol	[108-46-3]	10	45	20	90	
Rhodium	[7440-16-6]					
Metal and insoluble compounds (as Rh)			0,1			
Soluble compounds (as Rh)			0,001			
Rock wool		<i>See Fibres-Artificial Vitreous Mineral Fibres</i>				
Ronnel	[299-84-3]		10			
Rosin core solder pyrolysis products (as Formaldehyde)	[8050-09-7]		0,1			<i>S</i>
Rotenone	[83-79-4]		5			
Rouge			10			<i>Td, note 1</i>
Rubber solvent (Naphtha)	[8030-30-6]	400	1590			
Selenium [7782-49-2] and compounds (as Se)			0,2			
Selenium hexafluoride (as Se)	[7783-79-1]	0,05	0,16			
Sencor®		<i>See Metribuzin</i>				
N-Serve®		<i>See Nitrapyrin</i>				
Sesone	[136-78-7]		10			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Sevin®		See Carbaryl				
Silane		See Silicon tetrahydride				
Silica - Amorphous, Diatomaceous earth (uncalcined)	[61790-53-2]		6			<i>Td, note 1</i>
Silica - Amorphous, fumes	[69012-64-2]		2			<i>Rd, note 1</i>
Silica - Amorphous, fused	[60676-86-0]		0,1			<i>Rd, note 1</i>
Silica - Amorphous, gel	[63231-67-4] (112926-00-8)		6			<i>Rd, note 1</i>
Silica - Amorphous, precipitated	[1343-98-2]		6			<i>Td, note 1</i>
Silica - Crystalline, Cristobalite	[14464-46-1]		0,05			<i>Rd</i>
Silica - Crystalline, Quartz	[14808-60-7]		0,1			<i>Rd, C2, EM</i>
Silica - Crystalline, Tridymite	[15468-32-3]		0,05			<i>Rd</i>
Silica - Crystalline, Tripoli	[1317-95-9]		0,1			<i>Rd</i>
Silicon	[7440-21-3]		10			<i>Td, note 1</i>
Silicon carbide (non fibrous)	[409-21-2]		10			<i>Td, note 1</i>
Silicon tetrahydride	[7803-62-5]	5	6,6			
Silver Metal	[7440-22-4]		0,1			
Soluble compounds (as Ag)			0,01			
Slag wool		See Fibres-Artificial Vitreous Mineral Fibres				
Soapstone	[14378-12-2]		6 3			<i>Td, note 1</i> <i>Rd, note 1</i>
Sodium azide	[26628-22-8]			C0,11	C0,3	<i>RP</i>
Sodium bisulfite	[7631-90-5]		5			
Sodium 2,4-dichlorophenoxyethyl sulfate		See Sesone				
Sodium fluoroacetate	[62-74-8]		0,05		0,15	<i>Pc</i>
Sodium hydroxide	[1310-73-2]				C2	<i>RP</i>
Sodium metabisulfite	[7681-57-4]		5			
Sodium tetraborate, anhydre	[1330-43-4]		1			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Sodium tetraborate, decahydrate or borax	[1303-96-4]		5			
Sodium tetraborate, pentahydrate	[12045-88-4]		1			
Starch	[9005-25-8]		10			<i>Td, note 1</i>
Stibine (as Sb)	[7803-52-3]	0,1	0,51			
Stoddard solvent	[8052-41-3]	100	525			
Strychnine	[57-24-9]		0,15			
Styrene (monomer)	[100-42-5]	50	213	100	426	Pc,C3
Subtilisins [1395-21-7 ; 9014-01-1] (Proteolytic enzymes as 100% pure crystalline enzyme)					C0,00006	RP
Succinaldehyde	[638-37-9]	1	4			Pc
Sucrose	[57-50-1]		10			
Sulfometuron methyl	[74222-97-2]		5			
Sulfotep	[3689-24-5]		0,2			Pc
Sulfur dioxide	[7446-09-5]	2	5,2	5	13	
Sulfur hexafluoride	[2551-62-4]	1000	5970			
Sulfur monochloride	[10025-67-9]			C1	C5,5	RP
Sulfur pentafluoride	[5714-22-7]			C0,01	C0,1	RP
Sulfur tetrafluoride	[7783-60-0]			C0,1	C0,44	RP
Sulfuric acid	[7664-93-9]		1		3	
Sulfuryl fluoride	[2699-79-8]	5	21	10	42	
Sulprofos	[35400-43-2]		1			
Systox		<i>See Demeton7</i>				
2,4,5-T	[93-76-5]		10			C2,RP,EM
Talc, fibrous (note 4)			1 fibre/cm ³			C1,EM
Talc, non fibrous	[14807-96-6]		3			Rd

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Tantalum [7440-25-7], metal and oxide dusts (as Ta)			5			
TEDP		See Sulfotep				
Tellurium [13494-80-9] and compounds (as Te)			0,1			
Tellurium hexafluoride (as Te)	[7783-80-4]	0,02	0,10			
Temephos	[3383-96-8]		10			
TEPP	[107-49-3]	0,004	0,047			Pc
Terephthalic acid	[100-21-0]		10			
Terphenyls	[26140-60-3]			C0,5	C4,7	RP
1,1,2,2-Tetrabromoethane	[79-27-6]	1	14			
1,1,1,2-Tetrachloro-2,2-difluoroethane	[76-11-9]	500	4170			
1,1,2,2-Tetrachloro-1,2-difluoroethane	[76-12-0]	500	4170			
1,1,2,2-Tetrachloroethane	[79-34-5]	1	6,9			Pc
Tetrachloroethylene		See Perchloroethylene				
Tetrachloromethane		See Carbon tetrachloride				
Tetrachloronaphthalene	[1335-88-2]		2			
Tetraethyl lead		See Lead tetraethyl				
Tetraethyl pyrophosphate		See TEPP				
Tetrahydrofuran	[109-99-9]	100	300			
Tetramethyl lead		See Lead tetramethyl				
Tetramethyl succinonitrile	[3333-52-6]	0,5	2,8			Pc
Tetranitromethane	[509-14-8]	0,005	0,04			C2
Tetrasodium pyrophosphate	[7722-88-5]		5			
Tetryl	[479-45-8]		1,5			
Thallium, elemental [7440-28-0], and soluble compounds (as Tl)			0,1			Pc
Thimet®		See Phorate				

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
4,4'-Thiobis (6-tert-butyl-m-cresol)	[96-69-5]		10			
Thiodan®		See Endosulfan				
Thiodiphenylamine		See Phenothiazine				
Thioglycolic acid	[68-11-1]	1	3,8			<i>Pc</i>
Thionyl chloride	[7719-09-7]			C1	C4,9	<i>RP</i>
Thiram®	[137-26-8]		5			
Tin	[7440-31-5]					
Metal			2			
Organic compounds (as Sn)			0,1		0,2	<i>Pc</i>
Oxide and inorganic compounds, except SnH ₄ (as Sn)			2			
Titanium dioxide	[13463-67-7]		10			<i>Td, note 1</i>
o-Tolidine	[119-93-7]	Without applicable permissible exposure value				<i>Pc,C2,RP,EM</i>
Toluene	[108-88-3]	50	188			<i>Pc</i>
Toluene diisocyanate (TDI) (isomers mixture)	[26471-62-5]	0,005	0,036	0,02	0,14	<i>EM,S</i>
o-Toluidine	[95-53-4]	2	8,8			<i>Pc,C2,RP,EM</i>
m-Toluidine	[108-44-1]	2	8,8			<i>Pc</i>
p-Toluidine	[106-49-0]	2	8,8			<i>Pc,C2,EM</i>
Toxaphene		See Chlorinated camphene				
Tremolite		See Asbestos				
Tribromomethane		See Bromoform				
Tributyl phosphate	[126-73-8]	0,2	2,2			
Trichloroacetic acid	[76-03-9]	1	6,7			
1,2,4-Trichlorobenzene	[120-82-1]			C5	C37	<i>RP</i>
1,1,2-Trichloroethane	[79-00-5]	10	55			<i>Pc</i>
1,1,1-Trichloroethane		See Methyl chloroform				
Trichloroethylene	[79-01-6]	50	269	200	1070	

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Trichlorofluoromethane	[75-69-4]			C1000	C5620	RP
Trichloromethane		See Chloroform				
Trichloronaphthalene	[1321-65-9]		5			Pc
Trichloronitromethane		See Chloropicrin				
2,4,5-Trichlorophenoxyacetic acid		See 2,4,5-T				
1,2,3-Trichloropropane	[96-18-4]	10	60			Pc
1,1,2-Trichloro-1,2,2-trifluoroethane	[76-13-1]	1000	7670	1250	9590	
Tri- <i>o</i> -cresyl phosphate	[78-30-8]		0,1			Pc
Tricyclohexyltin hydroxide		See Cyhexatin				
Tridymite		See Silica - Crystalline				
Triethanolamine	[102-71-6]		5			S
Triethylamine	[121-44-8]	5	20,5	15	61,5	Pc
Trifluorobromomethane		See Bromotrifluoromethane				
Trimellitic anhydride	[552-30-7]				C0,04	S,RP
Trimethyl benzene	[25551-13-7]	25	123			
Trimethyl phosphite	[121-45-9]	2	10			
Trimethylamine	[75-50-3]	5	12	15	36	
2,4,6-Trinitrophenol		See Picric acid				
2,4,6-Trinitrophenylmethylnitramine		See Tetryl				
2,4,6-Trinitrotoluene (TNT)	[118-96-7]		0,5			Pc
Triphenyl amine	[603-34-9]		5			
Triphenyl phosphate	[115-86-6]		3			
Tripoli		See Silica - Crystalline				
Tungsten (as W)	[7440-33-7]					
Insoluble compounds			5		10	
Soluble compounds			1		3	
Turpentine	[8006-64-2]	100	556			

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Uranium (natural)	[7440-61-1]					
Insoluble compounds (as U)			0,2		0,6	
Soluble compounds (as U)			0,05			
n-Valeraldehyde	[110-62-3]	50	176			
Vanadium pentoxide, fume and respirable dust (as V ₂ O ₅)	[1314-62-1]		0,05			
Vegetable oil mists (except castor, cashew and other similar irritant oils)	[68956-68-3]		10			
Vinyl acetate	[108-05-4]	10	35	15	53	C3
Vinyl benzene		See Styrene (monomer)				
Vinyl bromide	[593-60-2]	5	22			C2,EM
Vinyl chloride (monomer)	[75-01-4]	1	2,5	5	13	C1,RP,EM
Vinyl cyanide		See Acrylonitrile				
Vinyl cyclohexene dioxide	[106-87-6]	10	57			Pc,C2,RP,EM
Vinyl toluene	[25013-15-4]	50	242	100	483	
Vinylidene chloride		See 1,1-Dichloroethylene				
VM&P Naphtha	[8032-32-4]	300	1370			
Warfarin	[81-81-2]		0,1			
Welding fumes (not otherwise classified)			5			
Wollastonite		See Fibres-Natural Mineral Fibres				
Wood dust (western red cedar)			2,5			Td, note 1
Wood dust hard and soft, except red cedar			5			Td, note 1
Xylene (o-,m-,p- isomers) [1330-20-7; 95-47-6; 108-38-3; 106-42-3]		100	434	150	651	
m-Xylene- α , α' diamine	[1477-55-0]				C0,1	Pc,RP
Xylidine (mixed isomers)	[1300-73-8]	0,5	2,5			Pc,C2,EM

Substance	[#CAS]	TWAEV		STEV/Ceiling		Designation and remarks
		ppm	mg/m ³	ppm	mg/m ³	
Yttrium [7440-65-5], metal and compounds (as Y)			1			
Zinc chloride, fume	[7646-85-7]		1			
Zinc chromates [13530-65-9; 11103-86-9; 37300-23-5] (as Cr)			0,01			<i>Cl,RP,EM</i>
Zinc stearate	[557-05-1]		10			
Zinc, oxide	[1314-13-2]					
Dust			10			<i>Td, note 1</i>
Fume			5		10	
Zirconium [7440-67-7] and compounds (as Zr)			5		10	
Zoalene®		<i>See Dinitolmide</i>				

Part 2

DAILY EXPOSURE TO A SPECIFIC SUBSTANCE OF A WORKER WORKING AT SEVERAL WORK LOCATIONS

Where a worker carries out his work at more than one work location during an 8-hour period, each exposure at those locations must be included in the evaluation of the daily average exposure value with respect to any substance listed in Part 1 of this Schedule. The same applies when the worker performs his work at more than one work location for a period equal to or greater than 4 hours but less than 8 hours or a period greater than 8 hours but less than or equal to 16 hours.

For purposes of evaluating average daily exposure, the method of computation prescribed in the following formula is used:

Daily average exposure value:
(in mg/m³ or in ppm)

$$\frac{C_1 t_1 + C_2 t_2 + \dots + C_n t_n}{t_1 + t_2 + \dots + t_n}$$

Where:

C = measured concentration of a substance at a work location (expressed in mg/m³ or in ppm)

t = duration of exposure to the substance at the same work location (expressed in hours)

1, 2, ... , n = indication of work locations

t₁ + t₂ + ... + t_n = 8 hours or the total period of the shift in hours, whichever applies

Part 3

DAILY EXPOSURE TO SEVERAL SUBSTANCES

Where two or more substances listed in Part 1 of this Schedule are present at the work location and where they have similar effects on the same organs of the human body, the effects of these substances are considered to be additive, unless it is established otherwise.

The concentration of the substances in the mixture is computed as follows:

$$Rm = \frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n}$$

Where:

Rm = sum of the fractions of the mixture

C = measured concentration of a substance at a work location (expressed in mg/m³ or in ppm)

T = depending on the case, the time-weighted average exposure value permitted under part 1 of this schedule or the adjusted average exposure value established in accordance with the Guide to the adjustment of permissible exposure values for unusual work schedules, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time it is applied

1, 2, 3, ... , n = indication of substances in the mixture

If *Rm* is greater than one, the time-weighted or adjusted average exposure value of the mixture of the substances is exceeded

Part 4

IDENTIFICATION OF SUBSTANCES ACCORDING TO THEIR CAS NUMBER.

50-00-0	Formaldehyde	71-23-8	n-Propyl alcohol
50-29-3	DDT (Dichlorodiphenyltrichloroethane)	71-36-3	n-Butyl alcohol
50-32-8	Benzo(a)pyrene	71-43-2	Benzene
50-78-2	Acetylsalicylic acid (Aspirin)	71-55-6	Methyl chloroform
54-11-5	Nicotine	72-20-8	Endrin
55-38-9	Fenthion	72-43-5	Methoxychlor
55-63-0	Nitroglycerin	74-82-8	Methane
56-23-5	Carbon tetrachloride	74-83-9	Methyl bromide
56-38-2	Parathion	74-84-0	Ethane
56-55-3	Benz(a)anthracene	74-85-1	Ethylene
56-81-5	Glycerin	74-86-2	Acetylene
57-14-7	1,1-Dimethylhydrazine	74-87-3	Methyl chloride
57-24-9	Strychnine	74-88-4	Methyl iodide
57-50-1	Sucrose	74-89-5	Methylamine
57-57-8	β -Propiolactone	74-90-8	Hydrogen cyanide
57-74-9	Chlordane	74-93-1	Methyl mercaptan
58-89-9	Lindane	74-96-4	Ethyl bromide
60-29-7	Diethyl ether	74-97-5	Chlorobromomethane
60-34-4	Methyl hydrazine	74-98-6	Propane
60-57-1	Dieldrin	74-99-7	Methyl acetylene
61-82-5	Amitrole	75-00-3	Ethyl chloride
62-53-3	Aniline	75-01-4	Vinyl chloride
62-73-7	Dichlorvos	75-04-7	Ethylamine
62-74-8	Sodium fluoroacetate	75-05-8	Acetonitrile
62-75-9	N-Nitrosodimethylamine	75-07-0	Acetaldehyde
63-25-2	Carbaryl	75-08-1	Ethyl mercaptan
64-17-5	Ethyl alcohol	75-09-2	Methylene chloride
64-18-6	Formic acid	75-12-7	Formamide
64-19-7	Acetic acid	75-15-0	Carbon disulfide
67-56-1	Methyl alcohol	75-21-8	Ethylene oxide
67-63-0	Isopropyl alcohol	75-25-2	Bromoform
67-64-1	Acetone	75-31-0	Isopropylamine
67-66-3	Chloroform	75-34-3	1,1-Dichloroethane
67-72-1	Hexachloroethane	75-35-4	1,1-Dichloroethylene
68-11-1	Thioglycolic acid	75-43-4	Dichlorodifluoromethane
68-12-2	N,N-Dimethylformamide	75-44-5	Phosgene
		75-45-6	Chlorodifluoromethane
		75-47-8	Iodoform
		75-50-3	Trimethylamine
		75-52-5	Nitromethane
		75-55-8	Propylene imine
		75-56-9	Propylene oxide
		75-61-6	Difluorodibromomethane
		75-63-8	Bromotrifluoromethane
		75-65-0	tert-Butyl alcohol
		75-69-4	Trichlorofluoromethane
		75-71-8	Dichlorodifluoromethane
		75-74-1	Lead tetramethyl
		75-86-5	Acetone cyanohydrin
		75-99-0	2,2-Dichloropropionic acid
		76-03-9	Trichloroacetic acid
		76-06-2	Chloropicrin
		76-11-9	1,1,1,2-Tetrachloro-2,2-difluoroethane
		76-12-0	1,1,2,2-Tetrachloro-1, 2-difluoroethane
		76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane
		76-14-2	1,2-Dichloro-1,1,2,2-tetrafluoroethane

76-15-3	Chloropentafluoroethane	95-13-6	Indene
76-22-2	Camphor (synthetic)	95-47-6	Xylene
76-44-8	Heptachlor	95-49-8	o-Chlorotoluene
77-47-4	Hexachlorocyclopentadiene	95-50-1	o-Dichlorobenzene
77-73-6	Dicyclopentadiene	95-53-4	o-Toluidine
77-78-1	Dimethyl sulfate	95-54-5	ortho-Phenylenediamine
78-00-2	Lead tetraethyl	96-18-4	1,2,3-Trichloropropane
78-10-4	Ethyl silicate	96-22-0	Diethyl ketone
78-30-8	Tri-o-cresyl phosphate	96-33-3	Methyl acrylate
78-34-2	Dioxathion	96-69-5	4,4'-Thiobis (6-tert-butyl-m-cresol)
78-59-1	Isophorone	97-77-8	Disulfiram
78-83-1	Isobutyl alcohol	98-00-0	Furfuryl alcohol
78-87-5	1,2-Dichloropropane	98-01-1	Furfural
78-92-2	sec-Butyl alcohol	98-51-1	p-tert-Butyltoluene
78-93-3	Methyl ethyl ketone (MEK)	98-82-8	Cumene
78-95-5	Chloroacetone	98-83-9	α -Methyl styrene
79-00-5	1,1,2-Trichloroethane	98-86-2	Acetophenone
79-01-6	Trichloroethylene	98-95-3	Nitrobenzene
79-04-9	Chloroacetyl chloride	99-08-1	Nitrotoluene
79-06-1	Acrylamide	99-65-0	Dinitrobenzene
79-09-4	Propionic acid	99-99-0	Nitrotoluene
79-10-7	Acrylic acid	100-00-5	p-Nitrochlorobenzene
79-20-9	Methyl acetate	100-01-6	p-Nitroaniline
79-24-3	Nitroethane	100-21-0	Terephthalic acid
79-27-6	1,1,2,2-Tetrabromoethane	100-25-4	Dinitrobenzene
79-34-5	1,1,2,2-Tetrachloroethane	100-37-8	2-Diethylaminoethanol
79-41-4	Methacrylic acid	100-41-4	Ethyl benzene
79-44-7	Dimethyl carbamoyl chloride	100-42-5	Styrene (monomer)
79-46-9	2-Nitropropane	100-44-7	Benzyl chloride
80-62-6	Methyl methacrylate (monomer)	100-61-8	N-Methylaniline
81-81-2	Warfarin	100-63-0	Phenylhydrazine
82-68-8	Pentachloronitrobenzene	100-74-3	N-Ethylmorpholine
83-26-1	Pindone	101-14-4	4,4'-Methylene bis (2-chloroaniline) (MOCA)
83-79-4	Rotenone	101-68-8	Methylene bis (4-phenyl isocyanate) (MDI)
84-66-2	Diethyl phthalate	101-77-9	4,4'-Methylene dianiline
84-74-2	Dibutyl phthalate	101-84-8	Phenyl ether, vapour
85-44-9	Phthalic anhydride	102-54-5	Dicyclopentadienyl iron
86-50-0	Azinphos-methyl	102-71-6	Triethanolamine
86-88-4	ANTU (α -Naphthylthiourea)	102-81-8	2-N-Dibutylaminoethanol
87-68-3	Hexachlorobutadiene	104-94-9	p-Anisidine
87-86-5	Pentachlorophenol	105-46-4	sec-Butyl acetate
88-72-2	Nitrotoluene	105-60-2	Caprolactam
88-89-1	Picric acid	106-35-4	Ethyl butyl ketone
89-72-5	o-sec-Butylphenol	106-42-3	Xylene
90-04-0	o-Anisidine	106-46-7	p-Dichlorobenzene
91-20-3	Naphthalene	106-49-0	p-Toluidine
91-59-8	β -Naphthylamine	106-50-3	p-Phenylenediamine
91-94-1	3,3'-Dichlorobenzidine	106-51-4	p-Benzoquinone
92-52-4	Biphenyl	106-87-6	Vinyl cyclohexene dioxide
92-67-1	4-Aminodiphenyl	106-89-8	Epichlorohydrin
92-84-2	Phenothiazine	106-92-3	Allyl glycidyl ether (AGE)
92-87-5	Benzidine (production)	106-93-4	1,2-Dibromoethane
92-93-3	4-Nitrodiphenyl	106-97-8	Butane
93-76-5	2,4,5-T	106-99-0	1,3-Butadiene
94-36-0	Benzoyl peroxide	107-02-8	Acrolein
94-75-7	2,4-D	107-05-1	3-Chloropropene

107-06-2	1,2-Dichloroethane	110-83-8	Cyclohexene
107-07-3	Ethylene chlorohydrin	110-86-1	Pyridine
107-13-1	Acrylonitrile	110-91-8	Morpholine
107-15-3	Ethylenediamine	111-15-9	2-Ethoxyethyl acetate (EGEEA)
107-18-6	Allyl alcohol	111-30-8	Glutaraldehyde
107-19-7	Propargyl alcohol	111-40-0	Diethylene triamine
107-20-0	Chloroacetaldehyde	111-42-2	Diethanolamine
107-21-1	Ethylene glycol	111-44-4	Dichloroethyl ether
107-30-2	Chloromethyl methyl ether	111-65-9	Octane
107-31-3	Methyl formate	111-69-3	Adiponitrile
107-41-5	Hexylene glycol	111-76-2	2-Butoxyethanol
107-49-3	TEPP	111-84-2	Nonane
107-66-4	Dibutyl phosphate	114-26-1	Propoxur
107-87-9	Methyl propyl ketone	115-07-1	Propylene
107-98-2	Propylene glycol monomethyl ether	115-29-7	Endosulfan
108-03-2	1-Nitropropane	115-77-5	Pentaerythritol
108-05-4	Vinyl acetate	115-86-6	Triphenyl phosphate
108-10-1	Methyl isobutyl ketone	115-90-2	Fensulfothion
108-11-2	Methyl amyl alcohol	117-81-7	Di-sec-octyl phthalate
108-18-9	Diisopropylamine	118-52-5	1,3-Dichloro-5,5-dimethyl hydantoin
108-20-3	Diisopropyl ether	118-74-1	Hexachlorobenzene
108-21-4	Isopropyl acetate	118-96-7	2,4,6-Trinitrotoluene (TNT)
108-24-7	Acetic anhydride	119-93-7	o-Tolidine
108-31-6	Maleic anhydride	120-80-9	Catechol
108-38-3	Xylene	120-82-1	1,2,4-Trichlorobenzene
108-44-1	m-Toluidine	121-44-8	Triethylamine
108-45-2	meta-Phenylenediamine	121-45-9	Trimethyl phosphite
108-46-3	Resorcinol	121-69-7	N,N-Dimethylaniline
108-83-8	Diisobutyl ketone	121-75-5	Malathion
108-84-9	sec-Hexyl acetate	121-82-4	Cyclonite
108-87-2	Methylcyclohexane	122-39-4	Diphenylamine
108-88-3	Toluene	122-60-1	Phenyl glycidyl ether (PGE)
108-90-7	Chlorobenzene	123-31-9	Hydroquinone
108-91-8	Cyclohexylamine	123-42-2	Diacetone alcohol
108-93-0	Cyclohexanol	123-51-3	Isoamyl alcohol
108-94-1	Cyclohexanone	123-86-4	n-Butyl acetate
108-95-2	Phenol	123-91-1	Dioxane
108-98-5	Phenyl mercaptan	123-92-2	Isoamyl acetate
109-59-1	Isopropoxyethanol	124-04-9	Adipic acid
109-60-4	n-Propyl acetate	124-09-4	1,6-Diaminohexane
109-66-0	n-Pentane	124-38-9	Carbon dioxide
109-73-9	n-Butylamine	124-40-3	Dimethylamine
109-79-5	Butyl mercaptan	126-73-8	Tributyl phosphate
109-86-4	2-Methoxyethanol (EGME)	126-98-7	Methylacrylonitrile
109-87-5	Methylal	126-99-8	β-Chloroprene
109-89-7	Diethylamine	127-18-4	Perchloroethylene
109-94-4	Ethyl formate	127-19-5	N,N-Dimethylacetamide
109-99-9	Tetrahydrofuran	128-37-0	2,6-Di-tert-butyl-p-cresol
110-12-3	Methyl isoamyl ketone	131-11-3	Dimethylphthalate
110-19-0	Isobutyl acetate	133-06-2	Captan
110-43-0	Methyl n-amyl ketone	135-88-6	N-Phenyl-β-naphthylamine
110-49-6	2-Methoxyethyl acetate (EGMEA)	136-78-7	Sesone
110-54-3	n-Hexane	137-05-3	Methyl 2-cyanoacrylate
110-62-3	n-Valeraldehyde	137-26-8	Thiram7
110-80-5	2-Ethoxyethanol (EGEE)	138-22-7	n-Butyl lactate
110-82-7	Cyclohexane	140-88-5	Ethyl acrylate

141-32-2	n-Butyl acrylate	583-60-8	o-Methylcyclohexanone
141-43-5	2-Aminoethanol	591-78-6	Methyl n-butyl ketone
141-66-2	Dicrotophos	593-60-2	Vinyl bromide
141-78-6	Ethyl acetate	594-42-3	Perchloromethyl mercaptan
141-79-7	Mesityl oxide	594-72-9	1,1-Dichloro-1-nitroethane
142-64-3	Piperazine dihydrochloride	598-78-7	2-Chloropropionic acid
142-82-5	n-Heptane	600-25-9	1-Chloro-1-nitropropane
144-62-7	Oxalic acid	603-34-9	Triphenyl amine
148-01-6	Dinitolmide	624-83-9	Methyl isocyanate
150-76-5	4-Methoxyphenol	626-17-5	m-Phthalodinitrile
151-56-4	Ethylene imine	626-38-0	sec-Amyl acetate
151-67-7	Halothane	627-13-4	n-Propyl nitrate
156-62-7	Calcium cyanamide	628-63-7	n-Amyl acetate
205-99-2	Benzo(b)fluoranthene	628-96-6	Ethylene glycol dinitrate
218-01-9	Chrysene	630-08-0	Carbon monoxide
231-36-7	Diquat	638-21-1	Phenylphosphine
287-92-3	Cyclopentane	638-37-9	Succinaldehyde
298-00-0	Methyl parathion	680-31-9	Hexamethyl phosphoramidate
298-02-2	Phorate	681-84-5	Methyl silicate
298-04-4	Disulfoton	684-16-2	Hexafluoroacetone
299-84-3	Ronnel	764-41-0	1,4-Dichloro-2-butene
299-86-5	Cruformate7	768-52-5	N-Isopropylaniline
300-76-5	Naled	822-06-0	Hexamethylene diisocyanate
302-01-2	Hydrazine	944-22-9	Fonofos
309-00-2	Aldrin	999-61-1	2-Hydroxypropyl acrylate
314-40-9	Bromacil	1024-57-3	Heptachlor epoxide
330-54-1	Diuron	1120-71-4	Propane sultone
333-41-5	Diazinon7	1189-85-1	tert-Butyl chromate
334-88-3	Diazomethane	1300-73-8	Xylidine (mixed isomers)
353-50-4	Carbonyl fluoride	1302-74-5	Corundum
382-21-8	Perfluoroisobutylene	1303-86-2	Boron oxide
409-21-2	Silicon carbide (non fibrous)	1303-96-4	Sodium tetraborate, decahydrate
420-04-2	Cyanamide	1304-82-1	Bismuth telluride Undoped
460-19-5	Cyanogen	1305-62-0	Calcium hydroxide
463-51-4	Ketene	1305-78-8	Calcium oxide
479-45-8	Tetryl	1309-37-1	Iron trioxide
504-29-0	2-Aminopyridine	1309-48-4	Magnesium oxide
506-77-4	Cyanogen chloride	1309-64-4	Antimony trioxide
509-14-8	Tetranitromethane	1310-58-3	Potassium hydroxide
528-29-0	Dinitrobenzene	1310-73-2	Sodium hydroxide
532-27-4	α -Chloroacetophenone	1314-13-2	Zinc, oxide
534-52-1	Dinitro-ortho-cresol	1314-62-1	Vanadium pentoxide
540-59-0	1,2-Dichloroethylene	1314-80-3	Phosphorus pentasulfide
540-88-5	tert-Butyl acetate	1317-35-7	Manganese tetroxide
541-85-5	Ethyl amyl ketone	1317-65-3	Calcium carbonate
542-75-6	Dichloropropene (cis and trans isomers)	1317-95-9	Silica - Crystalline, Tripoli
542-88-1	bis (Chloromethyl) ether	1319-77-3	Cresol (all isomers)
542-92-7	Cyclopentadiene	1321-12-6	Nitrotoluene
546-93-0	Magnesite	1321-64-8	Pentachloronaphthalene
552-30-7	Trimellitic anhydride	1321-65-9	Trichloronaphthalene
556-52-5	Glycidol	1321-74-0	Divinyl benzene
557-05-1	Zinc stearate	1327-53-3	Arsenic trioxide
558-13-4	Carbon tetrabromide	1330-20-7	Xylene
563-12-2	Ethion	1330-43-4	Sodium tetraborate, anhydrous
563-80-4	Methyl isopropyl ketone	1332-58-7	Kaolin

1333-74-0	Hydrogen	7440-33-7	Tungsten
1333-86-4	Carbon black	7440-36-0	Antimony
1335-87-1	Hexachloronaphthalene	7440-37-1	Argon
1335-88-2	Tetrachloronaphthalene	7440-38-2	Arsenic
1338-23-4	Methyl ethyl ketone peroxide	7440-39-3	Barium
1343-98-2	Silica - Amorphous, precipitated	7440-41-7	Beryllium
1344-28-1	Aluminum oxide	7440-43-9	Cadmium
1344-95-2	Calcium silicate (synthetic)	7440-47-3	Chromium
1395-21-7	Subtilisin	7440-48-4	Cobalt
1477-55-0	m-Xylene- α , α' -diamine	7440-50-8	Copper
1563-66-2	Carbofuran	7440-58-6	Hafnium
1634-04-4	Methyl tert-butyl ether	7440-59-7	Helium
1912-24-9	Atrazine	7440-61-1	Uranium
1918-02-1	Picloram	7440-65-5	Yttrium
1929-82-4	Nitrapyrin	7440-67-7	Zirconium
2039-87-4	o-Chlorostyrene	7440-74-6	Indium
2104-64-5	EPN	7446-09-5	Sulfur dioxide
2179-59-1	Allyl propyl disulfide	7553-56-2	Iodine
2234-13-1	Octachloronaphthalene	7572-29-4	Dichloroacetylene
2238-07-5	Diglycidyl ether (DGE)	7580-67-8	Lithium hydride
2425-06-1	Captafol	7616-94-6	Perchloryl fluoride
2426-08-6	n-Butyl glycidyl ether (BGE)	7631-90-5	Sodium bisulfite
2528-36-1	Dibutyl phenyl phosphate	7637-07-2	Boron trifluoride
2551-62-4	Sulfur hexafluoride	7646-85-7	Zinc chloride
2698-41-1	o-Chlorobenzylidene malononitrile	7647-01-0	Hydrogen chloride
2699-79-8	Sulfuryl fluoride	7664-38-2	Phosphoric acid
2921-88-2	Chlorpyrifos	7664-39-3	Hydrogen fluoride
2971-90-6	Clopidol	7664-41-7	Ammonia
3333-52-6	Tetramethyl succinonitrile	7664-93-9	Sulfuric acid
3383-96-8	Temephos	7681-57-4	Sodium metabisulfite
3687-31-8	Lead arsenate	7697-37-2	Nitric acid
3689-24-5	Sulfotep	7719-09-7	Thionyl chloride
3825-26-1	Ammonium perfluorooctanoate	7719-12-2	Phosphorus trichloride
4016-14-2	Isopropyl glycidyl ether (IGE)	7722-84-1	Hydrogen peroxide
4098-71-9	Isophorone diisocyanate	7722-88-5	Tetrasodium pyrophosphate
4170-30-3	Crotonaldehyde	7723-14-0	Phosphorus (yellow)
4685-14-7	Paraquat, respirable particulates	7726-95-6	Bromine
5124-30-1	Methylene bis (4-cyclohexylisocyanate)	7727-37-9	Nitrogen
5714-22-7	Sulfur pentafluoride	7727-43-7	Barium sulfate
6423-43-4	Propylene glycol dinitrate	7758-97-6	Lead chromate
6923-22-4	Monocrotophos	7773-06-0	Ammonium sulfamate
7429-90-5	Aluminum	7778-18-9	Calcium sulfate
7439-92-1	Lead	7782-41-4	Fluorine
7439-96-5	Manganese	7782-42-5	Graphite (natural)
7439-97-6	Mercury	7782-49-2	Selenium
7439-98-7	Molybdenum	7782-50-5	Chlorine
7440-01-9	Neon	7782-65-2	Germanium tetrahydride
7440-02-0	Nickel	7783-06-4	Hydrogen sulfide
7440-06-4	Platinum	7783-07-5	Hydrogen selenide
7440-16-6	Rhodium	7783-41-7	Oxygen difluoride
7440-21-3	Silicon	7783-54-2	Nitrogen trifluoride
7440-22-4	Silver	7783-60-0	Sulfur tetrafluoride
7440-25-7	Tantalum	7783-79-1	Selenium hexafluoride
7440-28-0	Thallium	7783-80-4	Tellurium hexafluoride
7440-31-5	Tin	7784-42-1	Arsine

7786-34-7	Phosdrin	13530-65-9	Zinc chromate
7789-30-2	Bromine pentafluoride	13838-16-9	Enflurane
7790-91-2	Chlorine trifluoride	13983-17-0	Fibres-Natural Mineral Fibres Wollastonite
7803-51-2	Phosphine	14378-12-2	Soapstone
7803-52-3	Stibine	14464-46-1	Silica - Crystalline, Cristobalite
7803-62-5	Silicon tetrahydride	14484-64-1	Ferbam
8001-35-2	Chlorinated camphene	14567-73-8	Asbestos Tremolite
8002-74-2	Paraffin wax	14807-96-6	Talc, non fibrous
8003-34-7	Pyrethrum	14808-60-7	Silica - Crystalline, Quartz
8006-61-9	Gasoline	14977-61-8	Chromyl chloride
8006-64-2	Turpentine	15468-32-3	Silica - Crystalline, Tridymite
8022-00-2	Methyl demeton	16219-75-3	Ethylidene norbornene
8030-30-6	Rubber solvent (Naphtha)	16752-77-5	Methomyl
8032-32-4	VM&P Naphtha	16842-03-8	Cobalt hydrocarbonyl
8050-09-7	Rosin	17068-78-9	Asbestos Anthophyllite
8052-41-3	Stoddard solvent	17702-41-9	Decaborane
8052-42-4	Asphalt (petroleum)	17804-35-2	Benomyl
8065-48-3	Demeton7	19287-45-7	Diborane
9002-84-0	Polytetrafluoroethylene	19624-22-7	Pentaborane
9004-34-6	Cellulose (paper fibres)	20816-12-0	Osmium tetroxide
9005-25-8	Starch	21087-64-9	Metribuzin
9014-01-1	Subtilisin	21351-79-1	Cesium hydroxide
10024-97-2	Nitrous oxide	22224-92-6	Fenamiphos
10025-67-9	Sulfur monochloride	25013-15-4	Vinyl toluene
10025-87-3	Phosphorus oxychloride	25154-54-4	Dinitrobenzene
10026-13-8	Phosphorus pentachloride	25321-14-6	Dinitrotoluene
10028-15-6	Ozone	25551-13-7	Trimethyl benzene
10035-10-6	Hydrogen bromide	25639-42-3	Methylcyclohexanol
10049-04-4	Chlorine dioxide	26140-60-3	Terphenyls
10102-43-9	Nitrogen monoxide	26471-62-5	Toluene diisocyanate (TDI) (isomers mixture)
10102-44-0	Nitrogen dioxide	26499-65-0	Plaster of Paris
10210-68-1	Cobalt tetracarbonyl	26628-22-8	Sodium azide
10294-33-4	Boron tribromide	26952-21-6	Isooctyl alcohol
11097-69-1	Chlorodiphenyl (54% chlorine)	34590-94-8	Dipropylene glycol monomethyl ether
11103-86-9	Zinc chromate	35400-43-2	Sulprofos
12001-26-2	Mica	37300-23-5	Zinc chromate
12001-28-4	Asbestos Crocidolite	53469-21-9	Chlorodiphenyl (42% chlorine)
12001-29-5	Asbestos Chrysotile	53570-85-7	Coal dust (less than 5 % crystalline silica)
12045-88-4	Sodium tetraborate, pentahydrate	55720-99-5	Chlorinated diphenyl oxide
12079-65-1	Manganese cyclopentadienyl tricarbonyl	59355-75-8	Methyl acetylene-propadiene mixture (MAPP)
12108-13-3	Manganese methyl cyclopentadienyl tricarbonyl	60676-86-0	Silica - Crystalline, fused
12125-02-9	Ammonium chloride	61788-32-7	Hydrogenated terphenyls
12172-67-7	Asbestos Actinolite	61790-53-2	Silica - Amorphous, Diatomaceous earth (uncalcined)
12172-73-5	Asbestos Amosite	63231-67-4	Silica - Amorphous, gel
12174-11-7	Fibres-Natural Mineral Fibres Attapulgite	65996-93-2	Coal tar pitch volatiles, as benzene solubles
12415-34-8	Emery	65997-15-1	Portland cement
12604-58-9	Ferrovandium (dust)	66733-21-9	Fibres-Natural Mineral Fibres Erionite
13121-70-5	Cyhexatin	68476-85-7	L.P.G. (Liquified petroleum gas)
13397-24-5	Gypsum	68956-68-3	Vegetable oil
13463-39-3	Nickel carbonyl	69012-64-2	Silica - Amorphous, fumes
13463-40-6	Iron pentacarbonyl	74222-97-2	Sulfometuron methyl
13463-67-7	Titanium dioxide	83969-76-0	Perlite
13494-80-9	Tellurium	112926-00-8	Silica - Amorphous, gel

SCHEDULE II

(s. 70)

LIST OF DANGEROUS SUBSTANCES BY CATEGORY

Dangerous substances	Categories of dangerous substances				
	inflammables and combustibles	oxidants	toxic	corrosives	dangerously reactive
Acetates, organic	x				
Acids, mineral (concentrated)				x	
Acids, organic	x				
Activated charcoal	x				
Air, compressed		x			
Alcohols	x				
Aldehydes	x				
Alkali metals	x				
Allyl compounds			x		
Amines	x				
Ammonium dichromate	x				
Ammonium nitrate					x
Ammonium persulphate					x
Anhydrides	x				
Antimony pentasulphide	x				
Arsenic compounds			x		
Bags and sacks having contained nitrates, sugar or oily materials	x				
Benzoates	x				
Bitumen	x				
Blasting powders					x
Bone oil	x				
Bromates		x			
Bromides (organic)	x		x		
Bromine		x			
Camphor			x		

Dangerous substances	inflammables and combustibles	oxidants	toxic	corrosives	dangerously reactive
Carbon black (lampblack)	x				
Castor oil	x				
China wood oil (tung oil)	x				
Chlorates		x			
Chlorinated hydrocarbons			x		
Chlorine		x			
Chloroethane			x		
Chorites		x			
Coal tar	x				
Coconut oil, refined	x				
Cod liver oil	x				
Corn oil (Maize oil)	x				
Cottonseed oil	x				
Cresols			x		
Cyanides			x		x
Cyanogen compounds			x		
Ethers	x		x		
Feeds, various	x				
Fibres, vegetable (jute, kapok, sisal, etc)	x				
Fish scraps	x				
Fluorides, inorganic			x		
Fluorine		x			
Fluosulphonic acid			x		
Formaldehyde solution	x		x		
Fulminates					x
Fumigating substances, various	x		x		
Hydrazine					x
Hydrides	x				
Hydrocarbons	x				

Dangerous substances	inflammables and combustibles	oxidants	toxic	corrosives	dangerously reactive
Hydroxylamine	x				
Hypophosphites	x				
Insecticides (when dissolved in an inflammable or combustible liquid)	x		x		
Iodates		x			
Iron sponge	x				
Lanolin	x				
Lard oil	x				
Lead compounds			x		
Linseed oil	x				
Lubricating oil	x				
Matches, strike-anywhere	x				
Menhaden oil	x				
Mercury compounds			x		
Metal powders (finely divided)	x				
Methyl cyanaformate					x
Methyl fluoroformate				x	
Neatsfoot oil	x				
Nitrates, inorganic		x			
Nitrites, inorganic		x			
Nitrogen chloride	x				
Nitrogen dioxide				x	
Oil: oiled clothing, fabrics, rags or silk soaked in	x				
Olive oil	x				
Organic chlorides	x		x		
Paint containing drying oils	x				
Paint scrapings	x				
Palm kernal oil	x				
Palm oil	x				
Paraffin oil	x				

Dangerous substances	inflammables and combustibles	oxidants	toxic	corrosives	dangerously reactive
Paraffin wax	x				
Peanut oil	x				
Perborates		x			
Perchlorates		x			
Perilla oil	x				
Permanganates		x			
Peroxides, inorganic		x			
Peroxides, organic	x	x			
Persulfates		x			
Phenol	x				
Phenolsulphonic acid			x		
Phosphides	x				
Phosphorous pentachloride	x				
Picrates					x
Pine tar oil	x				
Potassium perchlorate					x
Rags, oily	x				
Resinates	x				
Rubber reclaimed	x				
Rubber scrap	x				
Rust preventing compounds				x	
Sawdust	x				
Seeds	x				
Selenium compounds			x		
Sodium amalgam	x				
Sodium azide	x				x
Sodium perchlorate					x
Soya bean oil	x				
Sperm oil	x				
Sugar beet (dry)	x				

Dangerous substances	inflammables and combustibles	oxidants	toxic	corrosives	dangerously reactive
Sulfides	x				
Tallow	x				
Tallow oil	x				
Tetraethyl lead	x				
Whale oil	x				
Woodwool	x				
Wool wadding	x				

SCHEDULE III

(s. 103)

MINIMUM RATE OF AIR CHANGE PER HOUR**Table 1**

AVERAGE GENERAL VENTILATION

<i>Classification of establishments</i>	<i>Minimum rate of air change per hour</i>
Food and beverages	
Slaughterhouses and drysalting	2
Mineral oil and fats factories	3
Sausage and sausage casing manufacturing	2
Poultry processing	2
Milk concentrate manufacturing	2
Fish processing	2
Preparation and canning of fruit and vegetables	2
Biscuit manufacturing	2
Bakeries	2
Confectioneries	2
Vegetable oil mills	2
Distilleries	2
Breweries (Beer breweries)	2
Wine manufacturing	2

<i>Classification of establishments</i>	<i>Minimum rate of air change per hour</i>
Tobacco products	
Leaf-tobacco processing	2
Tobacco products manufacturing	2
Rubber	
Rubber footwear manufacturing	3
Tire and tube manufacturing	3
Other rubber industries	3
Leather	
Tanneries	3
Shoe factories	2
Textiles	
Cotton yarn and cloth mills	2
Wool yarn mills	2
Wool cloth mills	2
Synthetic textile mills	2
Fiber preparation mills	5
Thread mills	5
Cordage and twine industry	5
Carpet, mat and rug industry	2
Textile dyeing and finishing	3
Linoleum and coated fabrics industry	4
Garages	
Garage for maintenance and repair	4
Garage for parking and storage — with permanent employees	3
— without permanent employees	2
Wood	
Shingle plants	2
Sawmills	2
Veneer and plywood mills	2

<i>Classification of establishments</i>	<i>Minimum rate of air change per hour</i>
Sash, door and other millwood plants (excluding hardwood flooring manufacturing)	2
Coffin and casket industry	2
Wood processing industry	2
Furniture and fixtures	
Household furniture industry	2
Paper and related products	
Pulp and paper mills	2
Manufacturing of asphalt roofing paper	3
Paper box and bag manufacturing	2
Metal products	
Metal fabricating industries	4
Miscellaneous machinery manufacturing	2
Electrical appliance manufacturing	2
Cell and battery manufacturing	4
Non-metallic products	
Cement industry	3
Lime industry	3
Gypsum products manufacturing	3
Concrete products manufacturing	2
Reinforced concrete industry	2
Clay products manufacturing (domestic clay)	2
Refractory products manufacturing	4
Stone products manufacturing	4
Asbestos products manufacturing	6
Glass and glass products manufacturing	4
Abrasive industry	4
Chemicals	
Explosives and ammunition manufacturing	3
Mixed fertilizers manufacturing	2
Plastics and synthetic resins industry	3

<i>Classification of establishments</i>	<i>Minimum rate of air change per hour</i>
Pharmaceuticals and medical products industry	2
Paints and varnish industry	4
Maintenance products manufacturing	3
Industrial chemical products manufacturing	2

Warehouses : See Table III of this Schedule.

Any other class of establishment not appearing in this Table or in Table II of this Schedule 1

The number of air changes per hour listed in this Table may be converted into cfm/ft² by using the following formula :

$$\frac{\text{ft}^3/\text{min.}}{\text{ft}^2} = \frac{\text{Air change/hour}}{60 \text{ min./hour}} \times [12\text{ft} + \text{height of work level in feet (ref. main floor)}]$$

or to m³/h/m² by using the following formula :

$$\frac{\text{m}^3/\text{h}}{\text{m}^2} = \text{Air change/hour} \times [3,6\text{m.} + \text{height of work level in metres (ref. main floor)}]$$

Table 2

RATE OF AIR CHANGE PER HOUR FOR CERTAIN CLASSES OF ESTABLISHMENT

<i>Classification of establishment</i>	<i>Total ventilation area</i>		<i>Fresh air</i>	<i>Relative pressure</i>
	<i>Unrefrigerated spaces (l./s./pers.)</i>	<i>Refrigerated spaces (l./s./pers.)</i>	<i>Refrigerated or unrefrigerated spaces (l./s./pers.)</i>	
Commercial and industrial laundry	9,4	not applicable	2,4	negative pressure not exceeding 5 Pa
Office	7,1	45	2,4	not applicable
Laboratory*	7,1	45	2,4	negative pressure not exceeding 5 Pa

Where gases, fumes, vapours, dusts or are mists emitted in an establishment listed in this Table, the minimum rates of air change per hour must be increased so that the standards prescribed in Schedule 1 are complied with.

To compute total ventilation air and fresh air, the occupancy rate must be one person per 10 square metres for laundries and offices and one person per 5 square metres for laboratories.

Table 3

VENTILATION IN WAREHOUSES WHERE INTERNAL COMBUSTION VEHICLES ARE OPERATED

The ventilation rate per vehicle must be computed as follows :

$$Q = K \times (U/50\%) \times (P/45\text{kW}) \times [2 - (V/4250\text{m}^3)]$$

where :

Q = air flow in m³/h prescribed per vehicle

K = ventilation constant, namely 8 500 m³/h per propane or diesel-powered vehicle, 13 500 m³/h per gas-powered vehicle

P = power of the engine in kilowatts

V = volume of space available in m³ per vehicle

U = percentage (%) of use of the vehicle during a work shift.

Notes :

1) if the percentage (U) of use of the vehicle or the power (P) of the engine is less than 50% or 45 KW respectively, these factors must be omitted in the formula which then must read as follows :

$$Q = K \times [2 - (V/4250m^3)]$$

2) for the purposes of applying this Table, the volume of space available is equal to the total volume of the warehouse minus the volume occupied by the merchandise ;

3) if the volume available exceeds 4 250 m³, the formula does not apply and the minimum air supply is 8 500 m³/h per propane or diesel-powered vehicle and 13 500 m³/h per gas-powered vehicle.

SCHEDULE IV

(s. 117)

STANDARDS OF TEMPERATURE IN ESTABLISHMENTS

<i>Nature of work performed</i>	<i>Minimum temperature required</i>
light work performed while sitting, especially mental work, precision work, or which requires reading or writing	20°C
light physical work performed while sitting, electric machine sewing and work with small machine tools	19°C
light work performed while standing, especially machine tool work	17°C
moderate work performed while standing, assembly and trimming	16°C
heavy work performed while standing, drilling and manual work with heavy tools	12°C

SCHEDULE V

(s. 121, 122, 123 and 124)

EVALUATION OF HEAT STRESS

Wet Bulb-Globe Temperature Index (WBGT) is computed by using the following equations :

a) outdoors with solar load :

$$WBGT = 0,7 WB + 0,2 GT + 0,1 DB$$

b) indoors or outdoors with no solar load:

$$\text{WBGT} = 0,7 \text{ WB} + 0,3 \text{ GT}$$

where:

WB = natural wet-bulb temperature

DB = dry-bulb temperature

GT = globe thermometer temperature

To determine WBGT, the instruments required are a black globe thermometer, a natural (static) wet-bulb thermometer and a dry-bulb thermometer.

Exposure to temperatures in excess of those in Table 1 is permitted under the following conditions: the worker must be under medical supervision and it must be proven that his tolerance for working in heat is greater than that of the average worker.

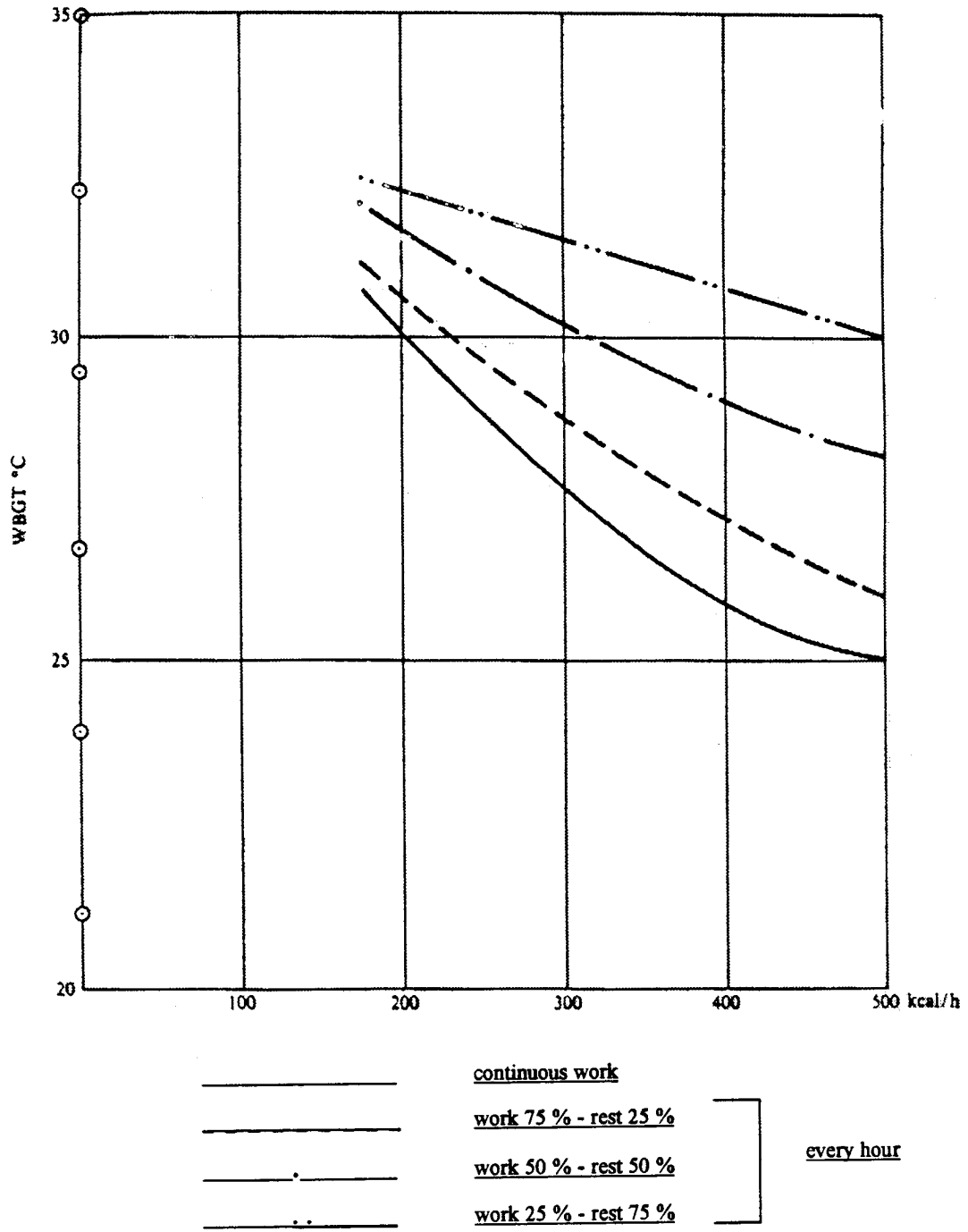
Table 1

PERMISSIBLE HEAT EXPOSURE LIMIT VALUES, IN °C (WBGT °C (WBGT)

Alternate Regimen work/rest	Work load		
	light work	moderate work	heavy work
Continuous work	30,0	26,7	25,0
Work 75%, rest 25% (every hour)	30,6	28,0	25,9
Work 50%, rest 50% (every hour)	31,4	29,4	27,9
Work 25%, rest 75% (every hour)	32,2	31,1	30,0

Chart

PERMISSIBLE HEAT EXPOSURE VALUES



Method of measurement

WBGT values are measured as follows :

1) The range of the dry and the natural wet bulb thermometer must be between -50°C and $+50^{\circ}\text{C}$, with an accuracy of $\pm 0,5^{\circ}\text{C}$. The dry bulb thermometer must be shielded from the sun and other radiant surfaces without restricting the airflow around the bulb. The wick of the natural wet bulb thermometer must be kept wet with distilled water for at least 30 minutes before the temperature reading is made. It is not enough to immerse an end of the wick into a reservoir of distilled water and wait until the wick becomes wet by capillarity ; the wick must be wetted by direct application of water from a syringe one-half hour before each reading. The wick must extend over the bulb of the thermometer, covering the stem about one additional bulb length. The wick should always be clean, and new wicks should be washed before being used.

2) A globe thermometer, consisting of a 15-centimetre diameter hollow copper sphere painted on the outside with a matte black finish or equivalent, must be used. The bulb or sensor of the thermometer (range : -5°C to $+100^{\circ}\text{C}$; accuracy : $\pm 0,5^{\circ}\text{C}$) must be set at the centre of the sphere. The globe thermometer must be exposed at least 25 minutes before it is read.

3) A stand must be used to suspend the 3 thermometers so that they do not restrict free air flow around the bulbs, and so that there is no obstacle between the heat sources and the wet bulb globe thermometer.

4) Any other type of temperature sensor may be used that gives a reading identical to that of a mercury thermometer under the same conditions.

5) The thermometers must be placed so that the readings are representative of the conditions in which the men work or rest, respectively.

Work load

The total heat load is the sum of the heat produced by the body and the environmental heat. Therefore, if the work is performed under hot environmental conditions, the workload category of each job must be established and the permissible heat exposure limit value pertinent to the work load evaluated against the applicable standard in order to protect the worker from exposure beyond the permissible limit.

The jobs performed by a worker must be classified in the following categories :

- a) light work : up to 200 kcal/h (sitting or standing to control machines ; performing light hand or arm work, etc.) ;
- b) moderate work : from 200 to 350 kcal/h (walking about with moderate lifting and pushing, etc.) ;
- c) heavy work : from 350 to 500 kcal/h (pick and shovel work, etc.)

Table I thus gives the permissible heat exposure limit value for the specified work load.

An activity may be assigned to a particular category by measuring the metabolism of the man at work, namely by estimating his metabolism using the following Table 2 :

Table 2

ASSESSMENT OF WORK LOAD AND AVERAGE VALUES OF METABOLIC RATE DURING DIFFERENT ACTIVITIES

A. Body position and movement		<i>kcal/h</i>
Sitting		18
Standing		36
Walking		120-180
Walking uphill		Add 48 per metre of rise
B. Type of work		Average (kcal/h)
Handwork		Range (kcal/h)
light	24	12-72
heavy	54	
Work using one arm		42-150
light	60	
heavy	108	
Work using both arms		60-210
light	90	
heavy	150	
Work using body		150-900
light	210	
moderate	300	
heavy	420	
very heavy	540	
Light handwork	writing, knitting	
Heavy handwork	typing	
Heavy work using one arm	hammering in nails (shoemaker, upholsterer)	
Light work using both arms	filing metal, planning wood, raking a garden	
Moderate work using both arms	cleaning a floor, beating a carpet	
Heavy work using the body	railroad track laying, digging, barking trees	
..... railroad track laying, digging, barking trees		
C. Basal metabolism : kcal/h		
Basal metabolism : minimum quantity of calorific energy used when the body is at complete rest.		
Sample calculation : use of a heavy hand tool on an assembly line		
A. Walking along		120 kcal/h
B. Intermediate value between heavy work using 2 arms and light work using the body		180 kcal/h
		300 kcal/h
C. Basal metabolism		60 kcal/h
	Total.....	360 kcal/h

The tables in the following publications may also be used:

- a) Astrand P.O., Rodahl K., *Textbook of Work Physiology*, New York, San Francisco, McGraw Hill Book Company, 1979;
- b) *Ergonomics Guide to Assessment of Metabolic and Cardiac Cost of Physical Work*, Amer. Ind. Hyg. Assoc. J., 32;
- c) *Energy Requirements for Physical Work, Research Progress Report No 30, Purdue Farm Cardiac Project, Agricultural Experiment Station*, 1961;
- d) Durnin, J.V.G.A., Passmore R., *Energy, Work and Leisure*, London, Heinemann Educational Books, 1967.

Alternate work/rest regimen

The permissible exposure limit values specified in Table I and the Graph are based on the assumption that the WBGT value of the resting place is the same or very close to that of the work location. Limits applicable to continuous work correspond to the following conditions: a 5-day week, an 8-hour working day with a short pause (about a half-hour) for a meal. Higher exposure limits are permitted if additional rest periods are allowed. All breaks, including pauses and administrative or operational waiting periods during work may be counted as rest time when additional rest periods must be given because of high environmental temperatures.

A worker whose job is self-paced will spontaneously limit his hourly work load to 30-35% of his maximum physical performance capacity, either by setting an appropriate work speed or by interspersing unscheduled breaks. Thus the daily average of the worker's metabolic rate seldom exceeds 330 kcal/h. However, within an 8-hour work shift, there may be periods when the worker's average metabolic rate will be higher.

When the WBGT index of the work location is different from that of the rest area, a time-weighted average value should be used for both environmental heat and metabolic rate. When the time-weighted average values are used, the curve to be referred to in the above graph is the solid line.

The time-rated average metabolic rate is determined by the following equation:

$$M_{\text{moyen}} = \frac{(M_1) \times (t_1) + (M_2) \times (t_2) + \dots (M_n) \times (t_n)}{(t_1) + (t_2) + \dots (t_n)}$$

where M_1 , M_2 and M_n are estimated metabolic rates for each of the worker's work locations for the entire work period, and t_1 , t_2 and t_n are the time in minutes spent at each corresponding metabolic rate.

Similarly, the time-weighted average WBGT is determined by the equation:

$$WBGT_{\text{moyen}} = \frac{(WBGT_1) \times (t_1) + (WBGT_2) \times (t_2) + \dots (WBGT_n) \times (t_n)}{(t_1) + (t_2) + \dots (t_n)}$$

where $WBGT_1$, $WBGT_2$, $WBGT_n$ represent values calculated in WBGT for various tasks at rest and work stations occupied during all time periods and t_1 , t_2 , t_n constitute the time in minutes spent at each rest and work station.

When exposure to hot environmental conditions is continuous for several hours or the entire work day, the time-weighted average value must be computed as an hourly time-weighted average, i.e. $t_1 + t_2 + \dots, t_n = 60$ minutes. Where exposure is intermittent, the time-weighted average values must be computed as two-hour time-weighted averages, i.e. $t_1 + t_2 + \dots t_n = 120$ minutes.

Scope of method

The WBGT method does not apply to unacclimatized workers who are physically incapable of performing a specific job or to workers who wear clothing especially adapted to certain dangerous tasks as protection against the heat.

SCHEDULE VI

(s. 125)

ILLUMINATION LEVELS IN ESTABLISHMENTS

<i>Nature of work</i>	<i>Examples of corresponding task</i>	<i>Minimum illumination level in Lux</i>
Storage, reserve	Warehouses, stockrooms, supervision	50
General perception	Dormitories, grinding	250
Rough detail perception	Freight and passenger elevators, escalators	50
	General lighting, lecture rooms, moulding, manufacturing large parts	250
Average detail perception	Ironing, window dressing, packing, labeling, heavy machine or bench work, general office work	400
	Rapid general inspection, studios, study rooms, typing, reading, machine sewing, assembly of average parts, special office work	550
Difficult detail perception	Repairs, difficult inspection, lathes, hand sewing, embroidery	800

SCHEDULE VII

(s. 133)

MEASURING METHOD OF PREDOMINANT FREQUENCY BANDS (in corrected dBA)

a) Using the analysis of each octave band from 31,5 Hz to 16 KHz, determine if one of the bands corresponds to the notion of predominant frequency band;

b) add 5 dB to the measured level of each band corresponding to the notion of predominant frequency band;

c) modify the resulting sound spectrum as follows :

— at the level of 31,5 Hz, deduct 39,4 dB

— at the level of 63 Hz, deduct 26,2 dB

— at the level of 125 Hz, deduct 16,1 dB

— at the level of 250 Hz, deduct 8,6 dB

— at the level of 500 Hz, deduct 3,2 dB

— at the level of 1 000 Hz, no modification

— at the level of 2 000 Hz, add 1,2 dB

— at the level of 4 000 Hz, add 1,0 dB

— at the level of 8 000 Hz, deduct 1,1 dB

— at the level of 16 000 Hz, deduct 6,6 dB ;

d) then add the levels of each octave of the then modified spectrum by following the method for adding decibels ;

e) the result thus obtained is expressed in corrected dBA.

SCHEDULE VIII

(s. 145)

DAILY QUANTITY OF DRINKING WATER REQUIRED BY WORKERS

Destination	Characteristics	Daily quantity by worker in litres
Offices		55
Camps	Permanent	190
	Temporary	95
Schools		55
Factory	Without shower	55
	With shower	130
Plant or factory	Without shower	55
	With shower	130

SCHEDULE IX

(s. 161)

SANITARY FACILITIES

Occupancy	W.C.		Urinals	Lavatories		Tubs or showers	Other fixtures	Notes
	men	women		men	women			
Arenas								
Players	1/30 players		1/30 players	1/30 players		1/10 players		
Spectators	1/600 men	3/600 women	2/600 men	2/600 men	2/600 women			
Brasseries	1/40 Customers	1/90 Customers	See (a)	1/80 Customers	1/80 Customers			
Physicians, dentists and other health practitioners offices	1			2 See (b)				

Occupancy	W.C.		Urinals	Lavatories		Tubs or showers	Other fixtures	Notes
	men	women		men	women			
Cinemas, theatres, auditoriums, exhibition and convention halls...								
1 to 100 persons	1	1		1	1		one service tub	
101 to 200 persons	2	2		1	1			
201 to 400 persons	3	3	See (e)	2	2			
401 to 750 persons	add 1/600 persons	add 1/600 persons		3	3			
751 or more				add 1/1000 persons	add 1/1000 persons			
Employees: See (d)								
Medical clinics	1/floor	1/floor		1/floor	1/floor			
Bars (holding a liquor permit)								
Customers:	1/25 men	1/30 women	See (e)	1/50 men	1/60 women			
Employees: See (d)								
Dormitories, boarding houses for children								
1 to 150 persons	1/10 men	1/8 women	1/25 men	1/12 men	1/12 women	See (f) 1/8 persons	one tub per 50 persons; a sink or service tub per 100 persons	
151 persons or more	add 1/10 men	add 1/8 women	add 1/50 men	add 1/12 men	add 1/12 women	add 1/20 persons		
Schools								
Primary	1/40 boys	1/35 girls	1/30 boys	1/50 boys	1/50 girls	See (g) 1/5 pupils	one service tub 1/floor	
Other	1/75 boys	1/75 girls	1/30 boys	1/50 boys	1/50 girls	1/5 pupils	1/floor	
Teachers: See (d)								
Office buildings (See h)								
1 to 15 employees of each gender	1	1		1	1		One service sink or tub per floor	
16 to 35 employees of each gender	2	2	See (e)	2	2			
36 to 60 employees of each gender	3	3		2	2			
61 to 80 employees of each gender	4	4		3	3			
81 to 90 employees of each gender	5	5		3	3			
91-110 employees of each gender	5	5		4	4			
111-125 employees of each gender	6	6		4	4			
126 and + 75 employees of each gender	add 1/50 men	add 1/50 women		add 1/60 men	add 1/60 women			
Churches, chapels, places of worship	1/300 men	1/150 women	1/300 men	1/300 men	1/300 women			
Sentry-boxes, shelters, temporary buildings, See (i)		1			1			

Occupancy	W.C.		Urinals	Lavatories		Tubs or showers	Other fixtures	Notes
	men	women		men	women			
Restaurants								
1 to 25 Customers	1	See (t)		1	See (t)			
26 to 50 Customers	1 see (t)	1 see (t)		1 see (t)	1 see (t)			
51 to 100 Customers	1	2		1	1			
101 to 150 Customers	1	1		1	2			
151 to 200 Customers	2	3	See (e)	2	2			
201 to 300 Customers	3	3		3	3			
301 or more	add	add		add	add			
	1/50	1/50		1/50	1/50			
	men	women		men	women			
Employees: See (d) and (u)								
Reception rooms, meeting halls... (holding a liquor permit)								
			See (a)					
Customers	1/30 men	1/30 women		1/60 men	1/60 women		A tub or a service sink	
Funeral Homes	1	1		1	1		A service sink and a floor drain in the embalming room	
Service stations, gas bars (See v)	1	1		1	1			
Any other establishment (plants, warehouses, workshops, laundries, foundries, etc.)								
See (h)							See (w)	
1 to 10 employees of each gender	1	1		1 add	1 add			
11 to 25 employees of each gender	2	2	1	1/10 men	1/10 women			
26 to 50 employees of each gender	3	3	2					
51 to 75 employees of each gender	4	4	2					
76 to 100 employees of each gender	5	5	3		add			
101 or more of each gender	add	add	add	add	1/15 women			
	1/50 men	1/50 women	1/90 men	1/15 men				

(a) 2/3 of men W.C. may be replaced by urinals.

(b) A sink shall be installed in the examination room in addition to the one in the toilet room.

(c) According to the requirements of authorities.

(d) Sanitary accommodations for employees shall be the same as those required for office buildings.

(e) For men, half the compulsory W.C. may be replaced by urinals.

(f) In a women's dormitory, a bathtub shall be added in a proportion of 1/30.

(g) In the gymnasium and according to the largest group that uses it.

(h) Only one toilet room is required for 10 employees or less of both genders.

(i) One W.C. and a lavatory shall be installed, except if written permission is given to use an existing washroom within a maximum radius of 30 metres.

(j) Toilet facilities for general use shall be separate from bathrooms and lavatories.

(k) One lavatory is required for each room not equipped with a private toilet.

(l) One shower for each similar massage, physiotherapy or health treatment unit.

(m) One laundry tray per apartment or one connection for an automatic clothes washer).

- (n) One double basin laundry tray or one automatic clothes washer per ten apartments; one automatic washing machine per 20 apartments.
- (o) Several stores may use a common washroom provided it is accessible via an indoor passageway.
- (p) A tub or sink must be installed in a food store. In dog kennels and pet shops, a tub or a service sink and a floor drain must be installed.
- (q) Fixtures for employees may be situated in the customers' washrooms.
- (r) In a home for the elderly, tubs must be installed in a proportion of 1 unit per 10 persons.
- (s) The maximum number of swimmers is determined in a proportion of one swimmer per every 1,4 sq. surface metres in the shallow zone and 2,2 sq surface metres in the deep zone. The floor plan for rooms must be arranged so that swimmers may go through the toilet area to get to the showers.
- (t) Under 26 customers, 1 W.C. and 1 lavatory will be enough for both customer and employee use. From 26 to 50 customers, 2 W.C. and 2 lavatories will be enough for both customers and employees, but in two separate washrooms. Where customers eat outside, separate washrooms for both genders with access from the outside are required.
- (u) Toilet facilities are not required for fewer than 5 employees.
- (v) Separate rooms for both genders with access to the outside are compulsory.
- (w) A shower is compulsory per 15 employees exposed to excessive heat or to skin contact with corrosive, noxious, irritating or infectious.

4444

Gouvernement du Québec

O.C. 886-2001, 4 July 2001Building Act
(R.S.Q., c. B-1.1)**Corporation des maîtres électriciens du Québec and
the Corporation des maîtres mécaniciens en
tuyauterie du Québec
— Mandate entrusted**

Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec

WHEREAS under subparagraph 6.1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, determine a procedure for the apportionment, between the Régie du bâtiment du Québec and the mandatory Corporation referred to in section 129.3 of the Act, of the dues and fees payable by a contractor for an application for the issue or alteration of a licence, for the renewal of the licence, for an examination or any other means of evaluation and for the review of a ruling that pertains to the issue, alteration, suspension or cancellation of a licence;

WHEREAS under subparagraph 6.2 of the first paragraph of section 182 of the Act the Government may also, by regulation, determine the administrative and financial procedures applicable to the Régie du bâtiment du Québec and to the mandatory Corporation for the management, administration, transfer and updating of the records of a contractor holding licences;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 January 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec

Building Act
(R.S.Q., c. B-1.1, s. 182, 1st par., subpars. 6.1 and 6.2)

1. The Régie du bâtiment du Québec shall make available to the mandatory Corporation any information necessary for the carrying out of the mandate entrusted to it under an agreement entered into under section 129.3 of the Building Act (R.S.Q., c. B-1.1) and relating, in particular, to the conditions prescribed by the Act for obtaining an electrical contractor's licence or, as the case may be, a contractor's licence for warm air heating systems, natural gas burner systems, oil burner systems, hot water and steam heating systems and plumbing.

2. The mandatory Corporation shall, in accordance with the provisions of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1) if applicable, inform the Régie of any suspension, cancellation or refusal to renew a contractor's licence referred to in section 1 particularly where the holder of the licence becomes bankrupt.

3. The mandatory Corporation shall maintain and update daily the information in the public register in which the names and addresses of licence holders and of the natural persons referred to in section 52 of the Building Act, the subclasses of the licences and, where applicable, any restriction under section 65.1 of the Act are entered.

4. The mandatory Corporation shall establish and keep up to date, according to the provisions of the Archives Act (R.S.Q., c. A-21.1) and its regulations, a retention schedule of documents identical to that of the Régie with respect to the records constituted and the documents held by the mandatory Corporation in the carrying out of its mandate.

5. The mandatory Corporation shall be a member of the follow-up committee, which shall also include a representative of the Minister of Labour, the other mandatory Corporation and the Régie, whose purpose is to agree upon measures for the implementation of the agreement referred to in section 129.3 of the Building Act and to ensure the continuity and quality of the operations related to the activities covered by that agreement.

The representative of the Minister of Labour shall chair the committee which shall meet at least twice a year.

6. Matters before the Régie on the date on which the agreement referred to in section 129.3 of the Act takes effect shall be continued with and decided upon by the Régie where they relate to the issue, renewal, alteration, suspension or cancellation of a contractor's licence referred to in section 1, to an application made under section 58.1 of the Act or to an application for review made under section 160 of the Act.

7. As of the taking of effect of the agreement entered into under section 129.3 of the Act, the mandatory Corporation shall collect, in accordance with the mandate provided for in the agreement, the dues and fees payable under the Regulation respecting the professional qualification of building contractors and owner-builders approved by Order in Council 876-92 dated 10 June 1992.

Notwithstanding the provisions of section 41 that Regulation, the mandatory Corporation shall also collect, on behalf of the Régie and, where applicable, of the other mandatory Corporation, all the dues and fees payable under that Regulation in respect of an application concerning more than one class or subclass of licence.

Such dues and fees shall be attached to the application and be paid in cash or by certified cheque or postal money order to the order of the mandatory Corporation in the case referred to in the first paragraph and to the order of either mandatory Corporation, at the contractor's election, in the case referred to in the second paragraph.

8. The mandatory Corporation shall retain out of the fees collected \$150 per licence it issues, renews or alters. That amount shall be used exclusively for the professional qualification activities prescribed in the agreement entered into under section 129.3 of the Act.

The amount retained by the mandatory Corporation shall be increased, on 1 April of each year, according to the increase in percentage determined under section 44 of the Regulation respecting the professional qualification of building contractors and owner-builders.

9. The mandatory Corporation shall pay monthly, into the consolidated revenue fund through a bank or a savings and credit union governed by the Act respecting financial services cooperatives (2000, c. 29), the sum remaining from the fees and dues collected under section 7.

10. The revenues collected by the mandatory Corporation and the expenses incurred in the carrying out of its mandate shall be accounted for separately.

11. The mandatory Corporation shall, in relation to the activities provided for in the agreement entered into under section 129.3 of the Building Act, provide the Minister of Labour, not later than four months after the end of each fiscal year, with the financial statements for the last fiscal year prepared according to generally accepted accounting principles and audited according to generally accepted auditing standards.

12. This Regulation comes into force on the date the agreement entered into under section 129.3 of the Act takes effect.

4440

Gouvernement du Québec

O.C. 887-2001, 4 July 2001

Building Act
(R.S.Q., c. B-1.1)

Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them

WHEREAS no person may act as a building contractor unless he holds a licence issued for that purpose by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1);

WHEREAS under the Act, the Board has, in particular, the responsibility to check the vocational qualification of building contractors so as to ensure their integrity, competence and solvency;

WHEREAS under section 129.3 of the Act, the Government may give to the Corporation des maîtres électriciens du Québec, to the extent indicated by the Government in an agreement, a mandate to supervise the administration of the Act or to see to its application with respect to the vocational qualification of its members and to the financial guarantees required from them;

WHEREAS the Minister of Labour and the Corporation des maîtres électriciens du Québec have agreed that the administration and application of the Building Act relating to the vocational qualification of its members and to the financial guarantees required from them may be taken over by the Corporation;

WHEREAS the agreement specifically sets out the powers, duties and obligations entrusted to the Corporation and the terms and conditions governing the carrying out of the mandate;

WHEREAS on 19 October 2000, the Corporation accepted, by resolution, the content of the agreement;

WHEREAS it is expedient to entrust the powers and duties, to the extent provided for in the agreement, to the Corporation des maîtres électriciens du Québec;

WHEREAS it is expedient to approve the agreement attached to this Order in Council and to authorize the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour to sign the agreement for and on behalf of the Government;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the agreement attached to this Order in Council be approved and the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour be authorized, for and on behalf of the Government, to sign the said agreement with the Corporation des maîtres électriciens du Québec.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

AGREEMENT RELATED TO THE MANDATE ENTRUSTED TO THE CORPORATION DES MAÎTRES ÉLECTRICIENS DU QUÉBEC IN RESPECT OF THE ADMINISTRATION AND APPLICATION OF THE BUILDING ACT PERTAINING TO THE VOCATIONAL QUALIFICATION OF ITS MEMBERS AND THE FINANCIAL GUARANTEES REQUIRED FROM THEM

BETWEEN

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR, acting for and on behalf of the government du Québec,

hereafter called the "Minister"

AND

THE CORPORATION DES MAÎTRES ÉLECTRICIENS DU QUÉBEC, a corporation legally constituted under the Master Electricians Act (R.S.Q., c. M-3), that has its

head office 5925, boulevard Décarie, Montréal (Québec), acting by Jacques Plante, chairman, duly authorized under Resolution 209-10

hereafter called the “Corporation”

THE PARTIES AGREE TO THE FOLLOWING :

1. PURPOSE OF THE AGREEMENT

In accordance with the mandate entrusted by the Government, the purpose of this agreement is to set out the terms and conditions governing the carrying out of the mandate of the Corporation, the powers and duties that are entrusted to it and to specify the commitments it is making.

The Corporation accepts the mandate entrusted to it by the Government and agrees to take on the powers, duties and obligations described in this agreement and undertakes to carry them out according to the terms and conditions provided for therein.

2. POWERS AND DUTIES ENTRUSTED TO THE CORPORATION

2.1. Entrusted powers

2.1.1. In matters of vocational qualification

The powers entrusted in matters of vocational qualification that the Corporation undertakes to carry out are those provided for in Chapter IV and in sections 112, 117, 118, 129, 297.2 and 297.3 of the Building Act (R.S.Q., c. B-1.1).

Essentially, those powers consist in:

(1) deciding on any application of a member of the Corporation respecting the issue, renewal or alteration of an electrical contractor’s licence;

(2) suspending, cancelling or refusing to renew a licence referred to in paragraph 1;

(3) deciding on applications for review of a ruling related to an electrical contractor’s licence;

(4) preparing, administering and accepting the examinations of qualification and other means of evaluation relating to subcategory 4284.

2.1.2. In matters of financial guarantee

The Corporation may require, by a regulation made under subparagraph 19.7 of the first paragraph of sec-

tion 185 of the Building Act, from an electrical contractor in respect of work included in subcategory 4284, security for the purpose of compensating the contractor’s clients who sustain a loss as a result of a failure to carry out or the carrying out of electrical installation work that is not covered by a guaranty plan referred to in section 80 of the Act.

2.1.3. Statutory regulations

The Corporation may, in relation to the mandate entrusted by the Government, adopt a regulation that may deal with the matters referred to in sections 141, 142 and 143.1 and in subparagraphs 8 to 16, 18, 18.1, 19.7 and 36.1 of the first paragraph of section 185 of the Building Act. Sections 191 and 192 of the Act apply to the Regulation.

The Corporation may, considering the first paragraph, amend or replace any regulation made by the Régie du bâtiment du Québec (hereafter called “Board”) under any of those provisions.

Any regulation made by the Corporation shall be submitted to the Government for approval with or without amendment.

2.2. Entrusted duties

The duties entrusted to the Corporation, in relation to the mandate entrusted by the Government, shall be those referred to in section 110, in paragraphs 1 to 3, 5 to 7, 10 and 11 of section 111 of the Building Act.

Essentially, the main duty entrusted to the Corporation is to protect the public. To that end, the Corporation shall check and supervise the qualification of its members with a view to ensure their integrity, competence and solvency.

2.3. Subdelegation of the powers and duties entrusted to the Corporation

In accordance with the third paragraph of section 129.3 of the Building Act, the Corporation shall designate, for the carrying out of the powers and duties entrusted to it under this agreement, the persons holding the following positions:

(1) for applications for the issue of a licence: The director general and the director of legal affairs;

(2) for applications for the renewal of a licence: The director of legal affairs and the director of qualification;

(3) for applications for the alteration of a licence: The director of legal affairs and the director of qualification;

(4) for the purposes of Division III of Chapter IV and of section 297.3 of the Building Act (suspension, cancellation, refusal to renew a licence): The director general and the director of legal affairs;

(5) for applications for the review of a ruling: The members of the review committee;

(6) for applications for the evaluation of the vocational qualification by examinations or by any other means that the Corporation deems suitable: The technical counsel with the executive vice-chairman office and the director of legal affairs;

(7) for the carrying out of the duties referred to in sections 112 and 129 of the Building Act: The director general, the director of legal affairs and the director of qualification.

3. TERMS AND CONDITIONS GOVERNING THE CARRYING OUT OF THE MANDATE

3.1. Commitments of the Corporation

The Corporation, in the carrying out of the powers and duties currently entrusted to it, undertakes to:

(1) ensure the update of information used for the keeping of the public register in which the names and addresses of licence holders and of the natural persons referred to in section 52 of the Building Act and the subclasses of such licences and any restriction under section 65.1 of the Act are entered;

(2) notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and grant the holder at least 10 days to present observations before deciding on the suspension, cancellation or refusal to renew an electrical contractor's licence and deliver its ruling in writing, with reasons;

(3) submit to the Minister, by 31 July of each year, a report on its activities for the past fiscal year, containing the following information:

— the total number of valid building contractor's licences;

— the apportionment of the contractor's licences by administrative region;

— the number of examinations for qualification administered by region and component: administration, health and safety, technique;

— the number of exemptions from the examinations for qualification per component;

— the success rate of the examinations for each of the components;

— the number of applications for issuing, renewing or altering a licence;

— the number of suspensions, cancellations, refusals to renew and review a contractor's licence;

— the number of records which, after a hearing, were subject to an alteration;

— other activities of qualification such as the drafting or revision of the examinations for qualification and the preparation for examination sessions.

(4) provide the Minister with any information requested by him on the activities pertaining to this mandate.

3.2. Special commitments of the Corporation

The Corporation, in the carrying out of the powers and duties entrusted under this agreement, undertakes to meet or comply with the following terms and conditions of exercise:

(1) carry out all the powers and duties entrusted under item 2;

(2) apply, for the carrying out of the mandate entrusted by the Government, the acts and regulations in force in Québec, particularly the following acts and regulations and their amendments, the regulations that the Corporation may adopt under item 2.1.3 and any agreement between Québec and in particular a province in respect of manpower mobility or the recognition of the qualifications, skills or work experience in the construction industry:

— the provisions of the Building Act and the Master Electricians Act (R.S.Q., c. M-3) related to the vocational qualification of its members required for obtaining an electrical contractor's licence and to the financial guarantees required from them;

— the Regulation respecting the professional qualification of building contractors and owner-builders, ap-

proved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926);

— the Regulation respecting exemption from the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100);

— any regulation made by the Government under subparagraphs 6.1 and 6.2 of the first paragraph of section 182 of the Building Act;

— the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1);

— the provisions of sections 14 to 22 of the Charter of the French language (R.S.Q., c. C-11);

— the Code of Penal Procedure (R.S.Q., c. C-25.1);

(3) decide on any application related to an electrical contractor's licence in accordance with the provisions of the Building Act and the regulation related thereto;

(4) constitute and apply, with respect to subcategory 4284, a register of the training courses and programs that it recognizes for the purposes of the exemption from the examination of skills related to managing construction work. It may, where applicable, constitute and apply a similar register for the purposes of the examination of skills related to administrative management and to managing safety on construction sites;

(5) prepare, in respect of applications related to subcategory 4284, an examination on the skills related to managing construction work. It may also prepare an examination on the skills related to administrative management and to managing safety on construction sites. It must, at that time, comply with the principles recognized in docimology;

(6) indicate on the licence issued by the Corporation the name or acronym of the Corporation and of the Gouvernement du Québec;

(7) indicate on the licence issued or renewed by the Corporation whether the licence contains any restriction as regards the obtention of a public contract based on data respecting the licence holder transmitted by the Commission de la construction du Québec;

(8) maintain in force any electrical contractor's licence issued by the Board until it expires or until it is altered, suspended or cancelled by the Corporation;

(9) keep and update the records regarding the vocational training of its members;

(10) inform the Minister or persons designated under section 129.11 of the Building Act of the date of the meetings of the board of directors, the executive committee or any committee created by the Corporation and that carries out powers or duties entrusted under this agreement;

(11) inform its members, within 120 days of the taking of effect of this agreement, on the powers and duties entrusted under the agreement;

(12) establish and keep up to date, according to the provisions of the Archives Act (R.S.Q., c. A-21.1) and its regulations, a retention schedule applicable to the documents identical to that of the Board in respect of the documents held by the Corporation in the carrying out of the duties entrusted under this agreement;

(13) provide the Minister with all the information or documents that the Corporation holds for the purposes of the follow-up or the evaluation of the implementation of the mandate entrusted by the Government, free of charge and upon request;

(14) inform the Board, in accordance with the provisions of the Act respecting access to documents held by public bodies and the protection of personal information where applicable, of any suspension, cancellation or refusal of renewal of an electrical contractor's licence on the grounds that the holder of that licence has gone bankrupt.

3.3. Terms and conditions of financing

The parties agree that :

(1) the Corporation collects the duties and fees associated with the qualification system as soon as this agreement becomes effective;

(2) separate accounts shall be kept for the sums collected and the expenses incurred for the purposes of carrying out the mandate pursuant to the mandate entrusted by the Government; the sums collected shall be applied exclusively to activities related to the vocational training referred to in this agreement;

(3) the Corporation shall pay sums collected monthly pursuant to paragraph 1 into the consolidated revenue fund through a bank or savings and credit union governed by the Act respecting financial services cooperatives (2000, c. 29);

(4) the Corporation shall keep out of the fees collected under paragraph 1 the amount determined by regulation of the Government.

3.4. Undertakings of the Minister

The Minister undertakes to:

(1) support and accompany the Corporation in the taking over of the mandate entrusted by the Government;

(2) discuss, for and on behalf of the Government, any amendment or any granting of powers and duties not covered by this agreement;

(3) consult the Corporation on any draft amendment to the Building Act regarding the powers and duties entrusted under this agreement.

4. VERIFICATION AND INQUIRY

The Minister may, in accordance with section 129.12 of the Building Act, designate a person to verify the documents and information transmitted by the Corporation in accordance with this agreement.

The Minister may, in accordance with section 129.16 of the Building Act, direct a person to make an inquiry into any matter relating to the administration or operation of the Corporation or into the conduct of the directors of the Corporation, with respect to the mandate entrusted by the Government.

The Minister may, even before the conclusion of a verification or inquiry, order the Corporation to take the necessary corrective action within the period he specifies or accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

5. REVOCATION

The Government may at any time revoke the mandate entrusted to the Corporation. The revocation becomes effective on the date fixed by the Government. The decision of the Government must be communicated forthwith to the Corporation.

From the effective date of the revocation,

(1) matters before the Corporation that relate to the mandate entrusted by the Government are continued and decided by the Board without other formality;

(2) proceedings to which the Corporation is a party and that relate to the mandate entrusted by the Govern-

ment are continued by the Board without continuance of suit;

(3) a licence issued by the Corporation remains in force until the date on which it expires or until it is altered, suspended or cancelled by the Board;

(4) any regulations made by the Corporation pursuant to the regulatory powers entrusted under this agreement are deemed to be regulations of the Board;

(5) any regulations made by the Corporation pursuant to the powers provided for in section 12.0.2 of the Master Electricians Act cease to have effect;

the records and other documents of the Corporation that relate to the mandate entrusted by the Government become, to the extent determined by the Government, the records and other documents of the Board.

6. MISCELLANEOUS

6.1. In accordance with the provisions of the Regulation referred to in item 6.2, the Board supplies the Corporation, with respect to the provisions of section 129.7 of the Building Act, with any information related to an electrical contractor's licence necessary for the implementation of the mandate entrusted to the Corporation by the Government under this agreement.

6.2. The administrative and financial procedures applicable to the Corporation and to the Board for the management, administration, transfer and updating of the records of the contractors affected by this agreement will be determined by the Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, made by Order in Council 886-2001 dated 4 July 2001.

6.3. Matters undertaken before the Board on the date on which this agreement becomes effective that relate to the renewal, alteration, suspension or cancellation of an electrical contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued and decided by the Board.

6.4. Proceedings to which the Board is a party on the date on which this agreement becomes effective that relate to the issue, renewal, alteration, suspension or cancellation of an electrical contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued by the Board.

6.5. The Corporation is solely qualified under the mandate entrusted by the Government to decide on an application regarding a licence related to the subcategory of an electrical contractor.

6.6. Only the holder of the positions designated hereafter may have access to information related to the solvency of an electrical contractor: The executive vice-chairman, the director of legal affairs, the director of qualification, the director of administration and finance, the solvency auditor and the members of the review committee or both.

6.7. No deed, document or writing shall bind the Corporation nor be attributed to it unless signed by the chairman, the vice-chairman, the secretary or a staff member and, if by a staff member, only to such extent as the Corporation may by regulation determine under item 2.1.3.

6.8. The Corporation may, by regulation made under item 2.1.3 and according to the conditions it sets, allow the signature to be affixed by means of an automatic device on the documents it determines.

The Corporation may allow a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines.

A facsimile requires authentication by the countersignature of a person so authorized by the chairman.

6.9. The Corporation may authorize a person who transmits a notice, report, declaration or any other document to the Corporation to transmit such document in computerized form or by a telecommunications link, on the conditions it determines by regulation made under item 2.1.3 according to the categories of documents indicated in the regulation.

6.10. An intelligibly written transcript of the data stored by the Corporation in computerized form forms part of its documents and is proof of its content where it has been certified true by a person referred to in item 6.7.

In the case of data communicated to the Corporation under item 6.9, the transcript must reproduce such data exactly.

6.11. The Corporation's director of legal affairs is responsible for the access designated in accordance with the Act respecting access to documents held by public bodies and the protection of personal information.

6.12. No proceedings may be brought against the Corporation, its directors, the members of its committees or its personnel for an official act performed in good faith in carrying out the mandate entrusted by the Government.

6.13. The Corporation does not bind in any way the Government or the Board for the acts it performs in the carrying out of the powers and duties that are entrusted to it by this agreement.

6.14. The Corporation undertakes to take up the interest of the Government and to assume the defence against any recourse, claim, application, and any other proceedings made by any person by reason of any damage caused by it, its directors or employees in the course or upon the carrying out of the mandate entrusted by the Government.

6.15. The powers and duties entrusted to the Corporation under this agreement may in no case be delegated, in whole or in part, otherwise than under item 2.3.

6.16. Neither the Corporation nor its directors or employees may disclose anything whatsoever of which it may gain knowledge in the exercise of its mandate without being duly authorized by the Minister to do so.

6.17. The Corporation undertakes to come to an agreement with the Board that deals with the identification, the means of communication and the obligations resulting from the receipt and transmission of nominative information necessary to the Corporation and the Board for the purposes of the exercise of their respective functions.

The agreement shall be transmitted to the Minister before being submitted to the Commission d'accès à l'information for an opinion.

7. FOLLOW-UP OF OPERATIONS

The Corporation must take part in the establishment of a follow-up committee, made up of a representative of the Corporation, of the Corporation des maîtres mécaniciens en tuyauterie du Québec, of the Minister of Labour and of the Board, with a view to agree on measures for the implementation of the agreement and for the follow-up of the current operations in order to ensure, with respect to a mandate entrusted by the Government, continuity in the operations and their quality.

The committee shall be chaired by the representative of the Minister of Labour. It shall meet at least twice a year.

8. TRANSITIONAL PERIOD

For the transitional period determined under an administrative agreement entered into with the Board, the Corporation will have to exercise its activities related to the vocational qualification of its members on the premises of the Board and by using their computer systems. The processing of applications for qualification will be made according to the terms and conditions currently applied by the Board.

The agreement must determine the terms and conditions governing the carrying out of the mandate of the Corporation that apply until the Board has put in place a transaction office based on an information exchange network between the Board and the mandatory corporations.

9. EFFECTIVE DATE

This agreement comes into force on 19 November 2001.

10. COMMUNICATION BETWEEN THE PARTIES

For the purposes of this agreement, the parties agree that written communications will be sent to the two following addresses:

For the Minister:
200, chemin Sainte-Foy
6^e étage
Québec (Québec)
G1R 5S1

For the Corporation:
5925, boulevard Décarie
Montréal (Québec)
H3W 3C9

IN WITNESS WHEREOF the parties have signed this agreement in duplicate, as follows

The Minister of State for Labour, employment and social Solidarity and Minister of Labour

date place

The Corporation des maîtres Électriciens du Québec

date place

4441

Gouvernement du Québec

O.C. 888-2001, 4 July 2001

Building Act
(R.S.Q., c. B-1.1)

Agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them

WHEREAS no person may act as a building contractor unless he holds a licence issued for that purpose by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1);

WHEREAS under the Act, the Board has, in particular, the responsibility to check the vocational qualification of building contractors so as to ensure their integrity, competence and solvency;

WHEREAS under section 129.3 of the Act, the Government may give to the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated by the Government in an agreement, a mandate to supervise the administration of the Act or to see to its application with respect to the vocational qualification of its members and to the financial guarantees required from them;

WHEREAS the Minister of Labour and the Corporation des maîtres mécaniciens en tuyauterie du Québec have agreed that the administration and application of the Building Act relating to the vocational qualification of its members and to the financial guarantees required from them may be taken over by the Corporation;

WHEREAS the agreement specifically sets out the powers, duties and obligations entrusted to the Corporation and the terms and conditions governing the carrying out of the mandate;

WHEREAS on 15 December 2000, the Corporation accepted, by resolution, the content of the agreement;

WHEREAS it is expedient to entrust the powers and duties, to the extent provided for in the agreement, to the Corporation des maîtres mécaniciens en tuyauterie du Québec;

WHEREAS it is expedient to approve the agreement attached to this Order in Council and to authorize the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour to sign the agreement for and on behalf of the Government;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the agreement attached to this Order in Council be approved and the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour be authorized, for and on behalf of the Government, to sign the said agreement with the Corporation des maîtres mécaniciens en tuyauterie du Québec.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

AGREEMENT RELATED TO THE MANDATE ENTRUSTED TO THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC IN RESPECT OF THE ADMINISTRATION AND APPLICATION OF THE BUILDING ACT PERTAINING TO THE VOCATIONAL QUALIFICATION OF ITS MEMBERS AND THE FINANCIAL GUARANTEES REQUIRED FROM THEM

BETWEEN

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR, acting for and on behalf of the Gouvernement du Québec,

hereafter called the “Minister”

AND

THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC, a corporation legally constituted under the Master Pipe-Mechanics Act (R.S.Q., c. M-4), that has its head office at 8175, boulevard Saint-Laurent, Montréal (Québec), acting through Claude Neveu, chairman, duly authorized under resolution N° CPA-00-12-90

hereafter called the “Corporation”

THE PARTIES AGREE TO THE FOLLOWING:

1. PURPOSE OF THE AGREEMENT

In accordance with the mandate entrusted by the Government, the purpose of this agreement is to set out the terms and conditions governing the carrying out of the mandate of the Corporation, the powers and duties that are entrusted to it and to specify the commitments it is making.

The Corporation accepts the mandate entrusted to it by the Government and agrees to take on the powers, duties and obligations described in this agreement and undertakes to carry them out according to the terms and conditions provided for therein.

2. POWERS AND DUTIES ENTRUSTED TO THE CORPORATION

2.1. Entrusted powers

2.1.1. In matters of vocational qualification

The powers entrusted in matters of vocational qualification that the Corporation undertakes to carry out are those provided for in Chapter IV and in sections 112, 117, 118, 129, 297.2 and 297.3 of the Building Act (R.S.Q., c. B-1.1).

Essentially, those powers consist in:

(1) deciding on any application of a member of the Corporation respecting the issue, renewal or alteration of a plumbing-heating contractor’s licence;

(2) suspending, cancelling or refusing to renew a licence referred to in paragraph 1;

(3) deciding on applications for review of a ruling related to a plumbing-heating contractor’s licence;

(4) preparing, administering and accepting the examinations of qualification and other means of evaluation relating to subcategories 4285.10 to 4285.14.

2.1.2. In matters of financial guarantee

The Corporation may require, by a regulation made under subparagraph 19.7 of section 185 of the Building Act, from a plumbing-heating contractor in respect of work included in subcategories 4285.10 to 4285.14, security for the purpose of compensating the contractor’s clients who sustain a loss as a result of a failure to carry out or the carrying out of plumbing-heating work that is not covered by a guaranty plan referred to in section 80 of the Act.

2.1.3. Statutory regulations

The Corporation may, in relation to the mandate entrusted by the Government, adopt a regulation that may deal with the matters referred to in sections 141, 142 and 143.1 and in subparagraphs 8 to 16, 18, 18.1, 19.7 and 36.1 of section 185 of the Building Act. Sections 191 and 192 of the Act apply to the Regulation.

The Corporation may, considering the first paragraph, amend or replace any regulation made by the Board under those provisions.

Any regulation made by the Corporation shall be submitted to the Government for approval with or without amendment.

2.2. **Entrusted duties**

The duties entrusted to the Corporation, in relation to the mandate entrusted by the Government, shall be those referred to in section 110, in paragraphs 1 to 3, 5 to 7, 10 and 11 of section 111 of the Building Act.

Essentially, the main duty entrusted to the Corporation is to protect the public. To that end, the Corporation shall check and supervise the qualification of its members with a view to ensure their integrity, competence and solvency.

2.3. **Subdelegation of the powers and duties entrusted to the Corporation**

In accordance with the third paragraph of section 129.3 of the Building Act, the Corporation shall designate, for the carrying out of the powers and duties entrusted to it under this agreement, the persons holding the following positions:

(1) for applications for the issue of a licence: the director of qualification and the director general;

(2) for applications for the renewal of a licence: the director of qualification and the director general;

(3) for applications for the alteration of a licence: the director of qualification and the director general;

(4) for the purposes of Division III of Chapter IV and of section 297.3 of the Building Act (suspension, cancellation, refusal to renew a licence): the director of qualification and the qualification committee;

(5) for applications for the review of a ruling: the qualification committee;

(6) for applications for the evaluation of the vocational qualification by examinations or by any other means that the Corporation deems suitable: the director of qualification and the director of technical services;

(7) for the carrying out of the duties referred to in sections 112 and 129 of the Building Act: the director of qualification and the director general.

3. **TERMS AND CONDITIONS GOVERNING THE CARRYING OUT OF THE MANDATE**

3.1. **Commitments of the Corporation**

The Corporation, in the carrying out of the powers and duties currently entrusted to it, undertakes to:

(1) ensure the update of information used for the keeping of the public register in which the names and addresses of licence holders and of the natural persons referred to in section 52 of the Building Act and the subclasses of such licences and any restriction under section 65.1 are entered;

(2) notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and grant the holder at least 10 days to present observations before deciding on the suspension, cancellation or refusal to renew a plumbing-heating contractor's licence and deliver its ruling in writing, with reasons;

(3) submit to the Minister, by 31 July of each year, a report on its activities for the past fiscal year, containing the following information:

— the total number of valid building contractor's licences;

— the apportionment of the contractor's licences by administrative region;

— the number of examinations for qualification administered by region and component: administration, health and safety, technique;

— the number of exemptions from the examinations for qualification per component;

— the success rate of the examinations for each of the components;

— the number of applications for issuing, renewing or altering a licence;

— the number of suspensions, cancellations, refusals to renew and review a contractor's licence;

— the number of records which, after a hearing, were subject to an alteration;

— other activities of qualification such as the drafting or revision of the examinations for qualification and preparation for examination sessions.

(4) provide the Minister with any information requested by him on the activities pertaining to this mandate.

3.2. Special commitments of the Corporation

The Corporation, in the carrying out of the powers and duties entrusted under this agreement, undertakes to meet or comply with the following terms and conditions of exercise:

(1) carry out all the powers and duties entrusted under item 2;

(2) apply, for the carrying out of the mandate entrusted by the Government, the acts and regulations in force in Québec, particularly the following acts and regulations and their amendments, the regulations that the Corporation may adopt under item 2.1.3 and any agreement between Québec and in particular a province in respect of manpower mobility or the recognition of the qualifications, skills or work experience in the construction industry:

— the provisions of the Building Act and the Master Pipes-Mechanic Act (R.S.Q., c. M-4) related to the vocational qualification of its members required for obtaining a plumbing-heating contractor's licence and to the financial guarantees required from them;

— the Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 (1992, G.O. 2, 2926);

— the Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100);

— any regulation made by the Government under subparagraphs 6.1 and 6.2 of section 182 of the Building Act;

— the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1);

— the provisions of section 14 to 22 of the Charter of the French language (R.S.Q., c. C-11);

— the Code of Penal Procedure (R.S.Q., c. C-25.1);

(3) decide on any application related to a plumbing-heating contractor's licence in accordance with the provisions of the Building Act and the regulation related thereto;

(4) constitute and apply, with respect to subcategories 4285.10 to 4285.14, a register of the training courses and programs that it recognizes for the purposes of the exemption from the examination of skills related to managing construction work. It may, where applicable, constitute and apply a similar register for the purposes of the examination of skills related to administrative management and to managing safety on construction sites;

(5) prepare, in respect of applications related to subcategory 4285.10 to 4285.14, an examination on the skills related to managing construction work. It may also prepare an examination on the skills related to administrative management and to managing safety on construction sites. It must, at that time, comply with the principles recognized in docimology;

(6) indicate on the licence issued by the Corporation the name or acronym of the Corporation and of the Gouvernement du Québec;

(7) indicate on the licence issued or renewed by the Corporation whether the licence contains any restriction as regards the obtention of a public contract based on data respecting the licence holder transmitted by the Commission de la construction du Québec;

(8) maintain in force any plumbing-heating contractor's licence issued by the Board until it expires or until it is altered, suspended or cancelled by the Corporation;

(9) keep and update the records regarding the vocational training of its members;

(10) inform the Minister or persons designated under section 129.11 of the Building Act of the date of the meetings of the board of directors, the executive committee or any committee created by the Corporation and that carries out powers or duties entrusted under this agreement;

(11) inform its members, within 120 days of the taking of effect of this agreement, on the powers and duties entrusted under the agreement;

(12) establish and keep up to date, according to the provisions of the Archives Act (R.S.Q., c. A-21.1) and its regulations, a retention schedule applicable to the documents identical to that of the Board in respect of the documents held by the Corporation in the carrying out of the duties entrusted under this agreement;

(13) provide the Minister with all the information or documents that the Corporation holds for the purposes of the follow-up or the evaluation of the implementation

of the mandate entrusted by the Government, free of charge and upon request;

(14) inform the Board, in accordance with the provisions of the Act respecting access to documents held by public bodies and the protection of personal information where applicable, of any suspension, cancellation or refusal of renewal of a plumbing-heating contractor's licence on the grounds that the holder of that licence has gone bankrupt.

3.3. Terms and conditions of financing

The parties agree that:

(1) the Corporation collects the duties and fees associated with the qualification system as soon as this agreement becomes effective;

(2) separate accounts shall be kept for the sums collected and the expenses incurred for the purposes of carrying out the mandate pursuant to the mandate entrusted by the Government; the sums collected shall be applied exclusively to activities related to the vocational training referred to in this agreement;

(3) the Corporation shall pay monthly the sums collected pursuant to paragraph 1 into the consolidated revenue fund through a bank or a savings and credit union governed by the Act respecting financial services cooperatives (2000, c. 29);

(4) the Corporation shall keep out of the fees collected under paragraph 1 the amount determined by regulation of the Government.

3.4. Undertakings of the Minister

The Minister undertakes to:

(1) support and accompany the Corporation in the taking over of the mandate entrusted by the Government;

(2) discuss, for and on behalf of the Government, any amendment or any granting of powers and duties not covered by this agreement;

(3) consult the Corporation on any draft amendment to the Building Act regarding the powers and duties entrusted under this agreement.

4. VERIFICATION AND INQUIRY

The Minister may, in accordance with section 129.12 of the Building Act, designate a person to verify the

documents and information transmitted by the Corporation in accordance with this agreement.

The Minister may, in accordance with section 129.16 of the Building Act, direct a person to make an inquiry into any matter relating to the administration or operation of the Corporation or into the conduct of the directors of the Corporation, with respect to the mandate entrusted by the Government.

The Minister may, even before the conclusion of a verification or inquiry, order the Corporation to take the necessary corrective action within a period specified by him or accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

5. REVOCATION

The Government may at any time revoke the mandate entrusted to the Corporation. The revocation becomes effective on the date fixed by the Government. The decision of the Government must be communicated forthwith to the Corporation.

From the effective date of the revocation,

(1) matters before the Corporation that relate to the mandate entrusted by the Government are continued and decided by the Board without other formality;

(2) proceedings to which the Corporation is a party and that relate to the mandate entrusted by the Government are continued by the Board without continuance of suit;

(3) a licence issued by the Corporation remains in force until the date on which it expires or until it is altered, suspended or cancelled by the Board;

(4) any regulations made by the Corporation pursuant to the regulatory powers entrusted under this agreement are deemed to be regulations of the Board;

(5) any regulations made by the Corporation pursuant to the powers provided for in section 12.0.2 of the Master Pipe-Mechanics Act cease to have effect;

(6) the records and other documents of the Corporation that relate to the mandate entrusted by the Government become, to the extent determined by the Government, the records and other documents of the Board.

6. MISCELLANEOUS

6.1. In accordance with the provisions of the Regulation referred to in item 6.2, the Board supplies the Cor-

poration, with respect to the provisions of section 129.7 of the Building Act, with any information related to a plumbing-heating contractor's licence necessary for the implementation of the mandate entrusted to the Corporation by the Government under this agreement.

6.2. The administrative and financial procedures applicable to the Corporation and to the Board for the management, administration, transfer and updating of the records of the contractors affected by this agreement will be determined by the Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, made by Order in Council 886-2001 dated 4 July 2001.

6.3. Matters undertaken before the Board on the date on which this agreement becomes effective that relate to the renewal, alteration, suspension or cancellation of a plumbing-heating contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued and decided by the Board.

6.4. Proceedings to which the Board is a party on the date on which this agreement becomes effective that relate to the issue, renewal, alteration, suspension or cancellation of a plumbing-heating contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued by the Board.

6.5. The Corporation is solely qualified under the mandate entrusted by the Government to decide on an application regarding a licence related to the subcategories of a plumbing-heating contractor.

6.6. Only the holder of the positions designated hereafter may have access to information related to the solvency of a plumbing-heating contractor: the director of qualification, the director of administration and the members of the qualification committee.

6.7. No deed, document or writing shall bind the Corporation nor be attributed to it unless signed by the chairman, the vice-chairman, the secretary or a staff member and, if by a staff member, only to such extent as the Corporation may by regulation determine under item 2.1.3.

6.8. The Corporation may, by regulation made under item 2.1.3 and according to the conditions it sets, allow the signature to be affixed by means of an automatic device on the documents it determines.

The Corporation may allow a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines.

A facsimile requires authentication by the countersignature of a person so authorized by the chairman.

6.9. The Corporation may authorize a person who transmits a notice, report, declaration or any other document to the Corporation to transmit such document in computerized form or by a telecommunications link, on the conditions it determines by regulation made under item 2.1.3 according to the categories of documents indicated in the regulation.

6.10. An intelligibly written transcript of the data stored by the Corporation in computerized form forms part of its documents and is proof of its content where it has been certified true by a person referred to in item 6.7.

In the case of data communicated to the Corporation under item 6.9, the transcript must reproduce such data exactly.

6.11. The Corporation's director of legal affairs is responsible for the access designated in accordance with the Act respecting access to documents held by public bodies and the protection of personal information.

6.12. No proceedings may be brought against the Corporation, its directors, the members of its committees or its personnel for an official act performed in good faith in carrying out the mandate entrusted by the Government.

6.13. The Corporation does not bind in any way the Government or the Board for the acts it performs in the carrying out of the powers and duties that are entrusted to it by this agreement.

6.14. The Corporation undertakes to take up the interest of the Government and to assume the defence against any recourse, claim, application, and any other proceedings made by any person by reason of any damage caused by it, its directors or employees in the course or upon the carrying out of the mandate entrusted by the Government.

6.15. The powers and duties entrusted to the Corporation under this agreement may in no case be delegated, in whole or in part, otherwise than under item 2.3.

6.16. Neither the Corporation nor its directors or employees may disclose anything whatsoever of which it may gain knowledge in the exercise of its mandate other than being duly authorized by the Minister to do so.

6.17. The Corporation undertakes to come to an agreement with the Board that deals with the identification,

the means of communication and the obligations resulting from the receipt and transmission of nominative information necessary to the Corporation and the Board for the purposes of the exercise of their respective functions.

The agreement shall be transmitted to the Minister before being submitted to the Commission d'accès à l'information for an opinion.

7. FOLLOW-UP OF OPERATIONS

The Corporation must take part in the establishment of a follow-up committee, made up of a representative of the Corporation, of the Corporation des maîtres mécaniciens en tuyauterie du Québec, of the Minister of Labour and of the Board, with a view to agree on measures for the implementation of the agreement and for the follow-up of the current operations in order to ensure, with respect to the mandate entrusted by the Government, continuity in the operations and their quality.

The committee shall be chaired by the representative of the Minister of Labour. It shall meet at least twice a year.

8. TRANSITIONAL PERIOD

For a transitional and temporary period determined under an administrative agreement entered into with the Board before this agreement becomes effective, the Corporation will have to exercise its activities related to the vocational qualification of its members on the premises of the Board and by using their computer systems. The processing of applications for qualification will be made according to the terms and conditions currently applied by the Board.

The agreement must identify the transitional measures applicable until the parties have put into place the required functionalities to the exchange and information processing systems necessary for the implementation of new service points. The agreement lasts three months and may be renewed if need be for the same term.

9. EFFECTIVE DATE

This agreement comes into force on 19 November 2001.

10. COMMUNICATION BETWEEN THE PARTIES

For the purposes of this agreement, the parties agree that written communications will be sent to the two following addresses:

For the Minister:

200, chemin Sainte-Foy, 6^e étage
Québec (Québec)
G1R 5S1

For the Corporation:

8175, boulevard Saint-Laurent
Montréal (Québec)
H2P 2M1

In witness whereof the parties have signed this agreement in duplicate, as follows:

The Minister of State for Labour, Employment and social Solidarity and Minister of Labour

_____	_____
date	place

The Corporation des maîtres mécaniciens en tuyauterie du Québec

_____	_____
date	place

4442

Gouvernement du Québec

O.C. 889-2001, 4 July 2001

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry — Montréal region — Amendments

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Montréal region

WHEREAS the Government made the Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46);

WHEREAS the Association des carrossiers professionnels du Québec has petitioned the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for an amendment to be made to that Decree;

WHEREAS under section 10 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Decree may order that certain persons or associations be treated as contracting parties;

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for certain amendments to be made to the Decree;

WHEREAS sections 2, 6.1 and 6.2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to decree the extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, where applicable, the amendments it deems appropriate;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, the draft of the amendment Decree was published in Part 2 of the *Gazette officielle du Québec* of 28 February 2001 and, on the same date, in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of the 45-day period following that publication;

WHEREAS it is expedient to make that draft Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Decree to amend the Decree respecting the automotive services industry in the Montréal region, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Montréal region*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2, 6.1 and 10)

1. Paragraph 1 of section 1.02 of the Decree respecting the automotive services industry in the Montréal region is amended by adding, at the end, the following name:

* The Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46) was last amended by the regulation made by Order in Council No. 1386-99 dated 8 December 1999 (1999, *G.O.* 2, 4626). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

“Association des carrossiers professionnels du Québec”.

2. Section 4.03 of the Decree is amended by substituting the words “except for pump attendants and for employees” for the words “except for employees”.

3. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

4445

Draft Regulations

Draft Regulation

Dam Safety Act
(2000, c. 9)

Dam safety

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Dam Safety Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to carry out the provisions of the Dam Safety Act. It is divided into five chapters. Chapter I sets out general provisions and includes the method for determining the height of a dam and its impounding capacity.

Chapter II concerns the register of dams that must be established and maintained by the Minister.

Chapter III deals exclusively with high-capacity dams. It is divided into seven parts covering dam classification, minimum safety standards, dam operations, the dam safety review, safety programs, applications for authorizations and the fees payable by high-capacity dam owners.

Chapter IV covers low-capacity dams. It lists the information the developer or dam owner must provide when declaring the construction, structural alteration or removal of a dam to the Minister, as well as the documents that must be submitted with the declaration.

Lastly, Chapter V contains the coming-into-force provision of the Regulation as well as special provisions in respect of dams considered existing dams on the date of coming into force of the Act.

Further information on the draft Dam Safety Regulation may be obtained by contacting Jean-Luc Ducharme, Ministère de l'Environnement, Centre d'expertise hydrique du Québec, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, aile René-Lévesque, 2^e étage, boîte 28, Québec (Québec) G1R 5V7; telephone: (418) 521-3825, ext. 4114; fax: (418) 643-6900; or by e-mail: jean-luc.ducharme@menv.gouv.qc.ca.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the

45-day period, to the Minister of the Environment, édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

ANDRÉ BOISCLAIR,
Minister of the Environment

DAM SAFETY REGULATION

TABLE OF CONTENTS

	Sections
CHAPTER I	
GENERAL	1-4
CHAPTER II	
REGISTER OF DAMS	5-9
CHAPTER III	
HIGH-CAPACITY DAMS	
DIVISION I	
DAM CLASSIFICATION	10-20
– Dam vulnerability	
– Dam failure consequences	
DIVISION II	
MINIMUM SAFETY STANDARDS	
§1. Flood resistance	21-27
§2. Earthquake resistance	28-30
DIVISION III	
DAM OPERATIONS	
§1. Impounded water management plan	31-35
§2. Emergency action plan	36-41
§3. Monitoring	42-45
§4. Logbook	46-47
DIVISION IV	
DAM SAFETY REVIEW	48-52
DIVISION V	
SAFETY PROGRAMS	53-55
DIVISION VI	
APPLICATIONS FOR AUTHORIZATION	56-60

DIVISION VII
FEES 61-68

CHAPTER IV
LOW-CAPACITY DAMS 69-70

CHAPTER V
SPECIAL PROVISIONS 71-77

SCHEDULE I
SEISMIC ZONES

SCHEDULE II
CONSTANT PHYSICAL PARAMETERS

SCHEDULE III
VARIABLE PARAMETERS

SCHEDULE IV
DAM FAILURE CONSEQUENCE NUMERICAL
VALUES

Dam Safety Regulation

Dam Safety Act
(S.Q., 2000, c. 9, ss. 6, 14, 15, 16, 17, 19, 20, 21, 24,
29, 31, 36, 1st par., subpars. 1, 4, 5 and 6, and 37)

CHAPTER I
GENERAL

1. This Regulation applies to all dams referred to in the Dam Safety Act (2000, c. 9).

2. The height of a dam is the vertical distance between the lowest point of the natural surface of the ground at the downstream toe of the dam and the uppermost point of the top of the dam.

3. The impounding capacity of a dam is the total volume of water stored in the reservoir measured at the full supply level. Where bathymetric data to measure it with greater precision is unavailable,

(1) the impounding capacity of a dam built across a watercourse is equal to the product of the backflow length multiplied by one-half the reservoir depth and by the average width of the body of water formed by the dam; and

(2) the impounding capacity of other dams is equal to the product of the surface area of the reservoir multiplied by the reservoir depth.

The reservoir depth is the vertical distance between the lowest point of the natural surface of the ground at the downstream toe of the dam and the full supply level.

4. For the purposes of this Regulation, unless the context requires otherwise,

“existing dam” means a dam completely constructed by the date of coming into force of the Act or under construction on that date, as well as a dam construction project for which the developer had, on the date of coming into force of the Act, the required approval under the Watercourses Act (R.S.Q., c. R-13); (*barrage existant*)

“full supply level” means the maximum normal operating water surface level of a reservoir; (*niveau maximal d’exploitation*)

“project” means the complex of structures impounding the water of a single reservoir that are owned by the same person; (*aménagement*)

Any lake referred to in the Répertoire toponymique du Québec or in any of its supplements is deemed to be a reservoir.

CHAPTER II
REGISTER OF DAMS

5. The register of dams shall contain the following information and documents:

(1) the official name of the dam as established by the Commission de toponymie du Québec and the particulars of its location;

(2) the name and address of the dam owner;

(3) the year the dam was built and, where applicable, the year any structural alteration was made to the dam;

(4) the dam uses;

(5) a description of the dam including the dam type, foundation type, dam height, impounding capacity and reservoir depth;

(6) the hydrologic and hydraulic data in respect of the dam, including the full supply level, discharge capacity, reservoir surface area and backflow length, reference to any upstream or downstream structures and, where the dam is part of a project, reference to the other structures forming part of the project; and

(7) one or more photographs of the dam;

For a high-capacity dam within the meaning of section 4 of the Act, the following information must also be entered in the register of dams:

(1) the dam class established in accordance with Division I of Chapter III and

(a) the seismicity zone in which the dam is located determined in accordance with the seismic zone map in Schedule I;

(b) the dam condition and discharge facilities reliability ratings established under subparagraphs 3 and 4 of the first paragraph of section 15 and section 16; and

(c) the dam failure consequence category determined under sections 18 and 19;

(2) the safety check flood for the dam established under section 22, 23 or 24;

(3) the year of a planned safety review and the year it was carried out; and

(4) the year in which there was any change in the use of the dam likely to affect its safety and, where applicable, the year of the permanent stopping or a temporary stopping of its operation.

The information referred to in clauses *b* and *c* of subparagraph 1 of the second paragraph shall be approved by the dam owner before it is entered in the register of dams unless it is taken from a report or study made under the responsibility of an engineer.

6. The dam owner shall, within three months of the dam commissioning date, send the information or documents required for the preparation of the register of dams to the Minister, unless an application for authorization or a declaration has been filed under the Act with respect to the construction of the dam.

7. The dam owner shall notify the Minister as soon as possible of any change affecting the accuracy of the information in the register of dams. The owner shall also send any information or document required for the updating of the register of dams to the Minister within three months of receiving a request therefor.

8. The Minister shall make any information or document in the register of dams available upon written request.

The public shall also have access to all or a part of the register of dams through the Internet.

9. The register of dams in electronic format or an extract therefrom may also be made available to any representative of a local municipality, regional county municipality, urban community or of the Kativik Regional Government upon written request.

CHAPTER III HIGH-CAPACITY DAMS

DIVISION I DAM CLASSIFICATION

10. Every dam shall be classified in terms of its potential hazard to life and property on the basis of the product of the numerical value of its vulnerability (*V*) calculated under section 13, multiplied by the numerical value of the consequences of dam failure (*C*) determined under section 17, to which “*P*” is the assigned value in the formula “ $P = V \times C$ ”.

11. Following are the dam classes based on the value determined in accordance with section 10, in addition to the class referred to in the second paragraph:

“ <i>P</i> ” value	Dam class
$P \geq 120$	A
$70 \leq P < 120$	B
$25 \leq P < 70$	C
$P < 25$	D

A dam in the Very Low Consequence category under sections 18 and 19 is a Class E dam if the “*P*” value determined under section 10 is less than 70. The consequence category must be certified by an engineer following a characterization of the area that would be affected by a failure.

Where a dam consists of different sections, each section shall be assessed individually and the dam class shall be that of the section with the highest “*P*” value.

12. The classification of a dam shall be reviewed, on the Minister’s initiative, at least once a year.

A dam owner may, at any time, request a review of the classification of the structure if a report or study made under the responsibility of an engineer is submitted with the request.

Dam vulnerability

13. The vulnerability of a dam is measured by multiplying the arithmetic mean value of the constant physical parameters (*C_p*) by the arithmetic mean value of the variable parameters (*V_p*).

14. The constant physical parameters to be considered are the dam height, dam type, foundation type and

impounding capacity. The points assigned to each parameter are based on the characteristics of the dam and are determined in Schedule II.

There can be only one height and one impounding capacity for each dam, even where the dam consists of different sections.

Where there is more than one type of foundation in a section of a dam, the points assigned to the foundation type parameter for that section of the dam shall be the highest of the points assigned to the different foundation types.

15. The variable parameters to be considered are

(1) the dam age, that is, the number of years since its construction;

(2) the seismic zone in which the dam is located, determined in accordance with the map appearing in Schedule I;

(3) the dam condition, which shall be assessed by considering its physical state and structural condition, the quality and the effectiveness of maintenance, aging, possible effects of external factors such as frost or earthquake and any dam design or structural defects. At the completion of the assessment, the dam condition shall be rated “very good”, “good”, “satisfactory” or “poor or unknown”; and

(4) the reliability of the discharge facilities of the dam, which must at all times and in all conditions allow the discharge of the inflow flood for which the dam was designed. In assessing reliability, the operating condition of the gates, gate-lifting mechanisms and auxiliary power supplies shall be considered. The time required to put the gates and gate-lifting mechanisms into operation as well as any vulnerability to debris likely to lessen the dam’s discharge capacity shall also be considered. At the completion of the assessment, the reliability of the discharge facilities shall be rated “satisfactory” or “unsatisfactory or unknown”.

The points assigned to each variable parameter are based on the characteristics of the dam and are determined in Schedule III.

16. For the purposes of assessing the reliability of discharge facilities, the sections of a dam that do not contain such facilities shall be given the same rating as the sections that do. If the discharge facilities in one section are rated “unsatisfactory or unknown”, that rating shall apply to every other section of the dam.

Where there is more than one dam on the rim of a single reservoir, the structures that are not equipped with discharge facilities shall be given the same rating as the dams that are so equipped. If the discharge facilities of a dam or a section of a dam are rated “unsatisfactory or unknown”, that rating shall apply to every other dam located on the rim.

Dam failure consequences

17. For the purposes of section 10, the numerical value of the consequences of a dam failure (C) is based on the failure consequence category determined under sections 18 and 19. The points assigned to each category are determined in Schedule IV.

18. The consequence category of a dam failure shall be determined on the basis of the characteristics of the area that would be affected by a dam failure in terms of population density and extent of downstream established infrastructure and services, barring exceptions, and shall take into account, from among a number of dam failure scenarios, the one that would result in the highest consequence category.

In the scenario where the dam fails during a flood period, the affected area would be the area whose inundation would be totally attributable to the dam failure.

The consequence categories based on the characteristics of the area that would be affected by a dam failure are:

Characteristics of the Affected Area	Consequence Category
Uninhabited area containing minor infrastructures such as: — a forest road, mining road, colonization road or private road; — a second dam in the Very Low Consequence category;	Very Low
Occasionally inhabited area containing less than 10 cottages or seasonal residences; OR Area containing infrastructures or services of lesser importance such as: — a local road; — a second dam in the Low Consequence category; — cultivated farmland or a farming business; — seasonal commercial facilities without lodging or providing lodging for less than 25 persons or consisting of less than 10 lodging units (for example, 10 cottages, 10 campsites, 10 motel rooms);	Low

Characteristics of the Affected Area	Consequence Category
Permanently inhabited area containing less than 10 residences; OR Area containing medium-sized infrastructures or services such as: — a national highway (numbered from 100 to 199) or regional highway (numbered from 200 to 399) — a second dam in the Moderate Consequence category; — power distribution lines (voltage less than 34.5 kV); — a railway line (local and regional); — an industry with less than 50 employees; — a main water intake upstream or downstream of the dam supplying a municipality or an industry; — year-round commercial facilities providing lodging for less than 25 persons or having less than 10 lodging units; — seasonal commercial facilities providing lodging for 25 persons or more or having 10 or more lodging units;	Moderate
Permanently inhabited area containing 10 or more residences and less than 2000 inhabitants; OR Area containing significant infrastructures or services such as: — an autoroute (highway numbered from 1 to 99); — a second dam in the High Consequence category; — a school or a hospital; — power transmission or secondary transmission lines (44 kV or higher) or a distribution substation; — railway lines (main lines: transcontinental and transborder); — an industry with 50 to 499 employees; — year-round commercial facilities providing lodging for 25 persons or more or containing 10 or more lodging units;	High
Permanently inhabited area with a population of 2000 or more; OR Area containing major infrastructures or services such as: — an industry with 500 or more employees; — a dangerous substances storage site, an industrial park; — a second dam in the Very High Consequence category.	Very High

For the purposes of the above table, “commercial facilities” means a golf course, bicycle trail, cross-country ski trail, snowmobile trail, campground, outfitting operation, outdoor recreation centre, holiday camp, tourist complex or any other similar sports or recreational facility.

19. Where a dam failure would isolate an area without inundating it, the failure consequence category determined under section 18 may be higher.

In that event, the characteristics of the isolated area in terms of population density and extent of infrastructure or services shall also be considered in determining the dam failure consequence category insofar as a consideration of those factors would result in a higher consequence category than the one originally determined.

20. The characterization of an area that would be affected by a failure shall be based on the following documents, prepared under the responsibility of an engineer:

(1) for a High or Very High Consequence dam, a dam failure study, including inundation maps; or

(2) for a Moderate Consequence dam, rough inundation maps.

For other dams, inundation maps are not required for the characterization of the area that would be affected.

DIVISION II MINIMUM SAFETY STANDARDS

§1. Flood resistance

21. For the purposes of this subdivision, unless the context requires otherwise,

“erodible dams” means dams of the following types: concrete gravity embankment, earth-filled timber or steel sheet-pile cribs, concrete or steel sheet-pile barrier upstream of an earthfill dam, rockfill weir, rockfill dam with upstream earth-filled core or with concrete facing, earthfill dam as well as, if they are not designed for overtopping, stone-filled timber or steel sheet-pile cribs and timber buttresses (cribs or dead shores); (*barrages susceptibles d'érosion*)

“safety check flood” is the flood that the dam must withstand under extreme conditions, accepting some damage and a reduction in safety factors but without causing dam failure; (*crue de sécurité*)

“safety freeboard” means the vertical distance between the safety check flood level and the low point of the top of the dam. (*revanche de sécurité*)

22. Subject to section 24, the characteristics of a dam must ensure resistance to not less than the safety check flood described in the table below corresponding to the failure consequence category of the dam determined under sections 18 and 19.

Consequence Category	Safety Check Flood Recurrence Interval
Very Low or Low	1: 100 years
Moderate	1: 1000 years
High	1: 10 000 years or $\frac{1}{2}$ PMF
Very High	Probable maximum flood (PMF)

23. For a dam of which at least half the inflow is controlled by a dam operated upstream, subject to section 24, the safety check flood shall be the highest of

(1) the safety check flood determined under section 22; or

(2) the lesser of the 10 000-year flood and the inflow equivalent to the maximum discharge capacity of the upstream dam together with the local inflows.

Where there is more than one dam located on the same watercourse upstream of the dam in question, the flow to be considered for the purposes of subparagraph 2 of the first paragraph is the flow equivalent to the maximum discharge capacity of the upstream dam with the greatest discharge capacity together with the local inflows, taking into account the flood routing by the other dams located between the upstream dam with the greatest discharge capacity and the dam for which the safety check flood is being determined. This also applies if the upstream dams are located on different watercourses; however, in that event, the flow that must be considered is the total flow obtained by adding, for each watercourse, the flow equivalent to the maximum discharge capacity of the upstream dam with the greatest discharge capacity, taking the local inflows and flood routing into account.

This section does not apply to existing dams that are Very Low or Low Consequence dams under sections 18 and 19.

24. The safety check flood determined for a given dam under section 22 or 23 may be less if a dam failure during the passage of such a flood would not affect the natural waterflow; the safety check flood may not, however, be less than the maximum flood that would affect the natural waterflow in the event of a dam failure during a flood period.

25. Realistic and conservative assumptions and methods based on current knowledge and standards must be used to estimate the safety check flood for a given dam and to assess the dam's capacity to control it.

26. The safety freeboard for an erodible dam must be 1.5 metres unless the dam requires additional protection against waves, freezing or any other adverse conditions that could affect the water level; however, if the failure consequence category of the dam under sections 18 and 19 is Very Low or Low, the freeboard may be 1 metre.

The safety freeboard for an existing dam must be 1 metre unless the failure consequence category of the dam under sections 18 and 19 is Very Low or Low, in which case the freeboard may be less if it can be established that an existing freeboard of between 0.5 metres and 1 metre is adequate given the hydrologic and hydraulic characteristics affecting the watercourse or the reservoir.

The surface of the natural ground enclosing the reservoir must be at least as high as the safety freeboard and be composed of matter or material that will in all circumstances keep it stable and ensure the watertightness of the reservoir.

27. Any impervious component of an erodible dam must be at least 0.5 metres higher than the safety check flood level unless the dam is an existing dam, in which case the component may be the same height as the safety check flood level or higher.

§2. Earthquake resistance

28. Every dam must be designed to remain stable during the earthquake loading to which it may be subjected in the zone in which it is located.

29. Realistic and conservative methods and assumptions based on current knowledge and standards must be used to assess the structural and foundation stability of a dam in earthquake conditions. Calculations shall be based on the full supply level and take into account the liquefaction potential of the dam and its foundations. If the dam is a rockfill free weir, rockfill weir or earthfill dam, the calculations shall also take into account any rapid drawdown that may occur as part of the normal operation of the dam.

The seismic factors (k) to be applied in the pseudostatic analysis vary according to the seismic zone in which the dam is located and are indicated at the bottom of the map appearing in Schedule I.

30. This subdivision does not apply to dams in the Very Low Consequence category under sections 18 and 19 nor to dams in the Low Consequence category under those sections located in seismic zone 1, 2 or 3.

DIVISION III DAM OPERATIONS

§1. *Impounded water management plan*

31. An impounded water management plan must be drawn up for every dam or project before its commissioning. The plan shall describe all the procedures to be followed by the owner for the safe management of the impounded water during flood periods, in particular during situations in which lives or property located upstream or downstream are at risk.

The plan must include

(1) a description of the hydrographic network upstream and downstream of the dam, including flood estimates and the catchment lag time as well as, where applicable, reference to other structures in the network that may affect the operation of the dam or whose operation it may affect and a quantification of the impact;

(2) dam management procedures, including

(a) operational constraints relating to the safety of persons or property located upstream or downstream of the dam during normal operation and during flood periods;

(b) the full supply level and the safety check flood level;

(c) the level at which the reservoir overflows at its lowest point;

(d) the storage curve and the stage discharge curve with respect to the water level; and

(e) if there are any inhabited areas near the dam, the upstream and downstream flood limits, expressed in terms of level. Downstream flood levels may also be expressed in rate of flow;

(3) a description of the measures that will be taken by the owner to manage the reservoir water during flood periods. The description shall include the procedures to be followed when the flow reaches the lower flood limit, that is the level at which property may be affected by the discharged water; and

(4) a description of the communications strategy for providing information on potential hazards to the authorities responsible for public safety, the other dam owners in the hydrographic system, the enterprises and the inhabitants that will ultimately be affected by the implementation of the impounded water management

plan in situations likely to endanger life or property located upstream or downstream of the dam.

For the purposes of subparagraph 1, clause *a* of subparagraph 2 and subparagraph 3 of the second paragraph, the floods that must be considered, up to the safety check flood established for the dam under section 22, 23 or 24, are the twenty-year flood, one-hundred-year flood, thousand-year flood, ten-thousand-year flood and the probable maximum flood (PMF).

32. The owner is required, at all times, to make all necessary amendments to the impounded water management plan in the event of any change affecting the procedures set out in the plan or the information contained therein.

33. The impounded water management plan must be updated whenever a new dam safety review is required.

It must also be updated when applying for an authorization for the structural alteration of the dam, for a change in use likely to affect its safety or for the permanent or temporary stopping of the operation of the dam.

34. As soon as possible after the preparation, amendment or updating of an impounded water management plan, the dam owner shall forward the plan to the local municipality in which the dam is located. The Minister shall be notified of the transmission.

So that residents may be informed of the impounded water management plan, every local municipality shall keep the plan at its office where it may be consulted and copies of it made.

35. This section does not apply to a dam classified as a Class E dam under section 11.

§2. *Emergency action plan*

36. An emergency action plan must be drawn up before the commissioning of any dam. The plan shall set out the procedures to be followed for the protection of life and property upstream or downstream of the dam in the event of a dam failure in progress or imminent dam failure or to mitigate the effect of the failure; the plan must be compatible with any emergency preparedness plans or risk management plans that may have been established for the territory in which the dam is located.

The plan must include

(1) the names of the local municipalities and regional county municipality, urban community or any other regional body that would be affected by a dam failure;

(2) a general description of the area that would be inundated in the event of a dam failure, including the physical characteristics, the population, the public, private and transportation infrastructures in place and the land uses, in particular the industries located in the area, including those likely to contaminate the environment in the event of a failure;

(3) a study of the vulnerability of the dam consisting in an analysis of the risk and consequences of a dam failure and of the owner's ability to respond effectively in the event of such a failure. The study shall

(a) list the conditions that could lead to a dam failure, including a brief assessment of the consequences of each hazardous condition;

(b) identify, from among those listed, the situation that would cause, in terms of area, the largest inundation; and

(c) identify the internal and external human, material and organizational resources available in the event of a failure and indicate their location and their number;

(4) a description of prevention, potential dam failure detection and mitigation measures to be taken by the owner;

(5) a description of the emergency response by the owner in the event of a dam failure in progress or imminent dam failure, including

(a) warning and mobilization procedures;

(b) the notification procedure for warning authorities responsible for public safety and, if required, for alerting residents and coordination with the notification process established by the municipalities concerned;

(c) the administrative and operations centre; and

(d) the dam management procedures for the protection of lives and property; and

(6) a description of the procedure drawn up by the owner for keeping the emergency action plan up-to-date, for periodic testing of the plan and for testing specifically requested by the civil protection authorities, and for training all dam personnel involved in the emergency action plan, and, in particular, the person in charge of implementing the plan.

The provisional emergency action plan to be submitted in support of an application for authorization for the construction or structural alteration of a dam must in-

clude a specific response procedure in the event of a dam failure during the carrying out of the authorized work.

37. Where the failure consequence category of a dam determined under sections 18 and 19 is High or Very High, a summary and the results of a dam failure study, including inundation maps, made under the responsibility of an engineer must be appended to the emergency action plan.

Where the failure consequence category of a dam under those sections is Moderate, only rough inundation maps made under the responsibility of an engineer need be appended to the emergency action plan.

Every document appended to an emergency action plan forms an integral part thereof.

38. The owner is required, at all times, to make all necessary amendments to the emergency action plan in the event of any change affecting the procedures set out in the plan or the information contained therein, in particular with respect to the resources available in the event of a failure and the persons in charge of those resources.

39. The emergency action plan must be updated whenever a new dam safety review is required.

It must also be updated when applying for an authorization for a structural alteration of the dam, for a change in use likely to affect its safety or for the permanent or temporary stopping of the operation of the dam.

40. As soon as possible after the preparation, amendment or updating of an emergency action plan, including the provisional plan referred to in the second paragraph of section 73, the owner shall forward the plan to the local municipality in which the dam is located. The Minister shall be notified of the transmission.

So that residents may be informed of the emergency action plan, every local municipality shall keep the plan at its office where it may be consulted and copies of it made.

41. This subdivision does not apply to dams in the Very Low or Low Consequence category under sections 18 and 19.

§3. *Monitoring*

42. The monitoring of a dam by the owner includes

(1) site inspections to detect and monitor the more apparent deficiencies and to determine the general con-

dition of a dam following major events such as floods, earthquakes and windstorms;

(2) regular inspections to ensure continuous monitoring of the dam. Regular inspections serve, among other things, to monitor known deficiencies, discover other deficiencies and uncover any deterioration and require a general inspection of the dam and its main components; and

(3) formal inspections to monitor the behaviour of the dam and to determine, by means of a comprehensive inspection, the condition of each of its components. Formal inspections serve, among other things, to monitor known deficiencies, discover other deficiencies and uncover any deterioration.

43. Unless a dam has deficiencies or deterioration necessitating closer monitoring, it must undergo a minimum number of inspections per year according to its classification determined under Division I of Chapter III, as follows:

Type of Inspection	Dam Classification and Behaviour									
	A		B		C		D		E	
	I	II	I	II	I	II	I	II	I	II
Site	—	1/M	—	1/2M	—	3/Y	—	2/Y	1/Y	1/Y
Regular	1/M	4/Y	1/2M	3/Y	4/Y	2/Y	2/Y	1/Y	—	—
Formal	1/Y	1/Y	1/Y	1/2Y	1/2Y	1/3Y	1/3Y	1/5Y	1/5Y	1/5Y

Legend: I: first years of the dam's operation when its behaviour is not stabilized
 II: subsequent years of operation when its behaviour has stabilized
 M: month
 Y: year

The inspections that must be carried out yearly shall be carried out as evenly as possible over the twelve months of the year.

44. For the purposes of section 43, the inspection carried out during a safety review counts as a formal inspection, regular inspection and site inspection for the year in which it is carried out.

45. The qualification requirements for carrying out and, as the case may be, supervising a site inspection, regular inspection or formal inspection vary according to the type of inspection and the dam class determined under Division I of Chapter III.

(1) Class A: twelve inspections;

(2) Class B: six inspections;

(3) Class C: three inspections, unless the behaviour of the dam is not stabilized, in which case four inspections per year must be carried out;

(4) Class D: two inspections;

(5) Class E: one inspection.

A formal inspection counts as a regular inspection and a site inspection for the year in which the formal inspection is carried out. A regular inspection counts as a site inspection.

Taking the preceding rules into account, the type and frequency of inspections vary according to the class of the dam and the stability of its behaviour, in accordance with the following table:

Site inspections shall be carried out by a person who is familiar with the dam; site inspections of a Class A or Class B dam shall be carried out under the supervision of a civil-engineering technician or an engineer.

Regular inspections shall be carried out by a civil-engineering technician; regular inspections of a Class A or Class B dam must be carried out under the supervision of an engineer. Regular inspections of a Class C or Class D dam may also be carried out by a person familiar with the dam provided, however, that the inspection is carried out under the supervision of a civil-engineering technician or an engineer.

Formal inspections of any class of dam must be carried out by an engineer.

§4. Logbook

46. Every dam owner shall, from the dam commissioning date, establish and maintain a logbook in which activities and important events relating to dam safety are recorded in chronological order.

In addition to the information required by law, the logbook must contain

- (1) a brief description of every inspection, indicating the water level at each inspection;
- (2) a brief description of every safety review; and
- (3) a description of any maintenance, repair or structural alteration work to the dam.

The logbook must also contain, where applicable,

- (1) a description of unusual natural events, such as earthquakes, twenty-year or more floods, rainstorms or windstorms, landslides, floating islands, and ice conditions;
- (2) a description of events caused by human actions, such as vandalism, sabotage or work carried out near the dam that could affect its stability;
- (3) any deviation from operational constraints relating to dam safety established at the time of dam design or in a safety review, in particular with respect to the full supply level and filling and drawdown speeds;
- (4) a description of special activities, such as behaviour tests or investigations; and
- (5) a description of operations carried out, excluding regular flow controls.

The owner of an existing dam shall enter in the logbook, to the best of the owner's knowledge, the actions that have been taken and the significant events that have occurred from the dam commissioning date to the date of coming into force of the Act.

47. The project owner may establish and maintain either one logbook or several. Where a logbook pertains to more than one dam, each entry in the logbook must identify the dam to which it refers.

DIVISION IV DAM SAFETY REVIEW

48. The dam safety review conducted to assess the safety of a dam shall consist of a study in two parts, one

descriptive and the other analytical, that will include the findings of the engineer in charge of the review.

The descriptive part shall include

(1) the official name of the dam as established by the Commission de toponymie du Québec, and the particulars of its location, including geographic coordinates;

(2) the name and address of the dam owner;

(3) the name and position of the owner's representative responsible for dam safety;

(4) the name and address of the engineer in charge of the safety review;

(5) where applicable, the date of the last dam safety review;

(6) a brief description and history of the dam including

(a) geometric size;

(b) available data relating to

— geology, geotechnics and seismicity of the zone in which the dam is located;

— catchment hydrology and hydraulics characteristics at the time of dam design;

— climatic conditions that may have been a source of problems during construction of the dam; and

— foundation and building materials characteristics;

(c) the data, assumptions and analysis methods considered in the dam design and any subsequent modifications and, where applicable, those considered in the last safety review;

(d) important occurrences during dam construction that may affect the stability or safety of the dam;

(e) operating procedures established by the dam designer and those subsequently imposed by the owner;

(f) operational constraints relating to dam safety established at the time of dam design or in a safety review; and

(g) changes in land use planning and development since the construction of the dam and, if applicable, since the last safety review; and

(7) a description of the maintenance and repair work carried out since the last safety review or, failing such review, during the period deemed relevant by the engineer in charge of the review as well as an assessment of the impact of the work on the safety of the dam.

The analytical part shall include

(1) the results of the inspection carried out during the dam safety review, including the focal points of the inspection and comments on the observations and the deficiencies discovered, which must take into account the compiled results of each inspection since the last safety review or, failing such a review, for the period deemed relevant by the engineer in charge of the review;

(2) comments on the compiled results of each inspection since the last safety review or, failing such a review, for the period deemed relevant by the engineer in charge of the review. This heading shall include a brief description of monitoring instruments if the dam is so equipped, assessment of their condition, test results as well as comments on deficiencies discovered. It shall also include comments on the comparison between the test results and the estimated dam behaviour changes considered at the time of dam design or any considered subsequently;

(3) validation of the data, assumptions and analysis methods considered at the time of dam design or considered subsequently, including

(a) characterization or a review of the characterization of the dam site materials for dams that are classified Class A or Class B dams under section 11;

(b) a review of the impounded water management plan prepared in accordance with Subdivision 1 of Division III, where such a plan is required under that subdivision;

(c) a review of the operating procedures and operational constraints relating to dam safety and a reappraisal of the data, assumptions and analysis methods considered at the time of dam design or considered subsequently, taking into account the acquisition of supplementary data, extreme event occurrences and the minimum safety standards; and

(d) a review of the dam failure consequence category determined under sections 18 and 19;

(4) the structural and foundation static stability or, where required, dynamic stability calculations according to revised data and analysis methods based on current safety factors, including any stability calculations required under Subdivision 2 of Division II; and

(5) a validation of the functionality and adequacy of any safety devices with which the dam may be equipped, namely, discharge facilities, emergency systems, emergency detector systems and back-up systems.

The findings of the safety review study must set out the opinion of the engineer in charge of the review on the structural and functional safety of the dam, in particular with respect to compliance with the minimum safety standards, include the engineer's comments on the adequacy of inspections and identify the safety parameters to be applied in future inspections. The principal observations and the deficiencies discovered shall be described in the findings of the study as well as the remedial measures recommended by the engineer, in their order of priority.

49. The following documents, updated where required, form an integral part of the safety review study and must be appended thereto:

(1) a impounded water management plan in compliance with Subdivision 1 of Division III, where such a plan is required for the dam under that subdivision;

(2) according to the failure consequence category of the dam determined in accordance with sections 18 and 19,

(a) for a High or Very High Consequence dam, a dam failure analysis, including inundation maps;

(b) for a Moderate Consequence dam, rough inundation maps; or

(c) for a Low or Very Low Consequence dam, a document characterizing the area that would be affected by a dam failure;

(3) the structural and foundation stability calculations, including any calculations required under Subdivision 2 of Division II; and

(4) a list of the reference documents used in the dam safety review.

50. The first dam safety review shall be conducted, and the attendant study sent to the Minister, before the end of the tenth calendar year following the commissioning of the dam, subject to the provisions of sections 74 to 76 relating to existing dams.

51. A new dam safety review shall be conducted, and the attendant study updated and sent to the Minister, before the end of the tenth calendar year following the year in which the last safety review was conducted.

52. The Minister's decision under section 17 of the Act on the remedial measures the owner intends to take and the implementation schedule shall be made within six months after receipt the outline and schedule sent by the owner.

DIVISION V **SAFETY PROGRAMS**

53. The Minister may approve a safety program

(1) that covers all the dams belonging to the owner of at least ten dams;

(2) that includes, for each dam or project, provisions relating to

(a) impounded water management;

(b) emergency preparedness in respect of any dams covered by the program that are subject to the requirement of an emergency action plan under Subdivision 2 of Division III;

(c) monitoring;

(d) the dam safety review;

(e) the logbook;

(f) maintenance; and

(g) the administration of the safety program, in particular with respect to the persons in charge of its implementation, their training and their respective responsibilities; and

(3) that has been in effect, under the responsibility of qualified persons, for at least five years.

54. The Minister's decision under section 23 of the Act relating to a safety program shall be made within three months after receipt of the proposal.

55. The implementation of a safety program approved by the Minister exempts the owner from the provisions of this Regulation relating to

(1) the frequency of dam safety reviews;

(2) the updating frequency of impounded water management plans and emergency action plans; and

(3) the frequency, type and content of inspections as well as the qualification requirements for carrying out inspections.

DIVISION VI **APPLICATIONS FOR AUTHORIZATION**

56. The following information and documents, in addition to those required by the Act, must be submitted with an application for authorization for the construction or structural alteration of a dam:

(1) hydrologic and hydraulic studies made under the responsibility of an engineer;

(2) an impounded water management plan in compliance with Subdivision 1 of Division III, where such a plan is required under that subdivision for the dam to be constructed or undergo structural alteration;

(3) a provisional emergency action plan for the period of the construction or structural alteration work, where an emergency action plan is required under Subdivision 2 of Division III for the dam in question;

(4) the structural and foundation stability calculations for the dam to be constructed or to undergo structural alteration including, where applicable, the calculations required under Subdivision 2 of Division II;

(5) cost estimates of the planned work; and

(6) according to the type of authorization,

(a) for the construction of a dam: rough inundation maps, where the dam to be constructed is in the Moderate, High or Very High Consequence category under sections 18 and 19; or a document characterizing the area that would be affected by a failure, where the consequence category under those sections is Very Low or Low;

(b) for the structural alteration of a dam, where carrying out the planned alteration would enlarge the area that would be affected by a dam failure:

— a dam failure analysis, including inundation maps delineating the additional area that would be affected, where the failure consequence category of the dam under sections 18 and 19 is High or Very High; or

— rough inundation maps delineating the additional area that would be affected, where the dam failure consequence category under those sections is Moderate;

— a document characterizing the additional area, where the dam failure consequence category under those sections is Very Low or Low.

A \$200 deposit on the fees prescribed in section 61 must accompany the application for authorization. That amount will not be refunded under any circumstances.

57. An application for authorization for the removal of a dam must include

(1) the geographic coordinates and geometric size of the dam;

(2) a description of the planned work; and

(3) a description of the impact of the dam removal on the natural characteristics of the watercourse, its bed and its shores, indicating the natural characteristics prior to the carrying out of the planned work and prior to the construction of the dam.

58. The following information and documents must accompany an application for authorization for a change in use likely to affect dam safety or for the permanent or temporary stopping of the operation of a dam:

(1) an assessment of the effects of the proposed change or of the planned stopping of the operation on dam safety;

(2) the hydrologic and hydraulic studies made under the responsibility of an engineer;

(3) an impounded water management plan in compliance with Subdivision 1 of Division III, where such a plan is required under that subdivision for the dam in question;

(4) the structural and foundation stability calculations, including, if applicable, those required by Subdivision 2 of Division II; and

(5) where carrying out the project referred to in the application for authorization would enlarge the area that would be affected by a dam failure,

(a) a dam failure analysis, including inundation maps delineating the additional area that would be affected, where the failure consequence category of the dam under sections 18 and 19 is High or Very High;

(b) rough inundation maps delineating the additional area that would be affected, where the dam failure consequence category under those sections is Moderate; and

(c) a document characterizing the additional area, where the dam failure consequence category under those sections is Very Low or Low.

59. The Minister's decision under section 5 of the Act relating to the construction or structural alteration of a dam shall be made within six months after receipt of the application for authorization.

The Minister's decision under section 5 of the Act relating to the removal, a change in use or the permanent or temporary stopping of the operation of a dam shall be made within two months after receipt of the application for authorization.

The Minister shall render a decision under section 9 of the Act relating to a modification to the plans and specifications within ten days after receipt of the application.

60. The time limits referred to in section 59 run from the date on which the file on an application is complete.

DIVISION VII FEES

61. The application processing fee for an authorization relating to the construction or structural alteration of a dam is based on the following table, taking into account the cost of the work requiring the authorization:

Cost of Work	Fee
Less than \$25 000	\$1000
\$25 001 to \$100 000	\$1000 for the first \$25 000, plus \$40 for each additional \$1000 or part thereof
\$100 001 to \$500 000	\$4000 for the first \$100 000, plus \$10 per additional \$1000 or part thereof
\$500 001 to \$1 000 000	\$8000 for the first \$500 000, plus \$4 for each additional \$1000 or part thereof
\$1 000 001 to \$10 000 000	\$10 000 for the first \$1 000 000, plus \$2 for each additional \$1000 or part thereof
\$10 000 001 to \$40 000 000	\$28 000 for the first \$10 000 000, plus \$1 for each additional \$1000 or part thereof
\$40 000 001 and up	\$58 000 for the first \$40 000 000, plus \$0.10 for each additional \$1000 or part thereof

The cost of the work includes the engineering fees and costs of the construction project or structural alteration project as well as the inherent materials and labour cost to carry out the work.

62. The application processing fee for an authorization for a change in use likely to affect dam safety or for the permanent or temporary stopping of the operation of a dam is \$200 per application for all classes of dams.

63. The application processing fee for an authorization for the removal of a dam is \$1000 for a Class A dam, \$500 for a Class B dam and \$250 for a Class C, D or E dam.

64. The file processing fee for the approval of an owner's outline of remedial measures established for a dam and implementation schedule is \$4000 for a Class A dam, \$2500 for a Class B dam and \$1000 for a Class C, D or E dam.

65. The application processing fee for the approval of a safety program subject to section 23 of the Act is \$10 000 per owner. The fee for the renewal of a program is \$2500.

66. The annual fee payable by a dam owner to cover the costs incurred in the administration of the Act is \$850 for a Class A or B dam, \$175 for a Class C or D dam and \$100 for a Class E dam.

The annual fee payable by the owner of a dam covered by a safety program under section 23 of the Act is 75% of the annual fee determined in the first paragraph for each dam covered by the program.

A change in a dam's classification shall not generate a fee adjustment for the year in which it occurs.

67. The fees prescribed in sections 61 to 66 must be paid within thirty days of the invoice date by certified cheque to the Minister of Finance.

68. The fees prescribed in sections 62 to 66 shall be adjusted on 1 January of each year on the basis of the percentage change in the Consumer Price Index for Canada published by Statistics Canada, which is calculated by determining the difference between the average monthly index for the twelve-month period ending on 30 September of the preceding year and the average monthly index for the same period of the second preceding year.

The adjusted fee shall be reduced to the nearest dollar if it contains a dollar fraction under \$0.50 and it shall be increased to the nearest dollar if it contains a dollar fraction of \$0.50 or more.

The Minister shall inform the public of the annual adjustment by a notice published in the *Gazette officielle du Québec* and by any other means the Minister may consider appropriate.

CHAPTER IV **LOW-CAPACITY DAMS**

69. The declaration of the construction or structural alteration of a dam must contain

(1) the name and address of the owner and the particulars of the dam location, including geographic coordinates;

(2) the impounding capacity of the dam;

(3) the hydrologic and hydraulic data and assumptions considered at the time of dam design; and

(4) the project description.

The project plans and specifications drawn up by an engineer must be submitted with the declaration.

70. The declaration of the removal of a dam must contain

(1) the name and address of the owner and the particulars of the dam location, including geographic coordinates; and

(2) a description of the proposed work.

CHAPTER V **SPECIAL PROVISIONS**

71. The owner of an existing dam shall, within three months of the coming into force of the Act, send to the Minister all information or documents required to prepare the register of dams referred to in Chapter II.

72. Any existing high-capacity dam with characteristics that do not comply with the minimum safety standards under Division II of Chapter III at the date of coming into force of the Act must be brought into conformity with those standards by the deadline indicated in the outline of remedial measures and implementation schedule approved by the Minister under section 17 of the Act, unless the dam underwent structural alteration before that date that was duly authorized under section 5 of the Act.

73. The owner of an existing high-capacity dam shall, no later than the date by which the study attendant to the first dam safety review must be sent to the Minister under section 74, 75 or 76, prepare

(1) an impounded water management plan in compliance with Subdivision 1 of Division III of Chapter III, where such a plan is required under that subdivision for the dam in question; and

(2) an emergency action plan in compliance with Subdivision 2 of Division III of Chapter III, where such a plan is required under that subdivision for the dam in question;

However, a preliminary emergency action plan, including rough inundation maps, must be prepared within twelve months of the coming into force of the Act for any dam referred to in subparagraph 2 of the first paragraph. The plan must contain a brief summary of the information referred to in section 36, if it is available at the time.

74. Subject to the provisions of sections 75 and 76, the first dam safety review of an existing high-capacity dam shall be conducted, and the attendant study sent to the Minister, within the time limit indicated below, computed from the date of coming into force of the Act; the time limit varies according to the dam failure consequence category under sections 18 and 19 and the dam condition and discharge facilities reliability ratings under subparagraphs 3 and 4 of the first paragraph of section 15 and section 16.

For a High or Very High Consequence dam, the time limit is

(1) three years, where the condition of the dam is rated satisfactory or poor or unknown or where the reliability of the discharge facilities is rated unsatisfactory or unknown; or

(2) four years, where the condition of the dam is rated good or very good and the reliability of the discharge facilities is rated satisfactory.

For a Moderate Consequence dam, the time limit is

(1) five years, where the condition of the dam is rated satisfactory or poor or unknown or where the reliability of the discharge facilities is rated unsatisfactory or unknown; or

(2) six years, where the condition of the dam is good or very good and the reliability of the discharge facilities is rated satisfactory.

For a Low Consequence dam, the time limit is

(1) seven years, where the condition of the dam is rated satisfactory or poor or unknown or where the reliability of the discharge facilities is rated unsatisfactory or unknown; or

(2) eight years, where the condition of the dam is rated good or very good and the reliability of the discharge facilities is rated satisfactory.

For a Very Low Consequence dam, the time limit is

(1) nine years, where the condition of the dam is rated satisfactory or poor or unknown or where the reliability of the discharge facilities is rated unsatisfactory or unknown; or

(2) ten years, where the condition of the dam is rated good or very good and the reliability of the discharge facilities is rated satisfactory.

75. The first dam safety review of an existing high-capacity dam for which approval was granted under the Watercourses Act less than five years before the date of coming into force of the Act shall be conducted, and the attendant study sent to the Minister, by no later than

(1) the expiry of the time limit determined under section 74; or

(2) the end of the tenth calendar year after the approval.

76. A safety review whose content complies with Division IV of Chapter III conducted less than five years before the coming into force of the Act may be substituted for the first safety review referred to in section 74 if the attendant study is sent to the Minister within two years of the coming into force of the Act and an outline of the remedial measures to be taken, in addition to the documents listed in section 49, is appended thereto. The outline must indicate the remedial measures that have been taken and detail the scheduled measures.

A new safety review referred to in the first paragraph must be conducted, and the attendant study updated, ten years after the coming into force of the Act. Thereafter, a new dam safety review must be conducted and the attendant study updated in accordance with section 51.

77. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SEISMIC ZONES

Direction de l'hydraulique et de l'hydrique
November 2000

SEISMIC COEFFICIENTS

Zone	Seismic Coefficient (k)
1	0.05
2	0.10
3	0.15
4	0.25
5	0.30

SCHEDULE II

(s. 14)

CONSTANT PHYSICAL PARAMETERS (C_p)
 (Dam vulnerability numerical values)

Dam height

Height (m)	Points
≤5	1
10	2
20	3.5
30	4.5
40	5.0
50	5.8
100	8.0
160 or more	10.0

The points for intermediate heights shall be determined by considering that the points vary linearly between the various height values, except a dam 5 m or lower, which is always assigned 1 point.

Dam types

Dam Type	Points
Concrete gravity	5
Concrete gravity embankment	3
Concrete arch	1
Stone-filled timber or steel sheet-pile cribs	6
Earth-filled timber or steel sheet-pile cribs	10

Dam Type	Points
Concrete buttresses	3
Timber buttresses (cribs)	8
Timber buttresses (dead shores)	9
Free weir – concrete shield	7
Rockfill free weir	8
Concrete or steel sheet-pile barrier upstream of an earthfill dam	6
Rockfill weir	4
Rockfill dam with – concrete facing – upstream earthfilled core	3
Steel sheet-piling	7
Earthfill	10

Foundation types

Foundation Type	Points
Competent rock	1
Treated weathered rock	2
Untreated weathered rock	3
Moraine/clay	4
Treated moraine	6
Treated alluvial deposits	8
Alluvial or unknown deposits	10

Impounding capacity

Capacity (10⁶m³)	Points
≤1	1
50	3
1000	5
2000	6.5
5000	8
6000 and over	10

For any other type of dam, an equivalence with the dam type in the table with the closest characteristics shall be established

The treatment includes all the methods meant to reduce the permeability of the foundation and increase its resistance to internal erosion or its bearing capacity

The points for intermediate capacities shall be determined by considering that the points vary linearly between the various values of impounding capacity, except an impounding capacity of 1 000 000 m³ or less, which is always assigned 1 point.

SCHEDULE III

(s. 15)

VARIABLE PARAMETERS (V_p)
(Dam vulnerability numerical values)

Dam age

Concrete Dam	
Age (years)	Points
0	1
5	1.5
10	2
20	3
40	7
50	9
55 and over	10

This category includes the following dam types: concrete gravity, concrete gravity embankment, concrete arch, stone-filled or earth-filled steel sheet-pile cribs, concrete buttresses, free weir – concrete shield, rockfill dam with concrete facing, steel sheet-piling.

The points for intermediate dam ages shall be determined by considering that the points vary linearly between the various age values.

Embankment Dam	
Age (years)	Points
0	8
5	7.5
10	6.5
15	5
20	4
25	3
30	2.5
40	2
50	1.5
60 and over	1

This category includes the following dam types: concrete barrier or steel sheet-piling upstream of earthfill dam, rockfill dam with upstream earth-filled core and earthfill.

The points for intermediate dam ages shall be determined by considering that the points vary linearly between the various dam age values.

Timber Dam	
Age (years)	Points
0	1
5	1.5
10	2

This category includes the following dam types: stone-filled or earth-filled timber cribs and timber buttresses (cribs or dead shores).

The points for intermediate dam ages shall be determined by considering that the points vary linearly between the various dam age values

Timber Dam

Age (years)	Points
20	8
30 and over	10

Rockfill Free Weir

Age (years)	Points
≤5	5
10	6
15	7
20	8
25	9
30 and over	10

This category includes the following dam types: rockfill free weir and rockfill weir.

The points for intermediate dam ages shall be determined by considering that the points vary linearly between the various dam age values, except a dam of five years or less, which is always assigned 5 points.

Seismicity

Seismic Zone	Points
1	1
2	2
3	6
4	8
5	10

Reliability of discharge facilities

Reliability	Points
Satisfactory	1
Unsatisfactory or unknown	10

Dam condition

Condition	Points
Very good	1
Good	3
Satisfactory	5
Poor or unknown	10

- Very good: The dam does not show evidence of any deficiency or has minimal confined deterioration considered normal or of no consequence.
- Good: The dam shows evidence of only minor deterioration or deficiencies that do not affect the proper operation of its components.
- Satisfactory: The dam shows evidence of deterioration requiring repairs without however immediately endangering the structure ; a dam in this state requires maintenance and repair work in the immediate or near future without which the dam would become increasingly vulnerable. The dam may also show evidence of deficiencies which do not affect its immediate safety but which require close monitoring.
- Poor or unknown: The dam shows evidence of single or multiple severe deterioration that could affect its stability or make certain parts inoperable or the dam shows evidence of serious deficiencies likely to endanger its safety or the condition of the dam cannot be ascertained.

SCHEDULE IV

(s. 17)

**DAM FAILURE CONSEQUENCE NUMERICAL
VALUES**

Consequence Category	Points
Very Low	1
Low	2
Moderate	3
High	5
Very High	8

4438

Treasury Board

Gouvernement du Québec

C.T. 196698, 26 June 2001

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendments to Schedule I to the Act

CONCERNING Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who was released with or without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers defined in that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and amended thereafter, determines in accordance with subparagraph 25 of the first paragraph of section 134

of that Act the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Syndicat de l'enseignement de Lanaudière and the Syndicat de l'enseignement des Seigneuries meet those conditions;

THE CONSEIL DU TRESOR DECIDES:

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting in alphabetical order in paragraph 1 the following bodies:

- (1) the Syndicat de l'enseignement de Lanaudière;
- (2) the Syndicat de l'enseignement des Seigneuries.

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 April 1999, by Orders in Council 467-99 dated 28 April 1999 (1999, G.O. 2, 1161), 633-99 dated 9 June 1999 (1999, G.O. 2, 1633), 819-99 dated 7 July 1999 (1999, G.O. 2, 2060), 902-99 dated 11 August 1999 (1999, G.O. 2, 2791), 1398-99 dated 15 December 1999 (1999, G.O. 2, 5125), 1399-99 dated 15 December 1999 (1999, G.O. 2, 5126), 166-2000 dated 1 March 2000 (2000, G.O. 2, 1290), 561-2000 dated 9 May 2000 (2000, G.O. 2, 2260), 824-2000 dated 28 June 2000 (2000, G.O. 2, 3555), 965-2000 dated 16 August 2000 (2000, G.O. 2, 4406), 1109-2000 dated 20 September 2000 (2000, G.O. 2, 5031), 1168-2000 dated 4 October 2000 (2000, G.O. 2, 5151) and by T.B.195744 dated 21 December 2000 (2001, G.O. 2, 460) as well as by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

2. This Decision comes into force on the date it is made by the Conseil du trésor but has effect twelve months before that date.

4401

Notices

Notice

Ecological Reserves Act
(R.S.Q., c. R-26.1)

Manche-d'Épée ecological reserve, northern portion — Plan of the proposed reserve

Notification is hereby given in accordance with section 4 of the Ecological Reserves Act that the Minister of the Environment has drawn up the plan of the proposed Manche-d'Épée Ecological Reserve, northern portion, showing the area which he intends to add to the current Manche-d'Épée Ecological Reserve in the municipality of Sainte-Madeleine-de-la-Rivière-Madeleine, within La Haute-Gaspésie regional county municipality.

Specifically, the territory contemplated, which covers approximately 150 hectares, comprises with reference to the initial land survey the northern halves of lots 21 to 27 of Rang II of the Taschereau Township, with the exception of a 25-metre right-of-way along Rivière de Manche-d'Épée on lots 24 and 25.

A copy of the plan of the proposed ecological reserve (plot sheet 501 by land surveyor Denis Fiset) can be obtained upon payment of a fee from the Direction de la conservation et du patrimoine écologique of the ministère de l'Environnement, 675, boulevard René-Lévesque Est, 4^e étage, boîte 21, Québec (Québec) G1R 5V7.

GILBERT CHARLAND,
Deputy Minister

4426

Index des textes réglementaires

Abréviations : **A** : Abrogé, **N** : Nouveau, **M** : Modifié

Règlements — Lois	Page	Commentaires
Accès aux documents des organismes publics et sur la protection des renseignements personnels, Loi sur l'..., modifiée (2001, P.L. 161)	4951	
Accord modificateur n° 3 à l'« Accord cadre Canada-Québec sur la gestion des risques agricoles » — Signature	5199	N
Acupuncteurs — Effets, cabinets de consultation et autres bureaux (Code des professions, L.R.Q., c. C-26)	5149	N
Administration financière, Loi sur l'..., modifiée	4937	
Agence de l'efficacité énergétique — Plan de développement 2001-2002	5222	N
Agence métropolitaine de transport (AMT) — Aide financière pour la mise en service d'un train de banlieue entre Montréal et Delson, à titre de projet pilote, en vue d'augmenter l'utilisation du transport en commun et de réduire le nombre d'automobiles en provenance ou en direction de la Rive-Sud durant les heures de pointe	5236	n
Aide financière aux études, Loi modifiant de nouveau la Loi sur l'... (2001, P.L. 12)	4921	
Architectes, Loi modifiant la Loi sur les..., modifiée	4989	
Archives, Loi sur les..., modifiée	4951	
Assurances, Loi sur les..., modifiée	4989	
Barreau, Loi sur le..., modifiée	4989	
Bâtiment, Loi sur le... — Corporation des maîtres électriciens du Québec — Corporation des maîtres mécaniciens en tuyauterie — Mandat confié	5133	N
Bâtiment, Loi sur le... — Corporation des maîtres électriciens du Québec — Qualification professionnelle de ses membres et garanties financières exigibles	5135	N
Bâtiment, Loi sur le... — Corporation des maîtres mécaniciens en tuyauterie du Québec — Qualification professionnelle de ses membres et garanties financières exigibles	5141	N
Bureau d'audiences publiques sur l'environnement — Rémunération des membres additionnels à temps partiel	5203	N
Cadre juridique des technologies de l'information, Loi concernant le... (2000, P.L. 161)	4951	
Capital régional et coopératif Desjardins, Loi constituant... .. (2001, P.L. 194)	5001	

Centre de recherche industrielle du Québec, Loi sur le..., modifiée (2001, P.L. 161)	4951	
Centre de référence des directeurs généraux et des cadres — Madame Nicole Brodeur, présidente directrice générale et présidente du conseil d'administration	5225	N
Code civil du Québec	4951	
Code de la sécurité routière, Loi modifiant le...	4925	
Code de procédure civile, modifié	4951	
Code de procédure pénale, modifié	4951	
Code des professions — Acupuncteurs — Effets, cabinets de consultation et autres bureaux	5149	N
Code des professions — Comptables en management accrédités — Tenue des dossiers et des cabinets de consultation et cessation d'exercice d'un membre de l'Ordre	5154	N
Code des professions — Évaluateurs agréés — Modalités d'élection au Bureau de l'Ordre	5158	N
Code des professions et d'autres dispositions législatives concernant l'exercice des activités professionnelles au sein d'une société, Loi modifiant le...	4989	
Code des professions, modifié	4989	
Comité de législation	5192	N
Comité ministériel de l'emploi, du développement économique et de la recherche	5193	N
Comité ministériel des affaires régionales et territoriales	5193	N
Commission de la capitale nationale — Acquisition par expropriation du boisé des Compagnons-de-Cartier	5191	N
Commission de la construction du Québec — Nomination d'un membre du conseil d'administration	5238	N
Commission municipale du Québec — Nomination de madame Céline Signori comme membre additionnelle	5197	N
Comptables en management accrédités — Tenue des dossiers et des cabinets de consultation et cessation d'exercice d'un membre de l'Ordre	5154	N
(Code des professions, L.R.Q., c. C-26)		
Conditions de travail et le régime de retraite des membres de l'Assemblée nationale, Loi modifiant la Loi sur les...	4929	
(2001, P.L. 23)		
Conseil de la famille et de l'enfance — Nomination de quatre membres	5205	N

Conseil de la Science et de la Technologie — Nomination de quatre membres . . .	5216	N
Conseil des aînés — Nomination de quatre membres	5206	N
Conseil des services essentiels — Nomination de M ^e Jean-François Beaudry comme vice-président	5237	N
Conseil des services essentiels — Nomination de M ^e Richard Parent comme président par intérim	5237	N
Conseil du trésor — Nomination des membres	5193	N
Conseil québécois de la recherche sociale — Nomination de madame Louise Dandurand comme membre et présidente	5212	N
Contrepartie exigible des offices municipaux d'habitation et des autres organismes sans but lucratif pour l'utilisation des immeubles de Immobilière SHQ (Loi sur Immobilière SHQ, L.R.Q., c. I-0.3)	5019	N
Coopératives de services financiers, Loi sur les..., modifiée (2001, P.L. 194)	5001	
Coopératives, Loi sur les..., modifiée (2001, P.L. 194)	5001	
Corporation des maîtres électriciens du Québec — Corporation des maîtres mécaniciens en tuyauterie — Mandat confié (Loi sur le bâtiment, L.R.Q., c. B-1.1)	5133	N
Corporation des maîtres électriciens du Québec — Qualification professionnelle de ses membres et garanties financières exigibles (Loi sur le bâtiment, L.R.Q., c. B-1.1)	5135	N
Corporation des maîtres mécaniciens en tuyauterie du Québec — Qualification professionnelle de ses membres et garanties financières exigibles (Loi sur le bâtiment, L.R.Q., c. B-1.1)	5141	N
Courtage immobilier, Loi sur le..., modifiée (2001, P.L. 161)	4951	
Décrets de convention collective, Loi sur les... — Services automobiles — Montréal (L.R.Q., c. D-2)	5148	M
École nationale des pompiers du Québec — Octroi d'une subvention pour 2001-2002	5235	N
Entente de transfert à conclure entre la Commission administrative des régimes de retraite et d'assurances et le Comité de retraite du Régime complémentaire de retraite des employés de la Fédération des médecins omnipraticiens du Québec et ses organismes affiliés (Loi sur le régime de retraite des employés du gouvernement et des organismes publics, L.R.Q., c. R-10)	5187	N
Entente entre le gouvernement du Québec et l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) relative à l'établissement à Montréal de l'Institut de statistique de l'UNESCO	5219	N
Entente entre le gouvernement du Québec et l'Organisation mondiale du tourisme relative à l'organisation et au financement du Sommet mondial de l'écotourisme Québec 2002 qui se tiendra à Québec en mai 2002	5218	N

Entente relative au régime d'assurance maladie et au régime d'assurance-hospitalisation — Approbation de certaines modifications	5189	M
Évaluateurs agréés — Modalités d'élection au Bureau de l'Ordre (Code des professions, L.R.Q., c. C-26)	5158	N
Exercice des fonctions de certains ministres	5194	N
Fonds forestier — Modification au décret numéro 1114-96 du 4 septembre 1996 concernant la mise en opération tel que modifié par le décret numéro 1493-97 du 19 novembre 1997	5221	M
Géologues, Loi sur les... — Entrée en vigueur (2001, c. 12)	5017	
Hydro-Québec — Autorisation à réaliser les études d'avant-projet pour l'aménagement hydroélectrique de la Chute Allard et à effectuer les travaux d'exploration, les études, les relevés scientifiques et toute autre activité précédant la réalisation du projet	5220	N
Hydro-Québec — Autorisation à réaliser les études d'avant-projet pour l'aménagement hydroélectrique des Rapides-des-Cœurs et à effectuer les travaux d'exploration, les études, les relevés scientifiques et toute autre activité précédant la réalisation du projet	5219	N
Hydro-Québec — Autorisation de construire l'aménagement hydroélectrique de la Toulnostouc ainsi que les infrastructures et les équipements connexes	5221	N
Hydro-Québec — Délivrance d'un certificat d'autorisation en sa faveur pour le projet d'aménagement hydroélectrique de la Toulnostouc sur le territoire de la municipalité régionale de comté de Manicouagan	5199	N
Hydro-Québec — Modification au décret n ^o 1091-2000 du 13 septembre 2000 relatif à la forme, la teneur et la périodicité du plan stratégique	5223	N
Immobilière SHQ, Loi sur... — Contrepartie exigible des offices municipaux d'habitation et des autres organismes sans but lucratif pour l'utilisation des immeubles de Immobilière SHQ (L.R.Q., c. I-0.3)	5019	N
Industries Océan inc. — Octroi d'une aide financière	5212	N
Ingénieurs, Loi sur les..., modifiée (2001, P.L. 169)	4989	
Instruction publique relativement au Conseil scolaire de l'île de Montréal, Loi modifiant la Loi sur l'... (2001, P.L. 41)	4947	
Interprétation, Loi d'..., modifiée (2001, P.L. 161)	4951	
Investissement-Québec — Participation financière pour la vente d'avions par Bombardier inc.	5209	N
Liste des projets de loi sanctionnés (21 juin 2001)	4909	
Loi sur la Commission de la capitale nationale	5192	N
Ministère de l'Agriculture, des Pêcheries et de l'Alimentation — Nomination de monsieur Gilles Vézina comme sous-ministre adjoint	5193	N
Ministère de la Recherche, de la Science et de la Technologie, Loi modifiant la Loi sur le... (2001, P.L. 33)	4937	

Ministère de la Recherche, de la Science et de la technologie, Loi sur le..., modifiée (2001, P.L. 33)	4937	
Ministère des Relations avec les citoyens et de l'Immigration — Nomination de monsieur Abraham Assayag comme sous-ministre associé	5194	N
Office des professions du Québec — Approbation des prévisions budgétaires pour l'exercice financier 2001-2002	5211	N
Organisation des Nations Unies — Versement d'une subvention pour l'éducation, la science et la culture (UNESCO) relative à l'établissement à Montréal de l'Institut de statistique de l'UNESCO	5217	N
Pharmacie, Loi sur la..., modifiée (2001, P.L. 169)	4989	
Programme d'aide aux propriétaires de bâtiments résidentiels endommagés par l'oxydation de la pyrite — Modification	5195	M
Programme décennal de dragage d'entretien des installations portuaires de Bécancour par la Société du parc industriel et portuaire de Bécancour — Modification du décret numéro 606-99 du 2 juin 1999 relatif à la réalisation	5202	N
Programme spécial d'assistance financière relatif au sauvetage en conditions nordiques de résidences principales localisées dans certains villages du Nunavik et de la Basse-Côte-Nord — Remplacement	5228	N
Protection de la jeunesse, Loi modifiant la Loi sur la... .. (2001, P.L. 166)	4985	
Protection du consommateur, Loi sur la..., modifiée (2001, P.L. 161)	4951	
Publicité légale des entreprises individuelles, des sociétés et des personnes morales, Loi sur la..., modifiée (2001, P.L. 169)	4989	
Recouvrement de certaines créances, Loi sur le..., modifiée (2001, P.L. 161)	4951	
Régie de l'énergie — Approbation des prévisions budgétaires pour l'exercice financier 2001-2002	5223	N
Régie de l'énergie, Loi modifiant la Loi sur la... .. (2001, P.L. 5)	4913	
Régie de l'énergie, Loi sur la..., modifiée (2001, P.L. 5)	4913	
Régie des alcools, des courses et des jeux — M ^e Serge Lafontaine, régisseur et président	5236	N
Régime de retraite des employés du gouvernement et des organismes publics, Loi sur le... — Annexe I	5188	M
Régime de retraite des employés du gouvernement et des organismes publics, Loi sur le... — Entente de transfert à conclure entre la Commission administrative des régimes de retraite et d'assurances et le Comité de retraite du Régime complémentaire de retraite des employés de la Fédération des médecins omnipraticiens du Québec et ses organismes affiliés	5187	N
(L.R.Q., c. R-10)		

Réserve écologique de Manche-d'Épée, partie nord — Plan de la réserve (Loi sur les réserves écologiques, L.R.Q., c. R-26.1)	5241	N
Réserves écologiques, Loi sur les... — Réserve écologique de Manche-d'Épée, partie nord — Plan de la réserve (L.R.Q., c. R-26.1)	5241	N
Responsabilités régionales de certains ministres	5192	N
Santé et la sécurité du travail, Loi sur la... — Santé et sécurité du travail (L.R.Q., c. S-2.1)	5020	N
Santé et sécurité du travail (Loi sur la santé et la sécurité du travail, L.R.Q., c. S-2.1)	5020	N
Sécurité des barrages (Loi sur la sécurité des barrages, 2000, c. 9)	5163	Projet
Sécurité des barrages, Loi sur la... — Sécurité des barrages (2000, c. 9)	5163	Projet
Service d'immigration à Beyrouth — Établissement	5217	N
Service d'immigration à Rabat — Établissement	5216	M
Services automobiles — Montréal (Loi sur les décrets de convention collective, L.R.Q., c. D-2)	5148	M
Services de santé et les services sociaux et modifiant diverses dispositions législatives, Loi modifiant la Loi sur les... — Entrée en vigueur de certaines dispositions	5017	
Société d'habitation du Québec — Attribution d'unités de logement additionnelles de Supplément au loyer	5238	N
Société de développement de la Baie James — Souscription par la ministre des Finances au capital-actions	5210	N
Société de développement de la Zone de commerce international de Montréal à Mirabel — Désignation du président du conseil d'administration	5211	N
Société de la faune et des parcs — Nomination de madame Monique L. Bégin comme membre du conseil d'administration et présidente-directrice générale . . .	5206	N
Société Innovatech Québec et Chaudière-Appalaches, Loi modifiant la Loi sur la... (2001, P.L. 8)	4917	
Société québécoise de récupération et de recyclage (RECYC-QUÉBEC) — Nomination de membres du conseil d'administration	5203	N
Sûreté du Québec — Traitement des officiers	5234	N
Transports et la Loi concernant les propriétaires et exploitants de véhicules lourds, Loi modifiant la Loi sur les... (2001, P.L. 32)	4933	
Valeur mobilières (Loi sur les valeurs mobilières, L.R.Q., c. V-1.1)	5019	M
Valeur mobilières, Loi sur les... — Valeurs mobilières (L.R.Q., c. V-1.1)	5019	M
Vérificateur général — Mandat de vérification particulière	5224	N
Versement d'une aide financière aux villes de Jonquière, Gatineau, Longueuil et Lévis	5195	N