

Gazette
officielle

^{DU}
Québec

Part

2

No. 50B

17 December 2010

Laws and Regulations

Volume 142

Summary

Table of Contents
Regulations and other Acts
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2010

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (R.S.Q., c. C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (Order in Council 1259-97 dated 24 September 1997), amended by the Regulation to amend the Regulation respecting the *Gazette officielle du Québec* (Order in Council 264-2004 dated 24 March 2004 (2004, G.O. 2, 1176). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

Rates*

1. Annual subscription:

	Printed version	Internet
Partie 1 “Avis juridiques”:	\$185	\$163
Partie 2 “Lois et règlements”:	\$253	\$219
Part 2 “Laws and Regulations”:	\$253	\$219

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$9.54 per copy.

3. Downloading of documents from the Internet version of the *Gazette officielle du Québec* Part 2: \$6.74.

4. Publication of a notice in Partie 1: \$1.29 per agate line.

5. Publication of a notice in Part 2: \$0.85 per agate line. A minimum rate of \$186 is applied, however, in the case of a publication of fewer than 220 agate lines.

* Taxes not included.

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

Internet: www.publicationsduquebec.gouv.qc.ca

Printed:

Les Publications du Québec
Customer service – Subscriptions
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Regulations and other Acts

1195-2010	Implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse	3843B
1196-2010	Implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse	3849B
1197-2010	Implementation of the Agreement on the professional dance training program	3854B
1198-2010	Implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux	3859B
1199-2010	Implementation of the Agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec	3872B

Regulations and other Acts

Gouvernement du Québec

O.C. 1195-2010, 15 December 2010

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

Agreement regarding the programs of the Office franco-québécois pour la jeunesse — Implementation

Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Office franco-québécois pour la jeunesse have entered into an agreement so that persons admitted to programs established and administered by the Office may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse, made by Order in Council 295-97 dated 5 March 1997;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as required by section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication in the case of the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse:

— in order to ensure consistency with the new method of payment for the employer assessment, it is necessary that the Regulation be effective as of 1 January 2011;

— the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19) will come into force on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

— the Regulation respecting financing, which provides the rules applicable to the new method of payment for the employer assessment, was made by the Commission on 18 November 2010 and will come into force on the same date as section 7 of chapter 53 of the Statutes of 2006, namely 1 January 2011, under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse does not change the protection granted to the persons concerned as workers;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

- 1.** The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs of the Office franco-québécois pour la jeunesse on the conditions and to the extent provided for in the agreement between the Office and the Commission de la santé et de la sécurité du travail appearing in Schedule I.
- 2.** This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse, made by Order in Council 295-97 dated 5 March 1997.
- 3.** This Regulation comes into force on 1 January 2011.

SCHEDULE I

AGREEMENT BETWEEN

THE OFFICE FRANCO-QUÉBÉCOIS POUR LA JEUNESSE

AND

THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

WHEREAS the Office, created by the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec agreement of the 27th February 1965 on a program of exchange and co-operation in the field of education, must, under section 2 of the Act to recognize bodies promoting international exchanges for young people (R.S.Q., c. O-10), have the powers of a legal person within the meaning of the Civil Code of Québec;

WHEREAS, under article 3 of the said Protocol, the Office must have juridical personality and must enjoy in Québec and in France autonomy in its management and administration;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission is a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS, under section 170 of that Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS, under article 2 of that Protocol, the object of the Office is to develop relations between the youth of Québec and that of France, and for such purpose, to bring about, encourage and promote meetings and exchanges between groups of young people and also between authorities in the field of youthful activities, recreation and sports;

WHEREAS the Office has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to certain trainees and it intends to assume the obligations prescribed for employers, including those concerning assessments due;

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS, under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) applies to such agreement, the effect of that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1 ENABLING PROVISION

Enabling provision

1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

CHAPTER 2 PURPOSES OF AGREEMENT

Purposes of agreement

2.1 The purposes of this Agreement are to provide for the application of the Act respecting industrial accidents and occupational diseases to certain trainees of the Office and to determine the respective obligations of the Office and of Commission, on the conditions and to the extent set forth herein.

CHAPTER 3 DEFINITIONS

For the purposes of this Agreement,

“Commission”

(a) Commission means the Commission de la santé et de la sécurité du travail established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

“employment”

(b) employment means, as the case may be, the remunerated employment the trainee has at the time the employment injury appears or for which the trainee is registered with the Commission. If the trainee has no remunerated employment or is not registered with the Commission at the time the injury appears, the trainee is entitled to an income replacement indemnity if the trainee becomes unable, by reason of the injury, to carry on his or her usual employment or, if the trainee does not carry on such employment usually, the employment that could have been the trainee’s usual employment, considering the trainee’s training and work experience and physical and intellectual capacity before the employment injury appeared;

“establishment”

(c) establishment means a body within the meaning of the Act respecting occupational health and safety;

“educational institution”

(d) educational institution means an agency that provides training programs under the Education Act (R.S.Q., c. I-13.3), under the General and Vocational Colleges Act (R.S.Q., c. C-29) or under the Act respecting private education (R.S.Q., c. E-9.1), or an educational institution at the university level. Such activities may include a non-remunerated training at an establishment;

“employment injury”

(e) employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“Act”

(f) Act means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“Office”

(g) Office means the Office Franco-Québécois pour la Jeunesse, Section du Québec, created under article 1 of the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec Agreement of the 27th February 1965 on a program of exchange and co-operation in the field of education;

“trainee”

(h) trainee means a person who is doing work under a program administered by the Office, in particular the programs listed in Schedule I, who is not

(a) a person doing work as part of a measure provided for in section 9 of the Individual and family assistance Act (R.S.Q., c. A-13.1.1);

(b) a person covered by section 10 of the Act who is undertaking a non-remunerated training period for which an educational institution is responsible.

**CHAPTER 4
OBLIGATIONS OF THE OFFICE**

4.1 The Office is deemed to be the employer of any trainee covered by this Agreement.

Restrictions

Despite the foregoing, that employer-employee relationship is recognized only for the purposes of assessments and indemnities under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

General obligations

4.2 As an employer, the Office is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents occurring in the establishments where the trainees are located and the obligations to inform the Commission, using the form prescribed by the Commission, that a trainee is unable to continue the program by reason of the injury.

Register of accidents

However, the Office is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

Information

At the request of the Commission, the Office forwards a description of the tasks or activities performed by the trainee at the time the employment injury appeared.

Exceptions

4.3 Despite section 4.2, section 32 of the Act pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals

against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII respecting the right to return to work do not apply to the Office.

First aid

Although the Office itself is not required to give first aid to a trainee who suffers an employment injury in accordance with sections 190 and 191 of the Act, it must ensure that first aid is given where necessary and must assume the costs thereof.

Payment of assessment

4.4 The Office agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the fixed administrative costs associated with each financial record.

For the purposes of this Agreement, the Office is also bound to make periodic payments, in accordance with section 315.1 of the Act.

Assessment

4.5 For assessment purposes, the Office is deemed to pay wages that correspond, as the case may be, to the gross annual employment income of each trainee at the time the trainee is registered in a program, to the unemployment insurance benefits received by the trainee or to the minimum wage, if the trainee has no other employment income.

Minimum

The assessment is based on the wages that the Office is deemed to pay and on the length of the training period. However, the wages that the Office is deemed to pay may not in any case be less than \$2,000 per trainee.

Annual statement

4.6 The Office sends to the Commission, before 15 March of each year, a statement setting out, in particular, the amount of gross annual employment income paid to the trainees during the preceding calendar year, calculated in relation to the duration of the training period.

Register

4.7 The Office keeps a detailed register of the names and addresses of the trainees and, if trainees are employed during their training, the names and addresses of their respective employers.

Availability

The Office must make such register available to the Commission if the latter so requires.

Description of programs

4.8 The Office forwards to the Commission, on the coming into force of this Agreement, a description of every program appearing in Schedule I.

New program or amendment

Every new program or every subsequent amendment to a program appearing in Schedule I must be forwarded so that it may be evaluated and a decision may be made whether to include or to retain it under this Agreement.

**CHAPTER 5
OBLIGATIONS OF THE COMMISSION****Worker status**

5.1 The Commission considers a trainee covered by this Agreement to be a worker within the meaning of the Act, except in respect of travel between Québec and the country where the training period will be undertaken.

Indemnity

5.2 A trainee who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his or her inability to carry on employment by reason of the injury.

Payment

Despite section 60 of the Act, the Commission pays to such trainee the income replacement indemnity to which the trainee is entitled.

Calculation of indemnity

5.3 For the purposes of calculating the income replacement indemnity, the trainee's gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the unemployment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or is an independent worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury appears.

Exception

However, entitlement to an income replacement indemnity and the calculation thereof for a trainee who is considered to be a worker under this Agreement and who is a full-time student must be determined according to sections 79 and 80 of the Act.

Recurrence, relapse, aggravation

In the event of a recurrence, a relapse or an aggravation, where the trainee holds remunerated employment, the gross annual income is, for the purposes of calculating the income replacement indemnity, established in accordance with section 70 of the Act. However, if unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which the trainee derived from the employment out or in the course of which the trainee suffered the employment injury; that gross income is revalorized on 1 January of each year from the date on which the trainee ceased to hold the employment.

Financial records

5.4 At the request of the Office, the Commission opens a special financial record for each program covered by this Agreement.

Unit of economic activity

Such record must be classified in the unit corresponding to the economic activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities.

**CHAPTER 6
MISCELLANEOUS****Monitoring of progress**

6.1 Within 15 days following the coming into force of this Agreement, both the Commission and the Office designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.2 Every notice provided for in this Agreement must be sent to the following addresses:

- (a) Le Secrétaire de la Commission,
Commission de la Santé et de la Sécurité du travail,
1199, rue de Bleury, 14^e étage,
Montréal (Québec) H3C 4E1

(b) Le Secrétaire général de l'Office,
Office franco-québécois pour la jeunesse,
934, rue Sainte-Catherine Est
Montréal (Québec) H2L 2E9

CHAPTER 7 COMING INTO FORCE, TERM AND CANCELLATION

Effective date

7.1 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety.

Term

The Agreement remains in force until 31 December 2011.

Tacit renewal

7.2 It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.3 In the latter case, the notice must contain the amendments which the party wishes to make.

Renewal

The sending of such notice does not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

CHAPTER 8 CANCELLATION OF AGREEMENT

Non-compliance

8.1 If the Office fails to comply with any of its obligations, the Commission may request that the Office remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement by giving notice in writing.

Date

This Agreement is then cancelled on the date of the notice in writing.

Financial adjustments

8.2 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.

Sum due

Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.3 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.4 In the event of cancellation, neither party must be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

at _____ on this _____ at _____ on this _____

() day of _____ 2010 () day of _____ 2010

ALFRED PILON,
Secretary General
Office franco-québécois
pour la jeunesse

LUC MEUNIER,
Chair of the board of directors
and Chief Executive Officer
Commission de la santé et de
la sécurité du travail

SCHEDULE I TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO THE AGREEMENT

— Training periods in the workplace

(D. 295-97, G.O. 970319, p. 1465)

1233

Gouvernement du Québec

O.C. 1196-2010, 15 December 2010

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

Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse — Implementation

Regulation respecting the implementation of the
Agreement regarding the programs of the Office
Québec-Amériques pour la jeunesse

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Office Québec-Amériques pour la jeunesse have entered into an agreement so that persons admitted to programs established and administered by the Office may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, made by Order in Council 442-2002 dated 10 April 2002;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as required by section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication in the case of the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse:

— in order to ensure consistency with the new method of payment for the employer assessment, it is necessary that the Regulation be effective as of 1 January 2011;

— the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19) will come into force on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

— the Regulation respecting financing, which provides the rules applicable to the new method of payment for the employer assessment, was made by the Commission on 18 November 2010 and will come into force on the same date as section 7 of chapter 53 of the Statutes of 2006, namely 1 January 2011, under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse does not change the protection granted to the persons concerned as workers;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs of the Office Québec-Amériques pour la jeunesse on the conditions and to the extent provided for in the agreement between the Office and the Commission de la santé et de la sécurité du travail appearing in Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, made by Order in Council 442-2002 dated 10 April 2002.

3. This Regulation comes into force on 1 January 2011.

SCHEDULE I

AGREEMENT BETWEEN

**THE OFFICE QUÉBEC-AMÉRIQUES
POUR LA JEUNESSE**

AND

**THE COMMISSION DE LA SANTÉ ET
DE LA SÉCURITÉ DU TRAVAIL**

WHEREAS the Office Québec-Amériques pour la jeunesse, established under section 1 of the Act respecting the Office Québec-Amériques pour la jeunesse (R.S.Q.,

c. O-5.1) is, under section 2 of that Act, a legal person, mandatory of the State and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS the Commission de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), is, under section 138 of the Act, a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS, under section 170 of the Act respecting occupational health and safety, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS, under section 3 of the Act respecting the Office Québec-Amériques pour la jeunesse, the mission of the Office is to develop relations between young people in Québec and young people elsewhere in the Americas and, for such purposes, to promote understanding of their respective cultures, increase exchanges between individuals and groups and encourage the development of cooperation networks, more particularly, by developing exchange and cooperation programs accessible to young people from all backgrounds and including training activities such as internships;

WHEREAS the Office has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to certain trainees and it intends to assume the obligations prescribed for employers;

WHEREAS, under section 16 of that Act, a person doing work under a project of any government, whether or not the person is a worker, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS, under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety applies to such agreement, the effect of that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1 ENABLING PROVISION

Enabling provision

1.1 This Agreement is entered into under section 16 of the Act.

CHAPTER 2 PURPOSES OF AGREEMENT

Purposes of agreement

2.1 The purposes of this Agreement are to provide for the application of the Act to certain trainees of the Office and to determine the respective obligations of the Office and of the Commission, on the conditions and to the extent set forth herein.

CHAPTER 3 DEFINITIONS

For the purposes of this Agreement,

“Commission”

(a) Commission means the Commission de la santé et de la sécurité du travail;

“employment”

(b) employment means, as the case may be, the remunerated employment the trainee has at the time the employment injury appears or for which the trainee is registered with the Commission. If the trainee has no remunerated employment or is not registered with the Commission at the time the injury appears, his or her usual employment or, if the trainee does not carry on such employment, the employment that could have been the trainee’s usual employment, considering the trainee’s training, work experience and physical and intellectual capacity before the employment injury appeared;

“employment injury”

(c) employment injury means an injury or a disease arising out of or in the course of an industrial, or an occupational disease, including a recurrence, relapse or aggravation;

“Act”

(d) Act means the Act respecting industrial accidents and occupational diseases;

“Office”

(e) Office means the Office Québec-Amériques pour la jeunesse;

“trainee”

(f) trainee means a person who is doing work under a program administered by the Office, in particular the programs listed in Schedule 1, who is not a person covered by section 10 or paragraph 4 of section 11 of the Act.

CHAPTER 4 OBLIGATIONS OF THE OFFICE

Employer

4.1 The Office is deemed to be the employer of any trainee covered by this Agreement.

Restrictions

Despite the foregoing, that employer-employee relationship is recognized only for the purposes of indemnities, assessments and imputation of the cost of benefits payable under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

General obligations

4.2 As an employer, the Office is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents occurring in the establishment within the meaning of the Act respecting occupational health and safety where the trainees are located and the obligations to inform the Commission, using the form prescribed by the Commission, that a trainee is unable to continue the program by reason of the employment injury.

Register of accidents

However, the Office is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

Information

At the request of the Commission, the Office forwards a description of the program and tasks or activities performed by the trainee at the time the employment injury appeared.

Exceptions

4.3 Despite section 4.2, section 32 of the Act pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII of the Act respecting the right to return to work do not apply to the Office.

First aid

The Office must ensure that first aid is given to a trainee who suffers an employment injury, in accordance with sections 190 and 191 of the Act, and must pay for the related costs.

Payment of assessment

4.4 The Office agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the fixed administrative costs associated with each financial record.

For the purposes of this Agreement, the Office is also bound to make periodic payments, in accordance with section 315.1 of the Act.

Assessment

4.5 For assessment purposes, the Office is deemed to pay wages that correspond, as the case may be, to the gross annual employment income of each trainee at the time the trainee registered in a program provided for in Schedule 1, to the unemployment insurance benefits received by the trainee or to the minimum wage, if the trainee has no other employment income.

Minimum

The assessment is based on the wages that the Office is deemed to pay and on the length of the training period. However, the wages that the Office is deemed to pay may not in any case be less than \$2,000 per trainee.

Annual statement

4.6 The Office sends to the Commission, before 15 March of each year, a statement setting out, in particular, the amount of gross wages paid to the trainees during the preceding calendar year calculated on the basis of the length of the training period.

Register

4.7 The Office keeps a detailed register of the names and addresses of the trainees and, if trainees are employed during their training, the names and addresses of their respective employers.

Availability

The Office must make such register available to the Commission if the latter so requires.

Description of programs

4.8 The Office forwards to the Commission, on the coming into force of this Agreement, a description of every program appearing in Schedule 1.

New program or amendment

Every new program or every subsequent amendment to a program appearing in Schedule 1 must be forwarded so that it may be evaluated and a decision may be made whether to include or to retain it under this Agreement.

CHAPTER 5**OBLIGATIONS OF THE COMMISSION****Worker status**

5.1 The Commission considers a trainee covered by this Agreement to be a worker within the meaning of the Act, except in respect of travel between Québec and the country where the training period will be undertaken.

Indemnity

5.2 A trainee who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his or her inability to carry on employment by reason of the injury.

Payment

Despite section 60 of the Act, the Commission pays to such trainee the income replacement indemnity to which the trainee is entitled.

Calculation of indemnity

5.3 For the purposes of calculating the income replacement indemnity, the trainee's gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the unemployment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or is an independent worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury appears.

Recurrence, relapse, aggravation

In the event of a recurrence, a relapse or an aggravation, where the trainee holds remunerated employment, the gross annual income is, for the purposes of calculating the income replacement indemnity, established in accordance with section 70 of the Act. However, if unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which the trainee derived from the employment out or in the course of which the trainee suffered the employment injury; that gross income is revalorized on 1 January of each year from the date on which the trainee ceased to hold the employment.

Financial records

5.4 At the request of the Office, the Commission opens a special financial record for each program covered by this Agreement.

Unit of economic activity

Such record must be classified in the unit corresponding to the economic activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities.

**CHAPTER 6
MISCELLANEOUS****Monitoring of progress**

6.1 Within 15 days following the coming into force of this Agreement, both the Commission and the Office designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.2 Every notice provided for in this Agreement must be sent to the following addresses:

- (a) Le Secrétaire de la Commission,
Commission de la santé et de la sécurité du travail,
1199, rue de Bleury, 14^e étage,
Montréal (Québec) H3C 4E1
- (b) President and Chief Executive Officer of the Office
Office Québec-Amériques pour la jeunesse,
265, rue de la Couronne, bureau 200
Québec (Québec) G1K 6E1

**CHAPTER 7
COMING INTO FORCE, TERM AND
CANCELLATION****Effective date**

7.1 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety.

Term

The Agreement remains in force until 31 December 2011.

Tacit renewal

7.2 It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.3 In the latter case, the notice must contain the amendments which the party wishes to make.

Renewal

The sending of such notice does not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

**CHAPTER 8
CANCELLATION OF AGREEMENT****Non-compliance**

8.1 If the Office fails to comply with any of its obligations, the Commission may request that the Office remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement unilaterally by giving notice in writing.

Date

8.2 This Agreement is then cancelled on the date of the notice in writing.

Financial adjustments

8.3 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.

Sum due

Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.4 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.5 In the event of cancellation, neither party must be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

at _____ on this _____ at _____ on this _____

() day of _____ 2010 () day of _____ 2010

ALFRED PILON,
*President and Chief
Executive Officer
Office Québec-Amériques
pour la jeunesse*

LUC MEUNIER,
*Chair of the board of directors
and Chief Executive Officer
Commission de la santé et de
la sécurité du travail*

SCHEDULE 1 TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO THE AGREEMENT

— Training programs in the workplace outside Québec:

- curriculum;
- bridges;
- portfolio.

1232

Gouvernement du Québec

O.C. 1197-2010, 15 December 2010

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

Agreement on the professional dance training program — Implementation

Regulation respecting the implementation of the Agreement on the professional dance training program

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Minister of Culture, Communications and the Status of Women have entered into an agreement so that persons who, in order to maintain their professional skills, engage in training activities that are not provided for in an employment contract, as part of a professional dance training program referred to in the Agreement, may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement on the professional dance training program, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the agreement on the professional dance training program, made by Order in Council 1253-2005 dated 21 December 2005;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as required by section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication in the case of the Regulation respecting the implementation of the Agreement on the professional dance training program:

— in order to ensure consistency with the new method of payment for the employer assessment, it is necessary that the Regulation be effective as of 1 January 2011;

— the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19) will come into force on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

— the Regulation respecting financing, which provides the rules applicable to the new method of payment for the employer assessment, was made by the Commission on 18 November 2010 and will come into force on the same date as section 7 of chapter 53 of the Statutes of 2006, namely 1 January 2011, under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS the Regulation respecting the implementation of the Agreement on the professional dance training program does not change the protection granted to the persons concerned as workers;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the Agreement on the professional dance training program;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the Agreement on the professional dance training program, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on the professional dance training program

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the professional dance training program on the conditions and to the extent provided for in the Agreement between the Minister of Culture and Communications and the Commission de la santé et de la sécurité du travail appearing in Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the agreement on the professional dance training program, made by Order in Council 1253-2005 dated 21 December 2005.

3. This Regulation comes into force on 1 January 2011.

SCHEDULE I

AGREEMENT

BETWEEN

THE MINISTER OF CULTURE,
COMMUNICATION AND THE STATUS OF
WOMEN ACTING ON BEHALF OF THE
GOUVERNEMENT DU QUÉBEC, REPRESENTED
BY SYLVIE BARCELO, DEPUTY MINISTER,
DULY AUTHORIZED,

hereinafter called “the Minister”

AND

THE COMMISSION DE LA SANTÉ ET DE LA
SÉCURITÉ DU TRAVAIL REPRESENTED BY
LUC MEUNIER, CHAIR OF THE BOARD OF
DIRECTORS AND CHIEF EXECUTIVE OFFICER,
DULY AUTHORIZED

hereinafter called “the Commission”

UNDER SECTION 16 OF THE
ACT RESPECTING INDUSTRIAL
ACCIDENTS AND OCCUPATIONAL DISEASES

WHEREAS the Minister of Culture, Communications and the Status of Women is in charge of the direction of the Ministère de la Culture, des Communications et de la Condition féminine, under section 1 of the Act respecting the Ministère de la Culture et des Communications (R.S.Q., c. M-17.1), Order in Council 1159-2008 dated 18 December 2008 and Order in Council 306-2007 dated 19 April 2007;

WHEREAS, under article 10 that Act, the Minister performs duties in the field of heritage, the arts, literature and cultural industries and the Minister's duty in those fields is to support primarily activities of creation, animation, production, promotion, diffusion, training, research and conservation, and to contribute to their development;

WHEREAS, under section 11 of that Act, the Minister is to develop a cultural policy having for object, in particular, to foster the development of artistic creation and, in the development of the cultural policy, ensure the cooperation of the government departments and bodies or agencies concerned;

WHEREAS the Minister has published an action plan entitled *Pour mieux vivre de l'art* to improve the socio-economic conditions of artists, providing particularly for the protection of dancers during training activities not covered in an employment contract;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission is a legal person;

WHEREAS the Minister has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to the workers covered by this Agreement and the Minister intends to assume the obligations prescribed for employers;

WHEREAS, under section 16 of that Act, a person doing work under a project of any government, whether or not the person is a worker, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS, under that section 16, the second paragraph of section 170 of the Act respecting occupational health and safety applies to such agreement, the effect of

that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1
ENABLING PROVISION

Enabling provision

1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

CHAPTER 2
PURPOSES OF AGREEMENT

Purposes of agreement

2.1 The purposes of this Agreement are to provide for the application of the Act respecting industrial accidents and occupational diseases to the workers concerned and to determine the respective obligations of the Minister and of Commission, on the conditions and to the extent set forth herein.

CHAPTER 3
DEFINITIONS

For the purposes of this Agreement,

“Commission”

(a) Commission means the Commission de la santé et de la sécurité du travail;

“employment”

(b) employment means the employment of a worker as an interpreter in an artistic dance production;

“employment injury”

(c) employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation, within the meaning of the Act;

“Act”

(d) Act means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“Minister”

(e) Minister means the Minister of Culture, Communications and the Status of Women;

“worker”

(f) worker means a person who, under the program appearing in Schedule 1, performs training activities not included in an employment contract for the purpose of maintaining professional competencies. These activities must be structured and supervised by a qualified professional and they do not include activities performed at home, in gymnasiums or fitness centres.

**CHAPTER 4
OBLIGATIONS OF THE MINISTER****Employer**

4.1 The Minister is deemed to be the employer of any worker covered by this Agreement.

Restrictions

Despite the foregoing, that employer-employee relationship is recognized only for the purposes of compensation, assessment and imputation of the cost of benefits under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

Exclusions

The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the Ministère de la Culture, des Communications et de la Condition féminine.

General obligations

4.2 As an employer, the Minister is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents.

Register of accidents

However, the Minister is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

Information

At the request of the Commission, the Minister forwards a description of the activities performed by the worker at the time the employment injury appeared.

Exceptions

4.3 Despite section 4.2, section 32 of the Act pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII respecting the right to return to work do not apply to the Minister.

First aid

The Minister must ensure that first aid is given to a worker suffering an employment injury, in accordance with sections 190 and 191 of the Act, and assume the costs thereof.

Payment of assessment

4.4 The Minister agrees to pay the assessment calculated by the Commission and the fixed administrative costs associated with each financial record.

For the purposes of this Agreement, the Minister is also bound to make periodic payments, in accordance with section 315.1 of the Act.

Assessment

4.5 For assessment purposes, the Minister is deemed to pay to each worker covered annual gross wages, rounded to the next highest multiple of one hundred dollars, established on the basis of the minimum wage in effect on 31 December of the year in which the training activities are performed.

Annual statement

4.6 The Minister sends to the Commission, before 15 March of each year, a statement setting out, in particular, the amount of gross wages deemed paid to the workers during the preceding calendar year.

Register

4.7 The Minister keeps a detailed register of the workers' names and addresses and, on request by the Commission, provides it with the information it needs for the purposes of this Agreement.

Description of programs

4.8 The Minister forwards to the Commission, on the coming into force of this Agreement, a description of the program appearing in Schedule 1.

New program or amendment

Every subsequent amendment to the program appearing in Schedule 1 must be forwarded so as to determine whether it should remain under this Agreement.

CHAPTER 5 OBLIGATIONS OF THE COMMISSION

Worker status

5.1 The Commission considers a worker covered by this Agreement to be a worker within the meaning of the Act.

Indemnity

5.2 A worker who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his or her inability to carry on employment by reason of the injury.

Payment

Despite section 60 of the Act, the Commission pays to such a worker the income replacement indemnity to which the trainee is entitled.

Calculation of indemnity

5.3 For the purposes of calculating the income replacement indemnity, the worker's gross annual employment income is that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury appears.

Financial records

5.4 At the request of the Minister, the Commission opens a special financial record for the program covered by this Agreement.

Programs referred to

The program is classified in the unit of operation: "Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theatre; operating an orchestra, a discomobile, a singing group, theatre company or a theatrical agency; leasing or renting halls; installing equipment for social dances" or, following

subsequent amendments made to that unit of operation after the signing of this Agreement, in a unit corresponding to those program activities.

Applicable rate

5.5 The Commission applies, for the program appearing in Schedule 1, either the specific assessment rate of the unit in which the program is classified, or a personalized assessment rate, provided in the latter case that the Minister satisfies the conditions set out in the Act and its regulations for each assessment year.

CHAPTER 6 MISCELLANEOUS

Monitoring of progress

6.1 Within 15 days following the coming into force of this Agreement, both the Commission and the Minister designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.2 Every notice provided for in this Agreement must be sent to the following addresses:

- (a) Le Secrétaire de la Commission,
Commission de la santé et de la sécurité du travail,
1199, rue de Bleury, 14^e étage,
Montréal (Québec) H3C 4E1
- (b) Le Secrétaire du ministère
Ministère de la Culture, des Communications
et de la Condition féminine
225, Grande-Allée Est, Bloc C, 1^{er} étage
Québec (Québec) G1R 5G5

CHAPTER 7 COMING INTO FORCE, TERM AND CANCELLATION

Effective date

7.1 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety.

Term

The Agreement remains in force until 31 December 2011.

Tacit renewal

7.2 It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.3 In the latter case, the notice must contain the amendments which the party wishes to make.

Renewal

The sending of such notice does not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

CHAPTER 8
AMENDMENT TO AND CANCELLATION OF
AGREEMENT

Non-compliance

8.1 If the Minister fails to comply with any of its obligations, the Commission may request that the Minister remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement by giving notice in writing.

Date

8.2 This Agreement is then cancelled on the date of the notice in writing.

Financial adjustments

8.3 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.

Sum due

Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.4 The parties may, by mutual agreement, amend or cancel this Agreement at any time.

Damages

8.5 In the event of cancellation, neither party must be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

at _____ on this _____ at _____ on this _____

() day of _____ 2010 () day of _____ 2010

 SYLVIE BARCELO,
Deputy Minister
Ministère de la Culture,
des Communications et
de la Condition féminine

 LUC MEUNIER,
Chair of the board of directors
and Chief Executive Officer
Commission de la santé et de
la sécurité du travail

SCHEDULE I TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO
THE AGREEMENT

— Training periods in the workplace

1231

Gouvernement du Québec

O.C. 1198-2010, 15 December 2010

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

Agreement on any program of the Ministère
de la Santé et des Services sociaux

— Implementation

Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Ministère de la Santé et des Services sociaux have entered into an agreement so that persons admitted to programs of the Ministère de la Santé et des Services sociaux may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux was published in Part 2 of the *Gazette officielle du Québec* of 29 September 2010 with a notice that it could be made with or without amendment by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission de la santé et de la sécurité du travail made, with amendments, the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, made by Order in Council 966-2002 dated 21 August 2002;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux;

It is ordered, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

1. The Act respecting occupational health and safety (R.S.Q., c. A-3.001) applies to persons who participate in any program of the Ministère de la Santé et des Services sociaux to the extent and on the conditions provided by the agreement entered into by the Minister of Health and Social Services with the Commission de la santé et de la sécurité du travail attached as Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, made by Order in Council 966-2002 dated 21 August 2002.

3. This Regulation comes into force on 1 January 2011.

SCHEDULE I

AGREEMENT BETWEEN

THE MINISTER OF HEALTH AND SOCIAL SERVICES

AND

THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

WHEREAS, under section 1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister of Health and Social Services has charge of the direction and administration of the Ministère de la Santé et des Services sociaux and of the application of the Acts and regulations respecting health and social services;

WHEREAS, under paragraph *h* of section 3 of the same Act, the Minister must in particular promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under section 10 of the same Act, the Minister may enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of the application of the Act or another Act within the competence of the Minister;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission is a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS, under section 170 of the same Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Minister requires that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to workers covered by this Agreement and he or she intends to assume the obligations prescribed for employers;

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS, under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety applies to the agreement, to wit, that the Commission may, by regulation, put into effect an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

CHAPTER 1.00 ENABLING PROVISION*Enabling*

provision 1.01 This Agreement is entered into under section 16 of the Act respecting occupational health and safety (R.S.Q., c. A-3.001).

CHAPTER 2.00 PURPOSES*Purposes*

2.01 The purposes of this Agreement is to provide to what extent and on what conditions the Act respecting occupational health and safety is to apply to the workers governed and to determine the respective obligations of the Minister and the Commission.

CHAPTER 3.00 DEFINITIONS

3.01 For the purposes of this Agreement,

"service employment

paycheque" (a) "services employment paycheque" means the method of paying for services provided by a worker, which will be managed by Services de paie Desjardins or any other organization called upon to perform that function;

"Commission" (b) "Commission" means the Commission de la santé et de la sécurité du travail;

*"employment"**"injury"*

- (c) "employment injury" means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation within the meaning of the Act;

"Act"

- (d) "Act" means the Act respecting occupational health and safety (R.S.Q., c. A-3.001);

"Minister"

- (e) "Minister" means the Minister of Health and Social Services;

"worker"

- (f) "worker" means a person who provides services to a user, particularly under the program indicated in Schedule 1, and whose remuneration is paid by means of the service employment paycheque;

"user"

- (g) "user" means a user referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) who uses the services of a worker within the meaning of this Agreement.

CHAPTER 4.00 MINISTER'S OBLIGATIONS*Employer*

- 4.01 The Minister is deemed to be the employer of any worker covered by this Agreement.

Restrictions

Despite the foregoing, the employer-employee relationship is recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits under the Act and must not be deemed to be an admission of a factual situation leading itself to interpretation in other fields of activity.

<i>Exclusions</i>		The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the Ministère de la Santé et des Services sociaux, nor of any category of institutions specified in the Act respecting health services and social services or of a regional agency instituted under that Act.
<i>General</i>		
<i>obligations</i>	4.02	As the employer, the Minister is bound by all the obligations imposed by the Act, with the necessary modifications, including the obligation to keep a register of industrial accidents occurring in users' domiciles.
<i>Register</i>		
<i>of accidents</i>		However, in the case of the register of industrial accidents referred to in the first paragraph, the Minister is required to put the register at the disposal of the Commission only.
<i>Information</i>		Upon request by the Commission, the Minister sends a description of the tasks and activities performed by the worker when the employment injury occurred.
<i>Exceptions</i>	4.03	Despite section 4.02, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, as well as Chapter VII concerning the right to return to work, are not applicable to the Minister.
<i>First aid</i>		The Minister must see that first aid is given to a worker suffering from an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.

Payment of

assessment 4.04 The Minister undertakes to pay the assessment calculated by the Commission in accordance with the Act and the regulations thereunder, as well as the fixed administration expenses related to each special envelope.

For the purposes of this Agreement, the Minister is also required to make periodic payments, in accordance with section 315.1 of the Act.

Assessment 4.05 For assessment purposes, the Minister is deemed to pay a salary corresponding to the annual gross employment income paid to the worker by means of the service employment paycheque.

Annual

statement 4.06 Each year before 15 March, the Minister is to send the Commission a statement indicating the amount of annual gross salaries paid to the workers covered by this Agreement during the preceding calendar year.

Register 4.07 The Minister keeps a detailed register of the workers' names and addresses and, upon request by the Commission, provides it with the information it needs for the purposes of this Agreement.

Description

of programs 4.08 The Minister sends the Commission, upon the coming into force of this Agreement, a description of any program appearing in Schedule 1.

New program

or amendment Any new program or any subsequent amendment to a program appearing in Schedule 1 is also to be sent so as to determine whether it should come or remain under this Agreement.

CHAPTER 5.00 COMMISSION'S OBLIGATIONS*Worker*

status 5.01 The Commission considers a worker covered by this Agreement as a worker within the meaning of the Act.

Indemnity

5.02 A worker suffering from an employment injury is entitled to an income replacement indemnity as of the first day following the day the worker became unable to carry on his or her employment by reason of the injury.

Payment

Despite the first paragraph of section 124 of the Act, the Minister pays that worker, as of the fifteenth full day following the day the worker became unable to carry on his or her employment and for all the time of that inability, the income replacement indemnity determined by the Commission, in accordance with the Act.

Advance

However, should the worker's claim be refused by the Commission, the amount paid by the Minister is an advance with respect to the remuneration paid by means of the service employment paycheque.

Reimbursement 5.03 The Commission reimburses the Minister the income replacement indemnity paid by it as of the fifteenth full day following the day the worker became unable to carry on his or her employment and for all the time of that inability, in accordance with the second paragraph of section 5.02, to the extent that the Commission recognizes the worker's entitlement to the payment of that indemnity.

Financial

envelope 5.04 Upon request by the Minister, the Commission allocates a specific financial envelope to each program covered by this Agreement

Program

referred to In the case of the program referred to in Schedule 1, it is classified in the unit of operation "Immovable maintenance services" (77020) or, following amendments made to that unit of operation following the signing of this Agreement, in a unit corresponding to those activities.

Other programs The Commission may allocate to any new program covered by this Agreement an envelope classified according to the rate of a unit corresponding to the activities included in that new program.

Applicable rate 5.05 The Commission fixes for the program provided for in the second paragraph of section 5.04 either the specific assessment rate of the unit, or a personalized assessment rate, provided in the latter case that the Minister meets the conditions of the Act and its regulations for each assessment year.

Other programs The foregoing also applies to any new program covered by this Agreement.

Retrospective

adjustment The Commission also carries out the retrospective adjustment of the annual assessment applicable to the Minister, provided that the Commission meets the conditions of the Act and its regulations for the assessment year.

CHAPTER 6.00 MISCELLANEOUS

Follow-up 6.01 Both the Commission and the Minister designate, within 15 days of the coming into force of this Agreement, a person responsible for the follow-up of this Agreement.

Addresses

of notices 6.02 Any notice required by this Agreement is to be sent to the Commission or Minister at the following addresses:

- a) Le Secrétaire de la Commission

Commission de la santé et de la sécurité du travail

1199, rue de Bleury, 14^e étage

Montréal (Québec) H3C 4E1;

- b) Le Secrétaire du ministère
Ministère de la Santé et des Services sociaux
1075, chemin Sainte-Foy
Québec (Québec) G1S 2M1.

CHAPTER 7.00 COMING INTO FORCE, TERM AND TERMINATION

- Effective date* 7.01 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.
- Term* It remains in force until 31 December 2011.
- Tacit renewal* 7.02 This Agreement will be renewed tacitly from one calendar year to the next, unless one of the parties sends the other a notice by registered or certified mail indicating that it intends to terminate the Agreement or to make amendments thereto, at least 90 days before the Agreement expires.
- Amendment* 7.03 In the latter case, the notice must include the amendments that the party intends to make.
- Renewal* Sending such a notice does not prevent the tacit renewal of this Agreement for one year. If the parties disagree on the amendments to be made, the Agreement comes to an end, without further notice, at the end of that renewal period.

CHAPTER 8.00 CANCELLATION OF THE AGREEMENT

Default 8.01 If the Minister fails to respect any of his or her obligations, the Commission may ask the Minister to rectify the default within the time set by it. If the situation is not rectified within the prescribed time, the Commission may cancel this Agreement unilaterally, upon written notice.

Date 8.02 The Agreement is then cancelled on the date on which the written notice is sent.

Financial

adjustments 8.03 In the event of cancellation, the Commission makes the financial adjustments taking into account the amounts payable under this Agreement.

Amount due Any amount due following those financial adjustments is payable on the due date specified on the notice of assessment.

Common

agreement 8.04 The parties may cancel this Agreement at any time if they both agree thereto.

Damages 8.05 In the event of cancellation, neither party may be obliged to pay damages or any other form of indemnity or fees to the other party.

IN WITNESS WHEREOF, the parties have signed

at _____ on this _____

at _____ on this _____

() day of _____ 2010

() day of _____ 2010

JACQUES COTTON
*Deputy Minister
Ministère de la Santé et
des Services sociaux*

LUC MEUNIER
*Chair of the board of directors and
Chief Executive Officer
Commission de la santé et de
la sécurité du travail*

SCHEDULE 1 TO THE AGREEMENT

Program covered by the agreement

— Direct allowance program for home services.

1230

Gouvernement du Québec

O.C. 1199-2010, 15 December 2010

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

Agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec — Implementation

Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Société de l'assurance automobile du Québec have entered into an agreement so that victims of car accidents for whom the Société adopts rehabilitation measures including a training period may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec was published in Part 2 of the *Gazette officielle du Québec* of 29 September 2010 with a notice that it could be made with or without amendment by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission de la santé et de la sécurité du travail made, with amendments, the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec, made by Order in Council 408-96 dated 27 March 1996;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons doing non-remunerated work within the context of rehabilitation measures adopted by the Société de l'assurance

automobile du Québec on the conditions and to the extent provided for in an agreement between the Société and the Commission de la santé et de la sécurité du travail, appearing in Schedule 1.

2. This Regulation replaces the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec made by Order in Council 408-96 dated 27 March 1996.

3. This Regulation comes into force on 1 January 2011.

SCHEDULE 1

AGREEMENT REGARDING WORK DONE WITHIN THE CONTEXT OF REHABILITATION MEASURES ADOPTED BY THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

BETWEEN

THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE
DU QUÉBEC

AND

THE COMMISSION DE LA SANTÉ ET
DE LA SÉCURITÉ DU TRAVAIL

PURSUANT TO SECTION 16 OF THE ACT
RESPECTING INDUSTRIAL ACCIDENTS AND
OCCUPATIONAL DISEASES

WHEREAS the Commission is, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of a legal person and the special powers conferred upon it by that Act;

WHEREAS the Commission may, under section 170 of the same Act, make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Société is, under section 4 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., c. S-11.011), a legal person within the meaning of the Civil Code of Québec;

WHEREAS the Société may, under section 17 of the Act respecting the Société de l'assurance automobile du Québec, enter into any agreement for the application of the Automobile Insurance Act (R.S.Q., c. A-25);

WHEREAS the Société petitions that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to certain trainees and intends to take on the employer's obligations including those relating to assessments owing;

WHEREAS section 16 of the said Act stipulates that a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS the said section 16 provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, that is to say that the Commission must proceed by regulation to give effect to an agreement extending benefits arising out of the Acts and regulations that it administers;

THEREFORE THE PARTIES AGREE TO THE FOLLOWING:

CHAPTER 1 ENABLING PROVISIONS

Enabling provisions

1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

CHAPTER 2 PURPOSE

Purpose

2.1 The purpose of this Agreement is to provide, on the conditions and to the extent provided for herein, for the application of the Act respecting industrial accidents and occupational diseases to trainees of the Société and to determine the obligations of the Société and the Commission.

CHAPTER 3 DEFINITIONS

For the purposes of this Agreement,

“Commission”

(a) Commission means the Commission de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

“employment”

(b) employment means the employment that the trainee held when he suffered an employment injury;

“establishment”

(c) establishment means an establishment within the meaning of the Act respecting occupational health and safety;

“educational institution”

(d) educational institution means a body providing training programs under the Education Act (R.S.Q., c. I-13.3), the General and Vocational Colleges Act (R.S.Q., c. C-29) or the Act respecting private education (R.S.Q., c. E-9.1), or a university establishment;

“employment injury”

(e) employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“Act”

(f) Act means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“Société”

(g) Société means the Société de l'assurance automobile du Québec, established under section 1 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., c. S-11.011);

“trainee”

(h) trainee means a person who carries out non-remunerated work within the context of rehabilitation measures adopted by the Société and

(a) receives or would be entitled to receive from the Société, when he suffers an employment injury, a full income replacement indemnity;

(b) is not a person serving a non-remunerated training session under the responsibility of an educational institution.

CHAPTER 4**OBLIGATIONS OF THE SOCIÉTÉ****Employer**

4.1 The Société is deemed to be the employer of any trainee covered by this Agreement.

Restrictions

Despite the foregoing, the employee-employer relationship is recognized as such only for assessment and indemnification purposes under the Act and is not considered to be an admission of a factual situation lending itself to interpretation in other fields of activity.

General obligations

4.2 As the employer, the Société is bound, with the necessary modifications, by all the obligations provided for in the Act, including the obligation to keep a register of work accidents that happen in establishments where the trainees are present as well as the obligation to notify the Commission, on the form prescribed by the Commission, that, due to an employment injury, a trainee is unable to carry on the work he was doing within the context of the rehabilitation measures adopted.

Register of accidents

Despite the foregoing, in the case of the register of accidents referred to in the preceding paragraph, the Société is bound to place the register only at the disposal of the Commission.

Information

Upon request by the Commission, the Société provides a description of the tasks or activities carried out by the trainee at the time he suffers an employment injury.

Exceptions

4.3 Despite section 4.2, section 32 of the Act pertaining to certain prohibited actions, sections 179 and 180 regarding the temporary assignment of work and Chapter VII concerning the right to return to work are not applicable to the Société.

First aid

Although the Société is not itself bound to give first aid to a trainee who has suffered an employment injury, in accordance with sections 190 and 191 of the Act, the Société must see to it that any necessary first aid is given and assume the costs thereof.

Payment of the assessment

4.4 The Société undertakes to pay the assessment calculated by the Commission in accordance with the Act and the regulations thereunder, as well as the fixed administration expenses related to the special envelope.

For the purposes of this Agreement, the Société is, in addition, bound to make periodic payments in accordance with section 315.1 of the Act.

Minimum

4.5 For assessment purposes, the Société is deemed to pay wages equal to the full income replacement indemnity to which the trainee is entitled for the duration of his or her training session.

Annual statement

4.6 The Société must send to the Commission, before 15 March each year, a statement indicating, in particular, the amount of the gross annual income paid to trainees during the preceding calendar year, calculated on the basis of the duration of their training session.

Register

4.7 The Société must keep a detailed register of the names and addresses of trainees, as well as the name and address of the employer offering each training session.

Availability

The Société must make the register available to the Commission if the latter so requires.

**CHAPTER 5
OBLIGATIONS OF THE COMMISSION****Status of worker**

5.1 The Commission considers a trainee of the Société to be a worker within the meaning of the Act.

Indemnity

5.2 A trainee who has suffered an employment injury is entitled to receive an income replacement indemnity from the Commission from the cessation of the right to receive a full income replacement indemnity from the Société.

Determination of indemnity

5.3 For the purpose of determining an income replacement indemnity, the trainee's gross annual employment income is the full income replacement indemnity paid by the Société.

Special envelope

5.4 The Commission allocates a special envelope to the unit corresponding to the "Operation of an Adapted Enterprise; Operation of a Rehabilitation Workshop" or, as the case may be, following amendments subsequent to the signing of this Agreement, to the corresponding unit.

**CHAPTER 6
MISCELLANEOUS****Follow-up of the Agreement**

6.1 Both the Société and the Commission must, within 15 days of the coming into force of this Agreement, appoint a person in charge of follow-up.

Addresses of notices

6.2 Any notice provided for in this Agreement must be sent to the following addresses:

- (a) Secretary of the Société
Société de l'assurance automobile du Québec
333, boulevard Jean-Lesage
Québec (Québec) G1K 8J6
- (b) Secretary of the Commission
Commission de la santé et de la sécurité du travail
1199, rue De Bleury, 14^e étage
Montréal (Québec) H3C 4E1

**CHAPTER 7
COMING INTO FORCE AND TERM
OF THE AGREEMENT****Coming into force**

7.1 This Agreement takes effect on the date of the coming into force of the regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.

Term

This Agreement remains in force until 31 December 2011.

Automatic renewal

7.2 After that date, the Agreement is renewed automatically from one calendar year to the next, except where one of the parties sends to the other party, by registered or certified mail at least 90 days before the end of the term, a notice to the effect that the party concerned would like to cancel or amend the Agreement.

Amendments

7.3 In the latter case, the notice must contain the amendments that the party concerned would like to see made.

Renewal

The sending of such a notice does not prevent the automatic renewal of this Agreement for a period of one year. If the parties do not agree on the amendments to be made to this Agreement, the Agreement ends, without further notice, at the end of the period of automatic renewal.

CHAPTER 8

CANCELLATION OF THE AGREEMENT

Failure

8.1 The Commission may, if the Société fails to fulfill any of its obligations, ask it to correct the situation within the time set by the Commission. In the absence of such correction within the time allotted, the Commission may unilaterally cancel this Agreement by giving written notice.

Date

The Agreement is then cancelled from the date on which the written notice is sent.

Financial adjustments

8.2 In the event of cancellation, the Commission makes the financial adjustments taking into account the amounts payable under this Agreement.

Amount owing

Any amount owing after the financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual consent

8.3 The parties may, at any time, cancel this Agreement by mutual consent.

Damages

8.4 In the event of cancellation, neither party may be obliged to pay damages, interest or any other form of compensation or costs to the other party.

IN WITNESS WHEREOF, the parties have signed

At _____ on _____ At _____ on _____
() day of _____ 2010. () day of _____ 2010.

NATHALIE TREMBLAY, FCA
*President and chief
executive officer
Société de l'assurance
automobile du Québec*

LUC MEUNIER,
*Chairman of the board and
chief executive officer
Commission de la santé et
de la sécurité du travail*

1229

Index

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

	Page	Comments
Agreement on any program of the Ministère de la Santé et des Services sociaux — Implementation (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3859B	N
Agreement on the professional dance training program — Implementation (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3854B	N
Agreement regarding the programs of the Office franco-québécois pour la jeunesse — Implementation (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3843B	N
Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse — Implementation (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3849B	N
Agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec — Implementation (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3872B	N
Occupational health and safety, An Act respecting... — Agreement on any program of the Ministère de la Santé et des Services sociaux — Implementation (R.S.Q., c. S-2.1)	3859B	N
Occupational health and safety, An Act respecting... — Agreement on the professional dance training program — Implementation (R.S.Q., c. S-2.1)	3854B	N
Occupational health and safety, An Act respecting... — Agreement regarding the programs of the Office franco-québécois pour la jeunesse — Implementation (R.S.Q., c. S-2.1)	3843B	N
Occupational health and safety, An Act respecting... — Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse — Implementation (R.S.Q., c. S-2.1)	3849B	N
Occupational health and safety, An Act respecting... — Agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec — Implementation (R.S.Q., c. S-2.1)	3872B	N

