

**Gazette**  
officielle  
**DU Québec**

**Part**

**2**

**No. 6**

11 February 2015

**Laws and Regulations**

Volume 147

**Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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### Contents

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- (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 (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 19 NOVEMBER 2014

## OFFICE OF THE LIEUTENANT-GOVERNOR

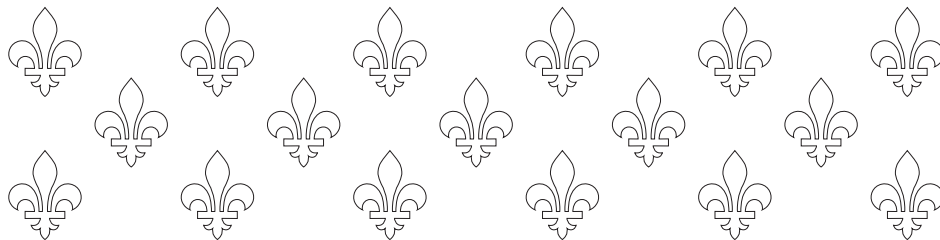
*Québec, 19 November 2014*

This day, at two minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 12 An Act respecting the implementation of recommendations by the pension committee of certain pension plans in the public sector and amending various legislative provisions

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 12  
(2014, chapter 11)

**An Act respecting the implementation of  
recommendations by the pension  
committee of certain pension plans in  
the public sector and amending various  
legislative provisions**

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**Introduced 30 September 2014  
Passed in principle 8 October 2014  
Passed 18 November 2014  
Assented to 19 November 2014**

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Québec Official Publisher  
2014

## EXPLANATORY NOTES

*This Act amends various Acts establishing pension plans in the public sector, in particular in response to certain recommendations made by the pension committees. Also, a number of technical amendments are made to the pension plans to reflect changes to certain conditions of employment of the plan members.*

*In addition, the Act maintains the provisions overriding section 15 of the Constitution Act, 1982, found in the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Teachers Pension Plan (chapter R-11);
- Act respecting the Civil Service Superannuation Plan (chapter R-12);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).



## **Bill 12**

### **AN ACT RESPECTING THE IMPLEMENTATION OF RECOMMENDATIONS BY THE PENSION COMMITTEE OF CERTAIN PENSION PLANS IN THE PUBLIC SECTOR AND AMENDING VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS**

**1.** The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

#### **ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES**

**2.** Section 9 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “employee on adoption leave” in the third paragraph by “employee on paternity or adoption leave” and by replacing “adoption leave for” in that paragraph by “such leave for”.

**3.** Section 42.1.1 of the Act is amended by replacing “an adoption leave” by “a paternity or adoption leave”.

#### **ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

**4.** Section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “and, for the purposes of section 147, the criteria and conditions subject to which the Commission may remit any amount owed to it;” in subparagraph 16 of the first paragraph by “and, for the purposes of the third paragraph of section 147, the cases in and conditions subject to which the Commission remits any amount of pension or pension credit, or any excess reimbursement of contributions or actuarial value, owed to the Commission where the amount was paid before the expiry of the time limit specified in subparagraphs 1 and 2 of the second paragraph of that section;”.

**5.** Section 147 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Commission shall also remit, in the cases and subject to the conditions determined by regulation of the Government, any amount of pension or pension credit, or any excess reimbursement of contributions or actuarial value, owed to the Commission where the amount was paid before the expiry of the time limit specified in subparagraphs 1 and 2 of the second paragraph.”

**6.** Section 147.0.5 of the Act is amended by inserting “the regulatory provisions made under the third paragraph of that section,” after “section 147.”.

**7.** The Act is amended by inserting the following section after section 184:

**“184.1.** Sections 100.6 to 100.8 of the Labour Code (chapter C-27) apply to the arbitration provided for in this chapter.

Articles 307 and 308 of the Code of Civil Procedure (chapter C-25) apply to the witnesses heard in the arbitration.”

**8.** The second paragraph of section 223.1 of the Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

#### ACT RESPECTING THE TEACHERS PENSION PLAN

**9.** The second paragraph of section 78.1 of the Act respecting the Teachers Pension Plan (chapter R-11) is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**10.** The second paragraph of section 114.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is again enacted and therefore reads as follows:

“Sections 56 and 84 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

## ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**11.** Section 10 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing the second sentence of the last paragraph by the following sentence: “When the contributions relating to a period of absence without pay have not been paid, that period of absence is not taken into account for that additional period, even if that period of absence was redeemed under section 38.”

**12.** Section 25 of the Act is amended by replacing “employee on adoption leave” in the third paragraph by “employee on paternity or adoption leave” and by replacing “adoption leave for” in that paragraph by “such leave for”.

**13.** Section 43.1 of the Act is amended by replacing “an adoption leave” by “a paternity or adoption leave”.

**14.** The Act is amended by inserting the following section after section 196.23:

“**196.23.1.** Sections 100.6 to 100.8 of the Labour Code (chapter C-27) apply to the arbitration provided for in this chapter.

Articles 307 and 308 of the Code of Civil Procedure (chapter C-25) apply to the witnesses heard in the arbitration.”

**15.** The second paragraph of section 211 of the Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

## MISCELLANEOUS AND FINAL PROVISIONS

**16.** The first amendment to section 7 of the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) enacted after this Act has been assented to may have effect from a date not prior to 1 January 2013.

**17.** Sections 2 and 3 of this Act have effect from 13 March 2011, section 11 has effect from 1 January 2013, and sections 12 and 13 have effect from 29 May 2012.

**18.** This Act comes into force on 19 November 2014, except sections 1, 8, 9, 10 and 15, which come into force on 1 January 2015.



## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 26-2015, 28 January 2015**

#### **An Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17)**

##### **— Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act to amend the Election Act to encourage and facilitate voting

WHEREAS the Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17) was assented to on 14 June 2006;

WHEREAS, under section 39 of the Act, it comes into force on 14 June 2006, except the provisions of sections 2, 3, 4 and 13, section 14 insofar as it enacts the words “and including particulars about voting in the advance poll and at the returning officer’s office” in the first paragraph of section 227, section 15 insofar as it enacts subparagraph 1 of the first paragraph and the second and third paragraphs of section 262, sections 263 to 280, section 297, the second paragraph of section 301.18 and sections 301.19 to 301.22, section 19 insofar as it enacts the words “and at the returning officer’s office” in the first paragraph of section 327 and sections 21 and 24, which come into force on the date or dates to be set by the Government. However, such a date may not be set before a recommendation to that effect is obtained from the Chief Electoral Officer, stating that all preparations needed for the implementation of those provisions have been made and that the provisions may therefore come into force;

WHEREAS the Chief Electoral Officer has stated that all preparations needed for the coming into force of sections 2, 4, 13, 14 insofar as it enacts the words “and including particulars about voting in the advance poll and at the returning officer’s office” in the first paragraph of section 227 and 24 have been made and that those provisions may therefore come into force as of 28 January 2015;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Access to Information and the Reform of Democratic Institutions:

THAT the date of coming into force of sections 2, 4, 13, 14 insofar as it enacts the words “and including particulars about voting in the advance poll and at the returning officer’s office” in the first paragraph of section 227 and 24 of the Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17) be set at 28 January 2015.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 43-2015, 28 January 2015

Optometry Act  
(chapter O-7)

#### **Optometric assistants — Acts that may be performed by optometric assistants**

Regulation respecting the acts that may be performed  
by optometric assistants

WHEREAS, under subparagraph *a* of the first paragraph of section 10 of the Optometry Act (chapter O-7), the board of directors of the Ordre des optométristes du Québec must, by regulation, determine among the acts contemplated by section 16 of the Act those which, under certain prescribed conditions, may be performed by classes of persons other than optometrists;

WHEREAS, in accordance with the second paragraph of section 10 of the Act, the Ordre des optométristes du Québec consulted the Office des professions du Québec and the Ordre des opticiens d'ordonnances du Québec before making the Regulation respecting the acts that may be performed by optometric assistants;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the acts that may be performed by optometric assistants was published in Part 2 of the *Gazette officielle du Québec* of 11 December 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it with its recommendation to the Government;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the acts that may be performed by optometric assistants, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

#### **Regulation respecting the acts that may be performed by optometric assistants**

Optometry Act  
(chapitre O-7, s.10, 1<sup>st</sup> ss., par. *a*)

**1.** The purpose of this Regulation is to determine, among the acts that may be performed by optometrists under section 16 of the Optometry Act (chapter O-7), those which, pursuant to certain prescribed conditions, may be performed by optometric assistants.

**2.** For the purposes of this regulation, “optometric assistant” means any person who is entered before 26 February 2017 in a register kept by the Ordre des optométristes du Québec after satisfying the conditions of paragraphs (1) or (2):

(1) successful completion of the following training no later than during the year preceding his entry in the register:

*a)* a training program in fitting ophthalmic eyeglasses for optometric assistants that includes a minimum of 72 hours divided up as follows:

*i.* not less than 20 hours of introductory optometric science, particularly concerning the anatomy and the physiology of the eye, refractive errors and their correction methods;

*ii.* not less than 52 hours of fitting techniques, particularly concerning the parameters necessary for the execution of an optical prescription, the taking of measurements, the adjustment and adaptation of frames, the effects of fitting on patient vision and comfort, as well as the general activities engaged in when delivering ophthalmic eyeglasses;

*b*) a comprehensive test, which comprises a theoretical component and a practical component, of the subjects taught in the training program contemplated by subparagraph *a*.

(2) acquisition of the equivalent of three years of full-time work experience under the supervision of an optometrist or a dispensing optician during the five years preceding his entry in the register and the successful completion of the test contemplated by subparagraph *b* of paragraph (1) no later than during the year preceding his entry in the register.

The Board of Directors of the Order approves a training program that meets the requirements contemplated by subparagraph *a* of paragraph (1).

**3.** Optometric assistants may perform the following acts:

(1) make the final selection of glass frames with a patient, following the instructions of an optometrist or a dispensing optician;

(2) take the measurements required for the purposes of ordering eyeglass frames or the lenses that will be inserted in them, provided these measurements are verified by an optometrist or a dispensing optician;

(3) fit eyeglass frames containing lenses, following the instructions of an optometrist or a dispensing optician;

(4) perform a basic verification of the visual and physical comfort of patients after a lens is inserted in eyeglass frames.

Whenever they perform these acts, optometric assistants must act under the supervision of an optometrist or a dispensing optician who is responsible for them and available on site to intervene with patients within a short period of time. Patients must also be informed of the identity of the responsible optometrist or dispensing optician and the possibility of consulting this professional at their request. They must also be informed of the identity of the optometric assistant.

**4.** Any person enrolled in a training program for optometric assistants or admitted to the test contemplated by section 2 may perform, pursuant to section 3, the acts that may be performed by optometric assistants, provided they are required for the purposes of completing the program or the test.

**5.** This Regulation comes into force on 26 February 2015.

Gouvernement du Québec

**O.C. 57-2015**, 28 January 2015

An Act respecting occupational health and safety (chapter S-2.1)

**Safety Code for the construction industry**  
— **Amendment**

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 8, 9, 14, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of the section, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 9 April 2014 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 20 November 2014;

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

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*



## Regulation to amend the Safety Code for the construction industry

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 8, 9, 14, 19, 41, 42, and 2nd and 3rd pars.)

**1.** The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1

(1) by replacing “emmagasinés” at the end of paragraph 13 in the French text by “entreposés”;

(2) by striking out paragraph 13.1;

(3) by inserting the following after paragraph 18:

“(18.1) “explosives” means any substance fabricated, manufactured or used to produce an explosion or a detonation, such as gunpowder, blasting powder, dynamite, an explosive in solution, aqueous gelatin, a blasting agent or a blasting accessory;”;

(4) by inserting the following after paragraph 25:

“(25.01) “dike” means a sandbag barricade, an earth mound or the equivalent located less than 50 cm from the depot and whose height is at least equal to the depot;”;

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

“(37) “loading area” means space that includes the place where workers load the drill holes, drill holes loaded or being loaded and any space occupied by the material and equipment necessary for the loading;

(38) “blasting area” means a place or space that presents a projection or blast hazard to a person or where a hazard exists because of the effects of the blasting.”.

**2.** Section 4.1.1 is amended by replacing paragraph *d* by the following:

“(d) the instructions in French for the safe storage, handling, use and destruction of the explosive.”.

**3.** Section 4.1.2 is amended by striking out “and accessories”.

**4.** Section 4.1.3 is amended by striking out “, detonators, electric blasting caps and detonating relays”.

**5.** Section 4.1.4 is amended

(1) by striking out “or blasting accessories”;

(2) by replacing “recommendations” by “instructions”.

**6.** Section 4.1.5 is replaced by the following:

“**4.1.5.** It is prohibited to use an explosive that has reached its freezing point, unless the manufacturer’s instructions allow such use.”.

**7.** Section 4.1.6 is amended by striking out “, detonator, electric blasting cap or other blasting accessory”.

**8.** Section 4.1.7 is replaced by the following:

“**4.1.7.** An employer must ensure that no one smokes, brings a flame, a substance or material likely to increase the risk of explosion or fire within 8 m from any place where explosives are present”.

**9.** Section 4.1.8 is replaced by the following:

“**4.1.8.** An employer must ensure that

(a) explosives are handled and used in accordance with the manufacturer’s instructions;

(b) explosives that are brought on the site correspond to the quantities required to carry out the blasting for one workday;

(c) explosives not used to carry out blasting are stored in a depot designed for that purpose;

(d) explosives are not transported by hand at the same time as detonators or other blasting accessories.”.

**10.** Section 4.1.9 is replaced by the following:

“**4.1.9.** When there is a risk of accidental blasting by electric induction, caused notably by a radio frequency transmitter or a power line, the employer must favour a non-electrical priming method.

If the employer nonetheless carries out blasting using an electrical priming method, the employer must take all the safety measures required, including the following:

(a) inform the Commission, before the work begins, of the safety measures agreed upon with public utilities where the blasting is near a power line of 125,000 V or more;

(b) place, 300 m around the loading area, signs requiring drivers to turn off the radio transmitter of their vehicle;

(c) isolate electrical circuits and make sure that the detonator leg wires are twisted together when the detonator is inserted in the firing point;

(d) make sure that all equipment emitting radio, electric or magnetic waves

i. are turned off within 15 m around the loading area before the electric detonator is assembled with the lead wires

ii. comply with the distances recommended in the Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators, published by the Institute of Makers of Explosives (Safety Library).”

**11.** The following is inserted after section 4.1.9:

“**4.1.10.** Fireworks, igniter cords, military devices and safety fuses may not be used on a construction site.

Despite section 295 of the Regulation respecting occupational health and safety, this section does not apply to an establishment as defined in section 1 of the Act respecting occupational health and safety.

**4.1.11.** Nothing in this Regulation exempts a person from the obligation to comply with the requirements of any applicable act or regulation, particularly with regard to the acquisition, possession, storage, transportation or delivery, handling, use and sale of explosives.

In the event of inconsistency between a provision of this Regulation and a provision of another act or regulation, the stricter standard is to apply.”

**12.** Section 4.2.1 is replaced by the following:

“**4.2.1. Shot-firer:** A person who carries out blasting must hold a shot-firer’s certificate issued by the Commission or a body recognized by it.

The certificate is issued until the date of expiry of the general permit held under the Act respecting explosives (chapter E-22) by the shot-firer. The certificate is renewed upon request by its holder as long as renewal of the general permit is granted.

**4.2.1.1.** A shot-firer must be in possession of the original of his or her certificate during blasting operations.”

**13.** Section 4.2.2 is replaced by the following:

“**4.2.2.** A shot-firer may not receive assistance from more than 2 workers who are not certificate holders.”

**14.** Section 4.2.3 is replaced by the following:

“**4.2.3.** In addition to holding a general permit, a candidate for a shot-firer’s certificate must

(a) be 18 years of age and older;

(b) provide a document certifying that the candidate’s character, knowledge and experience make the candidate competent to handle explosives; and

(c) pass the written examination prepared by the Commission with a mark of at least 80%.

Unless the Commission has suspended or revoked the certificate it issued to the shot-firer, a shot-firer holding a certificate issued by a competent authority in another province or a territory of Canada and recognized by the Commission as equivalent to the certificate issued under this Division is not required to undergo the examination provided for in subparagraph *c* of the first paragraph.”

**15.** Sections 4.2.4, 4.2.5 and 4.2.6 are revoked.

**16.** Section 4.2.9 is replaced by the following:

“**4.2.9.** The Commission may suspend or revoke a certificate if the shot-firer

(a) has been the subject, in his or her work, of a remedial order under section 182 of the Act respecting occupational health and safety or of an order under section 186 of that Act, by reason of his or her refusal to comply with the Act or this Regulation;

(b) is found guilty of an offence under section 236 of the Act respecting occupational health and safety in relation to this Division;

(c) no longer holds a general permit issued under the Act respecting explosives (chapter E-22).

The Commission must notify the shot-firer in writing of the suspension or revocation of the certificate.

**4.2.10.** The Commission must revoke a certificate if the shot-firer is found guilty of an offence under section 237 of the Act respecting occupational health and safety in relation to this Division.

The Commission must notify the shot-firer in writing of the revocation of the certificate.

**4.2.11.** An employer must ensure that a worker who acts as shot-firer holds a certificate.”

**17.** Section 4.3.1 is replaced by the following:

“**4.3.1.** An employer must make sure that a vehicle transporting explosives is in good working order and allows for the safe transportation of explosives, in particular in compliance with the following standards:

(a) the display of safety marks in accordance with the Transportation of Dangerous Goods Regulations (SOR/2001-286);

(b) the part of the vehicle containing explosives must be isolated, fireproof, in compliance with section 45 of the Regulation under the Act respecting explosives (chapter E-22, r. 1) and locked at all times except during the loading or unloading of explosives;

(c) the metal parts likely to come into contact with explosives or their wrapping during transportation must be covered with a material to prevent such contact;

(d) the installation of a tracking and communication system, for a vehicle carrying 2,000 kg or more of explosives, that makes it possible at all times to locate the vehicle and to communicate with its driver. The employer must make sure that a person is in charge of locating and communicating with the driver at all times during the transportation of explosives, as well as alerting police services in case of emergency.

The tracking and communication system provided for in subparagraph *d* must be installed not later than 26 February, 2018.

**4.3.1.1.** An employer must subject the vehicle referred to in section 4.3.1 to a mechanical inspection once a year and remedy without delay the failures observed during such inspection.

Inspection of a vehicle carried out by a holder of a certificate of competency issued under the Highway Safety Code, in the context provided for in the Code or its regulations or under another Act or regulation, stands in lieu of the annual inspection referred to in the first paragraph. Otherwise, the inspection must be carried out by a mechanic whose competency is equivalent to that of the holder of a certificate of competency issued under the Highway Safety Code.

The employer must keep proof that the vehicle has been inspected.

**4.3.1.2.** An employer must ensure that objects other than explosives are not transported with the explosives, unless they are stored, or separated from the explosives, in a way that reduces the risk of ignition to a minimum.

Despite the first paragraph, it is prohibited to transport diesel fuel, gasoline or other flammable products with explosives.”.

**18.** Section 4.3.2 is replaced by the following:

“**4.3.2.** During loading and unloading, the employer must ensure that the driver is accompanied by a person who is responsible for watching over the explosives.”.

**19.** Section 4.3.3 is replaced by the following:

“**4.3.3.** Where detonators are transported with explosives, the employer must make sure that they are stored separately in a compartment of the vehicle that is completely closed and does not communicate with the part of the vehicle that contains the explosives.

The compartment wall that separates the detonators from the explosives must be as high as the roof and be made of solid wood 150 mm thick or of a material that prevents the explosion of the detonators for at least 1 hour in case of fire.”.

**20.** Section 4.3.4 is revoked.

**21.** Section 4.3.5 is replaced by the following:

“**4.3.5.** Every vehicle transporting explosives must be equipped with 2 portable fire extinguishers graded and classified: 4-A:40-B:C and complying with the standards in section 3.4.4.

The employer must ensure that the driver is capable of using the fire extinguishers.”.

**22.** Section 4.3.6 is revoked.

**23.** Section 4.3.7 is replaced by the following:

“**4.3.7. Loading and unloading:** During the loading or unloading of explosives in a vehicle, the employer must ensure that all the safety measures required to eliminate the risk of accidental blasting are taken. The employer must make sure, in particular, that

(a) the vehicle’s engine is not running;

(b) the loading or unloading takes place without interruption and with care, except in the case of bulk explosives.

Once the explosives are unloaded, the employer must make sure that every explosive is stored in a depot, as soon as possible, unless the vehicle constitutes a depot covered by a magazine permit within the meaning of section 38 of the Regulation under the Act respecting explosives (chapter E-22, r. 1).”.

**24.** Section 4.3.10 is replaced by the following:

**“4.3.10. Vehicle equipped with a radio transmitter:** When detonators are not in their original packing, the employer must make sure that the radio frequency transmitter is not in use unless the detonators are not electrical or are contained in a closed metal case lined with a material not likely to produce sparks.”

**25.** Sections 4.3.11 and 4.3.12 are revoked.

**26.** The following is inserted after section 4.3.12:

**“4.3.13.** Where explosives are transported outside motor roads using a means other than a vehicle referred to in this subdivision, the employer must ensure that

(a) the quantity of explosives transported does not exceed the quantity required for the blasting;

(b) the explosives are contained in a chest that has no material inside that could produce sparks;

(c) detonators are transported separately from the explosives, either in another chest, or in the same chest if it is equipped with a safe partition;

(d) if applicable, the additional quantity of fuel necessary for the transportation is properly separated from the chests containing the detonators and explosives.”

**27.** Section 4.4.1 is replaced by the following:

**“4.4.1.** On a construction site, the employer must make sure that an explosive depot meets the following safety standards:

(a) conform to the standards of the Regulation under the Act respecting explosives (chapter E-22, r. 1);

(b) be laid out so as to comply with the distances established in the standard *Explosives – Quantity Distances*, BNQ 2910-510, or in the table in Schedule 2.3;

(c) be used exclusively for the storage of explosives or blasting accessories;

(d) be locked;

(e) be under the employer’s supervision and responsibility;

(f) be kept clean inside, be coated or covered in such a way that no iron or steel is left uncovered and no particle of rough iron, steel or any similar substance may become loose or come into contact with the explosives contained in the depot;

(g) be of the colour white, aluminum or red with the word EXPLOSIVES written on all visible sides, in contrasting colours at least 150 mm high.

**4.4.1.1.** A construction site chest used as an explosive depot may not contain more than 227 kg of explosives.

The chest may be kept without dike. However, it must be kept at least 15 m from any building, meeting place or road.

If there is more than one chest, each chest must be protected from the others by dikes and comply with the standards prescribed in column 3 of Schedule 2.3.

**4.4.1.2.** Where a truck is used to temporarily store the explosives required for a workday, the employer must ensure that the following standards are met:

(a) the quantity of explosives stored may not exceed 800 kg;

(b) the vehicle is covered by a magazine permit within the meaning of section 38 of the Regulation under the Act respecting explosives (chapter E-22, r. 1);

(c) the vehicle is equipped with an automatic fire suppression system, with dry chemicals, complying with AS 5062-2006 standard Fire Protection for Mobile and Transportable Equipment, published by Standards Australia;

(d) during blasting, the truck must be kept in a safe place, outside the blasting area, under the constant supervision of a person holding a general permit issued under the Act respecting explosives (chapter E-22).

**4.4.1.3.** During working hours, if it is impossible to conform to the distances provided for in paragraph *b* of section 4.4.1, the employer may store the explosives required for a workday in a construction site chest or an explosive transportation truck in compliance with the quantity and distance standards provided for in section 4.4.1.1 or 4.4.1.2, as the case may be.”

**28.** Section 4.4.3 is replaced by the following:

**“4.4.3. Dangerous substances:** Any flammable substance and any product likely to cause a fire or explosion must be handled and stored in compliance with the measures prescribed in section 3.16.10, away from any explosive depot.”

**29.** Section 4.4.4 is replaced by the following:

**“4.4.4.** Every detonator must be stored in a depot separate from the explosive depot. No dike is required around that depot, which must be at least 8 m from any other explosive depot.”

**30.** Section 4.4.6 is revoked.

**31.** Section 4.4.7 is replaced by the following:

“**4.4.7.** In a depot, explosives and their packages must be stored safely, in particular by

(a) limiting the height of piles so as to prevent explosives from tipping over;

(b) keeping sufficient space between the explosive piles, walls, roof and ventilation openings, so as to maintain proper air circulation;

(c) not opening packages or wooden containers closed with metal ties or strips. The other types of packaging or containers may be opened, one at a time, for inspection purposes or to remove the explosives;

(d) storing only explosive packages or containers that are clean, dry and free of small abrasive materials or any contamination.”

**32.** Section 4.4.9 is replaced by the following:

“**4.4.9.** At the end of a workday, empty containers that were used to pack explosives must be destroyed according to the manufacturer’s instructions or be returned to the supplier so that they may not be used for other purposes.

**4.4.10.** An explosive depot must be farther from a 44 kV or more overhead electric power line than the distance between the supports of the line located near the depot. Where the distance between the supports of the line is greater than 15 m, the depot must be placed from that line at the greater of the following distances:

(a) 15 m;

(b) the result of the following formula:  $P / 2 - H$  (in meters), where “P” is the distance between the supports of the transmission line and “H” is the height of the supports of the transmission line; or

(c) the distance provided for in column 2 of the table in Schedule 2.3.”

**33.** Section 4.5.1 is replaced by the following:

“**4.5.1.** No drilling may be done closer than

(a) 1.5 m from a misfire or blowout. If necessary, holes may be drilled closer but not less than 600 mm on condition that drilling is performed by remote control under supervision and that all precautions are taken to ensure the safety of workers should an explosion occur at the blasting face;

(b) 8 m from any loaded blasthole or explosive loading site.

Despite the foregoing, a blasthole may be drilled closer than 8 m if adaptation to specific job-sites conditions is required, particularly for trench work or work in permafrost zones in unstable conditions. The employer must then ensure that

i. loading and drilling are performed alternately;

ii. the shot-firer supervises and controls the drilling operations;

iii. only cartridge explosives are used. However, if soil degradation does not allow for the insertion of cartridge explosives in the boring hole, the shot-firer may use a blasting agent to load the hole. That method may not be used for more than 3 holes per blasting;

iv. a carpenter’s level is used to make sure that blast-holes are vertical;

v. the minimum distance from any loaded hole is 1.5 m or 20% of the hole depth to a maximum depth of 12 m, using the greater distance between the two;

vi. if the holes have a depth of 6 m or more, the first drilling rod must be replaced by a guide tube or another means providing equivalent precision to avoid the blasting of another loaded hole in the vicinity;

vii. loaded holes must be marked by stakes of a distinct color or carrying a distinct ribbon.”

**34.** Section 4.5.3 is replaced by the following:

“**4.5.3.** Before being loaded, all holes must be examined and corrected where necessary.”

**35.** The following is inserted after section 4.5.3:

“**4.5.4.** Drilling and loading of explosives may not be carried out simultaneously less than 8 m from one another, or one on top of the other.

**4.5.5.** Before drilling any surface of a digging where blasting was performed, all bottoms of blastholes must be marked in either of the following manners:

(a) by a circle in paint or crayon of a colour contrasting with the soil;

(b) by inserting a stick into the hole.

**4.5.6.** It is prohibited to deepen holes remaining intact after blasting.”

**36.** The heading of subdivision 4.6 is replaced by “§4.6. Loading of blastholes”.

**37.** Section 4.6.1 is revoked.

**38.** The following is inserted after section 4.6.1:

“**4.6.1.1.** A loading area must be delimited by means of ribbons, trestles or a warning line provided for in section 2.9.4.1. Only persons holding a valid general permit, issued under the Act respecting explosives (chapter E-22), may access the area.”.

**39.** Sections 4.6.3, 4.6.4 and 4.6.5 are revoked.

**40.** Section 4.6.9.1 is replaced by the following:

“**4.6.9.1. Conditions for untamping and repriming a blasthole or misfire:** Prior to the untamping or repriming of a blasthole or misfire, the employer must prepare a written procedure that takes into account the types of explosives and the manufacturer’s instructions in that regard, as well as environmental conditions.

The employer must also make sure that

- (a) the procedure is available on the construction site;
- (b) the untamping of the collar is done by the shot-firer who loaded and fired the blasthole, unless it is impossible for him to do so;
- (c) during all untamping, repriming and firing operations, all persons except the shot-firer are outside the blasting area;
- (d) the constituents of the material used for untamping the blasthole and inserted in it is made of non-ferrous materials.”.

**41.** Section 4.6.11 is replaced by the following:

“**4.6.11.** At the first signs of a thunderstorm, the employer must stop all loading and detonator connecting operations. The employer must evacuate the blasting area, prohibit access thereto and supervise the situation from a distance.”.

**42.** Section 4.6.13 is replaced by the following:

“**4.6.13.** During the final connection of lead wires and the various electric blasting caps, the entire firing circuit must be checked using a blasting ohmmeter.”.

**43.** Section 4.6.15 is replaced by the following:

“**4.6.15. Detonating fuse:** When the lead wires are composed of detonating fuses, the employer must ensure that the following safety measures are complied with:

- (a) spliced pieces are not used in a single blasthole;
- (b) after priming, the down line is cut from the reel and a sufficient length, approximately 200 mm, protrudes from the blasthole to prevent a possible settlement of the load prior to make final connections;
- (c) main fuses are connected to detonating fuses at right angles;
- (d) when priming a detonating fuse with a detonator, the end with the explosive charge is set in the same direction as the expected shock wave;
- (e) no detonating relay is placed in a blasthole;
- (f) the shot-firer has visually checked all the connections;
- (g) the firing point of the detonating fuse must be located outside the surface covered by the blasting mats;
- (h) the detonator used for starting the detonating fuse must be set in place only once the covering operations have been completed.”.

**44.** Section 4.6.17 is replaced by the following:

“**4.6.17.** When explosives in bulk are loaded, a semi-conductor loading hose must be used and the loading equipment must be grounded according to the manufacturer’s instructions.”.

**45.** Section 4.6.18 is amended

(1) by striking out “If necessary, blastholes and misfires must be untamped and refired as prescribed in section 4.6.9.1.” in the first paragraph;

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

“If the starting operation or refiring is impracticable, the explosives must be pulled out in accordance with a procedure prepared in writing by an engineer, taking into account the types of explosives and the manufacturer’s instructions in that regard, as well as environmental conditions.

The procedure must be available on the work site.”.

**46.** Section 4.6.19 is revoked.

**47.** Section 4.7.1 is amended by replacing

- (1) “and when firing” by “. When firing”;
- (2) “blasting zone” by “blasting area”;
- (3) “évacué” in the French text by “évacuée”.

**48.** Section 4.7.2 is revoked.

**49.** Section 4.7.4 is amended by replacing “voltage” in paragraph a of the French text by “tension”.

**50.** Section 4.7.5 is replaced by the following:

“**4.7.5.** When blasting is done in the vicinity of a structure such as a building, railway or road, the employer must limit the quantity of explosives so that the vibrations caused by the blasting do not damage those structures.

To that end, the employer must comply with the most stringent standards between those provided for in specifications designed for that purpose by a public authority and those provided for in blasting specifications signed and sealed by an engineer. Failing such specifications, the employer must comply with one of the standards provided for in Schedule 2.6.

**4.7.5.1.** During blasting, projections must stay within the blasting area. To that end, the employer must take appropriate measures to reduce and control projections, in particular by using blasting mats.

When blasting mats are used, they must be deposited, not slid, onto blastholes loaded with explosives.”.

**51.** Section 4.7.6 is replaced by the following:

“**4.7.6.** The firing procedures are as follows:

(a) before proceeding with the firing, the shot-firer must ensure with the employer that all persons have taken shelter;

(b) sound signals must be emitted with a siren of at least 120 dB:

i. immediately before blasting, 12 short horn signals at one-second intervals;

ii. 30 seconds must elapse between the last warning signal and the time of firing;

iii. after blasting, once the blasting area is safe, one continuous 15-second horn signal must announce that work may be resumed in the area;

(c) the employer must make sure that workers take shelter outside the blasting area before the first signal and that they remain there until the 15-second signal is sounded;

(d) a code of sound signals reserved for blasting operations must be written in coloured letters 150 mm high, against a contrasting background, on a board 1.2 m high by 2.4 m wide, placed at all points of access to the work site.”.

**52.** Section 4.7.9 is revoked.

**53.** Section 4.7.10 is replaced by the following:

“**4.7.10. Blasting logbook:** The blasting logbook must at least contain the information provided for in Schedule 2.2 and it must be maintained and signed by the shot-firer. The employer must keep it for 3 years and make it available at all times on the work site.”.

**54.** The heading of subdivision 4.8 is replaced by “§4.8. Work after blasting”.

**55.** Section 4.8.1. is replaced by the following:

“**4.8.1.** After blasting, the shot-firer must be the first to enter the blasting area to make sure it is safe. For that purpose, the shot-firer must

(a) wait for the smoke to dissipate;

(b) make sure, using a device to measure the concentration of carbon monoxide, that the carbon monoxide concentration is below the exposure limit values indicated in Schedule I to the Regulation respecting occupational health and safety;

(c) examine the work site;

(d) look for possible misfires, blowouts and bootlegs;

(e) mark those found.”.

**56.** Section 4.8.2 is replaced by the following:

“**4.8.2.** When the shot-firer considers that the blasting area is safe, the shot-firer informs the employer that the employer may

(a) sound the 15-second signal;

(b) remove the blasting mats as soon as possible after the end of blasting;

(c) excavate blasting debris.”.

**57.** Section 4.8.3 is revoked.

**58.** Subdivision 4.9 is revoked.

**59.** Schedule 2.1 is revoked.

**60.** Schedule 2.2 is replaced by the following:

**"SCHEDULE 2.2 Blasting logbook (s. 4.7.10.)**

Name of enterprise: \_\_\_\_\_

Address

(optional): \_\_\_\_\_

Location of site: \_\_\_\_\_

Client:

\_\_\_\_\_

**Information on blasting**

**Weather conditions**

- Location: \_\_\_\_\_
- Date: \_\_\_\_\_
- Hour: \_\_\_\_\_
- Chaining (option): \_\_\_\_\_

- Temperature: \_\_\_\_\_ °C
- Sunny: \_\_\_\_\_
- Cloudy: \_\_\_\_\_
- Rain/snow: \_\_\_\_\_

**Data on drilling**

- Number of holes and drilling diameter: \_\_\_\_\_
- Burden and spacing: \_\_\_\_\_
- Height of drilling in metres: \_\_\_\_\_
- Height of collar: \_\_\_\_\_
- Height of overburden: \_\_\_\_\_

Nature of tamping (clean, crushed stone): \_\_\_\_\_

Blasting mats (type): \_\_\_\_\_

Distance from closest structures  
(building/bridge/road):

\_\_\_\_\_

**Explosives**

- Type: \_\_\_\_\_
- Number of detonator: \_\_\_\_\_
- Quantity of explosives used (primers, explosives) in units, bags, cases or  
kg: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of shot-firer:

Signature:

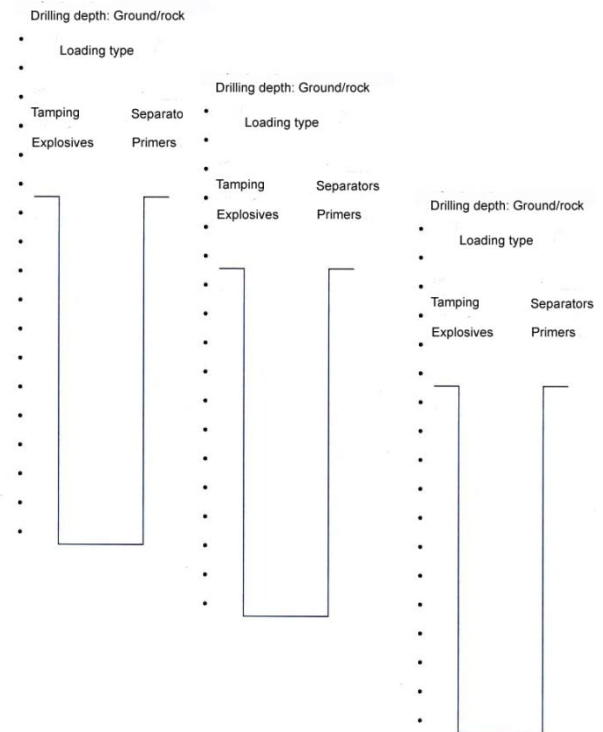
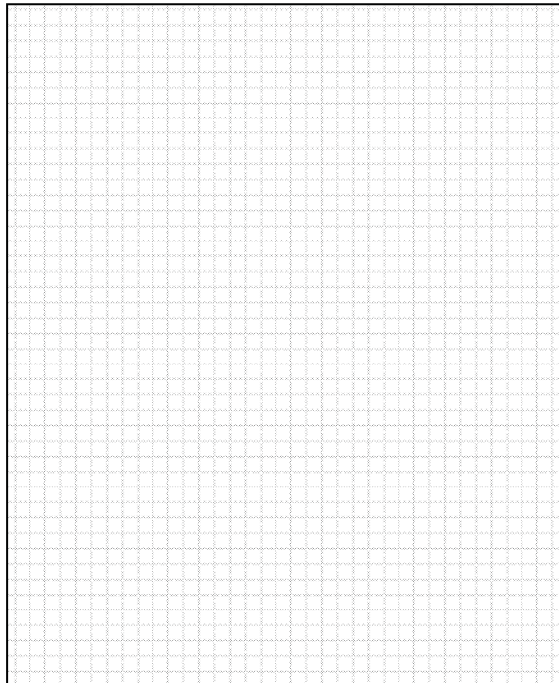
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### Blasting pattern *(Required information)*

- Number and orientation of free faces
- Blasting direction
- Identification of the firing sequence (including delays)
- Description of explosives per hole (dimensions, number and weight)
- Disposition of blastholes
- Description of blasting agents (weight/hole in kg)
- Identification of connections/delay millisecond (hole bottom and surface)
- Positioning of closest structures (distance in meters)
- Blasting area (outline and distances in metres)



#### 61. Schedule 2.3 is amended

(1) by replacing “sandbag barricades or earth mounds or the equivalent located less than 50 cm from the depot and having at least the same height” by “dikes” in reference 3;

(2) by replacing the remark at the end by the following:

“Remark: For computing the distance,

(a) 1,300 detonators or 150 detonating relays are equal to 1 kilogram of explosives;

(b) except for the depot for detonators and detonating relays, 2 depots placed side by side may be considered as a single depot having a capacity equal to the total capacity of both depots.”.

#### 62. The following is inserted after Schedule 2.5:

### SCHEDULE 2.6

#### **Evaluation of the maximum authorized particle speed, of the distance between blasting and buildings or of the acceptable frequency of vibrations (s. 4.7.5)**

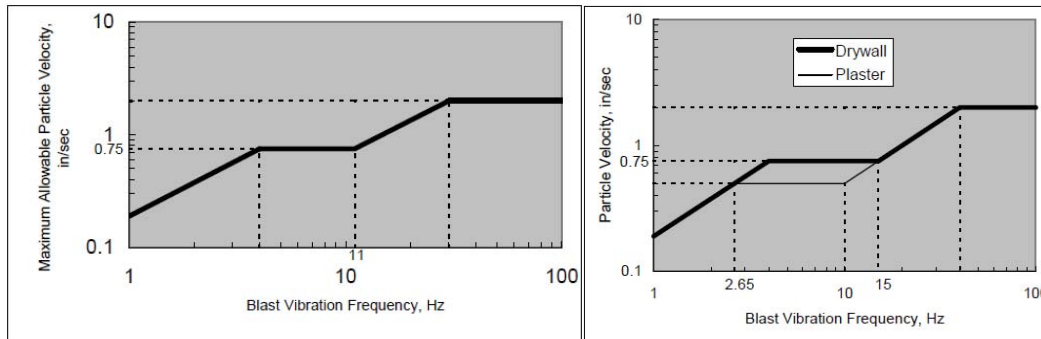
The employer must comply with the prescribed limits, according to one of the following 3 methods:

1. in the table below:

<i>TABLE 2.6.1 - MAXIMUM AUTHORIZED PARTICLE SPEED ACCORDING TO THE DISTANCE OF STRUCTURES</i>	
<i>Distance from blasting site</i>	<i>Maximum speed authorized</i>
<i>0 to 90 m (300 ft)</i>	<i>31.75 mm/s (1.25 in/s)</i>
<i>91 to 1,524 m (301 to 5,000 ft)</i>	<i>25.4 mm/s (1 in/s)</i>
<i>1.525 m and more (5,000 ft)</i>	<i>19 mm/s (0.75 in/s)</i>

2. in one of the graphs below:

**GRAPHS 2.6.2 - ESTIMATE OF THE MAXIMUM AUTHORIZED PARTICLE SPEED ACCORDING TO THE FREQUENCY OF VIBRATION (IN/S)**



The employer must use, according to the manufacturer's instructions, a seismograph to monitor the velocity of particles to ensure the compliance of the results with table 2.6.1 or graphs 2.6.2 as provided above. The method for monitoring vibrations and the calculation of frequency must be approved by an engineer.

3. in the proportionate distance equation shown in the table below:

<b>TABLE 2.6.2 - COMPUTATION OF THE MINIMUM DISTANCE TO BE KEPT BETWEEN A STRUCTURE AND A BLASTING BASED ON EXPLOSIVE LOAD</b>		
<b>Distance from blasting site</b>	<b>Maximum quantity of explosives fired in less than 8 milliseconds</b>	
	<b>Metric Units (W in kg and D in m) Impériale</b>	<b>English Units (W in lb and D in ft)</b>
<i>Less than 92 m (300 ft)</i>	$W = (D/22.6)^2$	$W = (D/50)^2$
<i>92 to 1,524 m (301 to 5000 ft)</i>	$W = (D/24.9)^2$	$W = (D/55)^2$
<i>More than 1,524 m (5000 ft)</i>	$W = (D/29.4)^2$	$W = (D/65)^2$

*W* = Maximum quantity of explosives (in kilograms or pounds) that may detonate in less than 8 milliseconds.

*D* = Distance to be kept between the blasting area and the closest structure to be protected.

**63.** Despite section 27, until the standard Explosives – Quantity Distances, BNQ 2910-510, is made and published by the Bureau de normalisation du Québec, the distances for the disposition of depots, provided for by the standard in paragraph b of section 4.4.1 of the Safety Code for the construction industry, are those provided for in the Quantity Distance Principles User's Manual published in 1995 by the Explosives Regulatory Division of Natural Resources Canada.

**64.** This Regulation comes into force on 26 February, 2015.



## Draft Regulations

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### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Application of section 32 of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, that the draft Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation amends the requirement concerning compliance with the standard on safety of products and materials in contact with drinking water, applicable to works exempted from the authorization of the Minister, by adding a reference to the American standard.

Study of the matter shows that the proposed amendment will diminish the constraints on and operating expenses of enterprises while improving the supply of products available on the market. Municipalities should obtain products at a better price while ensuring an equivalent protection level.

Further information on the draft Regulation may be obtained by contacting Carole Jutras, Director, Direction des eaux municipales at the address appearing below.

Any person wishing to comment on the matter is requested to submit written comments within the 60-day period to Carole Jutras, Director, Direction des eaux municipales, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 8<sup>e</sup> étage, boîte 42, Québec (Québec) G1R 5V7; email: carole.jutras@mddelcc.gouv.qc.ca

DAVID HEURTEL,  
*Minister of Sustainable Development,  
the Environment and the  
Fight Against Climate Change*

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### Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

Environment Quality Act  
(chapter Q-2, s. 46, par. 1)

**1.** The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended in section 23 by adding “or standard NSF/ANSI 61 – Drinking Water System Components – Health Effects” at the end of the first paragraph.

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

3641

### Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

#### Commission de la construction du Québec — Regulation respecting letters describing the situation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting letters describing the situation, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

In accordance with paragraph *i* of section 82 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the draft Regulation determines the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in such a letter on construction work carried out on a job site or for the purposes of a tender.

The draft Regulation has no direct impact on citizens and enterprises that do not do work in the construction industry. For employers, the draft Regulation gives regulatory structure to the administrative practice of letters describing the situation in order to give a statement of the information held by the Commission de la construction du Québec concerning an employer's compliance with its obligations under the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and its regulations, using objective and foreseeable criteria. On the basis of the information contained in a letter describing the situation, a recognized client, owner or general contractor can evaluate the risk of a solidary liability recourse represented by the employer. The costs related to the issue of the letter do not change.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

SAM HAMAD,  
*Minister of Labour*

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## Regulation respecting letters describing the situation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 82, par. *i*)

- 1.** This Regulation determines the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in the letter.
- 2.** The Commission de la construction du Québec issues the following letters describing the situation to an employer who applies for a letter and who meets the requirements of this Regulation:

1° a letter on construction work carried out on a job site and describing the situation of an employer and its sub-contractors to whom the employer subcontracted work, with respect to the construction activities on the job site and the obligations provided for in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and in this Regulation;

2° a letter for the purposes of a tender which describes the situation of an employer who wishes to tender, with respect to the employer's activities on the construction site and the employer's obligations provided for in the Act and in this Regulation.

**3.** To be issued a letter describing the situation, an employer must be registered as such with the Commission, in accordance with the conditions provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11).

**4.** To apply for a letter describing the situation, an employer must use the online services of the Commission by completing the prescribed form and provide the information required.

**5.** A fee of \$30 is exigible for the issue of a letter describing the situation, payable by using the online services of the Commission.

The date of filing an application is the date on which the application is received by the online services of the Commission.

**6.** The Commission issues a letter describing the situation on the basis of the information brought to the attention of the Commission and the information sent by an employer at the time the application is filed.

**7.** A letter describing the situation contains, as the case may be,

1° the identification of the job site, the nature and duration of the work, the name of the recognized client, the value of the contract before provincial and federal taxes, the employer's workforce assigned to the work with regards to the number of employees and the cost, and the name of the employer's sub-contractors;

2° the statement of the monthly reports sent by the employer for a 12-month period preceding the date of filing an application for a letter for the purposes of a tender and, for an application for a letter on construction work carried out on a job site (i) the statement of the monthly reports sent by the employer for the duration of the work, without exceeding 12 months and (ii) the information concerning the monthly reports not sent by the sub-contractor and the reports sent by the sub-contractor without the corresponding delivery, for the duration of the work, without exceeding 12 months;

3° any unpaid claim to the Commission by the employer, and the claim sent within the 24 months preceding the date of filing an application with a mention of the balance for a letter for the purposes of a tender. In the case of an application for a letter on construction work carried out on a job site, the letter mentions any unpaid claim sent to the employer and the employer's sub-contractors for a period of the construction work carried out on the job site;

4° any disagreement notified in writing by the employer to the Commission regarding the subjection of the work to the scope of the Act or relating to the interpretation of a clause of the collective agreement after a claim is sent;

5° any amount held to guarantee payment of a claim by the employer or one of the employer's sub-contractors;

6° any order to suspend work rendered in respect of the employer or one of the employer's sub-contractors under section 7.4 of the Act and any contravention to such order, if either occurs within the 24 months preceding the date of filing an application for a letter for the purposes of a tender and relating to the construction work on the job site identified in the application and, where applicable, if the order has been the subject of an application for review pursuant to section 7.7 of the Act;

7° any proceeding instituted against the employer or one of the employer's sub-contractors, including one of their directors, shareholders, officers, partners or employees, while acting as such for the employer or sub-contractor, for an offence provided for in Schedule I, filed within the 24 months preceding the date of filing an application for a letter for the purposes of a tender and, for an application for a letter on construction work carried out on a job site, for the duration of the work;

8° for a letter on construction work on a job site, that the employer or one of the employer's sub-contractors, including one of their directors, shareholders, officers, partners or employees, while acting as such for the employer or sub-contractor, has been convicted of an offence provided for in Schedule I committed during the work and, for a letter for the purposes of a tender, that the employer, including one of the employer's directors, shareholders, officers, partners or employees, while acting as such for the employer, has been convicted of an offence provided for in Schedule I committed within the 24 months preceding the date of filing an application;

9° that at the time of the work, the employer and the employer's sub-contractors have not sent the notice provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative;

10° the holding by the employer of a licence issued under the Building Act (chapter B-1.1) and for the letter on the construction work carried out on a job site, by also indicating in the letter for each sub-contractor the periods in which they did not have a licence during the work;

11° that the licence of the employer is subject to a restriction as regards the obtention of a public contract under section 65.1 of the Building Act.

The information in paragraphs 2 to 11 applies to the time the letter describing the situation for the purposes of a tender is applied for and, for the letter on construction work carried out on a job site, to the work period.

**8.** A letter describing the situation issued by the Commission does not constitute a renunciation to the exercise of any of the recourses provided for in the Act.

**9.** This Regulation applies to applications for letters describing the situation that are ongoing on the date of the coming into force of the Regulation.

**10.** This Regulation comes into force on (insert the date corresponding to the fifteenth day following the date of the publication of this Regulation in the *Gazette officielle du Québec*).

**SCHEDULE I**

(section 7, pars. 7 and 8)

**OFFENCES**

Law and regulation	Sections	Summary description of the offence
An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)	7.2 with 120	A person involved in any construction work who does not take the necessary means to enable the Commission and any person authorized by it for that purpose to exercise the powers provided for in section 7.1 of the Act.
	83(1)	An employer who refuses or neglects to furnish the Commission with the information provided for in subparagraph a of the first paragraph of section 82 of the Act.
	83(2)	An employer who fails to grant, on request of the Commission, or delays to grant the Commission, access to the register, the registration system or the pay-list provided for in subparagraph a of the first paragraph of section 82 of the Act.
	83(3)	A person who does not grant, or delays to grant, the Commission, or any person authorized by it, access to the place where construction work is being done or to an establishment of an employer.
	83.1	An employer who fails to comply with a request made by the Commission pursuant to subparagraph f of the first paragraph of section 81 of the Act.



	83.2	<p>A person who fails to comply with a request made by the Commission to furnish information or a document pursuant to section 81.0.1 of the Act.</p> <p>A person who fails to comply, within the prescribed period, with a written request made by the Commission pursuant to section 81.0.1 of the Act.</p>
	84	Whoever molests, hinders or insults any member or employee of the Commission in the performance of his duties, or otherwise obstructs such performance.
	111.1	Whoever carries out or causes to be carried out construction work in contravention of a decision to suspend work rendered under section 7.4.1 of the Act.
	119.1(3)	Whoever hires the services of or assigns to construction work an employee who is not the holder of a competency certificate.
	122 (4)	Whoever knowingly destroys, alters or falsifies any register, pay-list, registration system or document relating to the application of the Act, a regulation or a collective agreement.
Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11)	2 with 82 and 119.7 of the Act	An employer who fails to send the written notice provided for in section 2 of the Regulation.

	8 with 82 and 120 of the Act	An employer who fails to keep a register or enter the number of hours worked in accordance with section 8 of the Regulation.
	11 with 82 and 119.7 of the Act	An employer who fails to enter the number of regular and extra hours of an employee in the monthly report.
	12 with 82 and 119.7 of the Act	An employer who fails to send the monthly report provided for in section 12 of the Regulation.

## Transport

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Gouvernement du Québec

### **O.C. 51-2015**, 28 January 2015

An Act respecting roads  
(chapter V-9)

CONCERNING a section of autoroute 640, situated in the territory of Ville de Terrebonne, declared State property autoroute

WHEREAS autoroute 640, situated in part in the territory of Ville de Terrebonne, was built by the government under the Act respecting roads (chapter V-9), and pursuant to the first paragraph of section 6 of the Act, roads built or rebuilt by the government under this Act are, shall remain or shall become the property of the local municipalities in whose territories they are situated;

WHEREAS, pursuant to the first paragraph of section 2 of this Act, the government determined by Order in Council 292-93 dated March 3, 1993 and its subsequent amendments, that autoroute 640, is under the management of the Minister of Transport;

WHEREAS, under the second paragraph of section 6 of this Act, the Minister of Transport may, in respect of a road which is not his property but which is under his management, perform all the acts and exercise all the rights of an owner;

WHEREAS, in a section of autoroute 640 situated in the territory of Ville de Terrebonne, the median strip is occupied by railway infrastructures of the Train de l'Est, property of the Agence métropolitaine de transport;

WHEREAS, pursuant to section 8 of this Act, the government may, by order, declare that a road is an autoroute and the road then becomes, without indemnity, property of the State from the publication of the order in the *Gazette officielle du Québec*;

WHEREAS it is appropriate, due to the presence of these railway infrastructures in a section of autoroute 640 situated in the territory of Ville de Terrebonne, known and designated as lots 1 951 031, 1 951 042, 1 951 064 and 2 913 200 of the Québec cadastre, registration division of L'Assomption, that this section be declared State property autoroute;

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

THAT be declared State property autoroute, the section of autoroute 640, situated in the territory of Ville de Terrebonne, known and designated as lots 1 951 031, 1 951 042, 1 951 064 and 2 913 200 of the Québec cadastre, registration division of L'Assomption;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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

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