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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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## Regulations and other Acts

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Gouvernement du Québec

### O.C. 1065-2019, 23 October 2019

An Act respecting collective agreement decrees  
(chapter D-2)

#### **Building materials industry —Amendment**

Decree to amend the Decree respecting the building materials industry

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation shall also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the building materials industry (chapter D-2, r. 13);

WHEREAS, under the first paragraph of section 4 of the Act respecting collective agreement decrees, the contracting parties have addressed to the Minister responsible for Labour an application for amendment to the Decree;

WHEREAS, under the first paragraph of section 6.1 of the Act, section 4 applies to every application for amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the building materials industry was published in Part 2 of the *Gazette officielle du Québec* of 12 June 2019 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees and despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the building materials industry, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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### **Decree to amend the Decree respecting the building materials industry**

An Act respecting collective agreement decrees  
(chapter D-2, ss. 2, 4 and 6.1)

**1.** The Decree respecting the building materials industry (chapter D-2, r. 13) is amended in section 0.02 by replacing “L’Union des carreleurs et métiers connexes, local 1 (FTQ-CTC)” by “TUAC, Local 501”.

**2.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

104134



## Draft Regulations

### Draft Regulation

Highway Safety Code  
(chapter C-24.2)

#### Amount chargeable to take a driving course — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases from \$825 to \$937 the maximum amount chargeable to take, in a driving school recognized by the Société de l'assurance automobile du Québec, the appropriate driving course for the road vehicle covered by a class 5 driver's licence. That maximum amount corresponds to the amount currently provided for in the Regulation respecting licences (chapter C-24.2, r. 34), adjusted by the adjustment rate for government fees, as determined in accordance with section 83.3 of the Financial Administration Act (chapter A-6.001), for each year between 2011 and 2019, inclusively.

The draft Regulation also provides for an adjustment rule for that maximum amount as of 1 January 2022.

The draft Regulation has a positive impact on enterprises that offer the driving course, since the maximum amount they could charge their clientele to take the course has never been adjusted since it was established in January 2010. As for the clientele covered, the proposed measures have a significant impact. However, the additional costs entailed by the measures only represent the increase in the cost of living for the period from 2011 to 2019.

Further information on the draft Regulation may be obtained by contacting Karine Godbout-Nadeau, Direction de l'évolution du cadre normatif et des partenariats d'affaires, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-3-10, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-4464; fax: 418 646-6811; email: karine.godbout-nadeau@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Dave Leclerc, Secretary General, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-9, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6. The comments will be forwarded by the Société to the Minister of Transport.

FRANÇOIS BONNARDEL,  
*Minister of Transport*

### Regulation to amend the Regulation respecting licences

Highway Safety Code  
(chapter C-24.2, s. 66.1)

**1.** The Regulation respecting licences (chapter C-24.2, r. 34) is amended in section 7.13

(1) by replacing “\$825” by “\$937”;

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

“As of 1 January 2022, that amount is adjusted on 1 January of each year by the rate provided for in section 83.3 of the Financial Administration Act (chapter A-6.001). The rate may not be lower than zero.

The rounding off rules provided for in the Regulation respecting the rounding off of adjusted fees (chapter A-6.001, r. 0.1) apply to the amount.

The Minister publishes the result of the adjustment and rounding off of the amount in the *Gazette officielle du Québec*.”

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

104135

## Draft Regulation

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

### Occupational health and safety — Amendment

### Safety Code for the Construction Industry — Amendment

### Safety representatives in establishments — Amendment

### Quality of the work environment — Revocation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting occupational health and safety, the draft Regulation to amend the Safety Code for the Construction Industry, the draft Regulation to amend the Regulation respecting safety representatives in establishments and the draft Regulation to revoke the Regulation respecting the quality of the work environment, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1) on the expiry of 45 days following this publication.

The draft Regulation to amend the Regulation respecting occupational health and safety replaces the sections of Division XV of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) on noise to update the rules applicable.

The draft Regulation to amend the Safety Code for the Construction Industry (chapter S-2.1, r. 4) also replaces the sections on noise to update the Regulation in that respect.

The two draft regulations are intended to reduce occupational hearing loss by updating the regulatory requirements and references with respect to exposure to noise and hearing protectors. More specifically, they establish new noise exposure limits that are recognized in the field of occupational hygiene and introduce an obligation to identify workplace situations that may exceed the exposure limits, measurement techniques to accurately determine noise exposure in the workplace, and measures to reduce noise exposure. They also propose criteria for the performance and selection of hearing protectors and a

requirement to provide training on the selection, adjustment, inspection, maintenance and use of hearing protectors. Lastly, they introduce requirements with respect to the display of signs in work zones where hearing protectors must be worn, measurement reports, and the keeping of registers.

The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is amended to ensure concordance by updating the list of instruments and apparatus used by safety representatives within establishments to measure or evaluate noise.

Lastly, it is proposed to revoke the Regulation respecting the quality of the work environment (chapter S-2.1, r. 11). The draft Regulation ensures concordance with the other draft regulations covered by this notice. The Regulation contains no useful rules not already covered in the Act respecting occupational health and safety and the regulations made under it.

The impact on enterprises, including small and medium-sized businesses, of the draft regulations to amend the Regulation respecting occupational health and safety and the Safety Code for the Construction Industry will not create any technical difficulties for employers, since most of the new requirements are already applied as best practices. The costs to enterprises during the implementation period, expected to last 5 years, will amount to \$85.35 million. Most of the costs are connected with the new requirements that result from the decrease in the daily noise exposure limit from 90 dBA to 85 dBA. However, the adoption of the provisions will generate cost savings, over the same period, of \$8.42 million. Following the 5-year period, the annual costs are estimated at \$7.13 million and the annual savings at \$1.68 million.

The impact of the amendment of the Regulation respecting safety representatives in establishments is included in the impact of the amendment of the Regulation respecting occupational health and safety and of the Safety Code for the Construction Industry. The revocation of the Regulation respecting the quality of the work environment will have no impact on enterprises.

Further information may be obtained by contacting Sheena-Émilie Boucher at the Commission des normes, de l'équité et de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1, by telephone: 514 906-3080, extension 2357; by fax: 514 906-3081; or by email: [Bruit\\_Renseignements\\_additionnels@cnesst.gouv.qc.ca](mailto:Bruit_Renseignements_additionnels@cnesst.gouv.qc.ca).



Any person wishing to comment on the draft regulations is requested to submit written comments within the 45-day period to Luc Castonguay, vice-president for partnership and expert advice, Commission des normes, de l'équité et de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MANUELLE OUDAR,  
*Chair of the board of directors and Chief  
Executive Officer of the Commission  
des normes, de l'équité, de la santé  
et de la sécurité du travail*

## Regulation to amend the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

**1.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by

(1) inserting the following definition, in alphabetical order:

““AFNOR” means the Association française de normalisation;”;

(2) striking out the definition of “predominant frequency band”;

(3) inserting the following definitions, in alphabetical order:

““impulse noise” means a noise of short duration (generally less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;

“calculator” means a calculation tool that can be used to evaluate the daily noise exposure level ( $L_{EX,8h}$  or  $L_{ex,8h}$ ) for the purpose of reducing the duration of workers’ daily exposure to noise;”;

(4) by striking out the definitions of “continuous noise” and “impact noise”;

(5) by striking out the definition of “dB”;

(6) by replacing the definition of “dBA” by the following definitions:

““dBA” means an A-weighted decibel measurement - This weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate  $L_{EX,8h}$  or  $L_{ex,8h}$ ;

““dBC” means a C-weighted decibel measurement - This weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;”;

(7) by striking out the definitions of “corrected dBA” and “linear dB”;

(8) by inserting the following definitions at the place determined by alphabetical order:

“daily noise exposure level” means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises.

“equivalent continuous sound pressure level (dBA)” means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to  $L_{p,A,eqTc}$  or  $L_{eq,Tc}$ , which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours ( $T_c$  or  $T_w$ );”;

(9) by inserting the following definition at the place determined by alphabetical order:

““peak sound pressure level” means the instantaneous peak sound pressure level measured in C-weighted decibels;”;

(10) by striking out the definition of “peak value”.

**2.** The Regulation is amended by replacing sections 130 to 141 by the following:

### “§1. General

**130.** This Division sets noise exposure limits, methods to evaluate the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this Division are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers' exposure to noise.

They also specify the reasonable measures that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers' exposure to noise, in order to restrict the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this Division, "workplace situation" means a trade or a representative function of a worker or group of workers that includes all the tasks and activities, and takes into account the workplace, of the worker or group of workers.

## §2. Noise exposure limits

**131.** The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under the ISO Standard 9612, 2009, Acoustics—Determination of occupational noise exposure—Engineering method,:

$$L_{EX,8h} = L_{p,A,eqTe} + 10 \lg[T_e/T_o] \text{ dB},$$

where  $T_e$  = effective duration of the working day, in hours;

$T_o$  = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, Measurement of noise exposure 2014:

$$L_{ex,8h} = L_{eq,t} + 10 \log(T_w/8),$$

where  $T_w$  = effective duration of the working day, in hours;

(2) peak sound pressure level ( $L_{p,Peak}$ ): 140 dBC, using the following formula from ISO Standard 9612, 2009, Acoustics—Determination of occupational noise exposure—Engineering method:

$$L_{p,Cpeak} = 10 \lg[p_{Cpeak}^2/p_0^2] \text{ dB},$$

where the reference value,  $p_0$ , is 20  $\mu$ Pa.

## §3. General requirements

**132.** The employer must, when purchasing or replacing a machine or piece of equipment, give preference to the one that produces the least noise.

Similarly, for the design and organization of an establishment, the implementation of a new process or a change to such design, organization or process, the employer must implement reasonable measures to eliminate or reduce noise at source or, at a minimum, reduce workers' exposure to noise.

The reasonable measures referred to in this section must not compromise any other element of worker health and safety.

**133.** The employer must, every 5 years, evaluate each workplace situation that exceeds the exposure limits to determine the reasonable measures that would eliminate or reduce noise at source, allow the limits established pursuant to section 131 to be respected, or reduce workers' exposure to noise.

In the year following the evaluation, the employer must begin to implement all the measures needed to eliminate or reduce the noise at source. If they are not sufficient to ensure compliance with the exposure limits, the employer must implement the other measures that are necessary in order to respect the exposure limits. The measures must be fully implemented before the start of the next five-year evaluation.

**134.** The employer must, within 30 days of its occurrence, identify any change in a workplace situation that presents a risk of exceeding the exposure limits.

In the year following the change, the employer must measure the daily noise exposure level and peak sound pressure level in accordance with subdivision 4, or begin to implement a reasonable measure to eliminate or reduce the noise at source or comply with the limits set pursuant to section 131 or, at a minimum, reduce workers' exposure to noise.

The employer, when opting to implement a reasonable measure, must complete it before the end of the 5-year period for the most recent evaluation performed pursuant to the first paragraph of section 133. However, if the period ends less than two years before the date on which the situation changes, the employer has a period of two years from the date of the change to complete the implementation of the measure.

**135.** The employer must implement, among the reasonable measures enabling compliance with the objectives defined in subdivision 1, those that eliminate or reduce noise at source, in particular by replacing a machine or piece of equipment by one that is less noisy, maintaining the machine or piece of equipment and keeping it in proper working order, or making a correction to the machine or piece of equipment.

The employer may also implement reasonable measures that, depending on their effectiveness, make it possible to

(1) limit the propagation of noise by enclosing a machine or piece of equipment or installing sound insulation in a work area or workplace;

(2) reduce a worker's exposure, in particular by isolating a workstation.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable measures identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

**136.** The employer must reduce the workers' daily exposure to noise, in accordance with section 137, or provide them with hearing protectors in accordance with the rules established in subdivision 5,

(1) during the time needed to implement a reasonable measure;

(2) during the time needed to repair or maintain a machine or piece of equipment; or

(3) when it is not possible to respect the exposure limits.

**137.** To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration
82	16
83	12
85	8 <b>Hours</b>
88	4
91	2
94	1

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration
97	30
100	15
103	7 <b>Minutes</b>
106	4
109	2
112	1
115	28
118	14
121	7 <b>Seconds</b>
124	3
127	1
130-139	< 1

(2) determine, if the worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The  $L_{ex,8h}$  or  $L_{EX,8h}$  daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by another law or regulation, a collective agreement, an order in council or a contract of employment.

#### §4. Measurement

**138.** The employer must measure, in accordance with this subdivision, the daily noise exposure level and peak sound pressure level when

- (1) no reasonable measure can be implemented; or
- (2) all reasonable measures have been implemented.

The measurement must be made in the 30 days following the end of the period provided to identify a reasonable measure or following the date on which implementation of the measure is completed, as the case may be.

**139.** The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612,

2009, Acoustics—Determination of occupational noise exposure—Engineering method, or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

**140.** The measurement of the daily noise exposure level and peak sound pressure level must be made by

- (1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or
- (2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to this subdivision.

#### *§5. Selection of hearing protectors*

**141.** The employer must provide hearing protectors that meet the performance and selection requirements in CSA Standard Z94.2-2014, Hearing Protection Devices -- Performance, Selection, Care, and Use. For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with subdivision 4 may be used as a measurement of a worker's noise exposure, namely the  $L_{ex,8h}$  or  $L_{EX,8h}$  equivalent.

The employer may also provide hearing protectors that meet

- (1) the performance requirements set out in Hearing protectors - general requirements standard or, as the case may be, Safety requirements and testing:
  - (a) Part 1: Ear-muffs, NF EN 352-1;
  - (b) Part 2: Earplugs, NF EN 352-2;
  - (c) Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;
  - (d) Part 4: Level-dependent ear-muffs, NF EN 352-4;
  - (e) Part 5: Active noise-reduction ear-muffs, NF EN 352-5;
  - (f) Part 6: Ear-muffs with electrical audio input, NF EN 352-6;
  - (g) Part 7: Level-dependent earplugs, NF EN 352-7; or

(2) the selection requirements set out in the NF Standard EN 458: 2016, Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document.

For the purposes of Clause 6.2.3.2 and Annex B of the standard identified in subparagraph 2 of the second paragraph, the result of a measurement made in accordance with subdivision 4 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

**141.1.** The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 131.

**141.2.** In all cases where the employer must provide hearing protectors, the employer must also provide workers with theoretical and practical training that addresses

- (1) the elements to be taken into consideration in selecting and using hearing protectors in response to different workplace situations;
- (2) the adjustment of hearing protectors;
- (3) the inspection of hearing protectors;
- (4) the maintenance of hearing protectors; and
- (5) the risks associated with noise and the importance of wearing protectors during any exposure to noise.

#### *§6. Posting*

**141.3.** The employer must notify workers, by way of a sign, of the existence of a zone where the wearing of hearing protectors is required.

The information in the sign must be clear and precise. It must be easily legible and be clearly distinguished from any other sign placed on the same surface. In addition, it must be displayed permanently and in plain view near the zone where the wearing of protectors is mandatory.

When it is not possible to display a sign, the employer may use another way to identify a zone where the wearing of hearing protectors is required, and must inform the workers accordingly.

**141.4.** The employer must post or disseminate in another way any report of a measurement made pursuant to subdivision 4, not later than 15 days after the report becomes available.

The report must be readily accessible to workers in a visible place, for a minimum period of 3 months.

#### §7. Register

**141.5.** The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

- (1) the workplace situations where noise exposure limits may be exceeded, and the date on which they were identified;
- (2) the reasonable measures implemented and the start and end dates for their implementation;
- (3) the measurement reports.

The employer must keep the information for a minimum period of 10 years, and must make it available to the Commission, to workers and their representatives, to the safety representative, to the health and safety committee and to the physician responsible for the employer's establishment."

**3.** The Regulation is amended by striking out Schedule VII.

**4.** From (*insert the date of coming into force of this Regulation*), the employer has one year to identify the workplace situations that may exceed exposure limits in the employer's establishment.

The identification of these situations is, for the purposes of this Regulation, a change in a workplace situation for the purposes of section 134.

For the purposes of this section, the result of any measurement made in the two years preceding the coming into force of this Regulation may be used to meet the obligation of measurement in section 139 if

- (1) the measurement was made in accordance with the requirements of this Regulation; and
- (2) since the measurement was made, no change has occurred in the workplace situation concerned.

**5.** This Regulation comes into force on (*insert the date corresponding to the second year following the date of its publication in the Gazette officielle du Québec*).

## 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, 9, 10, 12, 19, 21 and 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 by

(1) inserting the following definition after the definition of "CSA":

"(1.1.1) "AFNOR" means the Association française de normalisation;"

(2) inserting the following definition after definition (3), "ASTM":

"(3.1) "impulse noise" means a noise of short duration (generally of less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;"

(3) striking out definition (4) "continuous noise" and definition (5) "impact noise";

(4) inserting the following definition after definition 7 "bolting":

"(7.0.0.1) "calculator" means a calculation tool that can be used to evaluate the daily noise exposure level ( $L_{EX,8h}$  or  $L_{ex,8h}$ ) for the purpose of reducing the duration of workers' daily exposure to noise;"

(5) inserting the following definitions after definition (13), "depot":

"(13.1) "dBA" means an A-weighted decibel measurement - This weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate  $L_{EX,8h}$  or  $L_{ex,8h}$ ;

(13.2) "dBC" means a C-weighted decibel measurement - This weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;"

(6) inserting the following definitions after definition (26), "NFPA":

“(26.1) “daily noise exposure level” means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises;

(26.2) “equivalent continuous sound pressure level (dBA)” means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to  $L_{p,A,eqT_e}$  or  $L_{eq,t}$ , which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours ( $T_e$  or  $T_w$ );”;

(7) by inserting the following definition after definition (29.1) “asbestos dust”:

“(29.2) “peak sound pressure level” means the instantaneous peak sound pressure level measured in C-weighted decibels;”.

**2.** The Code is amended by inserting the following after section 2.20.14:

“§2.21. Noise

**2.21.1.** This subdivision sets noise exposure limits, methods to evaluate the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this subdivision are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers’ exposure to noise.

They also specify the reasonable measures that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers’ exposure to noise, in order to restrict the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this subdivision, “workplace situation” means a trade or a representative function of a worker or group of workers that includes all the tasks and activities, and takes into account the workplace, of the worker or group of workers.

**2.21.2.** The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under ISO Standard 9612, 2009, Acoustics—Determination of occupational noise exposure—Engineering method:

$$L_{EX,8h} = L_{p,A,eqT_e} + 10 \lg[T_e/T_0] \text{ dB},$$

where  $T_e$  = effective duration of the working day, in hours;

$T_0$  = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, 2014, Measurement of noise exposure:

$$L_{ex,8h} = L_{eq,t} + 10 \log(T_w/8),$$

where  $T_w$  = effective duration of the working day, in hours.

(2) peak sound pressure level ( $L_{p,Peak}$ ): 140 dBC, using the following formula, provided for in ISO Standard 9612, 2009, Acoustics—Determination of occupational noise exposure—Engineering method:

$$L_{p,Cpeak} = 10 \lg[p_{Cpeak}^2/p_0^2] \text{ dB},$$

where the reference value,  $p_0$ , is 20  $\mu$ Pa.

**2.21.3.** The employer must, when purchasing or replacing a tool, vehicle, piece of machinery, machine or piece of equipment, give preference to the one that produces the least noise, without compromising any other element of worker health and safety.

**2.21.4.** Work must be planned in such a way as to achieve the objectives defined in section 2.21.1 and optimize ways to reduce noise. Workplace situations that may exceed the noise exposure limits and reasonable measures to eliminate or reduce noise must be identified and taken into consideration, in particular when work is performed and organized on a daily basis.

The employer must also implement reasonable measures to eliminate or reduce noise at source or, at a minimum, reduce workers’ exposure to noise when implementing or making a change to a process.

**2.21.5.** The employer must implement, among the measures enabling the employer to eliminate noise or reduce workers’ exposure to noise as far as possible, those that eliminate or reduce noise at source, in particular by replacing a machine or piece of equipment by one that is less noisy, maintaining the machine or piece of equipment and keeping it in proper working order, or making a correction to the machine or piece of equipment.

The employer may also implement reasonable measures that, depending on their effectiveness, make it possible to

(1) limit the propagation of noise by enclosing a machine or piece of equipment;

(2) reduce a worker's exposure, in particular by isolating a workstation.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable measures identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

**2.21.6.** The employer must reduce the workers' daily exposure to noise, in accordance with section 2.21.7, or provide them with hearing protectors in accordance with the rules established in section 2.21.11,

(1) during the time needed to implement a reasonable measure;

(2) during the time needed to repair or maintain a machine or piece of equipment; or

(3) when it is not possible to respect the exposure limits.

**2.21.7.** To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration
82	16
83	12
85	8 <b>Hours</b>
88	4
91	2
94	1

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration
97	30
100	15
103	7 <b>Minutes</b>
106	4
109	2
112	1
115	28
118	14
121	7 <b>Seconds</b>
124	3
127	1
130-139	< 1

(2) determine, if the worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The  $L_{ex,8h}$  or  $L_{EX,8h}$  daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by another law or regulation, a collective agreement, an order in council or a contract of employment.

**2.21.8.** The wearing of hearing protectors is mandatory when

(1) the noise level to which a worker is exposed exceeds the exposure limits according to an evaluation based on a measurement made in accordance with section 2.21.9 or using a Type I or Type II integrating sound level meter or a Type II dosimeter;

(2) it is not possible to converse with another person in a normal speaking voice, in other words without raising one's voice or shouting, at a distance of approximately one metre or one arm's-length from the other person, or if impulse noise is present.

The evaluation of noise using an integrating sound level meter or dosimeter must be performed by a person with the necessary knowledge acting in compliance with best practices. The person must be available throughout the

working day. In addition, the integrating sound level meter or dosimeter must be correctly calibrated on site, before and after the measurement is made, in accordance with the manufacturer's instructions for the instrument used.

**2.21.9.** The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612, 2009, Acoustics—Determination of occupational noise exposure—Engineering method, — or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

**2.21.10.** The measurement of the daily noise exposure level and peak sound pressure level must be made by

- (1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or
- (2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to section 2.21.9.

**2.21.11.** The employer must provide hearing protectors that meet the performance and selection requirements in CSA Standard Z94.2-2014, Hearing Protection Devices -- Performance, Selection, Care, and Use. For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with section 2.21.9 may be used as a measurement of a worker's noise exposure, namely the  $L_{ex,8h}$  or  $L_{EX,8h}$  equivalent.

The employer may also provide hearing protectors that meet

(1) the performance requirements set out in Hearing protectors - general requirements or, as the case may be, Safety requirements and testing:

- (a) Part 1: Ear-muffs, NF EN 352-1;
- (b) Part 2: Earplugs, NF EN 352-2;
- (c) Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;
- (d) Part 4: Level-dependent ear-muffs, NF EN 352-4;

(e) Part 5: Active noise-reduction ear-muffs, NF EN 352-5;

(f) Part 6: Ear-muffs with electrical audio input, NF EN 352-6;

(g) Part 7: Level-dependent earplugs, NF EN 352-7; or

(2) the selection requirements set out in the NF Standard EN 458: 2016, Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document.

For the purposes of Clause 6.2.3.2 and Annex B of the standard identified in subparagraph 2 of the second paragraph, the result of a measurement made in accordance with section 2.21.9 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

**2.21.12.** The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 2.21.2.

**2.21.13.** The employer must provide workers with theoretical and practical training on hearing protectors that addresses

- (1) their use and the elements to be taken into consideration in selecting hearing protectors in response to different workplace situations;
- (2) the adjustment of hearing protectors;
- (3) the inspection of hearing protectors;
- (4) the maintenance of hearing protectors;
- (5) the risks associated with noise and the importance of wearing protectors during any exposure to noise;
- (6) the methods used to evaluate noise levels pursuant to section 2.21.8.

**2.21.14.** The employer must post or disseminate in another way any report of a measurement made pursuant to section 2.21.9 not later than 15 days after the report becomes available.



The report must be readily accessible to workers in a visible place until the closure of the worksite or for a minimum period of 3 months, whichever date occurs first.

**2.21.15.** The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

- (1) the workplace situations where limits may be exceeded, as identified when the work was planned;
- (2) the reasonable measures implemented;
- (3) the reports on the measurements made pursuant to section 2.21.9, if applicable.

The employer must keep the information specified in the first paragraph for a period of 10 years, and must keep the other information until the closure of the worksite. The employer must also make it available to the Commission, to workers and their representatives, to the safety representative and to the health and safety committee.”

**3.** Sections 2.10.7.1 to 2.10.7.9 of the Code are revoked.

**4.** This Regulation comes into force on *(insert the date corresponding to the second year following the date of its publication in the Gazette officielle du Québec)*.

### **Regulation to amend the Regulation respecting safety representatives in establishments**

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

**1.** The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is amended by replacing “dBA sonometer” in Schedule 2 by “integrating sound level meter or dosimeter”.

**2.** This Regulation comes into force on *(insert the date corresponding to the second year following the date of its publication in the Gazette officielle du Québec)*.

### **Regulation to repeal the Regulation respecting the quality of the work environment**

An Act respecting occupational health and safety (chapter S 2.1, s. 223)

**1.** The Regulation respecting the quality of the work environment (chapter S-2.1, r. 11) is revoked.

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

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

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