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DU Québec

Part

2

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Laws and Regulations

Volume 152

Summary

Table of Contents
Acts 2020
Draft Regulations
Index

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Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

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Contents

CQLR, c. C-8.1.1, r. 1

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
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Table of Contents

Page

Acts 2020

15	An Act respecting the Société de développement et de mise en valeur du Parc olympique (2020, c. 10)	2041
211	An Act respecting SSQ Mutual	2057
212	An Act respecting La Capitale Civil Service Mutual.	2069
213	An Act respecting Municipalité des Îles-de-la-Madeleine	2081
	List of Bills sanctioned (2 June 2020)	2037
	List of Bills sanctioned (5 June 2020)	2039

Draft Regulations

	Occupational health and safety, An Act respecting... — Occupational health and safety	2085
	Occupational health and safety, An Act respecting... — Safety Code for the construction industry	2086

PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 2 JUNE 2020

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 2 June 2020

This day, at five past seven o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

15 An Act respecting the Société de développement et de mise en valeur du Parc olympique

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

PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

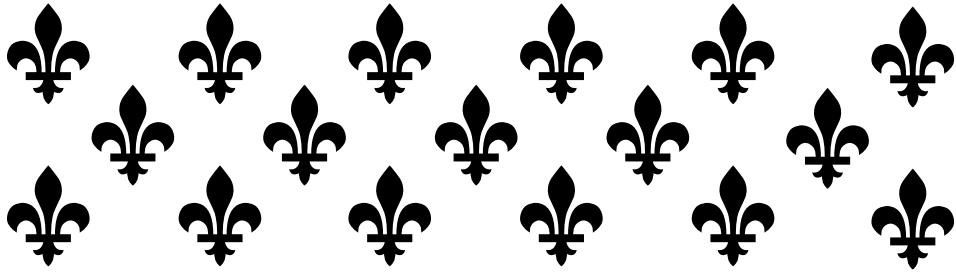
QUÉBEC, 5 JUNE 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 5 June 2020*

This day, at twenty to noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

- 32 An Act mainly to promote the efficiency of penal justice and to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal
- 211 An Act respecting SSQ Mutual
- 212 An Act respecting La Capitale Civil Service Mutual
- 213 An Act respecting Municipalité des Îles-de-la-Madeleine

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 15
(2020, chapter 10)

**An Act respecting the Société de
développement et de mise en valeur
du Parc olympique**

**Introduced 28 May 2019
Passed in principle 19 September 2019
Passed 2 June 2020
Assented to 2 June 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act establishes the Société de développement et de mise en valeur du Parc olympique, which replaces the Régie des installations olympiques.

Under the Act, the Société's mission is to develop, manage, promote and operate the Olympic Park and highlight the Olympic heritage and legacy.

Among other things, the Act allows the Société to provide services related to its expertise and experience.

The Act establishes the Société's organizational and operational rules, including those regarding the composition of its board of directors and the governance measures the Société is required to implement in constituting a capital expenditures committee, in particular. Rules for the Société's financing, accounts and reports are also established.

Lastly, the Act includes the transitional and consequential provisions required, among other things, to create the Société.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Hydro-Québec Act (chapter H-5);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

LEGISLATION REPLACED BY THIS ACT:

- Act respecting the Régie des installations olympiques (chapter R-7).

REGULATIONS REPEALED BY THIS ACT:

- Regulation respecting leases and leasing and concession contracts of the Régie des installations olympiques (chapter R-7, r. 1);
- Regulation respecting contracts for the alienation of surplus movable property (chapter R-7, r. 2).

Bill 15

AN ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT ET DE MISE EN VALEUR DU PARC OLYMPIQUE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CONSTITUTION

1. The Société de développement et de mise en valeur du Parc olympique (Société) is established.

The Société may be designated as “Olympic Park”.

2. The Société is a legal person and a mandatary of the State.

The Société’s property forms part of the domain of the State, but the execution of the Société’s obligations may be levied against its property.

The Société binds none but itself when it acts in its own name.

3. The Société has its head office in the territory of Ville de Montréal. A notice of the location of the head office, and of any change in its location, must be published in the *Gazette officielle du Québec*.

CHAPTER II

MISSION AND POWERS

4. The Société’s mission is

(1) to develop, manage, promote and operate the Olympic Park, in particular to allow sports, cultural and community events, exhibitions, as well as tourist and recreational activities to be held there, in complementarity with its partners and the surrounding community; and

(2) to highlight the Olympic heritage and legacy.

The Société carries out its mission taking into account the sustainable development principles set out in the Sustainable Development Act (chapter D-8.1.1).

For the purposes of this Act, the Olympic Park includes the Olympic Stadium, the Montréal Tower, the Esplanade and any other immovable owned by the Société and located within the geographic area bounded by Sherbrooke street and Pierre-De Coubertin avenue, and Pie-IX boulevard and Viau street.

5. In pursuing its development, management, promotion and operation mission, the Société's functions are to seek out, in particular through missions and participation in exhibitions and trade shows, in Québec, elsewhere in Canada and abroad, cultural productions, sports events and any other type of event that could be held at the Olympic Park and, if applicable, to collaborate in developing and holding such events.

6. In pursuing its enhancement mission, the Société's functions are

(1) to protect, maintain and enhance the Olympic Park's heritage, in particular the architectural and historical heritage, including its technical components;

(2) to maintain and improve the Olympic Park's infrastructures and the capacity to use the Olympic Park's facilities; and

(3) to promote the Olympic heritage.

7. The Société may provide services related to its expertise and the experience it has acquired in the fields in which it carries out its activities.

8. The Société carries out any other mandate entrusted to it by the Government.

9. In pursuing its mission, as provided by law, the Société may enter into agreements with governments other than that of Québec, with departments or bodies of such governments or with international organizations or bodies of such organizations.

The Société may, for the same purpose, enter into agreements with departments or bodies of the Gouvernement du Québec, as well as any person, partnership or body, and participate in joint projects with them.

10. The Société may, with Government authorization, acquire or establish any subsidiary that may be useful in pursuing its mission.

A subsidiary has the same powers as the Société in exercising its functions.

11. For the purposes of this Act, a legal person or partnership controlled by the Société is a subsidiary of the Société.

A legal person is controlled by the Société when the Société holds, directly or through legal persons it controls, more than 50% of the voting rights attached to the legal person's equity securities or is in a position to elect a majority of its directors.

A partnership is controlled by the Société when the Société holds, directly or through legal persons it controls, more than 50% of the equity securities. However, a limited partnership is controlled by the Société when the Société or a legal person it controls is a general partner of the partnership.

12. Subject to the provisions of a collective agreement, subsidiaries of the Société shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of their staff members in accordance with the conditions approved by the Government.

13. The Société or a subsidiary of the Société may not, without the Government's authorization,

(1) contract loans that cause its total current outstanding loans to exceed the amount determined by the Government;

(2) make financial commitments in excess of the limits determined by the Government;

(3) alienate immovables that are part of the Olympic Park;

(4) acquire, hold or dispose of assets, other than those referred to in subparagraph 3, in excess of the limits determined by the Government; or

(5) accept gifts or legacies to which charges or conditions are attached.

The Government may make its authorization subject to the conditions it determines.

The amounts, limits and conditions determined under this section may also apply to the group formed by the Société and its subsidiaries or to one or more members of that group.

However, Government authorization is not required in the case of transactions between the Société and its subsidiaries, or between subsidiaries.

14. The designation "Olympic Park" may not be used in Québec to designate an immovable, business, body or territory of any kind without permission in writing from the Société.

CHAPTER III

ORGANIZATION AND OPERATION

DIVISION I

BOARD OF DIRECTORS

15. The Société is administered by a board of directors composed of 13 members, including the chair of the board and the president and chief executive officer.

16. The Government appoints the members of the board of directors, other than the chair and the president and chief executive officer, based on expertise and experience profiles approved by the board.

Those members, of whom one is appointed after consultation with Ville de Montréal and the councils of the boroughs adjacent to the Olympic Park and at least two others are appointed after consultation with bodies the Minister considers representative of the sectors concerned by the Société's mission, are appointed for a term of up to four years.

Two of the members appointed after consultation with bodies the Minister considers representative of the sectors concerned by the Société's mission must come from the tourism, business, sports, cultural or community sectors.

17. The Government appoints the chair of the board of directors for a term of up to five years.

18. The members of the board of directors, other than the president and chief executive officer, are not remunerated, except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

19. The Government appoints the president and chief executive officer on the recommendation of the board of directors, based on the expertise and experience profile approved by the board.

The president and chief executive officer is appointed for a term of up to five years.

The office of president and chief executive officer is a full-time position.

20. The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

21. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 19 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

22. If the president and chief executive officer is absent or unable to act, the board of directors may designate a Société staff member to provisionally exercise the duties of that position.

23. When their term expires, members of the board of directors remain in office until they are replaced or reappointed.

24. Vacancies on the board of directors are filled in accordance with the rules of appointment to the board.

Absence from the number of board meetings determined by the Société's internal by-laws constitutes a vacancy, in the cases and circumstances indicated in the by-laws.

25. The quorum at board meetings is the majority of the members, including the president and chief executive officer or the chair of the board of directors.

Board decisions are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

A vote by board members may be held using any means of communication enabling votes to be cast in a way that both allows the votes to be verified afterwards and protects the secrecy of the ballot, where such a ballot has been requested.

26. The Société's board of directors may hold its meetings anywhere in Québec.

27. Unless otherwise provided in the internal by-laws, the board members may, if all consent, participate in board meetings by means of equipment enabling all participants to communicate directly with one another. In such cases, they are deemed to be present at the meeting.

28. The minutes of board meetings, approved by the board and certified true by the chair, the president and chief executive officer or any other person so authorized by the Société's internal by-laws, are authentic, as are the documents and copies emanating from the Société or forming part of its records, provided they are signed or certified true by one of those persons.

29. No document binds the Société or may be attributed to it unless it is signed by the chair of the board of directors, the president and chief executive officer or, to the extent determined in the Société's internal by-laws, by a Société staff member.

The internal by-laws may provide for subdelegating the power to sign acts and documents and determine particulars as to how that power is to be exercised.

Unless otherwise provided in the internal by-laws, a signature may be affixed on a document by any means, including any technology-based process.

By-laws made under this section are published in the *Gazette officielle du Québec*.

30. The Société may, in its internal by-laws, provide for its internal management and, in particular, determine a framework of operation for the board of directors, establish an executive committee or any other committee and delegate the exercise of its powers to such a committee.

The internal by-laws may also provide for delegating the powers of the board of directors to a Société staff member.

DIVISION II

CAPITAL EXPENDITURES COMMITTEE

31. In addition to the committees it must establish under the Act respecting the governance of state-owned enterprises (chapter G-1.02), the board of directors must establish a capital expenditures committee.

The capital expenditures committee must include members who have expertise in project management, architecture, engineering, construction, and major works maintenance, as well as heritage and urban planning.

32. The duties of the capital expenditures committee are as follows:

(1) in the context of infrastructure asset maintenance projects and projects to eliminate the asset infrastructure maintenance deficit that the Société qualifies as major,

(a) follow up on the projects' progress the entire time they are being carried out and report on that follow-up, in writing, to the board of directors; and

(b) study all files related to the projects;

(2) examine the capital expenditures plan and annual budget estimates for maintaining and upgrading Olympic Park infrastructures, recommend that the board of directors approve them and monitor them;

(3) follow up on the board of directors' decisions regarding all Olympic Park infrastructure construction, maintenance and upgrading projects;

(4) examine contracts related to capital expenditures and recommend that the board of directors approve them;

(5) study all files related to maintenance and security of the Société's facilities and recommend any decision in that regard to the board of directors;

(6) examine files on leasing spaces involving leasehold improvements that require major investments or commitments of a technical nature and make recommendations to the board of directors in that regard;

(7) follow up on the Société's sustainable development action plan with regard to protection of the immovable heritage and to infrastructure construction, maintenance and upgrading activities; and

(8) carry out any other mandate entrusted to it by the board of directors.

DIVISION III

SECRETARY GENERAL AND OTHER STAFF MEMBERS

33. The secretary general and other Société staff members are appointed in accordance with the staffing plan established by the board of directors.

Subject to the provisions of a collective agreement, the Société determines the standards and scales of remuneration, employee benefits and other conditions of employment in accordance with the conditions defined by the Government.

34. A member of the Société's staff who has a direct or indirect interest in a business causing the staff member's personal interest to conflict with that of the Société must, on pain of dismissal, disclose the interest in writing to the president and chief executive officer.

Where applicable, the disclosure must be made at the time the member takes office, and promptly if such an interest appears while the member is employed by the Société.

CHAPTER IV

FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

35. The Société finances its activities out of the revenue it derives from the duties, fees, dues and other types of remuneration it collects and the other monies to which it is entitled.

36. Each year, the Société must submit its budget estimates for the following fiscal year to the Minister, according to the form, content and schedule determined by the Minister.

The budget estimates require the Government's approval.

37. The Government may, subject to the terms and conditions it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Société or one of its subsidiaries and the performance of its obligations; and

(2) authorize the Minister of Finance to advance to the Société or one of its subsidiaries any amount considered necessary for pursuing its mission.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

38. The Société's fiscal year ends on 31 March.

39. Not later than 30 September each year, the Société must submit its financial statements and a report on its activities for the previous fiscal year to the Minister.

The financial statements and activity report must contain all the information required by the Minister and be accompanied by the separate financial statements of each of the Société's subsidiaries.

40. The Minister must table the Société's financial statements and activity report as well as the separate financial statements of each of its subsidiaries in the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

41. The Société's books and accounts must be audited by the Auditor General every year and whenever the Government so orders.

The Auditor General's report must be attached to the financial statements.

42. The strategic plan established by the Société under section 34 of the Act respecting the governance of state-owned enterprises must include the activities of its subsidiaries.

43. The Société must give the Minister any information the Minister requires concerning the Société or its subsidiaries.

CHAPTER V

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

44. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended

(1) by striking out "Régie des installations olympiques";

(2) by inserting “Société de développement et de mise en valeur du Parc olympique” in alphabetical order.

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

45. Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended

(1) by striking out “Régie des installations olympiques”;

(2) by inserting “Société de développement et de mise en valeur du Parc olympique” in alphabetical order.

HYDRO-QUÉBEC ACT

46. Section 39.12 of the Hydro-Québec Act (chapter H-5) is repealed.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

47. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended

(1) by striking out “— The Régie des installations olympiques”;

(2) by inserting “— The Société de développement et de mise en valeur du Parc olympique” in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

48. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended

(1) by striking out “Régie des installations olympiques” in paragraphs 1 and 3;

(2) by inserting “Société de développement et de mise en valeur du Parc olympique” in paragraphs 1 and 3 in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

49. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by striking out “Régie des installations olympiques” in paragraphs 1 and 4;

(2) by inserting “Société de développement et de mise en valeur du Parc olympique” in paragraphs 1 and 4 in alphabetical order.

REGULATION RESPECTING LEASES AND LEASING AND CONCESSION CONTRACTS OF THE RÉGIE DES INSTALLATIONS OLYMPIQUES

50. The Regulation respecting leases and leasing and concession contracts of the Régie des installations olympiques (chapter R-7, r. 1) is repealed.

REGULATION RESPECTING CONTRACTS FOR THE ALIENATION OF SURPLUS MOVABLE PROPERTY

51. The Regulation respecting contracts for the alienation of surplus movable property (chapter R-7, r. 2) is repealed.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

52. The Société de développement et de mise en valeur du Parc olympique replaces the Régie des installations olympiques, acquires its rights and assumes its obligations.

53. The Société becomes, without continuance of suit, a party to all proceedings to which the Régie des installations olympiques was a party.

54. Publication in the land register is not required for the rights and obligations that have become those of the Société under section 52.

However, the Société may, with regard to an immovable for which it holds a right of ownership, and if it deems it appropriate, publish a notice that announces the replacement, refers to this Act and contains a description of the immovable. Only one copy of the notice is required and it need not be certified.

55. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to the transfer of immovables from the Régie des installations olympiques to the Société under section 52.

56. Régie des installations olympiques staff members employed on 31 October 2020 become, without further formality, Société staff members.

Their conditions of employment continue to apply until they are modified by the Société.

57. Régie des installations olympiques board members, including the president and chief executive officer, in office on 31 October 2020 continue in office under the same conditions for the unexpired portion of their term, until replaced or reappointed under this Act.

For the purposes of section 12 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), the terms served by the members of the board of directors of the Régie referred to in the first paragraph are taken into account for their renewal.

58. Régie des installations olympiques vice-presidents in office on 31 October 2020 continue in office under the same conditions for the unexpired portion of their term.

59. A declaration by the Société in an application for registration or cancellation of an entry in the register of personal and movable real rights or the land register, stating that the Société is, by the effect of the replacement made under section 52, the holder of the rights that are the subject of the application and that were formerly registered in favour of the Régie des installations olympiques, is sufficient to establish with the registrar that the Société is the holder of those rights.

60. The strategic plan of the Régie des installations olympiques is, with the necessary modifications, applicable to the Société until it is replaced by the Société's first strategic plan.

61. The directives, policies and other decisions made regarding the Régie des installations olympiques by the Cabinet or the Conseil du trésor under the powers and prerogatives devolved to them continue to have effect with regard to the Société until their object is attained or they are repealed or amended by the competent authority.

62. Until section 2 of chapter 20 of the Statutes of 2018 comes into force, section 34 of the Act respecting liquor permits (chapter P-9.1) is to be read as follows:

“34. A “Man and his World” permit and an “Olympic Grounds” permit authorize, for consumption on the premises, the sale of alcoholic beverages specified in the permit.

A “Man and his World” permit authorizes the sale of alcoholic beverages at the place specified in the permit situated on any part of the site of the Universal and International Exhibition of 1967 where the manifestations and activities called “Man and his World” take place.

An “Olympic Grounds” permit authorizes the sale of alcoholic beverages at the place specified in the permit when it is situated on any part of the site contemplated in the third paragraph of section 4 of the Act respecting the Société de développement et de mise en valeur du Parc olympique (2020, chapter 10).”

63. Until section 4 of chapter 20 of the Statutes of 2018 comes into force, subparagraph 1 of the first paragraph of section 39 of the Act respecting liquor permits is to be read as follows:

“(1) be the owner or the lessee of the establishment or be specially authorized by the owner or the lessee of the establishment to use the permit or, in the case of a “Man and his World” permit or an “Olympic Grounds” permit, have obtained a concession, respectively, from Ville de Montréal or the Société de développement et de mise en valeur du Parc olympique;”.

64. Unless otherwise indicated by the context and with the necessary modifications,

(1) in any law or regulation, the designation “Régie des installations olympiques” is replaced by “Société de développement et de mise en valeur du Parc olympique”; and

(2) in any other document, a reference to the Act respecting the Régie des installations olympiques (chapter R-7) or any of its provisions is a reference to this Act or the corresponding provision of this Act, if applicable, and a reference to the Régie des installations olympiques is a reference to the Société de développement et de mise en valeur du Parc olympique.

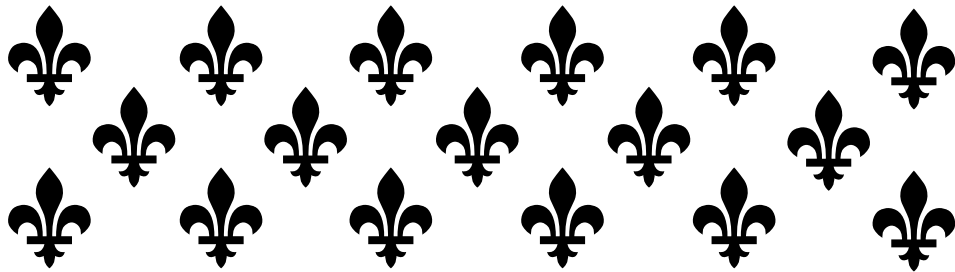
65. The Société must, not later than 30 September 2021, file the last activity report and financial statements of the Régie des installations olympiques required under sections 28 and 31 of the Act respecting the Régie des installations olympiques, respectively; the Société must attach them to its own activity report.

This section applies despite any incompatible provision.

66. This Act replaces the Act respecting the Régie des installations olympiques.

67. The Minister of Tourism is responsible for the administration of this Act.

68. This Act comes into force on 1 November 2020.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 211
(Private)

An Act respecting SSQ Mutual

**Introduced 26 May 2020
Passed in principle 2 June 2020
Passed 2 June 2020
Assented to 5 June 2020**

**Québec Official Publisher
2020**

Bill 211

(Private)

AN ACT RESPECTING SSQ MUTUAL

AS Québec Health Services was formed on 24 April 1944 under the Québec Cooperative Syndicates Act (Revised Statutes of Québec, 1941, chapter 290) under the name of “La Coopérative de Santé de Québec”;

AS, on 20 December 1945, the name of the company was changed to that of “Les Services de Santé de Québec” and on 12 December 1949 to that of “Les Services de Santé du Québec” in accordance with the provisions of that Act;

AS, under chapter 155 of the statutes of 1955–1956, Les Services de Santé du Québec was converted into a mutual benefit society under the French name “Les Services de Santé du Québec” and the English name “Quebec Health Services”;

AS, according to the terms of chapter 105 of the statutes of 1964, the powers of Quebec Health Services were broadened;

AS, according to the terms of chapter 70 of the statutes of 1974, Quebec Health Services became a mutual life-insurance company;

AS, according to chapter 100 of the statutes of 1977, Québec Health Services was granted additional powers;

AS, under the Act respecting “Québec Health Services” “Les Services de Santé du Québec” (1991, chapter 102), on 5 December 1991, Québec Health Services was converted into a capital stock insurance company under the name of “SSQ, Life Insurance Company Inc.”, committed to pursuing its activities, and into a mutual management corporation under the name of “SSQ, Mutuelle de gestion”, grouping together the policyholders and the participants to control at all times the capital stock insurance company resulting from the conversion;

AS the Act respecting “Québec Health Services” “Les Services de Santé du Québec” replaced the Act respecting “Quebec Health Services — “Les Services de Santé du Québec” (1955–1956, chapter 155);

AS, under chapter 107 of the statutes of 1993, amendments were made to the corporate organization of the mutual management corporation and the capital stock insurance company;

AS the Act respecting insurance (chapter A-32) was replaced by the Insurers Act (chapter A-32.1) on 13 June 2019 and as the expression “compagnie d’assurance” used in French in the former Act was replaced by the expression “société d’assurance” in the latter Act and the expression “mutual management corporation” used in the former Act was replaced by the expression “mutual legal person” in the latter Act;

AS, under the articles of continuance and a certificate of continuance issued by the Registraire des entreprises du Québec on 31 December 2019, SSQ, Life Insurance Company Inc., authorized insurer constituted under a private Act of Québec, became on that date an insurance business corporation regulated by Title III of the Insurers Act;

AS, under the articles of amalgamation and a certificate of amalgamation issued by the Registraire des entreprises du Québec on 1 January 2020, SSQ, Life Insurance Company Inc. and SSQ, Insurance Company Inc. amalgamated under the Insurers Act and the Business Corporations Act (chapter S-31.1), the corporation resulting from the amalgamation having taken the name of SSQ, Life Insurance Company Inc.;

AS SSQ, Life Insurance Company Inc. and SSQ, Mutuelle de gestion wish SSQ, Life Insurance Company Inc. to consolidate with La Capitale Civil Service Insurer Inc. to ensure that they continue their activities together and that SSQ, Mutuelle de gestion holds an indirect interest in each of them and in any other insurance business corporation through the intermediary of one or more other legal persons, which must include a common holding company;

AS the proposed consolidation requires that the Act respecting “Québec Health Services” “Les Services de Santé du Québec” be replaced by a new Act that will be better suited to the reality of SSQ, Mutuelle de gestion and SSQ, Life Insurance Company Inc. after the consolidation, that is to say, a new Act more in line with the Insurers Act and more suitable for the continuance of SSQ, Life Insurance Company Inc. as a regulated business corporation within the meaning of the Insurers Act;

AS the directors of SSQ, Life Insurance Company Inc. unanimously passed a resolution approving the replacement of the Act respecting “Québec Health Services” “Les Services de Santé du Québec” by this Act;

AS the shareholders of SSQ, Life insurance Company Inc. unanimously ratified the replacement of the Act respecting “Québec Health Services” “Les Services de Santé du Québec” by this Act;

AS the directors of SSQ, Mutuelle de gestion unanimously passed a resolution approving the replacement of the Act respecting “Québec Health Services” “Les Services de Santé du Québec” by this Act;

AS the members of SSQ, Mutuelle de gestion unanimously approved, on 3 March 2020, at a special general meeting called for such purpose, the replacement of the Act respecting “Québec Health Services” “Les Services de Santé du Québec” by this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS

1. In this Act, unless the context indicates otherwise,

(1) “relevant shareholder” means the holding company or any person who directly, or indirectly through the intermediary of one or more legal persons, holds shares of the capital stock of one of the patrimonial insurers, as well as that person’s successors, assignees and right-holders;

(2) “patrimonial insurers” means the SSQ insurance business corporation, the LC insurance business corporation, La Capitale General Insurance Inc., La Capitale Financial Security Insurance Company, L’Unique General Insurance Inc. and Unica Insurance Inc., and “patrimonial insurer” means any of the patrimonial insurers;

(3) “controlled management rights” means rights granted to a relevant shareholder by an agreement to which a patrimonial insurer or the holding company is a party and under which certain actions or certain decisions of the patrimonial insurer or its board of directors are subject to the approval of the relevant shareholder;

(4) “Minister” means the minister responsible for the carrying out of the Insurers Act (chapter A-32.1);

(5) “mutual legal persons” means the SSQ mutual legal person and the LC mutual legal person, collectively;

(6) “LC mutual legal person” means La Capitale Civil Service Mutual, a legal person without capital stock governed by the Act respecting La Capitale Civil Service Mutual;

(7) “SSQ mutual legal person” means SSQ, Mutuelle de gestion, a legal person without capital stock governed by this Act whose corporate name is changed to “SSQ Mutuelle” in French and to “SSQ Mutual” in English under this Act;

(8) “equity percentage” means, with respect to a person who holds equity in a legal person, the percentage that the number of voting rights attached to the voting shares of the capital stock held by the person as a shareholder is of the total number of voting rights attached to issued and outstanding voting shares of the legal person’s capital stock;

(9) “equity percentage of the SSQ mutual legal person” means the equity percentage held indirectly, through one or more legal persons, which must include the holding company, by the SSQ mutual legal person in any patrimonial insurer that is equal to the result obtained by multiplying all the equity percentages, from the mutual legal person to the relevant patrimonial insurer;

(10) “LC insurance business corporation” means La Capitale Civil Service Insurer Inc.;

(11) “SSQ insurance business corporation” means SSQ, Life Insurance Company Inc.; and

(12) “holding company” means 9410-2589 Québec Inc., a business corporation constituted under the Business Corporations Act (chapter S-31.1).

CHAPTER II

CONTINUATION OF SSQ, MUTUELLE DE GESTION

2. The SSQ mutual legal person continues the existence of SSQ, Mutuelle de gestion, including, if applicable, its rights and privileges, for the purpose of enabling the continuation of the rights of insurance contract owners and group insurance contract participants as members, their rights being exercised within the SSQ mutual legal person.

CHAPTER III

PATRIMONIAL INSURERS

DIVISION I

HEAD OFFICES OF PATRIMONIAL INSURERS

3. The head offices of the patrimonial insurers are situated in the judicial district of Québec.

DIVISION II

ADMINISTRATION OF PATRIMONIAL INSURERS

4. The board of directors of each patrimonial insurer and of the holding company must be composed of a number of directors designated by the SSQ mutual legal person that is equal to or greater than the equity percentage of the SSQ mutual legal person multiplied by the total number of directors of the patrimonial insurer or the holding company rounded up to the nearest whole number.

5. A director of a patrimonial insurer or of the holding company designated by the SSQ mutual legal person may be removed only by the latter.

DIVISION III

NAME AND OBJECTS OF THE SSQ INSURANCE BUSINESS CORPORATION

- 6.** The name of the SSQ insurance business corporation is that given to it in its articles.
- 7.** The objects of the SSQ insurance business corporation are those given to it in its articles.

DIVISION IV

MISCELLANEOUS PROVISIONS

- 8.** Despite section 198 of the Insurers Act (chapter A-32.1), a relevant shareholder may hold and exercise controlled management rights relating to one of the patrimonial insurers, without the holding or exercise of such rights contravening any other applicable provision of the Insurers Act.
- 9.** Section 540 of the Insurers Act does not apply to the patrimonial insurers.
- 10.** The SSQ insurance business corporation retains the rights and privileges it enjoyed under former Acts, as applicable.

CHAPTER IV

SSQ MUTUAL LEGAL PERSON

DIVISION I

NAME, HEAD OFFICE, OBJECTS AND POWERS

- 11.** The name of the SSQ mutual legal person is “SSQ Mutuelle” and its English version, “SSQ Mutual”.
- 12.** The head office of the SSQ mutual legal person is situated in the judicial district of Québec.
- 13.** The SSQ mutual legal person is a legal person without share capital operating in accordance with the form of representative governance provided for in Divisions II and III of this chapter.

Its principal object is to hold indirectly, through the intermediary of one or more legal persons, which must include the holding company, equity in the capital stock of the SSQ insurance business corporation or the LC insurance business corporation.

The SSQ mutual legal person may indirectly hold equity in the capital stock of any other insurance business corporation to the extent that the equity is held directly or indirectly by the holding company or any of the patrimonial insurers.

The SSQ mutual legal person may encourage economic, social or educational activities, including through foundations.

14. The SSQ mutual legal person may make the investments it considers appropriate, as a prudent and reasonable person would do in similar circumstances, acting with honesty and loyalty in the best interests of the members.

DIVISION II

MEMBERS OF THE SSQ MUTUAL LEGAL PERSON

15. The members of the SSQ mutual legal person are,

(1) with respect to damage insurance or individual insurance of persons, a natural person who is the owner of an insurance or annuity contract underwritten by a patrimonial insurer or by any of its predecessors or, if there is more than one owner, the person designated from among them in accordance with the by-laws of the SSQ mutual legal person; and

(2) with respect to group insurance of persons, the participant in a group insurance contract or group annuity contract of which the insurer or debtor is a patrimonial insurer or any of its predecessors.

A person retains the status of member as long as

(1) the contract referred to in the first paragraph of which the person is an owner or in which the person is a participant is in force; and

(2) the SSQ mutual legal person holds indirectly, through the intermediary of one or more legal persons, equity in the patrimonial insurer who underwrote or whose predecessor underwrote the contract referred to in the first paragraph.

16. In no case is a subrogated holder a member.

17. A member has the right to only one vote, regardless of the number or amount of the contracts owned or participated in. No member may vote by proxy.

18. The SSQ mutual legal person must, within 24 months after the coming into force of this Act or before any other time limit approved by the Minister, adopt the by-law provided for in section 27, which by-law must be submitted for approval at the annual meeting following its adoption.

Despite section 15, in the interval between the coming into force of this Act and the approval of the by-law provided for in the first paragraph, only the members whose insurance contract, group insurance contract, annuity contract or group annuity contract is underwritten by the SSQ insurance business corporation or its predecessors may exercise a voting right under the by-laws of the SSQ mutual legal person in force immediately before the coming into force of this Act.

19. Any person who is a member of the SSQ mutual legal person, immediately before the coming into force of this Act, is deemed to be a member of the SSQ mutual legal person as long as the insurance or annuity contract the person owns or participates in is in force and the SSQ mutual legal person holds indirectly, through the intermediary of one or more legal persons, equity in the patrimonial insurer who underwrote the contract or whose predecessor underwrote the contract.

DIVISION III

ADMINISTRATION OF THE SSQ MUTUAL LEGAL PERSON

20. The general meeting of the members elects the directors of the SSQ mutual legal person from among its members in the manner provided for in its by-laws.

21. The SSQ mutual legal person may, by by-law, determine the minimum and maximum number of directors. However, in no case may the minimum number of directors be less than seven.

22. The majority of the directors of the SSQ mutual legal person must reside in Québec.

23. The directors of the SSQ mutual legal person in office immediately before the coming into force of this Act remain in office for the unexpired portion of their term of office, unless they resign or their office otherwise becomes vacant.

24. No more than one-third of the board of directors of the SSQ mutual legal person may be composed of remunerated officers and employees of legal persons affiliated with the SSQ mutual legal person within the meaning of the Insurers Act.

25. The by-laws of the SSQ mutual legal person in force immediately before the coming into force of this Act continue to have effect.

26. The board of directors of the SSQ mutual legal person may adopt, repeal or amend any by-law for the management of its affairs. To remain in force, all such by-laws must be ratified at the next annual general meeting or, in the meantime, at an extraordinary meeting.

27. The board of directors of the SSQ mutual legal person may adopt a by-law prescribing the mechanisms and procedures by which certain members are designated as delegates and, in such a case, the delegates and the directors of the SSQ mutual legal person are the only persons who may vote at the annual general meeting or at any extraordinary meeting of the SSQ mutual legal person to the extent permitted by the by-law.

Despite section 26, such by-law may not come into force before being ratified by the meeting of the members.

DIVISION IV

MISCELLANEOUS PROVISIONS

28. The expenses inherent in the operation of the SSQ mutual legal person may be assumed by a patrimonial insurer.

29. In the absence of a corresponding provision in this chapter and subject to section 31 of this Act, section 88, paragraph 3 of section 89 and sections 89.1 to 89.4 of Part I and the provisions of Part II of the Companies Act (chapter C-38) apply, with the necessary modifications, to the SSQ mutual legal person, except sections 126, 136.1, 139 to 141, 143 to 165, 171 to 181, paragraph 3 of section 182, subparagraphs *a* and *b* of paragraph 2 of section 185, sections 187 and 190, subparagraphs *j* and *k* of paragraph 3 of section 191, section 192, sections 195 and 196, and subparagraphs *d* and *e* of paragraph 1 and paragraph 2 of section 197.

The Government may render a provision of the Companies Act or the Business Corporations Act (chapter S-31.1) applicable to the SSQ mutual legal person.

30. For the purposes of the Companies Act and the Winding-up Act (chapter L-4), “company” means the SSQ mutual legal person and “shareholder” means a member of the SSQ mutual legal person.

Where a provision of those Acts refers to a specified proportion in value of the capital stock of a corporation, the provision is construed as meaning the number of persons present and qualified to vote that corresponds to the specified proportion in value.

However, if a by-law prescribes a delegate system such as that permitted under section 27 of this Act, the provision is construed as meaning the number of directors and delegates present and qualified to vote.

31. Sections 9 to 17 of the Act respecting the regulation of the financial sector (chapter E-6.1) and sections 9 to 19, 48, 74, 93, 97, 108, 109 to 112, 115, 117, 130 to 133, 137, 138, 146 to 148, 242, 243, 248 to 254, 269 to 272, 349, 351, 462, the second paragraph of section 464, sections 465 to 468 and Chapter II of Title VI of the Insurers Act (chapter A-32.1) apply, with the necessary modifications, to the SSQ mutual legal person and to any legal person through the intermediary of which the SSQ mutual legal person holds equity in the patrimonial insurers.

For the purpose of applying the Insurers Act to the SSQ mutual legal person or to any legal person through the intermediary of which the SSQ mutual legal person holds equity in the patrimonial insurers, the references to the actuary are deemed not written.

In addition to the provisions referred to in the first paragraph, sections 291 to 295 and 298 to 301 of the Insurers Act apply to the holding company.

CHAPTER V

MAINTENANCE OF THE MUTUAL LEGAL PERSONS' EQUITY PERCENTAGE

32. On pain of absolute nullity, the SSQ insurance business corporation, the LC insurance business corporation, the holding company and any other legal person through the intermediary of which the mutual legal persons hold a combined equity percentage in the SSQ insurance business corporation or the LC insurance business corporation may not allot shares of their capital stock or authorize and register a transfer of such shares in either of the following cases:

(1) the members of each of the mutual legal persons have not approved that the combined equity percentage of the mutual legal persons in the LC insurance business corporation or the SSQ insurance business corporation, as the case may be, through the intermediary of the holding company, be less than 26% but equal to or greater than 13%; once the threshold has been reached, such approval must be given each time the combined equity percentage of the mutual legal persons drops below the new authorized minimum threshold, without being less than 13%; or

(2) the members of each of the mutual legal persons and the Minister have not approved that the combined equity percentage of the mutual legal persons in the LC insurance business corporation or the SSQ insurance business corporation, as the case may be, through the intermediary of the holding company, be less than 13%; once the threshold has been reached, such approval must be given each time the combined equity percentage of the mutual legal persons drops below the new authorized minimum threshold.

For the purposes of the first paragraph, the approval required from the members of each of the mutual legal persons is deemed to have been received if the total number of those who voted in favour of the change in the proposed minimum threshold represents at least two-thirds of the members of the SSQ mutual legal person and of the LC mutual legal person present and qualified to vote during meetings.

CHAPTER VI

DISSOLUTION, LIQUIDATION AND SALE

33. The Winding-up Act (chapter L-4) applies to the SSQ mutual legal person, with the necessary modifications.

The SSQ mutual legal person must make a by-law establishing the members' rights and interests for the purposes of the distribution of the balance of the assets after its winding-up, once its debts and the costs, charges and expenses of its winding-up have been paid, not later than 24 months as of 1 July 2020 or before any other time limit approved by the Minister.

The by-law of the SSQ mutual legal person establishing the members' rights and interests for the purposes of the distribution of the balance of the assets upon its winding-up, and any amendment to the by-law, must be submitted to the Minister for approval before they are adopted.

On the date the entry provided for in the second paragraph of section 17 of the Winding-up Act is made in the enterprise register, the provisions of this Act become without effect, except section 9, which continues to apply to the SSQ insurance business corporation.

34. If the SSQ mutual legal person disposes of the equity it holds indirectly in the SSQ insurance business corporation and of the equity it holds in the LC insurance business corporation, it must dissolve itself and wind itself up.

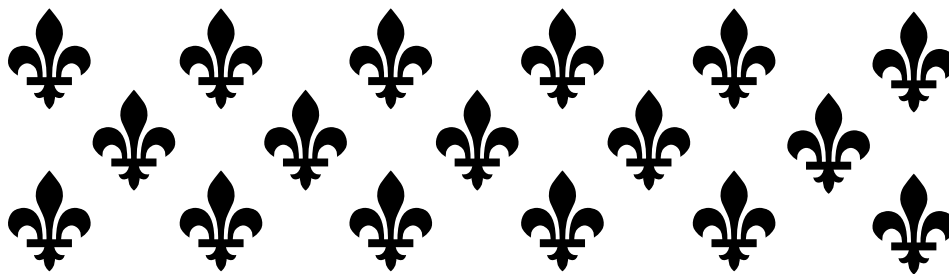
35. The voluntary dissolution of the SSQ insurance business corporation and of the LC insurance corporation, their liquidation or the sale of all or substantially all of their property or their enterprise outside of the ordinary course of their operations entails the dissolution and winding-up of SSQ mutual legal person.

CHAPTER VII

FINAL PROVISIONS

36. This Act replaces the Act respecting "Québec Health Services" "Les Services de Santé du Québec" (1991, chapter 102).

37. This Act comes into force on 1 July 2020.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 212
(Private)

**An Act respecting La Capitale Civil
Service Mutual**

**Introduced 26 May 2020
Passed in principle 2 June 2020
Passed 2 June 2020
Assented to 5 June 2020**

**Québec Official Publisher
2020**

Bill 212

(Private)

AN ACT RESPECTING LA CAPITALE CIVIL SERVICE MUTUAL

AS Mutuelle des Fonctionnaires du Québec was incorporated as a mutual life assurance company by the Act to incorporate La Mutuelle des Employés Civils, a mutual life assurance company (1956-57, chapter 166);

AS, under the Insurance Act (Revised Statutes of Québec, 1964, chapter 295), its corporate name was changed on 6 April 1965 to “La Mutuelle-Vie des Fonctionnaires du Québec”;

AS, under the Special Corporate Powers Act (chapter P-16), its corporate name was changed on 24 January 1983 to “Mutuelle des Fonctionnaires du Québec”;

AS, under the Act respecting Mutuelle des Fonctionnaires du Québec (1991, chapter 103), on 1 January 1992, Mutuelle des Fonctionnaires du Québec was converted into a capital stock insurance company under the name of “Québec Civil Servants’ Insurance Corporation”, committed to pursuing its activities, and into a mutual management corporation under the name of “Québec Civil Servants’ Mutual Management Corporation”, grouping together the policyholders to control at all times the capital stock insurance company resulting from the conversion;

AS the Act respecting Mutuelle des Fonctionnaires du Québec replaced the Act to incorporate La Mutuelle des Employés Civils, a mutual life assurance company;

AS, under the Special Corporate Powers Act, on 1 January 1992, the name of the mutual management corporation was changed to “Mutuelle des Fonctionnaires du Québec, corporation de gestion” and the name of the capital stock insurance company was changed to “MFQ-Vie, corporation d’assurance”;

AS, under the Act respecting the special powers of legal persons, on 11 September 2000, the name of the capital stock insurance company was changed to “La Capitale MFQ Insurance Inc.”;

AS, under the Act respecting the special powers of legal persons, on 1 October 2004, the name of the mutual management company was changed to “La Capitale Civil Service Mutual” and the name of the capital stock insurance company was changed to “La Capitale Civil Service Insurer Inc.”;

AS, under the articles of amalgamation and a certificate of amalgamation issued by the Registraire des entreprises du Québec in force on 1 January 2018, La Capitale Civil Service Insurer Inc. and La Capitale Insurance and Financial Services Inc. amalgamated under the Act respecting insurance (chapter A-32) and the Business Corporations Act (chapter S-31.1), and the corporation resulting from the amalgamation took the name of La Capitale Civil Service Insurer Inc.;

AS the Act respecting insurance was replaced by the Insurers Act (chapter A-32.1) on 13 June 2019 and as the expression “compagnie d’assurance” used in French in the former Act was replaced by the expression “société d’assurance” in the latter Act and the expression “mutual management corporation” used in the former Act was replaced by the expression “mutual legal person” in the latter Act;

AS La Capitale Civil Service Insurer Inc. became, on 13 June 2019, a business corporation regulated by Title III of the Insurers Act;

AS La Capitale Civil Service Insurer Inc. and La Capitale Civil Service Mutual wish La Capitale Civil Service Insurer Inc. to consolidate with SSQ, Life Insurance Company Inc. to ensure that they continue their activities together and that La Capitale Civil Service Mutual holds an indirect interest in each of them and in any other insurance business corporation through the intermediary of one or more legal persons, which must include a common holding company;

AS the proposed consolidation requires that the Act respecting Mutuelle des Fonctionnaires du Québec be replaced by a new Act that will be better suited to the reality of La Capitale Civil Service Mutual and La Capitale Civil Service Insurer Inc. after the consolidation, that is to say, a new Act more in line with the Insurers Act and more suitable for the continuance of La Capitale Civil Service Insurer Inc. as a regulated business corporation within the meaning of the Insurers Act;

AS the directors of La Capitale Civil Service Insurer Inc. unanimously passed a resolution approving the replacement of the Act respecting Mutuelle des Fonctionnaires du Québec by this Act;

AS the shareholders of La Capitale Civil Service Insurer Inc. unanimously ratified the replacement of the Act respecting Mutuelle des Fonctionnaires du Québec by this Act;

AS the directors of La Capitale Civil Service Mutual unanimously passed a resolution approving the replacement of the Act respecting Mutuelle des Fonctionnaires du Québec by this Act;

AS the members of La Capitale Civil Service Mutual unanimously approved, on 3 March 2020, at a special general meeting called for such purpose, the replacement of the Act respecting Mutuelle des Fonctionnaires du Québec by this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS

1. In this Act, unless the context indicates otherwise,

(1) “relevant shareholder” means the holding company or any person who directly, or indirectly through the intermediary of one or more legal persons, holds shares of the capital stock of one of the patrimonial insurers, as well as that person’s successors, assignees and right-holders;

(2) “patrimonial insurers” means the LC insurance business corporation, the SSQ insurance business corporation, La Capitale General Insurance Inc., La Capitale Financial Security Insurance Company, L’Unique General Insurance Inc. and Unica Insurance Inc., and “patrimonial insurer” means any of the patrimonial insurers;

(3) “controlled management rights” means rights granted to a relevant shareholder by an agreement to which a patrimonial insurer or the holding company is a party and under which certain actions or certain decisions of the patrimonial insurer or its board of directors are subject to the approval of the relevant shareholder;

(4) “Minister” means the minister responsible for the carrying out of the Insurers Act (chapter A-32.1);

(5) “mutual legal persons” means the LC mutual legal person and the SSQ mutual legal person, collectively;

(6) “LC mutual legal person” means La Capitale Civil Service Mutual, a legal person without capital stock governed by this Act;

(7) “SSQ mutual legal person” means SSQ Mutual, a legal person without capital stock governed by the Act respecting SSQ Mutual;

(8) “equity percentage” means, with respect to a person who holds equity in a legal person, the percentage that the number of voting rights attached to the voting shares of the capital stock held by the person as a shareholder is of the total number of voting rights attached to issued and outstanding voting shares of the legal person’s capital stock;

(9) “equity percentage of the LC mutual legal person” means the equity percentage held indirectly, through one or more legal persons, which must include the holding company, by the LC mutual legal person in any patrimonial insurer that is equal to the result obtained by multiplying all the equity percentages, from the mutual legal person to the relevant patrimonial insurer;

(10) “LC insurance business corporation” means La Capitale Civil Service Insurer Inc.;

(11) “SSQ insurance business corporation” means SSQ, Life Insurance Company Inc.; and

(12) “holding company” means 9410-2589 Québec Inc., a business corporation constituted under the Business Corporations Act (chapter S-31.1).

CHAPTER II

CONTINUATION OF THE LC MUTUAL LEGAL PERSON

2. The LC mutual legal person continues to exist and retains its rights and privileges for the purpose of enabling the continuation of the rights of insurance contract owners as members, their rights being exercised within the LC mutual legal person.

CHAPTER III

PATRIMONIAL INSURERS

DIVISION I

HEAD OFFICES OF PATRIMONIAL INSURERS

3. The head offices of the patrimonial insurers are situated in the judicial district of Québec.

DIVISION II

ADMINISTRATION OF PATRIMONIAL INSURERS

4. The board of directors of each patrimonial insurer and of the holding company must be composed of a number of directors designated by the LC mutual legal person that is equal to or greater than the equity percentage of the LC mutual legal person multiplied by the total number of directors of the patrimonial insurer or the holding company rounded up to the nearest whole number.

5. A director of a patrimonial insurer or of the holding company designated by the LC mutual legal person may be removed only by the latter.

DIVISION III

NAME AND OBJECTS OF THE LC INSURANCE BUSINESS CORPORATION

6. The name of the LC insurance business corporation is that given to it in its articles.

7. The objects of the LC insurance business corporation are those given to it in its articles.

DIVISION IV

MISCELLANEOUS PROVISIONS

8. Despite section 198 of the Insurers Act (chapter A-32.1), a relevant shareholder may hold and exercise controlled management rights relating to one of the patrimonial insurers, without the holding or exercise of such rights contravening any other applicable provision of the Insurers Act.

9. Section 540 of the Insurers Act does not apply to the patrimonial insurers.

10. The LC insurance business corporation retains the rights and privileges it enjoyed under former Acts.

CHAPTER IV

LC MUTUAL LEGAL PERSON

DIVISION I

NAME, HEAD OFFICE, OBJECTS AND POWERS

11. The name of the LC mutual legal person is “La Capitale mutuelle de l’administration publique” and its English version, “La Capitale Civil Service Mutual”.

12. The head office of the LC mutual legal person is situated in the judicial district of Québec.

13. The LC mutual legal person is a legal person without share capital operating in accordance with the form of representative governance provided for in Divisions II and III of this chapter.

Its principal object is to hold indirectly, through the intermediary of one or more legal persons, which must include the holding company, equity in the capital stock of the SSQ insurance business corporation or the LC insurance business corporation.

The LC mutual legal person may indirectly hold equity in the capital stock of any other insurance business corporation to the extent that the equity is held directly or indirectly by the holding company or any of the patrimonial insurers.

The LC mutual legal person may encourage economic, social or educational activities, including through foundations.

14. The LC mutual legal person may make the investments it considers appropriate, as a prudent and reasonable person would do in similar circumstances, acting with honesty and loyalty in the best interests of the members.

DIVISION II

MEMBERS OF THE LC MUTUAL LEGAL PERSON

15. The members of the LC mutual legal person are,

(1) with respect to damage insurance or individual insurance of persons, a natural person who is the owner of an insurance or annuity contract underwritten by a patrimonial insurer or by any of its predecessors or, if there is more than one owner, the person designated from among the owners in accordance with the by-laws of the LC mutual legal person; and

(2) with respect to group insurance of persons, the participant in a group insurance contract or group annuity contract of which the insurer or debtor is a patrimonial insurer or any of its predecessors.

A person retains the status of member as long as

(1) the contract referred to in the first paragraph of which the person is an owner or in which the person is a participant is in force; and

(2) the LC mutual legal person holds indirectly, through the intermediary of one or more legal persons, equity in the patrimonial insurer who underwrote or whose predecessor underwrote the contract referred to in the first paragraph.

16. In no case is a subrogated holder a member.

17. A member has the right to only one vote, regardless of the number or amount of the contracts owned or participated in. No member may vote by proxy.

18. The LC mutual legal person must, within 24 months after the coming into force of this Act or before any other time limit approved by the Minister, adopt the by-law provided for in section 27, which by-law must be submitted for approval at the annual meeting following its adoption.

Despite section 15, in the interval between the coming into force of this Act and the approval of the by-law provided for in the first paragraph, only the members having the right to vote under the by-laws of the LC mutual legal person that are in force immediately before the coming into force of this Act may exercise a voting right.

19. Any person who is a member of the LC mutual legal person, immediately before the coming into force of this Act, is deemed to be a member of the LC mutual legal person as long as the insurance or annuity contract the person owns is in force and the LC mutual legal person holds indirectly, through the intermediary of one or more other legal persons, equity in the patrimonial insurer who underwrote the contract or whose predecessor underwrote the contract.

DIVISION III

ADMINISTRATION OF THE LC MUTUAL LEGAL PERSON

20. The general meeting of the members elects the directors of the LC mutual legal person from among its members in the manner provided for in its by-laws.

21. The LC mutual legal person may, by by-law, determine the minimum and maximum number of directors. However, in no case may the minimum number of directors be less than seven.

22. The majority of the directors of the LC mutual legal person must reside in Québec.

23. The directors of the LC mutual legal person in office immediately before the coming into force of this Act remain in office for the unexpired portion of their term of office, unless they resign or their office otherwise becomes vacant.

24. No more than one-third of the board of directors of the LC mutual legal person may be composed of remunerated officers and employees of legal persons affiliated with the LC mutual legal person within the meaning of the Insurers Act.

25. The by-laws of the LC mutual legal person in force immediately before the coming into force of this Act continue to have effect.

26. The board of directors of the LC mutual legal person may adopt, repeal or amend any by-law for the management of its affairs. To remain in force, all such by-laws must be ratified at the next annual general meeting or, in the meantime, at an extraordinary meeting.

27. The board of directors of the LC mutual legal person may adopt a by-law prescribing the mechanisms and procedures by which certain members are designated as delegates and, in such a case, the delegates and the directors of the LC mutual legal person are the only persons who may vote at the annual general meeting or at any extraordinary meeting of the LC mutual legal person, to the extent permitted by the by-law.

Despite section 26, such by-law may not come into force before being ratified by the meeting of the members.

DIVISION IV

MISCELLANEOUS PROVISIONS

28. The expenses inherent in the operation of the LC mutual legal person may be assumed by a patrimonial insurer.

29. In the absence of a corresponding provision in this chapter and subject to section 31 of this Act, section 88, paragraph 3 of section 89 and sections 89.1 to 89.4 of Part I and the provisions of Part II of the Companies Act (chapter C-38) apply, with the necessary modifications, to the LC mutual legal person, except sections 126, 136.1, 139 to 141, 143 to 165, 171 to 181, paragraph 3 of section 182, subparagraphs *a* and *b* of paragraph 2 of section 185, sections 187 and 190, subparagraphs *j* and *k* of paragraph 3 of section 191, section 192, sections 195 and 196, and subparagraphs *d* and *e* of paragraph 1 and paragraph 2 of section 197.

The Government may render a provision of the Companies Act or the Business Corporations Act (chapter S-31.1) applicable to the LC mutual legal person.

30. For the purposes of the Companies Act and the Winding-up Act (chapter L-4), “company” means the LC mutual legal person and “shareholder” means a member of the LC mutual legal person.

Where a provision of those Acts refers to a specified proportion in value of the capital stock of a corporation, the provision is construed as meaning the number of persons present and qualified to vote that corresponds to the specified proportion in value.

However, if a by-law prescribes a delegate system such as that permitted under section 27 of this Act, the provision is construed as meaning the number of directors and delegates present and qualified to vote.

31. Sections 9 to 17 of the Act respecting the regulation of the financial sector (chapter E-6.1) and sections 9 to 19, 48, 74, 93, 97, 108, 109 to 112, 115, 117, 130 to 133, 137, 138, 146 to 148, 242, 243, 248 to 254, 269 to 272, 349, 351, 462, the second paragraph of section 464, sections 465 to 468 and Chapter II of Title VI of the Insurers Act (chapter A-32.1) apply, with the necessary modifications, to the LC mutual legal person and to any legal person through the intermediary of which the LC mutual legal person holds equity in the patrimonial insurers.

For the purpose of applying the Insurers Act to the LC mutual legal person or to any legal person through the intermediary of which the LC mutual legal person holds equity in the patrimonial insurers, the references to the actuary are deemed not written.

In addition to the provisions referred to in the first paragraph, sections 291 to 295 and 298 to 301 of the Insurers Act apply to the holding company.

CHAPTER V

MAINTENANCE OF THE MUTUAL LEGAL PERSONS' EQUITY PERCENTAGE

32. On pain of absolute nullity, the LC insurance business corporation, the SSQ insurance business corporation, the holding company and any other legal person through the intermediary of which the mutual legal persons hold a combined equity percentage in the LC insurance business corporation or the SSQ insurance business corporation may not allot shares of their capital stock or authorize and register a transfer of such shares in either of the following cases:

(1) the members of each of the mutual legal persons have not approved that the combined equity percentage of the mutual legal persons in the LC insurance business corporation or the SSQ insurance business corporation, as the case may be, through the intermediary of the holding company, be less than 26% but equal to or greater than 13%; once the threshold has been reached, such approval must be given each time the combined equity percentage of the mutual legal persons drops below the new authorized minimum threshold, without being less than 13%; or

(2) the members of each of the mutual legal persons and the Minister have not approved that the combined equity percentage of the mutual legal persons in the LC insurance business corporation or the SSQ insurance business corporation, as the case may be, through the intermediary of the holding company, be less than 13%; once the threshold has been reached, such approval must be given each time the combined equity percentage of the mutual legal persons drops below the new authorized minimum threshold.

For the purposes of the first paragraph, the approval required from the members of each of the mutual legal persons is deemed to have been received if the total number of those who voted in favour of the change in the proposed minimum threshold represents at least two-thirds of the members of the LC mutual legal person and of the SSQ mutual legal person present and qualified to vote during meetings.

CHAPTER VI

DISSOLUTION, LIQUIDATION AND SALE

33. The Winding-up Act (chapter L-4) applies to the LC mutual legal person, with the necessary modifications.

The LC mutual legal person must make a by-law establishing the members' rights and interests for the purposes of the distribution of the balance of the assets after its winding-up, once its debts and the costs, charges and expenses of its winding-up have been paid, not later than 24 months as of 1 July 2020 or before any other time limit approved by the Minister.

The by-law of the LC mutual legal person establishing the members' rights and interests for the purposes of the distribution of the balance of the assets upon its winding-up, and any amendment to the by-law, must be submitted to the Minister for approval before they are adopted.

On the date the entry provided for in the second paragraph of section 17 of the Winding-up Act is made in the enterprise register, the provisions of this Act become without effect, except section 9, which continues to apply to the LC insurance business corporation.

34. If the LC mutual legal person disposes of the equity it holds indirectly in the LC insurance business corporation and of the equity it holds in the SSQ insurance business corporation, it must dissolve itself and wind itself up.

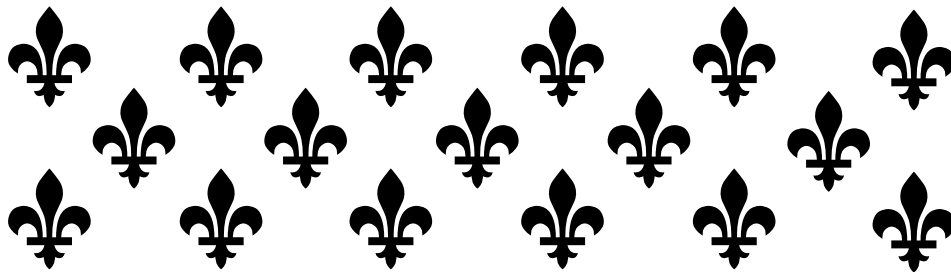
35. The voluntary dissolution of the LC insurance business corporation and the SSQ insurance business corporation, their liquidation or the sale of all or substantially all of their property or their enterprise outside of the ordinary course of their operations entails the dissolution and winding-up of the LC mutual legal person.

CHAPTER VII

FINAL PROVISIONS

36. This Act replaces the Act respecting *Mutuelle des Fonctionnaires du Québec* (1991, chapter 103).

37. This Act comes into force on 1 July 2020.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 213
(Private)

**An Act respecting Municipalité des
Îles-de-la-Madeleine**

**Introduced 27 May 2020
Passed in principle 4 June 2020
Passed 4 June 2020
Assented to 5 June 2020**

**Québec Official Publisher
2020**

Bill 213

(Private)

AN ACT RESPECTING MUNICIPALITÉ DES ÎLES-DE-LA-MADELEINE

AS it is in the interest of Municipalité des Îles-de-la-Madeleine that it be granted certain powers to enable it to promote the construction, renovation and annual leasing of rental dwellings in order to alleviate the housing shortage in its territory;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite the Municipal Aid Prohibition Act (chapter I-15), Municipalité des Îles-de-la-Madeleine may, by by-law, adopt a program to promote the construction, renovation and annual leasing of rental dwellings used for residential purposes.

The assistance under the program may not be used for dwellings that are leased in whole or in part for tourism purposes.

2. The financial assistance granted under the program referred to in section 1 may, in particular, take the form of a tax credit, subsidy or loan.

Subject to sections 3 to 6, the terms and conditions of the program are set by a by-law adopted by the municipal council.

3. The eligibility period for the program referred to in section 1 may not extend beyond 31 December 2026.

4. The total amount of financial assistance granted in the form of a subsidy or tax credit may not exceed \$2,000,000 for the program referred to in section 1. The municipality may, by a by-law approved by the Minister of Municipal Affairs and Housing, increase that amount and extend the period of eligibility for the program.

The financial assistance granted to a beneficiary under the program may not exceed \$500,000 and a period of 10 years.

5. To secure the performance of the obligations of beneficiaries under the program referred to in section 1, and to protect the value and ensure the conservation of an immovable, the municipality may, among other things, acquire a hypothec or another real right, obtain revenues from the immovable or receive part of the appreciation in its value since the work was done.

6. The program mentioned in section 1 must provide that a beneficiary of assistance for the construction or renovation of a dwelling must, except for a serious reason, preserve the rental and residential vocation of the dwelling for a minimum period of five years. The program must provide that the municipality may require the beneficiary to repay all or part of the financial assistance if that obligation is not met.

7. This Act comes into force on 5 June 2020.

Draft Regulations

Draft Regulation

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

Occupational health and safety — 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 occupational health and safety, 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 amends sections 146 and 147 of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) in order to harmonize them with the requirements provided for in the Environment Quality Act (chapter Q-2) and the Regulation respecting the quality of drinking water (chapter Q-2, r. 40). The draft Regulation also replaces Schedule VIII by more flexible provisions regarding the quantities of drinking water and the quality of the water used for flushing systems while ensuring that the health of workers is protected.

The draft Regulation may affect all establishments in Québec. It will have a positive impact on some of those establishments, without disadvantaging or advantaging other establishments. In the case of the establishments that are mainly affected, the replacement of an administrative procedure (sending of analyses results) by a simpler procedure (posting of analyses results) would generate annual savings of \$0.66M. For those businesses that are responsible for a water distribution system for a camp, the use of non-potable water in toilet flushing systems would generate annual savings of \$0.14M from savings in drinkable water consumption. The draft Regulation is not expected to have a direct positive or negative impact on employment.

Further information may be obtained by contacting François R. Granger, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3010, extension 2019; fax: 514 906-3011.

Any person wishing to comment on the draft Regulation may submit written comments within the 45-day period to Luc Castonguay, vice-president, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1M 1A1.

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 and 42)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 2 by striking out “146.”

2. Section 145 is amended by replacing the second paragraph by the following:

“The quantity of drinking water provided to the workers must be sufficient to meet their daily physiological and personal hygiene needs while taking into account, in particular, the work situation and the environmental and climatic conditions.

Without limiting the scope of the second paragraph, the quantity must at least enable each worker to drink 1 litre of drinking water, wash their hands 4 times over a period of 8 hours and take a shower once a day, when this Regulation requires that it be put at the disposal of the workers. The quantity must also ensure the proper functioning of emergency showers, if applicable.”

3. Section 146 is revoked.

4. Section 147 is replaced by the following:

“**147. Control:** In any establishment supplied with drinking water by a distribution system exempted from the application of Division I of Chapter III, “Quality control of drinking water”, of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), the employer

must have a sample of that water analyzed for the control of total coliform bacteria and *Escherichia coli* bacteria before the water is put at the disposal of the workers for the first time and, subsequently, once at month.

The first and second paragraphs of section 30 of the Regulation respecting the quality of drinking water apply to that sample.

Upon receiving the analyses results, the employer must keep them posted in a visible location that is easily accessible to workers until the following results are received. In default of such a location, the employer must communicate each of the results to the workers by any appropriate means.”

5. The following is added after section 165:

“165.1 Toilet and urinal flushing systems: The toilet and urinal flushing systems of any establishment must be fed by drinking water or non-potable water from a natural source of groundwater or surface water.

When non-potable water is used, it must be of sufficient quality so as not to adversely affect the proper functioning of those installations or impair the health and safety of the workers, in particular, by a reaction with the cleaning products used.

Without limiting the scope of the second paragraph, the non-potable water is presumed to be of sufficient quality when its turbidity is lower than 50 NTU.”

6. Schedule VIII is revoked.

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

104555

Draft Regulation

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

Safety Code for the construction industry — 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 Safety Code for the construction industry, 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 updates certain provisions respecting portable tools, electrical installations, motorized mast climbing platforms, ladder jack scaffoldings and signal persons as a replacement for a range limiting device.

The impact of the amendments to the Safety Code for the construction industry (chapter S-2.1, r. 4) is minimal. It does not require the adoption of new administrative formalities for enterprises and there is no anticipated impact on employment. It will contribute to the improvement of the safety of workers on construction sites. The new regulatory requirements will not be prejudicial to the competitiveness of the construction industry in Québec since they are consistent with the requirements of regulatory powers and good practices in North America. The analysis of the regulatory impact shows that the making of the draft Regulation represents recurring costs of 7.24 million dollars per year for enterprises.

Further information may be obtained by contacting Pierre Bouchard, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 250, Québec (Québec) G1K 7E2; telephone: 418-266-4699, extension 2014; fax: 418-266-4664.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for Prevention, Commission des normes, de l'équité, 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
Director of the Commission des normes,
de l'équité, de la santé et de la sécurité du travail*

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. 9, 11, 19, 21 and 42, and 3rd par.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1 by inserting the following definitions in numerical order:

“(17.2) “non-destructive examination” means a radiographic, ultrasonic, magnetic particle or liquid penetrant examination carried out and interpreted by an equipment operator for non-destructive testing certified level 2 by the Natural Resources Canada National Non-Destructive Testing Certification Body under CAN/CGSB-48.9712 Standard, Non-Destructive Testing - Qualification and Certification of Personnel;

(26.1) “certified organization” means an organization certified by the Canadian Welding Bureau in accordance with the specifications of CSA Standard W178.1, Certification of Welding Inspection Organizations;

(28.1) “load-bearing part” means a part which bears or supports the loads inherent to the use of equipment;”

2. Subdivision 2.11 is replaced by the following:

“§2.11. *Electricity*

2.11.1. An electrical appliance, electric tool or conductor shall be used only for the purposes for which it was designed.

2.11.2. An electrical appliance or electric tool shall be bonded or have double insulation.

2.11.3. Electrical extension cords shall

- (1) have a bonding conductor;
- (2) be designed for outdoor use;
- (3) be of the Hard Usage type for a circuit 300 volts or less, or of the Extra-Hard Usage type for a circuit 600 volts or less; and
- (4) have a capacity at least equal to the value of the circuit overcurrent device.

2.11.4. Where an extension cord is suspended, the suspension height shall allow free passage.

In addition, supports for suspending the extension cord shall not be conducting or sharp.

2.11.5. Where an extension cord passes on a floor, it shall be protected to avoid any damage or reduce risks of tripping.

2.11.6. An extension cord not in use shall be disconnected and stored.

In addition, an extension cord that has a broken, defective or repaired element shall not be used and shall be removed from the construction site.

2.11.7. Except where an energy control method provided for in subdivision 2.20 is applied, the components of an electrical circuit of more than 30 volts shall be protected to avoid any contact with a live element.

2.11.8. Subject to the provisions relating to alarm systems and fire pumps or any other provision to the contrary provided for in the Construction Code (chapter B-1.1, r. 2), the switch of a service box, a feeder or a branch circuit shall not be locked when it is in the energized position.

2.11.9. A 15A or 20A circuit at 125 volts supplying an appliance or a cord tool shall be protected by a Class A ground fault circuit interrupter.

2.11.10. A temporary electrical installation shall not be interconnected to the circuit of a permanent electrical installation, unless an appropriate warning is posted at all interconnection points or other locations that constitute a danger.

2.11.11. The distribution panel of a connection of a temporary outdoor electrical installation shall be weatherproof.

The ground in front and on each side of the panel shall be leveled, drained and free of obstructions to a distance of at least 1 metre.”

3. Section 2.10.10 is amended by striking out paragraph 3.

4. Section 3.9.18 is replaced by the following:

“**3.9.18.** The use of a ladder jack scaffolding shall be prohibited.”

5. Section 3.9.25 is amended

(1) by inserting “or CSA Standard B354.9, Design, calculations, safety requirements, and test methods for mast climbing work platforms (MCWPs)” after “ISO Standard 16369 - Mast-Climbing Work Platforms,” in subparagraph 1 of the first paragraph;

(2) by replacing “in compliance with the following minimum conditions” in subparagraph 5 of the first paragraph by “in compliance with the terms and conditions of CSA Standard B354.10/B354.11, Safe use and best practices for mast climbing work platforms (MCWPs)/ Training for mast climbing work platforms (MCWPs), and according to the following frequencies”;

(3) by striking out “, in compliance with section 7.1.2.9 of ISO 16369 - Mast-Climbing Work Platforms Standard, applicable at the time of the manufacture, by a qualified person” in subparagraph *a* of subparagraph 5 of the first paragraph;

(4) by replacing subparagraph *b* of subparagraph 5 of the first paragraph by the following:

“(b) every 6 months or every 120 hours of use, whichever comes first, by a qualified mechanic;”;

(5) by replacing “a welding inspector holding” in subparagraph 6 of the first paragraph by “a person holding for at least 5 years”;

(6) by adding the following at the end of subparagraph 6 of the first paragraph:

“A document confirming the examination shall be kept. The document shall contain the name and signature of the examiner and the date of the examination.

Where an examination reveals an anomaly or a sign of wear, the examination provided for in subparagraph 7 shall be performed before the motorized scaffolding may be again used.”;

(7) by replacing subparagraph 7 of the first paragraph by the following:

“(7) undergo, within 10 years after the date of manufacturing, and, then, every 5 years, a non-destructive examination of the load-bearing parts, specified by the manufacturer, in compliance with the requirements of CSA Standard W178.1 Certification of Welding Inspection Organizations.

The structure shall also be analyzed using ultrasound.

A document confirming the examination and analysis shall be kept. The document shall contain the name and signature of the examiner and the date of the examination.”.

6. Section 3.10.15 is amended by inserting “stationary” before “circular” in paragraph 2.

7. Section 3.10.16 is revoked.

8. Section 5.2.2 is replaced by the following:

“**5.2.2.** The employer who wishes to carry out work liable to bring any part, load, scaffolding, machine component or person closer to a power line than the minimum approach distance specified in section 5.2.1 may proceed with such work provided that

(a) that power line has been turned off. The employer shall ensure that no one runs any risk of being electrocuted before turning the power on again;

(b) the employer has come to an agreement with the electrical power company as to safety measures to be adopted. Before the work begins, the employer shall transmit a copy of such agreement as well as the work plan to the Commission. Such measures shall be carried out before the work begins and shall be maintained throughout the course of the work; or

(c) the employer uses extensible construction equipment, such as a backhoe, a power shovel, a crane or a dump truck, and complies with the following conditions:

i. the extensible construction equipment is equipped with a device having a first function of warning the operator or stopping the equipment from operating so that the minimum approach distance specified in section 5.2.1 is respected, and a second function of stopping the equipment from operating should the device fail to perform its first function. A written declaration signed by an engineer certifying that the extensible equipment performs those functions shall be obtained by the employer. If the device fails to operate partially or completely, or is inoperative, the employer shall cease to use the extensible construction equipment and shall obtain a new written declaration signed by an engineer before re-using the equipment;

ii. the operator of the extensible construction equipment equipped with the device referred to in subparagraph 1 must have received the manufacturer’s training on the proper use of the device.”.

9. Division VII is replaced by the following:

**“DIVISION VII
PORTABLE TOOLS**

§7.0 General

7.0.1. For the purposes of this Division, “portable tool” means a tool whose weight is supported by a person during its use.

7.0.2. A portable tool shall not compromise the safety of workers. To that end, it shall

(1) be maintained in good working condition;

(2) be verified by a qualified person, where it is powered by a source of energy other than manual, before its initial use on the site and daily thereafter when it is used; and

(3) be maintained in accordance with the manufacturer's instructions.

7.0.3. A portable tool shall be used in accordance with the manufacturer's instructions.

It shall not be used if weather conditions may make its use dangerous.

7.0.4. Unless the manufacturer's instructions so allow, a portable tool shall not be in operation while it is being recharged, repaired or adjusted, maintained or cleaned.

In addition, the engine shall be cooled before refuelling and the portable tool shall not be started less than 3 m from the place where it was refuelled.

7.0.5. Subject to section 7.1.1.3, a portable tool shall not be modified unless the manufacturer or an engineer certifies in writing that the modification does not compromise its safety or offers the same safety as the original tool.

7.0.6. A portable tool powered by an internal combustion engine shall be used in accordance with section 3.10.17.

7.0.7. A portable tool powered by an electrical source shall be used in accordance with subdivision 2.11.

7.0.8. Subject to a special provision in this Division, the personal protective equipment provided for in subdivision 2.10 for the protection of workers against the risks of injury caused by a portable tool shall be worn during the use of the tool.

§7.1. Special provisions relating to certain portable tools

§7.1.1. Explosive actuated tools

7.1.1.1. Only a low velocity explosive actuated tool may be used.

7.1.1.2. A low velocity explosive actuated tool shall

- (1) be unloaded when not in use; and
- (2) never be left without supervision when it is loaded.

7.1.1.3. Only the manufacturer may modify a low velocity explosive actuated tool.

7.1.1.4. A low velocity explosive actuated tool may only be operated by a worker having received training and holding the certificate of low velocity explosive actuated tool operator, as provided for in Schedule 8.

7.1.1.5. No work may be performed by a low velocity explosive actuated tool operator who is less than 18 years of age.

7.1.1.6. An operator may not use a low velocity explosive actuated tool to drive

(1) fasteners into

(a) curved or rounded objects, except if the tool is equipped with a protective device designed for such work;

(b) plaster tiles, hollow bricks or slates;

(c) cast iron, marble, granite, glazed linings and other hard and brittle materials;

(d) steel or alloys that are harder than the fastener used;

(e) hard materials in which holes have already been made, except if the tool is equipped with a device that is capable of holding back the fasteners;

(f) corner bricks or vertical mortar joints; and

(g) steel where

i. the steel is less than 4.83 mm thick;

ii. the point of entry of the fasteners is less than 50 mm from a weld;

iii. the point of entry of the fasteners is less than 13 mm from an edge;

(2) fasteners with a shaft diameter equal to or less than 4.83 mm into concrete where

(a) the concrete is less than 65 mm thick or equal to 3 times the depth of penetration of the shaft of the fasteners;

(b) the point of entry of the fasteners is less than 50 mm from an unsupported edge; and

(c) the point of entry of the fasteners is less than 75 mm from another fastener that is broken.

7.1.1.7. Before firing, the operator shall ensure

(1) that the low velocity explosive actuated tool

(a) is placed in a stable firing position; and

(b) is held so that the barrel of the tool is perpendicular to the firing surface; and

(2) that there is no other person within firing range.

7.1.1.8. Firing incidents: Where a firing incident or a misfire occurs, the low velocity explosive actuated tool shall be held in its firing position for at least 15 seconds; the tool shall then be unloaded. In such a case, the barrel of the tool shall

(1) not be pointed toward the operator or any other person;

(2) be held pointing obliquely toward the ground; and

(3) be held as far as possible from the body of the operator.

7.1.1.9. The employer shall prohibit the use of a low velocity explosive actuated tool in shops or any other area where the concentration of inflammable vapours, gases or dust has reached the lower explosive limit.

7.1.1.10. The employer shall ensure

(1) that a low velocity explosive actuated tool is

(a) checked before its first use each day; and

(b) regularly inspected to detect worn or damaged parts, in accordance with the manufacturer's recommendations;

(2) that all parts of the low velocity explosive actuated tool have been cleaned after its use; and

(3) that the safety devices on a low velocity explosive actuated tool are in proper working order.

7.1.1.11. Only spare parts recommended by the manufacturer shall be used.

7.1.1.12. No low velocity explosive actuated tool may be used where any of its parts or accessories is defective.

7.1.1.13. When it is not in use, a low velocity explosive actuated tool shall be placed in a case designed for that purpose. The case shall contain

(1) a copy of the manufacturer's instructions for the use and maintenance of the tool;

(2) all the accessories and implements necessary for the maintenance of the tool at the work site; and

(3) a logbook recording the date of each inspection provided for in subparagraph *b* of paragraph 1 of section 7.1.1.10 as well as the date and type of each repair made.

7.1.1.14. The case provided for in section 7.1.1.13 and the boxes containing the fasteners and cartridges shall be put in a place that

(1) is kept locked; and

(2) is inaccessible to unauthorized persons.

7.1.1.15. The operator shall

(1) pick up, as work progresses, the cartridge cases that exploded;

(2) store unused cartridges as required by section 7.1.1.14; and

(3) dispose of used cartridges that did not explode in accordance with the manufacturer's instructions.

7.1.1.16. The following notices shall be affixed permanently and shall be clearly legible:

(1) on each low velocity explosive actuated tool:

(a) the manufacturer's name or trademark;

(b) the type and model of the tool;

(c) the strength of the maximum charge permitted by the manufacturer's specifications;

(2) on the accessories: the manufacturer's name or trademark;

(3) on each box containing fasteners:

(a) the manufacturer's name or trademark;

(b) the nominal dimensions of the fasteners;

(4) on each box containing explosive charges:

(a) the manufacturer's name or trademark;

(b) the place where it was manufactured;

(c) the strength of the explosive charge of the cartridges.

§7.2 Nailing gun

7.2.1. Definitions: For the purposes of this subdivision,

“**nailing gun**” means a device held by hand by a single operator and in which energy is transmitted in a linear manner to a steel nail charged into the device in order to drive the nail. The energy required for driving comes in particular from compressed air, combustion gas or an electrical load, but not from propellant powder;

“**dual-action contact-trip command**” means a command method in which the trigger and the nose contact element must be interlocked so that only one drive operation is carried out by pressing the trigger while the nose contact element is pressed on the material. To repeat the operation, the trigger and the nose contact element must first return to their idle position;

“**trigger**” means a finger-actuated part that controls the arrival of energy to the driving mechanism of a nailing gun;

“**nose contact element**” means a mechanism at the end of a nailing gun that, for as long as it is not touching a material, prevents the firing of a nail;

“**framing work**” means construction work related to the structure of walls, floors and roofs. Finishing work and work for covering roofs with shingles are excluded.

7.2.2. A nailing gun used for framing work shall

- (1) be equipped with a trigger and a nose contact element; and
- (2) operate by dual-action contact-trip command.

7.2.3. A nailing gun shall be used

- (1) in a stable position;
- (2) while wearing the protective glasses described in section 2.10.5; and
- (3) without pointing the nailing gun at the operator or any other person.

7.2.4. A nailing gun shall be disconnected from its energy source before its maintenance or unblocking.

§7.3 Saws

§7.3.1. Circular saws

7.3.1.1. A circular saw, except a cut-off machine, shall comply with paragraph 2 of section 3.10.15.

§7.3.2. Chainsaws

7.3.2.1. A chainsaw shall comply with CSA Standard Z62.1 15, Chainsaws, for Classes 1A and 2A.

7.3.2.2. A chainsaw shall not be used to cut materials other than wood, unless such use is specified by the manufacturer and the required recommended modifications have been made, if applicable.

It shall not be used inside a closed building if it has an internal combustion engine.

7.3.2.3. The user of a chainsaw shall wear protective footwear from among the following:

- (1) footwear referred to in section 2.10.6
 - (a) that complies with the recommendations for the user of a chainsaw; or
 - (b) that has protective gaiters and that complies with Part 9 of EN Standard 381-9, Personal protective equipment for users of hand chainsaw;

- (2) footwear that complies with ISO Standard 17249, Safety footwear with resistance to chainsaw cutting;

- (3) footwear that complies with ISO Standard 20345, Personal protective equipment — Safety footwear, that has protective gaiters and that complies with Part 9 of EN Standard 381-9, Personal protective equipment for users of hand chainsaw.

7.3.2.4. The user of a chainsaw shall wear pants or chaps complying with Class A, C or D of ASTM Standard F 3325-18, Standard Specification for Leg Protective Devices for Chainsaw Users.

7.3.2.5. The user of a chainsaw shall wear gloves that allow a grip on the chainsaw’s handles.

7.3.2.6. The user of a chainsaw shall

- (1) start the chainsaw by firmly maintaining the front handle with the left hand and the rear handle between the knees or on the ground by standing with the right foot in the rear handle;
- (2) hold the chainsaw with both hands and with feet solidly set during use; and
- (3) apply the chain brake during a displacement when the engine is on.

During its use, a chainsaw shall not be held higher than the shoulders.”

10. Schedule 7 is revoked.

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

104556

Index

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

	Page	Comments
Contracts for the alienation of surplus movable property, Regulation respecting..., repealed (Bill 15)	2041	
(2020, c. 10)		
Financial Administration Act, amended (Bill 15)	2041	
(2020, c. 10)		
Governance of state-owned enterprises, An Act respecting the..., amended (Bill 15)	2041	
(2020, c. 10)		
Government and Public Employees Retirement Plan, An Act respecting the..., amended (Bill 15)	2041	
(2020, c. 10)		
Hydro-Québec Act, amended (Bill 15)	2041	
(2020, c. 10)		
La Capitale Civil Service Mutual, An Act respecting... (Bill 212).	2069	
Leases and leasing and concession contracts of the Régie des installations olympiques, Regulation respecting..., repealed (Bill 15)	2041	
(2020, c. 10)		
List of Bills sanctioned (2 June 2020)	2037	
List of Bills sanctioned (5 June 2020)	2039	
Municipalité des Îles-de-la-Madeleine, An Act respecting... (Bill 213).	2081	
Occupational health and safety	2085	Draft
(An Act respecting occupational health and safety, chapter S-2.1)		
Occupational health and safety, An Act respecting... — Occupational health and safety	2085	Draft
(chapter S-2.1)		
Occupational health and safety, An Act respecting... — Safety Code for the construction industry	2086	Draft
(chapter S-2.1)		
Pension Plan of Management Personnel, An Act respecting the..., amended (Bill 15)	2041	
(2020, c. 10)		
Process of negotiation of the collective agreements in the public and parapublic sectors, An Act respecting the..., amended (Bill 15)	2041	
(2020, c. 10)		
Régie des installations olympiques, An Act respecting the..., replaced (Bill 15)	2041	
(2020, c. 10)		
Safety Code for the construction industry.	2086	Draft
(An Act respecting occupational health and safety, chapter S-2.1)		

Société de développement et de mise en valeur du Parc olympique, An Act respecting the... (Bill 15)	2041
(2020, c. 10)	
SSQ Mutual, An Act respecting... (Bill 211).....	2057