



Part 2

LAWS AND REGULATIONS

9 February 2022 / Volume 154

Summary

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Acts 2021
Regulations and other Acts

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Part 2 – LAWS AND REGULATIONS

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 6 OCTOBER 2021

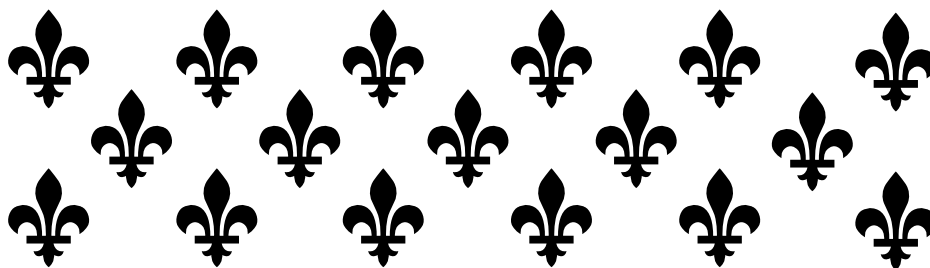
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 6 October 2021*

This day, at three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

59 An Act to modernize the occupational health and safety regime

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

Québec Official Publisher



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 59
(2021, chapter 27)

**An Act to modernize the occupational
health and safety regime**

**Introduced 27 October 2020
Passed in principle 16 February 2021
Passed 30 September 2021
Assented to 6 October 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

The purpose of this Act is to modernize the occupational health and safety regime with regard to prevention of and compensation for employment injuries.

The Act first amends the Act respecting industrial accidents and occupational diseases in order to, among other things,

(1) create a scientific committee on occupational diseases called the “Comité scientifique sur les maladies professionnelles”, whose mandate is to make recommendations regarding occupational diseases to the Minister or the Commission des normes, de l’équité, de la santé et de la sécurité du travail;

(2) allow the Government to create committees on occupational oncological diseases, whose function is to determine whether a worker suffers from an occupational oncological disease and to give an opinion on the link between that disease and the particular characteristics or risks of the work carried on by the worker;

(3) allow the Commission to grant rehabilitation measures before the consolidation of an employment injury, broaden the measures that the Commission and employers may take to favour workers’ reinstatement in their employment, including the Commission’s obligation to offer job search support services and assistance services to workers, and make rehabilitation measures available to workers 60 years of age or older;

(4) specify that students undergoing a job shadowing or work training period under the responsibility of an educational institution are protected under that Act;

(5) revise the powers of the Bureau d’évaluation médicale with respect to the consolidation of an employment injury;

(6) establish an authorization and inspection regime with respect to suppliers of goods or services;

(7) allow a person who is the subject of a decision of the Commission regarding medical matters or concerning the financing of the occupational health and safety regime to elect to apply for a

review of the decision or to contest it before the Administrative Labour Tribunal;

(8) grant regulatory powers to the Commission, such as the power to establish rules regarding the adapted equipment and health services, including the physical rehabilitation services, to which a worker who suffers an employment injury is entitled, as well as regarding medicines and other pharmaceutical products; and

(9) increase the amounts of fines.

The Act then amends the Act respecting occupational health and safety, in particular to

(1) extend the application of prevention and worker participation mechanisms to all sectors of activities according to the size of each establishment, including by requiring the implementation of a prevention program, the establishment of a health and safety committee and the designation of a health and safety representative if there are at least 20 workers, as well as by requiring the implementation of an action plan and the designation of a health and safety liaison officer if there are fewer than 20 workers;

(2) allow an employer to establish a single prevention program for all or part of its establishments where activities of the same nature are carried on and, in such a case, require the establishment of a single health and safety committee for those establishments;

(3) provide for worker participation mechanisms on construction sites, in particular through the presence of a health and safety representative on a job site occupying at least 10 workers simultaneously at a stage of the work, and of a job-site committee if there are 20 workers or more;

(4) update the rules governing joint sector-based associations;

(5) oblige employers to take the measures necessary to ensure the protection of a worker exposed to a situation of physical or psychological violence, including spousal, family or sexual violence, in the workplace;

(6) replace the occupational health program specific to an establishment by including health components in the employer's prevention program;

(7) *specify that students undergoing a work training period under the responsibility of an educational institution are protected under that Act;*

(8) *replace the position of chairman of the board and chief executive officer by the positions of chief executive officer and of chairman of the board of directors of the Commission, provide that the chairman of the board must qualify as an independent director, make certain provisions of the Act respecting state-owned enterprises applicable, and provide for the establishment of governance and ethics, audit and human resources committees;*

(9) *provide for the establishment of protocols to identify dangers and the related working conditions for the purposes of the exercise of the rights of pregnant or breast-feeding workers, and prescribe the terms governing the exercise of those rights;*

(10) *allow the Commission to put in place an employer certification program, in order to promote employers' taking charge of health and safety in the workplace;*

(11) *specify that that Act applies to workers carrying on telework and to their employer; and*

(12) *ensure the protection of workers' mental well-being.*

The Act also amends the Act respecting labour standards to make certain categories of employers that are currently exempt subject to the contribution that finances the application of that Act.

The Act to establish the Administrative Labour Tribunal is also amended, in particular to introduce provisions allowing the Administrative Labour Tribunal to take measures against vexatious or quarrelsome conduct.

The Act enacts the Regulation respecting occupational diseases, which determines diseases for the purposes of the application of the occupational disease presumption as well as the special conditions in relation to those diseases. The Act also enacts the Regulation respecting prevention mechanisms specific to construction sites, which determines, among other things, the rules applicable with regard to job-site committees, health and safety representatives and health and safety coordinators.

The Act amends or repeals various regulations.

The Act provides that the Minister must, not later than 6 October 2026, report on its carrying out, which report must be tabled in the National Assembly.

Lastly, the Act makes consequential amendments and contains transitional and final measures, in particular regarding the interim mechanisms that are applicable in an establishment until the coming into force of the provisions concerning the prevention and participation mechanisms in an establishment, where none of those measures is already in place in accordance with the provisions of the Act respecting occupational health and safety.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Health Insurance Act (chapter A-29);
- Act respecting labour standards (chapter N-1.1);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Act respecting occupational health and safety (1979, chapter 63).

REGULATIONS ENACTED BY THIS ACT:

- Regulation respecting occupational diseases (2021, chapter 27, section 242);
- Regulation respecting prevention mechanisms specific to construction sites (2021, chapter 27, section 243).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting financing (chapter A-3.001, r. 7);
- Regulation respecting contribution rates (chapter N-1.1, r. 5);
- Joint Sector-Based Construction Association on Occupational Health and Safety Regulation (chapter S-2.1, r. 1);
- Regulation respecting joint sector-based associations on occupational health and safety (chapter S-2.1, r. 2);
- Safety Code for the construction industry (chapter S-2.1, r. 4);
- Regulation respecting pulmonary health examinations for mine workers (chapter S-2.1, r. 7);
- Regulation respecting prevention programs (chapter S-2.1, r. 10);
- Regulation respecting the implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux (chapter S-2.1, r. 29).

REGULATIONS REPEALED BY THIS ACT:

- Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3);
- Regulation respecting health and safety committees (chapter S-2.1, r. 5);
- Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12);
- Regulation respecting occupational health services (chapter S-2.1, r. 16).

Bill 59

AN ACT TO MODERNIZE THE OCCUPATIONAL HEALTH AND SAFETY REGIME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. Section 2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended

(1) by replacing the definition of “**executive officer**” by the following definition:

““**executive officer**” means a member of the board of directors of a legal person or a person who assumes such powers, if all powers have been withdrawn from the board of directors by a unanimous agreement of the members, who also exercises oversight and management functions with regard to the legal person;”;

(2) by striking out the definition of “**domestic**”;

(3) in the definition of “**suitable employment**”,

(a) by inserting “, taking into account the essential tasks and the characteristics of that type of employment,” after “employment that”;

(b) by inserting “or mental” after “physical”;

(4) by inserting the following definitions in alphabetical order:

““**adapted equipment**” means a device or other equipment that compensates for a physical deficiency, or a visual aid, hearing aid or communication device;

““**domestic worker**” means a natural person whose main duty, under a contract of employment entered into with an individual for remuneration, is

(1) to do housework or maintenance work, take care of or provide care to a person or an animal, or perform any other household employee task at an individual’s dwelling, or

(2) to act as driver or bodyguard for an individual or perform any other task falling strictly within the individual’s private sphere;

“**his employment**” means the employment held by the worker when he suffered his employment injury defined in particular on the basis of his regular work schedule and the tasks actually performed;”;

(5) by replacing paragraphs 1 and 2 in the definition of “**worker**” by the following paragraph:

“(1) a domestic worker who must work less than 420 hours over a period of one year for the same individual, unless he can provide proof of 7 consecutive weeks of work at a rate of at least 30 hours per week during that period;”.

2. The Act is amended by inserting the following after section 8.1:

“**8.2.** Sections 9 and 13 do not apply if the activities carried on are of the same nature as a domestic worker’s activities.

“§1.1.—*Domestic workers*

“**8.3.** For the application of this Act to domestic workers, the dwelling of the person benefitting from a domestic worker’s services is considered an establishment.

“**8.4.** Sections 34 and 316 do not apply to a domestic worker’s employer.”

3. Section 10 of the Act is amended by replacing “a training period at an establishment, without remuneration” by “an unremunerated job shadowing or work training period in an establishment”.

4. Section 18 of the Act is amended by replacing “domestics” and “employers, executive officers and members of the boards of directors of legal persons” in the first paragraph by “domestic workers who are not workers within the meaning of this Act” and “executive officers, members of the boards of directors of legal persons, and employers, except if the latter are individuals who hire a domestic worker,” respectively.

5. Section 19 of the Act is amended

(1) by replacing “domestics” in the first paragraph by “domestic workers who are not workers within the meaning of this Act”;

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

“An individual who hires an independent operator or a domestic worker who is not a worker within the meaning of this Act may also register him with the Commission and in doing so is considered to be his employer, but only for the purposes of Chapters IX and XIII; in such a case, the individual shall inform the independent operator or domestic worker of the fact that he benefits from the protection afforded by this Act, and of the amount of the protection.”

6. Sections 22 and 24 of the Act are amended by striking out “of independent operators or of domestics” in the first paragraph.

7. Sections 29 and 30 of the Act are replaced by the following sections:

“28.1. A worker suffering from a disease for which the diagnosis is a hearing impairment caused by noise may file a claim for an occupational disease if he meets the eligibility criteria prescribed by regulation.

“29. A worker is presumed to be suffering from an occupational disease if he is suffering from a disease determined by regulation and if, on the day he receives the diagnosis of the disease, he meets the special conditions prescribed by regulation in relation to the disease.

“30. A worker not presumed to be suffering from an occupational disease under section 29 is considered to be suffering from an occupational disease

(1) if he is suffering from a disease arising out of or in the course of employment and not as a result of an industrial accident or of an injury or disease caused by such an accident; and

(2) if he satisfies the Commission that his disease is characteristic of work he has done or is directly related to the risks peculiar to that work.”

8. Section 31 of the Act is amended by inserting “of a rehabilitation measure or” after “or as part” in subparagraph 2 of the first paragraph.

9. The Act is amended by inserting the following section after section 31:

“31.1. For the purpose of determining the amount of and entitlement to the benefits granted under Divisions I and IV of Chapter III and under Chapters IV, V and V.1, if a worker’s claim is submitted more than three years after the worker receives the diagnosis of an occupational disease, the date on which the injury appeared and, if before the claim is filed, the date on which the worker became unable to carry on his employment, as the case may be, are deemed to be the date on which the claim is filed.”

10. Section 32 of the Act is amended by inserting “or refuse to reinstate him in an employment contrary to a decision of the Commission” after “upon him” in the first paragraph.

11. Section 33 of the Act is amended by replacing “of independent operators or of domestics” in the third paragraph by “referred to in the first paragraph of section 19”.

12. Section 38 of the Act is amended by striking out “and the physical rehabilitation record” in the fifth paragraph.

13. Section 39 of the Act is amended by striking out “and physical rehabilitation” in the first paragraph.

14. Section 43 of the Act is amended by replacing “219, 229 and 231” by “217, 226, 229, 231, 233.1 and 233.4”.

15. Section 44 of the Act is amended by adding the following sentence at the end of the second paragraph: “That employment becomes, for the purposes of this Act, his employment.”

16. Section 48 of the Act is amended by replacing “the cessation of his employment” in the second paragraph by “his cessation of employment”.

17. Section 49 of the Act is amended by replacing “the cessation of his employment” in the third paragraph by “his cessation of employment”.

18. Section 51 of the Act is amended by inserting “or mental” after “physical” in the second paragraph.

19. Section 53 of the Act is amended by replacing the first paragraph by the following paragraph:

“A worker 60 years of age or over who suffers an employment injury and who sustains, by reason of that injury, permanent physical or mental impairment that renders him unable to carry on his employment is entitled to the income replacement indemnity provided for in section 45 until he holds a new employment or until he holds or refuses to hold a suitable employment available with his employer.”

20. Section 67 of the Act is amended by replacing “his employment with the employer” in the first paragraph by “the employment with the employer”.

21. Section 69 of the Act is amended by replacing “his employment” in the second paragraph by “that employment”.

22. The Act is amended by inserting the following section before section 92:

“**91.1.** The right to compensation under this division is prescribed seven years from the date of the worker’s death.”

23. Section 115 of the Act is amended

(1) by replacing “transportation and travel expenses” by “travel and living expenses”;

(2) by inserting “a rehabilitation measure or” after “take part in”.

24. Section 128 of the Act is amended by inserting “by the fact that the worker returns to work following medical advice” after “interrupted”.

25. Section 132 of the Act is amended, in subparagraph 2 of the first paragraph,

- (1) by replacing “disability” by “limitation”;
- (2) by inserting “or an equivalent employment” at the end.

26. Section 142 of the Act is amended by replacing “the rehabilitation measures prescribed in” in subparagraph *d* of paragraph 2 by “a rehabilitation measure or”.

27. The Act is amended by replacing the heading of Division I of Chapter IV and section 145 by the following:

“DIVISION I

“REHABILITATION MEASURES BEFORE CONSOLIDATION

“**145.** On accepting a claim for an employment injury and before the consolidation of the injury, the Commission may grant the worker rehabilitation measures that are adapted to the state of his health and favour his vocational reintegration, in the cases and on the conditions set out in this chapter and prescribed by regulation.

For that purpose, the Commission may, in collaboration with the worker and the employer, implement measures with the employer that favour the worker’s reinstatement, in particular by developing his capacity to gradually resume the tasks involved in his employment.

“**145.1.** Where the Commission considers, before the consolidation of a worker’s employment injury, that the worker will likely be entitled to a personal rehabilitation program due to the nature of the employment injury, it may, for a purpose other than to favour the worker’s vocational reintegration, grant the worker rehabilitation measures required by the state of his health, in the cases and on the conditions set out in this chapter and prescribed by regulation.

“**145.2.** The Commission must, before granting or implementing a rehabilitation measure under this division, submit it to the health professional in charge of the worker, unless the measure has no effect on the state of the worker’s health.

The health professional shall approve the measure submitted to him if he is of the opinion that it is appropriate to the state of the worker’s health.

“**145.3.** The rehabilitation measures granted by the Commission under this division cease on the earliest of the following dates:

- (1) the date of consolidation of the worker’s employment injury;

(2) the date of completion of the measures; or

(3) the date on which the Commission determines that the measures are no longer necessary or appropriate.

Despite the consolidation of the worker's employment injury, a measure granted by the Commission under this division may be maintained or included, as the case may be, in the personal rehabilitation program referred to in section 146.

“145.4. Where the employer temporarily assigns work during completion of the rehabilitation measures provided for in this division, only the measures that compromise the assignment must be interrupted.

“145.5. Where the Commission implements measures under the second paragraph of section 145, the employer may, in accordance with the rules established by regulation, select one of the options provided for in the second paragraph of section 180.

“DIVISION I.1

“REHABILITATION MEASURES AFTER CONSOLIDATION”.

28. Section 146 of the Act is amended

(1) by adding the following paragraphs at the beginning:

“A worker who, as a result of the employment injury he has suffered, sustains permanent physical or mental impairment is entitled to rehabilitation, in the cases and on the conditions set out in this division.

The worker is also entitled to other rehabilitation measures, in the cases and on the conditions that may be prescribed by regulation.”;

(2) in the first paragraph,

(a) by replacing “the worker's right to rehabilitation, the Commission shall prepare and implement, with the worker's collaboration” by “that the worker is able to exercise that right, the Commission shall prepare and implement, with the collaboration of the worker, and of the employer if the latter's participation is required”;

(b) by striking out “physical.”;

(3) by replacing “worker's collaboration” in the second paragraph by “collaboration of the worker and, where required, of the employer”.

29. Section 147 of the Act is amended by replacing “In respect of rehabilitation, the personal rehabilitation program” by “The personal rehabilitation program”.

30. Subdivision 1 of Division I of Chapter IV of the Act, comprising sections 148 to 150, is repealed.

31. Section 152 of the Act is amended

(1) by striking out “, in particular,” in the introductory clause;

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

“(2) the implementation of means to provide the worker with a residence, a vehicle or recreational equipment adapted to his residual capacity;”;

(3) by adding the following paragraph at the end:

“(6) other rehabilitation measures, in the cases and on the conditions prescribed by regulation.”

32. The Act is amended by inserting the following section after section 155:

“155.1. A worker’s recreational equipment may be adapted if the worker has sustained severe permanent physical impairment and if the adaptation is necessary, owing to his employment injury, to enable him to use or access the equipment.”

33. Section 156 of the Act is amended by replacing “or principal vehicle” and “or 155” by “, principal vehicle or recreational equipment” and “, 155 or 155.1”, respectively.

34. Section 157 of the Act is amended by replacing “or principal vehicle” and “or vehicle” by “, principal vehicle or recreational equipment” and “, vehicle or recreational equipment”, respectively.

35. Section 159 of the Act is amended by replacing “engaging” in the first paragraph by “hiring”.

36. Section 167 of the Act is amended

(1) by striking out “, in particular,” in the introductory clause;

(2) by replacing “assistance in finding employment” in paragraph 4 by “job search support and assistance services”;

(3) by replacing “position” in paragraph 6 by “work station”;

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

“(9) progressive return to work;

“(10) other rehabilitation measures, in the cases and on the conditions prescribed by regulation.”

37. The Act is amended by inserting the following sections after section 167:

“167.1. Where the Commission determined, before the employment injury appeared, that the worker was unable to carry on an employment, that employment may not constitute his employment for the purpose of determining the worker’s capacity. The Commission shall then evaluate his capacity to carry on his employment on the basis of another employment he usually held or the employment the Commission already determined he had the capacity to carry on.

“167.2. Where a worker who has suffered an employment injury, whether or not he sustained permanent physical or mental impairment, is able to carry on his employment, an equivalent employment or a suitable employment available with his employer, the Commission may, if the period of absence or the situation of the worker warrants it, provide for his progressive return to work in order to facilitate his reinstatement with his employer.

In such a case, the Commission shall grant financial support to the employer for a maximum period of eight weeks according to the option provided for in the second paragraph of section 180 that he chooses, in accordance with the rules established by regulation. Such financial support constitutes a rehabilitation benefit.”

38. Section 169 of the Act is amended

(1) in the first paragraph,

(a) by replacing “disability” by “limitation”;

(b) by striking out “before the expiry of the period for the exercise of his right to return to work”;

(2) by replacing “and after consulting the employer” in the second paragraph by “and the employer’s collaboration”.

39. Section 170 of the Act is amended

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

“Where no rehabilitation measure exists that may enable a worker to carry on his employment or an equivalent employment, the Commission shall determine, with the collaboration of the worker and of the employer, whether there is any suitable employment available with the latter, evaluating in particular whether any rehabilitation measures are required to enable the worker to carry on such an employment. If so, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on that employment.”;

(2) by replacing “worker’s collaboration and after consulting” in the second paragraph by “collaboration of the worker and of”;

(3) by adding the following paragraph at the end:

“The rehabilitation program may include other measures than those set out in section 167, such as adjusted tasks and changes to the work schedule or work organization, provided those measures do not alter the nature of the employment.”

40. The Act is amended by inserting the following sections after section 170:

“170.1. Irrespective of the expiry of the period prescribed to exercise the right to return to work, the Commission may require that the employer, a health and safety representative within the meaning of the Act respecting occupational health and safety (chapter S-2.1), a representative of the worker’s union or a representative of another union representing employees of the employer, as the case may be, to provide it with the information and documents necessary for determining the worker’s capacity to hold his employment or an equivalent employment or for determining a suitable employment available with the employer.

The employer shall allow the Commission to have access to the worker’s work station or to another work station so it can render a decision on the worker’s capacity to carry on his employment, an equivalent employment or a suitable employment and on its availability.

The information and documents referred to in the first paragraph concern, in particular, a detailed description of the employments with the employer, the physical demands of those employments and their potential availability, the work adaptation and reorganization possibilities and, as the case may be, the provisions of the collective agreement.

“170.2. The employer shall, unless he proves the existence of undue hardship, collaborate in the implementation of the measures that must be carried out in his establishment.

“170.3. The employer is deemed to be able to reinstate the worker from the date on which the worker is again able to carry on his employment or from the date on which he becomes able to carry on an equivalent employment or a suitable employment available with his employer where such an event occurs before the expiry of the period for exercising his right to return to work.

Unless he is able to prove the existence of undue hardship, the employer is presumed to be able to reinstate the worker when the latter is again able to carry on his employment or becomes able to carry on an equivalent employment or a suitable employment available with his employer after the expiry of the period for exercising his right to return to work.

“170.4. The Commission may order an employer who refuses to comply with the obligations provided for in sections 170.1 and 170.2 or to reinstate a worker despite a decision establishing the worker’s capacity to hold his employment, an equivalent employment or a suitable employment to pay to the Commission, within the time it specifies, a monetary administrative penalty equivalent to the cost of the benefits to which the worker could have been entitled during the period in which the employer failed to comply with those obligations or reinstate the worker, where applicable, but of which the amount may not be greater than the annual amount of the income replacement indemnity to which the worker is entitled.

Before issuing an order under the first paragraph, the Commission shall notify the employer in writing of its intention and of the employer’s alleged failure. It shall grant the employer at least 10 days to remedy the failure, present observations or, where required, produce documents.

Sections 322 to 325 apply, with the necessary modifications, to an employer who is in default of payment of a monetary administrative penalty imposed under the first paragraph.”

41. Section 171 of the Act is amended by inserting “with another employer” after “what employment” in the first paragraph.

42. Section 172 of the Act is amended by replacing “where it is otherwise impossible for” in the first paragraph by “to enable”.

43. Section 173 of the Act is replaced by the following section:

“173. The Commission shall provide job search support services and assistance services to a worker who has suffered an employment injury where he is unable, as a result of his injury, to carry on his employment and where he becomes able to carry on a suitable employment that is not available.

The Commission shall also provide job search support services and assistance services to a worker who has suffered an employment injury, whether or not he sustained permanent physical or mental impairment, where he is again able to carry on his employment after the period for exercising his right to return to work has expired and where his employer does not reinstate him in his employment or in an equivalent employment.”

44. Section 174 of the Act is amended by replacing “assistance in finding employment” and “refer” by “job search support services and assistance services,” and “direct”, respectively.

45. Section 176 of the Act is amended by replacing all occurrences of “position” by “work station”.

46. Section 179 of the Act is amended

(1) by inserting “, using the form prescribed by the Commission,” after “may” in the introductory clause of the first paragraph;

(2) by inserting “and mental” after “physical” in subparagraph 2 of the first paragraph;

(3) by inserting the following paragraphs after the first paragraph:

“An employer may not temporarily assign work to a worker if the health professional in charge of the worker has not recorded his favourable opinion on the form prescribed by the Commission. The health professional in charge of the worker shall also indicate on the form his findings regarding the worker’s temporary functional limitations resulting from his injury.

The employer shall send the duly completed form to the Commission on obtaining the opinion of the health professional in charge of the worker. The form must be sent even if the health professional’s opinion regarding the assignment proposed by the employer is not favourable.”;

(4) in the last paragraph,

(a) by replacing “with the health professional” by “with the health professional’s favourable opinion”;

(b) by replacing “the report of the health professional” by “the health professional’s opinion”.

47. Section 180 of the Act is replaced by the following section:

“180. The employer shall pay the worker who performs the work he temporarily assigns to him the salary or wages and benefits attaching to his employment and to which he would have been entitled if he had continued to carry on that employment.

Where the employer assigns work to the worker involving a number of hours that is less than the number usually performed for his employment, the employer shall indicate on the temporary assignment form which option he chooses, from among the following, for the payment of salary or wages to the worker:

(1) the same salary or wages and the same benefits as those provided for in the first paragraph; or

(2) the salary or wages and benefits provided for in the first paragraph, but only for the working hours the temporary assignment involves.

The employer may apply to the Commission in writing to have it modify the option chosen under the second paragraph. However, the employer may avail itself of that possibility only once for the same temporary assignment. Such a modification takes effect on the date of the application.

Where the employer chooses the option set out in subparagraph 1 of the second paragraph, he may, within 90 days after the end of a pay period, send the Commission a statement of the number of hours worked by the worker in order to obtain a reimbursement corresponding to the net salary or wages paid for the hours paid but not worked, up to the amount of the income replacement indemnity to which the worker would have been entitled but for the assignment. That amount constitutes an income replacement indemnity to which the worker is entitled or a rehabilitation benefit if it is paid under section 167.2.

Where the employer chooses the option set out in subparagraph 2 of the second paragraph, the Commission shall pay the worker an income replacement indemnity to make up the difference between the amount of the income replacement indemnity to which the worker would have been entitled but for the assignment and the net salary or wages paid by the employer for that work. If that amount is paid under section 167.2, it constitutes a rehabilitation benefit.

For the purposes of this section, the net salary or wages paid to the worker is equal to the gross salary or wages paid to him less the deductions provided for in subparagraphs 1 to 4 of the first paragraph of section 62 and the other mandatory deductions, including the deductions provided for in a contract of employment or a collective agreement.

The time limit prescribed in the fourth paragraph may be extended only if the employer proves that it was impossible for him to act.”

48. The Act is amended by inserting the following section after section 180:

“180.1. Subject to the last paragraph of section 179, the information obtained from the health professional in charge of the worker during a temporary assignment, including temporary functional limitations, may not give entitlement to the medical evaluation procedure provided for in Chapter VI or be the subject of a contestation.”

49. Section 181 of the Act is amended by inserting “a rehabilitation measure or” after “implementing” in the second paragraph.

50. Section 182 of the Act is amended

- (1) by inserting “a rehabilitation measure or” after “as part of”;
- (2) by replacing “refer the worker to” by “direct the worker to”.

51. The Act is amended by inserting the following section after section 182:

“182.1. The Commission and the Minister of Employment and Social Solidarity shall enter into a cooperation agreement relating to the public employment services under the responsibility of that minister that are provided to workers who have suffered an employment injury in order to favour their return to work. The agreement may specify the amounts payable by the Commission for such services, the time limits for providing the services and the reports that must be filed with the Commission.

The agreement must determine, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the terms and conditions for sharing the information that is necessary for the purposes of the agreement and of this Act.”

52. Section 183 of the Act is amended

- (1) in the first paragraph,
 - (a) by inserting “a rehabilitation measure or” after “all or part of”;
 - (b) by striking out “prescribed in his program”;
- (2) by replacing “clear” in the second paragraph by “whole”.

53. The heading of Chapter V of the Act is replaced by the following heading:
“HEALTH SERVICES”.

54. Section 188 of the Act is repealed.

55. Section 189 of the Act is replaced by the following section:

“189. A worker who has suffered an employment injury is entitled, where his condition requires it as a result of that injury, regardless of the consolidation of the injury, to the following health services:

- (1) the services insured under the Health Insurance Act (chapter A-29), except the adapted equipment referred to in section 198.1;
- (2) the services provided by an institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);
- (3) medicines and other pharmaceutical products, in the cases and on the conditions prescribed by regulation;

(4) physical rehabilitation services, which may include physiotherapy or ergotherapy treatments and home care, in the cases and on the conditions prescribed by regulation; and

(5) other services, in the cases and on the conditions prescribed by regulation.”

56. Section 193 of the Act is amended

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

“Every worker is entitled to receive health services from a health institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) of his choice.”;

(2) by replacing “that the care” and “the required care” in the second paragraph by “that the health services” and “the required health services”, respectively.

57. Section 194 of the Act is amended

(1) by replacing “of medical aid” in the first paragraph by “of health services”;

(2) by replacing “medical aid benefit” in the second paragraph by “health services benefit”;

(3) by adding the following paragraph at the end:

“Despite the preceding paragraphs, a worker who has recourse to the services of a non-participating professional within the meaning of the Health Insurance Act (chapter A-29) must pay directly to that professional the cost of the professional services provided by reason of an employment injury. Where the services provided are insured services within the meaning of that Act, the Commission shall reimburse the cost of the services to the worker according to the tariffs set out in the agreements made under section 19 of that Act.”

58. Section 195 of the Act is amended

(1) by replacing “agency referred to in the Act respecting health services and social services (chapter S-4.2) and each regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5)” in the second paragraph by “integrated health and social services centre”;

(2) by replacing “to the agency or regional council, as the case may be,” in the third paragraph by “to the integrated health and social services centre”;

(3) by replacing the fourth paragraph by the following paragraph:

“For the purposes of this section, “integrated health and social services centre” means an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), the institutions and the regional board referred to, as the case may be, in Parts IV.1 and IV.2 of the Act respecting health services and social services (chapter S-4.2), and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5).”

59. Section 196 of the Act is amended by inserting “by a member of a committee on occupational oncological diseases or by a member of the Comité scientifique sur les maladies professionnelles,” after “employer’s request,”.

60. Section 198.1 of the Act is replaced by the following:

“CHAPTER V.1

“ADAPTED EQUIPMENT AND OTHER COSTS

“**198.1.** A worker who has suffered an employment injury is entitled to the adapted equipment and other costs required by his condition as a result of the injury, in the cases and on the conditions prescribed by regulation.

Where the adapted equipment to which the worker is entitled is covered by a program administered by the Régie de l’assurance maladie du Québec under the Health Insurance Act (chapter A-29) or the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5), the amount payable by the Commission is that determined in the program.

“**198.2.** The cost of the adapted equipment and the other costs shall be borne by the Commission.

No amount may be claimed from the worker for the adapted equipment or other costs to which he is entitled under this Act and no action in respect thereof lies in any court of justice.”

61. Section 200 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the fact that the worker is awaiting health services or that he is receiving such services;”.

62. Section 205 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” in the third paragraph by “president and chief executive officer”.

63. Section 212 of the Act is amended by replacing “disability” in subparagraph 5 of the first paragraph by “limitations”.

64. Section 216 of the Act is amended by adding the following paragraph at the end:

“A health professional who acts as a member of the Bureau may not act as a member of a committee on occupational lung diseases, a special committee or a committee on occupational oncological diseases acting under Chapter VI or as a member of the Comité scientifique sur les maladies professionnelles.”

65. The Act is amended by inserting the following section after section 216:

“**216.1.** The Comité consultatif du travail et de la main-d’œuvre must release the general policy it makes for the purpose of following up on the consultation of the Minister concerning the list of health professionals who agree to act as members of the Bureau d’évaluation médicale. The policy must include criteria for the appraisal of the professionals’ qualifications and conduct.”

66. Section 217 of the Act is replaced by the following section:

“**217.** The Commission shall, without delay, send to the Bureau d’évaluation médicale the contestations provided for in sections 205.1, 206 and 212.1, and the complete medical record in its possession concerning the employment injury suffered by the worker which is the subject of the contestation. The Commission shall also notify the Minister of the matter in dispute and provide him with the names and addresses of the parties and health professionals concerned.”

67. Section 219 of the Act is repealed.

68. Section 220 of the Act is amended by replacing “He may also” in the second paragraph by “In addition, he shall”.

69. Section 221 of the Act is amended by replacing the second paragraph by the following paragraphs:

“When expressing his opinion regarding the date on which an employment injury is consolidated, the member of the Bureau shall also do so regarding the fact and percentage of the worker’s permanent physical or mental impairment as well as regarding the fact and assessment of the worker’s functional limitations, where such impairment and such functional limitations have not been determined. He is not required to express his opinion if medical reasons prevent him from doing so. He shall, in such a case, state those reasons in his opinion.

If the member of the Bureau is of the opinion that the injury no longer requires care or treatment, he may express his opinion regarding the date of consolidation, in which case the second paragraph applies.”

70. Section 226 of the Act is amended by replacing “refer him” by “submit his record”.

71. Section 229 of the Act is amended

(1) by replacing “the institution” and “to him” by “an institution” and “to the institution”, respectively;

(2) by replacing “the lung x-rays of the worker referred to the committee by the Commission” by “a copy of the record or of the part of the record that is related to the worker’s employment injury”.

72. Section 230 of the Act is amended

(1) by replacing “to which the Commission refers a worker shall examine him” in the first paragraph by “shall study the record submitted by the Commission and examine the worker”;

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

“The committee may render its opinion on the basis of the record if it considers that examining the worker is not necessary and the worker agrees or if the worker has died.”;

(3) by replacing “functional disability, the percentage of physical impairment and the worker’s” in the second paragraph by “worker’s functional limitations, percentage of physical impairment, and”;

(4) by inserting “, as the case may be, the study of the record or” after “of” in the last paragraph.

73. Section 231 of the Act is amended by replacing “second” in the last paragraph by “third”.

74. The Act is amended by inserting the following after section 233:

“233.0.1. The Commission shall finance the expenditures related to the committees’ activities.

To that end, the Commission and the Minister shall enter into an agreement providing, in particular, for the Commission’s authorization of the committees’ annual expenditures and for a report on those expenditures.

“DIVISION II.1**“SPECIAL PROVISIONS RESPECTING OCCUPATIONAL ONCOLOGICAL DISEASES**

“233.1. Where a worker files a claim with the Commission alleging that he is suffering from an occupational oncological disease, the Commission shall submit his record, within the next 10 days, to a committee on occupational oncological diseases, unless

(1) the worker is presumed to be suffering from an occupational disease referred to in section 29; or

(2) the worker is subject to the medical evaluation procedure applicable to occupational lung diseases.

“233.2. The Government may form more than one committee on occupational oncological diseases whose function is to determine whether a worker is suffering from an occupational oncological disease.

A committee on occupational oncological diseases shall be composed of the following members appointed following an invitation for applications and after consultation with the Comité consultatif du travail et de la main-d’œuvre referred to in section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), and, in the case of physicians, with the Collège des médecins du Québec:

(1) a physician holding a specialist’s certificate in medical oncology issued by the Collège des médecins du Québec;

(2) a physician holding a specialist’s certificate in general internal medicine issued by the Collège des médecins du Québec;

(3) a physician holding a specialist’s certificate in occupational medicine, or in public health and preventive medicine, issued by the Collège des médecins du Québec; and

(4) a person holding a university degree at the Master’s or doctoral level in occupational hygiene, occupational health or epidemiology.

The chairman of a committee shall be designated by the Government from among the committee’s members.

The Government shall determine the remuneration and other conditions of employment of the committee members.

“233.3. Members of a committee on occupational oncological diseases are appointed for four years. They shall remain in office, notwithstanding the expiry of their term, until they are reappointed or replaced.

“233.4. Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2), within 10 days after a request by the Commission, an institution within the meaning of that Act or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, shall transmit to the chairman of the committee on occupational oncological diseases indicated to the institution by the Commission a copy of the record or of the part of the record that is related to the worker’s employment injury.

“233.5. The committee on occupational oncological diseases shall study the record submitted by the Commission and examine the worker within 40 days after the Commission’s request.

The committee may render its opinion on the basis of the record if it considers that examining the worker is not necessary and the worker agrees or if the worker has died.

The committee shall make a report in writing to the Commission on its diagnosis within 20 days after, as the case may be, studying the record or examining the worker and, where its diagnosis is positive, it shall include its findings relating to the worker’s functional limitations, percentage of physical impairment, and tolerance for a contaminant within the meaning of the Act respecting occupational health and safety (chapter S-2.1) or any other risk factor that caused his disease or that is likely to expose him to a recurrence, relapse or aggravation.

In its report, the committee shall also give its opinion on the link between the occupational disease and the characteristics or risks peculiar to the work carried on by the worker. To that end, it shall document the worker’s exposure in carrying on his work to a contaminant within the meaning of the Act respecting occupational health and safety or to any other risk factor.

Before filing its report, the committee shall consult the opinions and recommendations of the Comité scientifique sur les maladies professionnelles.

“233.6. No member of a committee on occupational oncological diseases may be prosecuted by reason of an act performed in good faith in carrying out his duties.

“233.7. For the purposes of rendering a decision under this Act on the rights of a worker who files a claim with the Commission alleging that he is suffering from an occupational oncological disease, the Commission is bound by the diagnosis and other findings arrived at by the committee on occupational oncological diseases under the third paragraph of section 233.5.

“233.8. The Commission shall finance the expenditures related to the committees’ activities.

To that end, the Commission and the Minister shall enter into an agreement providing, in particular, for the Commission's authorization of the committees' annual expenditures and a report on those expenditures."

75. Section 235 of the Act is amended by replacing "the expiry of the time limit prescribed in subparagraph 1 or 2 of the first paragraph, as the case may be, of section 240" in the second paragraph by "the Commission renders a decision regarding the reinstatement of the worker with his employer".

76. Section 240 of the Act is amended by adding the following subparagraph after subparagraph 2 of the first paragraph:

"(3) before the expiry of any right to return to work provided for in a collective agreement applicable to the worker, where applicable, if that right to return to work is broader than those provided for in subparagraphs 1 and 2."

77. Section 241 of the Act is amended by replacing "in respect of the inability of a worker to carry on his employment" and "able to carry on his employment" by "or 360 in respect of a worker's inability to carry on an employment with his employer" and "able to carry on such an employment", respectively.

78. Sections 244 to 246, 250 and 251 of the Act are repealed.

79. Section 252 of the Act is amended by striking out "and any request for intervention made under sections 245, 246 and 251".

80. Sections 256 and 257 of the Act are amended by inserting "or in an equivalent employment or in an available suitable employment determined by the Commission beforehand," after "in his employment".

81. Sections 258 and 259 of the Act are repealed.

82. Section 260 of the Act is amended by striking out "or 259" in the first paragraph.

83. Section 261 of the Act is amended by striking out "or of the request for intervention" in the first paragraph.

84. Section 262 of the Act is amended by striking out "or of a request for intervention referred to it" in the first paragraph.

85. Section 264 of the Act is amended by striking out ", 259" in subparagraph 2 of the first paragraph.

86. The Act is amended by inserting the following section after section 269:

“**269.1.** A beneficiary whose rights are prescribed under section 91.1 may not file a claim with the Commission.”

87. The Act is amended by inserting the following chapter after section 280:

“**CHAPTER VIII.1**

“**SUPPLIERS**

“**DIVISION I**

“**AUTHORIZATION**

“**280.1.** For the purposes of this division, “supplier” means any person or enterprise that directly or indirectly provides a beneficiary with goods or services referred to in this Act, that is not paid by the Régie de l’assurance maladie du Québec under section 196 and that must, where this Act so provides, be paid by the Commission.

“**280.2.** A person or enterprise wishing to be a supplier must obtain the Commission’s authorization.

An authorization application must be filed with the Commission in the prescribed form, together with the information and documents prescribed by regulation.

“**280.3.** The Commission shall refuse to grant an authorization to any person or enterprise that does not meet the conditions prescribed by regulation.

“**280.4.** Before refusing to grant an authorization, the Commission may request a person or enterprise to make the necessary corrections to the application within the time the Commission specifies.

“**280.5.** An authorization remains valid until it is revoked or cancelled on the supplier’s application.

A cancellation application must be filed with the Commission in the prescribed form.

“**280.6.** The Commission shall suspend an authorization if the supplier fails to comply with the conditions prescribed by regulation.

Such a suspension has the effect of excluding the supplier from the list of authorized suppliers for a period of six months. During that period, the Commission shall refuse to pay for any goods provided or services rendered by the supplier, and the latter may not recover, from any party, the amount of such goods or services.

If the supplier has been the subject of a suspension in the preceding five years, the suspension period provided for in the second paragraph is increased to one year for a new suspension.

“280.7. The Commission shall revoke the authorization of any supplier that has been the subject of two suspensions in the preceding five years and that again fails to comply with the conditions prescribed by regulation.

“280.8. A supplier whose authorization has been revoked may not file a new application for authorization in the five years following the date of revocation.

“280.9. Before refusing to grant, suspending or revoking an authorization, the Commission must notify the supplier in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the supplier at least 10 days to submit written observations or provide other documents to complete its record.

“280.10. On the expiry of the time limit prescribed in section 280.9 and after examining any observations from the supplier, the Commission shall inform the supplier of its decision.

“280.11. Despite section 358, the Commission’s decisions under this division are final and without appeal.

“DIVISION II

“PAYMENT

“280.12. For the purposes of this division, “supplier” means any person or enterprise that directly or indirectly provides a beneficiary with goods or services referred to in this Act and that is not paid by the Régie de l’assurance maladie du Québec under section 196.

“280.13. A supplier may not demand or receive payment from the Commission for goods or services to which a beneficiary is entitled under this Act

(1) where goods or services were not supplied, or were not supplied in accordance with the tariffs or conditions prescribed by this Act and the regulations; or

(2) where goods or services were falsely described.

“280.14. Where the Commission is of the opinion that a supplier has received a payment from a person contrary to this Act, it shall notify the supplier in writing. The notice must indicate the reimbursement terms that may be applied by the Commission and grant the supplier 10 days to submit observations.

On the expiry of the 10-day period, the Commission shall notify its decision to the supplier in writing, with reasons.

The Commission may recover from the supplier, by compensation or otherwise, any amount received contrary to this Act, such an amount then being deemed to be a debt toward the Commission.

The recovery of amounts unduly paid is prescribed five years after the payment was received by the supplier.

Where the payment is received by an enterprise where the supplier named in the application for reimbursement or affected by the recovery measure works or practices, or where such an enterprise manages the business of the supplier, compensation may be applied against the enterprise.

Despite section 358, the supplier may, within 30 days after notification of the decision, contest it before a court of competent jurisdiction. Where applicable, the burden of proving the Commission's decision to be ill-founded is on the supplier.

Where a supplier does not contest the decision and the Commission cannot recover the amount owed by compensation, the Commission may, on the expiry of the period for contesting the decision, issue a certificate stating the supplier's name and address and attesting the amount owing and the supplier's failure to contest. On the filing of the certificate with the office of the court of competent jurisdiction, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

“280.15. Where the supplier received a payment referred to in section 280.13 from a beneficiary, the Commission shall reimburse to the latter the amount he paid unless he was informed by the Commission that the payment was not in compliance with the law.

“DIVISION III

“INSPECTION

“280.16. For the purposes of this division, “supplier” means any person or enterprise, including contractors within the meaning of the Act respecting contracting by public bodies (chapter C-65.1), that directly or indirectly provides a beneficiary with goods or services referred to in this Act.

“280.17. The Commission may authorize any person to act as an inspector for the purpose of verifying a supplier's compliance with this Act.

“280.18. An inspector may, in the performance of his duties,

(1) enter, at any reasonable time, any premises where an activity governed by this Act is carried on;

(2) demand any information relating to a supplier's compliance with this Act or the regulations, and require the communication, for examination or reproduction, of any related document; and

(3) represent or reproduce, by any means, such premises and any property.

“280.19. An inspector must, on request, provide identification and produce the certificate issued by the Commission attesting his capacity.

“280.20. Within the scope of an inspection, no person may refuse to communicate to the Commission any information or document contained in the record of a beneficiary, or any financial information or document concerning the activities carried on by a supplier.

“280.21. An inspector may send any person the recommendations he considers appropriate.

In the event of a possible failure by a contractor referred to in section 1 of the Act respecting contracting by public bodies (chapter C-65.1) to comply with a contract rule, the inspector shall send his inspection report to the contract rules compliance monitor designated by the Commission.

“280.22. An inspector may not be prosecuted for an act or omission in good faith in the performance of inspection duties.”

88. Section 313 of the Act is amended by replacing “a fixed amount it establishes every year” by “an amount it establishes by regulation”.

89. Section 315.1 of the Act is amended by inserting the following paragraph after the second paragraph:

“However, periodic payments are not required in the case of the salary or wages of a domestic worker.”

90. Section 323.1 of the Act is amended by replacing “chair of the board of directors and chief executive officer” in the third paragraph by “president and chief executive officer”.

91. Section 327 of the Act is replaced by the following section:

“327. The Commission shall impute to the employers of all the units the cost of

(1) benefits due by reason of an injury or disease that, despite having arisen solely as the result of a worker's gross and wilful negligence, is recognized as an employment injury under section 27;

(2) benefits due by reason of an employment injury contemplated in section 31; and

(3) benefits for the health services, adapted equipment and other costs provided by reason of an employment injury, other than a hearing impairment caused by noise not resulting from an industrial accident, that does not render the worker unable to carry on his employment beyond the day on which his injury appeared.

Subparagraphs 1 and 2 of the first paragraph apply only if a final decision has determined the injury or disease to be admissible as an employment injury under section 27 or 31.”

92. Section 328 of the Act is amended

(1) by replacing “his employment with each of the employers and to the importance of the danger of the work carried on for each of those employers in relation to the worker’s occupational disease” in the second paragraph by “such employment with each of the employers and the danger involved in the work carried on for each of those employers in terms of contracting the occupational disease”;

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

“In the case of a hearing impairment caused by noise not resulting from an industrial accident, the Commission shall impute the cost of benefits to one or more groups of units, which it determines by regulation, on the basis of the nature of the work that most contributed to the appearance of the hearing impairment, or to all the employers if such an imputation is not possible.”

93. Section 337 of the Act is amended

(1) by inserting “and the danger involved in the work carried on for each of them in terms of contracting the occupational disease” at the end of the first paragraph;

(2) by striking out “a kind of” in the second paragraph;

(3) by replacing “mailing” in the second paragraph by “sending”.

94. Section 341 of the Act is amended by replacing “medical aid and” in the introductory clause of the first paragraph by “health services, adapted equipment and other costs as well as for”.

95. Section 345 of the Act is amended by striking out “the second paragraph of section 315 and”.

96. The Act is amended by inserting the following chapter after section 348:

“CHAPTER X.1

“COMITÉ SCIENTIFIQUE SUR LES MALADIES PROFESSIONNELLES

“DIVISION I

“ESTABLISHMENT AND MANDATE

“348.1. A scientific committee on occupational diseases is established under the name “Comité scientifique sur les maladies professionnelles” (the Committee).

“348.2. The Committee’s mandate is to make recommendations and advise the Minister and the Commission as regards occupational diseases, in particular

(1) by conducting scientific monitoring, by identifying and analyzing research and studies on occupational diseases, including research and studies produced by the Institut national de santé publique du Québec and the Institut de recherche Robert-Sauvé en santé et en sécurité du travail;

(2) by analyzing the causal relations between diseases and contaminants or the risks peculiar to a type of work; and

(3) by producing written opinions on the identification of occupational diseases, on contaminants or on the peculiar risk factors related to occupational diseases and on the criteria for determining them.

The Committee must, when drawing up its opinions and recommendations, take into account the realities specific to women and men.

The Committee may carry out any other mandate conferred on it in accordance with the Acts administered by the Commission. A further mandate conferred on the Committee is to examine any matter submitted to it by the Minister or the Commission and to give its opinion.

The Committee may, for the purposes of the mandates conferred on it or that it initiated, establish subcommittees composed of experts and consult, or entrust the carrying out of work to, any expert or public body.

“348.3. The Committee’s opinions and recommendations shall be sent to the Commission and the Minister. Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Commission shall make such recommendations and opinions public on its website not later than one year after receiving them.

Despite the first paragraph, the Commission shall, prior to the publication of a draft regulation made under paragraph 1 of section 454.1, publish on its website any opinions and recommendations of the Committee that concern the draft regulation and that have not already been made public, subject to the Act respecting Access to documents held by public bodies and the Protection of personal information.

“DIVISION II

“COMPOSITION AND OPERATION

“**348.4.** The Committee is composed of five members appointed by the Government following an invitation for applications and after consultation with the professional orders concerned and with the Comité consultatif du travail et de la main-d’œuvre referred to in section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2). The Committee must include at least the following members:

(1) a physician holding a specialist’s certificate in occupational medicine, or in public health and preventive medicine, issued by the Collège des médecins du Québec;

(2) a physician holding a specialist’s certificate issued by the Collège des médecins du Québec in a specialty other than the one specified in subparagraph 1 and who is an associate professor or full professor at a Québec university;

(3) a person holding a university degree at the Master’s or doctoral level in occupational hygiene or occupational health; and

(4) a person holding a university degree at the Master’s or doctoral level in epidemiology.

The chair of the Committee is designated by the Government from among its members.

The Government shall establish the remuneration and other conditions of employment of Committee members.

“**348.5.** The term of office of the chair and the other members of the Committee may not exceed five years and is renewable. On the expiry of their term, the members remain in office until they are reappointed or replaced.

“**348.6.** Any vacancy during the term of office of a Committee member is filled in the manner prescribed for the appointment of the member to be replaced.

“DIVISION III**“REPORTING AND IMMUNITY**

“348.7. Every year, the Committee chair shall send a report on the Committee’s activities to the Commission and the Minister, on the date determined by the Minister.

The report must contain all the information required by the Minister.

“348.8. The Commission shall finance the expenditures related to the Committee’s activities.

To that end, the Commission and the Minister shall enter into an agreement providing, in particular, for the Commission’s authorization of the Committee’s annual expenditures, which must take into account the priorities established by the Commission, and an annual report on those expenditures.

“348.9. A member of the Committee may not be prosecuted for an act performed in good faith in carrying out his duties.”

97. Section 354 of the Act is amended by adding the following paragraph at the end:

“If the interested party is an employer, he may expressly designate a person to receive the decision on his behalf. A decision transmitted by the Commission to that person is deemed to have been transmitted to the employer.”

98. Sections 356 and 357 of the Act are repealed.

99. Section 358.3 of the Act is amended by replacing “and 233” in the second paragraph by “, 233 and 233.7”.

100. Section 358.4 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” by “president and chief executive officer”.

101. Section 359 of the Act is amended

(1) by replacing “45” in the first paragraph by “60”;

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

“Moreover, a person may contest before the Tribunal a decision regarding which the person applied for a review if the Commission did not make a decision within 90 days after receiving the application. If the person who applied for the review requested more time to present observations or produce documents, the 90-day time limit runs from the time observations are presented or documents are produced.”;

(3) by replacing “fourth” in the last paragraph by “fifth”;

(4) by adding the following paragraph at the end:

“If a decision that is the subject of an application for review is also contested before the Tribunal, the latter shall refer the matter to the Commission for a review decision.”

102. Section 359.1 of the Act is amended by replacing “45” by “60”.

103. The Act is amended by inserting the following section after section 359.1:

“360. A person who believes he has been wronged by a decision rendered by the Commission may elect to apply for a review of the decision within 30 days of its notification or contest it before the Administrative Labour Tribunal within 60 days of its notification in the following cases:

(1) if the decision relates to a matter referred to in subparagraphs 1 to 5 of the first paragraph of section 212 following an opinion given by the Bureau d'évaluation médicale, the third paragraph of section 230 following an opinion rendered by a special committee, or the third paragraph of section 233.5 following a report made by a committee on occupational oncological diseases; or

(2) if the decision is rendered under Chapter IX or X.

In the cases referred to in subparagraph 1 of the first paragraph, the Commission or the Tribunal may, where applicable, decide any other question that is the subject of the decision.

If a decision that is the subject of an application for review is also contested before the Tribunal, the latter shall refer the matter to the Commission for a review decision.”

104. Section 361 of the Act is amended by inserting “or any contestation before the Administrative Labour Tribunal under section 360” after “review”.

105. Section 363 of the Act is amended by replacing “an income replacement indemnity or of a death benefit contemplated in section 101 or in the first paragraph of section 102 or a benefit provided for in the personal rehabilitation program of a worker” by “a benefit granted under this Act”.

106. Section 364 of the Act is amended

(1) by replacing “to a benefit which he had been refused initially or increases the amount of a benefit” in the first paragraph by “to an indemnity which he had been refused initially or increases the amount of an indemnity”;

(2) by replacing “the compensation” in the second paragraph by “the indemnity”.

107. Section 365 of the Act is amended by inserting “or, in the cases referred to in the first paragraph of section 360, if it has not been contested before the Administrative Labour Tribunal” after “358.3” in the first paragraph.

108. Section 433 of the Act is amended by inserting “or 360” after “359”.

109. Section 454 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following subparagraph:

“(1) determining, for the purposes of section 28.1, the eligibility criteria for claims for a disease for which the diagnosis is a hearing impairment caused by noise;”;

(b) by inserting the following subparagraphs after subparagraph 3:

“(3.0.1) determining the rehabilitation measures that may be granted in addition to those provided for in Chapter IV;

“(3.0.2) determining, for the purposes of Chapter IV, the cases in which and conditions on which rehabilitation measures may be granted;

“(3.0.3) determining the rules applicable with respect to the options offered to employers under sections 145.5 and 167.2;”;

(c) by replacing subparagraph 3.1 by the following subparagraphs:

“(3.1) determining, for the purposes of paragraph 3 of section 189, the medicines and other pharmaceutical products to which a worker who has suffered an employment injury is entitled;

“(3.2) determining, for the purposes of paragraph 3.1 of section 189, the physical rehabilitation services to which a worker who has suffered an employment injury is entitled;

“(3.3) determining the other services forming part of the health services referred to in paragraph 4 of section 189;”;

(d) by replacing subparagraph 4.1 by the following subparagraph:

“(4.1) determining, for the purposes of section 198.1, the adapted equipment and other costs to which a worker who has suffered an employment injury is entitled;”;

(e) by inserting the following subparagraph after subparagraph 8.1:

“(8.2) determining, for the purposes of section 313, the amount the Commission may impose on employers for the management of their records;”;

(f) by inserting the following subparagraph after subparagraph 15:

“(15.1) determining, for the purposes of section 328, the groups of units to which the Commission may impute the cost of the benefits payable by reason of a hearing impairment caused by noise not resulting from an industrial accident;”;

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

“In exercising the regulatory powers set out in subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph, the Commission may prescribe the cases in which and conditions on which the health services and adapted equipment and other costs may be granted.”

110. The Act is amended by inserting the following section after section 454:

“**454.1.** The Commission shall, by regulation,

(1) determine diseases for the purposes of the presumption of an occupational disease provided for in section 29, along with the special conditions in relation to such diseases, such as the duration of exposure to a contaminant or the type of work carried on;

(2) prescribe, for the purposes of section 280.2, the information and documents that must be provided together with an authorization application; such information and documents may differ according to the type of goods or services or the type of person or enterprise making the application; and

(3) prescribe, for the purposes of sections 280.3 and 280.6, the conditions that must be met to obtain or maintain an authorization.”

111. Section 455 of the Act is amended by inserting “or under section 454.1” after “454” in the first paragraph.

112. Sections 458 to 460 of the Act are amended by replacing “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$5,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$10,000 in all other cases”.

113. Section 461 of the Act is amended

(1) by replacing “of independent operators or domestics who or which” by “that”;

(2) by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

114. Section 462 of the Act is amended by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

115. Section 463 of the Act is amended by replacing “of not less than \$500 nor more than \$2,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$8,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$10,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$20,000 in all other cases”.

116. Section 464 of the Act is amended by replacing “of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person” by “of not less than \$1,000 nor more than \$10,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$20,000 in all other cases”.

117. Section 465 of the Act is amended by replacing “of not more than \$300 in the case of a natural person and to a fine not exceeding \$500 in the case of a legal person” by “of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in all other cases”.

118. Section 467 of the Act is replaced by the following section:

“**467.** The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.”

119. Section 586 of the Act is repealed.

120. Schedule I to the Act is repealed.

121. The Act is amended by replacing all occurrences of “disability” and “disabilities” in sections 133, 203 and 274 by “limitation” and “limitations”, respectively.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

122. Section 1 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by striking out the definition of “agency”;

(2) by inserting the following definitions in alphabetical order:

“**health and safety representative**” means a person designated under section 87, 87.1, 88 or 88.1;

“**integrated health and social services centre**” means an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), the institutions and the regional board referred to, as the case may be, in Parts IV.1 and IV.2 of the Act respecting health services and social services (chapter S-4.2), and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

“**occupational health provider**” means a physician in charge of occupational health, a nurse, an ergonomist, an occupational hygienist or any other person exercising a function in occupational health within the scope of the service offer prepared by an integrated health and social services centre under section 109.1;”;

(3) by striking out the definitions of “**hospital centre**” and “**local community service centre**”;

(4) by replacing “69” in the definition of “**health and safety committee**” by “68.1, 68.2”;

(5) by replacing “in cases where, under a regulation, the student is deemed to be a worker or a construction worker” in the definition of “**employer**” by “undergoing a job shadowing or work training period under the institution’s responsibility”;

(6) by inserting “or mental” after “physical” in the definition of “**dangerous substance**”;

(7) by striking out the definition of “**safety representative**”;

(8) by replacing “in the cases determined by regulation” in the introductory clause of the definition of “**worker**” by “undergoing a job shadowing or work training period under the responsibility of an educational institution”.

123. Section 3 of the Act is amended by replacing “means of protection or safety equipment” by “protective means and equipment”.

124. The Act is amended by inserting the following section after section 5:

“**5.1.** Subject to any incompatible provision, in particular with respect to the workplace, the provisions of this Act apply to a worker carrying on telework and to his employer.”

125. Section 10 of the Act is amended

(1) by striking out “, and his wages for the time spent in undergoing a medical examination during employment prescribed for the application of this Act and the regulations” in paragraph 2;

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

“(3) to receive his wages for the time spent undergoing a medical examination during employment required by this Act and the regulations, and the time spent for the travel required to undergo the examination. The cost of the examination and the travel and accommodation expenses are borne by the employer.”

126. Section 19 of the Act is amended by replacing “registered mail” in the third paragraph by “any appropriate means that provides the inspector with proof that it was delivered”.

127. Section 27 of the Act is amended by replacing “several” by “two or more”.

128. Section 29 of the Act is amended

(1) by replacing “, 18, 21 and 23” in the first paragraph by “and 18”;

(2) by replacing both occurrences of “safety representative” by “health and safety representative”.

129. Section 32 of the Act is amended by replacing “a certificate attesting” by “the certificate prescribed by the Commission, which attests”.

130. Section 33 of the Act is amended

(1) by replacing “the physician in charge of health services in the establishment where the worker is employed,” in the first paragraph by “a physician in charge of occupational health”;

(2) by replacing all occurrences of “the physician in charge” in the second and third paragraphs by “a physician in charge of occupational health”, with the necessary modifications, and by replacing “no physician in charge” in the third paragraph by “no such physician”.

131. Section 34 of the Act is amended by striking out paragraph 4.

132. Section 37 of the Act is amended

(1) by replacing “the physician in charge of health services in the establishment, or if there is no physician in charge” in the first paragraph by “a physician in charge of occupational health, or if there is no such physician”;

(2) by replacing all occurrences of “safety representative” by “health and safety representative”.

133. Section 40 of the Act is amended

- (1) by replacing “a certificate attesting” in the first paragraph by “the certificate prescribed by the Commission, which attests”;
- (2) by striking out the last paragraph.

134. The Act is amended by inserting the following section after section 40:

“40.1. The certificate is issued by the professional providing pregnancy care after he has evaluated, in accordance with protocols developed under section 48.1, that the working conditions of the pregnant worker may be physically dangerous to her unborn child, or to herself by reason of her pregnancy.

If the dangers and the associated working conditions are not identified by a protocol, the professional must, before issuing the certificate, consult with a physician in charge of occupational health or, if there is no such physician, with the public health director of the region in which the establishment is situated, or the person designated by the public health director.”

135. Section 42.1 of the Act is amended

- (1) by replacing “40 to 42” in the first paragraph by “40, 41 and 42”;
- (2) by replacing “worker’s attending physician or specialized nurse practitioner” in the last paragraph by “professional providing pregnancy care”.

136. Section 46 of the Act is amended

- (1) by replacing “a certificate attesting” in the first paragraph by “the certificate prescribed by the Commission, which attests”;
- (2) by replacing the second paragraph by the following paragraph:

“Section 40.1 applies, with the necessary modifications, to the issue of the certificate. The professional referred to is the one providing postnatal care.”

137. The Act is amended by inserting the following sections after section 48:

“48.1. The national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) shall develop and update the protocols to identify dangers and the associated working conditions for the purposes of the exercise of the rights provided for in sections 40, 41, 46 and 47 that meet, in particular, the needs the Commission communicates to the national public health director.

For that purpose, the Commission and the national public health director shall enter into an agreement that must, in particular, provide for annual reporting on the work carried out by the latter.

The national public health director may consult any expert or public body while developing and updating protocols.

“**48.2.** The protocols developed by the national public health director shall be sent to the Commission, which shall post them on its website.”

138. Section 49 of the Act is amended

- (1) by inserting “or action plan” after “prevention program” in paragraph 1;
- (2) by inserting “or mental” after “physical” in paragraphs 2 and 3.

139. Section 51 of the Act is amended

- (1) by inserting “and mental” after “physical” in the introductory clause;
- (2) by replacing “the agency and the physician in charge” in paragraph 10 by “the integrated health and social services centre and a physician in charge of occupational health”;
- (3) by replacing “health and safety devices or equipment” and “common protective devices or equipment” in paragraph 11 by “means and equipment” and “collective protective means and equipment”, respectively;
- (4) by replacing “, the public health director and the Commission” in paragraph 13 by “and the public health director”;
- (5) by adding the following at the end:

“(16) take the measures to ensure the protection of a worker exposed to physical or psychological violence, including spousal, family or sexual violence, in the workplace.

For the purposes of subparagraph 16 of the first paragraph, in a situation of spousal or family violence, the employer is required to take the measures if he knows or ought reasonably to know that the worker is exposed to such violence.”

140. The Act is amended by inserting the following section after section 51.1:

“**51.1.1.** Any clause in a contract or agreement that limits or transfers the obligations that, under this Act, are those of the employer who hires out or lends the services of a worker in his employ or those of the person using those services is without effect.”

141. Section 52 of the Act is replaced by the following section:

“52. Every employer shall draw up and keep up to date a register of the contaminants and dangerous substances, identified by regulation, that are present in the employer’s establishment. The content of the register, which may include, among other things, a list of the workers exposed to those contaminants or dangerous substances, and the manner in which the register is to be sent to the Commission, are determined by regulation.”

142. Section 56 of the Act is amended by replacing “Where one building is used by several employers, the owner” by “The owner of a building that is used by at least one employer”.

143. Section 58 of the Act is replaced by the following sections:

“58. Every employer must prepare and implement a prevention program specific to each establishment employing at least 20 workers during the year.

When, during a year, the number of workers in an establishment falls below 20, the employer must maintain the implemented prevention program until 31 December of the following year.

If an establishment employs fewer than 20 workers, the employer must prepare and implement a prevention program in the cases and on the conditions prescribed by regulation.

If the Commission considers it advisable for protecting workers’ health or ensuring their safety and physical or mental well-being, it may require an employer to prepare and implement a prevention program within the time determined by the Commission, regardless of the number of workers in the establishment.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

A prevention program must be prepared, implemented and updated in the manner and within the time prescribed by regulation.

“58.1. Despite section 58, an employer who employs workers in more than one establishment where activities of the same nature are carried on may prepare and implement a single prevention program for all or part of the establishments, which must also cover the establishments employing fewer than 20 workers. The employer must ensure beforehand that the functions set out in sections 78 and 90 can be adequately exercised, in particular considering the distance between the establishments concerned. The prevention program must take into account all the activities carried on in the establishments and apply for a period of not less than three years.

Where an employer ceases to implement the prevention program provided for in the first paragraph, he must, as soon as possible, implement a prevention program specific to each establishment in accordance with section 58.

If the Commission considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, it may require the employer to prepare and implement, within the time determined by the Commission, a prevention program specific to each establishment it designates.

For the purpose of determining whether the activities carried on in an establishment are of the same nature, the exercise of comparable functions by workers and the related working conditions, in particular, must be taken into consideration. The employer shall take into account the application guide on that subject developed by the Commission and published on its website.”

144. Section 59 of the Act is amended

- (1) by inserting “and mental” after “physical” in the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Such a program must take into account the occupational health programs referred to in section 107, the regulations applicable to the establishment and, where applicable, the recommendations from the health and safety committee and must set out, in particular,

- (1) the identification and analysis of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, and the risks that may affect the workers' safety;
- (2) the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the scheduling to accomplish the measures and priorities;
- (3) the supervision, evaluation, maintenance and follow-up measures to ensure that the identified risks are eliminated or controlled;
- (4) the identification of the individual protective means and equipment which are both in compliance with the regulations and best adapted to meet the needs of the establishment's workers;
- (5) the occupational health and safety training and information programs;
- (6) the pre-employment medical checkups and medical examinations during employment required by regulation;
- (7) the establishment and updating of a list of the dangerous substances used in the establishment and the contaminants that may be emitted there; and

(8) the maintaining of an adequate first aid service to respond to emergencies.”;

(3) by replacing “5 and 6” in the last paragraph by “4 and 5”.

145. Section 60 of the Act is amended

(1) by striking out “; he shall also send the program and the updating of it to the Commission, with the committee’s recommendations, as the case may be, according to the terms and conditions and within the time limits prescribed by regulation” in the first paragraph;

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

“The employer shall also send to the Commission, every three years from the date of implementation of the program, on the form it prescribes, the priorities for action determined as part of his prevention program, the progress made with respect to the measures set out, and the follow-up on the measures that he has implemented to eliminate and control the risks identified for those priorities.”

146. Section 61 of the Act is replaced by the following section:

“**61.** The Commission may, within the time it determines, order an employer to send it a prevention program or to amend the content of the program, in particular to bring it into conformity with the components of the occupational health programs the Commission prepares under section 107 that apply to the establishment of that employer.

The employer shall send the amended prevention program to the health and safety committee, the certified association and the health and safety representative.”

147. The Act is amended by inserting the following subdivision after section 61:

“§3.1. — *Action plan*

“**61.1.** Where there is no requirement to prepare or implement a prevention program for an establishment, the employer must prepare and implement an action plan specific to that establishment.

An action plan must be prepared, implemented and updated in the manner and within the time prescribed by regulation.

“**61.2.** The object of an action plan is to eliminate, at the source, dangers to the health, safety and physical and mental well-being of workers.

Such an action plan must take into account the occupational health programs referred to in section 107 and the regulations applicable to the establishment and must set out, in particular,

(1) the identification of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, as well as the risks that may affect the workers' safety;

(2) the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the scheduling to accomplish the measures and priorities;

(3) the supervision and maintenance measures to ensure that the identified risks are eliminated or controlled;

(4) the identification of the individual protective means and equipment that, in addition to being in compliance with the regulations, are those best adapted to meet the needs of the establishment's workers; and

(5) the occupational health and safety training and information.

The employer is required to include health components in his action plan only if there is an occupational health program referred to in section 107 applicable to his establishment.”

148. Section 62 of the Act is amended by replacing “several” in subparagraph 3 of the first paragraph by “two or more”.

149. Section 62.4 of the Act is amended by replacing “several” by “more”.

150. Sections 68 to 70 of the Act are replaced by the following sections:

“68. A health and safety committee must be established in any establishment employing at least 20 workers during the year.

When, during a year, the number of workers in an establishment falls below 20, the health and safety committee must be maintained until 31 December of the following year.

The Commission may, if it considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, require the establishment of a health and safety committee, regardless of the number of workers in the establishment.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

The obligation to establish a health and safety committee does not apply in the case of an establishment employing at least 20 workers for fewer than 21 days during the year.

“68.1. Where an employer implements a prevention program in accordance with section 58.1, a health and safety committee acting for all the establishments covered by the prevention program must be established in place of the health and safety committees provided for in the first paragraph of section 68.

The provisions of this chapter that are applicable to a committee established in a single establishment apply, with the necessary modifications, to a committee established under the first paragraph.

Where the employer ceases to implement the prevention program provided for in section 58.1, one health and safety committee per establishment referred to in the first paragraph of section 68 must be established without delay.

“68.2. The employer and the workers of each establishment referred to in the first paragraph of section 68.1 may agree to establish health and safety committees in addition to the health and safety committee established for all the establishments.

The workers' consent to that agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

The Commission may, if it considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, require that additional health and safety committees be established for the establishments it designates.

The provisions of this chapter applicable to a health and safety committee established under section 68 apply to the additional health and safety committees, with the necessary modifications.

The prevention program prepared under section 58.1 must take into account the responsibilities of each additional health and safety committee.

“69. A health and safety committee may be established in an establishment other than one of those referred to in sections 68 and 68.1.

This chapter does not apply to such a committee, which establishes its own rules.

“70. The number of workers' representatives on a health and safety committee is determined by agreement between the employer and the establishment's workers. If there is no agreement, that number is the one established in the cases and on the conditions prescribed by regulation.

The workers' consent to such an agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

The employer shall designate at least one member on the committee and he may designate as many members as there are workers' representatives on the committee."

151. Section 71 of the Act is amended by inserting “, including the health and safety representative,” after “committee” in the first paragraph.

152. Section 72 of the Act is amended by replacing “several” in the third paragraph by “two or more”.

153. Sections 74 and 75 of the Act are replaced by the following sections:

“74. The health and safety committee’s rules of operation, including the minimum frequency of meetings, are determined by agreement between its members.

Until an agreement is entered into concerning the minimum frequency of meetings, the committee shall hold one meeting every three months, subject to a greater frequency determined in the cases and on the conditions prescribed by regulation.

If there is no agreement, the minimum rules of operation apply, in the cases and on the conditions prescribed by regulation.

“74.1. The health and safety committee’s meetings are held during regular working hours, subject to an agreement between its members.

“75. An expert may participate, by invitation and without the right to vote, in the health and safety committee’s meetings.”

154. Section 78 of the Act is amended

- (1) by striking out paragraphs 1 and 2;
- (2) by replacing “to establish” in paragraph 3 by “to determine”;
- (3) by replacing “devices” in paragraph 4 by “means”;
- (4) by inserting “, to cooperate in its preparation, updating and follow-up” after “program” in paragraph 5;
- (5) by inserting the following paragraph after paragraph 5:

“(5.1) to make recommendations to the employer as to whether or not to request the cooperation of an occupational health provider in the preparation of the health components of the employer’s prevention program;”;

(6) by replacing paragraph 6 by the following paragraph:

“(6) to participate in the identification and analysis of risks that may affect the health and safety of the establishment’s workers and in the identification of the contaminants and dangerous substances present in the workplace;”;

(7) by replacing paragraph 8 by the following paragraph:

“(8) to entrust specific mandates, specifying the time necessary to carry them out, to committee members, in particular to the health and safety representative so that the latter exercises functions in addition to those set out in section 90;”;

(8) by inserting the following paragraph after paragraph 10:

“(10.1) to receive and take into consideration the health and safety representative’s recommendations;”;

(9) by replacing “in” in paragraph 11 by “concerning”;

(10) by replacing paragraph 12 by the following paragraph:

“(12) to receive and study the statistical data or any other data produced by the Commission or by any other body;”;

(11) by adding the following paragraph at the end:

“Within the scope of the functions it exercises under subparagraph 5 of the first paragraph, the committee may consult an occupational health provider.”

155. The Act is amended by inserting the following section after section 78:

“78.1. Members of the health and safety committee must, within the time prescribed by regulation, participate in training programs whose content and duration are determined by regulation.

They may, without loss of pay, take time off as necessary to participate in such programs.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.”

156. Section 79 of the Act is amended by replacing “1 to” in the first paragraph by “3 and”.

157. Section 82 of the Act is amended

(1) by replacing “several” by “two or more”;

(2) by striking out the last sentence;

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

“The health and safety committees and their members have the same rights and shall exercise the same functions as the members of the committees established under section 68.

Workers’ representatives on the health and safety committees shall be designated by the certified association or, if there is more than one certified association, according to the procedure agreed on by them.”

158. Section 83 of the Act is replaced by the following section:

“**83.** The workers’ representatives on each health and safety committee shall designate the workers’ representatives on the health and safety committee established for the whole establishment. The latter committee shall exercise the functions entrusted to it by the other health and safety committees of the establishment.

The prevention program prepared under section 58 must take into account the responsibilities of each health and safety committee established under the first paragraph of section 82.”

159. Sections 84 to 86 of the Act are repealed.

160. The Act is amended by replacing the heading of Chapter V by the following:

“CHAPTER V

“HEALTH AND SAFETY REPRESENTATIVE AND HEALTH AND SAFETY LIAISON OFFICER

“DIVISION I

“HEALTH AND SAFETY REPRESENTATIVE”.

161. Sections 87 and 88 of the Act are replaced by the following sections:

“**87.** Where a health and safety committee exists in an establishment, at least one health and safety representative must be designated from among the establishment’s workers.

The health and safety representative is, by virtue of office, a member of the health and safety committee.

“**87.1.** Despite the first paragraph of section 87, where a health and safety committee acting for the establishments covered by a prevention program is established under section 68.1, at least one health and safety representative shall be designated for those establishments.

The number of health and safety representatives as well as the designation procedure shall be established by agreement between the employer and the workers of each of those establishments.

The workers' consent to such an agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

If there is no agreement, a health and safety representative shall be designated, for the establishments covered by a prevention program, by the members representing the workers on the health and safety committee established under section 68.1 and shall be chosen from among those members.

Despite the second and fourth paragraphs, the Commission may require a health and safety representative to be designated in an establishment where the Commission considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being.

The provisions of this chapter that are applicable to a health and safety representative designated for a single establishment apply, with the necessary modifications, to a health and safety representative designated under this section.

Where the employer ceases to implement the prevention program provided for in section 58.1, at least one health and safety representative per establishment must be designated without delay in accordance with sections 87 and 88.

“88. If an establishment, except an establishment covered by a prevention program under section 58.1, employs fewer than 20 workers during the year, at least one health and safety representative must be designated from among the establishment's workers in the cases and on the conditions prescribed by regulation.

For the purpose of determining the number of workers, those whose services are lent or hired out to the employer must be considered.

“88.1. If the Commission considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, it may require that a health and safety representative be designated in an establishment where there is no health and safety committee.

The provisions of this chapter apply to such a representative.”

162. Section 89 of the Act is amended

(1) by replacing “and 88, safety representatives” by “, 88 and 88.1, health and safety representatives”;

(2) by inserting “under section 72” at the end.

163. Section 90 of the Act is amended

(1) by replacing “safety” in the introductory paragraph by “health and safety”;

(2) by inserting “, including recommendations concerning the psychosocial risks related to the work,” after “appropriate” in paragraph 4;

(3) by replacing paragraph 9 by the following paragraph:

“(9) to cooperate in the preparation and implementation of the prevention program or action plan that must be prepared and implemented by the employer by presenting recommendations in writing to the employer, and to participate in the identification and analysis of risks that may affect the health and safety of the establishment’s workers and in the identification of the contaminants and dangerous substances present in the workplace.”;

(4) by adding the following paragraph at the end:

“Where a health and safety committee exists in an establishment, the health and safety representative must inform it of the result of any investigation conducted under subparagraph 2 of the first paragraph and communicate to it the elements resulting from the identification and analysis the representative participated in under subparagraph 9 of that paragraph.”

164. Section 91 of the Act is amended by replacing the first paragraph by the following paragraphs:

“A health and safety representative must, within the time prescribed by regulation, participate in training programs whose content and duration are determined by regulation.

The health and safety representative may, without loss of pay, take time off as necessary to participate in such programs.”

165. Section 92 of the Act is amended

(1) in the first paragraph,

(a) by replacing “safety” by “health and safety”;

(b) by inserting “of the first paragraph” after “7”;

(2) by replacing the last paragraph by the following paragraphs:

“The amount of time the health and safety representative may devote to the exercise of his other functions is determined by agreement between the members of the health and safety committee of the establishment. If there is no agreement, the minimum time, in the cases and on the conditions prescribed by regulation, applies.

In the case of a health and safety representative designated under section 88 or 88.1, the agreement referred to in the second paragraph is entered into between the representative and his employer.”

166. Section 95 of the Act is repealed.

167. The Act is amended by inserting the following division after section 97:

“DIVISION II

“HEALTH AND SAFETY LIAISON OFFICER

“97.1. Where there is no requirement to designate a health and safety representative for an establishment, the certified associations that represent the workers and the workers not represented by a certified association shall designate a health and safety liaison officer, in accordance with the mode of appointment they determine together.

“97.2. The function of a health and safety liaison officer is to cooperate with the employer to facilitate the communication of health and safety information between the employer and the workers of the establishment.

A further function of the health and safety liaison officer is to submit complaints to the Commission.

“97.3. The health and safety liaison officer shall cooperate in the preparation and implementation of the prevention program or action plan that must be prepared and implemented by the employer by presenting recommendations in writing to the employer. The officer may also make recommendations in writing regarding the identification of risks in the work environment. The employer is required to reply to a recommendation within 30 days.

If, at the expiry of that period, the employer has not followed up on a recommendation of the health and safety liaison officer, the latter may submit a complaint to the Commission.

“97.4. Sections 93, 94, 96 and 97 apply to the health and safety liaison officer and to his employer, with the necessary modifications.

The health and safety liaison officer may take time off work as necessary to exercise his functions.

“97.5. The health and safety liaison officer must, in the year after his designation, participate in a training program whose content and duration are determined by the Commission.

He may, without loss of pay, take time off as necessary to participate in such a program.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.”

168. Section 98 of the Act is replaced by the following sections:

“**98.** One or more employers’ associations and one or more union associations may enter into an agreement establishing a joint sector-based association on occupational health and safety to cover one or more sectors of activities to which they belong.

The agreement must contain all the components prescribed by regulation and comes into force on the approval of the Commission.

Failing an agreement, one or more employers’ representatives and one or more workers’ representatives may enter into an agreement to cover one or more sectors of activities to which they belong.

A sector of activities may not be covered by more than one joint sector-based association.

A sector-based association shall be administered by a joint board of directors composed of members who belong to each of the sectors of activities that the association covers.

“**98.1.** A sector-based association may enter into an agreement with one or more sector-based associations with a view to exchanging training and services.

“**98.2.** The sector-based associations are required to prepare a program of activities that complies with the priorities communicated to them by the Commission. They must also take into account the prevention objectives of this Act and the specific needs of each of the sectors of activities they cover.”

169. The Act is amended by inserting the following section after section 100:

“**100.1.** Where a sector-based association fails in its obligations, the Commission may revoke approval of the agreement referred to in section 98 or reduce the amount of the subsidy provided for in section 100.”

170. Section 101 of the Act is amended, in the second paragraph,

(1) by replacing “and job-site committees” in subparagraph 2 by “, job-site committees, health and safety representatives and health and safety coordinators”;

(2) by inserting the following subparagraph after subparagraph 2:

“(2.1) cooperate in the preparation and implementation of prevention programs or action plans referred to in this Act to which its member establishments are subject;”;

(3) by inserting the following subparagraph after subparagraph 4:

“(4.1) cooperate with the Commission in working committees on matters related to preventing employment injuries;”.

171. The heading of Division I of Chapter VIII of the Act is amended by replacing “AND THE STANDARD CONTRACT” by “, SPECIFICATIONS AND FRAMEWORK AGREEMENT”.

172. Sections 107 to 109 of the Act are replaced by the following sections:

107. In cooperation with the Minister of Health and Social Services, the Commission shall prepare occupational health programs and determine the occupational health priorities and the territories or the establishments or categories of establishments to which they apply.

The occupational health programs shall be evaluated and updated regularly by the Commission in cooperation with the Minister of Health and Social Services.

107.1. The objects of the occupational health programs are, in particular,

(1) to identify the risks that may alter the health of workers and the possible impacts on the latter;

(2) to propose methods and techniques to identify, control or eliminate those risks; and

(3) to specify the services offered by occupational health providers and the public health director to support employers in the preparation of the health components of their prevention program or action plan.

107.2. The Commission shall publish the occupational health programs on its website.

108. In cooperation with the Minister of Health and Social Services, the Commission shall prepare specifications intended for the integrated health and social services centres that specify the expectations and requirements regarding occupational health, in particular as concerns the implementation of the occupational health programs.

For the purposes of this chapter, where a health region has more than one integrated health and social services centre, a reference to such a centre is a reference to the one resulting from the amalgamation of an agency and other institutions within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

“109. For the purpose of implementing the occupational health programs and taking into account the specifications, the Commission and the Minister of Health and Social Services shall enter into a management and accountability framework agreement stipulating the minimum content of the contracts to be entered into between the Commission and the integrated health and social services centres.

The agreement must, in particular, stipulate the rules applicable to the management of contracts between the Commission and the integrated health and social services centres, and to the reporting that must be carried out.

“109.1. In accordance with the specifications and for the purpose of providing the services necessary to implement the occupational health programs, an integrated health and social services centre must prepare a service offer describing the means it intends to use and the cost of the services it undertakes to deploy.

“109.2. The Commission shall enter into a contract with every integrated health and social services centre whereby, in accordance with the specifications, the centre undertakes to provide the necessary services, in particular the services for implementing the occupational health programs prepared by the Commission in the territory served by the centre or the services necessary for the establishments or categories of establishments located in the territory.

In addition to the components stipulated in the management and accountability framework agreement, the contract must contain the service offer prepared by the integrated health and social services centre.

The contract shall be filed by the integrated health and social services centre with the Minister of Health and Social Services.”

173. Section 110 of the Act is amended

(1) in the second paragraph,

(a) by replacing “109” by “109.2”;

(b) by inserting “of the expert services necessary for the execution of the contract and those” after “cover the costs”;

(2) by replacing all occurrences of “agency” by “integrated health and social services centre”, with the necessary modifications.

174. Section 111 of the Act is replaced by the following section:

“III. The physician in charge of occupational health and the other health professionals within the meaning of the Health Insurance Act (chapter A-29) who provide services for the purposes of this chapter are remunerated by the Régie de l’assurance maladie du Québec, in accordance with the agreements entered into under section 19 of that Act.”

175. Division II of Chapter VIII of the Act, comprising sections 112 to 115, is repealed.

176. The heading of Division III of Chapter VIII of the Act is replaced by the following heading:

“PUBLIC HEALTH NETWORK FOR OCCUPATIONAL HEALTH”.

177. Section 117 of the Act is amended by replacing “placed in charge of health services in an institution” and “a person operating a hospital centre or local community service centre designated in the contract entered into pursuant to section 109” by “appointed as physician in charge of occupational health” and “an integrated health and social services centre. The physician must be a member of the clinical department of public health of such a centre and hold practice privileges in occupational health”, respectively.

178. The Act is amended by inserting the following section after section 117:

117.1. The physician in charge of occupational health or any other occupational health provider shall cooperate, at the request of the Minister of Health and Social Services, in the preparation of the occupational health programs referred to in section 107.

He shall also cooperate, at an employer’s request or if the Commission or a public health director considers it advisable for protecting workers’ health, in the preparation and implementation of the health components of the prevention program described in section 59 or the action plan described in section 61.2. He may retain the services of any other occupational health provider that he considers necessary.”

179. Sections 118 and 119 of the Act are repealed.

180. Section 120 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “Similarly, a physician whose application, as contemplated in section 117, has not been accepted or, once accepted has not been renewed by person operating a hospital centre or a local community service centre” in the second paragraph by “A physician whose application referred to in section 117 has been refused or whose accepted application has not been renewed”;

(3) by striking out the third paragraph.

181. Section 122 of the Act is repealed.

182. Sections 123 to 126 of the Act are replaced by the following sections:

“123. An occupational health provider who, in the performance of his duties, observes the presence of a danger in the health, safety or sanitation conditions that is likely to require a preventive measure must, in compliance with his confidentiality obligations, report it to the Commission, the employer, the workers concerned, the certified association, the health and safety committee and the public health director.

The first paragraph also applies to any person who is not an occupational health provider and who offers occupational health services to an employer.

“124. The occupational health provider must inform a worker of any situation exposing him to a danger to his health, safety or physical or mental well-being.

An occupational health provider who is a professional within the meaning of the Professional Code (chapter C-26) and who observes a deterioration in a worker’s health following a medical supervision measure for prevention and detection must, in keeping with his professional obligations, inform the worker of the deterioration.

“125. The occupational health provider shall, on request, send his activity report to the employer, the workers, the certified association and the health and safety committee concerned as well as to the public health director.

“126. Where required for the performance of his duties within the scope of the service offer required under section 109.1, the occupational health provider has access at any reasonable time of the day or night to a workplace and he may be accompanied by an expert.

He has access to all the information necessary for the performance of his duties. He may not communicate it or use that information for any other purpose.

He may use a measuring device in a workplace.”

183. Section 127 of the Act is amended

(1) by replacing “the agency” and “109” in the introductory clause by “the integrated health and social services centre” and “109.2”, respectively;

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

“(1) ensure the cooperation of physicians in charge of occupational health and of any other occupational health provider in the preparation and implementation of the health components of the prevention program set out in section 59 or those of the action plan set out in section 61.2.”;

(3) by replacing “of the person operating a hospital centre or local community service centre” in paragraph 2 by “of the integrated health and social services centre”;

(4) by inserting “and of the health components of the prevention program set out in section 59 or those of the action plan set out in section 61.2” at the end of paragraph 3;

(5) by inserting the following paragraph after paragraph 3:

“(3.1) ensure, where a request is made in accordance with section 117.1, that the occupational health providers’ services are provided in the employer’s establishment or in a facility of the integrated health and social services centre, or elsewhere if the public health director believes it is necessary because the other premises are not available;”;

(6) by striking out paragraph 7.

184. The Act is amended by inserting the following section after section 127:

“**127.1.** The public health director may, if he considers it advisable for protecting workers’ health, evaluate the health components of a prevention program described in section 59 or of an action plan described in section 61.2, in particular as regards taking into account the occupational health programs referred to in section 107, and make recommendations to the employer, the Commission and, as the case may be, the health and safety committee.”

185. Division V of Chapter VIII of the Act, comprising sections 130 to 136, is repealed.

186. Section 140 of the Act is replaced by the following section:

“**140.** The Commission shall be administered by a board of directors composed of 15 members appointed by the Government, including the chairman of the board of directors, and the president and chief executive officer who is a member by virtue of office, without the right to vote.

The chairman of the board of directors shall be appointed after consultation with the most representative union associations and employers’ associations. He must, in the Government’s opinion, qualify as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 7 of that Act apply, with the necessary modifications.”

187. Section 141 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“With the exception of the chairman of the board of directors and the president and chief executive officer, the members of the board of directors shall be designated in the following manner:”;

(2) by striking out the second paragraph.

188. The Act is amended by inserting the following section after section 141:

“**141.1.** The Government shall appoint a president and chief executive officer to be responsible for the direction and management of the Commission.

The offices of president and chief executive officer and of chairman of the board of directors may not be held concurrently.”

189. The Act is amended by inserting the following section after section 142:

“**142.1.** The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer and of the vice-chairmen.”

190. Section 143 of the Act is amended by replacing “and chief executive officer” by “, the president and chief executive officer”.

191. Section 144 of the Act is amended by replacing “chief executive officer” and “in section 141” by “the president and chief executive officer” and “in sections 140 and 141”, respectively.

192. Section 146 of the Act is replaced by the following section:

“**146.** The offices of president and chief executive officer and of vice-chairman are full-time positions.”

193. Section 147 of the Act is amended by replacing “Commission and” by “Commission, the president and chief executive officer and”.

194. Section 148 of the Act is replaced by the following section:

“**148.** A vacancy on the board of directors, except in the position of president and chief executive officer, shall be filled in accordance with the rules of appointment set out in this Act.”

195. Section 149 of the Act is amended

- (1) by replacing “and of the vice-chairmen” in the first paragraph by “, except the president and chief executive officer”;
- (2) by striking out the second paragraph.

196. Section 151 of the Act is amended

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

“Eight members, including the following, constitute a quorum of the board of directors of the Commission:

- (1) the chairman of the board of directors or the person appointed under section 155 to replace him;
- (2) at least three of the members appointed under subparagraph 1 of the first paragraph of section 141; and
- (3) at least three of the members appointed under subparagraph 2 of the first paragraph of section 141.”;

- (2) by striking out “of directors and chief executive officer” in the second paragraph.

197. Section 152 of the Act is amended by replacing “and chief executive officer” in the first paragraph by “, the president and chief executive officer”.**198.** Section 154 of the Act is amended by striking out “and chief executive officer” and the last sentence.**199.** Section 155 of the Act is amended

- (1) by replacing “and chief executive officer” by “, the president and chief executive officer”;
- (2) by replacing “Government may” by “Minister shall”.

200. The Act is amended by inserting the following section after section 155:

“155.1. The board of directors must establish the following committees:

- (1) a governance and ethics committee;
- (2) an audit committee chaired by the chairman of the board of directors; and
- (3) a human resources committee.

The composition of the committees as well as the functions they exercise are prescribed by the Commission's by-laws.”

201. Section 156 of the Act is amended by striking out “and chief executive officer” in paragraph 1.

202. The Act is amended by inserting the following section after section 156:

“**156.1.** Sections 10, 11 and 36 to 39 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) apply, with the necessary modifications, to the Commission.”

203. Section 161.0.7 of the Act is amended by replacing “chairman and” by “president and chief executive officer and the”.

204. Section 162.1 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” by “president and chief executive officer”.

205. Section 163 of the Act is amended by replacing “chairman of the board of directors and chief executive officer” in subparagraph 5 of the second paragraph by “president and chief executive officer”.

206. Section 163.1 of the Act is amended by replacing both occurrences of “chairman of the board of directors and chief executive officer” by “president and chief executive officer”.

207. Section 167 of the Act is amended

(1) by inserting “as well as priorities that a joint sector-based association on occupational health and safety must comply with in programming its activities” at the end of paragraph 1;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) to notify workers and employers of, and give them information concerning, their rights and obligations under this Act;”;

(3) by inserting “, including support measures for workers not represented by a certified association” at the end of paragraph 3;

(4) by inserting “and mental” after “physical” in paragraphs 5 and 12;

(5) by replacing paragraph 15 by the following paragraphs:

“(15) to grant financial assistance to an association or a body for an occupational health and safety training or information project that takes into account the priorities established by the Commission, provided the association or body has not received another sum for the same period under this Act;

“(15.1) to issue training certificates for the purposes of the Acts and regulations it administers and to recognize the persons or bodies authorized to issue such certificates;”;

(6) by replacing “of health programs and seeing that” in paragraph 16 by “of the service offer contained in the contract entered into under section 109.2 and ensuring, for the purposes of the implementation of the occupational health programs and the delivery of the other services provided for in the specifications, that”;

(7) by adding the following paragraph at the end:

“(18) on its own behalf or for the fund, as the case may be, to transact or to make compromises on matters for which this Act or the Act respecting industrial accidents and occupational diseases (chapter A-3.001) grants it jurisdiction.”

208. The Act is amended by inserting the following sections after section 167:

“167.1. The Commission may put in place a program to certify employers with regard to occupational health and safety, in order to promote employers’ taking charge of health and safety in the workplace.

To that end, the Commission shall determine by regulation the cases, conditions and terms for issuing, renewing, suspending and revoking such certification as well as the persons or bodies authorized to issue the certification.

“167.2. The Commission may grant a financial incentive to employers that put in place measures to protect workers’ health and ensure their safety and physical and mental well-being.

The Commission shall determine by regulation the form such an incentive may take, how it is to be calculated and the terms and conditions for granting it.”

209. Section 172 of the Act is amended by replacing “of directors and chief executive officer” in the first paragraph by “, the president and chief executive officer”.

210. The Act is amended by inserting the following section after section 173:

“173.1. The Commission may, by regulation, impose the use of a medium or technology for any document necessary for the application of an Act or a regulation it administers. It may also prescribe by regulation that such a document must be sent or received using any method of transmission it specifies in the regulation.

The Commission shall assist any person who so requests to help him use the medium or technology referred to in the regulation.”

211. The Act is amended by inserting the following section after section 179:

“179.1. An inspector may not, without the consent of the worker, enter a place where telework is carried on if that place is situated in a dwelling house, unless the inspector has obtained a court order authorizing such entry.

A judge of the Court of Québec having jurisdiction in the locality in which the house is situated may grant the order, on the conditions he determines, if he is satisfied that there are reasonable grounds to believe that the worker or a person who is in such a place or nearby is exposed to a danger threatening his life, health, safety or physical or mental well-being.”

212. Section 180 of the Act is amended by inserting “, including a physician in charge of occupational health or any other occupational health provider” at the end of paragraph 7.

213. Section 181 of the Act is amended

(1) by inserting “, the health and safety coordinator” after “contractor”;

(2) by replacing “prevention officer” and “safety representative” by “health and safety representative”.

214. Section 183 of the Act is amended

(1) by inserting “the representative association within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) that has affiliated workers present on the construction site,” after “association,”;

(2) by replacing “the safety representative” by “the health and safety coordinator, the principal contractor, the health and safety representative”.

215. Section 194 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) “health and safety coordinator” means a person designated under section 215.1.”;

(2) in paragraph 3,

(a) by replacing “safety” by “health and safety”;

(b) by inserting “or 212.1” at the end;

(3) by replacing “in the cases determined by regulation” in paragraph 4 by “undergoing a job shadowing or work training period under the responsibility of an educational institution”.

216. Section 198 of the Act is amended

- (1) by striking out “particular”;
- (2) by replacing “safety representative” by “health and safety representative”.

217. Section 199 of the Act is amended

- (1) by inserting “relating to a construction site” and “and mental” after “program” and “physical”, respectively;
- (2) by replacing “Particularly, it must contain every component prescribed by regulation” by “It must comply with the regulations applicable to the construction site and contain the components set out in subparagraphs 1 to 5, subparagraph 7, with the necessary modifications, and subparagraph 8 of the second paragraph of section 59”.

218. Section 200 of the Act is replaced by the following section:

“**200.** A prevention program must be sent to the Commission before work begins, where it is foreseen that activities on the construction site will occupy at least 20 construction workers simultaneously at a stage of the work.”

219. Section 203 of the Act is amended by replacing “If the prevention programs of the principal contractor and of the employer conflict, the former prevails” by “In the event of incompatibility, the prevention program of the principal contractor prevails over the prevention program or action plan applicable for the employer’s establishment”.

220. Section 204 of the Act is amended

- (1) by replacing “25” by “20”;
- (2) by striking out “particular”.

221. Section 205 of the Act is replaced by the following section:

“**205.** A job-site committee consists of the following persons, as and when they are on the construction site, subject to the terms and conditions prescribed by regulation:

- (1) one health and safety coordinator designated under section 215.1 or, if there is no such coordinator, at least one representative of the principal contractor;

- (2) one representative of each employer;
- (3) one health and safety representative; and
- (4) one representative designated by each of the representative associations with at least one affiliated construction worker present on the site.”

222. Section 206 of the Act is amended

(1) by replacing “supervise” in paragraph 2 by “ensure”, and by replacing “la mise en place et le fonctionnement” in the French text by “de la mise en place et du fonctionnement”;

(2) by replacing “or their unions or associations” in paragraph 3 by “, the representative associations, the joint sector-based construction association referred to in section 99”;

(3) by striking out paragraphs 6 and 7.

223. Section 207 of the Act is amended by inserting the following paragraph after the first paragraph:

“The health and safety coordinator or another member designated by the principal contractor shall coordinate the job-site committee’s activities.”

224. The Act is amended by inserting the following section after section 207:

“**207.1.** The members of the job-site committee must participate in training programs whose content and duration are determined by regulation.

They may, without loss of pay, take time off as necessary to participate in such programs.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.”

225. Section 208 of the Act is amended by inserting “to the health and safety representatives and” after “modifications,”.

226. Section 209 of the Act is replaced by the following section:

“**209.** Where it is foreseen that activities on a construction site will occupy at least 10 construction workers simultaneously at a stage of the work, at least one health and safety representative must be designated, as soon as work begins, by a majority of the construction workers present on the construction site.

Failing that, the representative association with the most affiliated construction workers present on the construction site shall designate the health and safety representative.”

227. Section 210 of the Act is amended

(1) by replacing “safety” in the introductory paragraph by “health and safety”;

(2) by replacing paragraph 4 by the following paragraph:

“(4) to make any recommendations he considers appropriate, including recommendations concerning the psychosocial risks related to the work, to the job-site committee, or, if there is no such committee, to the construction workers or their representative association, to the employer and to the health and safety coordinator or the principal contractor;”.

228. The Act is amended by inserting the following section after section 212:

“**212.1.** Despite sections 209 and 212, where it is foreseen that activities on a construction site will occupy at least 100 construction workers simultaneously at a stage of the work or that the total cost of the work will exceed \$12,000,000, one or more health and safety representatives, assigned full-time to a construction site, must be designated by all the representative associations.

The minimum number of health and safety representatives assigned full-time to a construction site is determined by regulation.

The costs related to the performance of the functions set out in section 210 are borne by the principal contractor.

The total cost of the work foreseen under the first paragraph is revalorized every five years, on 1 January of the year, according to the method provided for in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).”

229. Section 213 of the Act is amended

(1) by striking out “, 95”;

(2) by replacing “safety” by “health and safety”.

230. The Act is amended by inserting the following division after section 215:**“DIVISION IV.1****“HEALTH AND SAFETY COORDINATOR**

“**215.1.** Where it is foreseen that activities on a construction site will occupy at least 100 construction workers simultaneously at a stage of the work or that the total cost of the work will exceed \$12,000,000, the principal

contractor must, as soon as work begins, designate one or more health and safety coordinators.

The minimum number of health and safety coordinators on a construction site is determined by regulation.

A health and safety coordinator is a member of the managerial staff and is under the responsibility of the principal contractor and assigned full-time to a construction site.

The total cost of the work referred to in the first paragraph is revalorized every five years, on 1 January of the year, according to the method provided for in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

“215.2. The functions of a health and safety coordinator are

(1) to participate in the preparation and updating of the prevention program implemented on the construction site;

(2) with a view to the safety of the construction workers, to supervise the setting up and operation of mechanisms to coordinate the activities of employers who are on the construction site simultaneously;

(3) to identify situations that may be a source of danger to the construction workers;

(4) to inspect workplaces;

(5) to ensure that all workers know the risks related to their work;

(6) to receive copies of accident notices and investigate incidents that have caused or could have caused an accident; and

(7) to accompany the inspector on visits of inspection.

“215.3. A health and safety coordinator must participate in training programs whose content and duration are determined by regulation.

The health and safety coordinator may, without loss of pay, take time off as necessary to participate in such programs.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.”

231. Section 221 of the Act is amended by replacing “the safety representative, the inspectors” by “the health and safety coordinator, the health and safety representative”.

232. Section 223 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 5;

(2) by striking out “, and determining the form and tenor of the certificate contemplated in sections 32, 40 and 46” in subparagraph 6;

(3) in subparagraph 7,

(a) by replacing “every establishment or construction site in view of ensuring” by “every workplace so as to ensure”;

(b) by inserting “and mental” after “physical”;

(4) by replacing “devices” in subparagraph 9 by “means”;

(5) by replacing subparagraph 10 by the following subparagraph:

“(10) determining the contaminants and dangerous substances for which the employer must draw up and keep up to date a register in accordance with section 52 and prescribing the content of the register and the manner in which it is to be sent;”;

(6) by replacing subparagraph 17 by the following subparagraphs:

“(17) determining in which cases and on which conditions an employer must, for an establishment employing fewer than 20 workers, prepare a prevention program and designate a health and safety representative;

“(17.1) determining the manner and time limits for preparing, implementing and updating a prevention program or action plan and establishing the hierarchy of preventive measures for the purpose of preparing the prevention program or action plan;”;

(7) in subparagraph 22,

(a) by replacing “determining the categories of establishments in which a health and safety committee may be formed and fixing, by category,” by “setting”;

(b) by inserting “health and safety” after “members of a”;

(8) by replacing subparagraph 23 by the following subparagraph:

“(23) setting the minimum frequency of the health and safety committees’ meetings;”;

(9) by replacing subparagraph 24 by the following subparagraph:

“(24) determining the amount of time that a health and safety representative may devote to the exercise of his other functions set out in subparagraphs 1, 3 to 5, 8 and 9 of the first paragraph of section 90;”;

(10) by inserting the following subparagraphs after subparagraph 24:

“(24.1) determining the content and duration of the training programs in which the members of the health and safety committees and the health and safety representatives must participate under sections 78.1 and 91 and prescribing the time limit for completing that training;

“(24.2) determining the registration, travel and accommodation expenses borne by it under sections 78.1, 91, 97.5, 207.1, 211 and 215.3;”;

(11) by replacing subparagraph 31 by the following subparagraph:

“(31) determining the terms and conditions relating to the composition of job-site committees and the designation of their members, establishing the rules of operation of the committees, setting, by category of construction sites, a minimum number of meetings that is different than the number set by this Act, determining the content and duration of the training programs in which the members of the job-site committees must participate under section 207.1 and prescribing the time limit for completing that training;”;

(12) by replacing “the amount of time that a safety representative” and “the safety representative contemplated” in subparagraph 32 by “the minimum number of designated health and safety representatives on a site, the amount of time that a health and safety representative” and “the health and safety representative contemplated”, respectively;

(13) by inserting the following subparagraph after subparagraph 32:

“(32.1) determining, by category of construction sites, the minimum number of health and safety coordinators designated on a site as well as the content and duration of the training programs in which they must participate under section 215.3 and prescribing the time limit for completing that training;”;

(14) by inserting the following subparagraph after subparagraph 37:

“(38) determining the cases, conditions and terms for issuing, renewing, suspending and revoking the certification provided for in section 167.1, as well as the persons or bodies authorized to issue the certification, and determine the form the financial incentive provided for in section 167.2 may take, how it is to be calculated and the terms and conditions for granting it;”;

(15) by inserting the following subparagraph after subparagraph 40:

“(40.1) imposing the use of a medium or technology for a document necessary for the application of an Act or a regulation it administers and prescribing that such a document be sent or received using any method of transmission specified by the Commission;”.

233. The Act is amended

(1) by inserting “and mental” after “physical” in sections 2, 9 and 196;

(2) by inserting “or mental” after all occurrences of “physical” in sections 3, 4, 12, 13, 18, 49.1, 51.2, 186, 217 and 237;

(3) by replacing all occurrences of “safety representative”, “prevention officer” and “prevention representative” by “health and safety representative”.

HEALTH INSURANCE ACT

234. Section 3 of the Health Insurance Act (chapter A-29) is amended by inserting “, by a member of a committee on occupational oncological diseases or by a member of the Comité scientifique sur les maladies professionnelles” at the end of the fourteenth paragraph.

ACT RESPECTING LABOUR STANDARDS

235. Section 39.0.1 of the Act respecting labour standards (chapter N-1.1) is amended by striking out paragraphs 1 to 5 and 10 to 16 of the definition of “employer subject to contribution” in the first paragraph.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

236. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing paragraph 9 by the following paragraph:

“(9) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

237. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing paragraph 10 by the following paragraph:

“(10) THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

238. Section 6 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “360,” after “359.1,” in paragraph 1.

239. Section 9 of the Act is amended, in the second paragraph,

(1) by inserting “on application or on its own initiative,” at the beginning of subparagraph 1;

(2) by inserting the following subparagraph after subparagraph 2:

“(2.1) on application or on its own initiative, prohibit a party whose conduct is vexatious or quarrelsome from commencing a matter, except with the prior authorization of the president or any other member designated by the latter, and subject to the conditions determined by the president or any other member designated by the latter;”;

(3) by inserting “or a stay order” after “provisional order” in subparagraph 3.

240. Section 82 of the Act is amended by inserting “or any person” after “member” in subparagraph 3 of the second paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

241. Section 337 of the Act respecting occupational health and safety (1979, chapter 63) is amended by inserting “, and Division III of Chapter XI, comprising sections 204 to 208, the heading of Division IV of Chapter XI and sections 212 to 215, which come into force on 1 January 2023, and section 211, which comes into force on 1 January 2024” at the end.

REGULATION RESPECTING OCCUPATIONAL DISEASES

242. The Regulation respecting occupational diseases, the text of which appears below, is enacted.

“REGULATION RESPECTING OCCUPATIONAL DISEASES

“SCOPE AND DEFINITIONS

1. This Regulation determines, in Schedule A, diseases and the special conditions in relation to them for the purposes of the occupational disease presumption provided for in section 29 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

The Regulation also determines, for the purposes of section 28.1 of the Act, the eligibility criteria for a claim for a disease for which the diagnosis is a hearing impairment caused by noise.

“2. For the purposes of this Regulation, “operational firefighter” means

- (1) an officer or a firefighter assigned to firefighting interventions;
- (2) an officer or a firefighter who conducts clearing or searches for the causes and circumstances of fires;
- (3) a firefighter who drives the trucks; and
- (4) a firefighter who operates the pumpers and the elevating devices.

“SCHEDULE A

DIVISION I—DISEASES CAUSED BY CHEMICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Poisoning by metals and their organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to those metals.
Poisoning by halogens and their organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to those halogens.
Poisoning by the organic or inorganic toxic compounds of boron	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of boron.
Poisoning by silicon and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to silicon or such compounds of silicon.
Poisoning by phosphorus and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to phosphorus or such compounds of phosphorus.
Poisoning by arsenic and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to arsenic or such compounds of arsenic.
Poisoning by the organic or inorganic toxic compounds of sulfur	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of sulfur.
Poisoning by selenium and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to selenium or such compounds of selenium.

Poisoning by tellurium and its organic or inorganic toxic compounds	Having carried on any work involving the utilization or handling of or another form of exposure to tellurium or such compounds of tellurium.
Poisoning by the organic or inorganic toxic compounds of nitrogen	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of nitrogen.
Poisoning by the organic or inorganic toxic compounds of oxygen	Having carried on any work involving the utilization or handling of or another form of exposure to such compounds of oxygen.
Poisoning by aliphatic, alicyclic and aromatic hydrocarbons	Having carried on any work involving the utilization or handling of or another form of exposure to those substances.
Parkinson's disease	<p>Having carried on any work involving exposure for at least 10 years to pesticides that are phytosanitary or phytopharmaceutical products for agricultural use or intended for plant maintenance or that are veterinary biocides or antiparasitics.</p> <p>Work involves exposure to pesticides where</p> <ul style="list-style-type: none"> – there is handling or use of pesticides by contact or inhalation; or – there is contact with treated crops, surfaces or animals or with machines used to apply pesticides. <p>The diagnosis must not have been made more than 7 years after the end of the exposure to the pesticides.</p>

DIVISION II— BIOLOGICAL AGENTS AND INFECTIOUS OR PARASITIC DISEASES

DISEASE	SPECIAL CONDITIONS
Bacterial or fungal skin infections (pyodermatitis, bacterial folliculitis, paronychia, dermatomycosis, candida skin infection)	Having carried on any work involving contact with tissues or material contaminated by bacteria or fungi.
Parasitosis	Having carried on any work involving contact with humans, animals or material contaminated by parasites such as <i>Sarcoptes scabiei</i> , <i>Pediculus humanus</i> or <i>Borrelia burgdorferi</i> .

Anthrax	Having carried on any work involving the utilization or handling of or another form of exposure to contaminated wool, hair, bristles, hides or skins.
Brucellosis	Having carried on any work related to the care, slaughtering, cutting up or transport of animals or any laboratory work involving contact with Brucella.
Viral hepatitis	Having carried on any work involving contact with contaminated humans, human products or substances.
Tuberculosis	Having carried on any work involving contact with contaminated humans, animals or animal products or other contaminated substances.
Warts on the hands	Having carried on any work performed in a slaughterhouse or involving the handling of animals or animal products under humid conditions (maceration).

DIVISION III — SKIN DISEASES

DISEASE	SPECIAL CONDITIONS
Irritative contact dermatitis	Having carried on any work involving contact with substances such as solvents, detergents, soaps, acids, alkalis, cements, lubricants or other irritating agents.
Allergic contact dermatitis	Having carried on any work involving contact with substances such as nickel, chrome, epoxy, mercury, antibiotics or other allergens.
Phyto dermatosis	Having carried on any work involving contact with plants.
Dermatosis caused by mechanical action (localized callosity and keratodermas)	Having carried on any work involving friction or pressure.
Photodermatitis, folliculitis, dyschromia, epithelioma or paraneoplastic lesions	Having carried on any work involving the utilization or handling of tar, pitch, asphalt, mineral oils, anthracene or their compounds, products and residues.
Radiodermatitis	Having carried on any work involving exposure to ionizing radiation.

Cutaneous telangiectasia	Having carried on any work performed in aluminum plants, involving repeated exposure to ambient air in pot rooms.
Chemical folliculitis	Having carried on any work involving the utilization or handling of oil or grease.

DIVISION IV — DISEASES CAUSED BY PHYSICAL AGENTS

DISEASE	SPECIAL CONDITIONS
Hearing impairment caused by noise	Having carried on any work involving exposure to excessive noise.
Disease caused by working in compressed air	Having carried on any work performed in compressed air.
Disease caused by exposure to thermal stress	Having carried on any work performed under excessive thermal conditions.
Disease caused by ionizing radiations	Having carried on any work involving exposure to ionizing radiations.
Disease caused by vibrations	Having carried on any work involving vibrations.
Retinitis	Having carried on any work involving electro-welding or acetylene welding.
Cataract caused by non-ionizing radiation	Having carried on any work involving exposure to infrared radiation, microwaves or laser beams.

DIVISION V — RESPIRATORY SYSTEM DISEASES

DISEASE	SPECIAL CONDITIONS
Asbestosis	Having carried on any work involving exposure to asbestos fibre.
Bronchopneumopathy	Having carried on any work involving exposure to the dust of hard metals.
Siderosis	Having carried on any work involving exposure to iron dust and fumes.
Silicosis	Having carried on any work involving exposure to silica dust.
Talcosis	Having carried on any work involving exposure to talc dust.
Byssinosis	Having carried on any work involving exposure to cotton, flax, hemp or sisal dust.

Extrinsic allergic alveolitis	Having carried on any work involving exposure to an agent recognized as able to cause extrinsic allergic alveolitis.
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Bronchial asthma	Having carried on any work involving exposure to a specific sensitizing agent.
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DIVISION VI—MUSCULOSKELETAL DISORDERS

DISEASE	SPECIAL CONDITIONS
Musculoskeletal lesions manifested by objective signs (bursitis, tendinitis, tenosynovitis)	Having carried on any work involving repeated movements or pressure over an extended period of time.

DIVISION VII—MENTAL DISORDERS

DISEASE	SPECIAL CONDITIONS
Post-traumatic stress disorder	Having carried on any work involving repeated or extreme exposure to serious injury, sexual violence or threatened death, or to actual death not resulting from natural causes.

DIVISION VIII—ONCOLOGICAL DISEASES

DISEASE	SPECIAL CONDITIONS
Lung cancer or pulmonary mesothelioma	Having carried on any work involving exposure to asbestos fibre.
	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.
	The diagnosis must have been made after an employment period of not less than 15 years. Not having been a smoker in the 10 years preceding the diagnosis.
Non-pulmonary mesothelioma	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.

Kidney cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>
Bladder cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>
Laryngeal cancer	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 15 years.</p> <p>Not having been a smoker in the 10 years preceding the diagnosis.</p>
Multiple myeloma	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 15 years.</p>
Non-Hodgkin lymphoma	<p>Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality.</p> <p>The diagnosis must have been made after an employment period of not less than 20 years.</p>

Skin cancer (melanoma)	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality. The diagnosis must have been made after an employment period of not less than 15 years.
Prostate cancer	Having carried on any work involving exposure to gas and smoke from a fire during operations to control them or during the clearing or investigation after they have been suppressed, and being or having been a full-time or part-time operational firefighter, employed by a city or municipality. The diagnosis must have been made after an employment period of not less than 15 years.

REGULATION RESPECTING PREVENTION MECHANISMS SPECIFIC TO CONSTRUCTION SITES

243. The Regulation respecting prevention mechanisms specific to construction sites, the text of which appears below, is enacted.

“REGULATION RESPECTING PREVENTION MECHANISMS SPECIFIC TO CONSTRUCTION SITES

“CHAPTER I

“SCOPE

1. For the purposes of the Act respecting occupational health and safety (chapter S-2.1), this Regulation determines the rules applicable on construction sites with regard to the job-site committee, the health and safety representative and the health and safety coordinator.

“CHAPTER II**“JOB-SITE COMMITTEE****“DIVISION I****“COMPOSITION OF JOB-SITE COMMITTEE AND DESIGNATION OF MEMBERS**

“2. The maximum number of employers’ representatives on the job-site committee must be equal to the number of health and safety representatives and representatives of each of the representative associations that sit on the committee.

If the number of employers present on the construction site exceeds the maximum number of representatives prescribed in the first paragraph, the employers’ representatives on the committee are respectively those of the employers that employ the greatest number of workers present on the construction site.

“3. Where two or more health and safety representatives or two or more health and safety coordinators are designated on a construction site, the number of representatives or coordinators on the committee is equal to the minimum number prescribed in sections 13 and 16, according to the category of construction site.

“4. The health and safety representatives on the job-site committee are designated by all the representative associations.

Failing that, they are designated by a majority of the construction workers present on the construction site.

“DIVISION II**“RULES OF OPERATION FOR JOB-SITE COMMITTEE**

“5. The job-site committee holds its first meeting within 14 days after the date on which the work begins.

“6. Despite the minimum frequency of meetings prescribed in the first paragraph of section 207 of the Act, the job-site committee of a construction site employing 100 workers or more must meet at least once a week.

“7. The agenda of a job-site committee meeting is determined by the principal contractor.

Any committee member may, at the beginning of the meeting and with the other members’ agreement, propose amendments to the agenda.

“8. The quorum at a meeting is at least one representative of the principal contractor, at least one employer’s representative and at least half the members referred to in paragraphs 3 and 4 of section 205 of the Act who represent workers.

“9. Any vacancy on the job-site committee must be filled not later than 14 days after the committee is informed of it if the construction site employs at least 20 workers or not later than 7 days if the construction site employs at least 100 workers.

A vacancy is filled according to the method of designation prescribed for designating the member to be replaced, if any.

“10. The principal contractor must draw up the minutes of the job-site committee’s meetings.

At each meeting, the committee adopts the minutes of the previous meeting. Adopted minutes are kept by the principal contractor, in a register established for that purpose, for at least one year after the date on which the work ends.

Committee members may, by request to the principal contractor, obtain copies of the committee’s minutes.

“DIVISION III

“TRAINING OF JOB-SITE COMMITTEE MEMBERS

“11. A job-site committee member must obtain a certificate for at least one hour of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

- (1) prevention mechanisms applicable on a construction site;
- (2) the role of the job-site committee and its rules of operation;
- (3) follow-up on the prevention program;
- (4) analysis of accident notices and follow-up on them;
- (5) follow-up on suggestions and complaints regarding occupational health and safety received from construction workers, representative associations, the joint sector-based construction association referred to in section 99 of the Act, employers and the principal contractor; and
- (6) follow-up on reports regarding inspections carried out on the construction site.

A member who holds a health and safety coordinator training certificate or a health and safety representative training certificate under section 15 is not required to take such training.

“CHAPTER III

“HEALTH AND SAFETY REPRESENTATIVE

“**12.** The minimum amount of time that a health and safety representative may devote daily to the exercise of his or her functions, except the functions referred to in paragraphs 2, 6 and 7 of section 210 of the Act, is as follows, according to the number of workers present on the construction site:

- (1) 10 to 24 workers: 1 hour;
- (2) 25 to 49 workers: 3 hours;
- (3) 50 to 74 workers: 4 hours;
- (4) 75 to 99 workers: 6 hours; and
- (5) 100 workers and more: 8 hours.

“**13.** The minimum number of health and safety representatives designated in accordance with section 212.1 of the Act is as follows, according to the number of workers present on the construction site:

- (1) 100 to 199 workers: 1;
- (2) 200 to 599 workers: 2;
- (3) 600 to 899 workers: 3;
- (4) 900 to 1,199 workers: 4; and
- (5) 1,200 workers and more: 5.

“**14.** A health and safety representative designated in accordance with section 209 of the Act must obtain a certificate for at least three hours of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

- (1) prevention mechanisms applicable on a construction site;
- (2) the representative’s role, functions and responsibilities;
- (3) inspection of workplaces;

(4) assistance to workers in the exercise of their rights recognized by the Act and the regulations;

(5) the representative's role during an inspector's visit; and

(6) accident investigation and analysis of reported incidents.

“15. A health and safety representative designated in accordance with section 212.1 of the Act must obtain a certificate for at least 40 hours of theoretical training issued by the Commission or by a body recognized by it.

In addition to the subjects listed in the second paragraph of section 14, the training must pertain to the prevention program and the operation of a job-site committee.

“CHAPTER IV

“HEALTH AND SAFETY COORDINATOR

“16. The minimum number of health and safety coordinators designated in accordance with section 215.1 of the Act is as follows, according to the number of workers present on the construction site:

(1) 100 to 199 workers: 1;

(2) 200 to 599 workers: 2;

(3) 600 to 899 workers: 3;

(4) 900 to 1,199 workers: 4; and

(5) 1,200 workers and more: 5.

“17. A health and safety coordinator must obtain a certificate for at least 240 hours of theoretical training issued by the Commission or by a body recognized by it.

The training must pertain, in particular, to the following subjects:

(1) the legislative and regulatory framework for occupational health and safety applicable to a construction site;

(2) prevention mechanisms applicable on a construction site;

(3) the coordinator's role and general functions, including coordinating a job-site committee;

- (4) preparing and updating a prevention program specific to a construction site;
- (5) the coordinator's role during an inspector's visit on the construction site;
- (6) the main safety measures applicable on a construction site, taking into account the priorities for action established by the Commission;
- (7) the main occupational health rules applicable on a construction site;
- (8) the occupational health and safety management audit;
- (9) inspection of workplaces;
- (10) accident investigation and analysis of reported incidents;
- (11) preparation of work directives specific to a construction site; and
- (12) interpersonal relations and communication skills.

“CHAPTER V

“TRANSITIONAL PROVISION

18. A person who, on 31 December 2022, holds an attestation of safety officer delivered by the Commission under paragraph *c* of subsection 2 of section 2.5.4 of the Safety Code for the construction industry (chapter S-2.1, r. 4) and who is designated health and safety representative or health and safety coordinator is not required to obtain the training certificates required under sections 15 and 17.”

REGULATION RESPECTING FINANCING

244. Section 53 of the Regulation respecting financing (chapter A-3.001, r. 7) is amended by replacing “the medical aid benefits to which the worker is entitled under Chapter V of the Act” in subparagraph *a* of subparagraph 1 of the first paragraph by “health services to which the worker is entitled under Chapter V of the Act, the cost of benefits to which the worker is entitled under Chapter V.1 of the Act,”.

245. Section 97 of the Regulation is amended by replacing “medical aid benefits to which the worker is entitled under Chapter V of the Act” in subparagraph *a* of subparagraph 1 of the first paragraph by “health services to which the worker is entitled under Chapter V of the Act, the cost of benefits to which the worker is entitled under Chapter V.1 of the Act,”.

246. Section 224 of the Regulation is amended by replacing “of the Act” in the introductory clause by “of the Act or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act”.

247. Section 227 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end of the first paragraph.

248. Section 232 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end.

249. Section 235 of the Regulation is amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end of the first paragraph.

250. Sections 238 and 239 of the Regulation are amended by inserting “or of a contestation before the Administrative Labour Tribunal pursuant to section 360 of the Act” at the end.

REGULATION RESPECTING CONTRIBUTION RATES

251. Section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is amended by replacing “0.07%” by “0.06%”.

JOINT SECTOR-BASED CONSTRUCTION ASSOCIATION ON OCCUPATIONAL HEALTH AND SAFETY REGULATION

252. Section 21 of the Joint Sector-Based Construction Association on Occupational Health and Safety Regulation (chapter S-2.1, r. 1) is amended by replacing “suspend payment” in the second paragraph by “reduce the amount”.

253. Section 23 of the Regulation is amended

- (1) by striking out “by registered mail” in the introductory clause;
- (2) by inserting “, in keeping with the priorities communicated to it by the Commission” at the end of paragraph 2;
- (3) by striking out subparagraph *c* of paragraph 4.

254. Section 27 of the Regulation is amended by replacing “the Commission intends to undertake during” in paragraph 4 by “determined by the Commission for”.

REGULATION RESPECTING JOINT SECTOR-BASED ASSOCIATIONS
ON OCCUPATIONAL HEALTH AND SAFETY

255. Section 1 of the Regulation respecting joint sector-based associations on occupational health and safety (chapter S-2.1, r. 2) is amended

(1) by replacing “union signatory(ies)” in the definition of “signatories” by “worker signatory(ies)”;

(2) by replacing “referred to” in the definition of “employer signatory” by “or the employers’ representative(s) according to the cases provided for”;

(3) by replacing the definition of “union signatory” by the following definition:

““worker signatory” means the union association(s) or the workers’ representative(s) according to the cases provided for in section 98 of the Act that have entered into or become a party to an agreement.”

256. Section 3 of the Regulation is amended by replacing “and union associations” by “, union associations, employers’ representatives and workers’ representatives”.

257. Section 8 of the Regulation is amended by replacing “union signatory” by “worker signatory”.

258. Section 10 of the Regulation is amended by replacing “union signatory” in the first paragraph by “worker signatory”.

259. Section 11 of the Regulation is amended

(1) by replacing “constituted as a professional syndicate, union, brotherhood or otherwise” in subparagraph *a* of paragraph 2 by “, whether constituted as a professional syndicate or not,”;

(2) by replacing “belongs to a group of syndicates, unions, brotherhoods or other groups of workers otherwise constituted” and “the group of syndicates, unions, brotherhoods or other groups of workers otherwise constituted” in subparagraph *b* of paragraph 2 by “belongs to a group of syndicates or another group of workers” and “the group of syndicates or the other group of workers”, respectively.

260. Section 17 of the Regulation is amended by replacing “or a union association” by “, an employers’ representative, a union association or a workers’ representative”.

261. Section 18 of the Regulation is amended by striking out “, such as when a new party joins the agreement” at the end of the first paragraph.

262. Section 24 of the Regulation is amended by replacing “suspend payment of a subsidy” in the second paragraph by “reduce the amount of a subsidy or revoke the approval of the agreement referred to in section 98 of the Act”.

263. Section 26 of the Regulation is amended

- (1) by striking out “by registered mail,” in the introductory clause;
- (2) by inserting “, in keeping with the priorities communicated to it by the Commission” at the end of paragraph 2;
- (3) by striking out subparagraph *c* of paragraph 4.

264. Section 30 of the Regulation is amended by replacing “the Commission intends to undertake during” in paragraph 4 by “determined by the Commission for”.

265. Section 32 of the Regulation is amended by inserting “and health and safety representatives” and “and representatives” after “safety committees” and “such committees”, respectively, in paragraph 10.

REGULATION RESPECTING THE CERTIFICATE ISSUED FOR THE PREVENTIVE WITHDRAWAL AND RE-ASSIGNMENT OF A PREGNANT OR BREAST-FEEDING WORKER

266. The Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3) is repealed.

SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

267. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by striking out section 2.2.4 and subdivision 2.5 of Division II, comprising sections 2.5.1 to 2.5.4.

REGULATION RESPECTING HEALTH AND SAFETY COMMITTEES

268. The Regulation respecting health and safety committees (chapter S-2.1, r. 5) is repealed.

REGULATION RESPECTING PULMONARY HEALTH EXAMINATIONS FOR MINE WORKERS

269. Section 1 of the Regulation respecting pulmonary health examinations for mine workers (chapter S-2.1, r. 7) is amended by replacing the definition of “physician in charge of health services” by the following definition:

““physician in charge of occupational health” means the physician in charge of occupational health within the meaning of Division III of Chapter VIII of the Act respecting occupational health and safety (chapter S-2.1);”.

270. Section 7 of the Regulation is amended by replacing “establishment’s physician in charge of health services” in the second paragraph by “physician in charge of occupational health”.

271. Section 9 of the Regulation is amended by replacing “physician in charge of health services at the establishment where the worker is employed” in the first paragraph by “physician in charge of occupational health”.

REGULATION RESPECTING PREVENTION PROGRAMS

272. Division II of Chapter III of the Regulation respecting prevention programs (chapter S-2.1, r. 10), comprising sections 9 and 10, is repealed.

273. Schedule I to the Regulation is amended, in part “(A) CONSTRUCTION” of “GROUP 1”,

(1) by striking out “as well as the construction sites on which such work is being done” in Division 1;

(2) by striking out “, ainsi que les chantiers de construction où celles-ci œuvrent” in Division 2 in the French text;

(3) by striking out all occurrences of “et chantiers de construction” in the French text.

REGULATION RESPECTING SAFETY REPRESENTATIVES IN ESTABLISHMENTS

274. The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is repealed.

REGULATION RESPECTING OCCUPATIONAL HEALTH SERVICES

275. The Regulation respecting occupational health services (chapter S-2.1, r. 16) is repealed.

REGULATION RESPECTING THE IMPLEMENTATION OF THE
AGREEMENT ON ANY PROGRAM OF THE MINISTÈRE DE LA
SANTÉ ET DES SERVICES SOCIAUX

276. Section 4.01 of Schedule I to the Regulation respecting the implementation of the Agreement on any program of the Ministère de la Santé et des Services sociaux (chapter S-2.1, r. 29) is amended by replacing “a regional agency instituted under that Act” in the third paragraph by “an integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)”.

TRANSITIONAL AND FINAL PROVISIONS

277. Section 53 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as amended by section 19, applies to any worker who suffers an employment injury that arises on or after 6 October 2022.

278. The employer of a worker who, on 6 October 2022, is on temporary assignment must, within 90 days after that date, inform the Commission des normes, de l'équité, de la santé et de la sécurité du travail of the option the employer chooses in accordance with section 180 of the Act respecting industrial accidents and occupational diseases, replaced by section 47.

The option chosen applies from the time it is received by the Commission.

279. The provisions of Division II.1 of Chapter VI of the Act respecting industrial accidents and occupational diseases, enacted by section 74, do not apply to claims received by the Commission des normes, de l'équité, de la santé et de la sécurité du travail before the date of coming into force of section 233.1 of the Act respecting industrial accidents and occupational diseases, as enacted by section 74.

280. A person or enterprise that was assigned a supplier number by the Commission des normes, de l'équité, de la santé et de la sécurité du travail before 6 April 2022 is deemed to be an authorized supplier under Division I of Chapter VIII.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 87.

281. Sections 327 and 328 of the Act respecting industrial accidents and occupational diseases, as replaced or amended by sections 91 and 92, apply to any application for imputation made by an employer and to any imputation made on the initiative of the Commission des normes, de l'équité, de la santé et de la sécurité du travail on or after 6 October 2021.

282. The Government may make a regulation referred to in subparagraphs 3.0.1, 3.0.2, 3.1, 3.2, 3.3 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, enacted or replaced by section 109, if the Commission des normes, de l'équité, de la santé et de la sécurité du travail fails to adopt one before 6 October 2024.

283. Until the coming into force of a regulation made under subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, as amended by section 109, a reference to health services, adapted equipment or other expenses in subparagraph 3 of the first paragraph of section 327 of that Act, as replaced by section 91, and in paragraph 1 of section 341 of that Act, as amended by section 94, is a reference to medical aid.

284. Until the coming into force of a regulation made under paragraph 2 of section 454.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 110, a person or enterprise that wishes to obtain the authorization of the Commission des normes, de l'équité, de la santé et de la sécurité du travail required under section 280.2 of that Act, enacted by section 87, must attach the following documents to the application:

(1) a document attesting that the person or, in the case of an enterprise, each professional working there is a member of a professional order, where applicable; and

(2) an attestation from the Commission, which must not have been issued more than 30 days before the date on which the application is filed, certifying that the person or enterprise is not in default regarding the person's or enterprise's obligations under the Act respecting industrial accidents and occupational diseases.

285. Until the coming into force of a regulation made under paragraph 3 of section 454.1 of the Act respecting industrial accidents and occupational diseases, enacted by section 110, a person or enterprise must, in order to obtain the authorization of the Commission des normes, de l'équité, de la santé et de la sécurité du travail required under section 280.2 of that Act, enacted by section 87, meet the following conditions:

(1) the person or, in the case of an enterprise, each professional working there must be a member of a professional order, where applicable;

(2) the person or enterprise must not be registered in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies (chapter C-65.1); and

(3) the person or enterprise must not be in default regarding compliance with any provision of the Act respecting industrial accidents and occupational diseases, the Act respecting occupational health and safety (chapter S-2.1) and their regulations.

To maintain an authorization, a supplier must, at all times, meet the conditions set out in subparagraphs 2 and 3 of the first paragraph and ensure that professional activities reserved for members of a professional order are engaged in only by such a member.

286. A regulation amending Schedule 1 to the Regulation respecting financing (chapter A-3.001, r. 7) is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) if the regulation enacts, for the year of assessment corresponding to the year of coming into force of section 1 insofar as it enacts the definition of “domestic worker”, provisions governing the employer of a domestic worker.

287. An employer who, on the date preceding the date of coming into force of section 143, applies a prevention program in his establishment must maintain it in accordance with the provisions of the Act respecting occupational health and safety, as they read on that date, until he implements a prevention program or action plan in accordance with section 58, 58.1 or 61.1 of the Act respecting occupational health and safety, as replaced or enacted by sections 143 and 147.

288. From 6 April 2022 and until the coming into force of section 143, an employer who, under the Act respecting occupational health and safety, as it read on 5 October 2021, is not subject to the obligation to implement a prevention program specific to each establishment must record the identification and analysis of the risks that may affect the health and safety of workers that is specific to each establishment employing at least 20 workers.

289. From 6 April 2022 and until the coming into force of section 147, an employer who, under the Act respecting occupational health and safety, as it read on 5 October 2021, is not subject to the obligation to have a prevention program specific to each establishment must record the identification of the risks that may affect the health and safety of workers for any establishment employing fewer than 20 workers.

290. From 6 April 2022 and until the coming into force of section 150, a health and safety committee must be established in any establishment employing at least 20 workers if that establishment has no health and safety committee established in accordance with section 69 of the Act respecting occupational health and safety, as it read on 5 October 2021.

The number of workers’ representatives on a health and safety committee is determined by agreement between the employer and the workers of the establishment. If there is no agreement, the number of workers’ representatives on the health and safety committee is as follows, according to the number of workers in the establishment:

- (1) 20 to 50 workers: 2;
- (2) 51 to 100 workers: 3;

- (3) 101 to 500 workers: 4;
- (4) 501 to 1,000 workers: 5; and
- (5) more than 1,000 workers: 6.

The minimum frequency of meetings is determined by agreement between the employer and the workers of the establishment. If there is no agreement, the committee meets at least once every three months.

The workers' consent to such agreements is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

The function of the committee is to participate in the identification and analysis of the risks that may affect the health and safety of the establishment's workers in order to make recommendations in writing to the employer.

Sections 71 to 73, the second and third paragraphs of section 74, and sections 76, 77, 80 and 81 of the Act respecting occupational health and safety, as they read on 5 October 2021, apply to the committee and to the designation of its members, with the necessary modifications.

291. From 6 April 2022 and until the coming into force of section 161, a health and safety representative must be designated in any establishment employing at least 20 workers if that establishment has no safety representative designated in accordance with section 87 or 88 of the Act respecting occupational health and safety, as they read on 5 October 2021.

The health and safety representative exercises the functions described in paragraphs 1, 4 and 8 of section 90 of the Act respecting occupational health and safety, as it read on 5 October 2021. The representative records his recommendations in writing.

The representative may take time off work for the time determined by agreement by the members of the establishment's health and safety committee. If there is no agreement, the minimum amount of time the representative may devote to the exercise of his functions every three months is, according to the number of workers in the establishment, as follows:

- (1) 20 to 50 workers: 9 hours 45 minutes;
- (2) 51 to 100 workers: 19 hours 30 minutes;
- (3) 101 to 200 workers: 32 hours 30 minutes;
- (4) 201 to 300 workers: 48 hours 45 minutes;
- (5) 301 to 400 workers: 58 hours 30 minutes;

(6) 401 to 500 workers: 68 hours 15 minutes; and

(7) more than 500 workers: 68 hours 15 minutes, to which are added 13 hours per additional 100 workers.

Sections 89, 93, 94, 96 and 97 of the Act respecting occupational health and safety, as they read on 5 October 2021, apply to the representative and to his designation, with the necessary modifications.

292. From 6 April 2022 and until the coming into force of section 167, a health and safety liaison officer must be designated in an establishment employing fewer than 20 workers if that establishment has no safety representative designated in accordance with section 87 or 88 of the Act respecting occupational health and safety, as they read on 5 October 2021.

The certified associations that represent the workers and the workers not represented by a certified association designate the health and safety liaison officer, in accordance with the mode of appointment they determine together.

The functions of a health and safety liaison officer are to cooperate with the employer to facilitate the communication of information on health and safety between the employer and the workers of the establishment and to make recommendations in writing to the employer on the identification of risks in the work environment. The health and safety liaison officer may also file complaints with the Commission.

The health and safety liaison officer may take time off work as necessary to exercise his functions.

Sections 93, 94, 96 and 97 of the Act respecting occupational health and safety, as they read on 5 October 2021, apply to the health and safety liaison officer, with the necessary modifications.

293. An employer referred to in section 288 of this Act who employs workers in more than one establishment where activities of the same nature are carried on may record only one identification and analysis of risks for all or part of those establishments if the employer ensured beforehand that the functions set out in sections 290 and 291 of this Act can be adequately exercised, in particular considering the distance between the establishments concerned. This identification and analysis of risks must take into account all the activities carried on in those establishments.

In such a case, a single health and safety committee must be established and a single health and safety representative must be designated in place of those referred to in sections 290 and 291 of this Act, with the necessary modifications.

A single health and safety committee must be established and a single health and safety representative must be designated in place of those referred to in sections 290 and 291 of this Act for the establishments whose employer is subject to the obligation to have a prevention program specific to each establishment, in the case where all the following conditions are met:

(1) the employer ensured beforehand that the functions set out in sections 290 and 291 of this Act can be adequately exercised, in particular considering the distance between the establishments concerned;

(2) in the case of all or part of the establishments of an employer who employs workers in more than one establishment and where activities of the same nature are carried on; and

(3) the employer indicated, in the prevention program specific to each establishment, the name of the establishments affected by the grouping for the purposes of establishing a committee and designating a representative, and the grouping is limited to those establishments.

For the purpose of determining whether the activities carried on in an establishment are of the same nature, the exercise of comparable functions by workers and the conditions of exercise of those functions, among other things, must be taken into consideration.

Despite the second and third paragraphs, the Commission may, if it considers it advisable for protecting workers' health or ensuring their safety and physical or mental well-being, require that additional health and safety committees be established or additional health and safety representatives be designated for the establishments it designates.

The employer and the workers of those establishments may also determine, by agreement, to establish health and safety committees in addition to the health and safety committee established for all the establishments or to designate a greater number of health and safety representatives.

The workers' consent to the agreement is given by the certified associations that represent them and by the workers not represented by a certified association, in the manner determined between them.

294. Where the provisions of an agreement within the meaning of section 1 of the Act respecting occupational health and safety allow the health and safety representative to take time off work for the minimum time required to exercise the representative's functions, the hours set out in the third paragraph of section 291 are not added to those determined by the agreement.

Likewise, where the provisions of an agreement provide for the establishment of a committee that fulfils the obligations set out in section 290, the committee established in accordance with that agreement is deemed to be established under this Act.

295. The provisions of Chapter X of the Act respecting occupational health and safety, as they read on 6 October 2021, apply with respect to an inspection carried out to ensure compliance with sections 288 to 293 of this Act, with the necessary modifications.

A contravention of any of sections 288 to 293 of this Act is deemed to be a contravention referred to in section 236 of the Act respecting occupational health and safety.

296. Safety representatives designated before the coming into force of section 164 are exempt from the obligation to participate in the training programs required under the first paragraph of section 91 of the Act respecting occupational health and safety, as amended by section 164.

297. The chairman 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 in office on 6 October 2021 continues in office, for the unexpired portion of the term, on the same terms as president and chief executive officer.

That person exercises the functions of chairman of the board of directors until that office is filled in accordance with section 140 of the Act respecting occupational health and safety, replaced by section 186.

298. From 1 January 2023 and until the coming into force of section 144, section 199 of the Act respecting occupational health and safety, amended by section 217, is to be read as follows:

“199. The object of a prevention program relating to a construction site is to eliminate, at the source, dangers to the health, safety and physical and mental well-being of construction workers. It must comply with the regulations applicable to the construction site and contain the following components:

(1) the identification and analysis of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, and the risks that may affect the workers' safety;

(2) the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures, and the scheduling to accomplish the measures and priorities;

(3) the supervision, evaluation, maintenance and follow-up measures to ensure that the identified risks are eliminated or controlled;

(4) the identification of the individual protective means and equipment which are both in compliance with the regulations and best adapted to meet the needs of the establishment's workers;

(5) the occupational health and safety training and information programs;

(6) the establishment and updating of a list of dangerous substances used on the construction site; and

(7) the maintaining of an adequate first aid service to respond to emergencies.”

299. The provisions of the Act respecting occupational health and safety, as they read before being amended or repealed by this Act, continue to apply with respect to construction sites for which the Commission des normes, de l'équité, de la santé et de la sécurité du travail received, before 1 January 2023, the notice of opening of a construction site required under section 197 of the Act respecting occupational health and safety.

300. The Government must, not later than 6 October 2025, enact a regulation referred to in subparagraphs 17, 17.1, 22, 23, 24 and 24.1 of the first paragraph of section 223 of the Act respecting occupational health and safety, enacted, amended or replaced by section 232, if the Commission des normes, de l'équité, de la santé et de la sécurité du travail fails to adopt one before 6 October 2024.

A regulation mentioned in the first paragraph must take into account the realities specific to women and men.

301. Section 43 of the Act respecting industrial accidents and occupational diseases, amended by section 14, is to be read,

(1) until 5 October 2022, as if “226,” were inserted after “219,”;

(2) from 6 October 2022 and until the coming into force of section 14, as if “219” were replaced by “217, 226”.

302. From 6 October 2022 and until the coming into force of section 103, section 241 of the Act respecting industrial accidents and occupational diseases, amended by section 77, is to be read as if “or 360” were struck out.

303. From 1 January 2023 and until the coming into force of section 177, sections 33, 37 and 40.1 of the Act respecting occupational health and safety, amended or enacted by sections 130, 132 and 134, are to be read as if “physician in charge of occupational health” were replaced by “physician in charge of health services in the establishment”.

304. From 1 January 2023 and until the coming into force of section 161, section 181 of the Act respecting occupational health and safety, amended by section 213, is to be read as follows:

“**181.** On arriving at a workplace, and before making an investigation or inspection, an inspector shall take reasonable steps to advise the employer, the certified association and the safety representative. On a construction site, he shall advise the principal contractor, the health and safety coordinator and the health and safety representative.”

305. From 1 January 2023 and until the coming into force of section 161, section 183 of the Act respecting occupational health and safety, amended by section 214, is to be read as if “or safety representative, as the case may be,” were inserted after “health and safety representative”.

306. From 1 January 2023 and until the coming into force of section 161, section 184 of the Act respecting occupational health and safety, amended by section 233, is to be read as if “or safety representative, as the case may be,” were inserted after “health and safety representative”.

307. Until the coming into force of section 182, section 124 of the Act respecting occupational health and safety, amended by section 182, is to be read as if “or mental” were inserted after “physical”.

308. Subparagraph 24 of the first paragraph of section 223 of the Act respecting occupational health and safety, replaced by paragraph 9 of section 232, is to be read,

(1) from 1 January 2023 and until the coming into force of section 166, as if “or construction sites” were struck out;

(2) from 1 January 2024 and until the coming into force of paragraph 10 of section 232, as if “and 211” were replaced by “, 207.1, 211 and 215.3”.

309. The contribution rate provided for in section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is, for the employers referred to in paragraphs 1 to 5, 10 and 11 of the definition of “employer subject to contribution” in the first paragraph of section 39.0.1 of the Act respecting labour standards (chapter N-1.1), as it read before being amended by section 235, and for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2), reduced by

(1) 0.04 percentage points for the period from 1 January to 31 December 2022;

(2) 0.03 percentage points for the period from 1 January to 31 December 2023;
and

(3) 0.01 percentage points for the period from 1 January to 31 December 2024.

310. Sections 53 and 97 of the Regulation respecting financing, as they read before being amended, continue to apply for the purpose of calculating the compensation cost of an accident or disease for benefits paid before the coming into force of sections 244 and 245.

311. Schedule I to the Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3) remains in force for the sole purpose of applying section 6 of the Regulation respecting the preventive withdrawal of certain home childcare providers (chapter R-24.0.1, r. 1) until that section is repealed, amended or replaced.

312. The Minister must, not later than 6 October 2026, report to the Government on the carrying out of this Act and the advisability of maintaining or amending its provisions.

The report must be tabled in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

313. This Act comes into force on 6 October 2021, except

(1) paragraphs 1 and 2 of section 1, paragraph 4 of that section insofar as it enacts the definition of “domestic worker”, paragraph 5 of that section, section 2, sections 4 to 6, 11, 22, 86, 87 and 89, section 110 insofar as it concerns paragraphs 2 and 3 of section 454.1 of the Act respecting industrial accidents and occupational diseases, and paragraph 1 of section 113, which come into force on 6 April 2022;

(2) subparagraph *a* of paragraph 3 of section 1, paragraph 4 of that section insofar as it enacts the definition of “his employment”, sections 8, 10, 15 and 19, paragraph 2 of sections 23 and 25, sections 26 and 27, paragraph 1, subparagraph *a* of paragraph 2 and paragraph 3 of section 28, sections 29 and 31 to 34, paragraphs 1, 2 and 4 of section 36, section 37, subparagraph *b* of paragraph 1 and paragraph 2 of section 38, sections 39 to 43, section 44 insofar as it concerns the expression “job search support services and assistance services”, section 46, except paragraph 2 of that section, sections 47 to 49, paragraph 1 of section 50, sections 51, 52, 65 to 67, 69 and 75 to 85, and subparagraph *b* of paragraph 1 of section 109, which come into force on 6 October 2022;

(3) sections 101 to 105, 107, 108, 238 and 246 to 250, which come into force on 6 April 2023;

(4) sections 235 and 251, which come into force on 1 January 2022;

(5) sections 129 to 137, 213 and 214, paragraphs 1 and 2 of section 215, section 216, section 217 except insofar as it concerns the words “and mental”, sections 218, 220 to 223 and 225 to 228, paragraph 2 of section 229, section 230 insofar as it enacts sections 215.1 and 215.2 of the Act respecting occupational health and safety, section 231, paragraphs 2 and 11 to 13 of section 232, paragraph 3 of section 233 insofar as it concerns the sections of Chapter XI of the Act respecting occupational health and safety, section 243 insofar as it enacts the Regulation respecting prevention mechanisms specific to construction sites, except sections 11, 14, 15 and 17 of that regulation, and sections 266, 267, 272 and 273, which come into force on 1 January 2023;

(6) section 224, section 230 insofar as it enacts section 215.3 of the Act respecting occupational health and safety, and section 243 insofar as it enacts sections 11, 14, 15 and 17 of the Regulation respecting prevention mechanisms specific to construction sites, which come into force on 1 January 2024;

(7) section 122 except where it concerns the definitions of “employer”, “dangerous substance” and “worker”, sections 125 and 128, paragraph 1 of section 138, paragraphs 2 and 4 of section 139, sections 141 and 143, section 144, except paragraph 1 of that section, sections 145 to 147, 150, 151 and 153, paragraphs 1, 2 and 4 to 11 of section 154, sections 155 and 156, paragraphs 2 and 3 of section 157, sections 158 to 185, paragraphs 1, 5 and 6 of section 207, sections 212 and 219, paragraph 1 of section 229, paragraphs 5 to 10 of section 232, paragraph 3 of section 233 insofar as it concerns the sections of Chapters I to X of the Act respecting occupational health and safety, and sections 252 to 265, 268 to 271 and 274 to 276, which come into force on the date or dates to be determined by the Government, which may not be after 6 October 2025;

(8) paragraph 4 of section 1 insofar as it enacts the definition of “adapted equipment”, sections 12 and 13, subparagraph *b* of paragraph 2 of section 28, sections 30, 53 to 57, 60, 61 and 94, subparagraphs *c* and *d* of paragraph 1 and paragraph 2 of section 109, and sections 119, 244 and 245, which come into force on the date of coming into force of the first regulation made under subparagraphs 3.1, 3.2, 3.3 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, amended by section 109;

(9) section 14, section 74 insofar as it enacts sections 233.1 and 233.4 to 233.8 of the Act respecting industrial accidents and occupational diseases, and section 99, which come into force 60 days after the date on which all the members of a first committee who are referred to in section 233.2 of that Act, enacted by section 74, have been appointed; and

(10) section 96 insofar as it enacts Division III of Chapter X.1 of the Act respecting industrial accidents and occupational diseases, which comes into force on the date on which all the members referred to in section 348.4 of the Act respecting industrial accidents and occupational diseases, enacted by section 96, have been appointed.

Regulations and other Acts

Gouvernement du Québec

O.C. 105-2022, 26 January 2022

Financial Administration Act
(chapter A-6.001)

Borrowings made by a body — Amendment

Regulation to amend the Regulation respecting borrowings made by a body

WHEREAS under the first paragraph of section 77.1 of the Financial Administration Act (chapter A-6.001), a body may not make a borrowing unless the borrowing is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance;

WHEREAS under the fourth paragraph of section 77.1 of the Financial Administration Act, the authorization of the Minister of Finance is not required in the cases and subject to the terms and conditions determined by the Government in a regulation, and the provisions of the regulation may apply in whole or in part to one or more bodies and may specify the applicable categories of borrowings;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting financial commitments made by a body was published in Part 2 of the *Gazette officielle du Québec* on 6 October 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting borrowings made by a body, without amendment;

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

THAT the Regulation to amend the Regulation respecting borrowings made by a body, attached hereto, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation amending Regulation respecting borrowings made by a body

Financial Administration Act
(chapter A-6.001, s. 77.1)

1. Paragraph 3 of section 2 of the Regulation respecting borrowings made by a body (chapter A-6.001, r. 3) is amended by:

1. suppressing subparagraph iv of subparagraph *a*;
2. inserting, after subparagraph *b*, the following:

“c) the borrowing is made to finance operational needs or a capital project for which the body does not receive a government subsidy;”.

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

105522

M.O., 2022

Order of the Minister of Higher Education dated 26 January 2022

Act respecting private education
(chapter E-9.1)

Regulation to amend the Regulation respecting private educational institutions at the college level

THE MINISTER OF HIGHER EDUCATION,

CONSIDERING section 112 of the Act respecting private education (chapter E-9.1), which provides in particular that the Minister of Higher Education may, by regulation, determine the information and documents which a person must furnish when applying for a permit to obtain the authorization to dispense distance education services or the renewal of a permit giving such authorization;

CONSIDERING that the Regulation respecting private educational institutions at the college level was made (chapter E-9.1, r. 4);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting private educational institutions at the college level was published in Part 2 of the *Gazette officielle du Québec* of 30 June 2021 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that, in accordance with section 114 of the Act respecting private education, the draft Regulation was subject before its making to examination by the Commission consultative de l'enseignement privé;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting private educational institutions at the college level, attached to this Order, is hereby made.

Québec, 26 January 2022

DANIELLE MCCANN
Minister of Higher Education

Regulation to amend the Regulation respecting private educational institutions at the college level

Act respecting private education
(chapter E-9.1, s. 112)

1. The Regulation respecting private educational institutions at the college level (chapter E-9.1, r. 4) is amended by inserting the following before section 3:

“**2.1.** An institution wishing to obtain authorization to dispense, as online distance education, the educational services mentioned in its permit shall

(1) provide a complete list of persons called upon to provide support or help to the student in his learning activities;

(2) for each person referred to in subparagraph 1,

(a) provide a curriculum vitae setting out, in particular, any training or work experience related to online distance education; and

(b) indicate any training related to online distance education that the institution intends to provide or require, as applicable; and

(3) describe the technological or other means that make it possible to disseminate courses, access instructional material, perform evaluations and have the student interact with the persons called upon to provide support or help to him.

In this Regulation, “online distance education” means education dispensed in whole or in part by technological means that enable the student and the persons called upon to provide support or help to him to see and hear each other simultaneously.”

2. Section 3 is amended

(1) by replacing the portion before subparagraph 1 by “An institution wishing to obtain authorization to dispense, as non-online distance education, the educational services mentioned in its permit shall”;

(2) by inserting the following after subparagraph 1:

“(1.1) describe the type of distance education provided for;”

3. Section 4 is amended by adding the following paragraph at the end:

“The authorization shall also specify whether it applies to online distance education or non-online distance education.”

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

105525