



Part 2

LAWS AND REGULATIONS

9 March 2022 / Volume 154

Summary

Table of Contents
Acts 2022
Regulations and other Acts
Draft Regulations
Decisions

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2022

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

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

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

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

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

Part 2 shall contain:

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

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	\$555
Partie 2 «Lois et règlements»:	\$761
Part 2 «Laws and Regulations»:	\$761

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$11.88 per copy.

3. Publication of a document in Partie 1:
\$1.91 per agate line.

4. Publication of a document in Part 2:
\$1.27 per agate line.

A minimum rate of \$278 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec

Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1

Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

Les Publications du Québec

Customer service – Subscriptions
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1
Telephone: 418 643-5150
Toll free: 1 800 463-2100

Fax: 418 643-6177

Toll free: 1 800 561-3479

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

Table of Contents

Page

Acts 2022

16	An Act to amend various legislative provisions to implement Complementary Agreements No. 22 and No. 27 to the James Bay and Northern Québec Agreement (2022, c. 1)	719
	List of Bills sanctioned (10 February 2022)	717

Regulations and other Acts

154-2022	Letters patent constituting Municipalité régionale de comté de La Matapédia.	727
198-2022	Certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions	728
	Pilot project to establish a court specialized in sexual violence and domestic violence.	730

Draft Regulations

Hunting activities		733
Occupational health and safety, Act respecting... — Occupational health and safety.		734
Occupational health and safety, Act respecting... — Occupational health and safety.		738
Occupational health and safety, Act respecting... — Safety Code for the construction industry		746
Trapping activities and fur trade		749

Decisions

Chief electoral officer — Powers vested in the chief electoral officer by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres with respect to the list of electors to be produced for the September 26, 2021, school elections.		751
--	--	-----

PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

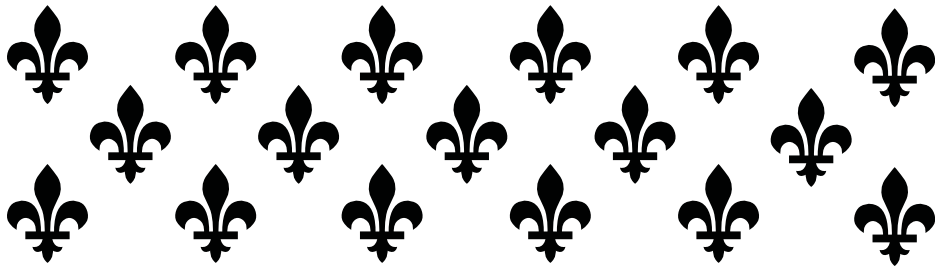
QUÉBEC, 10 FEBRUARY 2022

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 10 February 2022*

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

- 16 An Act to amend various legislative provisions to implement Complementary Agreements No. 22 and No. 27 to the James Bay and Northern Québec Agreement

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



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 16
(2022, chapter 1)

An Act to amend various legislative provisions to implement Complementary Agreements No. 22 and No. 27 to the James Bay and Northern Québec Agreement

**Introduced 9 December 2021
Passed in principle 1 February 2022
Passed 8 February 2022
Assented to 10 February 2022**

**Québec Official Publisher
2022**

EXPLANATORY NOTES

This Act ensures the implementation of Complementary Agreement No. 22 to the James Bay and Northern Québec Agreement.

For that purpose, it amends various Acts so that the Crees of Uujé-Bougoumou are expressly recognized under those Acts as a Cree community with the same rights as the other Cree communities.

The Act also ensures the implementation of Complementary Agreement No. 27 to the James Bay and Northern Québec Agreement.

To that end, it amends the Act respecting the Cree Hunters and Trappers Income Security Board, including its title, to reflect the changes made to the Income Security Program for Cree Hunters and Trappers provided for in Section 30 of the James Bay and Northern Québec Agreement, which became the Economic Security Program for Cree Hunters.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);
- Act respecting the Cree Nation Government (chapter G-1.031);
- The Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);
- Act respecting the Cree Hunters and Trappers Income Security Board (chapter O-2.1);
- Environment Quality Act (chapter Q-2);
- Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);
- The Cree Villages and the Naskapi Village Act (chapter V-5.1).

Bill 16

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS TO IMPLEMENT COMPLEMENTARY AGREEMENTS NO. 22 AND NO. 27 TO THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING CREE, INUIT AND NASKAPI NATIVE PERSONS

1. Section 1 of the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1) is amended by adding the following paragraph at the end:

“For the purposes of subparagraph *d* of the first paragraph, “Cree community” also means the group consisting of all members of the Oujé-Bougoumou band constituted as a corporation as provided for in subparagraph 9.0.3A of Section 9 of the Agreement, as well as all other persons who are entitled to be enrolled as Cree beneficiaries under the terms of this Act and who are recognized by the said band as belonging to such group.”

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

2. Section 1 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) is amended by adding the following paragraph at the end:

“For the purposes of subparagraph *d* of the first paragraph, “Band” also means the Oujé-Bougoumou band constituted as a corporation as provided for in subparagraph 9.0.3A of Section 9 of the Agreement.”

ACT RESPECTING THE CREE NATION GOVERNMENT

3. Section 1 of the Act respecting the Cree Nation Government (chapter G-1.031) is amended by adding the following paragraph at the end:

“For the purposes of subparagraph *a* of the first paragraph, “band” also means the Oujé-Bougoumou Band constituted as a corporation pursuant to subparagraph 9.0.3A of Section 9 of the Agreement.”

THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI
NATIVE PERSONS

4. Section 569 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended by inserting “Oujé-Bougoumou” after “Mistassini,” in the first paragraph.

ACT RESPECTING THE CREE HUNTERS AND TRAPPERS INCOME
SECURITY BOARD

5. The title of the Act respecting the Cree Hunters and Trappers Income Security Board (chapter O-2.1) is replaced by the following title:

“ACT RESPECTING THE CREE HUNTERS ECONOMIC
SECURITY BOARD”.

6. Section 1 of the Act is replaced by the following section:

1. In this Act, “Program” refers to the Economic Security Program for Cree Hunters provided for in Section 30 of the James Bay and Northern Québec Agreement appearing as Schedule A to Complementary Agreement No. 27 entered into between the Gouvernement du Québec and the Cree Nation Government, approved, given effect to and declared valid by Order in Council 936-2021 (2021, G.O. 2, 4337, French only).”

7. Section 2 of the Act is amended by adding the following paragraph at the end:

“The Board carries on its activities under the name “Cree Hunters Economic Security Board”.”

8. Section 3 of the Act is amended by replacing “paragraph 30.6.14” and “paragraph 30.11.8” in the second paragraph by “paragraph 30.6.16” and “paragraph 30.9.6”, respectively.

9. Section 18 of the Act is amended by replacing “paragraph 30.9.7” by “paragraph 30.7.5”.

10. The Act is amended by inserting the following section after section 22:

22.1. Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation or other document,

(1) a reference to the Income Security Program for Cree Hunters and Trappers is a reference to the Economic Security Program for Cree Hunters;

(2) a reference to the Cree Hunters and Trappers Income Security Board is a reference to the Cree Hunters Economic Security Board; and

(3) a reference to the Act respecting the Cree Hunters and Trappers Income Security Board is a reference to the Act respecting the Cree Hunters Economic Security Board.”

11. Section 25 of the Act is replaced by the following section:

“**25.** The provisions of this Act apply subject to the conditions set out in sections 2 and 6 of Complementary Agreement No. 27 referred to in section 1 of this Act.”

ENVIRONMENT QUALITY ACT

12. Section 131 of the Environment Quality Act (chapter Q-2) is amended by adding the following paragraph at the end:

“For the purposes of subparagraph 4 of the first paragraph, “Band” also means the Oujé-Bougoumou Band constituted as a legal person as provided for in subparagraph 9.0.3A of Section 9 of the Agreement.”

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

13. Section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) is amended by adding the following paragraph at the end:

“For the purposes of subparagraphs *a* and *c* of the first paragraph, “band” also means the Oujé-Bougoumou band constituted as a corporation as provided for in subparagraph 9.0.3A of Section 9 of the Agreement.”

14. Section 2 of the Act is amended

(1) by inserting “Corporation foncière d’Oujé-Bougoumou,” after “Mistassini,” in the first paragraph;

(2) by inserting “Oujé-Bougoumou Ahschee Ahtabewowseenanooch,” after “Mistassini Ahschee Ahtabewowseenanooch,” in the second paragraph;

(3) by inserting “Oujé-Bougoumou Landholding Corporation,” after “Mistassini Landholding Corporation,” in the second paragraph.

15. Section 3 of the Act is amended by inserting “Oujé-Bougoumou,” after “Mistassini,”.

16. Section 10 of the Act is amended by adding the following paragraph at the end:

“The first general meeting of the members of the Oujé-Bougoumou Landholding Corporation shall be convened within six months from 10 February 2022. The Minister may extend that time limit.”

17. Section 52 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies, with the necessary modifications, to the holders of similar rights or titles granted before 7 November 2011 on lands surrounded by or adjacent to Category I lands of Oujé-Bougoumou.”

18. Section 53 of the Act is amended by adding the following sentence at the end of the second paragraph: “The same applies to the Category I lands of Oujé-Bougoumou from 7 November 2011.”

19. Section 94 of the Act is amended

(1) by inserting “, as well as lands, within the perimeter of the Category II lands of Oujé-Bougoumou, which were the subject, as of 7 November 2011, of similar rights or titles” after “mining leases” in paragraph *f*;

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

“The provisions of subparagraphs *a* to *d* of the first paragraph apply, with the necessary modifications, to the Category I lands of Oujé-Bougoumou from 15 November 2012.”

THE CREE VILLAGES AND THE NASKAPI VILLAGE ACT

20. Section 1 of the Cree Villages and the Naskapi Village Act (chapter V-5.1) is amended by adding the following paragraph at the end:

“For the purposes of subparagraph 2 of the first paragraph, “Cree Band” also means the Oujé-Bougoumou Band constituted as a legal person pursuant to subparagraph 9.0.3A of Section 9 of the Agreement.”

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

“9.0.1. A municipality having the status of Cree village is hereby constituted under the name of “Village cri d’Oujé-Bougoumou”. The municipality may also be designated under the Cree name of “Oujé-Bougoumou Eeyoo Atawin” and under the English name of “Cree Village of Oujé-Bougoumou”.

The municipality is a legal person established in the public interest formed by the members of the community of Oujé-Bougoumou.

The Category IB lands intended for that community form the territory of the municipality.”

FINAL PROVISIONS

22. The Cree school municipality erected by Order in Council 2067-78 (1978, G.O. 2, 3917, French only) made under section 569 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) comprises the Category I lands of the Cree community of Oujé-Bougoumou from 15 November 2012.

23. This Act comes into force on 10 February 2022, but sections 5 to 11 have effect from 1 July 2019.

Regulations and other Acts

Gouvernement du Québec

O.C. 154-2022, 16 February 2022

Amendment to the letters patent constituting
Municipalité régionale de comté de La Matapédia

WHEREAS, under section 166 of the Act respecting land use planning and development (chapter A-19.1), as it existed on that date, Municipalité régionale de comté de La Matapédia was constituted on 1 January 1982 by letters patent issued under Décret 3234-81 dated 25 November 1981;

WHEREAS the letters patent constituting Municipalité régionale de comté de La Matapédia were amended by letters patent issued under Décret 1570-88 dated 19 October 1988;

WHEREAS, under section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), those letters patent constituting Municipalité régionale de comté de La Matapédia and those issued under Décret 1570-88 dated 19 October 1988 were replaced respectively by Schedules 1 and 2 to the letters patent issued under Order in Council 90-94 dated 10 January 1994;

WHEREAS the letters patent constituting Municipalité régionale de comté de La Matapédia were amended by Orders in Council 911-2005 dated 4 October 2005 and 37-2006 dated 25 January 2006 with regard to the composition of the administrative committee;

WHEREAS the council of Municipalité régionale de comté de La Matapédia passed resolution CM 2021-027 on 10 February 2021 requesting that the Government amend its letters patent with regard to the number of votes attributed to a member of the council of the regional county municipality and the composition of the administrative committee;

WHEREAS, under the first paragraph of section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, chapter 65), every regional county municipality constituted before 17 December 1993 under section 166 of the Act respecting land use planning and development, as it read before that date, continues to exist in accordance with the

provisions of its letters patent, as if it had been constituted under section 210.30 of the Act respecting municipal territorial organization enacted by section 71 of that Act;

WHEREAS, under the second paragraph of section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, chapter 65), the letters patent of such a regional county municipality are to be regarded as its constituting order;

WHEREAS, under section 210.39 of the Act respecting municipal territorial organization (chapter O-9), the Government may, at the request of the regional county municipality, amend the constituting order in particular with regard to the number of representatives and the number of votes;

WHEREAS, under the first paragraph of section 210.39.1 of the Act respecting municipal territorial organization, the Government may amend the constituting order where, by reason of section 109 of chapter 65 of the statutes of 1993, it contains provisions relating in particular to the composition or the rules governing the operation of an administrative committee, for the purpose of striking out, amending or replacing such provisions;

WHEREAS, under the second paragraph of section 210.39.1 of the Act respecting municipal territorial organization, any provision relating to the composition or the rules governing the operation of an administrative committee, as it reads following an amendment or replacement provided for in the first paragraph, may depart from articles 123 to 127 of the Municipal Code of Québec (chapter C-27.1);

WHEREAS, under section 210.40 of the Act respecting municipal territorial organization, the order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS it is expedient to amend the letters patent of Municipalité régionale de comté de La Matapédia;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the letters patent constituting Municipalité régionale de comté de La Matapédia, issued under Décret 90-94 dated 10 January 1994 and amended by lettres patent

issued under that Décret and by Orders in Council 911-2005 dated 4 October 2005 and 37-2006 dated 25 January 2006, be amended

(1) by replacing the third paragraph of the operative part by the following:

“The representative of a municipality on the council of Municipalité régionale de comté de La Matapédia has 1 vote for an initial segment of 1,500 inhabitants or less in the municipality of the representative and 1 additional vote for every additional segment of 1,500 habitants, up to a maximum of 4 votes.”;

(2) by replacing the fifth paragraph of the operative part by the following:

“An administrative committee is constituted by these letters patent; it is composed of 7 members appointed according to the following modalities:

— Seat 1: *ex officio* the warden

— Seat 2: *ex officio* the deputy warden

— Seat 3: *ex officio* the mayor of Ville d’Amqui

— Seat 4: *ex officio* the mayor of Ville de Causapscal or the mayor of Municipalité de Sayabec, according to alternating terms of office

— Seat 5: a mayor from one of the municipalities situated in the eastern sector of the regional county municipality that includes the municipalities of Sainte-Florence, Albertville, Sainte-Marguerite-Marie, Lac-au-Saumon and Saint-Alexandre-des-Lacs

— Seat 6: a mayor from one of the municipalities situated in the central sector of the regional county municipality that includes the municipalities of Saint-Léon-le-Grand, Saint-Zénon-du-Lac-Humqui, Saint-Tharcisius, Saint-Vianney and Sainte-Ère

— Seat 7: a mayor from one of the municipalities situated in the western sector of the regional county municipality that includes the municipalities of Val-Brillant, Saint-Cléophas, Saint-Moise, Saint-Noël and Saint-Damase

The mayors of the municipalities of Amqui, Causapscal and Sayabec are not eligible for seats 5, 6 and 7 of the administrative committee. In the event that a mayor refuses either seat 3 or 4 of the administrative committee, or if one of the mayors is appointed deputy warden (seat 2), each vacant seat will be attributed by the council to a member of

that council after having filled seats 5, 6 and 7. The members in seats 4, 5, 6 and 7 of the administrative committee are appointed by a resolution of the council, according to the prescribed modalities. The rules of operation of the administrative committee are those applicable to an executive committee constituted under the Municipal Code of Québec (chapter C-27.1), provided they are compatible with the rules provided for in these letters patent.”

YVES OUELLET
Clerk of the Conseil exécutif

105558

Gouvernement du Québec

O.C. 198-2022, 23 February 2022

Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1)

Natural Heritage Conservation Act (chapter C-61.01)

Sustainable Forest Development Act (chapter A-18.1)

Certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions

Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions

WHEREAS the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1) was assented to on 17 February 2021 and came into force on 19 March 2021;

WHEREAS, under section 66 of the Act, the Government may, by regulation, before 19 March 2022, take any other transitional measure necessary to carry out the Act or effectively achieve its purpose;

WHEREAS, under the first paragraph of section 44 of the Natural Heritage Conservation Act (chapter C-61.01), the Government may, by regulation, determine

(1) that, in addition to the cases provided for in the Act, the carrying on of an activity is prohibited within a protected area;

(2) that an activity may, although it is prohibited under section 49, 51 or 55 of the Act, be carried on with the authorization of the Minister; or

(3) that the carrying on of an activity that is not prohibited under the Act or the regulations made under subparagraph 1 is subject to obtaining the authorization of the Minister;

WHEREAS, under the first paragraph of section 38 of the Sustainable Forest Development Act (chapter A-18.1), the Government may, by regulation, prescribe sustainable forest development standards for anyone carrying on a forest development activity in a forest in the domain of the State and the main object of the standards is to ensure the preservation or renewal of the forest cover, the protection of the forest environment, the conciliation of forest development activities with the activities pursued by Native people and other users of the forest, and the compatibility of forest development activities with the use of land in the domain of the State under the land use plan provided for in the Act respecting the lands in the domain of the State (chapter T-8.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions was published in Part 2 of the *Gazette officielle du Québec* of 24 November 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change and the Minister of Forests, Wildlife and Parks:

THAT the Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting certain transitional measures of the Act to amend the Natural Heritage Conservation Act and other provisions

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 66)

Natural Heritage Conservation Act
(chapter C-61.01, s. 44)

Sustainable Forest Development Act
(chapter A-18.1, s. 38)

1. Sections 46, 47 and 49 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on 18 March 2021, continue to apply to the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite established as at that date until the coming into force of the first regulation made under section 44 of the Natural Heritage Conservation Act that applies to that reserve. The same applies to the Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1), as it reads on 18 March 2021.

However, that aquatic reserve becomes, without further formality, the Réserve de biodiversité de la Vallée-de-la-Rivière-Sainte-Marguerite.

2. Despite the first paragraph of section 1 of this Regulation and the second paragraph of section 62 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), the provisions of the regulations adopted for each biodiversity reserve and ecological reserve established as at 18 March 2021 that concern their establishment, boundaries and plan, as they read on that date, remain in force despite the coming into force of the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) that applies to those reserves.

Those provisions are deemed to have been made in accordance with section 27 of the Natural Heritage Conservation Act and the Government may assign the reserves concerned any other protection status, apply any other conservation measure to them, amend their boundaries or terminate their designation in accordance with section 42 of that Act.

3. The conservation plans for biodiversity reserves, ecological reserves and the Estuaire-de-la-Rivière-Bonaventure marine reserve, established as at 18 March 2021, are replaced by the conservation plans published by the Minister on the website of the Minister's department.

4. For the purposes of section 62 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), this Regulation is deemed to be the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) in respect of the ecological reserves established as at 18 March 2021.

5. Sections 31 to 38 of the Natural Heritage Conservation Act (chapter C-61.01) do not apply to the designation of land as a protected area in accordance with section 27 of that Act or the change to a protected area in accordance with section 42 of that Act, when, on or before 18 March 2021, one of the public consultations listed below provided clarification concerning the various issues raised by the proposed protected area or the proposed change to a protected area established as at that date:

(1) a public consultation held in accordance with sections 37 to 42 of the Natural Heritage Conservation Act, as they read on 18 March 2021;

(2) a public hearing or targeted consultation held in accordance with section 6.3 of the Environment Quality Act (chapter Q-2);

(3) an environmental and social impact assessment and review procedure provided for in Title II of the Environment Quality Act.

6. The Minister may change the proposed aquatic reserves, proposed biodiversity reserves and proposed ecological reserves referred to in section 64 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1) on the conditions set out in sections 27, 29 and 30 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on 18 March 2021.

7. The Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended in section 3

(1) by striking out subparagraph 1 of the first paragraph;

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

“Forest development activities in a protected area, within the meaning of the Natural Heritage Conservation Act (chapter C-61.01), established under that Act or the Parks Act (chapter P-9) must be carried out in accordance with those Acts.”

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

Despite the first paragraph, section 3 comes into force, in respect of the following protected areas, on the date of the coming into force of the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) that applies to those areas:

(1) the Réserve aquatique de l’Estuaire-de-la-Rivière-Bonaventure;

(2) the Réserve de biodiversité des Caribous-de-Val-d’Or;

(3) the Réserve de biodiversité du Karst-de-Saint-Elzéar;

(4) the Réserve de biodiversité des Lacs-Vaudray-et-Joannès;

(5) the Réserve de biodiversité de la Météorite;

(6) the Réserve de biodiversité Uapishka.

105562

M.O., 2022

Order 4705-2022 of the Minister of Justice dated 3 March 2022

Act to create a court specialized in sexual violence and domestic violence (2021, chapter 32)

Regulation entitled Pilot project to establish a court specialized in sexual violence and domestic violence

THE MINISTER OF JUSTICE,

CONSIDERING section 25 of the Act to create a court specialized in sexual violence and domestic violence (2021, chapter 32), which empowers the Minister of Justice to implement a pilot project to establish a specialized court in order to reserve a special procedure for proceedings involving sexual violence or domestic violence;

CONSIDERING the publication of a draft Regulation related to the Pilot project to establish a court specialized in sexual violence and domestic violence in Part 2 of the *Gazette officielle du Québec* of 22 December 2021, in accordance with sections 10 and 11 of the Regulations

Act (chapter R-18.1), with a notice that it could be made by the Minister of Justice on the expiry of 45 days following that publication;

CONSIDERING the expiry of the 45-day period;

CONSIDERING the comments received;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

THAT the Regulation entitled Pilot project to establish a court specialized in sexual violence and domestic violence, attached to this Order, be made.

Québec, 3 March 2022

SIMON JOLIN-BARRETTE
Minister of Justice

Pilot project to establish a court specialized in sexual violence and domestic violence

Act to create a court specialized in sexual violence and domestic violence
(2021, chapter 32, s. 25)

1. Within the context of a pilot project, a court specialized in sexual violence and domestic violence is established, in the judicial districts determined by the Minister, in order to reserve a special procedure for proceedings involving sexual violence or domestic violence.

2. Within the context of the project, the Criminal and Penal Division of the Court of Québec includes a division called “Division Specialized in Sexual Violence and Domestic Violence” that hears all proceedings involving sexual violence or domestic violence.

Despite the first paragraph, the following proceedings are not heard by the Specialized Division:

(1) proceedings that are under the jurisdiction of the Youth Division of the Court of Québec;

(2) proceedings that are under the jurisdiction of the Superior Court.

The Director of Criminal and Penal Prosecutions determines, in light of the facts and circumstances of a case, whether an alleged criminal offence involves sexual violence or domestic violence and, if such is the case, refers the case to the Specialized Division.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 30 November 2024.

105570

Draft Regulations

Draft Regulation

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Hunting activities — Amendment

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

The draft Regulation amends the Regulation respecting hunting activities (chapter C-61.1, r. 1) to regulate remote registration of animals killed by hunters and registration in areas where a case of chronic wasting disease has been identified. It also amends the standards regarding the sharing of hunting licences and shooting from roads.

The draft Regulation reduces the number of hunters who will have their game registered by a person designated for that purpose by the Minister, thereby reducing revenue from registration fees. However, it simplifies the game registration process for the persons concerned by allowing them to have their game registered remotely.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, analyst, hunting and trapping regulations, Service des affaires législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 707394; email: Gaetan.Roy@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting hunting activities

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 55, 2nd par., and s. 162, pars. 16 and 18)

1. The Regulation respecting hunting activities (chapter C-61.1, r. 1) is amended in section 7.2.0.2 by replacing “hunting licence for the same species” by “licence of the same class for the same area”.

2. Section 15 is amended

(1) by inserting “, in Area 15 excluding the western and northern parts of the area shown on the plan in Schedules CXXXIII and CCII to the Regulation respecting hunting,” after “areas 3, 4, 5, 6, 7, 8, 9, 10, 11” in the second paragraph;

(2) by inserting “, in Area 15 excluding the western and northern parts of the area shown on the plan in Schedules CXXXIII and CCII to the Regulation respecting hunting,” after “areas 3, 4, 7, 9, 10, 11” in the third paragraph.

3. The following is inserted after section 19.1:

“**19.1.1.** A person referred to in section 7.2.0.1 who kills a white-tailed deer, female or male with antlers less than 7 cm, must, as soon as the animal is dead, punch out the space provided for that purpose on the licence used, or ensure that the space is punched out by the licence holder not later than midnight on the same day as the animal’s death.”

4. Section 21 is replaced by the following:

“**21.** A hunter who kills a white-tailed deer, moose, black bear or wild turkey, or the holder of a hunting licence referred to in the second paragraph of section 19.1, must have the animal registered by the Minister or by a person, a partnership or an association authorized by the Minister under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), by sending the following information within 48 hours after leaving the hunting site using the form provided by the Minister for that purpose:

- (1) the hunter's name, address and telephone number;
- (2) the species, sex and age category of the animal killed;
- (3) the date and time of the kill and the place, with enough details to allow localization;
- (4) the type of hunting implement and, where applicable, the calibre of the firearm used to kill the animal;
- (5) the licence plate number of the vehicle used to transport the animal;
- (6) the number of the hunter's certificate;
- (7) the number of the hunter's hunting licence and the numbers of all the hunting licences whose coupons were attached to the animal, where applicable.

Despite the first paragraph, a hunter who has killed a white-tailed deer in a hunting zone or subzone referred to in section 3.2 of the Regulation respecting the possession and sale of an animal (chapter C-61.1, r. 23), or the holder of a hunting licence referred to in the second paragraph of section 19.1, whose transportation coupon has been attached to a white-tailed deer killed in such a zone or subzone, must have the animal registered by a person, a partnership or an association authorized by the Minister under section 56.1 of the Act respecting the conservation and development of wildlife, in the zone or subzone.

Despite any provision to the contrary, a hunter who has killed one of the animals referred to in the first paragraph, or the holder of a hunting licence referred to in the second paragraph of section 19.1 must, upon request of a conservation officer, have the officer register it immediately; a non-resident hunter who has killed one of those animals must have it registered before leaving Québec.

A hunter who has killed a moose must keep the animal whole or in quarters until it is registered; in the case of a moose kept in quarters, the hunter must also keep the full head, failing which, the hunter must keep the full lower jaw and, in the case of a male, the antlers attached to the calvarium or to a part thereof; in the case of a white-tailed deer, a hunter or the holder of a hunting licence referred to in the second paragraph of section 19.1 must keep it whole or in 2 approximately equal parts obtained by severing the animal in the middle without removing the head and external genitals.

A hunter who has killed a wild turkey must keep the entire animal, whether eviscerated or not, until it is registered, and a hunter who has killed a black bear must keep the animal's carcass or pelt.”

5. Section 21.1 is revoked.

6. Section 22 is amended

(1) by replacing “Upon” and “where the person registering those animals so request in order to take a” by “Where requested for” and “in order to take a” respectively;

(2) by adding “soit fait” at the end in the French text.

7. Section 23 is amended by replacing “the punched transportation coupon or coupons” by “the transportation coupon or coupons and the proof of registration”.

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

105564

Draft Regulation

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

Occupational health and safety — Amendment

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

The draft Regulation protects the health and ensures the safety and physical and mental well-being of workers by introducing specific provisions on arboriculture work.

Study of the draft Regulation has shown an economic impact on all enterprises in the activity sector concerned of \$1.842M for the implementation of the new measures the first year and recurrent costs of \$1.342M for the following years. The costs related to the draft Regulation are proportional to the size of the enterprise.

Further information may be obtained by contacting Christian Fortin, expert advisor in prevention-inspection, Direction générale de la gouvernance et du conseil stratégique en prévention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue

D'Estimauville, 6^e étage secteur 6, Québec (Québec) G1J 0H7; telephone: 418 266-4699, extension 2015; email: christian.fortin@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue D'Estimauville, 7^e étage secteur 3, Québec (Québec) G1J 0H7.

MANUELLE OUDAR

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

Regulation to amend the Regulation respecting occupational health and safety

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

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definitions in alphabetical order:

““ASTM” means the American Society for Testing and Materials;

“ISO” means the International Organization for Standardization;”.

2. The following is inserted after section 312.91:

“DIVISION XXVI.II ARBORICULTURE WORK

§1. Definitions

312.92. For the purposes of this Division,

“arboriculture work” means the vegetation management of the rights of way of power distribution systems or telecommunications networks, pruning, pollarding or trimming of trees, non-forest felling of predetermined trees, grubbing, non-forest chipping, tree and shrub surgery, and guying; (*travaux d'arboriculture*)

“electrical power company” means a person, firm, company, cooperative society or municipality operating an electric energy transportation or distribution network; (*entreprise d'exploitation d'énergie électrique*)

“work area” means the area within which arboriculture work is performed and where the workers who perform that work circulate; (*aire de travail*)

“work near a power line” means work during which a branch, log, machine or person might be less than 3 metres from a power line. (*travaux à proximité d'une ligne électrique*)

§2. Scope and general provisions

312.93. Scope: This Division applies to all arboriculture work, except work carried out in a nursery and horticulture work.

312.94. Certificate of qualification: An employer may not have a worker perform arboriculture work unless the worker holds a certificate of qualification in arboriculture of the appropriate class or a valid qualification as an apprentice issued under a training program established by the Minister of Employment and Social Solidarity under section 29.1 of the Act respecting workforce vocational training and qualification (chapter F-5).

Workers who carry out arboriculture work shall be able to show that they hold such a certificate or qualification.

312.95. Organization of the work: Before undertaking work, the employer shall ensure that the employer's representative or, failing that, the person in charge of the team, holds a meeting on the work site to be attended by all team members and during which the employer's representative or person in charge of the team shall provide instructions on the duties to be performed and the safety precautions to be taken with regard to

- (1) the delimitation of the work area and danger zones;
- (2) the presence of potential risks such as
 - (a) the electric network;
 - (b) work at a height;
 - (c) sharp objects;
 - (d) tools, equipment and machinery requiring particular attention; and
 - (e) poor weather;
- (3) the special characteristics of the place where the work is to be carried out, such as material property, steep grades or dead trees;

(4) the working methods to adopt in order to eliminate the identified risks;

(5) the use of personal protective equipment;

(6) the sharing of responsibilities among the team members; and

(7) the establishment of the emergency measures and procedures.

The person in charge of holding the meeting referred to in the first paragraph shall hold a valid certificate of qualification in arboriculture. That person shall remain on the work site at all times while the work is being carried out.

312.96. Work area: Before any work is undertaken, the work area shall be delimited by means of cones, tape or other means that prevent the public from accessing it.

312.97. Rescue procedure: A tested rescue procedure making it possible to rapidly assist any worker performing work at a height shall be established by a person with the required knowledge, training or experience.

The procedure shall be implemented as soon as any situation so requires.

§3. Personal protective equipment

312.98. Applicable standards: For the purposes of this subdivision, the compliance of personal protective equipment with a standard is determined using the most recent version of that standard or the previous version if the equipment has not reached its expiry date.

312.99. Compulsory personal protective equipment in the work area: Every worker in the work area shall wear the following personal protective equipment:

(1) a safety hat that is equipped with a permanent chin strap and complies with CSA Standard Z94.1, Industrial Protective Headwear – Performance, Selection, Care and Use, ANSI/ISEA Standard Z89.1, American National Standard for Industrial Head Protection, or EN Standard 397, Industrial safety helmets;

(2) eye protective equipment that complies with CSA Standard Z94.3, Eye and face protectors, ANSI/ISEA Standard Z87.1, American National Standard for Occupational and Educational Personal Eye and Face Protection Devices, or EN Standard 166, Personal eye protection – Specifications;

(3) protective footwear that complies with CSA Standard Z195, Protective footwear, or EN ISO Standard 20345, Personal protective equipment: Safety footwear;

(4) a class 1 high-visibility safety garment that complies with CSA Standard Z96, High-visibility safety apparel, and does not have suspenders;

(5) gloves adapted to the work to be carried out.

312.100. Additional requirements when using a chain saw: When a worker uses a chain saw, the worker shall wear footwear for chain saw users that complies with CSA Standard Z195, Protective footwear, or ISO Standard 17249, Safety footwear with resistance to chain saw cutting, and pants for chain saw users that comply with ISO Standard 11393-2, Protective clothing for users of hand-held chainsaws — Part 2: Performance requirements and test methods for leg protectors, or category A, C or D of ASTM Standard F3325, Standard Specification for Leg-Protective Devices for Chainsaw Users.

312.101. Additional requirements when performing work near a power line: Every worker who performs work near a power line shall wear the following personal protective equipment:

(1) electric-shock resistant footwear that complies with CSA Standard Z195, Protective footwear;

(2) a safety hat that complies with class E of ANSI/ISEA Standard Z89.1, American National Standard for Industrial Head Protection, or CSA Standard Z94.1, Industrial Protective Headwear – Performance, Selection, Care and Use;

(3) fireproof apparel that complies with CAN/ULC Standard S801, Standard on Electric Utility Workplace Electrical Safety for Generation, Transmission and Distribution;

(4) a class 2 high-visibility safety garment that complies with CSA Standard Z96, High-visibility safety apparel, and does not have suspenders;

(5) eye protective equipment that is made from non-conducting materials and complies with CSA Standard Z94.3, Eye and face protectors.

312.102. Additional requirements when using a stump grinder: Every worker who uses a stump grinder shall wear a polycarbonate face shield that complies with CSA Standard Z94.3, Eye and face protectors.

312.103. Full body harness: The use of a full body harness is required when the work is carried out in a tree or from a basket.

The full body harness shall comply with CSA Standard Z259.10, Full Body Harnesses, ANSI/ASSP Standard Z359.11, Safety Requirements for Full Body Harnesses, or NF EN Standard 361, Personal protective equipment against falls from a height - Full body harnesses.

When work is carried out in a tree, the full body harness is also compliant if it meets NF EN Standard 813, Personal fall protection equipment - Sit harnesses.

312.104. Anchorage of a harness on a basket: When work is carried out from a basket, the full body harness shall be secured by a fall arrest connecting device to an anchorage system provided by the device's manufacturer or, failing that, to an anchorage system complying with section 349. The fall arrest connecting device shall comply with section 348.

312.105. Anchorage of a harness on a tree: When work is carried out in a tree, the anchorage point of the full body harness shall be installed on the axil of a healthy division formed by the trunk and a branch. The fork of the division shall be "V"-shaped and shall not have included bark. At the anchorage point, the trunk shall be approaching vertical and at least 10 cm in diameter. The branch shall form an angle of 30 to 85 degrees with the trunk.

When the anchorage system is installed around the trunk, the branch forming the division shall be at least 5 cm in diameter. When the anchorage system is installed around a branch, the branch shall be at least 10 cm in diameter.

The anchorage system shall be installed in such a way as to limit pendular movements, be at a height that enables the characteristics listed in the first and second paragraphs to be checked from the ground, and be tested mechanically when installed from the ground.

§4. *Work near a power line*

312.106. Prior authorization: No person may undertake work near a power line without first obtaining written authorization from the electrical power company that operates the line.

312.107. Training: Only persons who have received the training required by the electrical power company may perform work near a power line operated by the electrical power company. The training shall at least pertain to

(1) the description of the situations requiring the power line to be turned off or the reactivation device to be switched off-circuit from the circuit breaker device that powers it;

(2) the list of components of the power line that have an anomaly in order to detect any situation likely to compromise the worker's safety;

(3) the safety precautions required to ensure that the worker is isolated from the power line being cleared;

(4) the necessity, on the basis of the work to be carried out, to have a worker on the ground supervise the worker who is clearing the power line; and

(5) the approach distances applied by the electrical power company and the additional safety precautions to be taken if the worker cannot clear the power line while respecting the applicable approach distance.

The term "approach distance" means the distance that shall be kept at all times between a live element and the worker or the conducting or non-conducting part of an element used or carried by the worker.

312.108. Equipment and tools: Any equipment or tool likely to be used 600 mm or less from a power line shall be designed, tested and maintained in accordance with ASTM Standard F711, Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live Line Tools.

The insulated arms of the aerial basket lifting devices used near a power line shall comply with CSA Standard C225, Vehicle-mounted aerial devices.

§5. *Aerial basket lifting device*

312.109. Aerial basket lifting device: An aerial basket lifting device used to carry out the work referred to in this Division shall be inspected and maintained in accordance with the manufacturer's instructions and at the frequency set out in those instructions. Despite the foregoing, an inspection shall be carried out at least once a year.

A label indicating the date of the last inspection shall be affixed to the aerial basket lifting device at an easily visible place on the equipment.

Maintenance shall be performed by the manufacturer, a person authorized by the manufacturer or a person who has shown the knowledge and skills required to solve problems related to the equipment."

3. The requirement to hold the certificate of qualification or qualification as an apprentice referred to in section 312.94, introduced by section 2 of this Regulation, takes effect from (*insert the date that occurs one year after the coming into force of this Regulation*).

4. Pants for chain saw users meet the requirements of section 312.100, introduced by section 2 of this Regulation, if the pants comply with Category A of CAN/BNQ Standard 1923-450-M91, Leg Protective Device for Chain Saw Users, provided that the pants were purchased before (*insert the date of coming into force of this Regulation*).

This section ceases to have effect on (*insert the date that occurs two years after the coming into force of this Regulation*).

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

105566

Draft Regulation

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

Occupational health and safety — Amendment

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

The main purpose of the draft Regulation is to replace Division XXI of the Regulation respecting occupational health and safety to harmonize its safety requirements with the updated requirements of Canadian and international standards in the field, in order to guide workplaces more effectively in the assessment and establishment of the necessary protective methods and ensure optimal protection for workers whose jobs involve the use of various machines.

Study of the regulatory impact shows no negative impact on Québec enterprises. The proposed rules and amendments do not add any administrative formalities.

Further information on the draft Regulation may be obtained by contacting Ramdane Djedid, expert advisor for prevention and inspection, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3010, extension 2024; fax: 514 906-3012.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, av. D'Estimauville, 7^e étage secteur 3, Québec (Québec) G1J 0H7.

MANUELLE OUDAR

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

Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 19 and 42)

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

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

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

““machine” means an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application;”.

2. Section 142 is replaced by the following:

“**142. Infra-red radiation:** All intense infra-red radiation sources shall be shielded by a means to protect workers, such as a heat absorbent screen or a water screen.”.

3. Division XXI, comprising sections 172 to 226, is replaced by the following:

“DIVISION XXI MACHINES

§1. Definitions and purpose

172. Definitions: In this Division, unless otherwise indicated by context,

“automatic monitoring” means the principle that ensures that safety functions that rely on a means of protection are maintained if the ability of a component or an element to perform its function is diminished, or if the operating conditions are changed in such a way that hazards are generated. Automatic monitoring either detects a fault immediately or carries out periodic checks so that a fault is detected before the next demand upon the safety function; (*autosurveillance*)

“control actuator” means an element allowing an operator to control a machine, generally through pressure from the hand or foot, and in particular a push-button, lever, switch, handle, slider, stick, control wheel, pedal, keyboard or touchscreen; (*organe de service*)

“danger zone” means any zone situated inside or around a machine which poses a risk for the health, safety or physical well-being of workers; (*zone dangereuse*)

“enabling device” means an additional manually operated device used in conjunction with a start control and which, when continuously actuated, allows a machine to function; (*dispositif de validation*)

“fixed guard” means a guard affixed in such a manner, for example, by screws, nuts, welding, that it can only be opened or removed by the use of tools or by destruction of the affixing means; (*protecteur fixe*)

“guard” means a physical barrier designed as part of a machine to protect the machine’s danger zone, such as a housing, a cover, a screen, a door or a cabinet; (*protecteur*)

“guard with a start function” means an interlocking guard which, once it has reached its closed position, gives a command to initiate the machine function presenting a risk for worker health and safety without the use of a separate start control; (*protecteur commandant la mise en marche*)

“hold-to-run control device” means a control device which initiates and maintains machine functions only as long as the control actuator is activated; (*dispositif de commande nécessitant un actionnement maintenu*)

“interchangeable equipment” means equipment intended to be installed on a machine, for which the installation can be done by the operator, in order to change its function or attribute a new function; (*équipement interchangeable*)

“interchangeable tool” means a tool such as a blade, bit or excavating bucket that may be installed on a machine without altering its function or adding a new function; (*outil interchangeable*)

“interlocking guard” means a guard associated with an interlocking device to ensure that together with the control system of the machine, the machine functions presenting a risk for worker health and safety that the guard aims to protect from cannot operate until the guard is closed, that the closure of the guard does not by itself start those functions, and that a stop command is given if the guard is opened while such functions are operating; (*protecteur avec dispositif de verrouillage*)

“interlocking guard with a locking device” means a guard associated with both an interlocking and a locking device to ensure that, together with the control system of the machine, the machine functions presenting a risk for worker health and safety that the guard aims to protect from cannot operate until the guard is closed and locked, that the closure and locking of the guard do not by themselves start those functions, and that the guard remains closed and locked until the risk due to such functions has disappeared; (*protecteur avec dispositif d’interverrouillage*)

“limited movement device” means a control device, each actuation of which results, via the control system, in only a limited functioning of an element of the machine; (*dispositif de commande de marche par à-coups*)

“manually adjustable guard” means a guard that is manually adjusted and that remains fixed during an operation; (*protecteur réglable manuellement*)

“means of protection” means a guard or protective device; (*moyen de protection*)

“movable guard” means a guard that can be opened without the use of tools; the opening and closing of the guard may be power operated; (*protecteur mobile*)

“protective device” means a device other than a guard that eliminates or reduces risk, alone or associated with a guard; (*dispositif de protection*)

“safety function” means a function of a machine whose failure can result in an immediate increase of risk, with respect to a means of protection depending on a control system; (*fonction de sécurité*)

“safety-related part of the control system” means part of a control system that responds to safety-related input signals and generates safety-related output signals; (*partie du système de commande relative à la sécurité*)

“self-closing guard” means a movable guard operated by a machine element, by the workpiece or by a part of the machining jig, so that it allows the workpiece or the jig to pass and then automatically returns, for instance by means of gravity, a spring or other external power, to the closed position as soon as the opening is freed; (*protecteur à fermeture automatique*)

“sensitive protective equipment” means equipment for detecting a person or part of a person’s body which generates a signal to the control system to reduce risk to the persons detected, and in particular

(1) an electrosensitive device such as an active optoelectronic protective device, including safety light curtains and laser scanners;

(2) a pressure-sensitive device such as a mat, bar, edge or wire; (*équipement de protection sensible*)

“two-hand control device” means a control device which requires simultaneous actuation by both the operator’s hands in order to initiate and to maintain machine functions presenting a risk for worker health and safety. (*dispositif de commande bimanuelle*)

173. Purpose: The purpose of this Division is to establish the safety requirements for the design, manufacture, modification, use, maintenance and repair of any machine brought or intended to be brought into service in an establishment, including at the time of its sale, distribution or rental.

§2. General provisions

174. Manufacturer’s instruction manual: Every machine must have a corresponding manufacturer’s instruction manual including at least

(1) the information needed to identify and communicate with the manufacturer;

(2) a detailed description of the machine, its control actuators, its accessories, its means of protection, including, where applicable, the characteristics of each safety function, including the parameters regarding reliability, operational limits, indicators and warning signals;

(3) a description of all the uses for which the machine is designed and, where applicable, the uses that are prohibited;

(4) instructions and, where applicable, the training required to use the machine safely;

(5) instructions for setting and adjusting the machine that may affect worker health and safety, where applicable;

(6) a description of the personal protective equipment the wearing of which is recommended when using the machine, where applicable, including the information and training required to use that equipment;

(7) the nature and frequency of inspection of the safety functions, where applicable;

(8) the risks that remain following the implementation of means of protection.

If there is no manufacturer’s instruction manual or if the manual is incomplete, the elements specified in subparagraphs 2 to 8 of the first paragraph must be specified in writing by an engineer.

175. Compliance of a machine: A machine designed and manufactured in accordance with a specific standard is deemed to meet the requirements of sections 177, 181 to 185, 187 except as concerns maintenance, 189 to 191 and 193 when the manufacturer’s documentation with which the machine is accompanied contains a statement that the machine complies with the specific standard and when no modifications, as defined in section 176, have been made to the machine.

For the purposes of the first paragraph, “specified standard” means a standard drawn up by one of the standardization organizations CSA, ISO, ANSI, ASME or CEN which prescribes detailed safety requirements for a given machine or given category of machines. Standards designated as type-C safety standards in accordance with ISO 12100, Safety of machinery — General principles for design — Risk assessment and risk reduction are, in particular, deemed to be specified standards.

176. Modifications to a machine: A modification to a machine that may have an impact on worker safety must be carried out by or under the supervision of an engineer and the safety of the modification must be certified by that engineer.

For the purposes of the first paragraph, “modification” means a modification that, without being provided for by the manufacturer, is intended to change the purpose of a machine, incorporate it into a group of machines, add or delete a function, change its performance or operating mode, or implement means of protection that affect its safety functions.

The installation of interchangeable equipment or tools as provided for by the manufacturer of the equipment or tools is not deemed to be a modification.

§3. *General safety requirements*

177. Choosing means of protection: A machine must be designed and manufactured in such a way as to render its danger zones inaccessible. If this is not possible, the resulting risks must be eliminated or reduced to the lowest possible level by installing at least one of the following means of protection, as the case may be:

(1) where access to the danger zone is not required during normal operation of the machine,

(a) a fixed guard;

(b) a movable interlocking guard with or without a locking device;

(c) sensitive protective equipment;

(d) a self-closing guard;

(2) where access to the danger zone is required during normal operation of the machine:

(a) a movable interlocking guard with or without a locking device;

(b) sensitive protective equipment;

(c) a self-closing guard;

(d) a two-hand control device;

(e) a guard with a start function;

(f) a manually adjustable guard.

Notwithstanding subparagraphs 1 and 2 of the first paragraph, access to a machine's movable energy transmission elements must be protected by a fixed guard or a movable interlocking guard with or without a locking device.

Appropriate means of protection must be selected using recognized principles and methods to assess and reduce risk, such as those set out in CSA Z432, Safeguarding of Machinery, and ISO 12100, Safety of machinery — General principles for design — Risk assessment and risk reduction, and in accordance with the conditions of sections 181 to 185, where applicable.

178. Residual risks: When risks remain after appropriate means of protection have been implemented, or when it is foreseeable that the effect of installing a means of protection on a machine will render the function for which it was designed reasonably impractical, the residual risks must be identified and measures to control and reduce them must be taken, including in particular

(1) working procedures and methods for the safe use of the machine that are consistent with the expected proficiency of the workers using the machine or of other persons who may be exposed to the machine's danger zone;

(2) the training required for the safe use of the machine;

(3) the identification of all personal protective equipment the wearing of which is necessary when using the machine, including the information and training required to use that equipment;

(4) the disclosure of sufficient information, including warnings, about the residual risks.

The measures to control and reduce residual risks must be determined by taking into account the manufacturer's instruction manual or, where applicable, the elements specified by an engineer pursuant to section 174 and trade practice.

179. Safety precautions: In areas where there is a danger of contact with the moving parts of a machine that create a risk of entrapment, workers must comply with the following safety precautions:

(1) their clothing must fit well and have no loose flaps;

(2) necklaces, bracelets, rings and other accessories presenting such a risk must not be worn, with the exception of medical alert bracelets;

(3) long beards or hair must be held in place by an effective means such as a band, bonnet, hat or hairnet.

180. Proper working condition: Machines and means of protection must be kept in proper working condition in accordance with the manufacturer's instruction manual or, where applicable, with the elements specified by an engineer pursuant to section 174 and with trade practice.

181. Attributes of means of protection: A guard or protective device must be designed and installed in accordance with trade practice and must, in particular,

(1) be constructed in a sufficiently robust manner to withstand the stresses to which it can be subjected;

(2) remain effective while the machine is being used by being held firmly in place while taking its environment into account;

(3) be located at a safe distance from the danger zone;

(4) not give rise to any additional risk or be in itself a source of danger because, for example, of sharp edges or angular parts;

(5) not be easily bypassed or rendered inoperative.

182. Guard with a start function: A guard with a start function may be used as a means of protection when the cycle time of the machine is short and

(1) the guard with a start function is designed and installed in accordance with the trade practice applicable to interlocking guards;

(2) the maximum opening time of the guard is preset to a low value, for example, equal to the cycle time, and, when this time is exceeded, the function presenting a risk for worker health and safety cannot be initiated by the closing of the guard with a start function and the cycle must be initiated only by voluntary actuation of a start control;

(3) the dimensions or shape of the machine do not allow a person, or part of a person's body, to stay in the danger zone or between the danger zone and the guard while the guard is closed;

(4) all other guards for the danger zone are interlocking guards;

(5) the interlocking guard associated with the guard with a start function is designed in a manner that its failure cannot lead to an unintended or unexpected start-up of the machine, in particular through the duplication of position sensors or the use of automatic monitoring;

(6) the guard is securely held open, for example, by a spring or counterweight, in a manner that it can be closed only by a voluntary action by the worker.

183. Electro-sensitive protective equipment: Electro-sensitive protective equipment may be used as a means of protection when it is integrated in the operative part of the machine and associated with its control system so that

(1) a command is given as soon as a person or part of a person's body is detected;

(2) the removing of the person or part of the person's body detected does not, by itself, restart the machine function presenting a risk for worker health and safety;

(3) restarting the function presenting a risk for worker health and safety results from the voluntary actuation, by the operator, of a control device placed outside the danger zone, where this zone can be observed by the operator;

(4) the machine cannot operate during interruption of the detection function of the electro-sensitive protective equipment, except during muting phases consisting of the automatic and temporary suspension of a safety function by the safety-related parts of the control system;

(5) the position and the shape of the detection field prevents, if applicable together with fixed guards, a person or part of a person's body from entering or being present in the danger zone without being detected.

184. Active optoelectronic protective device used for cycle initiation: Notwithstanding paragraphs 2 and 3 of section 183, an active optoelectronic protective device may exceptionally be used to initiate the work cycle of a machine by the removal of a person or part of a person's body from the detection field, without any additional start command, when the cycle time of the machine is short and the following conditions are met:

(1) the active optoelectronic protective device is designed and installed in accordance with trade practice, in particular as regards its location, minimum distance, detection capability, reliability and monitoring of the control and braking system;

(2) after switching on the power supply, or when the machine has been stopped by the tripping function of the sensitive protective equipment, the machine cycle must be initiated only by voluntary actuation of a start control;

(3) the facility to re-initiate the machine upon removing a person or a part of a person's body from the detection field is limited to a period commensurate with a single normal cycle;

(4) entering the detection field of the active optoelectronic protective device or opening interlocking guards is the only way to enter the danger zone;

(5) if there is more than one active optoelectronic protective device safeguarding the machine, only one of them can have a cycle control function;

(6) the active optoelectronic protective device and the associated control system comply with a higher safety-related performance than under normal conditions.

185. Two-hand control device: A two-hand control device may be used as a means of protection when its design and installation

(1) are designed to prevent accidental or unintentional operation;

(2) require the operator to use both hands within 500 milliseconds to initiate the cycle of the machine or its system;

(3) require the operator to release both hands from each of the control actuators of the control device and reactivate it with both hands to initiate a machine or its system's cycle;

(4) lead to a stop as soon as the operator removes one hand from one of the control actuators of the control device during the cycle phase presenting a risk for worker health and safety;

(5) give the operator a clear view and complete control over the danger zone covered by this protection;

(6) allow the operator to activate the control actuators on the control device at a safe distance from the danger zone.

In addition, where a two-hand control device is used as a means of protection for more than one operator, a device must be provided for each operator. The devices must be designed to ensure that the machine can only be started when all the controls on the two-hand devices are actuated and maintained in that position by all the operators.

186. Replacement: When a guard or protective device is replaced, the new guard or protective device must provide a level of safety at least equivalent to that of the original part.

187. Control devices: Control devices must be designed, installed and maintained so as to avoid the accidental start-up or shut-down of a machine.

188. Control mode: Where, for setting, maintenance, inspection or other work on a machine, a guard has to be displaced or removed or a protective device has to be disabled, and where it is necessary for the purpose of these operations for the machinery or part of it to be put into operation, worker safety must be ensured using a specific control mode which

(1) disables all other control modes;

(2) allows operation of elements presenting a risk for worker health and safety only by continuous actuation of an enabling device, a two-hand control device or a hold-to-run control device;

(3) allows operation of the elements presenting a risk for worker health and safety only in reduced risk conditions for instance, at reduced speed, under reduced power or force or in a step-by-step mode, for example, with a limited movement device;

(4) prevents voluntary or involuntary action on the machine's sensors from triggering a function presenting a risk for worker health and safety.

189. Selection of control and operating modes: When a machine can be used in several control or operating modes, for example, to allow for adjustment, maintenance or inspection, it must be fitted with a mode selector which can be locked in each position or by another selection means which restricts the use of certain control and operating modes to certain categories of operators.

Where the machine is equipped with a mode selector, each position of the selector must be clearly identifiable and must exclusively allow one control or operating mode at a time.

190. Safety-related part of the control system: The safety-related part of a control system must be designed, manufactured and installed in accordance with trade practice in order to withstand the stresses to which it is subjected and prevent any situation that may create risks for worker safety, in particular following the failure of the control system's hardware or software, an error affecting system logic, or a reasonably foreseeable human error during operation.

191. Starting: Following a stop, a machine must be started or restarted by a voluntary action on a control actuator provided for that purpose.

This rule does not apply in the cases provided for in sections 182 and 184 or to a machine operating automatically when the necessary means to protect workers against the risks associated with automatically controlled functions are in place and operating correctly.

The control system of a machine that has several starting control actuators must be designed to ensure that only one control actuator may be used at a time if the starting of the machine by one worker may create a risk for other workers.

192. Warning device: When the starting up of a machine constitutes a danger for anyone near the machine, a warning device or any other effective means of communication must announce the starting up of the machine. All such persons must have time to leave the danger zone.

193. Emergency stop: Any machine whose operation requires the presence of at least one worker must be equipped with an emergency stop device.

This device stops the machine, considering the machine's design, in the shortest possible time with no additional risk. In addition, it has the following characteristics:

- (1) it is easily visible and within reach of the worker;
- (2) a single action activates it;
- (3) it is clearly identified;
- (4) it triggers or may trigger, as required, certain functions to reduce risk such as a reversal or limitation of motion;
- (5) it is available and operational at all times, whatever the machine's control or operating mode.

The resetting of the emergency stop device after it is used shall not by itself cause the machine to start up.

This section does not apply to a portable power tool or a machine for which an emergency stop device would not reduce the risk.

194. Group of machines: The overall control system of a group of machines designed to operate in series must be designed to ensure that the use of the starting or stopping control actuator on each machine does not create a risk for worker safety, in particular by ensuring that an emergency stop device of a machine stops not only that machine, but also the other machines in the group when their continued operation creates such a risk.

§4. Lockout and other energy control methods

195. In this subdivision,

“energy control method” means a method designed to maintain a machine out of working order, such as its reoperation, the closing of an electrical circuit, the opening of a valve, the release of stored energy or the movement of a part by gravity, in such a way that the working order cannot be altered without the voluntary action of every person having access to the danger zone; (*méthode de contrôle des énergies*)

“individually keyed” means a special layout of the components of a lock making it possible to open it with a single key; (*cléage unique*)

“lockout” means an energy control method designed to install an individually keyed lock on an energy isolating device or on any other device allowing for the control of energy such as a lockout box. (*cadenassage*)

196. Before undertaking any work in the danger zone of a machine, such as erecting, installing, adjusting, inspecting, unjamming, setting up, decommissioning, maintaining, dismantling, cleaning, servicing, refurbishing, repairing, altering or unlocking, lockout, or, failing that, any other method that ensures equivalent safety must be applied in accordance with this subdivision.

This subdivision does not apply

(1) where work is carried out in the danger zone of a machine that has a specific control mode as defined in section 188;

(2) where a machine is unplugged within the reach and under the exclusive control of the person who uses it, where the machine has a single energy source and where there remains no residual energy after the machine is unplugged.

197. Lockout must be carried out by every person having access to the danger zone of a machine.

198. Where the employer having authority over the establishment intends to apply an energy control method other than lockout, the employer must first ensure the equivalent safety of that method by analyzing the following:

- (1) the machine features;
- (2) identification of the health and safety risks when using the machine;
- (3) the estimate of the frequency and seriousness of the potential employment injuries for each risk identified;
- (4) the description of prevention measures that apply for each risk identified, the estimate of the level of risk reduction thus obtained and the assessment of residual risks.

The results of the analysis must be recorded in a written document.

The method referred to in the first paragraph must be developed from the elements mentioned in subparagraphs 1 to 4 of the first paragraph.

199. The employer must, for every machine situated in an establishment over which the employer has authority, ensure that one or more procedures describing the energy control method are developed and applied.

The procedures must be easily accessible on the sites where work is carried out in written form intelligible for consulting by every person having access to the danger zone of a machine, the health and safety committee of the establishment and the safety representative.

The procedures must be reviewed periodically, in particular every time a machine is altered or a failure is reported, so as to ensure that the energy control method remains efficient and safe.

200. A procedure describing the energy control method must include the following:

- (1) identification of the machine;
- (2) identification of the person responsible for the energy control method;
- (3) identification and location of every control device and of every energy source of the machine;
- (4) identification and location of every cutoff point of every energy source of the machine;
- (5) the type and quantity of material required for applying the method;
- (6) the steps required to control the energy;
- (7) where applicable, the measures designed to ensure the continuity of application of the energy control method during a staff rotation, in particular the transfer of required material;
- (8) where applicable, the applicable characteristics, such as the release of residual or stored energy, the required personal protective equipment or any other complementary protection measure.

201. Where lockout is the method applied, the steps required to control energy for the purposes of paragraph 6 of section 200 must include

- (1) deactivation and complete shutdown of the machine;
- (2) elimination or, if that is impossible, control of any residual or stored energy source;
- (3) lockout of the machine's energy source cutoff points;
- (4) verification of lockout by using one or more techniques making it possible to reach the highest level of efficiency;

- (5) safely unlocking and reoperating the machine.

202. Before applying an energy control method, the employer who has authority over the establishment must ensure that the persons having access to the danger zone of the machine are trained and informed on the health and safety risks related to work carried out on the machine and on the prevention measures specific to the energy control method applied.

203. An employer or a self-employed worker must obtain written authorization from the employer who has authority over the establishment before undertaking work in the danger zone of a machine. The employer who has authority over the establishment must ensure that the employer or self-employed worker will apply an energy control method that complies with this subdivision.

204. Where one or more employers or self-employed workers carry out work in the danger zone of a machine, it is the responsibility of the employer who has authority over the establishment to coordinate the measures to be taken to ensure the application of the energy control method, in particular by determining their respective roles and their means of communication.

205. The employer who has authority over the establishment must provide lockout material including individually keyed locks, except if an employer or self-employed worker is responsible therefor pursuant to section 204.

The name of the person who installs an individually keyed lock must be clearly indicated on the individually keyed lock. Despite the foregoing, the employer may provide persons having access to the danger zone of a machine with individually keyed locks with no name indication, if the employer keeps a record thereof.

The record contains at least the following information:

- (1) identification of each individually keyed lock;
- (2) the name and telephone number of each person to whom a lock is given;
- (3) where applicable, the name and telephone number of the employer of each worker to whom a lock is given;
- (4) the date and time at which the lock is given;
- (5) the date and time at which the lock is returned.

206. Where a lock is forgotten or a key is lost, the employer who has authority over the establishment may, with the agreement of the person who carried out lockout,

authorize the lock to be removed after ensuring that it does not involve any danger for the health, safety and physical well-being of that person.

Where the agreement of the person who carried out lockout is not obtained, the employer who has authority over the establishment must, before authorizing the lock to be removed, inspect the danger zone of the machine accompanied by a representative of the certified association of which the person is a member, if he or she is available on the work site or, failing that, by a worker present on the work site designated by the employer.

Every instance of a lock being removed must be entered in a written document kept by the employer for at least one year following the day on which the applicable energy control method is altered.

207. This subdivision applies, with the necessary modifications, to any work on an electrical installation.”

4. Sections 239 and 266 are revoked.

5. Section 267 is amended by replacing “guardrails” by “guards, as defined in section 172,”.

6. Section 270 is revoked.

7. Section 312.86 is amended by replacing “subdivision 1.1.” in paragraph 3 by “subdivision 4”.

8. Section 323 is replaced by the following:

“**323. Tasks involving maintenance or repairs:** In the case of tasks involving maintenance or repairs, the areas where such work is being performed must be marked off in order to protect anyone likely to be exposed to danger.”

9. Section 340 is revoked.

10. Section 174, as replaced by section 3 of this Regulation, applies only to machines brought into service in an establishment on or after (*insert the date of coming into force of this Regulation*).

11. Section 176, as replaced by section 3 of this Regulation, applies only to modifications made to a machine on or after (*insert the date of coming into force of this Regulation*).

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

105569

Draft Regulation

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

Safety Code for the construction industry — Amendment

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

The draft Regulation inserts a new division to ensure the protection of construction workers when work that is liable to produce crystalline silica dust emissions is carried out.

The draft Regulation establishes in particular a list of materials that are presumed to contain crystalline silica and establishes the method to reverse that presumption. It provides for the control measures that must be put in place and the terms and conditions surrounding the conditions for wearing a protective respiratory apparatus when work involving crystalline silica is carried out. The draft Regulation further specifies, in regard to that work, the terms and conditions concerning training, the delimitation of the work area, the cleaning of clothes, premises and equipment, and the management of the debris of materials presumed to contain crystalline silica.

The draft Regulation also emphasizes the importance of taking the course on health and safety on construction sites, without infringing on the rights of persons who have already obtained an exemption, by making the course mandatory for all persons entering a construction site as of a given date. Lastly, it also corrects the required minimum dimensions of planking for lumber scaffolding platforms in order to make them safer.

The proposal will affect many construction sites in Québec. However, it will have a positive impact on all construction sites by improving the overall safety of not only workers, but of all persons who enter a construction site. Study of the draft Regulation shows implementation costs of \$9.935 million and recurring costs in subsequent years of \$8.525 million annually. Finally, the draft Regulation is not expected to have any direct positive or negative impact on employment.

Further information may be obtained by contacting Fatim Diallo, engineer, safety and inspection advisor, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600 av. d'Estimauville, 6^e étage, secteur 6, Québec (Québec) G1J 0H7; telephone: 418 266-4699, extension 2539.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President, safety, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, av. d'Estimauville, 7^e étage, secteur 3, Québec (Québec) G1J 0H7.

MANUELLE OUDAR

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

Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19, 21.6 and 42)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.4.2 by inserting “before (*insert the date of coming into force of the Regulation*),” after “However,” in the second paragraph of subparagraph *i*.

2. Section 3.9.8 is amended by replacing “38 mm” by “50 mm” and “235 mm” by “250 mm” in subparagraph *b* of paragraph 3.

3. Section 3.15.9 is amended by striking out the second and third paragraphs.

4. The following is added before section 3.20.1:

“**3.20.0.** Sections 3.25.7, 3.25.10 and 3.25.11 of subdivision 3.25 apply when sandblasting work is carried out.”

5. The following subdivision is inserted after section 3.24.22:

“3.25. *Work liable to produce crystalline silica dust emissions*

3.25.1. Scope: This subdivision applies to any construction site where work involving materials that may contain crystalline silica is carried out.

Except for sections 3.25.7, 3.25.10 and 3.25.11, this subdivision does not apply to the sandblasting work provided for in subdivision 3.20 of this Code.

3.25.2. Materials presumed to contain crystalline silica: For the application of this subdivision, the following materials are presumed to contain crystalline silica:

- (a) slate;
- (b) asphalt;
- (c) concrete;
- (d) brick;
- (e) ceramic;
- (f) cement;
- (g) fibrocement;
- (h) granite;
- (i) granulate;
- (j) sandstone; and
- (k) mortar.

3.25.3. Demonstration of the absence of crystalline silica: The presumption provided for in section 3.25.2 may be reversed by one of the following means:

(a) a safety data sheet or a technical description showing that crystalline silica does not form part of the composition of the material;

(b) the results of an analysis carried out according to a recognized method showing that crystalline silica is not present in the material.

A copy of the data sheet or the results must be available at all times on the construction site.

3.25.4. Measures to control exposure to crystalline silica: Where work involving a material containing crystalline silica is liable to produce dust emissions, the employer must implement at least one of the following control measures:

(a) the use of a local exhaust ventilation system equipped with a high-efficiency filter;

- (b) the use of a procedure to wet the dust emissions;
- (c) the isolation of workers from the source of the dust emissions;
- (d) the confinement of the source of the dust emissions so that workers are not exposed.

The equipment used to control crystalline silica dust must be used and cared for in accordance with the manufacturer's instructions or a standard offering equivalent safety.

3.25.5. Closed operation cabin: Where the worker is isolated from the source of the crystalline silica dust emissions by the use of an operation cabin of a mobile machine, the cabin must have the following characteristics:

- (a) the air intake in the cabin must be filtered by a high-efficiency filter;
- (b) positive pressure must be maintained;
- (c) a heating and air-conditioning system must be included;
- (d) the door and window joints must be kept in good condition to ensure they are sealed.

3.25.6. Respiratory protection: When work involving a material containing crystalline silica is carried out, in addition to one of the control measures listed in section 3.25.4, except in the case of those set out in subparagraph *c* or *d*, the wearing of a protective respiratory apparatus is mandatory for all workers present in the work area where one of the following types of work is carried out:

- (a) sawing;
- (b) grinding, sanding or bush hammering;
- (c) jackhammering;
- (d) boring in a confined location;
- (e) drilling.

The protective respiratory apparatus supplied by the employer must provide at minimum an assigned protection factor of 10 and be equipped with a particle filter with an efficiency rate of at least 95%. The obligations set out in section 45.1 of the Regulation respecting occupational health and safety (Order in Council 49-2022 dated 12 January 2022 published in the *Gazette officielle du Québec* of 26 January 2022) apply where

one of the types of work provided for in this section is carried out. In addition, the protective respiratory apparatus must be selected, used and cared for in accordance with CAN/CSA Standard Z94.4-11 Selection, use, and care of respirators.

The wearing of a protective respiratory apparatus is not mandatory where the employer demonstrates that the level of exposure of workers is less than the limit values indicated in Schedule I to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13).

3.25.7. Training: Before undertaking work involving the materials referred to in this subdivision, the employer must train and inform workers of the risks, prevention methods and safe working methods. The training and information program must contain at least the following elements:

- (a) the materials presumed to contain crystalline silica;
- (b) the work that exposes workers to crystalline silica dust;
- (c) the effects of exposure to crystalline silica dust on health;
- (d) safe working methods and procedures;
- (e) the use and care of control equipment and tools for crystalline silica dust;
- (f) the wearing and care of individual and common protective equipment.

The information and training provided for in the first paragraph must have previously been established in writing.

3.25.8. Delimitation of the work area: When the work provided for in section 3.25.6 is carried out, the work area must be delimited by hazard signs and only workers wearing a protective respiratory apparatus in compliance with that section may access the work area.

3.25.9. Cleaning of work clothes: Before leaving the work area, the worker must remove the work clothes worn and place them in a closed bag supplied by the employer or clean them using either a wet cloth or a vacuum cleaner equipped with a high-efficiency filter.

3.25.10. Cleaning: When the work area and equipment are being cleaned, it is prohibited to use work methods that may cause crystalline silica dust to become suspended in the air, such as dry sweeping or the use of compressed air.

Cleaning must be carried out by means of wetting or using a vacuum cleaner equipped with a high-efficiency filter.

3.25.11. Debris of materials presumed to contain crystalline silica: Where work is carried out in a building, the debris of materials containing crystalline silica that is liable to become dispersed in the air must be wetted or placed in closed containers and clearly identified.

Where work is carried out outside, as defined in section 3.23.1.1 of this Code, the debris of materials containing crystalline silica that is liable to become dispersed in the air must be wetted or an equivalent means that prevents the dispersion of crystalline silica dust in the air must be used.”.

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

105568

Draft Regulation

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Trapping activities and the fur trade — Amendment

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

The draft Regulation amends the Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) to allow the remote registration of animals captured during a trapping activity.

The draft Regulation will lower the number of trapping licence holders who register their game with a person designated to do so by the Minister, and therefore slightly decrease the revenues related to registration fees. However, it will reduce operations related to the registration of game for trapping licence holders by allowing them to register remotely.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, analyst, hunting and trapping regulations, Service des affaires

législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 707394; email: Gaetan.Roy@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Associate Deputy Minister of Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting trapping activities and the fur trade

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 162, par. 16)

1. The Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) is amended by replacing section 13 by the following:

“**13.** The holder of a trapping licence who captures a black bear must register it with the Minister or a person, partnership or association authorized by the Minister under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), by providing the following information within 15 days of leaving the trapping ground, using the form provided by the Minister for that purpose:

- (1) full name, address and telephone number;
- (2) hunter’s or trapper’s certificate number;
- (3) trapping licence number.

Despite the first paragraph, the holder of a trapping licence who captures a black bear must, at a wildlife conservation officer’s request, have the officer register it immediately.”.

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

105563

Decisions

Decision

Act respecting school elections to elect certain members of the boards of directors of English-language school service centres
(chapter E-2.3)

Chief electoral officer

— **Powers vested in the chief electoral officer by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres with respect to the list of electors to be produced for the September 26, 2021, school elections**

Decision of the chief electoral officer by the powers vested in the chief electoral officer by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres with respect to the list of electors to be produced for the September 26, 2021, school elections

WHEREAS the provisions of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (CQLR, c. E-2.3) must be read in the same manner as the Act respecting school elections were read on February 7, 2020, because of a case pending before the courts.

WHEREAS polls that were to be held on December 20, 2020, pursuant to the government Order in Council 1176-2020 dated November 11, 2020, were not held because of the COVID-19 pandemic and pursuant to the Ministerial Order 2020-096 of the Minister of Health and Social Services dated November 25, 2020.

WHEREAS the Ministerial Order 2021-057 of the Minister of Health and Social Services dated August 4, 2021, repealed Order No. 2020-096, which, among other things, prohibited the publication of election notices.

WHEREAS the polls that were not held pursuant to Order No. 2020-096 were set for September 26, 2021, by government Order No. 1076-2021 on August 4, 2021.

WHEREAS the School elections must be held on September 26, 2021, in Québec English-language school boards.

WHEREAS the vacant seats for these school elections are not all from the same type of election event, namely: nine general election seats, six recommencement seats and two by-election seats.

WHEREAS as part of recommenced proceedings, in accordance with section 84.1 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, the poll must be held in the four months during which the situation justifying the recommenced proceedings is observed, the persons entitled to be entered on the list of electors or to be candidates are the same as at the time of the original election and the list of electors in force is then used.

WHEREAS as part of a general election or a by-election, in accordance with section 39 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, the Chief Electoral Officer submits a new list of electors to the returning officer, which establishes the status as a qualified elector on polling day.

WHEREAS the holding of different types of election events during a poll is not provided for in the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres.

WHEREAS, almost a year has passed between the production of the list of electors for the original 2020 election and the September 26, 2021, school elections and persons on the 2020 list of electors might no longer be qualified electors while others not on the list may have acquired this status.

WHEREAS some English-language school boards have vacant seats up for general election and recommencement and, as a result, the returning officers of these school boards would have different lists of electors to manage during the September 26, 2021, school elections depending on the seats to be filled.

WHEREAS section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres allows the Chief Electoral Officer to adapt a provision of the Act where he or she finds that, as a result of an exceptional circumstance, the provision does not meet the demands of the resultant situation.

WHEREAS the Chief Electoral Officer informed the Ministre de l'Éducation of the decision he or she intends to make.

The Chief Electoral Officer, pursuant to the powers conferred on him or her by section 30.8 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, decided to adapt dispositions of the Act as follows:

1. The preamble forms an integral part of this decision.
2. For the purposes of the school elections to be held on September 26, 2021, a new list of electors will be produced for each English-language school boards required to hold an election.
3. For the establishment of the lists of electors, the status as a qualified elector will be ascertained on September 26, 2021.
4. Therefore, section 84.1 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres does not apply to the September 26, 2021, school elections.

This decision shall take effect from the date of signing.

Québec, August 16, 2021

PIERRE REID
Chief Electoral Officer

105565