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## Part 2

# LAWS AND REGULATIONS

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12 July 2023 / Volume 155

### **Summary**

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

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- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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## Regulations and other Acts

Gouvernement du Québec

### O.C. 1110-2023, 28 June 2023

Act respecting collective agreement decrees  
(chapter D-2)

#### **Automotive services industry – Chapais, Chibougamau, Lac Saint-Jean and Saguenay — Amendment**

Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay

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

WHEREAS the Government made the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (chapter D-2, r. 7);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed to the Minister of Labour, Employment, and Social Solidarity an application for amendment to the Decree;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister of Labour may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay was published in Part 2

of the *Gazette officielle du Québec* of 11 January 2023, and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Decree with amendments;

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

THAT the Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

#### **Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay**

Act respecting collective agreement decrees  
(chapter D-2, ss. 2, 4, 1st par., s. 6, 1st par.,  
and s. 6.1, 1st par.)

**1.** The Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (chapter D-2, r. 7) is amended in section 1.02 by replacing subparagraph *a* of paragraph 2 by the following:

“(a) Syndicat national des employés de garage du Québec Inc. (SNEGQ)”.

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

106377

Gouvernement du Québec

## O.C. 1112-2023, 28 June 2023

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

### Occupational health and safety and the Safety Code for the construction industry

#### —Amendment

Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

—prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational

health and safety was published in Part 2 of the *Gazette officielle du Québec* of 9 March 2022 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 20 April 2023;

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

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry

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

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

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

““CEN” means the European Committee for Standardization;

“IEC” means the International Electrotechnical Commission;

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

**2.** Section 142 is replaced by the following:

“**142. Infra-red radiation:** All intense infra-red radiation sources shall be shielded by a worker preventive measure, 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 presumed 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 the second paragraph of section 176, have been made to the machine.

For the purposes of the first paragraph, “specific 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 specific standards.

**176. Modifications to a machine:** A modification to a machine that may have an impact on worker health and safety must be carried out 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 risk 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 such as ISO Standard 14119 Safety of machinery — Interlocking devices associated with guards — Principles for design and selection;

(2) the maximum opening time of the guard is preset to a low value, for example, equal to the cycle time, and, when that 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;

(7) the guard with a start function and the associated control system must comply with higher safety-related performance than under normal conditions.

**183. Electrosensitive protective equipment:**

Electrosensitive 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 that zone can be observed by the operator;

(4) the machine cannot operate during interruption of the detection function of the electrosensitive 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 other means of protection, 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 an interlocking guard is the only way to enter the danger zone;

(5) if there is more than one active optoelectronic protective device used as a means of protection of 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) allow 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 of the machine or its system 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 the 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. Removal or replacement of a means of protection:** Except in the cases provided for in this Division, a means of protection may not be removed.

Where a means of protection must be replaced, the new means of protection 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 neutralized, and where it is necessary for the purpose of those 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 such as ISO Standard 13849, Safety of machinery — Safety-related parts of control systems — Part 1: General principles for design, and IEC Standard 62061, Safety of machinery - Functional safety of electrical, electronic and programmable electronic control systems.

It must, among other things, withstand the stresses to which it is subjected to 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.

The 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.

That 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. (*cadennassage*)

**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, 266 and 270 are revoked.

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

**6.** 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.”

**7.** Section 340 is revoked.

**8.** The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by replacing section 2.20.13 by the following:

**“2.20.13.** 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 neutralized, and where it is necessary for the purpose of those 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.”

**9.** Section 174 of the Regulation respecting occupational health and safety, 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*).

**10.** Section 176 of the Regulation respecting occupational health and safety, 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*).

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

106379

## M.O., 2023

### Order 2023-002 of the Minister of the French Language dated 28 June 2023

Charter of the French language  
(chapter C-11)

Regulation respecting the French knowledge requirements for the issue of an Attestation of College Studies

THE MINISTER OF THE FRENCH LANGUAGE,

CONSIDERING the second paragraph of section 88.0.18 of the Charter of the French language (chapter C-11), which provides that the Minister of the French Language is to establish French knowledge requirements for the issue of an Attestation of College Studies;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 3 May 2023, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of the draft Regulation respecting the French knowledge requirements for the issue of an Attestation of College Studies with a notice that it could be made by the Minister of the French Language on the expiry of 45 days following that publication;

CONSIDERING the comments received during the consultation;

ORDERS AS FOLLOWS:

The Regulation respecting the French knowledge requirements for the issue of an Attestation of College Studies is hereby made.

Québec, 28 June 2023

JEAN-FRANÇOIS ROBERGE  
*Minister of the French Language*

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## Regulation respecting the French knowledge requirements for the issue of an Attestation of College Studies

Charter of the French language  
(chapter C-11, s. 88.0.18, 2nd par.; 2022, chapter 14, s. 60)

**1.** The French knowledge requirements that a student must meet in order to be issued an Attestation of College Studies in accordance with section 88.0.18 of the Charter of the French language (chapter C-11) correspond, on the *Échelle québécoise des niveaux de compétence en français*,

- (1) to level 7 in oral expression and comprehension;
- (2) to level 4 in written expression and comprehension.

**2.** The student shows that the French knowledge requirements provided for in section 1 are met by providing to the college-level educational institution a valid certificate of the results of a standardized test that reports those results.

**3.** A student who has achieved the objectives of a program of study leading to the issue of an Attestation of College Studies in which all the courses are given in French is deemed to meet the French knowledge requirements provided for in section 1.

A student is also deemed to meet those requirements by showing that he or she

(1) holds a secondary school diploma or a vocational training diploma, issued by the Minister Responsible for Sports, Recreation and the Outdoors, for which the student received educational services in French;

(2) holds a secondary school diploma, issued by the Minister Responsible for Sports, Recreation and the Outdoors, for which the student received secondary school instructional services in English and successfully passed the “French, second language” compulsory subject at the Secondary 5 level;

(3) holds an Attestation of College Studies, issued by a college-level educational institution of Québec following the successful completion of a program of study in which the language of instruction of all courses was French;

(4) holds a college-level diploma or a university-level diploma issued following the successful completion of a program of study given in French in Québec;

(5) holds a diploma equivalent to the diplomas referred to in subparagraph 4 issued following the successful completion of a program of study given in French elsewhere than in Québec;

(6) has received, in Canada, full time, no less than 3 years of secondary or post-secondary instruction provided in French;

(7) successfully passed the examination of the Office québécois de la langue française leading to the issue of a certificate indicating that the student possesses an appropriate knowledge of French for the practice of his or her profession;

(8) resides or has resided on an Indian reserve, a settlement in which a native community lives or on Category I and Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

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

106375

## Notice of adoption

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court of Québec —Regulation in civil and family matters for the district of Montréal —Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, appearing below, was adopted on June 20, 2023 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*The Honourable* MARIE-ANNE PAQUETTE,  
*Chief Justice of the Superior Court*

## Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Code of Civil Procedure  
(chapter C-25.01, art. 63)

**1.** The Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal (chapter C-25.01, r. 0.2.2) is amended by adding Schedule I attached hereto.

**2.** This Regulation is in force with respect to a judicial district for the period during which the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, is in force for that district.

### SCHEDULE I (Section 1)

#### AMENDED PROVISIONS FOR THE DURATION OF THE PILOT PROJECT RELATING TO DIGITAL TRANSFORMATION OF THE ADMINISTRATION OF JUSTICE

**1.** For the duration of the pilot project relating to digital transformation of the administration of justice provided for in the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 6 is amended as follows:

“**6.** Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date. The request, where it is made by a lawyer, must be made by the technological means put in place for that purpose.”



3. Section 8 is amended as follows:

“8. ~~An advocate~~ A lawyer who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing using the technological means put in place for that purpose with the Chief Justice or the presiding judge.”

106369

## Notice of adoption

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court of Québec — Regulation in civil matters — Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil matters, appearing below, was adopted on June 20, 2023 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*The Honourable* MARIE-ANNE PAQUETTE,  
*Chief Justice of the Superior Court*

## Regulation to amend the Regulation of the Superior Court of Québec in civil matters

Code of Civil Procedure  
(chapter C-25.01, art. 63)

**1.** The Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) is amended by adding Schedule I attached hereto.

**2.** This Regulation is in force with respect to a judicial district for the period during which the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, is in force for that district.

## SCHEDULE I (Section 1)

### AMENDED PROVISIONS FOR THE DURATION OF THE PILOT PROJECT RELATING TO DIGITAL TRANSFORMATION OF THE ADMINISTRATION OF JUSTICE

**1.** For the duration of the pilot project relating to digital transformation of the administration of justice provided for in the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 3 is amended as follows:

“**3. Designation of parties and format of pleadings.** Pleadings must be legibly written ~~on one side of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches × 11 inches)~~ and the nature and object of the pleading must be indicated ~~on the back~~, with the record number and the names of the parties, and the party filing it, ~~as well as the name, address, postal code, telephone number, e-mail address and computer code of that party’s attorney or notary.~~”

Agreements to be attached to a judgment must be drafted on one side only of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches by 11 inches).

An originating application indicates the name, address and postal code of the parties.

Every pleading of a party must be signed by the party’s lawyer or notary, in the cases provided for by law. If a party is not represented by a lawyer or notary, the pleading must be signed by the party.

In every pleading, the parties keep the same order and designation as in the originating application.”

3. Section 5 is amended as follows:

**“5. Laws, regulations, jurisprudence and doctrine.** A party relying on a law, regulation, judgment or excerpt from doctrine must indicate the relevant pages and identify the passages cited provide a permanent hyperlink allowing access thereto free of charge, with a reference to the relevant excerpt, page or paragraph. If there is no permanent hyperlink, the party must provide a copy on a technological medium.”.

4. Sections 6 and 8 are revoked:

**“6. Laws and regulations.** A party relying on regulatory or legislative provisions other than those in the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01) or the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp)) must provide a copy for the judge and indicate the relevant articles or sections.*(Revoked)*”;

**“8. Updating of court ledger.** Where the record is forwarded to the Court or to the judge, an extract of the updated court ledger must be filed in the record and the previous extracts destroyed.*(Revoked)*”.

5. Section 18 is amended as follows:

**“18. Identification of exhibits and pagination.** An exhibit that has been disclosed and produced must be identified by one letter for each party, followed by a consecutive number from the beginning to the end of the record.

Exhibits retain the same identification for all applications, on the merits and in the course of a proceeding.

The identification of the exhibit and the number of the record must appear on the front and back of each exhibit, if applicable. The number of the record need not be repeated if several exhibits are joined together.

The party that produces a document must paginate it if it is not already paginated.”.

6. Section 22 is amended as follows:

**“22. Provisional roll.** After the request for setting down for trial and judgment has been filed, the clerk prepares a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, ~~mails~~ sends by a technological means to each lawyer of record, or by any other means to the parties if not represented, an extract of that list containing mention of their cases and convenes them to a calling of the provisional roll presided by the Chief Justice or a judge designated by the Chief Justice or, with the latter’s consent, by the clerk.

At that session, the judge or clerk presiding determines the means of simplifying the procedure and shortening the hearing.

Having consulted the lawyers, the judge or clerk presiding fixes the dates of hearing for the cases on the list. Any request for postponement must be presented at that session.

The clerk draws up the minutes of the session and enters in the record of each case called the presence or absence of the lawyers or parties that are not represented.”.

7. Section 25 is amended as follows:

**“25. Roll for hearing.** As soon as possible, the clerk sends the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the judge who presided at the session mentioned in section 22 of this Regulation.

The roll for hearing indicates:

- (a) the name of the judge;
- (b) the number of the record;
- (c) the names of all the parties;
- (d) the names of the lawyers of record;
- (e) the date and time of the hearing;
- (f) the place of the hearing and, where applicable, the room number; and;
- (g) any other information ordered by the judge or clerk who presided at the session mentioned in section 22.

An extract from that roll is also sent by the clerk by a technological means to each lawyer of record or by any means to unrepresented parties concerning their cases.”.

8. Section 39 is amended as follows:

**“39. Role of court clerk.** The clerk draws up the minutes of the hearing, noting

- (a) the name of the presiding Judge;
- (b) the various stages of the hearing;
- (c) the names of the lawyers and witnesses;
- (d) the names of the clerk and the stenographer;

(e) the exhibits filed;

(f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(g) the admissions dictated to the stenographer or mechanically recorded;

(h) the admissions dictated to the court clerk, which must be signed by the parties or their lawyers; and

(i) where applicable, the reasons stated by the Court for not proceeding with the case.

Similarly, the court clerk marks the exhibits with a letter and series of numbers previously used, and indicates and initials the case number; the clerk indicates on the copies of doctrine and jurisprudence the name of the lawyer or party who filed it.

~~The clerk prepares a separate list of exhibits filed by each of the parties and describes each exhibit.”.~~

106368

## Notice of adoption

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court of Québec — Regulation in civil matters for the district of Québec — Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec, appearing below, was adopted on June 20, 2023 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*The Honourable MARIE-ANNE PAQUETTE,*  
*Chief Justice of the Superior Court*

## Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure  
(chapter C-25.01, art. 63)

**1.** The Regulation of the Superior Court of Québec in civil matters for the district of Québec (chapter C-25.01, r. 0.2.3) is amended by adding Schedule I attached hereto.

**2.** This Regulation is in force with respect to a judicial district for the period during which the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, is in force for that district.

### SCHEDULE I (Section 1)

#### AMENDED PROVISIONS FOR THE DURATION OF THE PILOT PROJECT RELATING TO DIGITAL TRANSFORMATION OF THE ADMINISTRATION OF JUSTICE

**1.** For the duration of the pilot project relating to digital transformation of the administration of justice provided for in the Regulation to establish a pilot project relating to digital transformation of the administration of justice, A.M. 2022 of 27 October 2022, (2022) 154 G.O.Q. 2, 6559, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

**2.** Section 7 is amended as follows:

“**7.** A party desiring that access to a medical record or an expert report on a physical, mental or psychosocial condition be restricted must file it at the court office in a sealed envelope, identified like the backing of a pleading, and marked “Restricted access”.

A medical record or an expert report on a physical, mental or psychosocial condition that is filed in the record of the Court is kept in a sealed envelope. ~~Only persons referred to in the second paragraph of article 16 of the Code of Civil Procedure (chapter C-25.01), or persons authorized by the Court, may have access to it. Access to such a document includes the right to make copies of it at the person’s expense”.~~

106370



## Draft Regulations

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### Draft Regulation

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25)

### Confidentiality policies of public bodies that collect personal information through technological means

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25), assented to on 22 September 2021, introduces section 63.4 to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). Under that section, a public body that collects personal information through technological means must publish on its website a confidentiality policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned. It must do the same for the notice required for any amendment to such a policy.

The draft Regulation determines the content and terms of the policy and notice.

The draft Regulation harmonizes the content of the confidentiality policies of public bodies, to which members of the public will have access, in particular when personal information is collected through technological means by a public body. The policies also allow members of the public to obtain the necessary information to understand their rights and how their personal information is collected and used.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Christian Duquette, lawyer, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875, Grande Allée Est, bureau 3.263, Québec (Québec) G1R 4Y8; telephone : 418 528-8024, extension 5140; email: christian.duquette@mce.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuël, Director, access to information and the protection of personal information, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875 Grande Allée Est, bureau 3.265, Québec (Québec) G1R 4Y8; email: daiprp@mce.gouv.qc.ca.

JEAN-FRANÇOIS ROBERGE

*Minister Responsible for Access to Information and the Protection of Personal Information*

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### Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 63.4, 2nd par., and s. 155, 1st par., subpar. 6)

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25, s. 15)

### DIVISION I SCOPE AND DEFINITION

**1.** This Regulation applies to a public body referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

It also applies to professional orders, to the extent provided for by the Professional Code (chapter C-26).

For the purposes of this Regulation, the expression “public body” includes a professional order.

## DIVISION II CONFIDENTIALITY POLICY

**2.** A confidentiality policy referred to in section 63.4 of the Act must contain at least

(1) the name of the public body that collects the personal information and, where the information is collected by a third person on behalf of the public body, the name of that third person;

(2) a description of the collected personal information;

(3) the purposes for which the personal information is collected;

(4) the categories of persons who, within the public body, have access to the personal information;

(5) the means by which the personal information is collected;

(6) if applicable, a description of the measures that may be taken to refuse the collection of personal information and the possible resulting consequences;

(7) if applicable, a mention regarding the technological means available so that the person concerned by the personal information may consult or correct that information;

(8) a mention regarding the rights of access and correction provided for by the Act, as well as the name of the person in charge of the protection of personal information at the public body and the contact information to communicate with that person;

(9) if applicable, the name of the third persons or categories of third persons to whom it is necessary to release personal information for the purposes referred to in paragraph 3, and specifying that information or categories of information and those purposes;

(10) if applicable, a mention as to the possibility that the personal information may be released outside Québec;

(11) a brief description of the measures taken to ensure the confidentiality and security of personal information;

(12) a mention of the right of the person concerned by the personal information to pursue the process for dealing with complaints regarding the protection of personal information provided for in the governance rules of the public body with respect to personal information, published under section 63.3 of the Act;

(13) the contact information of the person, the concerned body or an administrative unit of that body to which questions regarding the confidentiality policy may be addressed;

(14) the date of coming into force of the confidentiality policy and its most recent update, if applicable.

**3.** Certain public bodies may have a common confidentiality policy insofar as they are jointly collecting personal information.

Certain public bodies may also have a common confidentiality policy insofar as a public body collects personal information on behalf of other public bodies.

## DIVISION III NOTICE OF AMENDMENT

**4.** A confidentiality policy may not be amended before the expiry of a period of 15 days from the date of publication of a notice of amendment of that policy or, if applicable, before the expiry of a shorter period mentioned in that notice of amendment. The notice must

(1) indicate the date of its publication;

(2) indicate the general purpose of the amendments made to the confidentiality policy, which must be specified in a section dedicated to the policy on the website of the public body;

(3) indicate the date of coming into force of the amendments;

(4) where the notice mentions a period shorter than the period of 15 days, indicate the reasons for which the policy must be amended in that shorter period.

## DIVISION IV PROVISIONS COMMON TO A CONFIDENTIALITY POLICY AND A NOTICE OF AMENDMENT

**5.** Before being published, a confidentiality policy must be the subject of a consultation with the committee on access to information and the protection of personal information referred to in section 8.1 of the Act.

The same applies to any notice of amendment concerning a significant amendment to a policy.

**6.** A confidentiality policy and a notice of amendment must be published in a section dedicated to the policy on the website of the public body.

The most recent former version of the policy and the corresponding notice of amendment, if applicable, must also be published in that section. The public body must ensure that the former version of the policy is not mistaken for the version that is in force.

**7.** When personal information is collected by technological means, the confidentiality policy concerning that personal information and, if applicable, the notice of amendment of that policy must be brought to the attention of the person concerned by that information.

## **DIVISION V**

### **FINAL**

**8.** This Regulation comes into force on 1 January 2024.

106376





## Decisions

### Decision

Act respecting elections and referendums  
in municipalities  
(chapter E-2.2)

#### Chief Electoral Officer

— Powers conferred on him by section 90.5  
of the Act respecting elections and referendums  
in municipalities concerning the postponement  
of mobile polling in the private seniors' residence  
les habitations Saint-Vallier located in the town  
of Pohénégamook

Decision of the Chief Electoral Officer pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities concerning the postponement of mobile polling in the private seniors' residence les habitations Saint-Vallier located in the town of Pohénégamook

WHEREAS a by-election for the position of councillor at seat no. 2 is to be held on June 4, 2023, in the Saint-Éleuthère ward of the Town of Pohénégamook;

WHEREAS sections 174 and 179 of the Act respecting elections and referendums in municipalities (chapter E-2.2) states that the returning officer may decide that a mobile polling station is to receive electors' votes during the hours fixed by the returning officer on one or more of the eighth, seventh or sixth days before polling day;

WHEREAS pursuant to section 175 of the Act respecting elections and referendums in municipalities, a person unable to move about and whose name is entered on the list of electors as a person domiciled in a private seniors' residence or in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station by applying in writing to the returning officer not later than the last day fixed for making applications to the board of revisors;

WHEREAS the Town of Pohénégamook has a private seniors' residence eligible for mobile polling on the territory of the Saint-Éleuthère ward;

WHEREAS this private seniors' residence has a total capacity of 41 residents, approximately 10 of whom are unable to move about;

WHEREAS, subsequent to an error, the returning officer of the Town of Pohénégamook failed to send the information pamphlet on mobile polling to the electors of this residence in a timely manner;

WHEREAS as a result of this omission, the electors domiciled in this residence did not receive the necessary information to allow them to apply for mobile polling within the time limits prescribed in section 175 of the Act respecting elections and referendums in municipalities;

WHEREAS after realizing her omission, the returning officer of the Town of Pohénégamook nevertheless sent the information pamphlet on mobile polling to the electors of this residence to allow them to apply for mobile polling and thus exercise their right to vote;

WHEREAS certain electors of the residence who are unable to move about have expressed an interest in voting at the mobile polling station;

WHEREAS following receipt of this information, the returning officer decided to hold a mobile poll at this residence on the sixth day preceding polling day;

WHEREAS LES HABITATIONS SAINT-VALLIER has been placed under total quarantine, which prevented the polling station from receiving the votes of electors domiciled at this residence;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that, when a provision of the Act does not meet the demands of the resultant situation subsequent to an error or exceptional circumstance, the Chief Electoral Officer may adapt the provision in order to achieve its object;

WHEREAS the Chief Electoral Officer has informed the Minister of Municipal Affairs and Housing of the decision he intends to make;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt sections 174, 175, 177 and 184 of the Act as follows:

1. The preamble forms an integral part of this decision;
2. The returning officer of the Town of Pohénégamook is authorized to establish mobile polling for electors domiciled at the private seniors' residence LES HABITATIONS SAINT-VALLIER located on the territory of the Saint-Éleuthère ward;

3. The mobile polling station may receive the vote of electors during the hours fixed by the returning officer, on the third, second or first day preceding polling day;

4. The returning officer of the Town of Pohénégamook must take the necessary means to inform the electors of the residence concerned by this decision of the schedule of the mobile polling station;

5. Electors domiciled at the residence concerned by this decision and entered on the list of electors of the municipality may exercise their right to vote at the mobile polling station;

6. The returning officer informs each recognized ticket and each independent candidate concerned of this decision and sends the list of electors who have availed themselves of this decision at the end of the day on which mobile polling is to be held at the residence.

This decision shall take effect from the date of signing.

Québec City, June 1, 2023

JEAN-FRANÇOIS BLANCHET  
*The Chief Electoral Officer*

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