

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1295-97, 1 October 1997**

#### **An Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety (1996, c. 70)**

##### **— Coming into force of certain provisions**

COMING INTO FORCE of provisions of the Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety

WHEREAS the Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety (1996, c. 70) was assented to on 23 December 1996;

WHEREAS under section 58 of that Act, its provisions will come into force on the date or dates to be fixed by the Government, except those of sections 1 to 3, 5 to 7, section 9 insofar as it enacts section 284.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), section 21, paragraphs 2 and 3 of section 34, sections 35 to 37, paragraphs 1, 12 and 14 of section 44, sections 45 and 46 and sections 49 to 58, which came into force on 23 December 1996, and sections 47 and 48 which came into force on 31 March 1997;

WHEREAS it is expedient to fix 1 October 1997 as the date of coming into force of certain provisions of that Act;

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

THAT 1 October 1997 be fixed as the date of coming into force of the following provisions of the Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety: section 9 insofar as it enacts section 284.1 of the Act respecting industrial accidents and occupational diseases, section 39 insofar as it enacts the second paragraph of section 357.1 of that Act, section 40, and paragraph 2 of section 44 insofar as it enacts subparagraph 4.2 of the first paragraph of section 454 of that Act.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*



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## Regulations and Other Acts

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Gouvernement du Québec

### **O.C. 1289-97, 1 October 1997**

Code of Civil Procedure  
(R.S.Q., c. C-25)

Code of Penal Procedure  
(R.S.Q., c. C-25.1)

An Act respecting payment of certain Crown witnesses  
(R.S.Q., c. P-2.1)

Criminal Code  
(R.S.C., 1985, c. C-46)

#### **Indemnities and allowances payable to witnesses summoned before courts of justice — Amendments**

Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

WHEREAS under article 321 of the Code of Civil Procedure (R.S.Q., c. C-25), a writ of subpoena must indicate, in easily legible type, the right of the witness to require taxation for his costs and expenses according to the tariff fixed by the Government;

WHEREAS under paragraph 7 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the Government may, by regulation, fix the allowances payable to witnesses;

WHEREAS under subsection 1 of section 2 of the Act respecting payment of certain Crown witnesses (R.S.Q., c. P-2.1), the Government shall determine by regulation, for each district, the allowance which each Crown witness shall receive, according to such special circumstances as it may deem it should take into account;

WHEREAS under subsection 840(2) of the Criminal Code (R.S.C., 1985, c. C-46), the lieutenant governor in council of a province may, on the one hand, order that all or any of the fees and allowances mentioned in the schedule to Part XXVII of the Code shall not be taken or allowed in proceedings before summary conviction courts and justices under that Part in that province and, on the other hand, order that other fees and allowances will be taken or allowed;

WHEREAS in accordance with those provisions or some of them or replaced provisions, the Government made the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice was published in the *Gazette officielle du Québec* of 2 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS during that period, comments were sent to the Minister of Justice, no unfavourable comment was made and the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice(\*)

Code of Civil Procedure  
(R.S.Q., c. C-25, art. 321)

Code of Penal Procedure  
(R.S.Q., c. C-25.1, art. 367, par. 7)

An Act respecting payment of certain Crown witnesses  
(R.S.Q., c. P-2.1, subsec. 1 of s. 2)

Criminal Code  
(R.S.C., 1985, c. C-46, s. 840 (2))

**1.** The following is substituted for section 1 of the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice:

### “1. Definitions

In this Regulation,

“witness” means any person summoned to appear before a court having jurisdiction in civil, penal or criminal matters, including the Youth Division of the Court of Québec, in order to testify in accordance with the law;

“witness summoned by the prosecutor” means any person summoned by the prosecutor in criminal matters, in federal penal matters or in penal matters governed by the statutes of Québec.”

**2.** Section 2 is amended

(1) by substituting the following for the second paragraph of subsection 1:

“Such indemnity is not paid to witnesses summoned by the prosecutor.”; and

(2) by substituting, in the second paragraph of subsection 2, the words “prosecutor in the case of a witness summoned by him in a criminal or penal matter” for the words “Attorney-General in the case of a Crown witness”.

**3.** The words “the place where he must testify” are substituted for the words “Court House” in section 6.

**4.** Section 7 is revoked.

**5.** The following is substituted for paragraph *a* of section 8:

“(a) court officers and public officers having their office in the building where the Court sits;”.

**6.** The following is substituted for section 9:

“9. To the extent prescribed by this Regulation, the Ministère de la Justice shall pay the indemnities and allowances to witnesses summoned by the prosecutor:

(a) for a pre-inquiry or a preliminary inquiry held at the instance of the Attorney General of Québec or for the hearing of a criminal prosecution or a federal penal prosecution brought by the Attorney General of Québec;

(b) for the hearing of a prosecution brought under the Code of Penal Procedure (R.S.Q., c. C-25.1) by the Attorney General of Québec.”.

**7.** The following is substituted for the first paragraph of section 10:

“10. A member of the Sûreté du Québec or of a municipal police force who, in the performance of his duties, appears as a witness shall be taxed in accordance with this Regulation, but the amount of the taxation shall not be paid to him by the competent court officer.”.

**8.** The following is substituted for section 12:

“12. In accordance with subsection 840 (2) of the Criminal Code (R.S.C., 1985, c. C-46), the fees and allowances mentioned in paragraphs 25 and 26 of the schedule to Part XXVII of that Code shall not be taken or allowed in Québec in proceedings before summary conviction courts and justices under that Part of the Criminal Code. The indemnities and allowances provided for in this Regulation shall be taken and allowed in lieu of those fees and allowances.”.

**9.** This Regulation comes into force on 1 November 1997.

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\* The Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r. 2) was last amended by the Regulation made by Order in Council 60-96 dated 16 January 1996 (1996, G.O. 2, 1000).



Gouvernement du Québec

**O.C. 1296-97, 1 October 1997**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

**Grouping of employers  
— Personalized rates and procedures of calculating those rates**

General Regulation respecting the agreements on the grouping of employers for the purposes of applying personalized rates and the procedures for calculating those rates

WHEREAS under subparagraph 4.2 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), as amended by the Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety (1996, c. 70), the Commission de la santé et de la sécurité du travail may make regulations determining the framework within which section 284.2 is to apply for the purposes of the agreements provided for therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the General Regulation respecting the agreements on the grouping of employers for the purposes of applying personalized rates and the procedures for calculating those rates was published in Part 2 of the *Gazette officielle du Québec* of 4 June 1997, with a notice that upon the expiry of 45 days following that publication it could be adopted by the Commission with or without amendments and submitted to the Government for approval;

WHEREAS the Commission adopted the Regulation at the meeting of its board of directors on 14 August 1997;

WHEREAS it is expedient to approve the Regulation as attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour and Minister responsible for the administration of the Act respecting industrial accidents and occupational diseases:

THAT the General Regulation respecting the agreements on the grouping of employers for the purposes of applying personalized rates and the procedures for calculating those rates, attached hereto, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**General Regulation respecting the agreements on the grouping of employers for the purposes of applying personalized rates and the procedures for calculating those rates**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, 1<sup>re</sup> par., subpar. 4.2; 1996, c. 70)

**DIVISION 1  
INTERPRETATION AND PURPOSE**

**1.** In this Regulation,

“agreement” means a written agreement made by the Commission and a group of employers under section 284.2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

**2.** The purpose of this Regulation is to determine the framework within which the Commission may make an agreement with a group of employers it considers appropriate, for the purposes of determining, in particular, the special conditions governing the application to the employers of personalized rates and procedures for calculating such rates.

**3.** A group of employers that is a party to an agreement is called a “prevention mutual group”.

**DIVISION 2  
PREVENTION, REHABILITATION AND RETURN TO WORK**

**4.** Every agreement shall have as its goal to encourage prevention of employment injuries and for that purpose shall contain concrete measures to prevent employment injuries that employers must undertake to implement during the term of the agreement.

**5.** Every agreement shall also have as its goal to encourage the rehabilitation and return to work of workers suffering from employment injuries.

**DIVISION 3  
APPLICATION AND CALCULATION OF RATES**

**6.** All agreements made for a given year shall, for all employers that are parties thereto, contain the same special conditions governing the application to employers of personalized rates and the same procedures for calculating those rates.

#### DIVISION 4 MISCELLANEOUS

**7.** The employers in a group who wish to enter into an agreement shall, before the first October of the year preceding the beginning of the application of the agreement sought, so inform the Commission and forward to it a list of the employers in that group and a concise statement explaining how such grouping would help to achieve the objectives in sections 4 and 5.

**8.** Where the Commission agrees to enter into an agreement with a group of employers, it shall inform them in writing of that acceptance before 31 December of the year preceding the beginning of its application.

Those employers shall sign the agreement and return it to the Commission not later than 31 December of the year preceding the beginning of its application or within 30 days of the date on which it informs them of its acceptance, whichever date is later. The Commission shall then sign the agreement.

**9.** The term of an agreement shall be determined and the dates on which it begins and ends shall coincide with the dates on which a year begins and ends.

**10.** Subject to the discretion granted to the Commission by section 284.2 of the Act, an agreement whose term is longer than one year may provide that an employer that was not a party thereto may become a party during the term according to the terms and conditions stipulated therein.

**11.** Where the Commission refuses to enter into an agreement with the employers in a group, it shall inform them in writing of the reasons for such refusal, as soon as possible.

#### DIVISION 5 TRANSITIONAL AND FINAL

**12.** The employers in a group who wish to enter into an agreement applicable from 1 January 1998 shall so inform the Commission and provide the information prescribed in section 7 before 1 October 1997 or before the 60<sup>th</sup> day following the date of the coming into force of this Regulation, whichever date is later.

Where the Commission agrees to enter into an agreement with a group of employers, it shall inform them in writing of that acceptance before 31 December 1997 or the 150<sup>th</sup> day following the coming into force of this Regulation, whichever date is later.

Those employers shall sign the agreement and return it to the Commission not later than 31 December 1997 or before the 150<sup>th</sup> day following the date of the coming into force of this Regulation, whichever date is later. Notwithstanding the foregoing, in all cases, those employers shall be granted at least 30 days from the date of acceptance to sign and return the agreement to the Commission. The Commission shall then sign the agreement.

**13.** An agreement applicable from 1 January 1998 may provide for the use of the data held by the employers in the group for the year 1997 for the purposes of determining the application of personalized rates to them and calculating those rates.

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

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Gouvernement du Québec

#### O.C. 1297-97, 1 October 1997

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

#### Vocational training — Amendments

Regulation to amend the Regulation respecting the vocational training of manpower in the construction industry

WHEREAS under subparagraphs 1, 2, 6 and 14 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may make regulations respecting particularly the activities included in a trade and vocational training;

WHEREAS the Commission made the Regulation respecting the vocational training of manpower in the construction industry approved by Order in Council 313-93 dated 10 March 1993;

WHEREAS the Commission de la construction du Québec, after consultation with the Committee on vocational training in the construction industry, made and transmitted to the Minister of Labour the Regulation to amend the Regulation respecting the vocational training of manpower in the construction industry;

WHEREAS under section 123.2 of that Act, such regulation of the Commission shall be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 25 June 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment was received following that publication and it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the vocational training of manpower in the construction industry, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Regulation respecting the vocational training of manpower in the construction industry**

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 123.1, 1<sup>st</sup> par., subpars. 1, 2, 6 and 14)

**1.** The Regulation respecting the vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993 and amended by section 74 of Chapter 61 of the Statutes of 1993, by the Regulation approved by Order in Council 799-94 dated 1 June 1994, by section 54 of Chapter 8 of the Statutes of 1995, by the Regulations approved by Order in Council 1489-95 dated 15 November 1995 and 937-97 dated 9 July 1997, is further amended, in Schedule A, by substituting the following for the second paragraph of subsection 1:

**“Specialty in flooring-sanding** The trade of carpenter-joiner includes the specialty in flooring-sanding.

“The term “flooring-layer-sander” means any person who:

(a) for the purposes of assembling parquet flooring made of wood or substitute composite materials:

i. prepares, assembles and applies the furring and covering of the subfloor;

ii. does minor preparatory work on the surface;

iii. sets sound and thermal insulation;

iv. lays parquet flooring, particularly wood lathing and laying of floors, including peripheral mouldings;

v. performs the sanding and finishing of wooden flooring;

(b) lays, sands and finishes the wooden flooring of bowling alleys.

Performance of the work described in the first and third paragraphs includes trade-related handling for the purposes of immediate and permanent installation.”.

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

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## Note to readers

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### Notices

An Act respecting industrial accidents  
and occupational diseases  
(R.S.Q., c. A-3.001)

### Standards and tables of personal home assistance

### Table of gross annual income from suitable employments for 1998

### Table of income replacements indemnities for 1998

*Gazette officielle du Québec*, Part 2, Volume 129,  
Number 41, dated 1 October 1997, pages 5000 to 5043.

These three Notices should have been published under the heading “Draft Regulations” instead of “Regulations and other Acts”.

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

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