

Gouvernement du Québec

**O.C. 403-96, 27 March 1996**

An Act respecting the determination of the causes and circumstances of death  
(R.S.Q., c. R-0.2)

**Identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents**

Regulation to amend the Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents

WHEREAS under the first paragraph of section 167 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., c. R-0.2), the Government may, by regulation, and after consultation with the Chief Coroner, adopt any norms, scales, conditions and rules of procedure respecting the identification, transportation, preservation or keeping, custody and return or remittal of the dead bodies, objects and documents contemplated in that Act and determine the provisions of the regulation to contravene which is an offence;

WHEREAS the Government made the Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents by Order in Council 907-92 dated 17 June 1992;

WHEREAS it is expedient to amend the Regulation in order to eliminate the requirements related to the publicity of the funeral undertaking's name during a transportation for the coroner, taking into account the difficulties and the costs for enforcing them;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 December 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

WHEREAS the Chief Coroner has been consulted;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents**

An Act respecting the determination of the causes and circumstances of death  
(R.S.Q., c. R-0.2, s. 167, 1<sup>st</sup> par.)

**1.** The Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents, made by Order in Council 907-92 dated 17 June 1992, is amended in paragraph 3 of section 10 by substituting the words “and are dressed conservatively” for the words “, are dressed conservatively and do not display any markings of a funeral home or undertaking”.

**2.** Subparagraph 4 of the first paragraph of section 11 is deleted.

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

9680

Gouvernement du Québec

**O.C. 408-96, 27 March 1996**

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1)

**Société de l'assurance automobile du Québec — Agreement regarding work done within the context of rehabilitation measures**

Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by the agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail et la Société de l'assurance automobile du Québec have reached such an agreement to consider as workers automobile accident victims for whom the Société takes rehabilitation measures comprising a training period in the workplace;

WHEREAS under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may make regulations to take the necessary measures for the implementation of such an agreement;

WHEREAS in accordance with section 224 of that Act and with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 August 1995 with a notice that upon the expiry of 60 days following such notice, it could be made by the Commission and submitted to the Government for approval;

WHEREAS at its meeting of 22 November 1995, the Commission made the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec;

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

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

THAT the Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the implementation of the agreement regarding work done within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1<sup>st</sup> par., subpar. 39)

**1.** The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons doing non-remunerated work within the context of rehabilitation measures adopted by the Société de l'assurance automobile du Québec on the conditions and to the extent provided for in an agreement between the Société and the Commission de la santé et de la sécurité du travail, appearing in Schedule I.

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

### **SCHEDULE I**

WHEREAS the Commission is, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of a legal person and the special powers conferred upon it by that Act;

WHEREAS the Commission may, under section 170 of the same Act, made agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS under section 4 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., c. S-11.011), the Société is a legal person within the meaning of the Civil Code of Québec;

WHEREAS under section 17 of the Act respecting the Société de l'assurance automobile du Québec, the Société may enter into any agreement for the application of the Automobile Insurance Act (R.S.Q., c. A-25);

WHEREAS the Société petitions that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to certain students and intends to take on the employer's obligations including those relating to assessments owing;

WHEREAS section 16 of the Act respecting industrial accidents and occupational diseases stipulates that a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be deemed to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS section 16 of the Act respecting industrial accidents and occupational diseases provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, that is to say that the Commission must proceed by regulation to make effective an agreement extending benefits arising out of acts or regulations that it administers;

THEREFORE THE PARTIES AGREE TO THE FOLLOWING:

## **CHAPTER 1.00** ENABLING PROVISIONS

### **Enabling Provisions**

1.01 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

## **CHAPTER 2.00** OBJECT

### **Object**

2.01 The purpose of this Agreement is to provide for, on the conditions and to the extent provided for therein, the application of the Act respecting industrial accidents and occupational diseases to students of the Société and to determine the obligations of the Société and the Commission.

## **CHAPTER 3.00** DEFINITIONS

For the purposes of this Agreement

### **“Commission”**

(a) Commission means the Commission de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1); (*Commission*)

### **“employment”**

(b) employment means the employment that the student held when he suffered an employment injury; (*emploi*)

### **“establishment”**

(c) establishment means an establishment within the meaning of the Act respecting occupational health and safety; (*établissement*)

### **“educational institution”**

(d) educational institution means a body providing training programs under the Education Act (R.S.Q., c. I-13.3), the General and Vocational Colleges Act (R.S.Q., c. C-29) or the Act respecting private education (R.S.Q., c. E-9), or a university establishment; (*établissement d'enseignement*)

### **“employment injury”**

(e) employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation; (*lésion professionnelle*)

### **“Act”**

(f) Act means the Act respecting the industrial accidents and occupational diseases (R.S.Q., c. A-3.001); (*Loi*)

### **“Société”**

(g) Société means the Société de l'assurance automobile du Québec, established under section 1 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., c. S-11.011); (*Société*)

### **“student”**

(h) student means the person who carries out non-remunerated work within the context of rehabilitation measures adopted by the Société and

(a) receives or is entitled to receive, when he suffers an employment injury, a full income replacement indemnity;

(b) is not a person serving a non-remunerated training session under the responsibility of an educational institution. (*stagiaire*)

## **CHAPTER 4.00**

### **OBLIGATIONS OF THE SOCIÉTÉ**

#### **Employer**

4.01 The Société is deemed to be the employer of any trainee covered by this Agreement.

#### **Restrictions**

Notwithstanding the foregoing, the employee-employer relationship shall be recognized as such only for assessment and indemnification purposes under the Act and shall not be deemed to be an admission of a factual situation lending itself to interpretation in other fields of activity.

#### **General obligations**

4.02 As the employer, the Société is bound *mutatis mutandis* by all the obligations provided for in the Act, including the obligation to keep a register of work accidents that happen in establishments where the students are present as well as the obligation to notify the Commission, on the form prescribed by the Commission, that, due to an employment injury, a student is unable to carry on the work he was doing within the context of established rehabilitation measures adopted.

#### **Register of accidents**

Notwithstanding the foregoing, in the case of the register of accidents referred to in the preceding paragraph, the Société is bound to place the register only at the disposal of the Commission.

#### **Information**

Upon request by the Commission, the Société shall submit a description of the tasks or activities carried out by the student at the time he suffers an employment injury.

#### **Exceptions**

4.03 Notwithstanding section 4.02, section 32 of the Act pertaining to certain prohibited measures, sections 179 and 180 regarding the temporary assignment of work, and chapter VII concerning the right to return to work are not applicable to the Société.

#### **First Aid**

Although the Société is not itself bound, in accordance with sections 190 and 191 of the Act, to give first aid to a trainee who has suffered an employment injury,

the Société shall see to it that any necessary first aid is given and shall assume the costs thereof.

#### **Payment of the Assessment**

4.04 The Société undertakes to pay the assessment calculated by the Commission in accordance with the Act and the regulations thereunder, as well as the fixed administration expenses related to the special envelope.

#### **Minimum**

4.05 For assessment purposes, the Société shall be deemed to pay wages equal to the full income replacement indemnity to which the trainee is entitled for the duration of his training session.

#### **Annual Statement**

4.06 The Société shall send each year to the Commission, before 15 March, a statement indicating the following:

- 1) the amount of the full income replacement indemnities referred to in section 4.05 and paid to trainees during the preceding calendar year; and
- 2) an estimate of the indemnities referred to in section 4.05 that will be paid to trainees in respect of whom rehabilitation measures have been or may be adopted during the current year.

#### **Register**

4.07 The Société shall keep a detailed register of the names and addresses of trainees, as well as the name and address of the employer with whom the trainee is serving his training session.

#### **Availability**

The Société shall place the detailed register at the disposal of the Commission if the latter so requires.

## **CHAPTER 5.00**

### **OBLIGATIONS OF THE COMMISSION**

#### **Status of Worker**

5.01 The Commission shall deem a trainee of the Société to be a worker within the meaning of the Act.

#### **Indemnity**

5.02 A trainee who has suffered an employment injury is entitled to receive an income replacement indem-

nity from the Commission from the cessation of the right to receive a full income replacement indemnity from the Société.

### **Determination of Indemnity**

5.03 For the purposes of determining an income replacement indemnity, the student's gross annual employment income shall be the full income replacement indemnity paid by the Société.

### **Special Envelope**

5.04 The Commission shall allocate a special envelope to the unit corresponding to the "Operation of an Adapted Work Centre; Operation of a Rehabilitation Workshop" or, where applicable, following amendments subsequent to the signing of this Agreement, to the corresponding unit.

## **CHAPTER 6.00 MISCELLANEOUS**

### **Follow-up of the Agreement**

6.01 Both the Société and the Commission shall, within 15 days of the coming into force of this Agreement, appoint a person in charge of the follow-up.

### **Addresses of Notices**

6.02 Any notice provided for in this Agreement shall be sent to the following addresses:

- (a) Secretary of the Société  
Société de l'assurance automobile du Québec  
333, boulevard Jean-Lesage  
Québec (Québec)  
G1K 8J6;
- (b) Secretary of the Commission  
Commission de la santé et de la sécurité du travail  
1199, rue De Bleury  
Montréal (Québec)  
H3C 4E1.

## **CHAPTER 7.00 COMING INTO FORCE AND TERM OF THE AGREEMENT**

### **Coming into force**

7.01 This Agreement takes effect on the date of the coming into force of the regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.

### **Term**

This Agreement remains in force until 31 December 1995.

### **Automatic Renewal**

7.02 Thereafter, it shall be renewed automatically from one calendar year to the next, except where one of the parties sends to the other party, by registered or certified mail at least 90 days before the end of the term, a notice to the effect that the party concerned would like to cancel or amend the Agreement.

### **Amendments**

7.03 In the latter case, the notice shall contain the amendments that the concerned party would like to see made.

### **Renewal**

The sending of such a notice shall not prevent the automatic renewal of this Agreement for a period of one year. Where the parties do not agree on the amendments to be made to this Agreement, the Agreement ends, without further notice, at the end of the period of automatic renewal.

## **CHAPTER 8.00 CANCELLATION OF THE AGREEMENT**

### **Failure**

8.01 The Commission may, where the Société fails to fulfill any of its obligations, ask it to correct the situation within a time period set by the Commission. In the absence of such correction within the time period allotted, the Commission may unilaterally cancel this Agreement upon written notice.

### **Date**

The Agreement shall then be cancelled on the date on which the written notice is sent.

### **Financial Adjustments**

8.02 In the event of cancellation, the Commission shall make the financial adjustments taking into account the amounts payable under this Agreement.

### **Amount Owing**

Any amount owing after those financial adjustments have been made shall be payable on the due date appearing on the notice of assessment.

**Common Agreement**

8.03 The parties may, at any time, agree to cancel this Agreement.

**Damages**

8.04 In the event of cancellation, neither party may be obliged to pay damages or any other form of indemnity or fees to the other party.

9683