

Draft Regulation

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

Insurance premiums for 1997

Notice is hereby given, in accordance with section 455 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 60 days following the publication of this notice the Regulation respecting the insurance premiums for 1997 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments, and will be submitted to the Government for approval.

That Regulation determines the insurance premiums to be used in calculating the retrospective adjustment of the annual assessment for 1997 that will be paid by the employers subject to that adjustment for that year under the Regulation respecting retrospective adjustment of the assessment, made by Order in Council 262-90 dated 28 February 1990.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Roland Longchamps, Vice-chairman Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

PIERRE SHEDLEUR
*Chairman of the Board
and Chief Executive Officer
of the Commission de la santé
et de la sécurité du travail*

Regulation respecting the insurance premiums for 1997

An Act respecting industrial accidents
and occupational diseases
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 10)

1. The insurance premiums necessary for the final retrospective adjustment of the annual assessment for the assessment year 1997 shall be calculated in accordance with the table in Schedule I.

2. The premiums shall be determined by applying the percentage calculated to the part of the assessment calculated in terms of the risk, taking into account the limit

applicable to the employer with respect to the assumption of the cost of benefits.

3. The percentages appearing in the table are applicable to the precise amounts of assessment distributed in terms of the risk corresponding to those percentages. Where the amount of assessment falls between two levels of assessment in the table, the percentage shall be calculated by linear interpolation, and the result shall be rounded to the nearest tenth of a per cent.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and has effect for the assessment year 1997.

SCHEDULE I

TABLE OF PREMIUMS

Part of the assessment in terms of the risk	Limit of the assumption in terms of the maximum annual insurable amount			
	½ times	once	twice	three times
280 450 \$ or less	43,5 %	26,0 %	17,7 %	17,4 %
373 900 \$	40,9	21,7	12,2	11,5
560 800 \$	38,7	17,9	7,4	6,3
747 750 \$	37,8	16,3	5,3	4,2
1 121 650 \$	37,1	15,1	3,7	2,5
1 495 600 \$	36,9	14,8	3,0	1,8
1 869 450 \$	36,8	14,6	2,7	1,5
2 617 200 \$	36,7	14,5	2,4	1,2
3 738 950 or more	36,6	14,4	2,2	1,0

9839

Draft Regulation

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

Standards and tables of personal home assistance for 1997

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft regulation entitled "Regulation respecting the standards and tables of personal home assistance for 1997", the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to revalorize the maximum amount of personal home assistance in accordance with section 118 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and to adjust the other amounts of financial aid on the basis of that maximum.

To date, study of the matter has revealed the following impacts on the public and on businesses directly concerned by these amendments:

— revalorization of the maximum amount of personal home assistance will allow the worker benefitting from that assistance to meet the increase in prices brought about by inflation;

— the impact on businesses of the annual revalorization was taken into account in the actuarial valuations used to establish the contribution of employers and to determine liabilities in the financial statement of the CSST.

Further information may be obtained by contacting Mr. René Peterson, 524, rue Bourdages, Québec, tel.: (418) 643-1227, fax: (418) 528-2081.

PIERRE SHEDLEUR,
*Chairman of the board and
chief executive officer
of the Commission de la santé
et de la sécurité du travail*

Regulation respecting the standards and tables of personal home assistance for 1996

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, s.160)

DIVISION I PERSONAL HOME ASSISTANCE

1. In accordance with sections 145 and 158 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), personal home assistance may be granted to a worker who, as a result of the employment injury he has suffered, meets the following conditions:

1° he has sustained permanent physical or mental impairment;

2° he is unable to care for himself and to do, without assistance, the household tasks that he would normally do himself; and

3° such assistance proves to be necessary for him to remain in or return to his residence.

2. In accordance with section 159 of the Act, personal home assistance includes payment of the cost of engaging a person to provide for the worker's assistance and supervision needs.

That person may be the worker's spouse.

3. The assistance measures are intended, in accordance with the worker's needs, to help him to care for himself and to do the household tasks he would normally do himself were it not for his injury.

4. The supervision measures are intended to help the worker to care for himself between the periods during which he is performing his personal activities and his household tasks, defined in section 2.1 of Schedule 1, where he has permanent impairment entailing neurological or mental aftereffects and he has assistance needs in accordance with the standards established in the form for evaluating the personal home assistance needs provided for in that Schedule.

DIVISION II EVALUATION OF PERSONAL HOME ASSISTANCE

5. Personal home assistance needs shall be evaluated by the Commission de la santé et de la sécurité du travail taking into account the worker's situation before the employment injury, the changes resulting therefrom and its impact on the worker's autonomy.

Those needs may be evaluated through consultations with the worker's immediate family, the attending physician or other resource persons.

That evaluation shall be made in accordance with the standards provided for in this Regulation and by filling out the evaluation form in Schedule 1.

DIVISION III MONTHLY AMOUNT OF PERSONAL HOME ASSISTANCE

6. The amount of personal home assistance shall be established on a monthly basis according to the evaluation form in Schedule 1 and shall be paid to the worker once every 2 weeks, in accordance with section 163 of the Act.

The monthly amount granted shall be, subject to the maximum amount of assistance fixed in section 160 of the Act, the sum of the amount determined according to

the table in section 2.3 of Schedule 1 for personal assistance needs and, where applicable, of the amount determined according to the table in section 3.3 of that Schedule for supervision needs to the extent that the amount established for assistance needs falls short of the maximum prescribed by the Act.

DIVISION IV REEVALUATION OF PERSONAL HOME ASSISTANCE

7. Personal home assistance shall be reevaluated periodically, in accordance with section 161 of the Act, to take into account changes in the worker's health and the needs arising therefrom.

8. The reevaluation shall be made in accordance with the standards provided for in this Regulation and by filling out the evaluation form in Schedule 1.

9. The amount of personal home assistance shall be adjusted, in accordance with section 163 of the Act, from the first due date after the occurrence giving rise to the adjustment.

DIVISION V CESSATION OF PERSONAL HOME ASSISTANCE

10. Personal home assistance shall cease, in accordance with sections 162 and 163 of the Act, when:

1° the worker is again able to care for himself or to do, without assistance, the household tasks he was unable to do himself by reason of his employment injury; or

2° the worker is lodged or hospitalized in a facility maintained by an institution governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., c. S-5).

The amount of personal home assistance shall be cancelled from the first due date after the occurrence giving rise to the cancellation.

DIVISION VI FINAL

11. This Regulation comes into force on 1 January 1997 and has effect for the year 1997.

SCHEDULE 1

(ss. 4, 5, 6 and 8)

FORM FOR EVALUATING PERSONAL HOME ASSISTANCE NEEDS**1- GENERAL INFORMATION**

1.1 Worker's identity:			
Surname: _____		Given Name: _____	
Date of birth:			
CSST No: _____			S.I.N.: _____
	year	month	day
Address: _____			
	(No)	(Street)	
_____			_ _ _ _ _ _ _
	(Municipality)		(Postal code)
Telephone: _ _ _ _ _ _ _ _	Date of occurrence _____		
area code	year	month	day

1.2 Type of evaluation:			
Initial <input type="checkbox"/>	Periodical reevaluation <input type="checkbox"/>	Change in <input type="checkbox"/>	
	since _____	situation	
	year	month	day
Where the situation has changed, state any new developments:			

1.3 Worker's medical check-up:			
Diagnosis: _____			

Date of consolidation: Expected	Yes _____	Known _____	
	No _____	year	month
		day	
Permanent physical or mental impairment:	Expected <input type="checkbox"/>	Confirmed <input type="checkbox"/> _____ %	
Description of permanent functional disability: _____			

1.4 Worker's home situation:			
Resides alone <input type="checkbox"/>	Lives with spouse, <input type="checkbox"/>		
	relative or friend		
Dependants	No <input type="checkbox"/>	Adaptation of home	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>		No <input type="checkbox"/>
Number and ages: _____	in progress		
	or yet to come <input type="checkbox"/>		

2. EVALUATION OF PERSONAL CARE AND HOME ASSISTANCE NEEDS

2.1 Table of evaluation of assistance needs:				
Circle the points corresponding to the assistance needs for performing each of the following activities or tasks	A- Complete assistance required			
	B- Partial assistance required			
	C- No assistance required		D- No points	
			Enter D-1, D-2 ou D-3	
Getting out of bed	3	1.5	0	
Going to bed	3	1.5	0	
Washing	5	2.5	0	
Dressing	3	1.5	0	
Undressing	3	1.5	0	
Bladder relief	3	1.5	0	
Bowel movements	3	1.5	0	
Eating	5	2.5	0	
Use of home facilities	4	2	0	
Preparation of breakfast	2	1	0	
Preparation of lunch	4	2	0	
Preparation of dinner	4	2	0	
Light housekeeping	1	0.5	0	
House cleaning	1	0.5	0	
Laundry	1	0.5	0	
Shopping	3	1.5	0	
Total				/48 points

Assistance needs**A: Complete assistance required:**

The worker is incapable of performing the activity or task alone, even taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence, since his contribution to performing the activity or task is not significant or presents an obvious danger for his safety.

B: Partial assistance required:

The worker is capable of safely performing a significant part of the activity or task, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence, but he requires significant assistance by another person to perform the activity completely.

C: No assistance required:

The worker is capable of performing the activity or task alone, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence. The activity or task can be performed safely.

D: No points:

Even though the worker is incapable of performing the activity or task and even though he may be eligible for personal care assistance, no points are granted for one of the following reasons:

D-1: The worker did not usually perform the activity or task before the occurrence.

D-2: The need is already covered by a specialized resource such as a nurse, or by some other rehabilitation measure.

D-3: Another reason explained in section 2.2 "Explanations or comments".

2.4 Description of items evaluated

- Getting out of bed: the ability to get out of bed unassisted, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence.
- Going to bed: the ability to get into bed unassisted, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence.
- Washing: the ability to wash oneself unassisted, without taking into consideration the ability to use a bathtub or a shower. This includes basic self-care such as hair grooming, shaving and applying make-up.
- Dressing: the ability to dress oneself unassisted, including outdoor clothing.
- Undressing: the ability to undress oneself unassisted, including outdoor clothing.
- Bladder relief: the ability to relieve one's bladder by the unassisted use, where applicable, of special equipment for that purpose.
- Bowel movements: the ability to relieve one's bowels by the unassisted use, where applicable, of special equipment for that purpose.
- Eating: the ability to lift properly prepared food from the plate to one's mouth unassisted, by using, where applicable, special equipment for that activity.
- Use of home facilities: the ability to use, unassisted, common household appliances and devices such as bathroom facilities, the telephone and television, taking into consideration, where applicable, the use of a technical aid or adaptation of the residence.
- Preparation of breakfast, lunch and dinner: the ability to prepare meals and to wash dishes. Preparation of each meal is evaluated separately.
- Light housekeeping: the ability to perform, unassisted, regular housekeeping activities such as dusting, sweeping, carrying out garbage cans and making beds.
- Housecleaning: the ability to perform, unassisted, housecleaning activities such as cleaning the refrigerator and the oven, washing floors and windows, spring cleaning.
- Laundry: the ability to use, unassisted, appliances for washing and drying clothes, including activities related thereto such as folding, ironing and putting away clothes.
- Shopping: the ability to use, unassisted, the facilities required to make the necessary purchases of groceries, hardware, pharmaceuticals, or to use public services such as banking and postal services, taking into consideration, where applicable, the use of a technical aid or adaptation of the residence.

3. EVALUATION OF SUPERVISION NEEDS

3.1 Table OF EVALUATION OF SUPERVISION NEEDS:				
Higher cerebral functions Circle the points corresponding to the supervision need pertaining to each of the following functions	A- Close supervision required			
	B- Moderate supervision required			
	C- No supervision required			
			D- No points Enter D-1, D-2 or D-3	
Memory	2	1	0	
Temporal orientation	2	1	0	
Spatial orientation	2	1	0	
Communication	2	1	0	
Self-control	2	1	0	
Contact with reality	2	1	0	

Supervision needs
A: Close supervision required:
 The occurrence has altered this higher cerebral function and the worker must usually be kept under constant supervision except in certain daily situations where he may be left alone.
B: Moderate supervision required:
 The occurrence has altered this higher cerebral function and the worker must be supervised in certain daily situations. He may be left alone outside of those daily situations. Those situations are foreseeable and probable on a daily basis.
C: No supervision required:
 The occurrence has not significantly altered the worker's abilities with respect to this higher cerebral function and he requires no supervision or only in occasional or unforeseeable circumstances.
D: No points: (enter D-1, D-2 or D-3)
 D-1: The worker already had significant difficulties before the occurrence.
 D-2: The need is already covered by a specialized resource or other rehabilitation measure.
 D-3: Another reason explained in section 3.2 "Explanations or comments".

3.2 Explanations or comments:
 (specify the activities affected, the ability to stay by oneself for a few hours or a day and the degree of supervision required)

3.3 Table of monthly amount of personal home assistance for supervision needs
 A single score is assigned. The highest score (2, 1 or 0) is kept and the monthly amount corresponding thereto is added to the amount determined in Table 2.3 (subject to the maximum amount provided for in section 160 of the Act).

Score	Amount
0	\$0
1	\$154
2	\$462

Results to be carried over to section 4 entitled "Summary".

