

Draft Regulations

Draft Regulation

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

Implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval at the expiry of 60 days following this publication.

The purpose of the Draft Regulation is to give effect to the provisions on industrial accidents and occupational diseases in the Protocol amending the Québec-Finland Agreement and the Protocol amending the Administrative Arrangement, which harmonize the provisions of the Agreement and the Administrative Arrangement with the amendments to Finland's statute on social security.

In 1987 the Commission made the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, approved by Order in Council 2021-87 dated 22 December 1987.

Study of this matter has revealed little impact on small and medium-sized businesses, as the only significant amendment pertaining to industrial accidents and occupational diseases will enable Québec employers to send workers to Finland on assignment for a maximum period of three years rather than two as provided under the original Agreement.

Further information may be obtained by contacting Ms. Sophie Genest, Commission de la santé et de la sécurité du travail, Secrétariat général, 1199, rue de Bleury, 14^e étage, Montréal (Québec), H3B 3J1; tel.: (514) 873-7183, fax: (514) 873-7007.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Michel Brunet, Secrétariat général, 1199, rue de Bleury, 14^e étage, Montréal (Québec), H3B 3J1.

TREFFLÉ LACOMBE,
*Chairman of the board of directors and
chief executive officer of the Commission
de la santé et de la sécurité du travail*

Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland

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

1. The advantages under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations made thereunder are hereby extended to any person covered by the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, dated 30 October 1986, that Protocol having been signed on 12 July 1995 and appearing in Schedule 1.
2. Those advantages shall apply in the manner provided for in that Protocol and in the Protocol amending the Administrative Arrangement, appearing in Schedule 2.
3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE 1

PROTOCOL

AMENDING THE AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

DESIROUS of reinforcing their cooperation in the area of social security and, to that end,

WISHING to amend the Agreement on Social Security that they signed at Québec on 30 October 1986 (hereinafter called the "Agreement"),

HAVE AGREED TO THE FOLLOWING PROVISIONS:

Article 1

Article 1 of the Agreement is amended by substituting the following for Paragraph *d*:

"(d) "benefit" means a pension, allowance or other benefit in cash or in kind, provided by the legislation of each Party and including any additional benefit, supplement or increase;"

Article 2

Article 2 of the Agreement is amended by substituting the following for Paragraph *b*:

"(b) for Finland:

i. legislation respecting the Employment Pensions Scheme;

ii. legislation respecting the Industrial Accident Insurance Scheme and the Occupational Disease Insurance Scheme;

iii. legislation respecting the General Health Care Scheme;

iv. legislation respecting the Health Insurance Scheme, except for mother's, father's and parent's allowances;

v. the Act respecting the employer's social security contributions."

Article 3

Article 4 of the Agreement is amended by substituting the following for Paragraph *d*:

"(d) any other person who is or has been subject to the legislation of either Party or who has acquired entitlements under such legislation."

Article 4

Article 5 of the Agreement is amended by substituting the following for Paragraph 1:

"1. Unless otherwise provided in the Agreement:

(a) the persons designated in Article 4 receive, pursuant to the legislation of Québec, the same treatment as the nationals of that Party;

(b) persons designated in Article 4 who reside in the territory of one of the Parties receive, pursuant to the legislation of Finland, the same treatment as the nationals of that Party."

Article 5

Article 7 of the Agreement is amended

(a) by substituting the following for Paragraph 1:

"1. A person subject to the legislation of one Party and working for an employer in the territory of that Party at the time he is assigned by the employer to work temporarily for that employer or an affiliated employer in the territory of the other Party continues, in respect of that employment, to be subject to the legislation of the first Party, as are a spouse and accompanying dependants, provided that they do not work and are not subject to the Employment Pensions Scheme of the other Party, until the expiry of thirty-six months of assignment;"

(b) by substituting the word "thirty-six" for the word "twenty-four" in Paragraph 2; and

(c) by inserting the words “or the institutions they designate” after the words “the competent authorities of both Parties” in Paragraph 2.

Article 6

Article 10 of the Agreement is amended by inserting the words “or the institutions they designate” after the words “The competent authorities of both Parties”.

Article 7

The following is substituted for Article 13 of the Agreement:

“Article 13

1. Unless otherwise provided in this Article, the competent institution of Finland applies Finnish legislation in determining entitlement to a benefit under the Employment Pensions Scheme and in determining the amount of such benefit.

2. If a person who becomes disabled or who dies does not meet the residence requirement under Finnish legislation respecting the Employment Pensions Scheme, in order to meet the requirement in respect of a future period, insurance periods under the Québec Pension Plan are deemed for that purpose to be periods served in Finland, provided that they do not overlap.

3. If a person no longer works for another person or is no longer self-employed in Finland, where the pension to which he would be entitled under Finnish legislation respecting the Employment Pensions Scheme does not include a future period and the occupational hazard occurs while the person is employed by another person or is self-employed and that employment is subject to the Act respecting the Québec Pension Plan, insurance periods under the Québec Pension Plan are taken into account by the competent institution of Finland in order to meet the requirement in respect of the future period.

4. Where Paragraph 2 or 3 applies, the competent institution of Finland determines the amount of the benefit as follows:

(a) the amount of a benefit based on the insurance periods effective under the legislation of Finland is determined in accordance with Finnish legislation respecting the Employment Pensions Scheme;

(b) the amount of a benefit based on the period between the occurrence of the peril and the age of retirement is calculated in the same proportion as that of the insurance periods effective under Finnish legislation re-

specting the Employment Pensions Scheme over four hundred and eighty months.”.

Article 8

Article 15 of the Agreement is amended

(a) by inserting the words “or the insurance institution it designates” after the words “Federation of Accident Insurance Institutions” in Paragraph a; and

(b) by adding the following after Paragraph b:

“(c) the provisions of Paragraph a do not apply where a stay in the territory of one Party is completed for the purpose of receiving benefits in kind and such benefits can be provided in the territory of the other Party.”.

Article 9

The following is inserted after Article 16:

“Article 16A

1. Where a person having contracted an occupational disease has, in accordance with the legislation of both Parties, carried on an activity liable to bring on that disease, the benefits to which the person or his successors may claim entitlement are granted exclusively under the legislation of the latter Party.

2. Notwithstanding the foregoing, if no benefit can be granted under the legislation of the latter Party, the institution of that Party sends the application to the institution of the former Party, which studies the case in light of the provisions of its own legislation.”.

Article 10

Article 19 of the Agreement is amended

(a) by substituting the words “general legislation respecting health care” for the words “legislation respecting the General Hospital and Public Health” in Paragraph 2; and

(b) by adding the following after Paragraph 2:

“3. For the purposes of this Chapter, “insured person” means any person who, immediately prior to his departure for the territory of one of the Parties, is entitled to benefits under the legislation of the other Party, whether in his own right or as a successor. However, this Chapter does not apply to a person covered by Articles 8 and 9, nor to the spouse or dependants of such person.”.

Article 11

Article 20 of the Agreement is amended

(a) by substituting the words “his spouse and dependants” for the words “his dependants”; and

(b) by adding the following sentence at the end:

“After that date, he is no longer entitled to any of the benefits provided by the legislation of the former Party.”.

Article 12

Article 21 of the Agreement is amended

(a) by inserting the words “spouse and” after the words “together with his” in Paragraph 1;

(b) by adding the words “and on the same conditions as those applicable to the residents of that Party” at the end of Paragraph 1; and

(c) by substituting the following for Paragraphs 2 and 3:

“2. The provisions of Paragraph 1 also apply to workers on assignment, to students registered at an educational institution in the territory of stay and to persons doing university level or post-university level research or completing a training period as part of a college or university program.”.

Article 13

Article 22 of the Agreement is amended by inserting the words “spouse and” after the words “together with their”.

Article 14

Article 23 of the Agreement is amended

(a) by substituting the words “The spouse or a dependant of an insured person” for the words “A dependant of an insured person” in Paragraph 1;

(b) by substituting the words “spouse or dependant” for the words “the dependant” in Paragraph 2; and

(c) by substituting the words “their territory” for the words “the territory”.

Article 15

Article 24 of the Agreement is amended by substituting the following for Paragraph 1:

“1. The competent institution providing the benefits in kind covered by this Chapter bears the cost thereof.”.

Article 16

1. Any insurance period completed before the date of coming into force of this Protocol is taken into consideration in determining entitlement to a benefit under the Agreement amended herein.

2. This Protocol does not establish entitlement to payment of a benefit or part of a benefit for a period prior to the date of its coming into force.

3. Benefits under the Agreement amended herein are also payable in respect of events occurring prior to the date of coming into force of this Protocol.

4. A benefit granted under provisions of the Agreement previously applied may not be reduced or cancelled by any of the provisions of this Protocol.

5. At the request of the beneficiary, a benefit granted under provisions of the Agreement previously applied may be converted into a benefit calculated in accordance with the provisions of the Agreement amended herein.

6. Where, at the date of coming into force of this Protocol, an application for a benefit under the legislation of a Party is being held in abeyance, and the competent institution of that Party subsequently determines that the applicant is entitled to a benefit applying both before and after the date of coming into force of this Protocol, the competent institution determines the amount of the benefit payable as follows:

(a) the amount of a benefit payable for any period completed prior to the date of coming into force of this Protocol is determined in accordance with the provisions of the Agreement previously applied;

(b) the amount of a benefit payable for any period after the date of coming into force of this Protocol is re-determined in accordance with the provisions of the Agreement amended herein, provided that the benefit thus calculated is more advantageous to the beneficiary than that calculated in accordance with the provisions of the Agreement previously applied.

Article 17

1. Each Party shall advise the other Party when the internal procedures required for the coming into force of this Protocol have been completed.

2. Subject to Paragraph 3, this Protocol is entered into for an indeterminate period from the date of its coming into force, which is fixed by exchange of letters between the Parties.

3. In the event of termination of the Agreement by one of the Parties under Paragraph 2 of section 35, this Protocol is also terminated and ends on the same date as the Agreement.

Made at Québec on this 12th day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of
the Republic of Finland

BERNARD LANDRY

ERIK A.H. HEINRICHS

SCHEDULE 2**PROTOCOL****AMENDING THE ADMINISTRATIVE
ARRANGEMENT TO THE AGREEMENT
ON SOCIAL SECURITY****BETWEEN**

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC
OF FINLAND

In accordance with Article 25 of the Agreement on Social Security between Québec and Finland, hereinafter called the "Agreement", the Parties agreed to an Administrative Arrangement to the Agreement signed at Québec on 30 October 1986, hereinafter called the "Administrative Arrangement", and have agreed to amend that Arrangement as follows:

Article 1

The following is substituted for Article 1 of the Administrative Arrangement:

"Article 1**Definitions**

In this Administrative Arrangement,

(a) "Agreement" means the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 30 October 1986 and amended by the Protocol amending the Agreement;

(b) "Protocol amending the Agreement" means the Protocol amending the Agreement between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 12 July 1995;

(c) all other expressions have the meaning assigned to them under the Agreement."

Article 2

Article 2 of the Administrative Arrangement is amended

(a) by substituting the word "Direction" for the word "Secrétariat" in Paragraph *a*; and

(b) by substituting the following for Paragraph *b*:

"(b) for Finland, the Social Insurance Institution, in respect of health insurance; the Central Pension Security Institute, in respect of the Employment Pensions Scheme; and the Federation of Accident Insurance Institutions, in respect of industrial accident and occupational disease insurance."

Article 3

Article 3 of the Administrative Arrangement is amended

(a) by substituting the following for Paragraph 1:

"1. In the cases referred to in Articles 7 and 10 of the Agreement and, for Québec, in Paragraph 3 of Article 6, a certificate is issued to attest that a person on assignment or a self-employed person and, as the case may be, the employer are subject to the legislation of their country of origin. The certificate also covers a spouse and accompanying dependants."

(b) by inserting the following Paragraph after Paragraph 2:

“3. For Finland, the Central Pension Security Institute is the institution designated by the competent authority for the purposes of Articles 7 and 10.”; and

(c) by renumbering Paragraph 3 as Paragraph 4 and by adding the words “, as well as to a self-employed person” at the end.

Article 4

Article 4 of the Administrative Arrangement is amended by deleting the words “or, if the person employed already holds the employment on the date of coming into force of the Agreement, within six months of that date”.

Article 5

Article 6 of the Administrative Arrangement is amended by deleting the words “, with the assent of their respective competent authorities,” from Paragraph 3.

Article 6

The following is substituted for Article 8 of the Administrative Arrangement:

“Article 8

1. To receive benefits in kind in the territory of Québec, a person described in Articles 20 to 23 of the Agreement, as well as the spouse and accompanying dependants of such person, must register with the Régie de l'assurance-maladie du Québec, using the registration form provided for that purpose.

2. At the time of the person's registration and that of his spouse and accompanying dependants, he must also submit:

(a) a certificate issued by the Social Insurance Institution of Finland, attesting to his entitlement to benefits in kind, and the immigration document required by a person on a temporary stay under Paragraph 1 of Article 21 of the Agreement;

(b) a certificate of coverage issued by the Central Pension Security Institute, where he is a person on assignment covered by Paragraph 2 of Article 21 of the Agreement;

(c) an attestation issued by the Social Insurance Institution of Finland, certifying his entitlement to benefits in kind, the required immigration document and an attestation of his registration as a full-time student at an educational institution recognized by one of the responsible departments in Québec or an attestation confirm-

ing his acceptance as a researcher or as a trainee whose training period will be carried out under a program of studies if, as a student, researcher or trainee, the person is covered by Paragraph 2 of Article 21 of the Agreement.”.

Article 7

Article 9 of the Administrative Arrangement is amended

(a) by substituting the words “his spouse and accompanying dependants” for the words “each of his accompanying dependants” in Paragraph 1; and

(b) by substituting the words “full-time student or an attestation of his acceptance as a researcher or as a trainee whose training period will be carried out under his program of studies” for the word “student” at the end of the first sentence in Paragraph 2.

Article 8

Article 10 of the Administrative Arrangement is revoked.

Article 9

This Protocol amending the Administrative Arrangement comes into force on the same date as the Protocol amending the Agreement and has the same term. Termination of the Agreement has the effect of terminating this Protocol.

Made at Québec on this 12th day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of
the Republic of Finland

BERNARD LANDRY

ERIK A. H. HEINRICHS

1783

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2; 1996, c.71)

Casket

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to amend the Decree respecting the