

Council 147-91 dated 6 February 1991 or, in the case of a school minibus, the certificate of mechanical inspection prescribed by paragraph 5 of the first paragraph of section 1 of the Regulation respecting the mechanical inspection and safety standards of road vehicles, made by Order in Council 2069-82 dated 15 September 1982;”.

17. Section 34 is amended, in the first paragraph, by substituting “a vehicle used for the transportation of school children” for “a sedan or station wagon”.

18. This Regulation comes into force on 1 July 1997.

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Gouvernement du Québec

O.C. 294-97, 5 March 1997

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

Agreement regarding the programs of the Canada Employment and Immigration Commission

Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission

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 an 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 and the Canada Employment and Immigration Commission have entered into such an agreement to deem as workers the persons participating in the program established and administered by the Canada Employment and Immigration Commission;

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 de la santé et de la sécurité du travail may, by regulation, take the measures necessary for the implementation of such an agreement;

WHEREAS in accordance with section 224 of that Act and 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 10 July 1996 with a notice that, upon the expiry of 60 days following that notice, it would be adopted by the Commission de la santé et de la sécurité du travail with or without amendments and submitted to the Government for approval;

WHEREAS at its meeting of 19 September 1996, the Commission adopted the Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission;

WHEREAS it is expedient to approve the Regulation as it appears 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 the programs of the Canada Employment and Immigration Commission, attached hereto, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement regarding the programs of the Canada Employment and Immigration Commission

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

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the programs of the Canada Employment and Immigration Commission on the conditions and to the extent provided for in the Agreement between the Commission and the Commission de la santé et de la sécurité du travail appearing in Schedule 1.

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

SCHEDULE 1

WHEREAS under subsection 15(1) of the Employment and Immigration Department and Commission Act (R.S.C., 1985, c. E-5), the CEIC is a body corporate;

WHEREAS under subsection 15(2) of that Act, the CEIC may on behalf of Her Majesty in right of Canada enter into contracts in its own name;

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 such a legal person and the special powers conferred upon it by that Act;

WHEREAS under section 170 of that Act, the Commission may make agreements in accordance with the Act 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;

WHEREAS the CEIC has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to participants and members of the administrative personnel and it intends to assume, for administrative purposes only, the obligations prescribed for employers as regards the statement of the contributions paid by the CEIC for participants and members of the administrative personnel, the payment of the assessments due to the Commission and the imputation of the cost of benefits payable by reason of an employment injury;

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, 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 under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) applies to such agreement, the effect of that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY 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, subsection

15(2) of the Employment and Immigration Department and Commission Act (R.S.C., 1985, c. E-5) and section 170 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

CHAPTER 2.00 PURPOSES OF AGREEMENT

Purposes of agreement

2.01 The purposes of this Agreement are to provide for the application of the Act respecting industrial accidents and occupational diseases to participants and members of the administrative personnel and to determine the respective obligations of the CEIC and of the Commission, on the conditions and to the extent set forth herein.

Other purpose

Another purpose of this Agreement is to provide for the non-application of the provisions concerning the re-assignment or the protective re-assignment of a pregnant or breast-feeding worker in the Act respecting occupational health and safety.

CHAPTER 3.00 DEFINITIONS

“CEIC”

(a) CEIC means the Employment and Immigration Commission established by section 9 of the Employment and Immigration Department and Commission Act (R.S.C., 1985, c. E-5) or any other agency that might be substituted for it by an Act of Parliament;

“Commission”

(b) 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);

“contribution”

(c) contribution means the contribution paid for a participant or a member of the administrative personnel in the form of, as the case may be,

i. any amount paid by the CEIC as wages or as an allowance;

ii. any unemployment insurance benefits paid for a participant, to which any amount paid as an allowance may be added, where applicable.

This definition excludes additional allowances paid for day-care expenses, transportation costs or any other amount that may not be considered as employment income;

“*employment injury*”

(d) 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;

“*Act*”

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

“*participant*”

(f) participant means any person registered, in particular, in a program appearing in Schedule I;

“*member of the administrative personnel*”

(g) member of the administrative personnel means any person registered, in particular, in a program mentioned in Schedule I;

“*promoter*”

(h) promoter means a municipal administration, a Native band council, a health institution, a public educational institution, a business or any other organization that has entered into an agreement with the CEIC for the purposes of implementing and carrying out a program administered by the CEIC and covered by this Agreement.

CHAPTER

4.00 OBLIGATIONS OF THE CEIC

Employer

4.01 The CEIC is deemed to be the employer of any participant or any member of the administrative personnel covered by this Agreement, for the exclusive purposes of the statement of the contributions paid by it for participants or

members of the administrative personnel who are registered in the programs subject to this Agreement, the payment of the assessment calculated by the Commission and the imputation of the cost of the benefits paid by the Commission by reason of an employment injury.

Exclusions

It is understood that participants and members of the administrative personnel covered by this Agreement are neither employees, officers or servants of Her Majesty in right of Canada or of the CEIC for the purposes of any Act and, in particular, the Crown Liability and Proceedings Act (R.S.C., 1985, c. C-50), nor employees of the State for the purposes of the Government Employees Compensation Act (R.S.C., 1985, c. G-5).

Transportation costs

4.02 The CEIC shall assume the transportation costs referred to in section 190 of the Act where those costs are impossible to recover from the promoter.

Promoter's obligations

4.03 The CEIC shall inform promoters that they are bound by all the other employers' obligations provided for in the Act, except for the obligations set out in section 32 pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against him, sections 179 and 180 concerning temporary assignment and Chapter VII respecting the right to return to work, which do not apply to them.

Other exception

Likewise, Subdivision 4 of Division I of Chapter III of the Act respecting occupational health and safety does not apply to promoters.

Confirmation of participation

4.04 If the Commission so requests, the CEIC shall confirm the name of a participant, member of the administrative personnel or promoter subject to this Agreement.

<i>Payment of assessments</i>	4.05 The CEIC shall pay the assessment calculated by the Commission on the basis of the general rate of the unit corresponding to the economic activities in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities, in accordance with the Act and the regulations made thereunder.	<i>Description of programs</i>	4.08 The CEIC shall forward to the Commission, upon the coming into force of this Agreement, a description of every program appearing in Schedule I.
<i>Fixed administrative costs</i>	The foregoing also applies to the fixed administrative costs associated with the opening of each financial record.	<i>New program or amendment</i>	Every new program and every subsequent amendment to a program appearing in Schedule I shall be forwarded so that it may be evaluated and a decision may be made whether to include or to retain it under this Agreement.
<i>Minimum</i>	4.06 For assessment purposes, the CEIC is deemed to pay wages that correspond to the contributions paid by it for participants or for members of the administrative personnel who are registered in a program subject to this Agreement.	CHAPTER	5.00 OBLIGATIONS OF THE COMMISSION
<i>Contributions paid</i>	4.07 The CEIC shall forward to the Commission, not later than 30 June of each year, the final amount of the contributions paid for participants or members of the administrative personnel registered in a program during the period between 1 April of the preceding year and 31 March of the current year and shall pay, where applicable, any balance on the assessment calculated by the Commission.	<i>Worker status</i>	5.01 The Commission shall consider a participant or a member of the administrative personnel who is registered in any of the programs subject to this Agreement to be a worker within the meaning of the Act.
<i>Overpayment</i>	The Commission shall apply any assessment amount overpaid by the CEIC to the assessment due for a subsequent year.	<i>Indemnity</i>	5.02 A participant or a member of the administrative personnel who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his inability to carry on the remunerated employment he is holding at the time the employment injury appears.
<i>Estimation of contributions</i>	The CEIC shall also forward to the Commission, not later than 1 September of each year, an estimation of the contributions paid for participants or members of the administrative personnel registered or likely to be registered in a program during the period between 1 April of the current year and 31 March of the following year.		If the participant or member of the administrative personnel has no remunerated employment at the time his employment injury appears, he is entitled, from the first day following the beginning of his inability, to the income replacement indemnity if he becomes unable, by reason of that injury, to carry on his usual employment or, if he does not carry on such employment usually, the employment that could have been his usual employment, considering his training, work experience and physical and intellectual capacity before his injury appeared.

<i>Payment</i>	5.03 Notwithstanding section 60 of the Act, the Commission shall pay to the participant or to the member of the administrative personnel the income replacement indemnity to which he is entitled.		members of the administrative personnel or for a delay in filing the statement of the final amount of the contributions paid for participants or members of the administrative personnel.
<i>Calculation of the indemnity</i>	5.04 For the purposes of calculating the income replacement indemnity, the gross annual employment income of the participant or member of the administrative personnel is the amount of the contribution paid by the CEIC.	CHAPTER <i>Monitoring of progress of Agreement</i>	6.00 MISCELLANEOUS 6.01 Within 15 days following the coming into force of this Agreement, both the CEIC and the Commission shall designate a person who will be responsible for monitoring the progress of this Agreement.
<i>Recurrence, relapse or aggravation</i>	In the event of a recurrence, a relapse or an aggravation, where the participant or the member of the administrative personnel has a remunerated employment, the gross annual income is, for the purposes of calculating the income replacement indemnity, established in accordance with section 70 of the Act. However, if he is unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which he derived from the employment out of or in the course of which he suffered his employment injury; that gross income is revalorized on 1 January of each year from the date he ceased to hold the employment.	<i>Addresses for notices</i>	6.06 Every notice provided for in this Agreement shall be sent to the following addresses: (a) Director of Employment and Skills Development Human Resources Development Canada 1441, rue Saint-Urbain, 3 ^e étage Montréal (Québec) H2X 2M6 (b) Le Secrétaire de la Commission Commission de la santé et de la sécurité du travail 1199, rue De Bleury, 14 ^e étage Montréal (Québec) H3C 4E1.
<i>Exception</i>	However, entitlement to an income replacement indemnity and the calculation thereof for a participant or a member of the administrative personnel who is considered to be a worker under this Agreement and who is a full-time student shall be determined according to sections 79 and 80 of the Act.	CHAPTER <i>Taking effect</i>	7.00 COMING INTO FORCE, TERM AND AMENDMENTS 7.01 This Agreement takes effect on the date of coming into force of the Regulation adopted for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.
<i>Financial records</i>	5.05 The Commission shall open a financial record in respect of each program and shall charge the related fixed administrative costs to the CEIC.	<i>Term</i>	7.02 It shall remain in force until 31 March 1997.
<i>Penalties</i>	5.06 The Commission shall not impose any penalty on the CEIC for an underestimation of the contributions paid for participants or	<i>Tacit renewal</i>	7.03 It shall subsequently be renewed tacitly for successive 12-month periods, unless one of the parties sends to the other party,

by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

Amendments

7.04 In the latter case, the notice shall contain the amendments that the party wishes to make.

Renewal

7.05 The sending of the notice provided for in section 7.04 shall not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement shall be terminated, without further notice, at the expiry of that period.

CHAPTER

8.00 CANCELLATION OF THE AGREEMENT

Non-compliance

8.01 If the CEIC fails to comply with any of its obligations, the Commission may send a notice in writing to request that the CEIC remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement unilaterally by giving notice in writing.

Date

8.02 The Agreement shall then be cancelled on the date on which the notice of cancellation provided for in section 8.01 is sent.

Financial adjustments

8.03 In the event of cancellation, the Commission shall make financial adjustments on the basis of the amounts payable under this Agreement.

Sum due

8.04 Any sum due after such financial adjustments have been made shall be payable on the due date appearing on the notice of assessment.

Mutual agreement

8.05 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.06 In the event of cancellation, neither party shall be required to pay damages, interest or any other form of indemnity or charges to the other party.

SCHEDULE I TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO THE AGREEMENT

— Youth Employment and Learning Strategy:

(a) program “Student Summer Job Action”:
— option “Summer Career Placements”;
— option “Summer Youth Service Canada”;

(b) “Youth” component:
— program “Youth Service Canada”;
— program “Youth Internship Canada”;

— Employability Improvement:

(a) “Project-Based Training” component;

(b) “Employment Assistance” component;

— Community Futures:

(a) “Local Projects” component:
— “Job Development Projects” measure (regulars and social assistance recipients);
— “Job Creation Projects” measure;

— Atlantic Groundfish Strategy:

(a) “Labour Market Adjustment” component:
— “Environmental Projects” measure;
— “Community Opportunities” measure.

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Gouvernement du Québec

O.C. 295-97, 5 March 1997

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

Agreement regarding the programs of the Office Franco-Québécois pour la Jeunesse

Regulation respecting the implementation of the Agreement regarding the programs of the Office Franco-Québécois pour la Jeunesse