

Draft Regulations

Draft Regulation

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

Grouping of employers for the purposes of applying personalized rates and the procedures for calculating those rates

— Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), 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, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail, with or without amendments, and submitted to the Government for approval, upon the expiry of 45 days following this publication.

The object of the Regulation is to determine the framework, under section 284.2 of the Act respecting industrial accidents and occupational diseases, within which the Commission de la santé et de la sécurité du travail may make, with a group of employers it considers appropriate, an agreement determining, in particular, the special conditions governing the application to the employers of personalized rates and procedures for calculating such rates.

To date, study of the matter has revealed the following impact on the public and on the businesses directly concerned:

— A greater number of small employers will benefit from a method for calculating their assessment which takes into account the actual cost of the employment injuries sustained by their workers;

— Employers who make such an agreement will have a stronger incentive to implement measures encouraging the prevention of employment injuries, as well as the rehabilitation and return to work of their workers suffering from employment injuries in order to reduce the cost of their employment injuries and therefore reduce their assessment;

— The implementation of such measures by employers who are parties to such an agreement should bring about a reduction in the number and seriousness of employment injuries sustained by their workers.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Lonchamps, Vice-President for Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

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

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, 1st 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 60th 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 150th 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 150th 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 day of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting the Société québécoise de développement de la main-d'oeuvre
(R.S.Q., c. S-22.001)

Fees payable — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting fees payable for certain services offered by the Société québécoise de développement de la main-d'oeuvre, the