

Regulations and other acts

Gouvernement du Québec

O.C. 460-2000, 5 April 2000

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

Occupational health and safety in mines

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 1, 7, 9, 14, 19, 41 and 42 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 make regulations with respect to the matters referred to in those subparagraphs;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply, and whereas under that same paragraph the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

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 of the Regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 8 September 1999 with a notice that upon the expiry of 60 days following that publication it would be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission adopted, with amendments, the Regulation to amend the Regulation respecting occupational health and safety in mines at its sitting of 16 December 1999;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7, 9, 14, 19, 41, 42, and 2nd and 3rd par.)

1. Section 1 of the Regulation respecting occupational health and safety in mines is amended by inserting the following definition in the appropriate alphabetical order:

“misfire”: any part or remainder of a hole containing explosives that have not completely detonated following a blast; (*raté*)”.

2. Section 2 is amended

(1) by inserting “to 7,” after “3”; and

(2) by inserting “372,” after “349.”.

3. Section 4 is amended by substituting “full body harness” for “safety belt with a lanyard”.

4. The following section is inserted after section 4:

“4.1. The worker must wear a safety belt with a lanyard when he is near an opening that is more than

* The Regulation respecting occupational health and safety in mines, made by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the Regulation made by Order in Council 1236-98 dated 23 September 1998 (1998, *G.O.* 2, 4049). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

3 metres deep (9.8 ft.) in order to prevent any fall into that opening.”.

5. The following is substituted for section 5:

“5. The body harness shall:

(1) comply with CAN/CSA Standard Z259.10-M90, Full Body Harnesses;

(2) be equipped with a shock absorber that complies with CAN/CSA Standard Z259.11-M92, Shock Absorbers for Personal Fall Arrest Systems;

(3) be equipped with a lanyard that does not allow a fall of more than 1.2 metres (3.9 ft.) and complies with CAN/CSA Standard Z259.1-95, Safety Belts and Lanyards.”.

6. The following section is inserted after section 5:

“5.1. The safety belt shall:

(1) comply with CAN/CSA Standard Z259.1-95, Safety Belts and Lanyards;

(2) be equipped with a lanyard that does not allow a fall of more than 1.2 metres (3.9 ft.) and complies with the standard referred to in paragraph 1.”.

7. Section 6 is amended

(1) by substituting the following for the part preceding paragraph 1:

“6. The fastening point of the lanyard of a full body harness and a safety belt shall be installed in one of the following ways:”; and

(2) by substituting the following for paragraph 2:

“(2) by fastening it to a fall-arresting device connected to a vertical lifeline in compliance with CSA Standard Z259.2.1-98, Fall-Arresting Devices and Vertical Lifelines;

(3) by fastening it to a horizontal cable and anchoring system devised by an engineer as attested to by a plan or certification kept on the mine site and available at all times.”.

8. The following is substituted for section 7:

“7. The vertical lifeline shall:

(1) comply with CSA Standard Z259.2.1-98, Fall-Arresting Devices and Vertical Lifelines;

(2) be used by only one person;

(3) be less than 90 metres long (295.3 ft.);

(4) be fixed to an individual anchor having a breaking strength of at least 18 kilonewtons (4 046.6 lbs.);

(5) be protected so as to prevent contact with a sharp edge.”.

9. The following is substituted for the first paragraph of section 16:

“16. Any access to an abandoned underground working shall be closed off where the working is not in compliance with any of the standards set out in sections 28, 35, 51, 53 to 75, 85, 86, 95, 104, 120 and 398.”.

10. Section 27.1 is amended by substituting “l’Or-et-des-Bois” for “Val-d’Or” in subparagraphs 1 and 2 of the first paragraph.

11. In the French text, section number “28.01.1” is substituted for “28.0.1”.

12. Section 54 is amended by substituting the following for subparagraph 4 of the first paragraph:

“(4) have a minimum capacity of 8 persons, except during the sinking of a shaft when the number of persons may be less than 8;”.

13. Section 55 is amended by inserting “, except when a bucket is used to transport persons,” after “shaft” in the third paragraph.

14. The following section is inserted after section 70:

“70.1. Any underground footbridge or platform higher than one metre (3.3 ft.) above the ground or floor, other than the platform referred to in section 364, shall be equipped with guardrails on sides where there is the risk of a fall.”.

15. Section 92 is revoked.

16. Section 100.1 is amended

(1) by inserting “and, in accordance with the provisions of Schedule VII,” after “applicable,”; and

(2) by adding the following paragraph at the end:

“For the purposes of this section, CAN/CSA Standard M424.2-M90, Non-Rail-Bound Diesel-Powered Machines for Use in Non-Gassy Underground Mines and CAN/CSA Standard M424.1-88, Flameproof Non-Rail-Bound Diesel-Powered Machines for Use in Gassy Underground Coal Mines, shall apply to any diesel motor used underground notwithstanding the field of application specified in those standards.”

17. Section 102 is amended

(1) by substituting the following for paragraph 2:

“(2) notwithstanding paragraph 2 of section 101, when several pieces of equipment operated by diesel engines are used simultaneously in one ventilation circuit, the volume of fresh air shall be:

(a) for motors certified under Part 31 and Part 32 of Title 30, Code of Federal Regulations, Mine Safety and Health Administration, and for non-certified motors, 100 % of the flow given for the most demanding unit in terms of ventilation, 75 % of the flow given for the second unit and 50 % of the flow given for any additional unit, up to a minimum of 2.7 cubic metres per minute per kilowatt (71 cu. ft. per minute per HP) at the engine shaft;

(b) for motors certified under CAN/CSA Standard M424.2-M90, Non-Rail-Bound Diesel-Powered Machines for Use in Non-Gassy Underground Mines or under CAN/CSA Standard M424.1-88, Flameproof Non-Rail-Bound Diesel-Powered Machines for Use in Gassy Underground Coal Mines, and, in accordance with the provisions of Schedule VII, 100 % of the flow given for each motor used in the ventilation circuit;

(c) equal to or greater than the total of the fresh air flow prescribed in subparagraph *a* or *b*, as the case may be, when the diesel engines referred to therein are used simultaneously;”;

(2) by substituting “0.05 %” for “0.25 %” in paragraph 4;

(3) by adding the following paragraph after paragraph 10:

“For the purposes of subparagraph *b* of paragraph 2, CAN/CSA Standard M424.2-M90, Non-Rail-Bound Diesel-Powered Machines for Use in Non-Gassy Underground Mines, and CAN/CSA Standard M424.1-88, Flameproof Non-Rail-Bound Diesel-Powered Machines for Use in Gassy Underground Coal Mines, apply to any diesel engine used underground notwithstanding the area of application specified in those standards.”

18. Section 150 is amended

(1) by substituting “, except for solid wastes which may be buried in a fill” for “or buried in the fill”; and

(2) by substituting, in the English text, “149” for “145”.

19. Section 208 is amended by substituting “5.1” for “5” in paragraph 8.

20. The following section is inserted after section 210:

“**210.1** Notwithstanding paragraph 2 of section 210, rail-bound equipment may be used where it is only partly visible to the operator provided that measures be taken to meet one of the following conditions:

(1) no one, with the exception of those persons whose presence is required to operate the equipment, may enter the area where the equipment is moving;

(2) the remote control shall be equipped with a device that will stop the equipment as soon as any person enters the area where the equipment is moving.”

21. Section 211 is amended by adding the following paragraph at the end:

“Subparagraph 3 of the first paragraph does not apply to rail-bound equipment, in which case the equipment operator shall remain outside the track.”

22. The following is substituted for section 242:

“**242.** When transporting persons, a conveyance shall travel at a speed of less than 8 metres (26.2 ft.) per second.

Where the rated speed of the conveyance is more than 8 metres (26.2 ft.) per second, a device to limit its speed shall be installed and be activated automatically when the operator of the hoist responds to a three-bell signal.”

23. Section 316 is amended by substituting the following for the second sentence:

“The cage shall meet the standards set out in sections 323 to 325, have metal side walls with doors and be independent from any motorized device for the transport of persons described in section 53.”

24. Section 356 is amended by deleting paragraph 6.

25. Section 361 is amended by substituting “shall be operational in the raise within 4 hours” for “shall be available within 2 hours”.

26. The following is substituted for section 372:

“372. It is prohibited to clean or inspect a component of a moving conveyor unless the process used does not require any handling that may cause a worker to come into contact with a moving element.”.

27. Section 394 is amended

(1) by substituting “connected to the hoisting rope in compliance with CAN/CSA Standard Z259.1-95, Safety Belts and Lanyards,” for “mentioned in the first paragraph of section 5 and connected to the hoisting rope” in the first paragraph; and

(2) by adding, in the English text, the following paragraph after the second paragraph:

“In addition, the fastening point of the lanyard shall comply with section 6.”.

28. The following is substituted for section 398:

“398. Except where a mechanical device eliminating the need for ladders is used, any raise inclined at more than 50 degrees from the horizontal and driven for a distance of more than 10 metres (32.8 ft.) shall be divided into at least two compartments, one of which shall be used for a travelway, be equipped with ladders in accordance with sections 67 and 68 and be separated from the other compartments by a partition, a protective grate or by another similar protective separation in order to prevent workers moving in the compartment from being hit by rocks or other matter coming from another compartment.

The timbering may never be more than five metres (16.4 ft.) from the active heading and before each blast, the upper opening of the compartment containing the ladders shall be closed and covered to prevent any rocks from falling into that compartment during the blast.”.

29. The following section is added after section 418:

“418.1 Notwithstanding subparagraph 5 of the second paragraph of section 418, during the sinking of a shaft and the ensuing development work, the recess may be at a minimum distance of 10 metres (32.8 ft.) from the shaft and the working face until the progress of the work allows compliance with the requirements of subparagraph 5 of the second paragraph of section 418, in

which case the quantity of explosives stored in the recess may never exceed the quantity required for one shift.”.

30. Section 424 is amended by substituting the following for subparagraph *a* of paragraph 1:

“(a) a shaft;”.

31. Section 439 is amended by adding the following after paragraph 4:

“(5) the distance stipulated, in the case of a frozen cut, in any of the following situations:

(a) 300 millimetres (12 in.) from the frozen cut, where it is 460 millimetres (18 in.) deep or less;

(b) a distance equal to the depth of the frozen cut, where it is more than 460 millimetres (18 in.) but less than 915 millimetres (36 in.) deep;

(c) 915 millimetres (36 in.) from the frozen cut, where it is more than 915 millimetres (36 in.) deep.

For the purposes of clauses *a*, *b* and *c* of subparagraph 5 of the first paragraph, the prescribed minimum distance for drilling holes shall be measured from a circle marking the outside edge of the frozen cut and the holes shall be drilled parallel to the cut. In the cases of clauses *b* and *c* of the said subparagraph, the drill holes shall not be deeper than the frozen cut.

For the purposes of subparagraph 5 of the first paragraph, “frozen cut” means the first holes blasted in a round that did not break the rock as expected but rather fractured and compacted it and where explosives are not detected.”.

32. Section 457 is amended by inserting “and cellular telephones with a wattage of more than 600 milliwatts” after “transmitters” in subparagraph *c* of paragraph 8.

33. The Regulation is amended by substituting the following for paragraphs 2 and 3 of Schedule IV:

“(2) Any building or explosives magazine not referred to in paragraph 3;

(3) Any other explosives magazine separated by a mound of earth or equivalent substance that is as high as the edge of the roof of the explosives magazine and at least one metre (3.3 ft.) wide at the top so as to form a shield between each magazine. (Column 3 applies only to the distance between explosives magazines).”.

34. The Regulation is amended by adding the attached Schedule VII.

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

SCHEDULE VII

(ss. 100.1 and 102)

MINIMUM VENTILATION RATE (CANMET CERTIFICATION

The minimum ventilation rate of a diesel engine used in an underground mine shall be the higher of the values calculated in accordance with the following methods:

(a) the rate required to dilute contaminants in the exhaust gases in accordance with CAN/CSA Standard M424.2M90, Non-Rail-Bound Diesel-Powered Machines for Use in Non-Gassy Underground Mines or CAN/CSA Standard M424.1-88, Flameproof Non-Rail-Bound Diesel-Powered Machines for Use in Gassy Underground Coal Mines, as the case may be;

(b) the rate required to dilute the predominant contaminant to a concentration equal to the value of the denominator, which represents the contaminant, where the value calculated in accordance with paragraph a is insufficient to dilute the combustion emissions indicated in the equation below to concentrations lower than the respective individual value of the denominator in that equation for each of the contaminants.

Equation:

$$EQI = \frac{CO}{50} + \frac{NO}{25} + \frac{RCD}{2} + 1.5 \left(\frac{SO_2}{3} + \frac{RCD}{2} \right) + 1.2 \left(\frac{NO_2}{3} + \frac{RCD}{2} \right)$$

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Gouvernement du Québec

O.C. 462-2000, 5 April 2000

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

Installation of petroleum equipment — Amendments

Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS the Government made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33);

WHEREAS the contracting parties within the meaning of the Decree petitioned the Minister of State for Labour and Employment and Minister of Labour to have certain amendments made to it;

WHEREAS sections 2, 6.1 and 6.2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to extend a collective agreement and to amend an extension decree upon request of the contracting parties by making, if such is the case, the amendments that it deems expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amendment decree, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 2 June 1999 and, on 4 June 1999, in two French-language newspapers and one English-language newspaper, with a notice that it could be made by the Government at the expiry of the 45 days following that publication;

WHEREAS it is expedient to make this draft Decree with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

Le greffier du Conseil exécutif,
MICHEL NOËL DE TILLY

Decree to amend the Decree respecting the installation of petroleum equipment*

Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2, 6.1 and 6.2)

1. Section 1.01 of the Decree respecting the installation of petroleum equipment is amended by substituting the following for section 6.03:

“6.03. Amount of compensation: At each pay period, the employer credits each of his employees with an

* The Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33) was last amended by the Regulation made by Order in Council No. 1152-99 dated 6 October 1999 (1999, *G.O.* 2, 3683). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.