

1. as of (*insert here the date of the coming into force of the Decree*):

- (a) Class A \$12.55;
- (b) Class B \$12.15;
- (c) Class C \$13.05.

2. As of (*insert here the date of the first anniversary of the coming into force of the Decree*):

- (a) Class A \$12.85;
- (b) Class B \$12.45;
- (c) Class C \$13.35;

3. As of (*insert here the date of the second anniversary of the coming into force of the Decree*):

- (a) Class A \$13.15;
- (b) Class B \$12.75;
- (c) Class C \$13.65;

4. As of 31 May 2005:

- (a) Class A \$13.55;
- (b) Class B \$13.15;
- (c) Class C \$14.05.”.

4. Section 9.01 is amended by substituting the following for subparagraph *a* of paragraph 1:

(a) 5 consecutive days, on the occasion of the death of his spouse, his child or the child of his spouse;”.

5. Section 11.02 is amended in the French version by substituting the words “service continu” for “services continus”.

6. The following is substituted for section 14.01:

“**14.01.** The Decree remains in force until 31 May 2005. It is automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of Labour and to the other contracting party during the month of December of the year 2004 or during the month of December of any subsequent year.”.

7. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

4458

Draft Regulation

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

Occupational health and safety in mines — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to protect the health and ensure the safety of workers in the mining industry and to prescribe standards more appropriate to this sector.

To that end, the draft Regulation proposes to add new provisions related to the forwarding of a notice to the Commission where certain events occur and provisions related to the use of a new type of motorized vehicle, the all-terrain vehicle. It proposes, in addition, to amend certain provisions concerning air quality, certain equipment, such as motorized vehicles and remote controlled equipment. It provides increased safety measures on certain equipment, such as electrical hoisting plants, friction pulleys and hoists controlled by a programmed electronic system.

It also clarifies the handling, use, storage and transportation of explosives. Lastly, it provides that certain categories of persons working underground should receive more elaborate training with respect to occupational health and safety.

To date, study of the matter has shown little impact on small and medium-sized businesses.

Further information may be obtained by contacting Gilles Gagnon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2, telephone: (418) 266-4699, fax: (418) 266-4698.

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 Alain Albert, Vice Chairman, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 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 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. 51, par. 9, s. 223, 1st par. subpars. 1, 7, 9, 19, 41, 42, 2nd and 3rd pars.)

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:

““braking device” means any brake or all brakes activated independently from the energy of a hoist and capable of stopping a moving drum or friction pulley on a hoist;”

2. The following is inserted after section 25:

“25.1. A written notice shall be sent to the Commission within 24 hours

(1) of the occurrence of any of the following events:

(a) an accident or incident related to a crane, hoist, headsheave, hoisting rope, cage, skip, bucket or to the timbering of a shaft;

(b) an explosion or a fire related to a compressor, a compressed air tank or pipe;

(c) an explosion related to a boiler;

(d) an abnormal or unexpected inrush;

(e) a crack in a watertight bulkhead or dam retaining more than 23 cubic metres of water (812 cu. ft.);

(f) a fire in an underground mine, the head frame of a shaft, a hoistroom or an explosives magazine;

(g) a premature or unexpected firing provoking the ignition of explosives;

(h) an air blast or an important and unexpected ground movement;

(i) the fainting of a person due to harmful gas or oxygen deficiency;

(2) of acknowledging of the presence of a flammable gas in an underground mine.”.

3. The following is substituted for section 27.1:

“27.1. Within six months following the date of coming into force of this Regulation, any person working underground shall

(1) undergo training in occupational health and safety in accordance with Modules I, II, III, V and VII of the modular course for miners published by the Commission scolaire de l’Or-et-des-Bois; and

(2) hold an attestation to that effect issued by the Commission scolaire de l’Or-et-des-Bois.

The conditions prescribed in subparagraphs 1 and 2 of the first paragraph shall apply to a person who is hired after the expiry of the six-month period provided for in the first paragraph; notwithstanding the preceding, that person shall receive training in occupational health and safety in accordance with Modules I, II, and III within four months and, in accordance with Modules V and VII within six months of the date of hiring.

That person shall, until he meets the conditions prescribed in the first and second paragraphs, be accompanied by a person who has already received training in accordance with Module I of the course.

A person who occasionally works underground is exempted from the conditions prescribed in the first and second paragraphs; however, that person shall be accompanied by a person referred to therein.”.

4. Section 54 is amended by substituting the following for clause a of subparagraph 5 of the first paragraph:

“(a) have sufficient power to supply the facility and be reserved in priority to that facility;”.

* 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 approved by Order in Council 639-2000 dated 24 May 2000 (2000, G.O. 2, 2536). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

5. Section 103.1 is amended

(1) by inserting “et les modalités” after the word “fréquences” in the first paragraph of the French text; and

(2) by adding the following after paragraph 2:

“(3) the strategy for sampling such dust must be applied in accordance with the common practices of industrial hygiene summarized in the Guide d'échantillonnage des contaminants de l'air en milieu de travail published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time it applies.”.

6. Section 134 is amended by substituting “manufactured” for “purchased” in subparagraph 1 of the first paragraph.

7. Section 142 is amended

(1) by substituting “install” for “have” in the part preceding paragraph 1; and

(2) by inserting “have” after “or” in the part preceding paragraph 1.

8. The following is substituted for section 168:

“**168.** The oxygen supply hose and the combustible gas supply hose of a welding torch shall be equipped with at least one nonreturn gas device and at least one nonreturn flame device. Those devices must be installed according to the instructions of the manufacturer.”.

9. Section 183 is amended by adding the following paragraph at the end:

“The design, manufacturing or installation of a protective structure is deemed to be made in accordance with Chapter 6 of the standard provided for in the first paragraph, if it is subject to an attestation signed and sealed by an engineer.”.

10. Section 211 is amended by inserting “except for a digital remote control with single encoding,” before “answer” in subparagraph 2 of the first paragraph.

11. Section 213 is amended by substituting “Except for a digital remote control with single encoding, where” for “Where”.

12. The following is inserted after subdivision 5 of Division VI:

“§6. *All terrain-vehicles*

214.1. The use of all-terrain vehicles in an underground mine is permitted only under the following conditions:

(1) it is mounted on at least four wheels;

(2) it is equipped with a rotating light placed at least 2 metres (6.6 ft.) off the ground;

(3) it is equipped with a fixed closed box for the transportation of tools and small material;

(4) it is prohibited to install a winch on the vehicle;

(5) it may not be used to transport personnel;

(6) the driver has the skill and knowledge required to safely use the vehicle; and

(7) the driver shall wear the following pieces of individual protective equipment:

(a) a motorcycle or snowmobile protective helmet conforming to the standards provided for in the Regulation respecting protective helmets for persons riding motorcycles, mopeds or snowmobiles and for their passengers made by Order in Council 1015-95 dated 19 July 1995; and

(b) flexible leather gloves or gloves made of a material that ensures a good grip on the handles and controls of the vehicle.

For the purposes of this section, “all-terrain vehicle” means a pleasure vehicle designed for driving elsewhere than on public highways and having a net mass not exceeding 450 kilograms (990 lb.)

13. Section 222 is amended by inserting “required in this Regulation” after “devices”.

14. The following is substituted for section 225:

“**225.** At the beginning of his shift and before transporting persons or material, the hoistman shall check that each braking device required in section 250 can stop and hold the maximum load suspended from the corresponding drum by trying each braking device according to a procedure established by an engineer or a body specializing in the field. He shall not disengage the hoist clutch before carrying out the tests.

The testing procedure shall be available at the hoistman's work station.”.

15. Section 232 is amended by adding “and of section 242” at the end of paragraph 4.

16. Section 237 is amended by substituting “braking devices” for “brakes” in the part preceding paragraph 1.

17. The following is inserted after section 237:

“**237.1.** Section 237 shall apply to a hoist controlled by a programmable electronic system, except for paragraphs 1 and 2.”

18. Section 243 is amended by adding the following sentence at the end: “In case the electrical supply breaks down, that indicator shall show the position of the conveyance and the counterweight for at least one hour and return to the value corresponding to the return current.”

19. Section 246 is amended by substituting “braking device” for “brake” whenever it appears in the section.

20. Section 250 is amended

(1) by substituting the following for the first paragraph:

“**250.** Where a hoist is used to transport persons or material or during shaft sinking work, it shall have at least two separate braking devices that are activated by independent systems.”; and

(2) by deleting the third paragraph.

21. Section 251 is amended

(1) by substituting “braking devices and clutch” for “brake and clutch systems”;

(2) by inserting “mechanically” after “interlocked”; and

(3) by substituting “braking devices” for “brakes” at the end;

22. Section 253 is amended by adding the following paragraphs at the end:

“The programmable monitoring electronic system may only be connected to a communication network that is required for its own operation.

If changes to the programming or operating parameters must be made from a distance, safety measures must be set up to ensure that those changes show a level of safety equivalent to that provided for if such measures were made within sight of the hoist.”

23. The following is inserted after section 260:

“**260.1.** Where a hoist is controlled by a programmable electronic system, a continuous alternate supply source shall be provided to ensure the operation of the control in case the electrical supply breaks down, in order to adjust the deceleration until the hoist comes to a complete stop. The operation of that alternate supply source shall self-check itself.”

24. Section 295 is amended by adding the following sentence at the end of paragraph 1: “Six months after its installation, the part of the rope forming the attachment to the conveyance or counterweight must be cut and discarded;”.

25. The following is inserted after section 295:

“**295.1.** Notwithstanding subparagraph 1 of the first paragraph of section 295, where the expected life of a hoisting rope of a drum hoist is less than 15 months, the rope shall undergo an electromagnetic examination at intervals not exceeding three months and a breaking test at intervals not exceeding six months after it is put into service.

For the purposes of this section, the expected life of a hoisting rope of a new installation of a drum hoist or of a change in such a hoist that may affect the life of the rope is considered to be less than 15 months.”

26. Section 388 is amended by adding “or by a permanent visual signal on a screen” at the end of subparagraphs 1 and 2.

27. The following is substituted for section 409:

“**409.** For opening explosives packaging, only tools not causing sparks may be used.”

28. Section 415 is amended

(1) by inserting “located underground or on the surface” in the part preceding paragraph 1 and after “explosives”; and

(2) by substituting the following for paragraphs 3 and 4:

“(3) have a smooth and easy-to-clean floor;

(4) should there be any nitroglycerine present, have their shelves and floor treated with a neutralizing product when contaminated by explosive substances, according to the method prescribed by the manufacturer;”.

29. Section 417 is amended by substituting “102 millimetres (4 in.)” for “75 millimetres (3 in.)” in paragraph 2.

30. Section 423 is amended

(1) by substituting the following for paragraph 1 :

“(1) the quantity of explosives so stored does not exceed the quantity that can be loaded for the shifts planned on the workday schedule;”;

(2) by adding the following after paragraph 2 :

“(3) the place of loading is identified by notices bearing the word “LOADING” in light-reflecting paint on both sides in letters at least 102 millimetres (4,0 in.) high and by at least one flashing red light installed at no less than 8 metres (26.2 ft.) from the site where explosives are stored;

(4) access to the loading area is closed in the absence of attendants assigned to that task by safety devices such as a barrier or a guardrail, so as to prevent any contact between explosives and a motorized vehicle ; and

(5) only authorized workers have access to the loading area.”.

31. Section 430 is amended by adding “, except if a video-surveillance camera allows the hoistman to follow the loading.”.

32. The following is substituted for section 433 :

“**433.** In a shaft conveyance, blasting accessories, ignition fuses and other types of explosives shall be placed in separate closed containers or between partitions made of wood or other spark arrester material, identified by the word EXPLOSIVES written on both sides in white letters at least 102 millimetres (4,0 in.) high and used exclusively for that purpose.”.

33. Schedule VI is amended in section 5 by inserting the following after the third paragraph :

“Sampling shall focus on the total duration of the shift.”.

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