

## Draft Regulations

### Draft Regulation

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

#### Retrospective adjustment of the assessment — 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 Regulation amending the Regulation respecting retrospective adjustment of the assessment, the text of which appears below, shall be adopted by the Commission, with or without amendment, upon the expiry of forty-five (45) days after publication of this notice.

The draft Regulation is intended to permit the Cree Bands and their subsidiaries to file an application to be considered one and the same employer for the purposes of retrospective adjustment of the assessment.

To date, study of the matter has revealed the following impact on the employers concerned:

— a stronger incentive for employers to take accident prevention measures and reintegrate into the workforce workers who have suffered employment injuries; and

— access on request to a ratemaking plan that takes into account individual employer experience in respect of the cost of employment injuries suffered by its workers.

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

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 amending the Regulation respecting retrospective adjustment of the assessment\*

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)

1. The Regulation respecting retrospective adjustment of the assessment is hereby amended by replacing the reference to the Act respecting industrial accidents and occupational diseases appearing under the title of the Regulation with the following: “(R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)”.

2. Section 38 of the Regulation is hereby amended by replacing the words “of this Chapter” with the words “of this Division and of Division II”.

3. The second paragraph of each of sections 39, 60, 61, 65 and 77 of the Regulation is hereby amended by replacing the words “Division I” with the words “Division II”.

4. Section 64 of the Regulation is hereby amended by replacing the words “Division I” with the words “Division II”.

5. The Regulation is hereby amended by inserting the following Division after Division III of Chapter VI:

#### “DIVISION III.1 CREE BANDS AND SUBSIDIARIES

##### 82.1 In this Division:

“Cree band”: means a band incorporated under section 12 of the Cree-Naskapi (of Québec) Act (Statutes of Canada (1984), chapter 18) including the Oujé-Bougoumou band;

\* The only amendments to the Regulation respecting retrospective adjustment of the assessment adopted by the Commission de la santé et de la sécurité du travail by Resolution A-85-98 of September 17, 1998 (1998, G.O. 2, 4156) were made by the Regulation amending the Regulation respecting retrospective adjustment of the assessment adopted by the Commission by Resolution A-74-99 of September 16, 1999 (1999, G.O. 2, 3183).

“control”: has the meaning ascribed to that term in section 32 of this Regulation;

“subsidiary”: means a corporation controlled by one or more Cree bands directly or through their subsidiaries;

“group”: means the group formed by Cree bands and their subsidiaries.

**82.2** For an assessment year, the employers belonging to the group may apply to be considered a single employer for the purpose of retrospective adjustment of the assessment.

**82.3** All the employers in the group shall file the application referred to in section 82.2 using the form in Schedule 7.

The application shall be accompanied by the following documents:

(1) a resolution from each employer in the group authorizing the filing of the application and designating one person to sign the application on its behalf;

(2) a resolution from each Cree band authorizing the application to be filed by their subsidiaries;

(3) a certificate from an outside auditor attesting to the composition of the group and to the control of the Cree bands over their subsidiaries; the certificate may not be dated prior to August 1 of the year preceding the assessment year and shall attest to the composition and to the control as at the date of the certificate.

**82.4** Within 45 days of a request from the Commission to that effect, the group of employers shall send the Commission a security in the form set forth in Schedule 8, signed by all the employers in the group, whereby they solidarily stand surety for each other respecting the assessment due by the group, including any adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the risk-related portion of the assessment rate applicable to the employer under section 305 of the Act and for the year preceding the assessment year, and all interest owing to the Commission.

Notwithstanding the foregoing, an employer shall not be required to stand surety for another member of the group where the employer is prohibited from doing so under the statute under which it was constituted.

Failure by the group to submit the security, as well as any other document required under this Regulation, to the Commission within the prescribed time limit, shall result in revocation of the application filed under section 82.2.

**82.5** The group may, in order to take into account the security required under section 82.4, submit to the Commission an insurance contract, a security contract or a guarantee contract of a legal person governed by the Bank Act (R.S.C., 1985, c. B-1), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Act respecting Insurance (R.S.Q., c. A-32) or the Act respecting Canadian and British Insurance Companies (S.R.C., c. I-15) whereby the person undertakes to pay the assessment due by the group, including the adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the employer's risk-related portion of the assessment rate applicable to it under section 305 of the Act for the year preceding the assessment year, and all interest owing to the Commission.

The contract shall remain in force until the expiration of the second year following the year of retrospective adjustment of the assessment referred to in section 22.

**82.6** The application referred to in section 82.2 shall be filed with the Commission prior to October 1 of the year preceding the assessment year and is irrevocable from January 1 of the assessment year.

The Commission shall rule on the admissibility of the application on the basis of the information contained therein on September 30 of the year preceding the assessment year and on the information that the Commission has in its possession at that time.

**82.7** For the purposes of this Division, a subsidiary in bankruptcy or being wound up at the time of the application provided for in section 82.2 is regarded as not controlled by one or more Cree bands.

**82.8** An employer who, after the date of the certificate prescribed in subparagraph (2) of the second paragraph of section 82.3, becomes a subsidiary of one or more Cree bands, is considered to be part of the group for the assessment year from the date it becomes a subsidiary. The same applies to a subsidiary or a Cree band that later becomes an employer, from the same date.

The election made by the group under Subdivision 2 of Division II of Chapter III is applicable to the employer.

**82.9** An employer who has filed an application under section 82.2 and who ceases to be controlled by one or more Cree bands after the date of the certificate prescribed in subparagraph (2) of the second paragraph of section 82.3, is no longer considered part of the group from the date on which the employer ceases to be so controlled.

If the employer then qualifies for retrospective adjustment of the assessment under section 4 for the assessment year, it is then considered to have elected the assumption limit applicable to the group pursuant to Subdivision 2 of Division II of Chapter III, unless the employer sends to the Commission the notice provided for in section 16 within the prescribed period.

**82.10** A group of employers that qualifies for or is subject to retrospective adjustment of the assessment pursuant to an application filed under section 82.2 and that ceases to qualify for or be subject to retrospective adjustment for a year may not file a new application under that section before the expiry of five years from that year.

Notwithstanding the foregoing, the first paragraph does not apply to a group of employers that ceases to qualify for or be subject to retrospective adjustment because it no longer satisfies the requirements stipulated in section 4, except if it does not file an application under section 82.2 in the first year that it again satisfies the requirements set forth in section 4.

**82.11** Employers considered one and the same employer for the purpose of retrospective adjustment of the assessment for a given year shall, prior to March 1 of the following year, furnish a certificate from an outside auditor attesting to the composition of the group, to the control of the Cree bands over their subsidiaries during the assessment year, and to any changes that may have occurred in the group during that year.

**82.12** A group that files an application under section 82.2 is regarded as having filed an application under section 5. However, the group is not entitled to have its qualification for retrospective adjustment of the assessment determined under subparagraph (1) of section 5.

Section 6 does not apply to the group.

**82.13** For the purpose of apportioning the retrospectively adjusted assessment among the employers in the group, the Commission shall calculate the adjusted assessment of each employer.

The risk-related portion of each employer's adjusted assessment is then multiplied by the results obtained by applying the following formula:

Risk-related portion of the group's adjusted assessment

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aggregate risk-related portion of the adjusted assessment of each employer in the group.”.

**6.** The English version of said Regulation is hereby amended by replacing the numbering of the division following section 82.13 in chapter VI with the following: “IV”.

**7.** The first paragraph of section 83 of the Regulation is hereby amended by replacing the words “and II” with “, II and III.1”.

**8.** Section 85 of the Regulation is hereby amended by replacing the words “or 58” with the words “, 58, 82.4 or 82.5”.

**9.** The Regulation is hereby amended by adding the following schedules after Schedule 6:

**“SCHEDULE 7**

(s. 82.3)

**APPLICATION TO FORM A GROUP FOR THE PURPOSE OF RETROSPECTIVE ADJUSTMENT OF THE ASSESSMENT**

The employers designated below apply to be considered one and the same employer for the purpose of retrospective adjustment of the assessment for the \_\_\_\_\_ assessment year.

They declare that they constitute a group within the meaning of Division III.1 of Chapter VI of the Regulation respecting retrospective adjustment of the assessment.

They appoint, \_\_\_\_\_ to inform the  
(insert name of the person)

Commission of the employer's assumption limit elected under Subdivision 2 of Division II of Chapter III.

Designation from each employer with the signature of the person authorized sign the application:

"employer" \_\_\_\_\_  
(designation)

\_\_\_\_\_  
Signature (Date)  
(duly authorized person)

"employer" \_\_\_\_\_  
(designation)

\_\_\_\_\_  
Signature (Date)  
(duly authorized person)

## SCHEDULE 8

(s. 82.4)

### SECURITY

#### APPEARING:

(name and address of the Cree band, if it is an employer) herein represented by \_\_\_\_\_

duly authorized pursuant to a resolution of its band council attached hereto:

(indicate the name and address of all Cree bands, if they are employers, as well as the name of the person duly authorized pursuant to a resolution of the band council attached hereto)

(name and address of the subsidiary) herein represented by \_\_\_\_\_

duly authorized pursuant to a resolution of its board of directors attached hereto;

(indicate the name and address of all the other employers in the group as well as the name of the person duly authorized pursuant to a resolution of the subsidiary attached hereto)

#### DECLARING AS FOLLOWS:

The legal persons herein represented hereby bind themselves jointly and severally toward the Commission de la santé et de la sécurité du travail to pay the assessment, to a maximum of 50% of the amount corresponding to the aggregate product obtained by multiplying the total estimated wages for the assessment year of each employer in the group by the risk-related portion of the rate applicable to the employer under section 305 of the Act for the year preceding the assessment year and any interest due to the Commission for the \_\_\_\_\_ assessment year if any of the parties hereto is the object of a certificate deposited with the Clerk of the court of competent jurisdiction under section 322 of the Act.

An employer that ceases to form part of a group remains bound by the security for the assessment related to that part of the year in which it formed part of the group.

An employer that is unable to stand surety for another member of the group because it is prohibited from so doing by the act under which it was constituted must indicate below the name of the member of the group in question:

\_\_\_\_\_ is unable to stand surety for  
(name of employer)

\_\_\_\_\_  
(name of member of the group)

\_\_\_\_\_ is unable to stand surety for  
(name of employer)

\_\_\_\_\_  
(name of member of the group)

The parties hereto waive the benefit of discussion and division.

IN WITNESS WHEREOF, the parties have signed through their duly authorized representatives:

\_\_\_\_\_  
(name of the Cree band if it is an employer)

Per: \_\_\_\_\_  
(duly authorized person) (Date)

\_\_\_\_\_  
(name of employer)

Per: \_\_\_\_\_  
(duly authorized person) (Date)

(name and signature of any other employers).”

10. For the 2002 assessment year, the application referred to in section 82.2 shall be submitted by the forty-fifth day following the coming into force of this Regulation and shall be irrevocable upon the expiry of the aforesaid forty-five day period or January 1, 2002, whichever is the later to occur.

11. For a group of employers filing an application referred to in section 82.2 for the 2002 assessment year, the election referred to in Subdivision 2 of Division II of Chapter III must reach the Commission before the forty-fifth day following the coming into force of this Regulation or prior to December 15, 2001 whichever is the later to occur.

12. This Regulation applies as of the 2002 assessment year.

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## Draft Regulation

An Act respecting the remuneration of elected municipal officers  
(R.S.Q., c. T-11.001)

### Elected municipal officers

#### — Maximum annual remuneration

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the maximum annual remuneration of elected municipal officers, the text of which appears below, may be made by the Government upon the expiry of 10 days following this publication.

The draft Regulation amends the Regulation respecting the maximum annual remuneration of elected municipal officers in order to take into account the changes made by the municipal reorganization and to increase the maximum remuneration of elected municipal officers, which has not been changed since 1992.

To that end, the draft Regulation creates new classes of local municipalities and positions so as to take into account, for instance, the appearance of municipalities with a much larger population as a result of the amalgamations, the creation of boroughs and the related new positions of borough council and chair, the creation of metropolitan communities and the new possibility to elect wardens by a general vote. The draft Regulation also proposes that the new amounts have effect from 1 January 2001 in respect of any person who is a member of the council of the Communauté métropolitaine de Montréal or who, since 1 January 2001, has been a member of that council.

Under section 12 of the Regulations Act, the proposed Regulation may be made at the expiry of a period shorter than the period applicable under section 11 of that Act, by reason of the urgency due to the following circumstances :

— in November 2001, the first general elections will be held in several new cities, including Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de Gatineau, Ville de Lévis, Ville de Sherbrooke, Ville de Trois-Rivières and Ville de Saguenay and, considering the effect of the remuneration on the budgets of the new cities which should be adopted during the same month, it is imperative that the new municipalities be aware of the maximum remuneration applicable as soon as possible before they fix the remuneration of their elected municipal officers.

Further information may be obtained by contacting Élène Delisle, 10, rue Pierre-Olivier-Chauveau, 3<sup>e</sup> étage, Québec G1R 4J3 (telephone : (418) 691-2022 ; fax : (418) 644-6725).

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 10-day period, to the Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal, 10, rue Pierre-Olivier-Chauveau, 4<sup>e</sup> étage, Québec G1R 4J3.

LOUISE HAREL,

*Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal*

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