

Gouvernement du Québec

O.C. 442-2002, 10 April 2002

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

**Office Québec-Amériques pour la jeunesse
— Agreement regarding the programs**

Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse

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 considered 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 and the Office Québec-Amériques pour la jeunesse have entered into such an agreement to consider as workers, the persons enrolled in programs established and administered by the agency;

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 may make regulations to take the necessary measures 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 attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 29 August 2001, with a notice that upon the expiry of 60 days following that notice it would be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission adopted, at its sitting of 21 February 2002, the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, with amendments;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour;

THAT the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Amériques pour la jeunesse, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation respecting the implementation
of the Agreement regarding the programs
of the Office Québec-Amériques pour
la jeunesse**

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 who participate in the programs of the Office Québec-Amériques pour la jeunesse to the extent and on the conditions provided for in the Agreement between the agency and the Commission de la santé et de la sécurité du travail appearing as Schedule I.

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

SCHEDULE I

AGREEMENT BETWEEN

**THE OFFICE QUÉBEC-AMÉRIQUES POUR
LA JEUNESSE**

AND

**THE COMMISSION DE LA SANTÉ ET DE
LA SÉCURITÉ DU TRAVAIL**

WHEREAS the Office Québec-Amériques pour la jeunesse, established under section 1 of the Act respecting the Office Québec-Amériques pour la jeunesse (R.S.Q., c. O-5.1) is, under section 2 of the Act, a legal person, mandatory of the state and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS 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), is, under section 138 of the Act, a legal person within the meaning of the Civil Code of Québec and has the general powers of such a person and the special powers conferred upon it by that Act;

WHEREAS under section 170 of the Act respecting occupational health and safety, the Commission may make agreements 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, according to law;

WHEREAS under section 3 of the Act respecting the Office Québec-Amériques pour la jeunesse, the mission of the agency is to develop relations between young people in Québec and young people elsewhere in the Americas and, for such purposes, to promote understanding of their respective cultures, increase exchanges between individuals and groups and encourage the development of cooperation networks, more particularly, by developing exchange and cooperation programs accessible to young people from all backgrounds and including training activities such as internships;

WHEREAS the agency has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to certain interns and that it intends to assume the obligations prescribed for employers;

WHEREAS under section 16 of that Act, a person doing work under a project of any government, whether or not the person is a worker may be considered 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 applies to such an agreement, that is to say that the Commission shall make regulations in order to give effect to an agreement extending the benefits of the Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1.00 ENABLING PROVISION

Enabling provision 1.01 This Agreement is entered into under section 16 of the Act.

CHAPTER 2.00 PURPOSES OF THE AGREEMENT

Purposes 2.01 The purposes of this Agreement are to provide for the application of the Act to certain interns of the agency and to determine the respective obligations of the agency and the Commission on the conditions and to the extent set forth therein.

CHAPTER 3.00 DEFINITIONS

For the purpose of this Agreement:

“Commission” (a) Commission means the Commission de la santé et de la sécurité du travail;

“employment” (b) employment means, as the case may be, the remunerated employment the intern has at the time his or her employment injury occurs, that for which the intern is registered with the Commission or, if the intern has no remunerated employment or is not registered with the Commission at the time the injury occurs, his or her usual employment or, if he or she does not carry on such employment, the employment that could have been his or her usual employment considering his or her training, work experience and physical and intellectual capacity before the injury occurred;

“employment injury” (c) 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” (d) Act means the Act respecting industrial accidents and occupational diseases;

“agency” (e) agency means the Office Québec-Amériques pour la jeunesse;

“intern” (f) intern means a person who is doing work under the programs administered by the agency, in particular the programs provided for in Schedule I, except a person covered by section 10 or paragraph 4 of section 11 of the Act.

CHAPTER 4.00 OBLIGATIONS OF THE AGENCY

Employer 4.01 The agency is deemed to be the employer of any intern covered by this Agreement.

Restrictions Notwithstanding the foregoing, that employer-employee relationship shall be recognized only for the purposes of indemnities, assessments and imputation of the cost of benefits payable under the Act and shall not be considered as an admission of de facto status which may be open to interpretation in other fields of activity.

<i>General obligations</i>	4.02	As an employer, the agency is bound, <i>mutatis mutandis</i> , by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents occurring in the establishment within the meaning of the Act respecting occupational health and safety where the interns are located and the obligation to inform the Commission, using the form prescribed by the Commission, that an intern is unable to continue his or her program by reason of his or her employment injury.	<i>Annual statement</i>	4.06	The agency shall send to the Commission, before 15 March of each year, a statement setting out, in particular, (1) the amount of gross wages earned by the interns during the preceding calendar year calculated on the basis of the length of the internship; and (2) an estimate of the gross wages calculated on the basis of the length of the internship of the interns registered or likely to be registered for an internship during the current calendar year.
<i>Register of accidents</i>		However, the agency is required to make the register of industrial accidents referred to in the first paragraph available only to the Commission.	<i>Register</i>	4.07	The agency shall keep a detailed register of the names and addresses of interns and, if the interns are employed during their internships, the names and addresses of their respective employers.
<i>Information</i>		At the request of the Commission, the agency shall forward a description of the program and of the tasks or activities performed by the intern at the time the employment injury appeared.	<i>Availability</i>		The agency shall make the register available to the Commission if the latter so requires.
<i>Exceptions</i>	4.03	Notwithstanding section 4.02, section 32 pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against him or her, sections 179 and 180 concerning temporary assignment and Chapter VII of the Act respecting the right to return to work, do not apply to the agency.	<i>Description of programs</i>	4.08	The agency shall forward to the Commission, upon the coming into force of this Agreement, a description of every program appearing in Schedule I.
<i>First aid</i>		The agency shall see to it that first aid is given to an intern who suffers an employment injury, in accordance with sections 190 and 191 of the Act and shall pay for the related costs.	<i>New program or amendment</i>		Every new program or every subsequent amendment to a program provided for in Schedule I shall be forwarded so that it may be evaluated and a decision may be made whether to include it or retain it under this Agreement.
<i>Payment of assessments</i>	4.04	The agency agrees to pay the assessment calculated by the Commission in accordance with the Act and its regulations and the fixed administrative costs associated with each financial record.	CHAPTER	5.00	OBLIGATIONS OF THE COMMISSION
<i>Assessment</i>	4.05	For assessment purposes, the agency is deemed to pay wages that correspond, as the case may be, to the annual gross employment income of each intern at the time he or she registered in a program provided for in Schedule I, to the employment insurance benefits received by the intern or to the minimum wage, if the intern has no other employment income.	<i>Worker status</i>	5.01	The Commission shall consider an intern covered by this Agreement to be a worker within the meaning of the Act, except in respect of travel between Québec and the country where the internship will be carried out.
<i>Minimum</i>		The assessment shall be based on the wages that the agency is deemed to pay and on the length of the internship. However, the wages that the agency is deemed to pay may not in any case be less than \$2000 per intern.	<i>Indemnity</i>	5.02	An intern who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of his or her inability to carry on his or her employment by reason of the injury.
			<i>Payment</i>		Notwithstanding section 60 of the Act, the Commission shall pay to such intern the income replacement to which he or she is entitled.

<i>Calculation of the indemnity</i>	5.03	For the purposes of calculating the income replacement indemnity, the intern's gross annual employment income is, as the case may be, that which he or she derives from the remunerated employment he has at the time the employment injury occurs, that which corresponds to the employment insurance benefits received, that for which the intern is registered with the Commission or, if the intern is unemployed or if he or she is a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury occurs.	<i>Addresses for notices</i>	6.02	For the purposes of sending a notice prescribed by this Agreement, the following are the respective addresses of the Commission and the agency: (a) 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; (b) Le Secrétaire général de l'Office Office Québec-Amériques pour la jeunesse 265, rue de la Couronne, bureau 200 Québec (Québec) G1K 6E1.
<i>Recurrence, relapse or aggravation</i>		In the event of a recurrence, a relapse or an aggravation, when the intern 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 the intern is unemployed at the time of the recurrence, relapse or aggravation, the gross annual income is that which he or she derived from employment out of or in the course of which the emplacement injury appeared; that gross income is revalorized on 1 January of each year from the date the intern ceased to hold his or her employment.	CHAPTER	7	COMING INTO FORCE, TERM AND CANCELLATION
<i>Financial records</i>	5.04	At the request of the agency, the Commission shall open a special financial record for each program covered by this Agreement.	<i>Taking effect</i>	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>Unit of activity</i>		Such record shall be classified in the unit corresponding to the activities described 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.	<i>Term</i>		It shall remain in force until 31 December 2002.
CHAPTER	6.00	MISCELLANEOUS	<i>Tacit renewal</i>	7.02	It shall subsequently be renewed tacitly from one calendar year to the next, 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.
<i>Monitoring of progress of agreement</i>	6.01	Within 15 days of the coming into force of this Agreement, both the Commission and the agency shall designate a person who will be responsible for monitoring the progress of this Agreement.	<i>Amendments</i>	7.03	In the latter case, the notice shall contain the amendments which the party wishes to make.
			<i>Renewal</i>		The sending of such notice shall not preclude the tacit renewal of this Agreement for a period of one 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
			<i>Non-compliance</i>	8.01	If the agency fails to comply with any of its obligations, the Commission may request that the agency remedy that failure within a period set by the Commission. Should the failure not be remedied within the period set, the Commission may cancel this Agreement unilaterally by giving notice in writing.

<i>Date</i>	8.02	The Agreement shall then be cancelled on the date the notice in writing was sent.
<i>Financial adjustments</i>	8.03	In the event of cancellation, the Commission shall make financial adjustments on the basis of the amounts payable under this Agreement.
<i>Amount due</i>		Any amount due after such financial adjustments have been made shall be payable on the due date appearing on the notice of assessment.
<i>Mutual agreement</i>	8.04	The parties may cancel this Agreement by mutual agreement at any time.
<i>Damages</i>	8.05	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.

IN WITNESS WHEREOF, the parties have signed

At _____, this _____ At _____ this _____
() day of _____ 2002. () day of _____ 2002.

LUCIE LATULIPPE,
Chief Executive Officer
Office Québec-Amériques
pour la jeunesse

JACQUES LAMONDE,
Chairman of the Board of Directors
and Chief Executive Officer of the
Commission de la santé et de
la sécurité du travail

SCHEDULE I TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO THE AGREEMENT

— Internship programs in the workplace outside Québec :

- curriculum ;
- bridges ;
- portfolio.

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Gouvernement du Québec

Election Act
(R.S.Q., c. E-3.3)

AGREEMENT CONCERNING NEW METHODS
OF VOTING FOR AN ELECTION USING
COMPUTERIZED POLLING STATIONS AND
“ACCU-VOTE ES 2000 ” BALLOT BOXES

AGREEMENT ENTERED INTO
BETWEEN

The MUNICIPALITY OF BEAUHARNOIS, a legal person established in the public interest, having its head office at 660 street Ellice, room 100, Beauharnois (Québec) J6N 1Y1, Province of Québec, represented by the mayor, Michel Quevillon, and the clerk Jean Beaulieu, under resolution number 2002-073, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBÉC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no. 2002-050, passed at its meeting of February 19th, 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of April 14th, 2002, in the MUNICIPALITY ;