

“DIVISION V
APPLICATION OF CHAPTER III OF THE
BUILDING ACT TO CERTAIN INSTALLATIONS
OF THE STATE

3.6. The Government, its departments and bodies that are mandataries of the State are bound, with respect to their plumbing systems in a building or in facilities intended for use by the public and to their elevators, freight elevators, dumbwaiters, escalators, moving walks, material lifts and other elevating devices or lifts in a building, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their facilities intended for use by the public, their electrical installations and their installations intended to use, store or distribute gas.”

3. This Regulation comes into force on (*insert the date that corresponds to the forty-fifth day following the date of its publication in the Gazette officielle du Québec*) except in respect of the provisions respecting the safety requirements provided for in Chapters IV and V of the Regulation to amend the Safety Code approved by Order in Council (*insert the number and date of the Order in Council*), which come into force on the respective date of coming into force of those Chapters.

6138

Draft Regulation

Building Act
 (R.S.Q., c. B-1.1)

Construction Code
— 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 to amend the Construction Code, the text of which appears below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish minimum standards applicable throughout Québec to construction work on elevators and other elevating devices and on passenger ropeways in order to ensure the quality of the work and the safety of the installations. The standards were adopted by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1).

The standards constitute Chapters IV and VII of the Construction Code, which is made up essentially of CSA Standard CAN/CSA B44-00: Safety Code for Elevators, CSA Standard CAN/CSA B355-00: Lifts for

Persons with Physical Disabilities including the amendments of B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities, CSA Standard CAN/CSA B613-00: Private Residence Lifts for Persons with Physical Disabilities and CSA Standard CAN/CSA Z98-01: Passenger Ropeways including the amendments in Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, published by the Canadian Standards Association to which amendments were made to facilitate the application of the standards and to adapt them to the specific needs of Québec, in compliance with the provisions of the Building Act.

The main measures concern

— automatic updating of the referenced standards to reflect technological change;

— a requirement for the contractor or owner builder:

– to not begin construction work, except certain work, unless plans and specifications have been prepared for the work;

– to declare to the Board certain construction work on an elevator or other elevating device;

– to not install a lift for persons with physical disabilities unless the prototype has been approved by a professional and the approval has been sent to the Board; and

– to provide the Board with a certificate of conformity with the requirements of Chapter VII of the Construction Code produced and signed by an engineer after construction work, except certain work, on a passenger ropeway.

The draft Regulation has no impact on the public and businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Stéphane Mercier, Engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7^e étage, Montréal (Québec) H2M 2V2, telephone: (514) 864-7249; fax: (514) 873-9936.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Alcide Fournier, Chair and Executive Director, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

MICHEL DESPRÉS,
 Minister of Labour

Regulation to amend the Construction Code*

Building Act

(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 1, 2.1, 3, 7, 37 and 38 and s. 192)

1. The Construction Code is amended by inserting the following after section 3.04:

“CHAPTER IV

ELEVATORS AND OTHER ELEVATING DEVICES

DIVISION I

INTERPRETATION

4.01 In this Chapter, unless the context indicates otherwise, “Code” means the “Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00”, the “CSA Standard CAN/CSA B44-00: Safety Code for Elevators”, and “standard” means the standard “Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00” including the amendments of “B355S1-02 Supplément n° 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées”, “CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities” including the amendments of “B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities” or the standard “Appareils élévateurs d’habitation pour personnes handicapées, CAN/CSA B613-00”, “CSA Standard CAN/CSA B613-00: Private Residence Lifts for Persons with Physical Disabilities”, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, any amendments and new editions that are published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II

APPLICATION OF CODES AND STANDARDS

4.02 Subject to the amendments provided for in Division VII of this Chapter, the codes, standards and provisions of this Chapter apply to all construction work

on an elevator or other elevating device referred to in the codes and standards and installed in a building or constituting facilities intended for use by the public designated by regulation made by the Government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies and that is carried out from the date of coming into force of this Chapter.

DIVISION III

REFERENCES

4.03 In the Code or standards, a reference to the National Building Code of Canada is a reference to Chapter I of this Code.

DIVISION IV

PLANS AND SPECIFICATIONS

4.04 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an elevator or other elevating device to which Chapter IV of the Construction Code applies, unless the plans and specifications have been prepared for the work, where information is required, in respect of the work, under section 2.28 or 3.28 of the Code.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work in such manner as to establish if the work carried out complies with section 4.02.

DIVISION V

INSTALLATION

4.05 A contractor or owner-builder may not install an elevator or other elevating device unless it meets the design and manufacturing requirements of the Code or standards referred to in section 4.01, as the case may be.

4.06 A contractor or owner-builder may not install a lift for persons with physical disabilities unless the prototype has been approved by a professional within the meaning of the Professional Code (R.S.Q., c. C-26), specialized in that matter. The approval must certify that the prototype complies with the standards referred to in section 4.01 and that the approval has been sent to the Régie du bâtiment du Québec.

The type, trademark, model number and features of the approved prototype and the name of the manufacturer shall be entered on the list of the approved prototypes of lifts for persons with physical disabilities that is made public by the Board.

* The Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203) was last amended by the regulation approved by Order in Council 875-2003 dated 20 August 2003 (2003, *G.O.* 2, 2730). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

DIVISION VI DECLARATION OF WORK

4.07 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on an elevator or other elevating device referred to in section 4.02, declare the work to the Board with the following information:

(1) the components that were subject to tests and inspections provided for the elevating device when required under 8.10 of the Code or Appendix A “Inspection and Testing” of “CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities”;

(2) the name, address and telephone number of the person for whom the work is carried out;

(3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;

(4) the address of the site and nature of the work;

(5) the type, trademark and model of the device, the name of the manufacturer and the technical features of the device; and

(6) the date and place where the tests and inspections were conducted together with the name and title of the person by whom they were performed.

The declaration must be sent to the Board no later than on the twentieth day of the month that follows the completion of the work or the re-use of the elevator or elevating device, as the case may be. The declaration must be made on the form provided for that purpose by the Board or on any other document drawn up for that purpose.

DIVISION VII AMENDMENTS TO THE CODE

4.08 Code CSA B44-00 is amended

(1) by replacing the definition of “authority having jurisdiction” in 1.3 by the following:

“authority having jurisdiction: Régie du bâtiment du Québec”;

(2) by adding “The term also includes a funicular railway.” at the end of the definition of “elevator, inclined” in 1.3;

(3) by replacing the definition of “regulatory authority” in 1.3 by the following:

“regulatory authority”: Régie du bâtiment du Québec”;

(4) by replacing “inspection”, “inspector” and “inspecté” wherever those words appear in the French text by “vérification”, “vérifier” and “vérifié”, with the necessary modifications;

(5) by replacing “MAINTENIR” in figure 2.27.7.2 of the French text by “ATTENTE”;

(6) by replacing “c8.6.12.1.1” in c8.6.12.1.1 of the French text by “c8.6.12”;

(7) by replacing “c8.6.12.1.2” in c8.6.12.1.2 of the French text by “c8.6.12”;

(8) by replacing “the contractor” in c8.6.12.4.1.1 by “the contractor or owner-builder”;

(9) by replacing “contractor” in c8.6.12.2.5 by “contractor or owner-builder”;

(10) by striking out “by an inspector employed by the authority having jurisdiction, or” in 8.10.1.1.1;

(11) by striking out “in the presence of the inspector specified in 8.10.1.1.1” in 8.10.1.1.2;

(12) by adding “NOTE: 8.11 becomes the first part of Appendix N.” in 8.11.

DIVISION VIII PENAL

4.09 Any contravention of any of the provisions of this Chapter constitutes an offence.”.

2. The Code is amended by adding the following after section 5.05:

“CHAPTER VII PASSENGER ROPEWAYS

DIVISION I INTERPRETATION

7.01 In this Chapter, unless the context indicates otherwise, “standard” means the standard “Remontées mécaniques, CAN/CSA Z98-01, Avril 2002” including the amendments in the standard “Z98S1-02 Supplément n° 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003” or “CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001” including the amendments in “Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002”, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, the amendments and new editions published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II

APPLICATION OF STANDARDS

7.02 Subject to the amendments provided for in Division V of this Chapter, the standards and provisions of this Chapter apply to all construction work on a passenger ropeway referred to in the standard and constituting facilities intended for use by the public designated by regulation made by the government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies, including its vicinity, and that is carried out from the date of coming into force of this Chapter.

DIVISION III

PLANS AND SPECIFICATIONS

7.03 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work on a passenger ropeway to which Chapter VII of the Construction Code applies, unless the plans and specifications have been prepared for the work.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work to establish if the work carried out complies with section 7.02.

The plans and specifications must contain information on the following:

- (1) towers;
- (2) upper and lower stations;
- (3) sheaves and sheave assemblies;
- (4) counterweight sheaves;
- (5) deropement equipment and switches;
- (6) main drive;
- (7) rope grips;
- (8) hangers and spring boxes;
- (9) hangers and chairs, or cars, or cabins;
- (10) brakes and backstops;

- (11) tensioning systems and details;
- (12) foundations of all structures;
- (13) electric power and lightning protection;
- (14) electric controls and safety schematics;
- (15) communication systems;
- (16) hydraulic schematic systems;
- (17) haul and counterweight rope details;
- (18) structures or buildings;
- (19) evacuation equipment (seats, ropes);
- (20) service and inspection platforms;
- (21) ramps; and
- (22) elevation plan.

DIVISION IV

CERTIFICATE OF CONFORMITY

7.04 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on a passenger ropeway, provide the Régie du bâtiment du Québec with a certificate of conformity with this Chapter produced and signed by a recognized person stating that

- (1) the passenger ropeway is installed in accordance with this Chapter;
- (2) the tests and inspections that are provided for the passenger ropeway have been performed and their results are satisfactory; and
- (3) the information required from the manufacturer pursuant to the standard has been provided by the latter.

The certificate shall also specify the components inspected, the means used and the data used as the basis for drawing up the certificate, the type, trademark, model, address of the site where the construction work on the passenger ropeway was performed, the nature of the work, the date of the tests and inspections and the name and title of the person by whom they were performed, the date of signature, name, address and telephone number of the engineer who produced the certificate and the date of completion of the construction work. The certificate of conformity may be made on the form provided for that purpose by the Board.

7.05 An engineer who is a member of the Ordre des ingénieurs du Québec or the holder of a temporary license issued under the Engineers Act (R.S.Q., c. I-9) is a person recognized for producing and signing the certificate of conformity required under section 7.04.

7.06 A person is no longer recognized when the person ceases to be a member of the Ordre des ingénieurs du Québec or is no longer the holder of a temporary license.

DIVISION V AMENDMENTS TO THE STANDARD

7.07 Standard CSA Z98-01 is amended

- (1) by revoking Clause 1.5;
- (2) by replacing Clause 1.6 by the following:

“**1.6.** For the purposes of this standard, a self-powered reversible above-surface ropeway means a passenger ropeway.”;

(3) by replacing “The owner” in Clause 11.25.3 by “The owner or owner-builder”;

(4) by replacing “It shall be the responsibility of the owner to ensure that the following conditions have been met:” in Clause 11.25.4 by “The owner or owner-builder shall ensure that the following conditions have been met:”.

DIVISION VI PENAL

7.08 Any contravention of any of the provisions of this Chapter constitutes an offence.”.

2. This Regulation comes into force on (*insert the date that corresponds to the forty-fifth day following the date of its publication in the Gazette officielle du Québec*).

6136

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards — 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 to amend the Regulation respecting labour standards, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to increase the general minimum wage rate from \$7.30 to \$7.45 per hour as of 1 May 2004, and to \$7.60 per hour as of 1 May 2005. Under the draft Regulation, the rate payable to employees who receive gratuities or tips will be increased from \$6.55 to \$6.70 per hour as of 1 May 2004, and to \$6.85 per hour as of 1 May 2005.

The proposed increases in the minimum wage rates take into account the ability of businesses to pay and will improve the purchasing power of low-wage earners, enabling them to participate in the general prosperity.

Further information concerning the draft Regulation may be obtained by contacting Julie Massé, policy development adviser, Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1R 5S1, telephone: (418) 643-1432; fax: (418) 643-3514.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Regulation respecting labour standards*

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 40, 89, par. 1 and s. 91)

1. Section 3 of the Regulation respecting labour standards is amended by replacing everything that follows “is:” by the following:

“(1) \$7.45 per hour, from 1 May 2004 to 30 April 2005; and

(2) \$7.60 per hour, as of 1 May 2005.”.

2. Section 4 is amended by replacing everything that follows “is:” by the following:

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 638-2003 dated 4 June 2003 (2003, G.O. 2, 1888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.