

(26) Proposed Piché-Lemoine forest biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(27) Proposed Opasatica lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(28) Proposed Des Quinze lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301).

6945

Draft Regulation

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

Safety Code for the construction industry Occupational health and safety — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the draft Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of construction workers by amending the Safety Code for the construction industry to introduce new standards on scaffoldings.

It also amends the Regulation respecting occupational health and safety to protect construction workers exposed to carcinogenic and isocyanate substances and ionizing radiations.

To date, study of the matter shows few impacts on enterprises, in particular on small and medium-sized businesses.

Further information may be obtained by contacting Pierre Bouchard, 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 45-day period, to Alain Albert, Vice-chair, Relations avec les partenaires et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

GÉRARD BIBEAU,
*Chair of the Board and
Chief Executive Officer
Commission de la santé et de la
sécurité du travail*

Regulation to amend the Safety Code for the construction industry* and the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 233, 1st par., subpars. 1, 7, 14, 19, 42, 2nd and 3rd pars.)

1. The Safety Code for the construction industry is amended in section 1.1,

(1) by inserting the following after paragraph 14:

“(14.1) “pump jack scaffold”: a mast-climbing work platform that moves between two masts with the help of jacks;

(14.2) “mast-climbing work platform”: scaffolding constituted of a work platform that moves up and down between two or several masts with the help of a hoisting system and equipped with an anchoring system;

(14.3) “winch scaffolding”: a mast-climbing work platform whose masts are linked by braces or counter braces supporting a work platform that moves with the help of a hoisting device constituted of winches, pulleys and cables;”;

(2) by inserting the following after paragraph 15:

“(15.01) “motorized scaffolding”: a mast-climbing work platform constituted of a hoisting system made up of an electric, pneumatic or hydraulic motor or a natural gas or gasoline engine.”.

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the regulation approved by Order in Council 873-2003 dated 20 August 2003 (2003, *G.O.* 2, 2729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

2. Section 2.4.1 is amended,

(1) by replacing “in subsection 1” in subsection 2 by “hereunder”;

(2) by adding the following after subparagraph *l*:

“(m) any mast-climbing work platform that must be anchored, except in the case of a pump jack scaffold;”

3. The Code is amended,

(1) by replacing the title of subdivision 2.2 by the following:

“*Responsibility and powers of inspectors*”;

(2) by adding the following after section 2.2.5:

“**2.2.6.** To ascertain the soundness of a construction or installation, the inspector may require an attestation to that effect signed and sealed by an engineer or an architect.”.

4. Section 3.3.5 is revoked.**5.** Section 3.9.5 is amended,

(1) by replacing “Uprights” by “Scaffolding uprights” in paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) When scaffolding uprights rest on uneven ground, a safe and efficient means, such as screw jacks, must be used to ensure the plumbness of the scaffolding.

It is prohibited to use construction waste material to fill the unevenness in the ground.”.

6. Section 3.9.8 is amended by adding the following after paragraph 5:

“(6) have a slope of less than 1:5 (11 degrees from the horizontal plane); and

(7) be located less than 350 millimetres from a wall or another floor when there is no guardrail.”.

7. The Code is amended by adding the following after section 3.9.21:

“**3.9.22.** Mast-climbing work platform: Every mast-climbing work platform shall:

(1) be designed in accordance with the plans of an engineer and a copy of the plans must be available on the work premises;

(2) be equipped with a plate on each hoisting system stating clearly the maximum load allowed on the platform;

(3) be equipped with bearers resting on base plates or mudsills;

(4) have a distance between masts in accordance with the plans of the engineer;

(5) have the sections of each mast linked together according to the means prescribed in the plans of the engineer;

(6) have masts whose plumbness complies with the lesser of the following measures: the gap between a plumb line and any point lower than

(a) the plans of the engineer; or

(b) 12 millimetres for three metres in height, 19 millimetres for six metres in height or 38 millimetres for the total height of the scaffolding;

(7) be loaded in accordance with the plans of the engineer which must identify the loading zones;

(8) have masts anchored at the height and with an anchoring system in accordance with the plans of the engineer;

(9) be equipped with an additional anchoring system in accordance with the plans of the engineer when the safety tarpaulins are installed; and

(10) be used by workers trained to

(a) identify and avert the hazards of the erection, dismantling and use of the scaffolding; and

(b) work on it safely.

3.9.23. Pump jack scaffold: In addition to the standards prescribed in section 3.9.22, every pump jack scaffold shall:

(1) be designed to support, in addition to the dead weight, three times the maximum load allowed without damage to any of its components;

(2) be used at most by two workers at the same time between two masts;

(3) have masts less than 9 metres high;

(4) when wood masts composed of two uprights of 50 millimetres by 100 millimetres are used:

(a) have uprights nailed together with not less than 76-millimetre nails spaced 300 millimetres apart at most; and

(b) have the narrowest side of the uprights facing the wall on which the masts are anchored;

(5) be equipped with jacks designed to prevent any accidental slippage of the platform alongside the masts; and

(6) when the work platform passes in front of an intermediate anchoring point, be equipped with a new anchor installed one and a half metres under the platform, before removing the intermediate anchoring.

3.9.24. Winch scaffolding: In addition to the standards prescribed in section 3.9.22, every winch scaffolding shall:

(1) be designed and manufactured in accordance with the ANSI/SIA A 92.9-1993 Mast-Climbing Work Platforms Standard;

(2) when climbing, have bracing affixed under the work platform before the above bracing is removed;

(3) be equipped with an arresting device to stop and support the platform in case of overspeed; the device must be designed to stop the work platform with twice the maximum load allowed by limiting the height of the fall to 300 millimetres and without any break in the components under stress;

(4) in addition to the instructions of the manufacturer, be inspected in compliance with the following minimum conditions:

(a) before each use in accordance with section 7.4.3. of the ANSI/SIA A 92.9-1993 Mast-Climbing Work Platforms Standard by a qualified person; and

(b) quarterly by a qualified mechanic;

(5) undergo every year a visual examination of its welds by a welding inspector holding a certificate issued by the Canadian Welding Bureau; and

(6) undergo every three years a non-destructive examination of the bearing parts by an organization certified by the Canadian Welding Bureau in compliance with the requirements of CSA Standard W178.1 Certification of Welding Inspection Organizations.

3.9.25. Motorized scaffolding: In addition to the standards prescribed in section 3.9.22, every motorized scaffolding manufactured after (*insert the date of coming into force of this Regulation*) must:

(1) be designed and manufactured in compliance with ISO 16369 – Mast-Climbing Work Platforms Standard, applicable at the time of the manufacture;

(2) have the sides of the work platform next to a mast, protected over a height of at least two metres to prevent access to the mast when the speed of the work platform exceeds 2.5 metres per minute;

(3) be equipped with a device preventing the fall of the work platform in case of malfunction of the hoisting system;

(4) have at least one plate on which the following particulars appear in French:

(a) the name of the manufacturer;

(b) the date of manufacture;

(c) the climbing speed;

(d) the self-bearing height;

(e) the electric power supply; and

(f) the load table;

(5) in addition to the manufacturer's instructions, be inspected in compliance with the following minimum conditions:

(a) before each use, in compliance with section 7.1.2.9 of ISO 16369 – Mast-Climbing Work Platforms Standard, applicable at the time of the manufacture, by a qualified person; and

(b) quarterly by a qualified mechanic ;

(6) undergo every year a visual examination of its welds by a welding inspector holding a certificate issued by the Canadian Welding Bureau ;

and

(7) undergo every three years a non-destructive examination of the bearing parts by an organization certified by the Canadian Welding Bureau in compliance with the requirements of CSA Standard W178.1 Certification of Welding Inspection Organizations.

In addition, a complete instruction manual for every motorized scaffolding, written in French, must be at the disposal of users to allow for safe use of the scaffolding.”.

8. The Regulation respecting occupational health and safety** is amended in the second paragraph of section 2,

(1) by inserting “42,” after “40,”;

(2) by striking out “61,”;

(3) by replacing “121 to 124” by “121 to 124 and 144”.

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

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Draft Regulation

Stenographers’ Act
(R.S.Q., c. S-33)

Courts of Justice Act
(R.S.Q., c. T-16)

Legal Aid Act
(R.S.Q., c. A-14)

Code of Penal Procedure
(R.S.Q., c. C-25.1 ; 2003, c. 5)

Tariff of fees for the recording and transcription of depositions of witnesses

Tariff of court costs in penal matters — Amendment

Certain court costs in penal matters applicable to persons under 18 years of age — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of fees for the recording and transcription of depositions of witnesses, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The Regulation respecting the Tariff of fees for the recording and transcription of depositions of witnesses has not been amended since it came into force on 16 November 1983. Since it no longer reflects the value of the services delivered, the current Tariff is a source of unfairness for the party against whom costs have been awarded because that party cannot recover the stenography costs provided for in the Tariff and included in the bill of costs allowed by the taxing officer.

Accordingly, the draft Tariff proposes an increase in the fees payable to stenographers. It modifies the method for calculating the fees of stenographers for the recording of depositions to introduce an hourly rate which will replace the rate by page. The change will make for simpler and fairer application considering the availability required of stenographers. It also modifies the cost for transcription copies which will be \$0.30 per page for the person who paid for the transcription. All other persons will pay \$15.00 for a copy of a transcription plus \$0.60 per page from the twenty-sixth page on. The increase in the Tariff will enable the lawyer of the party awarded costs to recover the totality of stenography costs and afford the client a reduction in court costs.

** The Regulation respecting occupational health and safety approved by Order in Council 885-2001 dated 4 July 2001(2001, G.O. 2, 3888) has not been amended since its approval.