

(1) by replacing “or a dentist” in the first paragraph by “, a dentist or a midwife”;

(2) by adding the following paragraph at the end:

“The special benefits shall not be granted if the recipient’s transportation is covered by the policy established by the Minister of Health and Social Services, entitled the Politique de déplacement des usagers du réseau de la santé et des services sociaux.”.

4. Section 64 is amended by inserting “signed by a physician, a dentist or a midwife, as applicable,” after “medical certificate” in the first paragraph.

5. Section 65 is amended by inserting “or by a midwife, if applicable,” after “physician” in the first paragraph.

6. Section 74 is amended

(1) by replacing “other disaster” by “natural disaster, such as a landslide or flood” in the part preceding paragraph 1 of the first paragraph;

(2) by adding the following paragraph:

“The special benefits shall not be granted if the losses arise from a disaster covered by a financial assistance program established under section 100 or 101 of the Civil Protection Act (R.S.Q., c. S-2.3).”.

7. Section 84 is amended by adding “, except if it arises from the realization of a right by a person referred to in section 102 of the Act respecting income support, employment assistance and social solidarity” at the end of paragraph 11.

8. Section 186 is amended by replacing “due to more than one misrepresentation” by “owed as a result of misrepresentation and the debtor has previously owed an amount as a result of misrepresentation pursuant to the Act” in the third paragraph.

9. Section 188 is amended by replacing subparagraph 2 of the first paragraph by the following:

“(2) \$224 per month, where the recoverable amount is owed as a result of misrepresentation and the debtor has previously owed an amount as a result of misrepresentation pursuant to the Act”.

10. Section 189 is amended by replacing paragraph 2 by the following:

“(2) \$52 per week, where the recoverable amount is owed as a result of misrepresentation and the debtor has previously owed an amount as a result of misrepresentation pursuant to the Act”.

11. This Regulation comes into force on 1 April 2006.

7349

Notice

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 Fonds au bénéfice des personnes incarcérées 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 Mr. Roland Longchamps, Vice-Chairman for Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

GÉRARD BIBEAU,
*Chairman of the board 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, 1st para, subsection (9), (11) and (13))

I. The Regulation respecting retrospective adjustment of the assessment is hereby amended by inserting the following division after Division III.1 of Chapter VI:

“DIVISION III.2

FUND FOR THE BENEFIT OF CONFINED PERSONS

82.14 In this section:

“Fund” means a fund constituted under section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) for the benefit of confined persons;

“group” means the group formed by all funds;

“Minister” means the Minister responsible for applying the Act respecting correctional services.

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

82.16 All the employers in the group shall file the application referred to in section 82.15 using the form in Schedule 9.

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 certificate from the Minister or his designated representative attesting to the composition of the group; the certificate may not be dated prior to August 1 of the year preceding the assessment year and shall attest to the composition as at the date of the certificate.

82.17 Within 45 days of a request from the Commission to that effect, the group of employers shall send the Commission security in the form set forth in Schedule 10, 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 for the assessment year, and all interest owing to the Commission.

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 82.15.

82.18 The group may, in order to take into account the security required under section 82.17, 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 assessment year, and all interest owing to the Commission.

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

82.19 The application referred to in section 82.15 d 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 last amendments to the Regulation respecting retrospective adjustment of the assessment, adopted by the Commission de la santé et de la sécurité du travail by its Resolution A-85-98 of September 17, 1998 (1998, *G.O.* 2, 5470), were made by the Regulation amending the Regulation respecting retrospective adjustment of the assessment adopted by the Commission by its Resolution A-56-04 of September 16, 2004 (2004, *G.O.* 2, 2817). For earlier amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated September 1, 2005.

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

82.20 For the purposes of this Division, an employer in bankruptcy or being wound up at the time of the application provided for in section 82.15 is not regarded as part of the group.

82.21 Where a Fund becomes an employer after the date of the certificate prescribed in paragraph (2) of the second paragraph of section 82.16, it is considered to be an employer that is part of the group for the assessment year, from the date it becomes an employer.

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

82.22 A group of employers that qualifies for or is subject to retrospective adjustment of the assessment pursuant to an application filed under section 82.15 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 10 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, unless it does not file an application under section 82.15 in the first year that it again satisfies the requirements set forth in section 4.

82.23 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 the Minister or his designated representative attesting to the composition of the group in the assessment year as well as to any change in the group occurring in that year.

82.24 A group that files an application under section 82.15 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.

82.25 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

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

2. This Regulation is hereby amended by inserting the following after Schedule 8:

“SCHEDULE 9

(s. 82.15)

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.2 of Chapter VI of the Regulation respecting retrospective adjustment of the assessment.

They appoint, (*insert the name of the person*) to inform the Commission of the employer's assumption limit elected under Subdivision 2 of Division II of Chapter III.

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

“employer” _____
(designation)

Signature (date)
(duly authorized person)

“employer” _____
(designation)

Signature (date)
(duly authorized person)

SCHEDULE 10

(s. 82.17)

SECURITY**APPEARING :**

 (name and address of the Fonds, if it is an employer)
 herein represented by _____

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

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

WHO DECLARE 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 that year and the interest owing 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.

The parties hereto waive the benefits of discussion and division.

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

 (name of the Fund if it is an employer)

Per: _____ (date)
 (duly authorized person)

 (name of the Fund if it is an employer)

Per: _____ (date)
 (duly authorized person)

(name and signature of any other employers).”.

3. For the 2006 assessment year, the application pursuant to section 82.15 of the Regulation respecting retrospective adjustment of the assessment, as enacted by section 1 of this Regulation, must be filed no later than ten days after the coming into force of this Regulation and it shall be irrevocable upon expiration of the aforementioned ten-day period.

4. Where for the 2006 assessment year, a group applies under section 82.15 of the Regulation respecting retrospective adjustment of the assessment, as enacted by section 1 of this Regulation, the group is regarded as having also applied for its qualification for retrospective adjustment of the assessment to be determined under subsection (1) of section 5 of this Regulation.

The group shall advise the Commission of its election for 2006, as provided for in Subdivision 2 of Division II of Chapter III of this Regulation, no later than ten days after the coming into force of this Regulation.

5. This Regulation takes effect as of the 2006 assessment year.

7317

Draft Regulation

Consumer Protection Act
 (R.S.Q., c. P-40.1)

**Rules of conduct for used automobile dealers
— Extended voluntary undertaking**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that on the expiry of 45 days following this publication, the Government may, by Order, extend the application of the voluntary undertaking appearing below to all used automobile dealers in Québec.

A number of dealers have signed the voluntary undertaking which establishes rules of conduct designed to promote fairness and competence in the used automobile trade in Québec.

The measure will clarify the application of the general provisions in the Consumer Protection Act governing business practices, within the specific context of the used automobile trade. It will make the rules of conduct applicable to all used automobile dealers in Québec, including those who have not signed the voluntary undertaking.