

4. The amounts provided for in section 3 are, as of 1 April 2006 and then as of 1 January 2007, adjusted each year according to the pension index established in accordance with section 117 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9).

The amounts adjusted in the manner prescribed above are reduced to the nearest cent if they include a fraction of a cent less than \$0.005; they are increased to the nearest cent if they include a fraction of a cent greater than \$0.005.

The Minister is to inform the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and, if the Minister considers it appropriate, give notice by any other means.

5. 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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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 that the Commission de la santé et de la sécurité du travail, at its meeting of 24 February 2006, adopted the Regulation amending the Regulation respecting retrospective adjustment of the assessment.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation was published on page 5598 in the *Gazette officielle du Québec* of 28 December 2005 with a notice that it would be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

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))

1. 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;

* 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.

(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 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

82.20 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: _____
(duly authorized person) (date)

(name of the Fund if it is an employer)

Per : _____
(duly authorized person) (date)

(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.