

Financial adjustments

8.3 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.

Sum due

Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.4 The parties may, by mutual agreement, cancel this Agreement at any time.

Damages

8.5 In the event of cancellation, neither party must 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 _____ on this _____ at _____ on this _____

() day of _____ 2010 () day of _____ 2010

ALFRED PILON,
*President and Chief
Executive Officer
Office Québec-Amériques
pour la jeunesse*

LUC MEUNIER,
*Chair of the board of directors
and Chief Executive Officer
Commission de la santé et de
la sécurité du travail*

SCHEDULE 1 TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO THE AGREEMENT

— Training programs in the workplace outside Québec:

- curriculum;
- bridges;
- portfolio.

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Gouvernement du Québec

O.C. 1197-2010, 15 December 2010

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

Agreement on the professional dance training program — Implementation

Regulation respecting the implementation of the Agreement on the professional dance training program

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 de la santé et de la sécurité du travail and the Minister of Culture, Communications and the Status of Women have entered into an agreement so that persons who, in order to maintain their professional skills, engage in training activities that are not provided for in an employment contract, as part of a professional dance training program referred to in the Agreement, may be considered to be workers;

WHEREAS the new agreement was entered into to take into account the provisions respecting the new method of payment for the employer assessment provided for in the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19), whose coming into force is set on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

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, by regulation, take the measures necessary for the application of such an agreement;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement on the professional dance training program, at its sitting of 18 November 2010;

WHEREAS that Regulation replaces the Regulation respecting the implementation of the agreement on the professional dance training program, made by Order in Council 1253-2005 dated 21 December 2005;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as required by section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication in the case of the Regulation respecting the implementation of the Agreement on the professional dance training program:

— in order to ensure consistency with the new method of payment for the employer assessment, it is necessary that the Regulation be effective as of 1 January 2011;

— the Act to amend the Act respecting occupational health and safety and the Workers' Compensation Act (2006, c. 53) and the Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment (2009, c. 19) will come into force on 1 January 2011 under Order in Council 1065-2010 dated 1 December 2010;

— the Regulation respecting financing, which provides the rules applicable to the new method of payment for the employer assessment, was made by the Commission on 18 November 2010 and will come into force on the same date as section 7 of chapter 53 of the Statutes of 2006, namely 1 January 2011, under Order in Council 1065-2010 dated 1 December 2010;

WHEREAS the Regulation respecting the implementation of the Agreement on the professional dance training program does not change the protection granted to the persons concerned as workers;

WHEREAS it is expedient to approve the Regulation respecting the implementation of the Agreement on the professional dance training program;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the Agreement on the professional dance training program, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on the professional dance training program

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons participating in the professional dance training program on the conditions and to the extent provided for in the Agreement between the Minister of Culture and Communications and the Commission de la santé et de la sécurité du travail appearing in Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the agreement on the professional dance training program, made by Order in Council 1253-2005 dated 21 December 2005.

3. This Regulation comes into force on 1 January 2011.

SCHEDULE I

AGREEMENT

BETWEEN

THE MINISTER OF CULTURE,
COMMUNICATION AND THE STATUS OF
WOMEN ACTING ON BEHALF OF THE
GOUVERNEMENT DU QUÉBEC, REPRESENTED
BY SYLVIE BARCELO, DEPUTY MINISTER,
DULY AUTHORIZED,

hereinafter called “the Minister”

AND

THE COMMISSION DE LA SANTÉ ET DE LA
SÉCURITÉ DU TRAVAIL REPRESENTED BY
LUC MEUNIER, CHAIR OF THE BOARD OF
DIRECTORS AND CHIEF EXECUTIVE OFFICER,
DULY AUTHORIZED

hereinafter called “the Commission”

UNDER SECTION 16 OF THE
ACT RESPECTING INDUSTRIAL
ACCIDENTS AND OCCUPATIONAL DISEASES

WHEREAS the Minister of Culture, Communications and the Status of Women is in charge of the direction of the Ministère de la Culture, des Communications et de la Condition féminine, under section 1 of the Act respecting the Ministère de la Culture et des Communications (R.S.Q., c. M-17.1), Order in Council 1159-2008 dated 18 December 2008 and Order in Council 306-2007 dated 19 April 2007;

WHEREAS, under article 10 that Act, the Minister performs duties in the field of heritage, the arts, literature and cultural industries and the Minister's duty in those fields is to support primarily activities of creation, animation, production, promotion, diffusion, training, research and conservation, and to contribute to their development;

WHEREAS, under section 11 of that Act, the Minister is to develop a cultural policy having for object, in particular, to foster the development of artistic creation and, in the development of the cultural policy, ensure the cooperation of the government departments and bodies or agencies concerned;

WHEREAS the Minister has published an action plan entitled *Pour mieux vivre de l'art* to improve the socio-economic conditions of artists, providing particularly for the protection of dancers during training activities not covered in an employment contract;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission is a legal person;

WHEREAS the Minister has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to the workers covered by this Agreement and the Minister 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 deemed 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 that section 16, the second paragraph of section 170 of the Act respecting occupational health and safety applies to such agreement, the effect of

that section 16 being that the Commission must proceed by way of a regulation in order to give effect to an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

CHAPTER 1
ENABLING PROVISION

Enabling provision

1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

CHAPTER 2
PURPOSES OF AGREEMENT

Purposes of agreement

2.1 The purposes of this Agreement are to provide for the application of the Act respecting industrial accidents and occupational diseases to the workers concerned and to determine the respective obligations of the Minister and of Commission, on the conditions and to the extent set forth herein.

CHAPTER 3
DEFINITIONS

For the purposes of this Agreement,

“Commission”

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

“employment”

(b) employment means the employment of a worker as an interpreter in an artistic dance production;

“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, within the meaning of the Act;

“Act”

(d) Act means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

“Minister”

(e) Minister means the Minister of Culture, Communications and the Status of Women;

“worker”

(f) worker means a person who, under the program appearing in Schedule 1, performs training activities not included in an employment contract for the purpose of maintaining professional competencies. These activities must be structured and supervised by a qualified professional and they do not include activities performed at home, in gymnasiums or fitness centres.

**CHAPTER 4
OBLIGATIONS OF THE MINISTER****Employer**

4.1 The Minister is deemed to be the employer of any worker covered by this Agreement.

Restrictions

Despite the foregoing, that employer-employee relationship is recognized only for the purposes of compensation, assessment and imputation of the cost of benefits under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

Exclusions

The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the Ministère de la Culture, des Communications et de la Condition féminine.

General obligations

4.2 As an employer, the Minister is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents.

Register of accidents

However, the Minister is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

Information

At the request of the Commission, the Minister forwards a description of the activities performed by the worker at the time the employment injury appeared.

Exceptions

4.3 Despite section 4.2, section 32 of the Act pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII respecting the right to return to work do not apply to the Minister.

First aid

The Minister must ensure that first aid is given to a worker suffering an employment injury, in accordance with sections 190 and 191 of the Act, and assume the costs thereof.

Payment of assessment

4.4 The Minister agrees to pay the assessment calculated by the Commission and the fixed administrative costs associated with each financial record.

For the purposes of this Agreement, the Minister is also bound to make periodic payments, in accordance with section 315.1 of the Act.

Assessment

4.5 For assessment purposes, the Minister is deemed to pay to each worker covered annual gross wages, rounded to the next highest multiple of one hundred dollars, established on the basis of the minimum wage in effect on 31 December of the year in which the training activities are performed.

Annual statement

4.6 The Minister sends to the Commission, before 15 March of each year, a statement setting out, in particular, the amount of gross wages deemed paid to the workers during the preceding calendar year.

Register

4.7 The Minister keeps a detailed register of the workers' names and addresses and, on request by the Commission, provides it with the information it needs for the purposes of this Agreement.

Description of programs

4.8 The Minister forwards to the Commission, on the coming into force of this Agreement, a description of the program appearing in Schedule 1.

New program or amendment

Every subsequent amendment to the program appearing in Schedule 1 must be forwarded so as to determine whether it should remain under this Agreement.

CHAPTER 5 OBLIGATIONS OF THE COMMISSION

Worker status

5.1 The Commission considers a worker covered by this Agreement to be a worker within the meaning of the Act.

Indemnity

5.2 A worker 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 employment by reason of the injury.

Payment

Despite section 60 of the Act, the Commission pays to such a worker the income replacement indemnity to which the trainee is entitled.

Calculation of indemnity

5.3 For the purposes of calculating the income replacement indemnity, the worker's gross annual employment income is 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 appears.

Financial records

5.4 At the request of the Minister, the Commission opens a special financial record for the program covered by this Agreement.

Programs referred to

The program is classified in the unit of operation: "Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theatre; operating an orchestra, a discomobile, a singing group, theatre company or a theatrical agency; leasing or renting halls; installing equipment for social dances" or, following

subsequent amendments made to that unit of operation after the signing of this Agreement, in a unit corresponding to those program activities.

Applicable rate

5.5 The Commission applies, for the program appearing in Schedule 1, either the specific assessment rate of the unit in which the program is classified, or a personalized assessment rate, provided in the latter case that the Minister satisfies the conditions set out in the Act and its regulations for each assessment year.

CHAPTER 6 MISCELLANEOUS

Monitoring of progress

6.1 Within 15 days following the coming into force of this Agreement, both the Commission and the Minister designate a person who will be responsible for monitoring the progress of this Agreement.

Addresses for notices

6.2 Every notice provided for in this Agreement must be sent to the following addresses:

- (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 du ministère
Ministère de la Culture, des Communications
et de la Condition féminine
225, Grande-Allée Est, Bloc C, 1^{er} étage
Québec (Québec) G1R 5G5

CHAPTER 7 COMING INTO FORCE, TERM AND CANCELLATION

Effective date

7.1 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety.

Term

The Agreement remains in force until 31 December 2011.

Tacit renewal

7.2 It is subsequently 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.

Amendments

7.3 In the latter case, the notice must contain the amendments which the party wishes to make.

Renewal

The sending of such notice does not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

CHAPTER 8
AMENDMENT TO AND CANCELLATION OF
AGREEMENT

Non-compliance

8.1 If the Minister fails to comply with any of its obligations, the Commission may request that the Minister remedy that failure within a period fixed by the Commission. Should the failure not be remedied within the period fixed, the Commission may cancel this Agreement by giving notice in writing.

Date

8.2 This Agreement is then cancelled on the date of the notice in writing.

Financial adjustments

8.3 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.

Sum due

Any sum due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

Mutual agreement

8.4 The parties may, by mutual agreement, amend or cancel this Agreement at any time.

Damages

8.5 In the event of cancellation, neither party must 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 _____ on this _____ at _____ on this _____

() day of _____ 2010 () day of _____ 2010

 SYLVIE BARCELO,
Deputy Minister
Ministère de la Culture,
des Communications et
de la Condition féminine

 LUC MEUNIER,
Chair of the board of directors
and Chief Executive Officer
Commission de la santé et de
la sécurité du travail

SCHEDULE I TO THE AGREEMENT

LIST OF PROGRAMS SUBJECT TO
THE AGREEMENT

— Training periods in the workplace

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Gouvernement du Québec

O.C. 1198-2010, 15 December 2010

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

Agreement on any program of the Ministère
de la Santé et des Services sociaux

— Implementation

Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux

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;