

Draft Regulations

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Demerit points — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting demerit points, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases from 3 to 4 the number of demerit points that the Société de l'assurance automobile du Québec will enter in the record of a person convicted of an offence for driving while using a hand-held device including a telephone function.

The Société does not foresee any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Pierre-Olivier Sénéchal, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-4295.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

ROBERT POËTI,
Minister of Transport

Regulation to amend the Regulation respecting demerit points

Highway Safety Code
(chapter C-24.2, s. 619, par. 9)

1. The Regulation respecting demerit points (chapter C-24.2, r. 37) is amended in the Schedule Table of demerit points by replacing “3” by “4” in element 26.1.
2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Draft Regulation

An Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry — Amendment

Occupational health and safety — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the 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, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation ensures the health, safety and physical well-being of workers on construction sites. It provides for amendments in Division III of the Safety Code for the construction industry to introduce certain obligations regarding the supply of sanitary facilities and concerning the use of a hydraulic shovel as a hoisting device for the installation of electric power lines and for blasting operations. Accordingly, the draft Regulation also amends the Regulation respecting occupational health and safety to withdraw the provisions concerning sanitary facilities on sites.

To date, study of the matter has shown no significant impact on enterprises, as most changes introduce and clarify in the Safety Code for the construction industry the obligations regarding the supply of sanitary facilities on sites which already apply under the Code and the Regulation respecting occupational health and safety. In the case of sites where 25 and more persons work, the requirements for certain types of sanitary facilities may entail additional costs for the leasing or acquisition of such facilities. With regard to the handling of loads using a hydraulic shovel for the installation of electric power lines and for blasting operations, the amendments proposed have no significant impact on enterprises. To the contrary, the amendments allow practices as safe as the practices already applied in the execution of those activities at a lower cost for enterprises.

Further information on the rules governing the supply of sanitary facilities may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, bureau 250, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2031; email: claude.rochon@csst.qc.ca

Further information on the use of a hydraulic shovel as a hoisting device may be obtained by contacting Pierre Bouchard, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, bureau 250, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2014; email: pierre.bouchard@csst.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claude Sicard, Vice-President, Partenariat et expertise-conseil, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MICHEL DESPRÉS,
*Chair of the board of directors and
Chief Executive Officer of the 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 (chapter S-2.1, s. 223, 1st par., subpars. 7, 19, 41 and 42, 2nd and 3rd pars.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1 by inserting the following after paragraph 33:

“(33.1) “flushing toilet” means a toilet having the following features:

(a) the bowl has a hatch or a siphon which separates it physically and visually from the drain pipe or the processing tank;

(b) waste is purged from the bowl toward the sewer system or into the processing tank by means of a device causing a flow of water or chemicals;

(33.2) “chemical toilet” means a toilet without a bowl in which waste falls directly into a tank containing a chemical product to process the waste;”.

2. Section 2.4.4 is amended by inserting “toilets and their accessories,” after “housekeeping of sites,”.

3. Section 3.2.7 is replaced by the following:

“**3.2.7. Toilets:** As of the first day of work, a toilet must be placed at the disposal of workers. If 25 or more workers are to occupy the site at the same time, a flushing toilet must be placed at their disposal, even if all the workers are not yet present on site. If there never will be more than 24 workers on site, a chemical toilet may be at their disposal.

One toilet is provided per group of 30 workers or fewer.

If a flushing toilet is not connected to a waterworks or sewer system in accordance with the Construction Code (chapter B-1.1, r. 2), it must collect the waste in a tank to process the waste chemically and be built in accordance with the standard Sanitation - Nonsewered Waste - Disposal Systems - Minimum requirements, ANSI Z4.3-1995 (r. 2005), published by the American National Standards Institute.

The obligation to place a toilet at the disposal of workers is met if the workers are authorized to use the sanitary facilities of an establishment located at a distance that complies with section 3.2.7.1.

3.2.7.1. Toilets must be located at a distance not exceeding 150 m (500 ft.) from the work area and must not be more than 4 storeys higher or lower than the work area.

3.2.7.2. A toilet must be

- (1) within easy access;
- (2) free from any obstacle or obstruction that could prevent the toilet from being used;
- (3) built so that the occupant is sheltered from view and protected from the weather and falling objects;
- (4) provided with natural or artificial lighting;
- (5) equipped with a seat and cover;
- (6) provided with toilet paper;
- (7) heated to a minimum of 20°C; and
- (8) ventilated.

The toilet must be maintained in good operating condition and in a clean and sanitary condition and be kept free of vermin, rodents and insects.

Any cracked or damaged toilet seat must be replaced immediately.”.

4. The following is inserted after section 3.2.8:

“3.2.8.1. Flushing toilet accessories: A sink containing clean and temperate water must be placed at the disposal of workers for each flushing toilet.

A notice indicating that the water is not suitable as drinking water must be displayed so that it is visible to workers, where applicable.

3.2.8.2. Toilet accessories: A sink must be maintained in good operating condition and in a clean and sanitary condition and the following products must be placed at the disposal of workers:

(a) soap or another cleansing agent;

(b) a hand dryer, roller towels or paper towels;

(c) where paper towels are used, waste paper baskets for their disposal.”.

5. Section 3.2.9 is replaced by the following:

“3.2.9. Lunch room: On any work site where there are 10 or more workers and where the work lasts more than 7 days, the employer must make a room available to the workers where they may take their meals. The room must

(a) not have any dimension of less than 2.3 metres;

(b) have 1.1 square metre of floor area per person who eats in the room;

(c) be heated to a minimum of 20°C;

(d) be properly ventilated and lighted and prohibited to smoking;

(e) be provided with hooks for clothing;

(f) be furnished with sufficient tables and chairs for the number of workers who may eat there at the same time;

(g) be supplied with covered recipients for waste; and

(h) be maintained in good, clean and sanitary condition.

The room must not serve for the storage of materials, equipment or tools.”.

6. Section 3.10.3.3 is amended in the first paragraph

(1) by inserting “, whether or not it is modified,” after “for lifting purposes”;

(2) by replacing “or culvert” by “, culvert or blasting”;

(3) by replacing subparagraph *a* by the following:

“(a) lifting must be carried out in accordance with a work method prepared in writing by the employer, available on the work site. The method must comply with the standards provided for in section 2.15.6 and indicate that no worker may be located under the boom, arm, load arm or bucket of the machine or under the load during lifting; and”;

(4) by replacing “approved by an engineer” by “recommended by the manufacturer” in subparagraph *b*; and

(5) by adding the following after subparagraph *b*:

“(c) the standards provided for in section 2.15.1 must be complied with.”.

7. The following is inserted after section 3.10.3.3:

“3.10.3.3.1. Hydraulic shovel used for assembly on the ground during electric power line installation

The use of a hydraulic shovel on caterpillars for assembling components on the ground during the installation of an electric power line is allowed if the conditions of section 3.10.3.3 and the following conditions are complied with:

(1) the shovel must be equipped with load lowering control devices on the boom and the arm that comply with the standard Earth-moving machinery - Hydraulic excavator and backhoe loader boom-lowering control device - Requirements and tests, ISO 8643, published by the International Organization for Standardization, with the necessary modifications, and visual or audible overload indicator that complies with the standard Earth-moving machinery - Safety - Part 5: Requirements for hydraulic excavators, NF EN 474-5, published by the Association française de normalisation (AFNOR);

(2) a nominal load table that complies with the standard Earth-moving machinery - Hydraulic excavators - Lift capacity, ISO 10567, published by the International Organization for Standardization, must be installed so that the operator can read it;

(3) hoisting must be executed on a level surface having a bearing capacity sufficient to support the equipment and the load hoisted without significant settlement;

(4) the bucket of the hydraulic shovel must be removed to hoist a load.”.

8. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by striking out “, 162 to 165” in section 2.

9. Sections 1 to 5 of this Regulation apply, from the following dates, to open sites that the number of workers indicated will occupy simultaneously at a particular stage of the work or for the duration of the work:

(1) (*insert the date of coming into force of this Regulation*) if there are 100 or more workers;

(2) (*insert the date corresponding to the sixth month following the date of coming into force of this Regulation*) if there are between 50 and 99 workers;

(3) (*insert the date corresponding to 1 year following the date of coming into force of this Regulation*) if there are 50 workers or fewer.

Despite section 8, sections 162 to 165 of the Regulation respecting occupational health and safety continue to apply to construction sites or, where applicable, to the categories of sites specified in that Regulation, until the rules provided for in sections 1 to 5 apply to them in accordance with the first paragraph.

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

3552

Draft Regulation

An Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3)

Notations and markings on a vehicle — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides the rules governing the entry of the notation “unaudited” to the “satisfactory” safety rating of a person registered in the Register of Owners and Operators of Heavy Vehicles, particularly when that person has not undergone a facility audit.

The draft Regulation provides an additional means to identify the operator of a heavy vehicle, namely by marking a motorized vehicle with only one name and identification number assigned by the Commission des transports du Québec to an operator entered in the Register of Owners and Operators of Heavy Vehicles. Lastly, it sets the conditions to be met by such marking.

The draft Regulation exempts lessees of heavy vehicles who operate for their own account heavy vehicles leased for a consecutive period of less than 15 days from the obligation to register in the Register of Owners and Operators of Heavy Vehicles for lessees of heavy vehicles.

Further information may be obtained by contacting Guy-Antoine Daigle, Direction du transport routier des marchandises, Ministère des Transports, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; telephone: 418 644-4719, extension 3323; email: guy-antoine.daigle@mtq.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 2⁹^e étage, Québec (Québec) G1R 5H1.

ROBERT POËTI,
Minister of Transport

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

An Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3, ss. 3, 6 and 42.3)

1. The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3, r. 1) is amended in section 1

(1) by inserting “or for their own account” in paragraph 3 after “free of charge”;

(2) by replacing “in a municipality or territory” in paragraph 5 by “in the territory of a municipality or of another entity”.