

(5) the person having parental authority is a Canadian citizen or a permanent resident of Canada and the person having custody *de facto* of that person ordinarily resides in Québec; or

(6) the person having parental authority over that person is a diplomatic agent of a foreign government part of a diplomatic mission established in Canada, a representative of a foreign government assigned to an office of that government established in Québec or a consular officer of a foreign government assigned to a consular position established in Québec.

2. This Regulation comes into force on 1 July 2018.

103425

Draft Regulation

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

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 Regulation respecting occupational health and safety, appearing below, may be made by the Commission des normes, de l'équité, 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 purpose of the draft Regulation is to ensure the health, safety and physical integrity of workers in an establishment. It provides new rules and updated standards in matters of protection and prevention against falls, in particular in relation to the layout of the premises and the use of individual and collective protection measures and equipment.

Study of the matter shows that the amendments have no impact on enterprises, in particular small and medium-sized businesses.

Further information may be obtained by contacting Dorothée Vallée, ing. expert counsellor – construction sector, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4699 extension 2008; fax: 418 266-4698.

Any interested person wishing to comment on the matter is requested to submit written comments within the 45-day period to Claude Sicard, Vice-President for Partnership and Expert Counselling, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

MANUELLE OUDAR,
Chair of the board of directors and Chief Executive Officer of the Commission des normes, de l'équité, de la santé et de la sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7 to 9, 14, 19 and 42 and 3rd paragraph)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1

(1) by inserting the following after the definition of “instructor”:

““lanyard” means a rope or strap fastened at one end to a safety harness and at the other end to an anchorage system or other component of a fall arrest connecting device;

“lifeline” means a synthetic fibre rope, a steel wire rope or a strap attached to an anchorage system and used to guide a rope grab;”;

(2) by inserting the following after the definition of “enclosed area”:

“free fall distance” means the vertical distance measured from the beginning of a fall, from the harness D-ring to which the fall arrest connecting device is attached, to the point where the fall arrest system begins to apply force to stop the fall;”;

2. Section 9 is revoked.

3. Section 10 is amended by replacing “for a worker or for any object shall be protected with a guardrail” by “for an object that may cause injuries shall be protected with a net”.

4. Section 11 is revoked.

5. Section 12 is amended

(1) by replacing “Other guardrails” in the second paragraph by “Temporary guardrails”;

(2) by replacing “0,55 kN” in subparagraph 1 of the first paragraph by “900 N”;

(3) by replacing “1,5 kN per linear metre” in subparagraph 2 of the first paragraph by “450 N”;

(4) by replacing the third and fourth paragraphs by the following:

“In addition, such guardrails shall be provided with

(1) a top rail located between 1 m and 1,2 m from the floor;

(2) at least an intermediate rail fixed at midway between the top rail and the floor. The intermediate rail may be replaced by balusters or panels;

(3) a toeboard at floor level at least 90 mm high.

At locations where there is a concentration of workers and at other locations where the intermediary guardrails may be subject to extraordinary pressures, they shall be reinforced accordingly.”

6. Section 13 is revoked.

7. Section 14 is amended

(1) by replacing paragraph 4 by the following:

“(4) free from any opening capable of causing an accident, unless they are protected with a guardrail or a cover capable of bearing a load of at least 2,4 kN/m².”;

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

“Where a motorized vehicle is likely to travel on a cover, the cover must have a resistance at least equivalent to 3 times the maximum load that may be imposed by the vehicle.”

8. Section 15 is amended

(1) by replacing paragraph 7 by the following:

“(7) be free from any opening capable of causing an accident, unless they are protected with a guardrail or a cover capable of withstanding a load of at least 2,4 kN/m².”;

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

“Where a motorized vehicle is likely to travel on a cover, the cover must have a resistance at least equivalent to 3 times the maximum load that may be imposed by the vehicle.”

9. Section 22 is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) be provided with guardrails securely fastened and supported on the open sides, including landings;”

10. The following is inserted after section 22:

“**22.1 Ramp:** A ramp must be provided with a guardrail securely fastened and supported on the open sides where the workers are exposed to a falling hazard of 1,5 m or more.”

11. Section 23 is amended

(1) by replacing subparagraph 7 of the first paragraph by the following:

“(7) be provided with a fall arrestor in compliance with CSA Standard Z259.2.5 Fall Arresters and Vertical Lifelines, or CSA Standard Z259.2.4 Fall Arresters and Vertical Rigid Rails where there is danger of a fall greater than 6 m.”;

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

“Despite subparagraph 7, permanent ladders installed before (*insert the date of coming into force of this Regulation*) may, until they are modified, be provided with crinolines, cages or a fall arrestor in compliance with CAN/CSA Standard Z259.2.1-98 Fall Arresters, Vertical Lifelines and Rails, where there is danger of a fall greater than 6 m.”

12. Section 24 is amended by replacing “permanent” by “fixed”.

13. Section 31 is amended by replacing paragraph 2 by the following:

“(2) be provided with guardrails on the sides exposed to falls of 1,5 metres or more;”

14. The following is inserted after section 31:

“**31.1. Suspended scaffolding:** Any suspended scaffolding shall be used with a full body harness secured to an anchorage system by a fall arrest connecting device in accordance with section 347. Where the suspended scaffolding is hung from 4 hoisting cables, the anchorage system may be installed on the platform.

The suspended scaffolding shall comply with CAN/CSA Standard Z271 Safety Code for Suspended Platforms and be used in accordance with CAN/CSA Standard Z91 Health and Safety Code for Suspended Equipment Operations. These 2 standards are those applicable on the date of manufacture of the scaffolding.

Where a rope grab fastened to a vertical lifeline is used, it shall have a feature that prevents the sliding of the rope grab along the lifeline should it be grabbed in a panic during a fall.”

15. Section 33 is amended

(1) by replacing subparagraph 4 of the first paragraph by the following:

“(4) be provided with guardrails when the workers are at risk of falling

(a) into a liquid or dangerous substance;

(b) from a height of 1,5 m or more in a well, a basin, a tank, a reservoir, a vat, a container for the storing or mixing of substances, or where the workers are handling a load; or

(c) from a height greater than 3 m in other cases.

Despite subparagraph 4, a guardrail is not required for each of the sides of a scaffold floor located less than 350 mm from a wall or another floor.”;

(2) by replacing the last sentence of the last paragraph by the following:

“In this case, the wearing of a full body harness secured to an anchorage system by a fall arrest connecting device is mandatory for the worker, in accordance with section 347.”

16. The following Division is inserted after section 33:

**“DIVISION III.1
PROTECTION AGAINST FALLS**

33.1. Cases where workers must be protected: Workers shall be protected against falls in the following cases:

(1) if they are at risk of falling more than 3 m unless they are only using a means of access or exit;

(2) if they are at risk of falling

(a) into a liquid or dangerous substance;

(b) on a moving component;

(c) on equipment or material that constitute a danger;

(d) from a height of 1,5 m or more in a well, a basin, a tank, a reservoir, a vat, a container for the storing or mixing of substances, or where the workers are handling a load.

33.2. Safety measures: Where workers must be protected in accordance with section 33.1 and subject to section 33.3, one or several of the following measures shall be taken by the employer to ensure the safety of workers:

(1) change the work position of workers so that they can work on the ground or on another surface from which they are not at risk of falling;

(2) install guardrails or a system which, by limiting the movements of workers, prevent them from being at risk of falling;

(3) use common protective devices and equipment, such as a safety net in accordance with section 354;

(4) ensure that workers wear safety harnesses secured to an anchorage system by a fall arrest connecting device, in accordance with section 347 when they are working. When workers cannot position themselves without the help of their fall arrest connecting device, ensure that they also use a means of positioning, such as a plank on brackets, a positioning tether or strap, a suspension cable or a platform;

(5) use another means that ensures equivalent safety for workers.

33.3. Installation of guardrails: Guardrails must be placed on open sides of a roof or around any area from which workers may fall:

(1) into a liquid or dangerous substance;

(2) a height of 1,5 m or more in a well, a basin, a tank, a reservoir, a vat, a container for the storing or mixing of substances, or where the workers are handling a load; or

(3) a height greater than 3 m in other cases.

Despite the foregoing, the guardrail may be removed during the time of the work if it prevents the carrying out of a task that could not be reasonably performed otherwise. In such a case, workers must wear a safety harness secured to an anchorage system by a fall arrest connecting device, in accordance with section 347. The work area must then be delimited in particular by a continuous barrier or trestles of a minimum height of 0,7 m, located at a distance varying between 0,9 m and 1,2 m from the place where workers are at risk of falling, or by a warning line complying with the requirements of section 354.1, so as to prevent access thereto by persons not working therein.

33.4. Water basins: Sections 33.1 to 33.3 do not apply to water basins used for leisure purposes.

33.5. Warning line instead of a guardrail: Despite section 33.3, during roofing work, a warning line complying with section 354.1 may be installed to replace the use of a guardrail and delimit a work area on a roof with a slope equal to or less than 15° (3/12).

In such a case, another recognized protection mechanism against falls, such as a safety harness secured to an anchorage system by a fall arrest connecting device in accordance with section 347 shall be used outside the area delimited by the warning line.”

17. Section 261 is amended by replacing “that complies with sections 347 and 348” in the last paragraph by “secured by a fall arrest connecting device to an anchorage system in accordance with section 347”.

18. The last paragraph of section 264 is replaced by the following:

“The safety harness shall be secured by a fall arrest connecting device to an anchorage system provided by the device’s manufacturer or, failing that, to an anchorage system complying with sections 349 and 349.1.

The harness shall comply with CAN/CSA Standard Z259.10 Full Body Harnesses and the fall arrest connecting device shall comply with section 348.”

19. Section 268 is revoked.

20. Section 312 is amended

(1) by replacing “each worker entering such an area shall wear a safety harness” in the first paragraph by “every worker shall wear a safety harness secured by a fall arrest connecting device to an anchorage system in accordance with section 347”;

(2) by striking out the last paragraph.

21. The following is inserted after section 323:

“**323.1 Barriers, barricades or warning line:** Continuous barriers or barricades of a minimum height of 0,7 m or a warning line complying with section 354.1 must be set up on the edge of any escarpment or digging

(a) whose depth is more than 3 m; or

(b) which might constitute a hazard to workers.”

22. Section 324 is revoked.

23. Section 335 is replaced by the following:

“**335. Protection of workers in the pit area:** A pit shall be clearly visible by surrounding it with at least a non-slip bright-colored strip, at least 30 cm wide.

Movable walkways equipped with guardrails shall be available and easy to put into place for doing work at the end of a vehicle, where the vehicle is shorter than the pit.”

24. The following is inserted after section 335:

“**335.1 Access to pits:** The work area shall be delimited to prevent access to the pits by persons not working in them by installing a fixed barrier at least 0,7 m in height, at a minimum distance of 1 metre around the pit, or a warning line complying with section 354.1. A sign prohibiting access to all, except for authorized personnel, shall also be posted near the access points.

If it is impossible to install a barrier or a warning line, a guardrail around the pit, a cover or a wire fence whose strength complies with that provided for in subparagraph 4 of the first paragraph of section 14 shall be installed to eliminate the risk of falling.

335.2. Unused pit: Where a pit is no longer in use, it must be surrounded by a guardrail or closed with a cover that can bear a load at least 3 times the maximum load that may be imposed by a vehicle, or be condemned by completely filling it.”

25. Section 338 is amended

(1) by replacing “provided under this Division, as well as subparagraph *c* of subparagraph 2 of the first paragraph of section 300 and section 312 and ensure that the worker, when performing his work, uses such means and equipment” in the first paragraph by “required under this Regulation and ensure that the workers have received the information necessary for using those means and equipment”;

(2) by striking out the last paragraph.

26. Section 339 is amended by replacing “provided in this Division, as well as in subparagraph *c* of subparagraph 2 of the first paragraph of section 300 and section 312” by “required under this Regulation”.

27. Section 346 is revoked.

28. Sections 347 to 349 are replaced by the following:

“**347. Full body harness:** A full body harness shall comply with CAN/CSA Standard Z259.10 Full Body Harnesses and be secured by a fall arrest connecting device to an anchorage system, in accordance with sections 348 to 349.1. Such assembly shall limit the maximum fall arrest force to 6 kN or the free fall distance to 1,8 m.

348. Fall arrest connecting device: A fall arrest connecting device shall be composed of one or more of the following equipment, including at least the equipment provided for in paragraph 1 or 2:

(1) a shock absorber and a lanyard complying with CAN/CSA Standard Z259.11 Shock Absorbers and Lanyards. The lifeline, including the shock absorber, shall have a maximum length of 2 m;

(2) a self retracting lanyard complying with CAN/CSA Standard Z259.2.2 Self-Retracting Devices;

(3) a rope grab complying with CSA Standard Z259.2.5 Fall Arresters and Vertical Lifelines or CSA Standard Z259.2.4 Fall Arresters and Vertical Rigid Rails;

(4) a vertical lifeline complying with CSA Standard Z259.2.5 Fall Arresters and Vertical Lifelines or CSA Standard Z259.2.4 Fall Arresters and Vertical Rigid Rails, which shall never be directly in contact with a sharp edge and shall

(a) be used by one person only;

(b) be less than 90 m in length;

(c) be free of defects, knots and splices, except at the terminations of the lifeline;

(5) a connecting component, such as a spring hook, D-ring or snap hook in compliance with CAN/CSA Standard Z259.12 Connecting Components for Personal Fall Arrest Systems.

349. Securing to an anchorage system: The fall arrest connecting device of a full body harness shall be secured to one of the following anchorage systems:

(1) a single point of anchorage with one of the following characteristics:

(a) have a breaking strength of at least 18 kN;

(b) be designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.16 Design of Active Fall-Protection Systems, and

i. have a strength equal to twice the maximum arrest force as certified by an engineer; or

ii. be certified in accordance with EN 795 Personal Protective Equipment against Falls - Anchor devices - published by the European Committee for Standardization or with CAN/CSA Standard Z259.15 Anchorage Connectors;

(2) a flexible continuous anchorage system (horizontal lifeline) with one of the following characteristics:

(a) be in compliance with the following minimum standards:

i. have a steel cable of a minimum diameter of 12 mm slackened to a minimum angle of 1 vertical to 12 horizontal, or 5° from horizontal;

ii. have a maximum distance of 12 m between the end anchors;

iii. have end anchors with a breaking strength of at least 90 kN;

(b) be designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.13 Flexible Horizontal Lifeline Systems and CSA Standard Z259.16 Design of Active Fall-Protection Systems;

(3) a rigid continuous anchorage system designed and installed in accordance with an engineer's plan in compliance with CSA Standard Z259.16 Design of Active Fall-Protection Systems.

A flexible continuous anchorage system complying with subparagraph *a* of subparagraph 2 of the first paragraph may not be used by more than 2 workers simultaneously.

An anchorage system having the characteristics described in subparagraphs *b* of subparagraphs 1 and 2 of the first paragraph and an anchorage system referred to in subparagraph 3 of the first paragraph shall, before it is first brought into service, be inspected and tested by an engineer or a qualified person acting under the supervision of an engineer, to ensure that the system is in compliance with the design and installation plans.

349.1. Anchorage system: An anchorage system

(1) cannot be used by more than 1 person at a time, except in the case of a continuous anchorage system, such as a horizontal lifeline, or a rigid anchorage system, such as a rail;

(2) must be designed so that the D-ring of the suspension point of a worker's safety harness cannot be moved horizontally by more than 3 m or an angle of 22°; and

(3) must be designed so that properly attached personal protective equipment cannot be detached involuntarily.

The structure on which the anchorage system is installed must be able to withstand the effort exerted by the anchorage system in addition to the other efforts that it must ordinarily withstand.”

29. The second paragraph of section 350 is replaced by the following:

“Such a belt shall comply with CAN/CSA Standard Z259.1 Body Belts and Saddles for Work Positioning and Travel Restraint.”

30. Sections 351 to 353 are revoked.

31. Section 354 is amended

(1) by inserting “be installed in accordance with the manufacturer’s instruction manual and ” at the beginning of paragraph 1;

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

“(9) bear an indication of the manufacturer’s name and make, the identification number, the year of manufacture and the minimum resistance.”

32. The following is inserted after section 354:

“**354.1. Characteristics of a warning line:** A warning line must be

(1) continuous and installed on all sides of the work area that it delimits;

(2) placed at a distance of 2 m or more from any place where a worker may fall from a height;

(3) made of a rigid strip, a cable or a chain able to withstand a tractive force of at least 2,22 kN;

(4) equipped with flags made of high-visibility materials and placed at intervals of not more than 2 m;

(5) capable of withstanding a load of 100 N applied horizontally at the line’s highest point or vertically at its midpoint between 2 stanchions;

(6) completed at each access point, storage area or hoisting area by a path formed by 2 parallel lines not exceeding 3 metres in length. In places where the access path starts at a roof edge, a guardrail must be installed on the side of the roof, in compliance with section 33.3, so as to cover the first 3 metres on either side of the access path’s starting point; and

(7) installed so that the line is

(a) located between 0,7 m above the work surface at the line’s lowest point and 1,2 m above that surface at its highest point;

(b) supported by stanchions placed at intervals of not more than 2,5 m; and

(c) attached to each stanchion so that pushing on the line between 2 stanchions does not reduce the height of the line between adjacent stanchions by an equivalent amount.”

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

103421

Draft Regulation

Travel Agents Act
(chapter A-10; 2017, chapter 24)

Travel agents — 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 travel agents, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to complete legislative provisions recently introduced by the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24), assented to on 15 November 2017. In particular it completes the legislative provisions recently adopted with respect to the rules related to the Fonds d’indemnisation des clients des agents de voyages (FICAV). The draft Regulation facilitates access to the FICAV, extends its coverage, increases the sums devoted to its promotion and suspends the collection of contributions.

The draft Regulation strikes out the provision requiring that the president of the Office de la protection du consommateur waits six months before reimbursing customers and increases the ceiling for the total amount of the indemnities that may be paid for a same situation.