

## Draft Regulations

### Notice

An Act respecting collective agreement decrees (chapter D-2)

#### Hairdressers – Outaouais — Revocation

Notice is hereby given, in accordance with sections 5 and 8 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity, after having consulted the Comité paritaire des coiffeurs de la région de l'Outaouais, will recommend to the Government that it revoke the Decree respecting hairdressers in the Outaouais region (chapter D-2, r. 4) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to revoke the Decree respecting hairdressers in the Outaouais region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree revokes the Decree respecting hairdressers in the Outaouais region in order to eliminate, among other things, the minimum prices of hairdressing services, the regulation of opening hours of hairdressing salons and the rules related to the payment of a commission to hairdressers and assistant-hairdressers in the Outaouais administrative region.

The regulatory impact analysis shows that the revocation of the Decree could generate savings for enterprises, in particular, small and medium-sized businesses.

Further information on the draft Decree may be obtained by contacting Louis-Philippe Roussel, advisor, policy development, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 644-2206; fax: 418 643-9454; email: louis-philippe.roussel@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

CAROLE ARAV,  
*Deputy Minister of Labour, Employment  
and Social Solidarity*

### Decree to revoke the Decree respecting hairdressers in the Outaouais region

An Act respecting collective agreement decrees (chapter D-2, a. 8)

**1.** The Decree respecting hairdressers in the Outaouais region (chapter D-2, r. 4) is revoked.

**2.** This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

104275

### Draft Regulation

An Act respecting industrial accidents and occupational diseases (chapter A-3.001)

#### Hearing devices and audiology services

##### Medical aid — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting hearing devices and audiology services and the Regulation to amend the Regulation respecting medical aid, 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 455 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) on the expiry of 45 days following this publication.

The chief purpose of the draft Regulation respecting hearing devices and audiology services is to provide a framework for the cost of the purchase, adjustment, repair and replacement of hearing devices to which workers are entitled as a result of an employment injury. It also establishes the criteria to apply to costs related to their accessories, and determines the conditions and payment limits for audiology services. Lastly, it specifies the authorizations to which the products or services may be subject.

The draft Regulation to amend the Regulation respecting medical aid makes consequential amendments to ensure consistency with the Regulation respecting hearing devices and audiology services (*insert the reference of the pre-publication*).

The Regulations will entail no direct costs to enterprises in Québec; the proposed rules or amendments do not introduce additional administrative formalities.

Further information may be obtained by contacting Michelle Morin, Commission des normes, de l'équité et de la santé et de la sécurité du travail, 1199, rue de Bleury, Montréal (Québec) H3B 3J1, telephone: 514 906-3006, extension 2409.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Claude Beauchamp, Vice-president for compensation and occupational reintegration, Commission des normes, de l'équité et de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

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 respecting hearing devices and audiology services

An Act respecting industrial accidents and occupational diseases  
(chapter A-3.001, ss. 189, par. 5, 198.1 and 454, 1st par., subpars. 3.1 and 4.1)

### DIVISION I INTERPRETATION

#### 1. In this Regulation,

«**account**» means an invoice, a bill of fees or a payment transaction by electronic link or other technological support authorized by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 356 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001); (*compte*)

“**border region**” means a part of the territory of Québec comprised within 80 km of any point along the border with Ontario, New Brunswick or Newfoundland; (*région frontalière*)

“**health worker**” means a member of the Ordre des audioprothésistes du Québec or an audiologist who is a member of the Ordre des orthophonistes et audiologistes du Québec; (*intervenant de la santé*)

“**professional service**” means an act performed by a health worker, other than care or treatment. (*service professionnel*)

### DIVISION II GENERAL

2. For the purposes of this Division, “hearing device” means a hearing device and its accessories and the other costs covered by this Regulation.

3. In addition to the medical aid to which a worker is entitled under the Regulation respecting medical aid (chapter A-3.001, r. 1), the professional services and hearing devices covered by this Regulation constitute medical aid to which a worker may be entitled, if the worker's condition requires such aid as a result of an employment injury.

4. This Regulation applies subject to section 198.1 of the Act.

5. The Commission assumes the cost of professional services and hearing devices received in Québec, in accordance with the conditions and amounts set out in this Regulation, if they were prescribed by the physician in charge of the worker before they were received or before the expenditures for them were made.

In addition, every claim submitted to the Commission concerning the professional services or hearing devices must be accompanied by the health worker's recommendation, where applicable, and by vouchers detailing their cost. The health worker must keep the prescription in the worker's record and provide it to the Commission on request.

A claim relating to a hearing device must be accompanied by an audiogram performed by an audiologist or a physician less than one year before the date of purchase of the device.

6. The account for a cost covered by this Regulation must be sent to the Commission within 180 days after the date on which the service is provided or the hearing device is supplied. In the case of a report, the 180-day period begins to run from the date on which it becomes payable.

**7.** If the employment injury occurs in a border region of Québec, the Commission assumes the cost of the professional services and hearing devices received outside Québec, up to the amounts set by this Regulation and provided that the worker received prior authorization from the Commission.

**8.** Despite section 5, if the worker sustains an employment injury outside Québec, the Commission assumes the actual cost of the professional services listed in Schedule I, received outside Québec, on presentation of vouchers and a physician's attestation as to necessity.

The Commission also assumes the cost of hearing devices up to the amounts and on the conditions set out in Division IV.

**9.** The amounts for a service or product covered by this Regulation include the travel costs of the health worker.

**10.** A claim submitted by an audiologist for a service covered by this Regulation is payable by the Commission only if it is submitted on the form prescribed by the Commission.

**11.** A claim submitted by a hearing-aid acoustician for a service or product covered by this Regulation is payable by the Commission only if it is submitted on the form prescribed by the Commission.

### **DIVISION III** PROFESSIONAL SERVICES

**12.** The Commission assumes the cost of the professional services listed in Schedule I, up to the amounts and on the conditions set out in the Schedule, if they are provided personally by a health worker.

The Commission also assumes the cost of professional services provided by a person other than a health worker insofar as Schedule I so provides.

**13.** If two or more health workers practise as a group on the same premises, the same group number assigned by the Commission must appear on their accounts.

Those health workers must inform the Commission in writing of the name of each person in the group, the address where payment is to be made and the name of the mandatary designated to receive payment from the Commission, as well as any subsequent change in that information.

**14.** The accounts of a health worker practising alone must state the supplier number assigned to the health worker by the Commission.

**15.** Subject to a prescription to the contrary from the physician in charge of the worker, the Commission assumes, once every 30 months, the cost of an audiological evaluation listed in Schedule I, according to the amount set out in the Schedule and only if the evaluation is prescribed by a physician.

The Commission also assumes the cost of an audio prosthetic evaluation, according to the amount and conditions set out in Schedule I, if the worker has not had an audiological evaluation in the 12 months preceding the claim and more than 12 months have elapsed since the date of the services for the purchase of the hearing device indicated on the form prescribed by the Commission.

**16.** The cost of an audiological evaluation is payable by the Commission only if the audiologist fills out the form prescribed by the Commission.

The form must be sent to the Commission and to the physician in charge of the worker.

### **DIVISION IV** HEARING DEVICES, ACCESSORIES AND OTHER COSTS

#### *§1. General rules*

**17.** For the purposes of this Division, the conditions and payment limits are established having regard to the date of purchase of the hearing device indicated on the form prescribed by the Commission.

**18.** The Commission assumes, at the frequency determined in subdivision 2 of this Division, the cost of a hearing device that is not a continuous wear hearing aid, up to an amount of \$700, if the hearing device is warranted for a minimum period of 2 years.

For the purposes of this Regulation, a hearing device appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for that period.

**19.** The Commission assumes the cost of a continuous wear hearing aid or a hearing device the amount of which exceeds \$700 only if the Commission gave prior authorization for the purchase of it.

The Commission authorizes the purchase of such a hearing device if it has been demonstrated to the Commission that the worker's condition prevents the worker from operating or having another type of hearing device adequately adjusted.

To meet that condition, the worker must provide an attestation from a physician holding a specialist's certificate relevant to the worker's condition.

The Commission assumes an amount up to \$1800 per year, but no other amount for products and services relating to a continuous wear hearing aid.

The Commission assumes an amount up to the manufacturer's cost for a hearing device other than a continuous wear hearing aid referred to in the first paragraph, according to the frequency determined in subdivision 2 of this Division.

**20.** The Commission assumes, at the frequency determined in subdivision 2 of this Division and up to an amount of \$150, the cost of the purchase of one remote control if it is warranted for a minimum period of 30 months.

For the purposes of this Regulation, a remote control appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for that period.

**21.** The Commission assumes the cost, up to an amount of \$500, for the purchase of a CROS or BiCROS system if the Commission gave prior authorization for its purchase and the system is warranted for a minimum period of 2 years.

The Commission authorizes the purchase of such a system if it has been demonstrated to the Commission that the worker's condition is such that

- (1) the particular anatomy of the worker's ear does not allow for the fitting of a hearing device;
- (2) the worker is affected by recurring infections that preclude the fitting of a device;
- (3) the worker has substantial discriminatory loss in one ear because of a personal condition that precludes the fitting of a device; or
- (4) the worker is totally deaf in one ear.

To meet the condition, the worker must provide an attestation from a health professional stating that the wearing of a device is impossible in the worker's case and specifying what the worker's condition is. For subparagraphs 3 and 4, the worker may provide an audiological evaluation to that effect instead of an attestation.

For the purposes of this Regulation, a CROS or BiCROS system appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for the 2-year period.

**22.** When the Commission authorizes the purchase of a CROS or BiCROS system, it assumes the purchase cost of one hearing device only.

*§2. Replacement and repair of hearing devices and their accessories*

**23.** A worker may request the Commission to replace a hearing device the cost of which was assumed by the Commission if at least 5 years have elapsed since the date of purchase of the hearing device indicated on the form prescribed by the Commission and the full warranty for the hearing device has expired.

The worker must provide with the request,

- (1) a prescription from the physician in charge of the worker; and
- (2) an audiogram performed within the past year by an audiologist or a physician.

A worker who has a CROS or BiCROS system at the time the hearing device is replaced is also entitled to have the system replaced.

**24.** The Commission does not assume the replacement cost for a hearing device that has been lost, destroyed, stolen or used in a manner contrary to the manufacturer's recommendations.

Despite the foregoing, the Commission assumes, on the conditions set out in this Regulation, the cost of the adjustment, maintenance and repair of a device acquired by a worker to replace a device described in the first paragraph if it is compatible with the original device for which the Commission assumed the cost, where applicable. In such a case, the worker must provide the Commission with a voucher containing

- (1) proof of purchase of the device;
- (2) the date of purchase; and
- (3) information on the make and model of the device.

A hearing device acquired by the worker is deemed to be warranted for a period of 2 years from the date of purchase.

**25.** The Commission assumes the replacement cost of a hearing device before the expiry of the time period referred to in section 23 if the Commission gave prior authorization for the purchase and one of the following conditions is met:

(1) the worker's auditory condition shows a new sensorineural hearing loss of at least 20 dB HL at not fewer than two frequencies between 500 Hz and 4000 Hz in the same ear since the audiogram referred to in section 5 was performed and the device cannot be adjusted to account for the hearing loss;

(2) the worker has a new medical condition preventing the worker from using the hearing device, even with a remote control;

(3) the hearing device has become so deteriorated that it can no longer be used, repaired or cleaned, including because of the worker's acidic perspiration, excess toxic fumes or pollution, such as dust, to which the device is exposed; or

(4) subject to section 113 of the Act, the device was unintentionally and accidentally damaged.

In the case described in subparagraph 1 of the first paragraph, a written document from a hearing aid acoustician explaining the reasons substantiating the fact that the device cannot be adjusted to the worker's auditory condition and an attestation from a physician or an audiological evaluation showing the worker's loss of hearing must be provided to the Commission.

In the case described in subparagraph 2 of the first paragraph, an attestation from a physician specifying the condition that prevents the worker from using the device must be provided to the Commission.

In the case described in subparagraph 3 of the first paragraph, a written document from the hearing aid acoustician describing the state of deterioration of the device and explaining the reason for the deterioration must be provided to the Commission. A hearing aid acoustician must keep the electroacoustic analysis and provide it to the Commission on request.

In the case described in subparagraph 4 of the first paragraph, the worker must provide a written explanation of the circumstances in which the device was damaged and the hearing aid acoustician must provide a written document showing that the manufacturer is unable to repair the device.

If 2 hearing devices must be replaced in the cases described in subparagraphs 1, 3 and 4 of the first paragraph, a written document from a hearing aid acoustician

or a hearing device manufacturer setting forth the reasons substantiating the necessity of replacing both devices must be provided to the Commission.

The request must be made on the form prescribed by the Commission.

**26.** The Commission assumes the replacement cost of a remote control for a hearing device if the control has been used according to the manufacturer's recommendations and the Commission gave prior authorization for the control.

That authorization is given by the Commission if the warranty period for the remote control has expired and a written document from a hearing aid acoustician substantiating that it cannot be repaired is provided to the Commission.

The Commission also gives that authorization if the worker's hearing device was replaced in accordance with section 23.

**27.** The Commission assumes the cost of having a hearing device or a CROS or BiCROS system repaired by its manufacturer up to an amount of \$125 if the warranty period has expired or the breakage is not covered by a warranty and once done, the repair will be warranted for a minimum period of one year.

**28.** The Commission assumes the cost of having a remote control for a hearing device repaired by the manufacturer if

(1) the remote control is used in accordance with the manufacturer's recommendations;

(2) the cost of the repair does not exceed 80% of its replacement cost;

(3) the warranty period for the remote control has expired;

(4) the breakage is not already covered by a warranty; and

(5) the repair is warranted for a minimum period of 30 months.

### **§3. Other costs**

**29.** The Commission assumes the maintenance costs and the cost of the other accessories listed in Schedule II, up to the amounts and on the conditions set out in the Schedule.

**30.** The Commission assumes the cost of services to have a hearing device remade by the manufacturer up to an amount of \$175 if the warranty period has expired and the work is warranted for a minimum period of one year.

**31.** In the case of temporary bilateral deafness, the Commission assumes the rental cost of

- (1) telephone amplifiers; and
- (2) audible warning devices.

**32.** In the case of temporary bilateral deafness, the Commission assumes the cost of the purchase of a tinnitus masker up to an amount of \$80.

For the purposes of this section, a hearing device that has a feature or program allowing tinnitus to be masked does not constitute a tinnitus masker.

The costs under the first paragraph are not payable by the Commission for the adjustment of such a feature or program when a hearing device is adjusted or fitted.

#### TRANSITIONAL AND FINAL

**33.** The 180-day time period referred to in section 6 begins to run as of (*insert the date of coming into force of this Regulation*) in respect of products and services supplied before that date.

**34.** The products and services supplied before (*insert the date of coming into force of this Regulation*) are paid by the Commission at the rate applicable at the time they are supplied.

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

### Regulation to amend the Regulation respecting medical aid

An Act respecting industrial accidents and occupational diseases  
(chapter A-3.001, ss. 189 and 454)

**1.** Section 1 of the Regulation respecting medical aid (chapter A-3.001, r. 1) is amended

(1) by adding “, but excluding a member of the Ordre des audioprothésistes du Québec and an audiologist who is a member of the Ordre des orthophonistes et audiologistes du Québec” at the end of the definition of “**health worker**”;

(2) by striking out the definition of “**statutory holiday**”.

**2.** Section 2 is amended by inserting “In addition to the medical aid to which a worker is entitled under the Regulation respecting hearing devices and audiology services,” at the beginning.

**3.** Section 9 is amended by striking out “audiology or” in the first paragraph.

**4.** Section 30 is revoked.

**5.** Section 30.1 is replaced by the following:

“**30.1.** The Commission shall assume the cost of purchasing a communication aid listed in Schedule II if the following conditions are met:

(1) the worker has a prescription from the physician in charge of the worker recommending a consultation in speech therapy; and

(2) the use of such an aid is recommended by a speech therapist.”

**6.** Schedule I is amended by striking out the section on audiology under professional services.

**7.** Schedule II is amended by striking out paragraph 2 of section 4.

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

#### SCHEDULE I

##### Professional Services

##### Audiology

Audiological evaluation	\$100.00
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##### Audio prosthetics

Audio prosthetics evaluation, on prior authorization from the CNESST	
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Maximum of 2 evaluations per 5-year period, per worker	\$62.36
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Professional services provided in the first year after purchase of a hearing device, per device	\$749.11
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CROS-BiCROS programming on purchase	\$200.00
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Reprogramming by a hearing aid acoustician following repair of a CROS-BiCROS system	\$85.58
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Remake, payable once per year if more than one year has elapsed since purchase of the device	\$88.69
Repair, payable once per year per device if more than one year has elapsed since purchase of the device	\$88.69
Professional services provided in the first year after purchase of a hearing device, if provided by a hearing aid acoustician other than the acoustician having supplied the device, owing to the worker's change of place of residence	\$56.73
Professional services provided for fitting if the worker dies before the device is supplied	\$121.95

The costs for the adjustment of a hearing device are reimbursable up to an amount of \$165.00 per year per device per worker. The costs cover the following, payable up to the following amounts:

Cleaning of a hearing device, payable if more than 12 months have elapsed since purchase of the device and not payable if the cleaning is done at the time of a remake or repair or within 30 days thereafter The cleaning may be done by a person under the supervision of the hearing aid acoustician	\$22.17
Electroacoustic analysis, payable if more than 12 months have elapsed since purchase of the device and not payable if the analysis is done at the time of a remake or repair or within 30 days thereafter	\$36.59
Reprogramming, payable if more than 12 months have elapsed since purchase of the device and not payable if done at the time of a remake or repair or within 30 days thereafter	\$27.71
Insertion gain, payable only if more than 12 months have elapsed since purchase of the device and not payable if the service is provided at the time of a remake or repair or within 30 days thereafter	\$33.25
Impression taking —On purchase of a device	\$26.01
—As of the second year following purchase of a device	\$13.26

The costs for the repair or replacement of a hearing device accessory are reimbursable up to a total annual amount of \$195.

The repairs may be done by a person under the supervision of the hearing aid acoustician.

The repair costs consist of the following, including the related products and professional services, and are payable up to the following amounts:

Conduction tube without speaker (slim tube) for open-fit hearing aids	\$5.00
Earmolds for conduction tube without speaker (dome receiver) for open-fit hearing aids	\$5.00
Earmolds for conduction tube with speaker (rite dome) for open-fit hearing aids	\$5.00
Microphone protection covers	\$5.00
Cerumen guard (pack)	\$10.00
Conduction tube with speaker (rite receiver) for open-fit hearing aids	\$75.00
Other replacement parts such as battery holders, covers, etc.	\$5.00
Custom earmold for behind-the-ear hearing aid, maximum price	\$45.00

## SCHEDULE II

### Hearing device maintenance costs:

The costs for the maintenance of a hearing device are reimbursable up to a total annual amount of \$110.00 per worker.

The maintenance costs consist of the following, and are payable up to the following amounts:

	Unit rate
Telephone ear pad, per pad	\$10.00
Insertion cream, for a minimum 15 ml format	\$10.00
Cleansing tablets, pack of 20 tablets	\$10.00
Dehumidifier	\$15.00
Intranet/cleaner, for a minimum 60 ml format	\$5.00
Soothing anti-itch cream, for a minimum 15 ml format	\$15.00

### Other accessories for hearing device maintenance:

#### Earmold blower:

	Unit rate
Earmold blower, once per 5 years per worker	\$15.00

**Batteries:**

	Unit rate
Zinc air batteries, per hearing device, maximum of 100 batteries per year	\$1.00
Remote control battery, maximum of one battery per year	\$5.00
Zinc air batteries for a CROS-BiCROS system, maximum of 100 batteries per year	\$1.00

104280

**Draft regulation**

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

**Occupational health and safety**  
— Amendment

**Safety Code for the construction industry**  
— 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 and the Regulation to amend the Safety Code for the construction industry, 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 draft regulations reflect the advancements made in designs and knowledge relating to respiratory protection since the related provisions were last amended. The draft regulations make it possible to use certified respiratory protective devices that are available on the market since the last regulatory amendments. The draft regulations also enable Québec workplaces to refer to respiratory protection standards that are recognized in the majority of other Canadian provinces.

The impact associated with the amendments to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) and the Safety Code for the construction industry (chapter S-2.1, r. 4) is minimal because it makes it possible to meet harmonization requirements. The regulatory impact analysis shows that the adoption of the provisions will generate annual savings in the medium-term for employers (87.3 million dollars in savings). However, implementation costs of 11.8 million dollars are expected for the first year.

Further information on the draft regulations may be obtained by contacting Charles Labrecque, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3080, extension 2298; fax 514 906-3081.

Any person wishing to comment on the draft regulations is requested to submit written comments within the 45-day period to Luc Castonguay, vice-president, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

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. 3, 4, 7, 9 and 42)

**1.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition in alphabetical order:

““NIOSH” means the National Institute for Occupational Safety and Health;”

**2.** The following is inserted after section 39:

“**39.1.** The use of crocidolite, amosite or a product containing either of these substances is prohibited, except where their replacement is not reasonable or practicable.”

**3.** Sections 40 and 41 are replaced by the following:

“**40.** No worker in an establishment shall be exposed to:

(1) a concentration of airborne oxygen below 19.5% in volume at normal atmospheric pressure;

(2) gases, fumes, vapours, dusts or mists, beyond the limits provided for in Schedule I.

Subparagraph 2 of the first paragraph also applies to a work station located in a vehicle, wherever situated.

**41.** In order to comply with the values provided in section 40, the employer must control or improve the quality of the air by eliminating air contaminants or replacing dangerous substances, as provided in section 39. Failing that, the employer must take other measures favouring the following: