

Gouvernement du Québec

O.C. 805-2020, 8 July 2020

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

Occupational health and safety
— Amendment

Safety Code for the construction industry
— Amendment

Safety representatives in establishments
— Amendment

Prevention programs
— Amendment

Health and safety committees
— Amendment

Occupational health services
— Amendment

Safety and health in foundry works
— Amendment

Regulation to amend the Regulation respecting occupational health and safety, Regulation to amend the Safety Code for the construction industry, Regulation to amend the Regulation respecting safety representatives in establishments, Regulation to amend the Regulation respecting prevention programs, Regulation to amend the Regulation respecting health and safety committees, Regulation to amend the Regulation respecting occupational health services and Regulation to amend the Regulation respecting safety and health in foundry works

WHEREAS, under subparagraphs 1, 3, 7, 19, 21.1 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— establishing categories of establishments, according to the activities carried on, the number of employees, the dangers to the health and safety of workers or the frequency and seriousness of accidents and occupational diseases;

— listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of

emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

— prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

— defining and identifying hazardous products, establishing a classification of such products, and specifying the criteria or methods for classifying them into the categories identified;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety, a draft Regulation to amend the Safety Code for the construction industry, a draft Regulation to amend the Regulation respecting safety representatives in establishments, a draft Regulation to amend the Regulation respecting prevention programs, a draft Regulation to amend the Regulation respecting health and safety committees, a draft Regulation to amend the Regulation respecting occupational health services and a draft Regulation to amend the Regulation respecting safety and health in foundry works were published in Part 2 of the *Gazette officielle du Québec* of 2 January 2020 with a notice that they could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulations without amendment at its sitting of 22 May 2020;

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

WHEREAS it is expedient to approve the Regulations;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting occupational health and safety, the Regulation to amend the Safety Code for the construction industry, the Regulation to amend the Regulation respecting safety representatives in establishments, the Regulation to

amend the Regulation respecting prevention programs, the Regulation to amend the Regulation respecting health and safety committees, the Regulation to amend the Regulation respecting occupational health services and the Regulation to amend the Regulation respecting safety and health in foundry works, attached to this Order in Council, be approved.

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, 21.1 and 42)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 70 by adding the following at the end:

“For the purposes of this Division, the 6 categories identified in the first paragraph correspond to the hazard classes identified in the following table:

Classes (Controlled Products Regulations, SOR/88-66)	Hazard Classes (Hazardous Products Regulations, SOR/2015-17)
“compressed gases”	“gases under pressure”
“flammable and combustible material”	“flammable gases”, category 1; “flammable aerosols”; “flammable liquids”; “flammable solids”; “pyrophoric gases”; “pyrophoric liquids”; “pyrophoric solids”; “substances and mixtures which, in contact with water, emit flammable gases”; “self-heating substances and mixtures”;
“oxydizing material”	“oxydizing gases”; “oxydizing liquids”; “oxydizing solids”; “organic peroxides” types A to G;
“poisonous material”	“oral, dermal or inhalation acute toxicity” categories 1, 2 and 3; “skin corrosion/irritation”, category 2; “serious eye damage/eye irritation”, category 2; “respiratory or skin sensitization”; “germ cell mutagenicity”; “carcinogenicity”; “reproductive toxicity”, categories 1 and 2; “specific target organ toxicity – repeated exposure”; “biohazardous infectious materials”; “health hazards not otherwise classified”;

Classes (Regulation respecting information on controlled products)	Hazard Classes (Hazardous Products Regulations)
“corrosive material”	“corrosive to metals”; products classified in one of the following categories: – “skin corrosion/irritation”, category 1; – “serious eye damage/eye irritation” category 1;
“dangerously reactive material”	“self-reactive substances and mixtures”, types A to F; “physical hazards not otherwise classified”.

2. 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 Safety Code for the construction industry

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 19 and 42)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 3.10.17 by replacing “explosive dusts or flammable vapours” in paragraph 1 by “dusts or flammable or explosive vapours”.

2. The heading of subdivision 3.13 is replaced by the following: “Supply of gas under pressure”.

3. Sections 3.13.2 and 3.13.5 to 3.13.9 are amended by replacing the words “compressed gas” wherever they appear by “gas under pressure”.

4. Section 3.16.10 is amended

(1) by replacing paragraph 4 by the following:

“(4) In addition to conforming to section 3.13.5, any cylinder of gas under pressure must not be

(a) lifted with slings or magnets; or

(b) exposed to shocks, in particular, shock caused by a fall.”;

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

“For the purposes of this section, “corrosive materials”, “oxydizing material”, “toxic substances” and “dangerously reactive substances” mean a hazardous product that belongs to the corresponding hazard classes in the table provided for in section 70 of the Regulation respecting occupational health and safety.”.

5. Section 8.3.11 is amended by replacing “flammable gas vapours” by “vapours or flammable gases”.

6. 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 safety representatives in establishments

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars.1 and 42)

1. The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is amended in Schedule 1 by replacing in subparagraph 7 of paragraph B of Group 1

(1) “compressed gases” by “gases under pressure”;

(2) “compressed organic gases” by “organic gases under pressure”.

2. 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 prevention programs

Act respecting occupational health and safety (chapter S-2.1, a. 223, 1st par., subpars.1 and 42)

1. The Regulation respecting prevention programs (chapter S-2.1, r. 10) is amended in Schedule 1 by replacing “compressed gases” in subparagraph 1 of paragraph B of Group 1 by “gases under pressure”.

2. 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 health and safety committees

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars.1 and 42)

1. The Regulation respecting health and safety committees (chapter S-2.1, r. 5) is amended in Schedule 1 by replacing in subparagraph 7 of paragraph B of Group 1

- (1) “compressed gases” by “gases under pressure”;
- (2) “compressed organic gases” by “organic gases under pressure”.

2. 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 occupational health services

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars.1 and 42)

1. The Regulation respecting occupational health services (chapter S-2.1, r. 16) is amended in Schedule A by replacing “compressed gases” in subparagraph 1 of paragraph B of Group 1 by “gases under pressure”.

2. 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 safety and health in foundry works

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars.1, 7, 19 and 42)

1. The Regulation respecting safety and health in foundry works (chapter S-2.1, r. 15) is amended in section 9 by replacing “compressed gas cylinders” in paragraph *i* by “cylinders of gases under pressure”.

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