

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

104799

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 well-being of workers at risk of drowning in water. It specifies the information that must be available on the work site before beginning work. It provides for the wearing of a floatation device or a life jacket adapted to the work conditions where no other safety measure may provide efficient protection against drowning and it specifies the characteristics of the device or life jacket. It also provides for the preparation of a rescue plan and, where the plan provides for the use of a rescue boat, the conditions that the boat must meet. Lastly, it specifies the conditions in which thermal protective clothing must be worn.

Study of the matter has shown no impact on enterprises of any size. Most enterprises may prevent work which involves a risk of drowning without any additional cost. For some enterprises, it was estimated that the initial cost for the purchase of equipment to better prevent drowning would be 1.9 million dollars and 0.4 million dollars annually for maintenance and replacement.

Further information may be obtained by contacting François R. Granger, expert counsellor in prevention-inspection, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec), H3B 3J1; telephone: 514 906-3010, extension 2019; email: Francoisr.Granger@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-Président, Prevention, 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, 9, 19 and 42, and 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition after the definition of “instructor”:

““ISO”” means the International Organization for Standardization;”

2. The following is inserted after section 312.91:

“DIVISION XXVI.II WORK WHICH INVOLVES A RISK OF DROWING IN WATER

312.92 Scope: This Division applies to work which involves a risk of drowning in water, subject to the following exclusions:

- (1) it is underwater work;
- (2) the worker is adequately protected from falling into water by common protective devices or equipment.

Despite the first paragraph, this Division also applies to work on a deck boat or an open boat.

312.93 Work which involves a risk of drowning: A worker is at risk of drowning when the worker is above or at less than 2 m from a location where the depth of the water exceeds 1.2 m over more than 2 m in width or a location where the water flow may carry a person away.

312.94 Gathering information and measures for preventing drowning: Before beginning the work, the following information must be available in writing at the workplace:

(1) risks associated to work conditions, according to real data or, if real data is not available, estimated data, in particular information on

(a) the characteristics of the body of water or watercourse, including

- i. the depth and flow of the water;
- ii. waves, currents and tides; and
- iii. the temperature of the water;

(b) the weather conditions during the work;

(c) the characteristics of the work stations and travel-ways, including

- i. the condition of the surface at the water's edge and the slope to reach it; and
- ii. transportation or movement on the water;

(d) the equipment, work methods and site location, including means of communication; and

(e) the clothing and equipment to be worn to perform the work;

(2) the prevention measures to be taken to protect the health and ensure the safety and physical well-being of workers, in particular with respect to

(a) measures for preventing drowning in accordance with section 312.96; and

(b) the rescue measures in the rescue plan provided for in section 312.98 and the time for recovering a person who has fallen into the water.

The information referred to in subparagraphs 1 and 2 of the first paragraph must be determined by a qualified person.

For the purposes of this section, a qualified person means a person who, by reason of knowledge, training or experience, is able to identify, assess and control the risks of drowning.

312.95 Information provided to workers prior to performing work

Before beginning the work, the information referred to in subparagraphs 1 and 2 of the first paragraph of section 312.94 must be conveyed and explained to the worker by a person who is capable of adequately informing the worker on how to perform the work safely.

312.96 Wearing of a personal floatation device or a life jacket: A worker must wear a personal floatation device or a life jacket complying with section 312.97 where no other safety measure may provide efficient protection.

312.97 Characteristics of a personal floatation device or a life jacket: A personal floatation device or a life jacket must be adapted to the work conditions identified for the purposes of subparagraph 1 of the first paragraph of section 312.94 and have enough floatability to keep the worker's head above water.

It must also

(a) be of the right size;

(b) be bright in colour and equipped with reflecting strips visible when in water;

(c) be equipped with a whistle;

(d) be equipped with a locator device, such as a light or locator beacon, where the weather conditions or waves interfere with location in water; and

(e) bear a Transport Canada approval stamp or tag or be approved compliant with ISO Standard 12402, Personal floatation devices. Despite the foregoing, where it is used for navigation, it must indicate the Transport Canada approval number.

Despite the first paragraph, it must have a minimum floatability of 69 N (15.5 lbs) and, in whitewater, floatability must be ensured by buoyant materials regardless of the floatability level required.

For the purposes of the first paragraph, where floatability requires more than 69 N and the site is not in white-water, floatability may be ensured by buoyant materials, an automatic inflatable system activated upon immersion or a combination of the two.

A personal floatation device or a life jacket must be maintained and checked in accordance with the manufacturer's instructions.

312.98 Rescue plan: A rescue plan including the estimated response time, the equipment and the measures for rescuing a worker who fell into water within that time must be prepared.

The equipment required by a rescue plan and any accessories must be

(a) adapted to the intended use, the conditions specific to the work and the characteristics of the body of water or the watercourse;

(b) checked and kept in good order; and

(c) in place and easily accessible on the work site to be able to respond rapidly.

The rescue plan must include a call and communication protocol to initiate rescue operations and a specific person must be appointed for directing rescue operations.

The rescue plan must be tested through drills that enable in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment provided.

312.99 Rescue boat: Where the rescue plan provides for the use of a rescue boat, such boat must meet the following conditions in addition to those set out in the second paragraph of section 312.98:

(a) be adapted and equipped for the search and recovery of persons;

(b) be equipped with a propulsion system adapted to the boat;

(c) be equipped with the following rescue equipment:

i. 2 rope bags, each containing 1 single-length buoyant heaving line that remains flexible, with a minimum diameter of 9.5 mm and a minimum length of 15 m;

ii. a life buoy with a minimum outside diameter of 762 mm attached to a buoyant heaving line and approved by Transport Canada as evidenced by the tag or approval stamp affixed to it;

iii. a boat hook;

(d) be used by a team of at least 2 rescue attendants trained in the approach and recovery of a person in the conditions set out in subparagraph 1 of the first paragraph of section 312.94.

312.100 Thermal protection: Where the response time provided for in the rescue plan is greater than 15 minutes and the water temperature is less than 15°C, a worker must wear thermal protective clothing.

The thermal protection must be sufficient to prevent hypothermia during the response time provided for in the rescue plan.”

3. Sections 355 to 357 are revoked.

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

104808

Draft Regulation

Professional Code
(chapter C-26)

Chartered appraisers — Compensation procedure of the Ordre des évaluateurs agréés du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec, made by the board of directors of the Ordre des évaluateurs agréés du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to compensate a claimant in accordance with the compensation procedure of the Order following the use by a chartered appraiser of funds for purposes other than those for which they were entrusted to the chartered appraiser in the practice of the profession.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lyne Tétreault, Coordinator of Legal Affairs and Assistant Secretary, Ordre des évaluateurs agréés du Québec, 415, rue Saint-Antoine Ouest, bureau 450, Montréal (Québec) H2Z 2B9; telephone: 514 281-9888, extension 205, or 1 800 982-5387, extension 205; email: ltetreault@oeaq.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Acting Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office des professions du Québec to the Minister of Higher Education and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

ROXANNE GUÉVIN,
*Acting Secretary of the
Office des professions du Québec*