

Gouvernement du Québec

O.C. 781-2021, 2 June 2021

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 establishment

— Amendment

Quality of the work environment

— Repealed

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 and Regulation to revoke the Regulation respecting the quality of the work environment

WHEREAS, under subparagraphs 7, 9, 10, 12, 19, 21 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

— 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;

— determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

— determining the content of the registers that the employer must keep and update in conformity with section 52 of the Act;

— fixing, in such cases or circumstances as it may indicate, the maximum daily or weekly number of hours that may be devoted to particular work, according to the nature of the work, the place where it is carried out and the physical capacity of the worker, and prescribing the distribution of these hours and a minimum rest period or meal period;

— 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;

— determining the cases and circumstances where a label or a notice must indicate the dangers inherent in a contaminant or dangerous substance and indicate the safety measures to be taken in handling or using the contaminant or substance;

— 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, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

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 and a draft Regulation to revoke the Regulation respecting the quality of the work environment were published in Part 2 of the *Gazette officielle du Québec* of 6 November 2019 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 with amendments at its sitting of 19 November 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 and the Regulation to revoke the Regulation respecting the quality of the work environment, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 10, 12, 19, 21 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

(1) striking out the definition of “predominant frequency band”;

(2) inserting the following definitions, in alphabetical order:

“‘impulse noise’ means a noise of short duration (generally less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;

“calculator” means a calculation tool that can be used to evaluate the daily noise exposure level ($L_{EX,8h}$ or $L_{ex,8h}$) for the purpose of reducing the duration of workers’ daily exposure to noise;

“NF EN” means the European standard, the French version of which (NF) is published in France by the Association française de normalisation;”

(3) by striking out the definitions of “continuous noise” and “impact noise”;

(4) by striking out the definition of “dB”;

(5) by replacing the definition of “dBA” by the following definitions:

“‘dBA’ means an A-weighted decibel measurement - the weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate $L_{EX,8h}$ or $L_{ex,8h}$;

“‘dBC’ means a C-weighted decibel measurement - the weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;”;

(6) by striking out the definitions of “corrected dBA” and “linear dB”;

(7) by inserting the following definitions at the place determined by alphabetical order:

“‘daily noise exposure level’ means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises;

“‘equivalent continuous sound pressure level (dBA)’ means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to $L_{p,A,eq7e}$ or $L_{eq,t}$, which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours (T_c or T_w);”;

(8) by inserting the following definition at the place determined by alphabetical order:

“‘peak sound pressure level’ means the instantaneous peak sound pressure level measured in C-weighted decibels;”;

(9) by striking out the definition of “peak value”.

2. The Regulation is amended by replacing sections 130 to 141 by the following:

“§1. General

130. This Division sets noise exposure limits, means for evaluating the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this Division are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers' exposure to noise.

They also specify the reasonable means that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers' exposure to noise. They specify the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this Division, "workplace situation" means a trade or a representative function of a worker or group of workers that includes all the tasks and activities of the worker or group of workers, and takes into account the workplace.

§2. Noise exposure limits

131. The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under the ISO Standard 9612:2009, Acoustics — Determination of occupational noise exposure — Engineering method;

$$L_{EX,8h} = L_{p,A,eqT_e} + 10 \lg[T_e/T_0] \text{ dB},$$

where T_e = effective duration of the working day, in hours;

T_0 = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, Measurement of noise exposure 2014:

$$L_{ex,8h} = L_{eq,t} + 10 \log(T_w/8),$$

where T_w = effective duration of the working day, in hours;

(2) peak sound pressure level ($L_{p,Cpeak}$): 140 dBC, using the following formula from ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method:

$$L_{p,Cpeak} = 10 \lg[p^2_{Cpeak}/p^2_0] \text{ dB},$$

where the reference value, p_0 , is 20 μ Pa.

§3. General requirements

132. At the time of the design and organization of an establishment, the implementation of a new process or a change to the design, organization or process, the employer must take reasonable means to eliminate or reduce noise at source or, at a minimum, reduce workers' exposure to noise.

Such means must also be taken at the time of the purchase or replacement of a machine or piece of equipment so that the one that produces the least noise is acquired.

The reasonable means referred to in this section must not compromise any other element of worker health or safety.

133. The employer must, every 5 years, evaluate each workplace situation that exceeds the exposure limits to determine the reasonable means that would eliminate or reduce noise at source, allow the limits established pursuant to section 131 to be respected, or, at a minimum, reduce workers' exposure to noise.

In the year following the evaluation, the employer must begin to implement all the means needed to eliminate or reduce the noise at source. If they are not sufficient to ensure compliance with the exposure limits, the employer must implement the other means that are necessary in order to respect the exposure limits. The means must be fully implemented before the start of the next five-year evaluation.

134. The employer must, within 30 days of its occurrence, identify any change in a workplace situation that presents a risk of exceeding the exposure limits.

In the year following the change, the employer must measure the daily noise exposure level and peak sound pressure level in accordance with subdivision 4, or begin to implement reasonable means to eliminate or reduce the noise at source or comply with the limits set pursuant to section 131 or, at a minimum, reduce workers' exposure to noise.

The employer, when opting to implement reasonable means, must complete the implementation before the end of the 5-year period since the last evaluation performed pursuant to the first paragraph of section 133. However, if the period ends less than two years before the date on which the situation changes, the employer has a period of two years from the date of the change to fully implement the means.

135. The employer must implement, among the reasonable means enabling compliance with the objectives defined in subdivision 1, those that eliminate or reduce

noise at source, in particular by replacing a machine or piece of equipment by one that produces less noise, maintaining the machine or piece of equipment and keeping it in proper working order, or making a correction to the machine or piece of equipment.

The employer may also implement reasonable means that, depending on their effectiveness, make it possible to

(1) limit the propagation of noise by enclosing a machine or piece of equipment or installing sound insulation in a work area or workplace;

(2) reduce a worker's exposure, in particular by isolating a workstation.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable means identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

136. The employer must reduce the workers' daily exposure to noise, in accordance with section 137, or provide them with hearing protectors in accordance with the rules established in subdivision 5,

(1) during the time needed to implement reasonable means;

(2) during the time needed to repair or maintain a machine or piece of equipment; or

(3) when it is not possible to respect the exposure limits.

137. To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration	
82	16	Hours
83	12	
85	8	
88	4	
91	2	
94	1	

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration	
97	30	Minutes
100	15	
103	7	
106	4	
109	2	
112	1	
115	28	Seconds
118	14	
121	7	
124	3	
127	1	
130-140	< 1	

(2) determine, if a worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The $L_{ex,8h}$ or $L_{EX,8h}$ daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by a law or regulation, a collective agreement, an order in council or a contract of employment.

§4. Measurement

138. The employer must measure, in accordance with this subdivision, the daily noise exposure level and peak sound pressure level when

- (1) no reasonable means can be implemented; or
- (2) all reasonable means have been implemented.

The measurement must be made in the 30 days following the end of the period provided to identify reasonable means or following the date on which the means are fully implemented, as the case may be.

139. The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method, or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

140. The measurement of the daily noise exposure level and peak sound pressure level must be made by

- (1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or
- (2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to this subdivision.

§5. Selection of hearing protectors

141. The employer must provide hearing protectors that meet the performance and selection requirements in the following clauses of CSA Standard Z94.2-2014, Hearing Protection Devices – Performance, Selection, Care, and Use:

- (1) 3 to 8.2.1;
- (2) 8.2.4 to 9.1;
- (3) 9.3.4;
- (4) 9.4;
- (5) 9.5.3 to 9.6.1;
- (6) 9.6.3 to 9.7.1;
- (7) 9.8.3;
- (8) 9.9 to 10.3.5;
- (9) 11.2.3 to 11.2.5;
- (10) 12 to 12.2.6.3;
- (11) tables 1 to 6;
- (12) annexes A, B and D.

For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with subdivision 4 may be used as a measurement of a worker's noise exposure, namely the $L_{ex,8h}$ or $L_{EX,8h}$ equivalent.

That measurement is not mandatory where the employer selects hearing protectors according to the single-number ratings method provided for in the standard.

The employer may also provide hearing protectors that meet

(1) the performance requirements set out in the following clauses of the Hearing protectors - general requirements standard or Safety requirements and testing, as the case may be:

(a) 1 to 6 and annexes A and ZA of Part 1: Ear-muffs, NF EN 352-1;

(b) 1 to 6 and annexes A and ZA of Part 2: Earplugs, NF EN 352-2;

(c) 1 to 6 and annexes A and ZA of Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;

(d) 1 to 7 and annexes A, B and ZA of Part 4: Level-dependent ear-muffs, NF EN 352 4;

(e) 1 to 7 and annexes A, B and ZA of Part 5: Active noise-reduction ear-muffs, NF EN 352-5;

(f) 1 to 7 and annexes A, B and ZA of Part 6: Ear-muffs with electrical audio input, NF EN 352-6;

(g) 1 to 7 and annexes A, B and ZA of Part 7: Level-dependent earplugs, NF EN 352-7; and

(2) the selection requirements set out in the following clauses of NF Standard EN 458:2016, Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document:

(a) 3 to 4;

(b) 6 to 6.2.1;

(c) 6.2.3 to 6.5;

(d) 6.8 to 6.9.2;

(e) annexes A to E.

For the purposes of Clause 6.2.3.2 and Annex B of NF Standard EN 458:2016, the result of a measurement made in accordance with subdivision 4 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

141.1. The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 131.

141.2. In all cases where the employer must provide hearing protectors, the employer must also provide workers with theoretical and practical training that addresses

(1) the elements to be taken into consideration in selecting and using hearing protectors in response to different workplace situations;

(2) the adjustment of hearing protectors;

(3) the inspection of hearing protectors;

(4) the maintenance of hearing protectors; and

(5) the risks associated with noise and the importance of wearing protectors during any exposure to noise.

§6. Posting

141.3. The employer must notify workers, by way of a sign, of the existence of a zone where the wearing of hearing protectors is required.

The information in the sign must be clear and precise. It must be easily legible and be clearly distinguished from any other sign placed on the same surface. In addition, it must be displayed permanently and in plain view near the zone where the wearing of protectors is mandatory.

When it is not possible to display a sign, the employer may use another way to identify a zone where the wearing of hearing protectors is required, and must inform the workers accordingly.

141.4. The employer must post or disseminate in another way any report of a measurement made pursuant to subdivision 4, not later than 15 days after the report becomes available.

The report must be readily accessible to workers in a visible place, for a minimum period of 3 months.

§7. Register

141.5. The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

(1) the workplace situations where noise exposure limits may be exceeded, and the date on which they were identified;

(2) the reasonable means implemented and the start and end dates for their implementation;

(3) the measurement reports.

The employer must keep the information for a minimum period of 10 years, and must make it available to the Commission, to workers and their representatives, to the safety representative, to the health and safety committee and to the physician responsible for the employer's establishment."

3. The Regulation is amended by striking out Schedule VII.

4. From 16 June 2023, the employer has one year to identify the workplace situations that may exceed exposure limits in the employer's establishment.

The identification of these situations is, for the purposes of this Regulation, a change in a workplace situation for the purposes of section 134.

For the purposes of this section, the result of any measurement made in the two years preceding the coming into force of this Regulation may be used to meet the measurement requirement in section 139 if

(1) the measurement was made in accordance with the requirements of this Regulation; and

(2) since the measurement was made, no change has occurred in the workplace situation concerned.

5. This Regulation comes into force on 16 June 2023.

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, 9, 10, 12, 19, 21 and 42, and 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

(1) inserting the following definition after definition (3), "ASTM":

"(3.1) "impulse noise" means a noise of short duration (generally of less than one second), peaking at a high level and characterized by a sharp increase and rapid decrease in sound level. The parameter used to measure an impulse noise is the C-weighted peak sound pressure level;"

(2) striking out definition (4) “continuous noise” and definition (5) “impact noise”;

(3) inserting the following definition after definition 7 “bolting”:

“(7.0.0) “calculator” means a calculation tool that can be used to evaluate the daily noise exposure level ($L_{EX,8h}$ or $L_{ex,8h}$) for the purpose of reducing the duration of workers’ daily exposure to noise;”;

(4) inserting the following definitions after definition (13), “depot”:

“(13.2) “dBA” means an A-weighted decibel measurement - the weighting reduces the significance of extreme frequencies, in particular low frequencies below 200 Hz, and increases the significance of frequencies around 2 500 Hz. A-weighting must be used for all measurements to evaluate $L_{EX,8h}$ or $L_{ex,8h}$;

(13.3) “dBC” means a C-weighted decibel measurement - the weighting reduces the significance of frequencies at or below 31 Hz and increases the significance of frequencies at or above 8 000 Hz. C-weighting must be used for all measurements to evaluate peak sound pressure level;”;

(5) inserting the following definition after definition (25.1), “protective wall”:

“(25.2) “NF EN” means the European standard, the French version of which (NF) is published in France by the Association française de normalisation;”;

(6) inserting the following definitions after definition (26), “NFPA”:

“(26.1) “daily noise exposure level” means the equivalent continuous sound pressure level (dBA) for an 8-hour working day. It results from measurements that include all the types of noise present, including impulse noises;

(26.2) “equivalent continuous sound pressure level (dBA)” means the A-weighted continuous sound pressure level measured over a given period of time. It is identical to the sound pressure level of a constant noise having the same total A-weighted sound energy over the same period of time. It results from measurements that include all the types of noise present, including impulse noises. In the formulas used to calculate daily noise exposure level, it corresponds to L_{p,A,eqT_e} or $L_{eq,t}$, which is the A-weighted equivalent continuous sound pressure level for the duration of the working day in hours (T_e or T_w);”;

(7) by inserting the following definition after definition (29.1) “asbestos dust”:

“(29.2) “peak sound pressure level” means the instantaneous peak sound pressure level measured in C-weighted decibels;”.

2. The following is inserted after section 2.20.14:

“§2.21. Noise

2.21.1. This subdivision sets noise exposure limits, means for evaluating the daily noise exposure level and peak sound pressure level in an establishment, and the standards applicable.

The provisions of this subdivision are intended to eliminate or reduce noise at source or, at a minimum, to reduce workers’ exposure to noise.

They also specify the reasonable means that an employer must implement to eliminate or reduce noise at source, comply with the noise exposure limits, and reduce workers’ exposure to noise. They specify the workplace situations in which the wearing of hearing protectors is necessary.

For the purposes of this subdivision, “workplace situation” means a trade or a representative function of a worker or group of workers that includes all the tasks and activities of the worker or group of workers, and takes into account the workplace.

2.21.2. The noise exposure limits are as follows:

(1) daily noise exposure level: 85 dBA, as defined using one of the following formulas:

(a) under ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method:

$$L_{EX,8h} = L_{p,A,eqT_e} + 10 \lg[T_e/T_0] \text{ dB,}$$

where T_e = effective duration of the working day, in hours;

T_0 = reference duration, 8 h;

(b) under CSA Standard Z107.56-13, 2014, Measurement of noise exposure:

$$L_{ex,8h} = L_{eq,t} + 10 \log(T_w/8),$$

where T_w = effective duration of the working day, in hours.

(2) peak sound pressure level ($L_{p,Cpeak}$): 140 dBC, using the following formula, provided for in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method:

$$L_{p,Cpeak} = 10 \lg[p_{Cpeak}^2/p_0^2] \text{ dB},$$

where the reference value, p_0 , is 20 μPa .

2.21.3. When purchasing or replacing a tool, vehicle, piece of machinery, machine or piece of equipment, the employer must implement reasonable means so that the one that produces the least noise is acquired.

The reasonable means referred to in the first paragraph must not compromise any other element of worker health or safety.

2.21.4. When planning and performing work, the employer must identify workplace situations that may exceed the noise exposure limits and implement reasonable means to eliminate or reduce noise, in particular by taking into consideration one or several of the following means:

- (1) eliminate or reduce noise at source;
- (2) limit the propagation of noise by enclosing a machine or piece of equipment;
- (3) reduce a worker's exposure, in particular by isolating a workstation;
- (4) maintaining a machine or piece of equipment and keeping it in proper working order.

When it is not possible to respect the exposure limits, the employer must implement all the reasonable means identified, even if they do not allow the noise to be reduced sufficiently to respect the exposure limits.

2.21.5. The employer must reduce the workers' daily exposure to noise, in accordance with section 2.21.6, or provide them with hearing protectors in accordance with the rules established in section 2.21.10,

- (1) during the time needed to implement a reasonable measure;
- (2) during the time needed to repair or maintain a machine or piece of equipment;
- (3) when it is not possible to respect the exposure limits; or
- (4) in the situations referred to in section 2.21.7.

2.21.6. To determine the reduction in the workers' daily exposure to noise, the employer must

(1) ensure, if a worker is affected by a single workplace situation comprising a single task or activity that may exceed the exposure limits during the working day, that the worker is not exposed to the equivalent continuous sound pressure level (dBA) specified in the following table for longer than the time indicated:

Equivalent continuous sound pressure level (dBA)	Maximum permitted daily duration	
82	16	Hours
83	12	
85	8	
88	4	
91	2	
94	1	
97	30	Minutes
100	15	
103	7	
106	4	
109	2	
112	1	
115	28	Seconds
118	14	
121	7	
124	3	
127	1	
130-140	< 1	

(2) determine, if a worker is affected by a workplace situation comprising more than one task or activity that may exceed the exposure limits during the working day, a reduction in the daily exposure to noise using the calculator published by the Commission on its website. The $L_{ex,8h}$ or $L_{EX,8h}$ daily exposure level calculated in this way must be consistent with the daily noise exposure limit.

This section shall not have the effect of permitting a work period that is longer than the period authorized by a law or regulation, a collective agreement, an order in council or a contract of employment.

2.21.7. The wearing of hearing protectors is mandatory when

(1) the noise level to which a worker is exposed exceeds the exposure limits according to an evaluation based on a measurement made in accordance with section 2.21.8 or using a Type I or Type II integrating sound level meter or a Type II dosimeter;

(2) it is not possible to converse with another person in a normal speaking voice, in other words without raising one's voice or shouting, at a distance of approximately one metre or one arm's-length from the other person, or if impulse noise is present.

The evaluation of noise using an integrating sound level meter or dosimeter must be performed by a person with the necessary knowledge acting in compliance with best practices. The person must be available throughout the working day. In addition, the integrating sound level meter or dosimeter must be correctly calibrated on site, before and after the measurement is made, in accordance with the manufacturer's instructions for the instrument used.

2.21.8. The measurement of the daily noise exposure level and peak sound pressure level must be made in view of the recommendations made in ISO Standard 9612:2009, Acoustics – Determination of occupational noise exposure – Engineering method, – or in CSA Standard Z107.56-13, 2014, Measurement of noise exposure.

In addition, the integrating sound level meter or dosimeter used for the measurement must be a model recommended in one of the two standards.

2.21.9. The measurement of the daily noise exposure level and peak sound pressure level must be made by

(1) a professional or technician with training in occupational hygiene or specialized training in acoustics; or

(2) a person who masters best practices in the field of noise measurement.

This section shall not have the effect of preventing the employer from designating a person to assist the person referred to in the first paragraph, provided the latter person retains entire responsibility for the measurements made pursuant to section 2.21.8.

2.21.10. The employer must provide hearing protectors that meet the performance and selection requirements in the following clauses of CSA Standard Z94.2-2014, Hearing Protection Devices – Performance, Selection, Care, and Use:

- (1) 3 to 8.2.1;
- (2) 8.2.4 to 9.1;
- (3) 9.3.4;
- (4) 9.4;
- (5) 9.5.3 to 9.6.1;
- (6) 9.6.3 to 9.7.1;
- (7) 9.8.3;
- (8) 9.9 to 10.3.5;
- (9) 11.2.3 to 11.2.5;
- (10) 12 to 12.2.6.3;
- (11) tables 1 to 6;
- (12) annexes A, B and D.

For the purposes of Clause 9.6.4.3 of the standard, the result of a measurement performed in accordance with section 2.21.8 may be used as a measurement of a worker's noise exposure, namely the $L_{ex,8h}$ or $L_{EX,8h}$ equivalent.

That measurement is not mandatory where the employer selects hearing protectors according to the single-number ratings method provided for in the standard.

The employer may also provide hearing protectors that meet

(1) the performance requirements set out in the following clauses of Hearing protectors - general requirements or Safety requirements and testing, as the case may be:

(a) 1 to 6 and annexes A and ZA of Part 1: Ear-muffs, NF EN 352-1;

(b) 1 to 6 and annexes A and ZA of Part 2: Earplugs, NF EN 352-2;

(c) 1 to 6 and annexes A and ZA of Part 3: Ear-muffs attached to an industrial safety helmet, NF EN 352-3;

(d) 1 to 7 and annexes A, B and ZA of Part 4: Level-dependent ear-muffs, NF EN 352-4;

(e) 1 to 7 and annexes A, B and ZA of Part 5: Active noise-reduction ear-muffs, NF EN 352-5;

(f) 1 to 7 and annexes A, B and ZA of Part 6: Ear-muffs with electrical audio input, NF EN 352-6;

(g) 1 to 7 and annexes A, B and ZA of Part 7: Level-dependent earplugs, NF EN 352-7; and

(2) the selection requirements set out in the following clauses of the NF Standard EN 458:2016, Hearing protectors - Recommendations for selection, use, care and maintenance - Guidance document:

(a) 3 to 4;

(b) 6 to 6.2.1;

(c) 6.2.3 to 6.5;

(d) 6.8 to 6.9.2;

(e) annexes A to E.

For the purposes of Clause 6.2.3.2 and Annex B of NF Standard EN 458:2016, the result of a measurement made in accordance with section 2.21.8 may be used as a measurement of the peak sound pressure level.

A hearing protector meets the requirements of this section if it conforms to the most recent or second most recent version of a standard named in the section and has not exceeded the manufacturer's expiry date, if any.

2.21.11. The hearing protectors provided for a worker must attenuate noise in such a way that the worker is not exposed to levels that exceed those established in section 2.21.2.

2.21.12. The employer must provide workers with theoretical and practical training on hearing protectors that addresses

(1) their use and the elements to be taken into consideration in selecting hearing protectors in response to different workplace situations;

(2) the adjustment of hearing protectors;

(3) the inspection of hearing protectors;

(4) the maintenance of hearing protectors;

(5) the risks associated with noise and the importance of wearing protectors during any exposure to noise;

(6) the methods used to evaluate noise levels pursuant to section 2.21.7.

2.21.13. The employer must post or disseminate in another way any report of a measurement made pursuant to section 2.21.8 not later than 15 days after the report becomes available.

The report must be readily accessible to workers in a visible place until the closure of the worksite or for a minimum period of 3 months, whichever date occurs first.

2.21.14. The employer must include and update in the prevention program, or if none in a register, the following entries and documents:

(1) the workplace situations where limits may be exceeded, as identified when the work was planned;

(2) the reasonable means implemented;

(3) the reports on the measurements made pursuant to section 2.21.8, if applicable.

The employer must keep the information specified in the first paragraph for a period of 10 years, and must keep the other information until the closure of the worksite. The employer must also make it available to the Commission, to workers and their representatives, to the safety representative and to the health and safety committee.”

3. Sections 2.10.7.1 to 2.10.7.9 of the Code are revoked.

4. This Regulation comes into force on 16 June 2023.

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. 7, 9, 10, 12, 19, 21 and 42, and 2nd and 3rd pars.)

1. The Regulation respecting safety representatives in establishments (chapter S-2.1, r. 12) is amended by replacing “dBA sonometer” in Schedule 2 by “integrating sound level meter or dosimeter”.

2. This Regulation comes into force on 16 June 2023.

Regulation to repeal the Regulation respecting the quality of the work environment

Act respecting occupational health and safety
(chapter S 2.1, s. 223)

1. The Regulation respecting the quality of the work environment (chapter S-2.1, r. 11) is revoked.
2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105088

M.O., 2021-03

Order number V-1.1-2021-03 of the Minister of Finance dated 4 June 2021

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 45-106 respecting Prospectus Exemptions

WHEREAS paragraphs 1, 6, 11, 14 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 45-106 respecting Prospectus Exemptions was approved by ministerial order no. 2009-05 dated 9 September 2009 (2009, *G.O.* 2, 3362A);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published for a first consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 15, no. 9 of 8 March 2018;

WHEREAS the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published for a second consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 16, no. 11 of 21 March 2019;

WHEREAS the revised text of the draft Regulation to amend Regulation 45-106 respecting Prospectus Exemptions was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 31 of 6 August 2020;

WHEREAS the *Autorité des marchés financiers* made, on 26 May 2021, by the decision no. 2021-PDG-0020, Regulation to amend Regulation 45-106 respecting Prospectus Exemptions;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 45-106 respecting Prospectus Exemptions appended hereto.

4 June 2021

ERIC GIRARD
Minister of Finance
