

Regulations and other Acts

Gouvernement du Québec

O.C. 1216-2021, 8 September 2021

Financial Administration Act
(chapter A-6.001)

Financial commitments made by a body — Amendment

Regulation to amend the Regulation respecting financial commitments made by a body

WHEREAS under the first paragraph of section 77.3 of the Financial Administration Act (chapter A-6.001), a body may not make a financial commitment determined by government regulation unless the financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting financial commitments made by a body was published in Part 2 of the *Gazette officielle du Québec* on 2 June 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting financial commitments made by a body, without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance :

THAT the Regulation to amend the Regulation respecting financial commitments made by a body, attached hereto, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation amending Regulation respecting financial commitments made by a body

Financial Administration Act
(chapter A-6.001, s. 77.3)

1. Subparagraph 11 of first paragraph of section 1 of the Regulation respecting financial commitments made by a body (chapter A-6.001, r. 4) is amended by:

1. inserting “expected” after “whose”;
2. inserting “, including any renewal option,” after “term”;
3. replacing “more than 15 years” by “10 years or more”.

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

105271

Gouvernement du Québec

O.C. 1223-2021, 8 September 2021

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

Occupational health and safety — Amendment

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 9, 19 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 standards applicable to every establishment in view of ensuring the health, safety and well-being of workers;

—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;

—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;

—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 was published in Part 2 of the *Gazette officielle du Québec* of 6 January 2021 with a notice that it 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 Regulation with amendment at its sitting of 17 June 2021;

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 Regulation;

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, 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, 19 and 42, 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.11 WORK WHICH INVOLVES A RISK OF DROWNING 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 water-course, 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 be approved by Transport Canada.

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 whitewater, 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 the requirements 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 22 March 2022.

105273

Gouvernement du Québec

O.C. 1235-2021, 15 September 2021

Declaration of a special planning zone to permit the development and the continued operation of an engineered landfill on certain lots situated in the territory of Ville de Drummondville

WHEREAS, under sections 158 and 159 of the Act respecting land use planning and development (chapter A-19.1), the Government may, by order, declare any part of the territory of Québec to be a special planning zone for the purpose of solving a development or environmental problem whose urgency or seriousness, in the opinion of the Government, warrants its intervention;

WHEREAS the Saint-Nicéphore engineered landfill, situated in the territory of Ville de Drummondville, is to reach its maximum authorized capacity in the coming weeks;

WHEREAS, by Décret 993-2020 dated 23 September 2020, the Government issued an authorization to WM Québec inc. for the continued operation, up to a maximum of 10 years, of the expansion project for the Saint-Nicéphore engineered landfill in the territory of Ville de Drummondville;

WHEREAS the zoning by-laws of Ville de Drummondville do not allow an engineered landfill to be operated on certain lots situated in the territory of Ville de Drummondville that are included within the perimeter of the project referred to by Décret 993-2020 dated 23 September 2020;

WHEREAS it is not possible to send all of the residual materials currently eliminated at the Saint-Nicéphore engineered landfill to other engineered landfills;

WHEREAS the closure of the Saint-Nicéphore engineered landfill and the impossibility of sending all of the residual materials to other engineered landfills could considerably affect public sanitation;

WHEREAS the Government is of the opinion that the circumstances expose an environmental problem whose seriousness warrants its intervention;

WHEREAS, in accordance with section 161 of the Act respecting land use planning and development, a draft order has been previously published in the *Gazette officielle du Québec* of 7 July 2021 and notified to Ville de Drummondville;