

WHEREAS, under the second paragraph of section 181 of the Act, despite sections 11 and 17 of the Regulations Act (chapter R-18.1), the regulation may be made after the expiry of 15 days from the publication of the draft regulation in the *Gazette officielle du Québec* and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS, in accordance with section 10 of the Regulations Act and section 181 of the Courts of Justice Act, a draft Regulation to amend Schedule IV to the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 29 September 2021 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend Schedule IV to the Courts of Justice Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend Schedule IV to the Courts of Justice Act

Courts of Justice Act
(chapter T-16, s. 181)

1. The Courts of Justice Act (chapter T-16) is amended in Schedule IV by striking out

- (1) the sixth dash of class 2 of paragraph 1;
- (2) the sixth dash of class 1 of paragraph 2;
- (3) the sixth dash of class 2 of paragraph 2.

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

105488

Gouvernement du Québec

O.C. 48-2022, 12 January 2022

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

Safety Code for the construction industry —Amendment

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 3, 4, 7, 9 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

—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;

—defining the properties of a substance that make it a dangerous substance;

—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;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2020 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 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 Safety Code for the construction industry, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

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. 3, 4, 7, 9 and 42)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.10.8

- (1) by replacing “impurities” by “contaminants”;
- (2) by inserting “or equal to” after “lower than”;
- (3) by adding the following at the end:

“The employer must provide a respirator in compliance with Division VI of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) in any situation where the values referred to in the first paragraph cannot be complied with.

During periods of work on equipment referred to in section 5 of the Regulation respecting occupational health and safety, or during temporary inspection or maintenance work or work of the same nature performed sporadically

on another type of equipment or facility, an employer may provide such a device without the obligation to take other measures to eliminate or reduce contaminants.”

2. Section 2.10.9 is revoked.

3. Section 3.15.9 is amended by replacing “breathing apparatus conforming to section 2.10.9” by “respirator” in subparagraph *c* of the second paragraph.

4. Section 3.20.1 is amended by striking out “as specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail”.

5. Section 3.20.2 is revoked.

6. Section 3.21.2 is amended by replacing “protective breathing equipment” by “a respirator”.

7. Section 3.23.14.1 is amended by striking out the following:

“that meets either of the following standards:

(1) it is specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail;

(2) it is certified at a minimum FFP2 in accordance with EN-149, Respiratory protective devices — Filtering half masks to protect against particles — Requirements, testing, marking of the European Committee for Standardization, by a laboratory recognized by the latter.

That equipment shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 Selection, Use, and Care of Respirators.”

8. Section 3.23.15 is amended

(1) by replacing “l’employeur doit respecter, outre les obligations prévues aux articles 3.23.3 à 3.23.14” by “outre les obligations prévues aux articles 3.23.3 à 3.23.14, l’employeur doit respecter” in the French text of the part preceding paragraph 1;

(2) by replacing paragraph 1 by the following:

“(1) the employer shall ensure that any worker present in the work area is wearing a reusable protective respiratory apparatus equipped with a 100 series or HEPA high efficiency filter certified by the NIOSH;”

9. Section 3.23.16 is amended

(1) by replacing paragraph 1 by the following:

“(1) the employer shall ensure that any worker present in the work area during the use of electric tools not fitted with a dust collector equipped with a high-efficiency filter or during the handling of thoroughly wetted friable materials containing asbestos is wearing a full-facepiece respirator; the respirator must comply with one of the following types:”;

(2) by replacing “high-efficiency” by “HEPA” in subparagraph *a* of paragraph 1;

(3) by replacing paragraph 2 by the following:

“(2) notwithstanding paragraph 1, a supplied-air and continuous-flow positive-pressure adjusted, or pressure demand and positive pressure, full-facepiece respirator must be worn by any worker who is in one of the following situations:”.

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

105489

Gouvernement du Québec

O.C. 49-2022, 12 January 2022

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 3, 4, 7, 9 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

— 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;

— defining the properties of a substance that make it a dangerous substance;

— 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;

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

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 11 March 2020 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 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