

WHEREAS, under the second paragraph of section 106.6 of the Act, the Government is to determine by regulation the part of the fees to be paid and the terms and conditions of payment;

WHEREAS the Government made the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17);

WHEREAS, under section 9 of the Act to again amend the Act respecting the conservation and development of wildlife (1997, chapter 95), a regulation made under section 106.6 of the Act respecting the conservation and development of wildlife is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife**

Act respecting the conservation and development of wildlife  
(chapter C-61.1, s. 106.6)

**1.** The Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17) is amended in section 2

(1) in the portion before subparagraph 1 of the first paragraph

(a) by inserting “annually” after “pay”;

(b) by striking out “, for 2019, 2020 and 2021,”;

(2) by striking out the expression “for the year 2021” wherever it appears;

(3) by replacing “on 1 April of the subsequent years” in the third paragraph by “on 1 April each year”.

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

105537

Gouvernement du Québec

### **O.C. 145-2022, 9 February 2022**

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

#### **Implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse**

Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse

WHEREAS, under the first paragraph of section 170 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 agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it;

WHEREAS, under subparagraph 39 of the first paragraph of section 223 of the Act, the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations taking the necessary measures for the implementation of an agreement made under section 170 of the Act;

WHEREAS, in accordance with the first paragraph of section 16 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office franco-québécois pour la jeunesse have entered into such an agreement so that the participants in the exchange programs between Québec and France in matters of physical education, sports and popular education subject thereto be considered to be workers employed by the Office franco-québécois pour la jeunesse;

WHEREAS, under section 224 of the Act, every draft regulation made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 223 of the Act is to be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse was published in Part 2 of the *Gazette officielle du Québec* of 6 October 2021 with a notice that it could be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication and submitted to the Government for approval;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse at its sitting of 16 December 2021 without amendment;

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 respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## **Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse**

Act respecting occupational health and safety (chapter S-2.1, ss. 170 and 223, 1st par., subpar. 39)

**1.** The Act respecting industrial accidents and occupational diseases (chapter A-3.001) applies to the participants in the exchange programs between Québec and France in matters of physical education, sports and popular education to the extent and subject to the conditions set in the Agreement between the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office franco-québécois pour la jeunesse appearing in Schedule I.

**2.** This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse (chapter S-2.1, r. 32).

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

### **SCHEDULE 1**

#### **AGREEMENT**

#### **BETWEEN**

**THE COMMISSION DES NORMES, DE L'ÉQUITÉ,  
DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL**

legal person legally established under the Act respecting occupational health and safety, having its head office at 1600, avenue D'Estimauville, Québec (Québec) G1J 0B9

represented by the Chair of the board of directors and Chief Executive Officer, Manuelle Oudar

hereinafter called "the Commission"

#### **AND**

**THE OFFICE FRANCO-QUÉBÉCOIS  
POUR LA JEUNESSE**

created by the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec agreement of 27 February 1965 on a program of exchange and cooperation in the field of education, having its head office at 934, rue Sainte-Catherine Est, Montréal, H2L 2E9,

represented by its Secretary General, Jean-Stéphane Bernard,

hereinafter called "the Office"

WHEREAS the Commission is, under section 138 of Act respecting occupational health and safety (CQLR, chapter S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of a legal person and the special powers conferred on it by the Act;

WHEREAS, under section 170 of the Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Office, created by the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec agreement of 27 February 1965 on a program of exchange and cooperation in the field of education, has, under section 1 of the Act respecting the Office franco-québécois pour la jeunesse (CQLR, chapter O-5.01), the powers of a legal person within the meaning of the Civil Code of Québec;

WHEREAS the Office is governed, since 1 April 2014, by the Agreement between the Gouvernement du Québec and the Government of the French Republic regarding the Office franco-québécois pour la jeunesse;

WHEREAS, under article 1 of that Agreement, the Office shall enjoy autonomy in its management and administration in Québec and in France;

WHEREAS, under article 2 of that Agreement, the mission of the Office is to develop relations between the youth of Québec and the youth of France, encourage extending these relations to the Francophonie at large and contribute to its promotion;

WHEREAS the Office has requested that the Act respecting industrial accidents and occupational diseases (CQLR, chapter A-3.001) apply to certain participants and it intends to assume the obligations prescribed for employers, including those concerning assessments due;

WHEREAS section 16 of that Act provides that a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS section 16 of that Act also provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, which means that the Commission must make a regulation to give effect to an agreement that extends the benefits of the laws and regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

## 1. PURPOSE

The purpose of the Agreement is to provide for the application of the Act respecting industrial accidents and occupational diseases to the Office's participants covered by Schedule I to the Agreement and to determine the obligations of the Office and the Commission, on the conditions set forth herein.

## 2. DEFINITIONS

For the purposes of the Agreement,

“**Commission**” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety;

“**employment**” means, as the case may be, the remunerated employment the participant has at the time the employment injury appears or for which the participant is registered with the Commission, or, if the participant has no remunerated employment or is not registered with the Commission at the time the injury appears, his or her usual employment or, if the participant does not carry on such employment, the employment that could have been the participant's usual employment, considering the participant's training, work experience and physical and intellectual capacity before the employment injury appeared;

“**establishment**” means an establishment within the meaning of the Act respecting occupational health and safety;

“**employment injury**” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“**Act**” means the Act respecting industrial accidents and occupational diseases;

“**Office**” means the Office franco-québécois pour la jeunesse, Section du Québec, created under article 1 of the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec Agreement of 27 February 1965 on a program of exchange and cooperation in the field of education;

“**participant**” means a person doing work under programs administered by the Office and listed in Schedule I, except a person referred to in section 10 or paragraph 4 of section 11 of the Act.

## 3. OBLIGATIONS OF THE OFFICE

### 3.1 Employer

The Office is deemed to be the employer of any participant covered by the Agreement.

Despite the foregoing, the employer-employee relationship is recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits payable under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

### 3.2 General obligations

As an employer, the Office is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents occurring in the establishments where the participants work and the obligations to inform the Commission, using the form prescribed by the Commission, that a participant is unable to continue the program by reason of the injury.

Despite the foregoing, the Office is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

### 3.3 Exceptions

Despite article 3.2, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, Division II of Chapter IV concerning temporary assignment, as well as Chapter VII concerning the right to return to work, are not applicable to the Office.

### 3.4 Information

On request by the Commission, the Office sends a description of the tasks or activities carried out by the participant at the time the employment injury appeared.

### 3.5 First aid

Although the Office is not required to give first aid to a participant who suffers an employment injury, in accordance with sections 190 and 191 of the Act, it must see that first aid is given to the participant, where necessary, and pay the related costs.

### 3.6 Payment of assessment

The Office agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the administrative costs associated with each insurance record.

For the purposes of the Agreement, the Office is also required to make periodic payments, in accordance with section 315.1 of the Act.

### 3.7 Assessment

For assessment purposes, the Office is deemed to pay wages that correspond, as the case may be, to the gross wage of each participant at the time the participant is registered in a program listed in Schedule I, to the employment insurance benefits received by the participant or to the minimum wage, if the participant has no other employment income.

The assessment is based on the wages that the Office is deemed to pay and on the length of the work carried out under a program listed in Schedule I. However, the wages that the Office is deemed to pay may not in any case be less than \$2,000 per participant.

### 3.8 Annual statement

The Office sends to the Commission, before 15 March of each year, an annual statement setting out, in particular, the amount of gross wages paid to the participants during the preceding calendar year, calculated in relation to the duration of the work carried out under a program listed in Schedule I.

### 3.9 Register

The Office keeps a detailed register of the names and addresses of the participants and contact information of the participants' host environments.

The Office makes such register available to the Commission if the latter so requires.

### 3.10 Programs

The Office sends to the Commission, on the coming into force of the Agreement, a description of the programs listed in Schedule I.

Any new program or any subsequent amendment to a program listed in Schedule I is also to be sent so as to determine whether it should come or remain under the Agreement.

## 4. OBLIGATIONS OF THE COMMISSION

### 4.1 Worker status

The Commission considers a participant covered by the Agreement as a worker within the meaning of the Act, except in respect of travel, both outward and return, between the territory in which his or her domicile is situated and the location where the work is carried out under a program listed in Schedule I.

## 4.2 Indemnity

A participant who suffers an employment injury is entitled to an income replacement indemnity as of the first day following the beginning of the participant's inability to carry on his or her employment by reason of the injury.

Despite section 60 of the Act, the Commission pays to that participant the income replacement indemnity to which the participant is entitled as of the first day of the participant's inability to carry on his or her employment.

## 4.3 Calculation of indemnity

For the purpose of calculating the income replacement indemnity, the participant's gross annual employment income is, as the case may be, that which the participant derives from the remunerated employment the participant has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the participant is registered with the Commission or, if the participant is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (CQLR, chapter N-1.1, r. 3) and the regular workweek referred to in section 52 of the Act respecting labour standards (CQLR, chapter N-1.1), as they read on the date on which they are to be applied when the injury appears.

## 4.4 Exception

Where the participant is a full-time student, the entitlement and calculation of the income replacement indemnity of the participant considered to be a worker under the Agreement are determined under sections 79 and 80 of the Act.

## 4.5 Recurrence, relapse or aggravation

Where the participant holds remunerated employment and suffers a recurrence, relapse or aggravation of the employment injury, the gross annual employment income is, for the purpose of calculating the income replacement indemnity, established in accordance with section 70 of the Act.

If unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that determined at the time the participant suffered the original

employment injury; that gross income is revalorized each year on the anniversary date of the disability resulting from the original employment injury.

## 4.6 Financial record

At the request of the Office, the Commission opens a special financial record for each program listed in Schedule I.

Such record must be classified in the unit corresponding to the activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after the Agreement is signed, in a unit corresponding to those activities.

## 5. MISCELLANEOUS

### 5.1 Follow-up

Both the Commission and the Office designate, within 15 days of the coming into force of the Agreement, a person responsible for the follow-up of the Agreement.

### 5.2 Addresses for notices

Any notice required by the Agreement is to be sent to the following addresses:

— Commission des normes, de l'équité, de la santé et de la sécurité du travail

Secrétariat général  
1199, rue De Bleury, 14<sup>e</sup> étage  
Montréal (Québec) H3B 3J1

— Office franco-québécois pour la jeunesse

Bureau du Secrétaire général  
934, rue Sainte-Catherine Est,  
Montréal (Québec) H2L 2E9

## 6. COMING INTO FORCE, TERM AND AMENDMENT

### 6.1 Effective date and term

The Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under sections 170 and 223 of the Act respecting occupational health and safety and remains in force until 31 December 2021.

## 6.2 Tacit renewal

It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

In the latter case, the notice must contain the amendments which the party wishes to make.

## 6.3 Renewal

If a party intends to make amendments to the Agreement, the sending of the notice referred to in article 6.2 does not preclude the tacit renewal of the Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

## 7. CANCELLATION OF AGREEMENT

### 7.1 Default

If the Office fails to respect any of the obligations provided for in the Agreement, the Commission may ask the Office to rectify the default within the time set by the Commission. If the situation is not rectified within the prescribed time, the Commission may cancel the Agreement unilaterally, upon written notice.

The Agreement is then cancelled on the date of the notice.

### 7.2 Mutual agreement

The parties may, by mutual agreement, cancel the Agreement at any time.

### 7.3 Financial adjustments

In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under the Agreement.

Any amount due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

### 7.4 Damages

In the event of cancellation, neither party may be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

At \_\_\_\_\_, on this \_\_\_\_\_ At \_\_\_\_\_, on this \_\_\_\_\_  
( ) day of \_\_\_\_\_ 2021. ( ) day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MANUELLE OUDAR  
*Chair of the board  
of directors and  
Chief Executive Officer,  
Commission des normes,  
de l'équité, de la santé  
et de la sécurité  
du travail*

\_\_\_\_\_  
JEAN-STÉPHANE BERNARD  
*Secretary General,  
Office franco-québécois  
pour la jeunesse*

## SCHEDULE I

### Programs subject to the Agreement

— Professional training in the workplace, for projects initiated

— Business mentoring, for training periods in preparation of an economic or commercial mission

— Training within business incubators and accelerators

— School perseverance for work sites or workstations

— Integration group

— Québec Volontaire

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Gouvernement du Québec

### O.C. 146-2022, 9 February 2022

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

### Implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse

Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse

WHEREAS, under the first paragraph of section 170 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 agreements with a