

**3.** The requirement to hold the certificate of qualification or qualification as an apprentice referred to in section 312.94, introduced by section 2 of this Regulation, takes effect from (*insert the date that occurs one year after the coming into force of this Regulation*).

**4.** Pants for chain saw users meet the requirements of section 312.100, introduced by section 2 of this Regulation, if the pants comply with Category A of CAN/BNQ Standard 1923-450-M91, Leg Protective Device for Chain Saw Users, provided that the pants were purchased before (*insert the date of coming into force of this Regulation*).

This section ceases to have effect on (*insert the date that occurs two years after the coming into force of this Regulation*).

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

105566

## Draft Regulation

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 main purpose of the draft Regulation is to replace Division XXI of the Regulation respecting occupational health and safety to harmonize its safety requirements with the updated requirements of Canadian and international standards in the field, in order to guide workplaces more effectively in the assessment and establishment of the necessary protective methods and ensure optimal protection for workers whose jobs involve the use of various machines.

Study of the regulatory impact shows no negative impact on Québec enterprises. The proposed rules and amendments do not add any administrative formalities.

Further information on the draft Regulation may be obtained by contacting Ramdane Djedid, expert advisor for prevention and 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 2024; fax: 514 906-3012.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, av. D'Estimauville, 7<sup>e</sup> étage secteur 3, Québec (Québec) G1J 0H7.

MANUELLE OUDAR

*Chief Executive Officer and Chair of the board  
of directors 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

Act respecting occupational health and safety  
(chapter S-2.1, s. 223, 1st par., subpars. 7, 19 and 42)

**1.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended, in section 1,

(1) by striking out the definition of “protective device”;

(2) by inserting the following definition in alphabetical order:

““machine” means an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application;”.

**2.** Section 142 is replaced by the following:

“**142. Infra-red radiation:** All intense infra-red radiation sources shall be shielded by a means to protect workers, such as a heat absorbent screen or a water screen.”.

**3.** Division XXI, comprising sections 172 to 226, is replaced by the following:

## “DIVISION XXI MACHINES

### §1. Definitions and purpose

**172. Definitions:** In this Division, unless otherwise indicated by context,

“automatic monitoring” means the principle that ensures that safety functions that rely on a means of protection are maintained if the ability of a component or an element to perform its function is diminished, or if the operating conditions are changed in such a way that hazards are generated. Automatic monitoring either detects a fault immediately or carries out periodic checks so that a fault is detected before the next demand upon the safety function; (*autosurveillance*)

“control actuator” means an element allowing an operator to control a machine, generally through pressure from the hand or foot, and in particular a push-button, lever, switch, handle, slider, stick, control wheel, pedal, keyboard or touchscreen; (*organe de service*)

“danger zone” means any zone situated inside or around a machine which poses a risk for the health, safety or physical well-being of workers; (*zone dangereuse*)

“enabling device” means an additional manually operated device used in conjunction with a start control and which, when continuously actuated, allows a machine to function; (*dispositif de validation*)

“fixed guard” means a guard affixed in such a manner, for example, by screws, nuts, welding, that it can only be opened or removed by the use of tools or by destruction of the affixing means; (*protecteur fixe*)

“guard” means a physical barrier designed as part of a machine to protect the machine’s danger zone, such as a housing, a cover, a screen, a door or a cabinet; (*protecteur*)

“guard with a start function” means an interlocking guard which, once it has reached its closed position, gives a command to initiate the machine function presenting a risk for worker health and safety without the use of a separate start control; (*protecteur commandant la mise en marche*)

“hold-to-run control device” means a control device which initiates and maintains machine functions only as long as the control actuator is activated; (*dispositif de commande nécessitant un actionnement maintenu*)

“interchangeable equipment” means equipment intended to be installed on a machine, for which the installation can be done by the operator, in order to change its function or attribute a new function; (*équipement interchangeable*)

“interchangeable tool” means a tool such as a blade, bit or excavating bucket that may be installed on a machine without altering its function or adding a new function; (*outil interchangeable*)

“interlocking guard” means a guard associated with an interlocking device to ensure that together with the control system of the machine, the machine functions presenting a risk for worker health and safety that the guard aims to protect from cannot operate until the guard is closed, that the closure of the guard does not by itself start those functions, and that a stop command is given if the guard is opened while such functions are operating; (*protecteur avec dispositif de verrouillage*)

“interlocking guard with a locking device” means a guard associated with both an interlocking and a locking device to ensure that, together with the control system of the machine, the machine functions presenting a risk for worker health and safety that the guard aims to protect from cannot operate until the guard is closed and locked, that the closure and locking of the guard do not by themselves start those functions, and that the guard remains closed and locked until the risk due to such functions has disappeared; (*protecteur avec dispositif d’interverrouillage*)

“limited movement device” means a control device, each actuation of which results, via the control system, in only a limited functioning of an element of the machine; (*dispositif de commande de marche par à-coups*)

“manually adjustable guard” means a guard that is manually adjusted and that remains fixed during an operation; (*protecteur réglable manuellement*)

“means of protection” means a guard or protective device; (*moyen de protection*)

“movable guard” means a guard that can be opened without the use of tools; the opening and closing of the guard may be power operated; (*protecteur mobile*)

“protective device” means a device other than a guard that eliminates or reduces risk, alone or associated with a guard; (*dispositif de protection*)

“safety function” means a function of a machine whose failure can result in an immediate increase of risk, with respect to a means of protection depending on a control system; (*fonction de sécurité*)

“safety-related part of the control system” means part of a control system that responds to safety-related input signals and generates safety-related output signals; (*partie du système de commande relative à la sécurité*)

“self-closing guard” means a movable guard operated by a machine element, by the workpiece or by a part of the machining jig, so that it allows the workpiece or the jig to pass and then automatically returns, for instance by means of gravity, a spring or other external power, to the closed position as soon as the opening is freed; (*protecteur à fermeture automatique*)

“sensitive protective equipment” means equipment for detecting a person or part of a person’s body which generates a signal to the control system to reduce risk to the persons detected, and in particular

(1) an electrosensitive device such as an active optoelectronic protective device, including safety light curtains and laser scanners;

(2) a pressure-sensitive device such as a mat, bar, edge or wire; (*équipement de protection sensible*)

“two-hand control device” means a control device which requires simultaneous actuation by both the operator’s hands in order to initiate and to maintain machine functions presenting a risk for worker health and safety. (*dispositif de commande bimanuelle*)

**173. Purpose:** The purpose of this Division is to establish the safety requirements for the design, manufacture, modification, use, maintenance and repair of any machine brought or intended to be brought into service in an establishment, including at the time of its sale, distribution or rental.

## §2. General provisions

**174. Manufacturer’s instruction manual:** Every machine must have a corresponding manufacturer’s instruction manual including at least

(1) the information needed to identify and communicate with the manufacturer;

(2) a detailed description of the machine, its control actuators, its accessories, its means of protection, including, where applicable, the characteristics of each safety function, including the parameters regarding reliability, operational limits, indicators and warning signals;

(3) a description of all the uses for which the machine is designed and, where applicable, the uses that are prohibited;

(4) instructions and, where applicable, the training required to use the machine safely;

(5) instructions for setting and adjusting the machine that may affect worker health and safety, where applicable;

(6) a description of the personal protective equipment the wearing of which is recommended when using the machine, where applicable, including the information and training required to use that equipment;

(7) the nature and frequency of inspection of the safety functions, where applicable;

(8) the risks that remain following the implementation of means of protection.

If there is no manufacturer’s instruction manual or if the manual is incomplete, the elements specified in subparagraphs 2 to 8 of the first paragraph must be specified in writing by an engineer.

**175. Compliance of a machine:** A machine designed and manufactured in accordance with a specific standard is deemed to meet the requirements of sections 177, 181 to 185, 187 except as concerns maintenance, 189 to 191 and 193 when the manufacturer’s documentation with which the machine is accompanied contains a statement that the machine complies with the specific standard and when no modifications, as defined in section 176, have been made to the machine.

For the purposes of the first paragraph, “specified standard” means a standard drawn up by one of the standardization organizations CSA, ISO, ANSI, ASME or CEN which prescribes detailed safety requirements for a given machine or given category of machines. Standards designated as type-C safety standards in accordance with ISO 12100, Safety of machinery — General principles for design — Risk assessment and risk reduction are, in particular, deemed to be specified standards.

**176. Modifications to a machine:** A modification to a machine that may have an impact on worker safety must be carried out by or under the supervision of an engineer and the safety of the modification must be certified by that engineer.

For the purposes of the first paragraph, “modification” means a modification that, without being provided for by the manufacturer, is intended to change the purpose of a machine, incorporate it into a group of machines, add or delete a function, change its performance or operating mode, or implement means of protection that affect its safety functions.

The installation of interchangeable equipment or tools as provided for by the manufacturer of the equipment or tools is not deemed to be a modification.

### §3. *General safety requirements*

**177. Choosing means of protection:** A machine must be designed and manufactured in such a way as to render its danger zones inaccessible. If this is not possible, the resulting risks must be eliminated or reduced to the lowest possible level by installing at least one of the following means of protection, as the case may be:

(1) where access to the danger zone is not required during normal operation of the machine,

(a) a fixed guard;

(b) a movable interlocking guard with or without a locking device;

(c) sensitive protective equipment;

(d) a self-closing guard;

(2) where access to the danger zone is required during normal operation of the machine:

(a) a movable interlocking guard with or without a locking device;

(b) sensitive protective equipment;

(c) a self-closing guard;

(d) a two-hand control device;

(e) a guard with a start function;

(f) a manually adjustable guard.

Notwithstanding subparagraphs 1 and 2 of the first paragraph, access to a machine's movable energy transmission elements must be protected by a fixed guard or a movable interlocking guard with or without a locking device.

Appropriate means of protection must be selected using recognized principles and methods to assess and reduce risk, such as those set out in CSA Z432, Safeguarding of Machinery, and ISO 12100, Safety of machinery — General principles for design — Risk assessment and risk reduction, and in accordance with the conditions of sections 181 to 185, where applicable.

**178. Residual risks:** When risks remain after appropriate means of protection have been implemented, or when it is foreseeable that the effect of installing a means of protection on a machine will render the function for which it was designed reasonably impractical, the residual risks must be identified and measures to control and reduce them must be taken, including in particular

(1) working procedures and methods for the safe use of the machine that are consistent with the expected proficiency of the workers using the machine or of other persons who may be exposed to the machine's danger zone;

(2) the training required for the safe use of the machine;

(3) the identification of all personal protective equipment the wearing of which is necessary when using the machine, including the information and training required to use that equipment;

(4) the disclosure of sufficient information, including warnings, about the residual risks.

The measures to control and reduce residual risks must be determined by taking into account the manufacturer's instruction manual or, where applicable, the elements specified by an engineer pursuant to section 174 and trade practice.

**179. Safety precautions:** In areas where there is a danger of contact with the moving parts of a machine that create a risk of entrapment, workers must comply with the following safety precautions:

(1) their clothing must fit well and have no loose flaps;

(2) necklaces, bracelets, rings and other accessories presenting such a risk must not be worn, with the exception of medical alert bracelets;

(3) long beards or hair must be held in place by an effective means such as a band, bonnet, hat or hairnet.

**180. Proper working condition:** Machines and means of protection must be kept in proper working condition in accordance with the manufacturer's instruction manual or, where applicable, with the elements specified by an engineer pursuant to section 174 and with trade practice.

**181. Attributes of means of protection:** A guard or protective device must be designed and installed in accordance with trade practice and must, in particular,

(1) be constructed in a sufficiently robust manner to withstand the stresses to which it can be subjected;

(2) remain effective while the machine is being used by being held firmly in place while taking its environment into account;

(3) be located at a safe distance from the danger zone;

(4) not give rise to any additional risk or be in itself a source of danger because, for example, of sharp edges or angular parts;

(5) not be easily bypassed or rendered inoperative.

**182. Guard with a start function:** A guard with a start function may be used as a means of protection when the cycle time of the machine is short and

(1) the guard with a start function is designed and installed in accordance with the trade practice applicable to interlocking guards;

(2) the maximum opening time of the guard is preset to a low value, for example, equal to the cycle time, and, when this time is exceeded, the function presenting a risk for worker health and safety cannot be initiated by the closing of the guard with a start function and the cycle must be initiated only by voluntary actuation of a start control;

(3) the dimensions or shape of the machine do not allow a person, or part of a person's body, to stay in the danger zone or between the danger zone and the guard while the guard is closed;

(4) all other guards for the danger zone are interlocking guards;

(5) the interlocking guard associated with the guard with a start function is designed in a manner that its failure cannot lead to an unintended or unexpected start-up of the machine, in particular through the duplication of position sensors or the use of automatic monitoring;

(6) the guard is securely held open, for example, by a spring or counterweight, in a manner that it can be closed only by a voluntary action by the worker.

**183. Electro-sensitive protective equipment:** Electro-sensitive protective equipment may be used as a means of protection when it is integrated in the operative part of the machine and associated with its control system so that

(1) a command is given as soon as a person or part of a person's body is detected;

(2) the removing of the person or part of the person's body detected does not, by itself, restart the machine function presenting a risk for worker health and safety;

(3) restarting the function presenting a risk for worker health and safety results from the voluntary actuation, by the operator, of a control device placed outside the danger zone, where this zone can be observed by the operator;

(4) the machine cannot operate during interruption of the detection function of the electro-sensitive protective equipment, except during muting phases consisting of the automatic and temporary suspension of a safety function by the safety-related parts of the control system;

(5) the position and the shape of the detection field prevents, if applicable together with fixed guards, a person or part of a person's body from entering or being present in the danger zone without being detected.

**184. Active optoelectronic protective device used for cycle initiation:** Notwithstanding paragraphs 2 and 3 of section 183, an active optoelectronic protective device may exceptionally be used to initiate the work cycle of a machine by the removal of a person or part of a person's body from the detection field, without any additional start command, when the cycle time of the machine is short and the following conditions are met:

(1) the active optoelectronic protective device is designed and installed in accordance with trade practice, in particular as regards its location, minimum distance, detection capability, reliability and monitoring of the control and braking system;

(2) after switching on the power supply, or when the machine has been stopped by the tripping function of the sensitive protective equipment, the machine cycle must be initiated only by voluntary actuation of a start control;

(3) the facility to re-initiate the machine upon removing a person or a part of a person's body from the detection field is limited to a period commensurate with a single normal cycle;

(4) entering the detection field of the active optoelectronic protective device or opening interlocking guards is the only way to enter the danger zone;

(5) if there is more than one active optoelectronic protective device safeguarding the machine, only one of them can have a cycle control function;

(6) the active optoelectronic protective device and the associated control system comply with a higher safety-related performance than under normal conditions.

**185. Two-hand control device:** A two-hand control device may be used as a means of protection when its design and installation

(1) are designed to prevent accidental or unintentional operation;

(2) require the operator to use both hands within 500 milliseconds to initiate the cycle of the machine or its system;

(3) require the operator to release both hands from each of the control actuators of the control device and reactivate it with both hands to initiate a machine or its system's cycle;

(4) lead to a stop as soon as the operator removes one hand from one of the control actuators of the control device during the cycle phase presenting a risk for worker health and safety;

(5) give the operator a clear view and complete control over the danger zone covered by this protection;

(6) allow the operator to activate the control actuators on the control device at a safe distance from the danger zone.

In addition, where a two-hand control device is used as a means of protection for more than one operator, a device must be provided for each operator. The devices must be designed to ensure that the machine can only be started when all the controls on the two-hand devices are actuated and maintained in that position by all the operators.

**186. Replacement:** When a guard or protective device is replaced, the new guard or protective device must provide a level of safety at least equivalent to that of the original part.

**187. Control devices:** Control devices must be designed, installed and maintained so as to avoid the accidental start-up or shut-down of a machine.

**188. Control mode:** Where, for setting, maintenance, inspection or other work on a machine, a guard has to be displaced or removed or a protective device has to be disabled, and where it is necessary for the purpose of these operations for the machinery or part of it to be put into operation, worker safety must be ensured using a specific control mode which

(1) disables all other control modes;

(2) allows operation of elements presenting a risk for worker health and safety only by continuous actuation of an enabling device, a two-hand control device or a hold-to-run control device;

(3) allows operation of the elements presenting a risk for worker health and safety only in reduced risk conditions for instance, at reduced speed, under reduced power or force or in a step-by-step mode, for example, with a limited movement device;

(4) prevents voluntary or involuntary action on the machine's sensors from triggering a function presenting a risk for worker health and safety.

**189. Selection of control and operating modes:** When a machine can be used in several control or operating modes, for example, to allow for adjustment, maintenance or inspection, it must be fitted with a mode selector which can be locked in each position or by another selection means which restricts the use of certain control and operating modes to certain categories of operators.

Where the machine is equipped with a mode selector, each position of the selector must be clearly identifiable and must exclusively allow one control or operating mode at a time.

**190. Safety-related part of the control system:** The safety-related part of a control system must be designed, manufactured and installed in accordance with trade practice in order to withstand the stresses to which it is subjected and prevent any situation that may create risks for worker safety, in particular following the failure of the control system's hardware or software, an error affecting system logic, or a reasonably foreseeable human error during operation.

**191. Starting:** Following a stop, a machine must be started or restarted by a voluntary action on a control actuator provided for that purpose.

This rule does not apply in the cases provided for in sections 182 and 184 or to a machine operating automatically when the necessary means to protect workers against the risks associated with automatically controlled functions are in place and operating correctly.

The control system of a machine that has several starting control actuators must be designed to ensure that only one control actuator may be used at a time if the starting of the machine by one worker may create a risk for other workers.

**192. Warning device:** When the starting up of a machine constitutes a danger for anyone near the machine, a warning device or any other effective means of communication must announce the starting up of the machine. All such persons must have time to leave the danger zone.

**193. Emergency stop:** Any machine whose operation requires the presence of at least one worker must be equipped with an emergency stop device.

This device stops the machine, considering the machine's design, in the shortest possible time with no additional risk. In addition, it has the following characteristics:

- (1) it is easily visible and within reach of the worker;
- (2) a single action activates it;
- (3) it is clearly identified;
- (4) it triggers or may trigger, as required, certain functions to reduce risk such as a reversal or limitation of motion;
- (5) it is available and operational at all times, whatever the machine's control or operating mode.

The resetting of the emergency stop device after it is used shall not by itself cause the machine to start up.

This section does not apply to a portable power tool or a machine for which an emergency stop device would not reduce the risk.

**194. Group of machines:** The overall control system of a group of machines designed to operate in series must be designed to ensure that the use of the starting or stopping control actuator on each machine does not create a risk for worker safety, in particular by ensuring that an emergency stop device of a machine stops not only that machine, but also the other machines in the group when their continued operation creates such a risk.

#### §4. Lockout and other energy control methods

**195.** In this subdivision,

“energy control method” means a method designed to maintain a machine out of working order, such as its reoperation, the closing of an electrical circuit, the opening of a valve, the release of stored energy or the movement of a part by gravity, in such a way that the working order cannot be altered without the voluntary action of every person having access to the danger zone; (*méthode de contrôle des énergies*)

“individually keyed” means a special layout of the components of a lock making it possible to open it with a single key; (*cléage unique*)

“lockout” means an energy control method designed to install an individually keyed lock on an energy isolating device or on any other device allowing for the control of energy such as a lockout box. (*cadenassage*)

**196.** Before undertaking any work in the danger zone of a machine, such as erecting, installing, adjusting, inspecting, unjamming, setting up, decommissioning, maintaining, dismantling, cleaning, servicing, refurbishing, repairing, altering or unlocking, lockout, or, failing that, any other method that ensures equivalent safety must be applied in accordance with this subdivision.

This subdivision does not apply

(1) where work is carried out in the danger zone of a machine that has a specific control mode as defined in section 188;

(2) where a machine is unplugged within the reach and under the exclusive control of the person who uses it, where the machine has a single energy source and where there remains no residual energy after the machine is unplugged.

**197.** Lockout must be carried out by every person having access to the danger zone of a machine.

**198.** Where the employer having authority over the establishment intends to apply an energy control method other than lockout, the employer must first ensure the equivalent safety of that method by analyzing the following:

- (1) the machine features;
- (2) identification of the health and safety risks when using the machine;
- (3) the estimate of the frequency and seriousness of the potential employment injuries for each risk identified;
- (4) the description of prevention measures that apply for each risk identified, the estimate of the level of risk reduction thus obtained and the assessment of residual risks.

The results of the analysis must be recorded in a written document.

The method referred to in the first paragraph must be developed from the elements mentioned in subparagraphs 1 to 4 of the first paragraph.

**199.** The employer must, for every machine situated in an establishment over which the employer has authority, ensure that one or more procedures describing the energy control method are developed and applied.

The procedures must be easily accessible on the sites where work is carried out in written form intelligible for consulting by every person having access to the danger zone of a machine, the health and safety committee of the establishment and the safety representative.

The procedures must be reviewed periodically, in particular every time a machine is altered or a failure is reported, so as to ensure that the energy control method remains efficient and safe.

**200.** A procedure describing the energy control method must include the following:

- (1) identification of the machine;
- (2) identification of the person responsible for the energy control method;
- (3) identification and location of every control device and of every energy source of the machine;
- (4) identification and location of every cutoff point of every energy source of the machine;
- (5) the type and quantity of material required for applying the method;
- (6) the steps required to control the energy;
- (7) where applicable, the measures designed to ensure the continuity of application of the energy control method during a staff rotation, in particular the transfer of required material;
- (8) where applicable, the applicable characteristics, such as the release of residual or stored energy, the required personal protective equipment or any other complementary protection measure.

**201.** Where lockout is the method applied, the steps required to control energy for the purposes of paragraph 6 of section 200 must include

- (1) deactivation and complete shutdown of the machine;
- (2) elimination or, if that is impossible, control of any residual or stored energy source;
- (3) lockout of the machine's energy source cutoff points;
- (4) verification of lockout by using one or more techniques making it possible to reach the highest level of efficiency;

- (5) safely unlocking and reoperating the machine.

**202.** Before applying an energy control method, the employer who has authority over the establishment must ensure that the persons having access to the danger zone of the machine are trained and informed on the health and safety risks related to work carried out on the machine and on the prevention measures specific to the energy control method applied.

**203.** An employer or a self-employed worker must obtain written authorization from the employer who has authority over the establishment before undertaking work in the danger zone of a machine. The employer who has authority over the establishment must ensure that the employer or self-employed worker will apply an energy control method that complies with this subdivision.

**204.** Where one or more employers or self-employed workers carry out work in the danger zone of a machine, it is the responsibility of the employer who has authority over the establishment to coordinate the measures to be taken to ensure the application of the energy control method, in particular by determining their respective roles and their means of communication.

**205.** The employer who has authority over the establishment must provide lockout material including individually keyed locks, except if an employer or self-employed worker is responsible therefor pursuant to section 204.

The name of the person who installs an individually keyed lock must be clearly indicated on the individually keyed lock. Despite the foregoing, the employer may provide persons having access to the danger zone of a machine with individually keyed locks with no name indication, if the employer keeps a record thereof.

The record contains at least the following information:

- (1) identification of each individually keyed lock;
- (2) the name and telephone number of each person to whom a lock is given;
- (3) where applicable, the name and telephone number of the employer of each worker to whom a lock is given;
- (4) the date and time at which the lock is given;
- (5) the date and time at which the lock is returned.

**206.** Where a lock is forgotten or a key is lost, the employer who has authority over the establishment may, with the agreement of the person who carried out lockout,



authorize the lock to be removed after ensuring that it does not involve any danger for the health, safety and physical well-being of that person.

Where the agreement of the person who carried out lockout is not obtained, the employer who has authority over the establishment must, before authorizing the lock to be removed, inspect the danger zone of the machine accompanied by a representative of the certified association of which the person is a member, if he or she is available on the work site or, failing that, by a worker present on the work site designated by the employer.

Every instance of a lock being removed must be entered in a written document kept by the employer for at least one year following the day on which the applicable energy control method is altered.

**207.** This subdivision applies, with the necessary modifications, to any work on an electrical installation.”

**4.** Sections 239 and 266 are revoked.

**5.** Section 267 is amended by replacing “guardrails” by “guards, as defined in section 172,”.

**6.** Section 270 is revoked.

**7.** Section 312.86 is amended by replacing “subdivision 1.1.” in paragraph 3 by “subdivision 4”.

**8.** Section 323 is replaced by the following:

“**323. Tasks involving maintenance or repairs:** In the case of tasks involving maintenance or repairs, the areas where such work is being performed must be marked off in order to protect anyone likely to be exposed to danger.”

**9.** Section 340 is revoked.

**10.** Section 174, as replaced by section 3 of this Regulation, applies only to machines brought into service in an establishment on or after (*insert the date of coming into force of this Regulation*).

**11.** Section 176, as replaced by section 3 of this Regulation, applies only to modifications made to a machine on or after (*insert the date of coming into force of this Regulation*).

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

105569

## Draft Regulation

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

### Safety Code for the construction industry — 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 Safety Code for the construction industry, 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 draft Regulation inserts a new division to ensure the protection of construction workers when work that is liable to produce crystalline silica dust emissions is carried out.

The draft Regulation establishes in particular a list of materials that are presumed to contain crystalline silica and establishes the method to reverse that presumption. It provides for the control measures that must be put in place and the terms and conditions surrounding the conditions for wearing a protective respiratory apparatus when work involving crystalline silica is carried out. The draft Regulation further specifies, in regard to that work, the terms and conditions concerning training, the delimitation of the work area, the cleaning of clothes, premises and equipment, and the management of the debris of materials presumed to contain crystalline silica.

The draft Regulation also emphasizes the importance of taking the course on health and safety on construction sites, without infringing on the rights of persons who have already obtained an exemption, by making the course mandatory for all persons entering a construction site as of a given date. Lastly, it also corrects the required minimum dimensions of planking for lumber scaffolding platforms in order to make them safer.

The proposal will affect many construction sites in Québec. However, it will have a positive impact on all construction sites by improving the overall safety of not only workers, but of all persons who enter a construction site. Study of the draft Regulation shows implementation costs of \$9.935 million and recurring costs in subsequent years of \$8.525 million annually. Finally, the draft Regulation is not expected to have any direct positive or negative impact on employment.