

Draft Regulations

Draft Regulations

Act respecting industrial accidents and occupational diseases (chapter A-3.001)

Regulation respecting suppliers

Regulation respecting medical aid — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting suppliers and the Regulation to amend the Regulation respecting medical aid, 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 455 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), on the expiry of 45 days following this publication.

The draft Regulation respecting suppliers primarily sets out the conditions for obtaining and maintaining an authorization application by a person or enterprise that wishes to provide goods or services to a beneficiary of the Act respecting industrial accidents and occupational diseases. It also specifies the documents that must be attached to an authorization application.

The draft Regulation to amend the Regulation respecting medical aid makes consequential amendments to ensure coherence with respect to the requirement that suppliers bill the Commission des normes, de l'équité, de la santé et de la sécurité du travail for the goods or services provided to a beneficiary.

The draft Regulations have no impact on enterprises.

Further information may be obtained by contacting Véronique Gagnon, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue de Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3006, extension 2631.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claude Beauchamp, Vice-president for compensation and occupational reintegration, Commission

des normes, de l'équité et de la santé et de la sécurité du travail, 1600 D'Estimaerville, 7^e étage, secteur 3, Québec (Québec) G1J 0H7.

LOUISE OTIS

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of the Commission des normes, de l'équité,
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Regulation respecting suppliers

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454.1, 1st par., subpars. 2 and 3)

DIVISION I

SCOPE

1. This Regulation applies to suppliers referred to in Division I of Chapter VIII.1 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

DIVISION II

AUTHORIZATION

§1. Authorization application

2. The Commission authorizes a person or enterprise that sends to the Commission an authorization application using the form available on the Commission's website and that meets the following conditions to be a supplier:

(1) where applicable on the basis of the goods or services provided, be a member of a professional order without restriction of the right to engage in professional activities respecting the goods or services provided to the beneficiaries;

(2) where applicable, meet the special conditions set out in Schedule I that are associated with the goods or services provided;

(3) not be registered in the register of enterprises ineligible for public contracts established under the Act respecting contracting by public bodies (chapter C-65.1);

(4) where the person or enterprise is an employer, not have failed to comply with the requirements set out in Chapters IX and X of the Act;

(5) not have failed to pay a sum payable under the Act;

(6) except in the case of a member of a professional order or an enterprise established by such members, hold liability insurance of at least \$2,000,000 per claim establishing a guarantee against the financial consequences of the liability incurred as a result of errors or negligence in the provision of goods or services to the beneficiaries;

(7) not have been found guilty, in the 5 years preceding the authorization application, of an offence under the Act related to the required abilities and the appropriate behaviour of a supplier of goods or services, unless a pardon was obtained;

(8) not have a judicial record related to the required abilities and the appropriate behaviour of a supplier of goods or services, unless a pardon was obtained.

All professionals, in the case of subparagraph 1 of the first paragraph, or all persons, in the case of subparagraphs 2, 6, 7 and 8 of the first paragraph, who work with beneficiaries in an enterprise must meet the conditions set out in those subparagraphs.

3. The authorization application must be filed by a director or an officer, in the case of a legal person, and by a partner, in the case of a partnership. The person filing the application acts as respondent for the purposes of this Regulation.

§2. Information and documents to be provided

4. The applicant must provide the following information in the authorization application:

(1) where applicable, any restriction to the right to engage in professional activities;

(2) name and contact information or, in the case of an enterprise, its name and the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(3) the address of the establishments where the goods or services will be provided to the beneficiaries;

(4) a description of the goods or services that will be provided to the beneficiaries.

5. The applicant must attach to the authorization application,

(1) where applicable, a document certifying the applicant's capacity as a member of a professional order or, in the case of an enterprise, the document for each professional working with the beneficiaries;

(2) where applicable, a document certifying that the applicant meets the special conditions set out in Schedule I or, in the case of an enterprise, the document for the persons working with the beneficiaries;

(3) where the applicant is an employer, an attestation issued by the Commission within 30 days before the application confirming that the applicant has not failed to comply with the requirements set out in Chapters IX and X of the Act;

(4) where applicable, an attestation of insurance compliant with subparagraph 6 of the first paragraph of section 2;

(5) where applicable, an official document from the enterprise confirming the appointment of the respondent acting in such capacity; and

(6) where applicable, the applicant's list of judicial records for which no pardon was obtained or, in the case of an enterprise, the list of judicial records of the professionals or persons working with the beneficiaries.

§3. Maintaining authorization

6. To maintain the authorization, the supplier must

(1) comply, at all times, with the requirements provided for in section 2;

(2) comply with any requirement incumbent on the supplier under the Act;

(3) notify immediately the Commission, using the prescribed form, of any change to the information and documents the supplier sent to the Commission;

(4) establish a record in the name of the beneficiary and keep it for a minimum period of 5 years as of the date on which it is closed; and

(5) ensure that the professional activities reserved to the members of a professional order are engaged in only by such a member.

The record referred to in subparagraph 4 of the first paragraph must contain at least the following information and documents:

(1) the date on which it is opened;

(2) the beneficiary's name, date of birth, contact information and record number of the Commission;

(3) a description of the grounds for consultation;

(4) a description of the good or service provided, the date on which it was provided and the name of the supplier and, in the case of an enterprise, the name of the person who provided the good or service;

(5) a document containing the signature of the beneficiary confirming that the good or service has been received;

(6) all supporting documents allowing the Commission to verify whether the supplier meets the requirements of the Act.

DIVISION III TRANSITIONAL AND FINAL

7. A person or enterprise that is deemed to be a supplier authorized by the Act to modernize the occupational health and safety regime (2021, chapter 27) is not required to send an authorization application in accordance with Division II of this Regulation.

The person or enterprise must however immediately notify the Commission of any situation preventing the person or enterprise from complying with any of the conditions set out in section 6.

8. A person or enterprise that is deemed to be a supplier authorized by the Act to modernize the occupational health and safety regime (2021, chapter 27) has 1 year as of (*insert the date of coming into force of this Regulation*) to comply with the requirement set out in subparagraph 2 of the first paragraph of section 2 and, for that purpose, the person or enterprise sends to the Commission all the documents certifying that the person or enterprises meets the special conditions set out in Schedule I.

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

SCHEDULE I

Goods or services provided	Special conditions
Job search assistance services	<p>— Hold one of the following bachelor's degrees:</p> <ul style="list-style-type: none"> – Vocational and educational guidance – Guidance – Career development – Social service – Psychology <p>or</p>

Goods or services provided	Special conditions
	<p>— Where the supplier holds a diploma other than those listed, a minimum experience of 1 year in employability is required</p> <p>or</p> <p>— Be a certified or corporate member of the Association québécoise d'information scolaire et professionnelle</p> <p>— Be a professional member of the Association québécoise des professionnels du développement de carrière</p>
Intervention with a worker with adjustment or social reintegration problems	<p>— Hold a diploma in specialized education techniques or a bachelor's degree in psychoeducation</p> <p>or</p> <p>— Be a member of the Association des éducatrices et éducateurs spécialisés du Québec</p>
Adaptation of the work station	<p>— Hold a master's degree in ergonomics</p> <p>or</p> <p>— Be a regular member of the Association professionnelle des ergonomes du Québec</p> <p>— Be a regular member of the Association of Canadian Ergonomists</p>
Provide training services	<p>— Have successfully completed training provided by a training centre recognized by the Ministère de l'Éducation du Québec or the Ministère de l'Enseignement supérieur</p> <p>or</p> <p>— Be registered in the répertoire des organismes spécialisés en employabilité recognized by Emploi Québec</p> <p>or</p> <p>— Be a trainer accredited by the Commission des partenaires du marché du travail</p> <p>or</p>

Goods or services provided	Special conditions
	— Be recognized as a trainer accredited by the SAAQ or the Association québécoise des transports
Design, fabricate and fit ocular prostheses	— Hold a certificate from the National Examining Board of Ocularists
Assess and intervene with a worker who is likely to have or has learning difficulties or disabilities	— Hold a bachelor's degree in special education or — Be a qualified professional member of the Association des orthopédagogues du Québec
Cannabis products for medical purposes	— Health Canada licence - Licence for the sale of medical cannabis
Psychotherapy services	— Psychotherapist's permit issued by the Ordre des psychologues du Québec

Regulation to amend the Regulation respecting medical aid

Act respecting industrial accidents and occupational diseases
(chapter A-3.001, ss. 189 and 454)

1. The Regulation respecting medical aid (chapter A-3.001, r. 1) is amended in section 3

(1) by replacing “assumes” in the first paragraph by “pays to the health worker having provided the good or service or the enterprise within which the health worker works”;

(2) by inserting “sent by the health worker having provided the good or service or the enterprise within which the health worker works and be” after “be” in the second paragraph.

2. Section 3.1 is amended by inserting “by the health worker having provided the good or service or the enterprise within which the health worker works” after “sent”.

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

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