

20. Section 25.01 is replaced by the following:

“**25.01.** An employee who has 3 months of active and continuous service with the same employer and who has worked at least 32 hours in each week included in the period is entitled to 6 days of sick leave per year. The employee receives 8 times his hourly wage provided for in this Decree. The employer may request that the employee furnish a document attesting to the reasons for the absence.”

21. This Decree comes into force on (*insert the date of its publication in the Gazette officielle du Québec*).

106100

Gouvernement du Québec

O.C. 43-2023, 11 January 2023

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, 11, 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 measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental 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 means and equipment that the employer must put at the disposal of the workers, free of charge;

—fixing the minimum age at which a worker may carry out particular work it specifies;

—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. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

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 5 January 2022 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 amendments at its sitting of 20 October 2022;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 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:

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, 11, 19 and 42, and 2nd par.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by replacing the definition of “confined space” by the following:

““confined space” means any space that is completely or partially enclosed, such as a reservoir, a silo, a vat, a hopper, a chamber, a vault, a pit, including a pit and a reception pit for manure, a sewer, a pipe, a chimney, an access shaft, a truck or freight car tank, or a wind turbine blade, and that presents one or more of the following risks due to the confinement:

(1) a risk of asphyxia, intoxication, loss of consciousness or judgment, fire or explosion associated with the atmosphere or internal temperature;

(2) a risk of being buried;

(3) a risk of drowning or being carried away due to the level or flow of a liquid;”.

2. The following is inserted after the heading of Division XXVI:

“**296.1 Scope:** This Division applies to all confined spaces and all work performed in a confined space.”

3. The following is inserted after section 297:

“**297.1 Layout of a confined space:** In the case of a new confined space or the renovation of an existing confined space, its layout must integrate equipment and installations that make it possible to intervene from the outside. In addition, the corresponding work methods, taking into account the risks around the confined space, must be developed and be available on the work site before the confined space is put into service.

Where it is impossible, in the cases provided for in the first paragraph, to integrate equipment and installations that make it possible to intervene from the outside, the layout of the confined space must allow for the efficient control of the risks identified according to the gathering of information prescribed in section 300. In addition, that layout must in particular integrate equipment and installations that make it possible to

(1) control the atmospheric risks, the risk of being buried or the risk of drowning;

(2) facilitate entry and exit, movements inside, as well as rescue;

(3) control access to the confined space and prevent falls;

(4) control the other risks that could compromise the health or safety of a worker.”.

4. Section 298 is amended by inserting “aged 18 or over and” after “those workers”.

5. Section 300 is replaced by the following:

“**300. Gathering information and preventive measures before performing work:** Before any work or task is performed in a confined space, the following information and preventive measures must be available, in writing, on the work premises:

(1) information on the risks associated with the atmosphere, including those that may be introduced during the work, and that concern

(a) a lack or an excess of oxygen;

(b) contaminants, inflammable or toxic gases or vapours, or combustible dust;

(c) the materials present that may emit gases or vapours, or consume oxygen;

(d) heat stress;

(e) an insufficiency of natural or mechanical ventilation;

(2) information on the risks associated with the free flow materials that are present and that can cause the worker to be buried or to drown, such as sand, grain or a liquid;

(3) information on the other risks that could compromise the safety or evacuation of a worker and that concern

(a) the means of entering or leaving the interior configuration, lighting conditions and communications;

(b) energies such as electricity, moving mechanical parts, noise and hydraulic energy;

(c) ignition sources such as open flames, lighting, welding and cutting, grinding, static electricity or sparks;

(d) other categories of contaminants likely to be present in the confined space or nearby;

(e) any other special circumstances such as the presence of vehicles, animals or insects;

(4) the preventive measures to be taken to protect the health of workers and ensure their safety and physical well-being, in particular those concerning

(a) safe methods and techniques to carry out the work;

(b) appropriate and necessary work equipment to carry out the work;

(c) the personal or collective protective means and equipment that the worker must use when working;

(d) the rescue methods in the rescue plan provided for in section 309.

The information referred to in subparagraphs 1, 2 and 3 of the first paragraph must be gathered by a qualified person.

The preventive measures referred to in subparagraph 4 of the first paragraph must be determined by a qualified person and be implemented.”

6. Section 301 is amended by replacing “1 and 2” by “1 to 4”.

7. Section 302 is amended

(1) by replacing “19.5%” in subparagraph 1 of the first paragraph by “20.5%”;

(2) by replacing “10%” in subparagraph 2 of the first paragraph by “5%”.

8. Section 305 is revoked.

9. Section 306 is amended

(1) by inserting “atmospheric” before “readings” in the heading;

(2) by replacing “Readings of” in the portion before subparagraph 1 of the first paragraph by “Where risks associated with the atmosphere are identified, readings of”;

(3) by adding the following at the end of the first paragraph:

“(4) when an atmospheric risk other than those identified in accordance with section 300 is identified and likely to modify the internal atmosphere of the confined space, such as the introduction of a product or material that may emit toxic or flammable gases or vapours.”.

10. Sections 308 and 309 are replaced by the following:

“**308. Attendant:** When a worker is present in a confined space, a person designated by the employer as an attendant must be positioned outside and near the entrance in order to initiate, if necessary, rescue procedures. The attendant must

(1) have the necessary skills and knowledge;

(2) remain in contact with the worker using a 2-way communication system;

(3) be able to order the worker, if necessary, to evacuate the confined space.

308.1 Unforeseen situation: The attendant must prohibit entry and, where applicable, order the evacuation of a confined space if the attendant, a qualified person or a qualified worker identifies a risk for the safety of a worker, other than those identified in accordance with section 300.

308.2 Resumption of work: Work that is interrupted pursuant to section 308.1 may resume only if a qualified person reviews the gathered information and determines the appropriate preventive measures in accordance with section 300.

309. Rescue plan: A rescue plan, which includes the equipment and methods to rapidly rescue any worker performing work in a confined space, must be developed.

The equipment required by a rescue plan and any accessories must be

(1) adapted to the intended use and to the specific conditions of the work and the confined space;

(2) inspected and kept in good order;

(3) present and easily accessible near the confined space for a rapid intervention.

The rescue plan must include a call and communication protocol to initiate rescue operations. In addition, a specific person must be appointed in the rescue plan to direct the rescue operations.

The workers who are assigned to the application of rescue operations must have received training developed by a qualified person, including techniques for avoiding endangering their safety and that of other workers.

The rescue plan must be tested with exercises that allow in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment concerned.”

11. Sections 311 and 312 are replaced by the following:

“311. Precautions regarding free flow solid materials: No person may enter a confined space used to store free flow solid materials.

Where it is indispensable for a worker to enter such a confined space, one of the safety measures provided for in section 33.2 must be used so that the worker cannot fall or be buried in the stored materials. In addition, that worker may not enter

(1) when filling or emptying operations are taking place, and precautions such as the closing and locking of flow hatches or the application of energy control measures, have not been taken to prevent an accidental resumption of those operations;

(2) without first verifying and eliminating the risks associated with

(a) cavities that may be present under the surface of the stored materials;

(b) the shifting of piled materials or falling pieces of agglomerated materials;

(3) from under an arch formed by the materials present in the confined space.

312. Precautions regarding liquid materials: No person may enter a confined space where there is a risk of drowning without applying an isolation procedure for the section where the work is taking place or a liquid flow control procedure to prevent the influx or an increase in the level of a liquid.

The procedure to isolate the section or control the flow of liquid may in particular provide for the drainage or the derivation of the liquid, the blocking of pipes or the closing and locking of valves.”

12. This Regulation comes into force six months after the date of its publication in the *Gazette officielle du Québec*.

106101

M.O., 2023

Order 2023-001 of the Minister of Education dated 11 January 2023

Act respecting the National Student Ombudsman (chapter P-32.01)

Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen

THE MINISTER OF EDUCATION,

CONSIDERING the first paragraph of section 5 of the Act respecting the National Student Ombudsman (chapter P-32.01), which provides that the Minister appoints regional student ombudsmen from among persons declared qualified for appointment to those functions by a selection committee and according to the recruiting and selection procedure established by regulation of the Minister;

CONSIDERING the third paragraph of section 5 of the Act, which provides that the regulation must, in particular, determine the publicity to be made for recruitment purposes and its content, the eligibility requirements and the application procedure to be followed by candidates, the selection criteria to be taken into account by the selection committee, the information the selection committee may require from a candidate and the consultations it may hold, and the period for which a declaration of qualification is valid.

CONSIDERING the first paragraph of section 7 of the Act, which provides that the members of the selection committee receive no remuneration, except in the cases, on the conditions and to the extent as the Minister may determine;

CONSIDERING the second paragraph of section 7 of the Act, which provides that the members of the selection committee are entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Minister;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 10 August 2022 of a draft Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation without amendments;