

Regulations and other Acts

Gouvernement du Québec

O.C. 820-2023, 10 May 2023

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 7, 9, 19, 21.6 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;

—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;

—prescribing the minimum content of a training and information program contemplated by section 62.5 and determining how the program is to be updated and how the skills required by the workers are to be acquired;

—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, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 9 March 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 on 15 December 2022;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 is to be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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. 7, 9, 19, 21.6 and 42, 2nd and 3rd pars.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.4.2 by inserting “before (*insert the date of coming into force of this Regulation*)” after “However,” in the second paragraph of subparagraph *i*.

2. Section 3.9.8 is amended by replacing “38 mm” by “50 mm” and “235 mm” by “250 mm” in subparagraph *b* of paragraph 3.

3. Section 3.15.9 is amended by striking out the second and third paragraphs.

4. The following is inserted after section 3.24.22:

“§3.25. *Work liable to produce crystalline silica dust emissions*

3.25.1. Scope: This subdivision applies to any construction site where work involving materials presumed to contain or containing crystalline silica is carried out.

Only sections 3.25.7, 3.25.10 and 3.25.11 apply to the sandblasting work referred to in subdivision 3.20.

3.25.2. Materials presumed to contain crystalline silica: For the application of this subdivision, the following materials are presumed to contain crystalline silica:

- (a) slate;
- (b) asphalt;
- (c) concrete;
- (d) brick;
- (e) ceramic;
- (f) cement;
- (g) fibrocement;
- (h) granite;
- (i) granulate;

(j) sandstone;

(k) mortar.

3.25.3. Absence of crystalline silica: This subdivision does not apply where the employer has a safety data sheet, a technical description or an analysis carried out according to a recognized method showing that crystalline silica is not present in the material.

A copy of the data sheet or technical description or the results of the analysis must be available at all times during the work on the construction site.

3.25.4. Measures to control exposure to crystalline silica: Where work involving a material presumed to contain or containing crystalline silica is liable to produce dust emissions, the employer must implement at least one of the following control measures:

(a) the use of a local exhaust ventilation system equipped with a high-efficiency filter;

(b) the use of a procedure to wet the dust emissions;

(c) the isolation of workers from the source of the dust emissions;

(d) the confinement of the source of the dust emissions so that workers are not exposed.

The equipment used to control dust must be used and cared for in accordance with the manufacturer’s instructions or a standard offering equivalent safety.

3.25.5. Closed operation cabin: Where the worker is isolated from the source of the emission of dust from the materials presumed to contain or containing crystalline silica by the use of a closed operation cabin of a mobile machine, the cabin must have the following characteristics:

(a) the air intake in the cabin must be filtered by a high-efficiency filter;

(b) positive pressure must be maintained;

(c) a heating and air-conditioning system must be included;

(d) the door and window joints must be kept in good condition to ensure they are sealed.

3.25.6. Respiratory protection: When work involving a material presumed to contain or containing crystalline silica is carried out, in addition to one of

the control measures listed in section 3.25.4, except in the case of those set out in subparagraph *c* or *d*, the wearing of a protective respiratory apparatus is mandatory for all workers present in the work area where one of the following types of work is carried out:

- (a) sawing;
- (b) grinding, sanding or bush hammering;
- (c) jackhammering;
- (d) boring in a confined location;
- (e) drilling.

The protective respiratory apparatus supplied by the employer must provide at minimum an assigned protection factor of 10 and be equipped with a 100 series or HEPA high-efficiency filter.

The obligations set out in section 45.1 of the Regulation respecting occupational health and safety apply where one of the types of work provided for in this section is carried out. In addition, the protective respiratory apparatus must be selected, used and cared for in accordance with CAN/CSA Standard Z94.4-11 Selection, use, and care of respirators.

The wearing of a protective respiratory apparatus is not mandatory where the employer demonstrates that the level of exposure of workers to silica dust is less than the permissible exposure values indicated in Schedule I to the Regulation respecting occupational health and safety.

3.25.7. Training: Before undertaking work referred to in this subdivision, the employer must train and inform workers of the risks, prevention methods and safe working methods. The training and information program must contain at least the following elements:

- (a) the materials presumed to contain crystalline silica;
- (b) the work that exposes workers to crystalline silica dust;
- (c) the effects of exposure to crystalline silica dust on health;
- (d) safe working methods and procedures;
- (e) the use and care of control equipment and tools for crystalline silica dust;
- (f) the wearing and care of individual and common protective equipment.

The information and training provided for in the first paragraph must have previously been established in writing.

3.25.8. Delimitation of the work area: When the work provided for in section 3.25.6 is carried out, the work area must be delimited by hazard signs. The delimitation must allow workers outside the work area to remain at a safe distance from the area where the work is carried out.

Only workers wearing a protective respiratory apparatus in compliance with section 3.25.6 may access that work area.

3.25.9. Cleaning of work clothes: Before leaving the work area referred to in section 3.25.8, the worker must remove the work clothes worn and place them in a closed bag supplied by the employer or clean them using either a wet cloth or a vacuum cleaner equipped with a high-efficiency filter.

3.25.10. Cleaning: When the work area and equipment are being cleaned, it is prohibited to use work methods that may cause dust from materials presumed to contain or containing crystalline silica to become suspended in the air, such as dry sweeping or the use of compressed air.

Cleaning must be carried out by means of wetting or using a vacuum cleaner equipped with a high-efficiency filter.

3.25.11. Debris of materials: Where work is carried out in a building, the debris of materials presumed to contain or containing crystalline silica that is liable to become dispersed in the air must be wetted or placed in closed containers and clearly identified.

Where work is carried out outside, as defined in section 3.23.1.1 of this Code, the debris of materials presumed to contain or containing crystalline silica that is liable to become dispersed in the air must be wetted or an equivalent means that prevents the dispersion of crystalline silica dust in the air must be used.”.

5. Until (*insert the date that occurs six months after the date of coming into force on this Regulation*), the second paragraph of section 3.25.6 of the Safety Code for the construction industry, made by section 4 of this Regulation, is to be read by replacing “a 100 series or HEPA high-efficiency filter” by “a particle filter with an efficiency rate of at least 95%”.

6. 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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