

chapter A-3.001

**ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

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## CHAPTER I

### OBJECT, INTERPRETATION AND APPLICATION

#### DIVISION I

##### OBJECT

**1.** The object of this Act is to provide compensation for employment injuries and the consequences they entail for beneficiaries.

The process of compensation for employment injuries includes provision of the necessary care for the consolidation of an injury, the physical, social and vocational rehabilitation of a worker who has suffered an injury, the payment of income replacement indemnities, compensation for bodily injury and, as the case may be, death benefits.

This Act, within the limits laid down in Chapter VII, also entitles a worker who has suffered an employment injury to return to work.

1985, c. 6, s. 1.

#### DIVISION II

##### INTERPRETATION

**2.** In this Act, unless the context requires otherwise,

“**Administrative Labour Tribunal**” or “**Tribunal**” means the Administrative Labour Tribunal established by the Act to establish the Administrative Labour Tribunal (chapter T-15.1);

“**beneficiary**” means a person entitled to a benefit under this Act;

“**benefit**” means compensation or an indemnity paid in money, financial assistance or services furnished under this Act;

“**Commission**” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail;

“**consolidation**” means the healing or stabilization of an employment injury following which no improvement of the state of health of the injured worker is foreseeable;

“**construction site**” means a construction site within the meaning of the Act respecting occupational health and safety;

“**dependent**” means a person entitled to an indemnity under Subdivision 2 of Division III of Chapter III;

“**domestic**” means a natural person engaged by an individual for remuneration, whose main duty is, in the dwelling of the individual,

(1) to do housework, or

(2) to care for a child or a sick, handicapped or aged person and who lives in the dwelling;

“**employer**” means a person who, under a contract of employment or of apprenticeship, uses the services of a worker for the purposes of his establishment;

“**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;

“**equivalent employment**” means employment of a similar nature to the employment held by the worker when he suffered the employment injury, from the standpoint of vocational qualifications required, wages, social benefits, duration and working conditions;

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

“**executive officer**” means a member of the board of directors of a legal person who also exercises the functions of president, vice-president, secretary or treasurer of the legal person;

“**family-type resource**” means a family-type resource to whom the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) applies;

“**fund**” means the Fonds de la santé et de la sécurité du travail established under section 136.1 of the Act respecting occupational health and safety;

“**health professional**” means a professional in the field of health within the meaning of the Health Insurance Act (chapter A-29) and any other professional within the meaning of the Professional Code (chapter C-26) and determined by regulation of the Commission;

“**independent operator**” means a natural person who carries on work for his own account, alone or in partnership, and does not employ any worker;

“**industrial accident**” means a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him;

“**intermediate resource**” means an intermediate resource to whom the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements applies;

“**occupational disease**” means a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work;

“**paper carrier**” means a natural person who carries out home delivery of a daily or weekly newspaper for a remuneration;

“**spouse**” means the person who, at the date of death of a worker,

- (1) is married to, or in a civil union with, and cohabits with the worker, or
- (2) lives with the worker in a de facto union, whether the person is of the opposite or the same sex, and
  - (a) has been living with the worker for not less than three years, or one year if a child has been born or is to be born of their union, and
  - (b) is publicly represented as the worker’s spouse;

“**suitable employment**” means appropriate employment that allows a worker who has suffered an employment injury to use his remaining ability to work and his vocational qualifications, that he has a reasonable chance of obtaining and the working conditions of which do not endanger the health, safety or physical well-being of the worker, considering his injury;

“**worker**” means a natural person who does work for an employer for remuneration under a contract of employment or of apprenticeship, except

- (1) a domestic;
- (2) a natural person engaged by an individual to care for a child or a sick, handicapped or aged person and who does not live in the dwelling of the individual;
- (3) a person who plays sports as his main source of income;
- (4) an executive officer of a legal person regardless of the work the executive officer does for the legal person;
- (5) a natural person if that person acts as a family-type resource or an intermediate resource.

1985, c. 6, s. 2; 1997, c. 27, s. 1; 1999, c. 14, s. 2; 1999, c. 40, s. 4; 2002, c. 6, s. 76; 2002, c. 76, s. 27; 2006, c. 53, s. 1; 2009, c. 24, s. 72; 2015, c. 15, s. 111; 2020, c. 6, s. 10.

**3.** This Act binds the Government and its departments and agencies that are mandataries of the State.

1985, c. 6, s. 3; 1999, c. 40, s. 4.

**4.** This Act is a public Act.

Notwithstanding the first paragraph, any covenant or any agreement or order giving effect thereto may provide more favourably for a worker than does this Act.

1985, c. 6, s. 4.

**5.** An employer who lends or hires out the services of a worker in his employ continues to be the worker's employer for the purposes of this Act.

A person who, for the purposes of his establishment, uses a worker whose services are lent or hired out is deemed to be an employer for the purposes of section 316, even if the person has no workers in his employ.

1985, c. 6, s. 5; 2006, c. 53, s. 2.

**6.** For the purposes of this Act, the Commission shall determine the minimum wage of a worker according to the minimum wage for a normal workweek to which he may be entitled under the Act respecting labour standards (chapter N-1.1) and the regulations thereunder.

In the case of a worker having no remunerated employment, or for whose employment no minimum wage is fixed by regulation, the Commission shall apply the minimum wage prescribed in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3) and the normal workweek described in section 52 of the Act respecting labour standards, taking account of modifications and amendments thereto as they read on the day they are to be applied.

1985, c. 6, s. 6.

**6.1.** The second paragraph of section 40 of the Act respecting the legal publicity of enterprises (chapter P-44.1) does not apply for the purpose of determining whether a person is an executive officer on a given date.

2006, c. 53, s. 3; 2010, c. 7, s. 175.

## DIVISION III

### SCOPE

#### § 1. — *General scope*

**7.** This Act applies to every worker to whom an industrial accident happens in Québec or who contracts an occupational disease in Québec and whose employer, when the accident happens or the disease is contracted, has an establishment in Québec.

1985, c. 6, s. 7; 1996, c. 70, s. 1.

**8.** This Act applies to a worker who is the victim of an industrial accident outside Québec or who suffers from an occupational disease contracted outside Québec if, when the accident occurs or the disease is contracted, the worker has his domicile in Québec and his employer has an establishment in Québec.

However, where the worker's domicile is not in Québec, this Act applies where the worker had his domicile in Québec at the time of his assignment outside Québec, the work outside Québec is for a duration of



not over five years when the accident occurs or the disease is contracted, and his employer has an establishment in Québec.

1985, c. 6, s. 8; 1996, c. 70, s. 2.

**8.1.** An agreement made under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1) may provide for exceptions to sections 7 and 8, on such conditions and to such extent as it determines.

1996, c. 70, s. 3.

§ 2. — *Persons deemed workers*

INDEPENDENT OPERATORS

**9.** An independent operator who in the course of his business carries on activities for a person similar to or connected with those carried on in the establishment of that person is considered to be a worker in the employ of that person, unless

(1) he carries on the activities

(a) simultaneously for several persons;

(b) under a remunerated or unremunerated service exchange agreement with another independent operator carrying on similar activities;

(c) for several persons in turn, supplies the required equipment and the work done for each person is of short duration; or

(2) in the case of activities that are only intermittently required by the person who retains his services.

1985, c. 6, s. 9; 1999, c. 40, s. 4.

STUDENTS

**10.** Subject to paragraph 4 of section 11, a student is considered to be a worker employed by the educational institution in which he is pursuing his studies or, where the institution comes under the jurisdiction of a school service centre or school board, by that centre or board if, under the responsibility of the institution, he is undergoing a training period at an establishment, without remuneration, or if his case is one of the cases determined by regulation.

1985, c. 6, s. 10; 1999, c. 40, s. 4; 2001, c. 44, s. 24; 2020, c. 1, s. 164.

PAPER CARRIER

2006, c. 53, s. 4.

**10.1.** A paper carrier is considered a worker in the employ of the person who hires him.

2006, c. 53, s. 4.

### PERSONS DEEMED EMPLOYED BY THE GOVERNMENT OR PARTICIPATING IN CIVIL PROTECTION ACTIVITIES

2001, c. 76, s. 135.

**11.** The following are considered to be workers employed by the Government:

(1) a person other than a child contemplated in paragraph 3, carrying on compensatory work, performing work or rendering a service to the community as part of an adaptation program under the Code of Penal Procedure (chapter C-25.1);

(2) a person who performs hours of community service under a probation order or a suspension order;

(2.1) a person who performs work or renders a service to the community under alternative measures taken pursuant to the Criminal Code (R.S.C. 1985, c. C-46);

(3) a child who executes tasks, renders a service to the community or acts as a trainee, with or without remuneration, under voluntary measures taken pursuant to the Youth Protection Act (chapter P-34.1) or alternative measures taken under the Youth Criminal Justice Act (S.C. 2002, c. 1), or in execution of a decision rendered by the Court of Québec under one of such Acts or the Code of Penal Procedure;

(4) a person performing work as part of a measure or program established under Title I of the Individual and Family Assistance Act (chapter A-13.1.1) or as part of a specific program established under Chapter IV of Title II of that Act, unless the work is performed within the scope of a measure or wage subsidy program under the responsibility of the Minister of Employment and Social Solidarity.

1985, c. 6, s. 11; 1988, c. 21, s. 66; 1987, c. 19, s. 13; 1988, c. 51, s. 93; 1990, c. 4, s. 34; 1991, c. 43, s. 22; 1998, c. 28, s. 12; 1998, c. 36, s. 162; 1999, c. 40, s. 4; 2001, c. 44, s. 25; 2005, c. 15, s. 137; 2016, c. 25, s. 23; I.N. 2020-10-20; 2020, c. 29, s. 1.

**12.** A person who, as a volunteer, assists the personnel deployed to carry out emergency response or recovery operations during an event that is within the purview of the Civil Protection Act (chapter S-2.3) after the person's assistance has been expressly accepted by the authority responsible for such measures is considered to be a worker employed by that authority, subject to the second paragraph.

Where a local or national state of emergency has been declared, a person who assists the personnel deployed after the person's assistance has been expressly accepted or required under section 47 or 93 of the Civil Protection Act is considered to be a worker employed by the local authority or government having declared the state of emergency or for which the state of emergency was declared.

A person who participates in a training activity organized pursuant to paragraph 7 of section 67 of the said Act is considered to be a worker employed by the Government.

However, the right to return to work does not apply to a person referred to in this section.

1985, c. 6, s. 12; 1988, c. 46, s. 26; 1999, c. 40, s. 4; 2001, c. 76, s. 136.

### PERSONS ASSISTING MEMBERS OF A MUNICIPAL FIRE SAFETY SERVICE

**12.0.1.** Every person who, during an event referred to in section 40 of the Fire Safety Act (chapter S-3.4), assists the firefighters of a municipal fire safety service after the person's assistance has been expressly accepted or required pursuant to subparagraph 7 of the second paragraph of that section, is considered to be a worker employed by the authority responsible for the service.

The right to return to work does not, however, apply to a person referred to in the first paragraph.

2000, c. 20, s. 159; 2001, c. 76, s. 137.

CONFINED PERSONS WHO CARRY OUT REMUNERATED WORK UNDER A PROGRAM OF ACTIVITIES

1987, c. 19, s. 14.

**12.1.** A confined person is considered to be a worker employed by the reintegration support fund established in a correctional facility under section 74 of the Act respecting the Québec correctional system (chapter S-40.1) if the person carries out remunerated work under a program of activities.

Sections 91 to 93 of the said Act apply to the indemnities owing to a confined person.

1987, c. 19, s. 14; 1991, c. 43, s. 22; 1999, c. 40, s. 4; 2002, c. 24, s. 205.

VOLUNTEER WORKERS

**13.** A person is considered to be a worker if he does volunteer work for the purposes of an establishment, provided that his work is done with the agreement of the person who uses his services and that the latter person sends a statement to the Commission setting out

- (1) the nature of the activities carried on in the establishment;
- (2) the nature of the volunteer work;
- (3) the number of persons doing volunteer work for the purposes of the establishment or who are likely to do it within the current calendar year;
- (4) the average duration of the volunteer work; and
- (5) the period during the current calendar year for which protection is requested under this Act.

This Act, except in respect of the right to return to work, applies to persons who do volunteer work for the purposes of the establishment for the period indicated in the statement.

1985, c. 6, s. 13; 1999, c. 40, s. 4.

**14.** A person who sends the statement prescribed in section 13 to the Commission shall, at the request of the Commission, keep an up-to-date list of the volunteer workers contemplated in the statement and inform them by a notice posted up in a conspicuous place in his establishment that for the period he indicates they have protection under this Act, except in respect of the right to return to work.

1985, c. 6, s. 14.

PERSONS CONTEMPLATED BY AN AGREEMENT

**15.** A user within the meaning of the Act respecting health services and social services (chapter S-4.2) who does work in view of his physical, mental or social reeducation under the responsibility of an institution contemplated in that Act may be considered a worker employed by that institution on the conditions and to the extent provided by an agreement to that effect between the Commission and the Minister of Health and Social Services.

The same applies in respect of a beneficiary within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5).

1985, c. 6, s. 15; 1985, c. 23, s. 24; 1992, c. 21, s. 77, s. 375; 1994, c. 23, s. 23; 1999, c. 40, s. 4.

**16.** A person doing work under a project of any government, whether or not the person is a worker within the meaning of this Act, 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.

The second and third paragraphs of section 170 of the Act respecting occupational health and safety (chapter S-2.1) apply to the agreement.

1985, c. 6, s. 16; 1999, c. 40, s. 4.

**17.** Employees of the Government of Canada contemplated in the Government Employees Compensation Act (Revised Statutes of Canada, 1985, chapter G-5) are subject to this Act to the extent that an agreement entered into under section 170 of the Act respecting occupational health and safety (chapter S-2.1) sets out the modalities of application of that federal Act.

1985, c. 6, s. 17.

§ 3. — *Persons registered with the Commission*

**18.** Independent operators, domestics, family-type resources, intermediate resources, employers, executive officers and members of the boards of directors of legal persons may register with the Commission to have protection under this Act.

However, a worker who sits on the board of directors of the legal person that employs him need not register with the Commission to have protection under this Act when the worker exercises his functions as a member of that board of directors.

1985, c. 6, s. 18; 1999, c. 40, s. 4; 2006, c. 53, s. 5; 2009, c. 24, s. 73.

**19.** An association of independent operators or of domestics may register its members with the Commission and if it does so is considered to be their employer, but only for the purposes of Chapter IX.

An individual who engages an independent operator also may register him with the Commission and if he does so is considered to be his employer, but only for the purposes of Chapters IX and XIII; in this case, the individual shall inform the independent operator of the fact that he benefits by the protection afforded by this Act, and of the amount of the protection.

1985, c. 6, s. 19; 1999, c. 40, s. 4.

**20.** If a person registered with the Commission suffers an employment injury, he is entitled thereby to the benefits provided for by this Act as if he were a worker.

1985, c. 6, s. 20.

**21.** Registration with the Commission is made by way of a notice in writing indicating the name and address of the person to be registered, the place, nature and expected duration of the work and the amount of protection applied for.

In no case may the amount be less than the gross annual income determined on the basis of the minimum wage for a regular workweek in force at the time of registration, or exceed the Maximum Yearly Insurable Earnings established under section 66.

1985, c. 6, s. 21.

**22.** An association of independent operators or of domestics that registers its members with the Commission shall keep an up-to-date list of them and of the amount of protection it has applied for each of them.

The association shall also inform its members that they benefit by the protection afforded by this Act by means of a notice published within thirty days of the registration in a newspaper circulated in each area where they are domiciled.

1985, c. 6, s. 22.

**23.** Protection afforded a person registered with the Commission ceases on the day the Commission receives notice in writing to that effect from the person or association having made the registration.

Protection ceases also by failure to pay an assessment when due.

In the case of failure to pay by an association having registered its members, the protection afforded them ceases ten days after the day the Commission causes notice to that effect to be published in a newspaper circulated in each area where they are domiciled; the notice shall be published within thirty days of the failure to pay.

1985, c. 6, s. 23.

**24.** An association of independent operators or of domestics that wishes to deregister one of its members shall so inform that member in writing at least thirty days in advance.

If the association wishes to deregister several or all of its members, it shall so inform them, within the same time limit, by means of a notice published in a newspaper circulated in each area where they are domiciled.

1985, c. 6, s. 24.

§ 4. — *Agreements permitting the application of a special plan*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.1.** The purpose of this subdivision is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.2.** The provisions of an agreement under section 24.1 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.3.** The Government may, by regulation, take any necessary measures to carry out this subdivision, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.4.** An agreement under section 24.1 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 24.3.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.5.** An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Commission not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.6.** The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 24.1.

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.7.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.8.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.9.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.10.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.11.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.12.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

**24.13.** *(Replaced).*

2011, c. 12, s. 1; 2014, c. 18, s. 1.

## CHAPTER II

### GENERAL PROVISIONS

**25.** Rights vested under this Act are conferred without regard to any personal liability.

1985, c. 6, s. 25.

**26.** Every worker may exercise his rights under this Act even if his employer fails to fulfil his obligations under it.

1985, c. 6, s. 26.

**27.** An injury or a disease arising solely as a result of the gross and wilful negligence of the worker who is the victim thereof is not an employment injury unless it ends in his death or causes him severe permanent physical or mental impairment.

1985, c. 6, s. 27.

**28.** An injury that happens at the workplace while the worker is at work is presumed to be an employment injury.

1985, c. 6, s. 28.

**29.** The diseases listed in Schedule I are characteristic of the work appearing opposite each of such diseases on the schedule and are directly related to the risks peculiar to that work.

A worker having contracted a disease contemplated in Schedule I is presumed to have contracted an occupational disease if he has done work corresponding to that disease according to the Schedule.

1985, c. 6, s. 29.

**30.** A worker having contracted a disease not listed in Schedule I out of or in the course of employment and not as a result of an industrial accident or of an injury or disease caused by such an accident is considered to have contracted an occupational disease if he satisfies the Commission that his disease is characteristic of work he has done or is directly related to the risks peculiar to that work.

1985, c. 6, s. 30; 1999, c. 40, s. 4.

**31.** An injury or a disease is considered to be an employment injury if it arises out of or in the course of

(1) the care received by a worker for an employment injury or the lack of such care;

(2) an activity prescribed to the worker as part of the medical treatment he receives for an employment injury or as part of his personal rehabilitation program.

The first paragraph does not apply if the injury or disease gives rise to compensation under the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6).

1985, c. 6, s. 31; 1999, c. 40, s. 4.

**32.** No employer may dismiss, suspend or transfer a worker or practice discrimination or take reprisals against him, or impose any other sanction upon him because he has suffered an employment injury or exercised his rights under this Act.

A worker who believes that he has been the victim of a sanction or action described in the first paragraph may, as he elects, resort to the grievance procedure set down in the collective agreement applicable to him or submit a complaint to the Commission in accordance with section 253.

1985, c. 6, s. 32.

**33.** No employer may demand or receive any contribution from a worker for performing his obligations under this Act.

The Commission may order the employer to repay the contribution to the worker. The order becomes executory upon being filed in the office of the court of competent jurisdiction by the Commission or the worker concerned, as in the case of a final judgment of the court that is not subject to appeal, and has all the same effects.

An association of independent operators or of domestics that registers its members with the Commission may, for that purpose, demand and receive a contribution from them.

1985, c. 6, s. 33.

**34.** Where an establishment or part thereof is alienated or transferred otherwise than by sale under judicial authority, the new employer assumes the obligations of the former employer under this Act toward the worker and, in respect of payment of the assessment due at the time of the alienation or transfer, toward the Commission.

For the purposes of the first paragraph, the assessment due by the former employer on the date of the alienation or transfer includes the assessment that can be computed on the basis of wages paid by the former employer until that date and the rate applicable on that date under section 305 even if a notice of assessment has not been issued.

Where an establishment is sold by sale under judicial authority, the new employer assumes the obligations of the former employer under this Act toward the worker if the new employer carries on the same activities in the establishment as were carried on there before the sale.

1985, c. 6, s. 34; 2006, c. 53, s. 6; I.N. 2016-01-01 (NCCP).

**35.** The failure of a worker to comply with this Act does not exempt his employer from his own obligations thereunder.

The failure of an employer to comply with this Act does not exempt the worker from his own obligations thereunder.

1985, c. 6, s. 35.

**36.** A beneficiary has a right of access free of charge to the full record kept on him or on the deceased worker, as the case may be, by the Commission, and any person he expressly authorizes to that effect has the same right.

1985, c. 6, s. 36.

**37.** An employer, as well as any person expressly authorized by him for that purpose, has a right of access free of charge to the record kept by the Commission on his classification and assessment and the costs charged to him.

1985, c. 6, s. 37.

**38.** An employer has a right of access free of charge to the record in the possession of the Commission in respect of an employment injury suffered by a worker while he was employed by him.

An employer to whom all or part of the cost of the benefits payable by reason of an employment injury is imputed pursuant to the first paragraph of section 326 or the first or second paragraph of section 328 as well as an employer personally liable for the payment of all or part of the benefits payable by reason of an employment injury also have a right of access free of charge to the record in the possession of the Commission in respect of the injury.

Where a transaction referred to in section 314.3 has occurred, the employer involved in the transaction shall also have access free of charge to the record kept by the Commission in respect of an employment injury the cost of which is used to determine the employer's assessment following the transaction.

The employer may expressly authorize a person to exercise his right of access.



However, only the health professional designated by the employer has a right of access free of charge to the medical record and the physical rehabilitation record in the possession of the Commission in respect of the employment injury suffered by the worker.

The Commission shall notify the worker that the right provided by this section has been exercised.

1985, c. 6, s. 38; 1992, c. 11, s. 1; 1996, c. 70, s. 4.

**38.1.** In no case may the employer or the person authorized by him use or communicate information obtained under section 38 for any other purpose than the exercise of the rights of the employer under this Act.

1992, c. 11, s. 1.

**39.** A health professional shall report to the employer who designated him in respect of the medical and physical rehabilitation record of a worker to which the Commission gives him access; he may on that occasion give the employer a summary of the record and an opinion to enable him to exercise his rights under this Act.

No person to whom the health professional reports may use or communicate the information or opinion received by him on that occasion for any other purpose than the exercise of the rights of the employer under this Act.

1985, c. 6, s. 39.

**40.** Where, under this Act, a person has a right of access to a record held by the Commission containing computerized documents, the Commission shall furnish a written and intelligible transcript of them to the person.

1985, c. 6, s. 40.

**41.** The information requested pursuant to sections 36, 37, 38, 39 and 40 shall be furnished within a reasonable time.

1985, c. 6, s. 41.

**42.** The Commission may, for the purposes of the administration of this Act, obtain from the Régie de l'assurance maladie du Québec, and the latter shall furnish to the Commission, any information held by the Régie on

- (1) the identification of a worker who has suffered an employment injury;
- (2) administration costs and expenses the Régie recovers from the Commission.

1985, c. 6, s. 42; 1990, c. 57, s. 41; 1999, c. 89, s. 53.

**42.1.** The Commission and Retraite Québec shall enter into an agreement for the communication of the information and documents required for the purposes of the Acts and regulations administered by the Commission and for the purposes of the Act respecting the Québec Pension Plan (chapter R-9) and the regulations thereunder.

In particular, such an agreement shall permit

(a) the fixing of the date on which, pursuant to the third paragraph of section 139.2 of the Act respecting the Québec Pension Plan, an application for a disability pension is presumed to be made;

(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166 of that Act, of contributors who are beneficiaries of an income replacement indemnity and the months or parts of months for which that indemnity is payable to them;

(b.1) the identification, for the purposes of section 105.3 of that Act, of the contributors whose income replacement indemnity was reduced or cancelled and the months or parts of a month for which that indemnity was payable if, under section 363, the benefits already paid to the contributors as an income replacement indemnity are not recoverable;

(c) the determination of the amounts of disability pension or retirement pension which may be recovered by Retraite Québec on the ground that an income replacement indemnity was payable to the beneficiary and, for the purposes of the deductions provided for in the third paragraph of section 144 of this Act, the determination of the terms and conditions of application for and payment of such amounts;

(d) the identification of contributors who are beneficiaries of a disability pension, the months for which that pension is payable to them and the amount of that pension.

1993, c. 15, s. 87; 1997, c. 73, s. 87; 2005, c. 13, s. 76; 2008, c. 21, s. 60; 2015, c. 20, s. 61.

**42.2.** The Commission and the Minister of Employment and Social Solidarity shall enter into an agreement for the communication of the information required for the purposes of the Act respecting parental insurance (chapter A-29.011).

2005, c. 13, s. 77.

**43.** Sections 38, 208, 215, 219, 229 and 231, the third paragraph of section 280, the second paragraph of section 296 of this Act and the first and second paragraphs of section 13 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1985, c. 6, s. 43; 1992, c. 11, s. 2; 1997, c. 27, s. 2; 2015, c. 15, s. 112.

## CHAPTER III

### INDEMNITIES

#### DIVISION I

##### INCOME REPLACEMENT INDEMNITY

###### § 1. — *Right to the income replacement indemnity*

**44.** A worker who suffers an employment injury is entitled to an income replacement indemnity if he becomes unable to carry on his employment by reason of the injury.

A worker who is no longer employed when his employment injury appears is entitled to the income replacement indemnity if he becomes unable to carry on the employment he usually held.

1985, c. 6, s. 44.

**45.** The income replacement indemnity is equal to 90% of the weighted net income that the worker derives annually from his employment.

1985, c. 6, s. 45.

**46.** A worker is presumed to be unable to carry on his employment until the employment injury he has suffered has consolidated.

1985, c. 6, s. 46.

**47.** A worker whose employment injury has consolidated is entitled to the income replacement indemnity provided for in section 45 for as long as he requires rehabilitation to become able to carry on his employment again or, if that is not possible, to be able to carry on a suitable full time employment.

1985, c. 6, s. 47.

**48.** Where a worker who has suffered an employment injury is again able to carry on his employment after the time prescribed to exercise his right to return to work, he is entitled to the income replacement indemnity provided for in section 45 until he returns to his employment or an equivalent employment or until he refuses, without valid reason, to do so, but not for more than one year from the date on which he is again able to carry on his employment.

Notwithstanding the foregoing, the indemnity shall be reduced by any amount paid to the worker by reason of the cessation of his employment under an Act of Québec other than this Act, or of any other.

1985, c. 6, s. 48.

**49.** Where a worker unable to carry on his employment by reason of an employment injury becomes able to carry on a suitable full-time employment, his income replacement indemnity shall be reduced by the amount of the weighted net income that he could derive from the suitable employment.

If the suitable employment is not available, the worker is entitled to the income replacement indemnity provided for in section 45 until he holds that employment or until he refuses it without valid reason, but not for more than one year from the date when he becomes able to carry on that employment.

The indemnity provided for in the second paragraph is reduced by any amount paid to the worker by reason of the cessation of his employment under an Act of Québec other than this Act, or any other.

1985, c. 6, s. 49.

**50.** For the purposes of determining the weighted net income that the worker could derive from the suitable employment that he becomes able to carry on full time, the Commission shall evaluate the gross annual income that the worker could derive from that employment by situating him in an income bracket and considering the lowest income in that bracket as the income that the worker could derive from that suitable employment.

However, if the Commission believes that the gross annual income the worker could derive from the suitable employment he becomes able to carry on full time is greater than the Maximum Yearly Insurable Earnings established pursuant to section 66, it shall consider the gross annual income equal to the Maximum Yearly Insurable Earnings.

The Commission shall publish every year in the *Gazette officielle du Québec* the table of gross annual income for suitable employments, which takes effect on 1 January of the year for which it is made.

The table shall consist of income brackets, the first being limited to not more than \$1,000 from the gross annual income determined on the basis of the minimum wage in force on 1 January of the year for which the table is made, the second to \$2,000 and the following brackets at \$3,000 each, up to the Maximum Yearly Insurable Earnings established pursuant to section 66 for that year.

The highest income in the first income bracket is rounded off to the next lower \$500.

1985, c. 6, s. 50.

**51.** A worker holding a suitable full-time employment who, within two years of the date he began to carry on the employment, must give it up on the advice of the health professional in charge of him, shall recover his

right to the income replacement indemnity provided for in section 45 and to the other benefits provided for in this Act.

The first paragraph applies only if the health professional in charge of the worker is of the opinion that he is not reasonably fit to hold the suitable employment or that the suitable employment endangers his health, safety or physical well-being.

1985, c. 6, s. 51; 2020, c. 6, s. 13.

**52.** Notwithstanding sections 46 to 48 and the second paragraph of section 49, if a worker holds a new employment, his income replacement indemnity shall be reduced by the amount of the weighted net income he derives from his new employment.

1985, c. 6, s. 52.

**53.** A worker who is the victim of an occupational disease when 55 years of age or over or a person who suffers another employment injury when 60 years of age or over and who sustains, by reason of that disease or other injury, permanent physical or mental impairment that renders him unable to carry on his employment is entitled to the income replacement indemnity provided for in section 45 until he holds a new employment or a suitable employment available with his employer.

If the worker referred to in the first paragraph holds a new employment, he is entitled to the indemnity provided for in section 52 and if he holds a suitable employment with his employer or refuses without valid reason to do so, he is entitled to an indemnity reduced by the amount of the weighted net income that he derives or could derive from the suitable employment, determined pursuant to section 50.

Where the worker holds a suitable employment with his employer and the latter terminates such employment within two years after the date on which the worker began to hold it, the worker shall recover his right to the income replacement indemnity provided for in section 45 and to the other benefits provided for in this Act.

1985, c. 6, s. 53; 1992, c. 11, s. 3.

**54.** Two years after the date on which a worker became able to carry on a suitable full-time employment, the Commission shall review his income replacement indemnity if it ascertains that the gross annual income that the worker derives from the employment he holds is greater than the revalorized income it has evaluated pursuant to the first paragraph of section 50.

Where the Commission reviews the income replacement indemnity of the worker under this section, it shall reduce it to an amount equal to the difference between the income replacement indemnity to which he would be entitled if he had not become able to carry on a suitable employment full-time and the weighted net income that he derives from the employment he holds.

1985, c. 6, s. 54.

**55.** Three years after the review under section 54 and every five years thereafter, the Commission shall, on the same condition and in the same manner, review the income replacement indemnity of the worker until he derives from the employment he holds a gross annual income equal to or greater than the income used, on the date of the review, as the basis for computing his income replacement indemnity or until he reaches sixty-five years of age, whichever occurs first.

1985, c. 6, s. 55.

**56.** The income replacement indemnity is reduced by 25% from the sixty-fifth birthday of the worker, by 50% from the second year and by 75% from the third year following the said date.

Notwithstanding the first paragraph, the income replacement indemnity of a worker who suffered an employment injury when 64 years of age is reduced, by 25% from the second year following the date of the beginning of his disability, by 50% from the third year and by 75% from the fourth year following the said date.

1985, c. 6, s. 56.

**57.** The right to an income replacement indemnity is extinguished from the earliest of the following events:

(1) when the worker is again able to carry on his employment, subject to section 48;

(2) the death of the worker; or

(3) the sixty-eighth birthday of the worker or, if he suffers an employment injury when 64 years of age or over, four years after the date he became unable to carry on his employment.

1985, c. 6, s. 57.

**58.** Notwithstanding paragraph 2 of section 57, where a worker who receives an income replacement indemnity dies from a cause unrelated to his employment injury, the income replacement indemnity continues to be paid to his spouse for three months from the date of death.

1985, c. 6, s. 58.

§ 2. — *Payment by the employer*

**59.** The employer of a worker at the time he suffers an employment injury shall pay him his net salary or wages for that part of the work day during which the worker becomes unable to carry on his employment by reason of his injury, where the worker would normally have worked during that part of the day had he not been disabled.

The employer shall pay the salary or wages to the worker at the time he would normally have paid them to him.

1985, c. 6, s. 59.

**60.** The employer of a worker at the time he suffers an employment injury shall pay him, if he becomes unable to carry on his employment by reason of his injury, 90% of his net salary or wages for each day or part of a day the worker would normally have worked had he not been disabled, for 14 full days following the beginning of his disability.

The employer shall pay the salary or wages referred to in the first paragraph to the worker at the time he would normally have paid them to him if the worker has furnished the medical certificate contemplated in section 199.

The salary or wages referred to in the first paragraph constitute an income replacement indemnity to which the worker is entitled for 14 full days following the commencement of his disability and the Commission shall reimburse the amount thereof to the employer within 14 days of receipt of his claim, failing which it shall pay him interest, the rate of which is determined according to the rules prescribed by regulation. Such interest shall run from the first day payment is overdue and shall be capitalized daily.

If the Commission subsequently decides that the worker is not entitled to the whole or part of the indemnity, the Commission shall claim reimbursement from the worker in accordance with Division I of Chapter XIII.

1985, c. 6, s. 60; 1993, c. 5, s. 1.

**61.** Where a worker who has suffered an employment injury has returned to work, the employer shall pay him his net salary or wages for each day or part of a day when he must be absent from work to receive care or undergo medical examinations in connection with his employment injury, or to take part in a personal rehabilitation program.

The Commission shall reimburse to the employer, on request, the salary or wages he has paid under the first paragraph, except where the worker is absent from work to undergo a medical examination required by the employer.

1985, c. 6, s. 61.

**62.** For the purposes of sections 59 to 61, the net salary or wages of the worker is equal to his gross salary or wages less the deductions usually made by his employer pursuant to

- (1) the Taxation Act (chapter I-3) and the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement);
- (2) the Employment Insurance Act (Statutes of Canada, 1996, chapter 23);
- (3) the Act respecting the Québec Pension Plan (chapter R-9); and
- (4) the Act respecting parental insurance (chapter A-29.011).

For the purposes of this section, gross salary or wages for a day or part of a day includes, where section 42.11 or 1019.4 of the Taxation Act applies to the worker, the aggregate of tips that, for that day or part thereof, would have been reported by the worker to the employer under that section 1019.4 or that the employer would have attributed to the worker under that section 42.11.

For the purposes of section 60, the gross salary or wages of the worker is taken into consideration up to the Maximum Yearly Insurable Earnings established under section 66.

1985, c. 6, s. 62; 1997, c. 85, s. 2; 2001, c. 9, s. 123.

§ 3. — *Computation of the income replacement indemnity*

**63.** The weighted net income that the worker derives annually from his employment is equal to his gross annual employment income less the amount of deductions weighted by income brackets established by the Commission in relation to the family situation of the worker to take account of

- (1) the income tax payable under the Taxation Act (chapter I-3) and the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement),
- (2) the employee's premiums payable under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23),
- (3) the contribution payable by the worker under the Act respecting the Québec Pension Plan (chapter R-9), and
- (4) the premium payable by the worker pursuant to the Act respecting parental insurance (chapter A-29.011).

The Commission shall publish each year in the *Gazette officielle du Québec* a table of income replacement indemnities, which takes effect on 1 January of the year for which it is made.

The table consists of a listing of gross incomes by brackets of \$100, family situations and corresponding income replacement indemnities.

Where the gross income of a worker falls between two income brackets, his income replacement indemnity is determined on the basis of the higher bracket.

1985, c. 6, s. 63; 1997, c. 85, s. 3; 2001, c. 9, s. 124.

**64.** Where the Commission is reviewing an income replacement indemnity, determining a new gross income pursuant to section 76 or revalorizing the gross income used as the basis for the computation of the indemnity it shall apply the table of income replacement indemnities then in force but give consideration to the family situation of the worker existing when his employment injury appeared.

1985, c. 6, s. 64.

**65.** For the purposes of computing the income replacement indemnity, in no case may the gross annual employment income be less than the gross annual income determined on the basis of the minimum wage in force when the employment injury appears or greater than the Maximum Yearly Insurable Earnings then in force.

1985, c. 6, s. 65.

**66.** For the year 1985, the amount of the Maximum Yearly Insurable Earnings is \$33,000.

For the year 1986 and each subsequent year, the amount of the Maximum Yearly Insurable Earnings is obtained by multiplying the Maximum for the year 1985 by the ratio between the sum of the average of weekly salaries and wages of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed and the same sum for each of the 12 months preceding 1 July 1984.

The amount of the Maximum Yearly Insurable Earnings shall be rounded off to the next highest \$500 and is applicable for one year from 1 January of each year.

For the application of this section, the Commission shall use the data furnished by Statistics Canada on 1 October of the year preceding that for which the amount of the Maximum Yearly Insurable Earnings is computed.

If, on 1 October of a year, the data furnished by Statistics Canada are incomplete, the Commission may use the data then available to establish the Maximum Yearly Insurable Earnings.

If Statistics Canada uses a new method to determine the average of weekly salaries and wages for a particular month by modifying the time basis or the content basis and if the sum of the average of weekly salaries and wages for a year in which Statistics Canada used a new method is more than 1% higher or lower than the sum of the average of weekly salaries and wages established according to the data of the former method, the averages of weekly salaries and wages to be used to establish the Yearly Average for each of the years affected by the change of method are adjusted by the Commission in such a way as to take into account the data gathered according to the method used by Statistics Canada on 19 August 1985.

1985, c. 6, s. 66.

**67.** The gross income of a worker is determined on the basis of the gross income set forth in his contract of employment and, where section 42.11 or 1019.4 of the Taxation Act (chapter I-3) applies to the worker, on the basis of the aggregate of the tips the worker would have reported to his employer under that section 1019.4 or that his employer would have attributed to him under that section 42.11, unless the worker proves to the Commission that he derived a higher gross income from his employment with the employer in the service of whom he was when his employment injury appeared or from the same type of employment with different employers during the 12 months preceding the commencement of his disability.

To establish a higher gross income, the worker may include bonuses, premiums, gratuities, commissions, supplements for overtime, leaves, if their cash value is not included in the salary or wages, profit sharing, and

the cash value of the personal use of an automobile or of a dwelling furnished by the employer where he has lost the enjoyment thereof by reason of his employment injury, and benefits under the Act respecting parental insurance (chapter A-29.011) or the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

1985, c. 6, s. 67; 1997, c. 85, s. 4; 2001, c. 9, s. 125.

**68.** The gross income of a seasonal worker or of a worker on call is the gross income of a worker of the same class holding a similar employment in the same region, except if the worker proves to the Commission that he derived a higher gross income from any employment he carried on during the twelve months preceding the commencement of his disability.

The second paragraph of section 67 applies for the purposes of establishing a higher gross income.

1985, c. 6, s. 68.

**69.** The gross income of a worker who is no longer employed when his employment injury appears is the gross income he derived from the employment out of or in the course of which he suffered his injury, determined pursuant to section 67.

The gross income is revalorized on 1 January each year from the date the worker ceased to hold his employment.

1985, c. 6, s. 69.

**70.** The gross income of a worker who suffers a recurrence, a relapse or an aggravation is the greater of the income he derives from the employment he holds when he suffers the recurrence, relapse or aggravation and the gross income used as a basis for computing his former indemnity.

For the purposes of the application of the first paragraph, where the recurrence, relapse or aggravation occurs more than one year after the worker has become disabled, the gross income used for computing his former indemnity is revalorized.

1985, c. 6, s. 70.

**71.** The gross income of a worker who carries on more than one employment is the income he would derive from the most remunerative employment that he becomes unable to carry on, as if he carried on that employment full-time.

Where the worker becomes unable to carry on only one of his employments, his gross income is the income he derives from that employment; in such a case, section 65 does not apply in respect of the minimum employment income.

1985, c. 6, s. 71.

**72.** The gross income of an independent operator contemplated in section 9 is the income of a worker of the same class holding a similar employment in the same region, except if the worker proves to the Commission that he derived a greater gross income from an occupation contemplated in section 9 during the twelve months preceding the commencement of his disability.

1985, c. 6, s. 72.

**73.** The gross income of a worker who suffers an employment injury while he is the beneficiary of an income replacement indemnity is the revalorized gross income on the basis of which his initial indemnity was computed or the gross income he derives from his new employment, whichever is greater.



The income replacement indemnity of the worker who has suffered an employment injury ceases to be paid to him and in no case may his new indemnity be greater than the indemnity computed on the basis of the Maximum Yearly Insurable Earnings in force when a subsequent employment injury appears.

1985, c. 6, s. 73.

**74.** The gross income of a person registered with the Commission is equal to the amount for which he is registered.

1985, c. 6, s. 74.

**75.** If it may be more equitable in view of the particular type of work done by a worker, his gross income may be determined in a manner other than that provided under sections 67 to 74.

Notwithstanding the first paragraph, in no case may the gross income determined thereunder be used as a basis for computing the income replacement indemnity if it is lower than the income resulting from the application of the said sections.

1985, c. 6, s. 75.

**76.** If a worker, by reason of an employment injury, is unable to carry on his employment for more than two years, the Commission shall determine a higher gross income than that provided for under this subdivision if the worker proves to it that he could have held a more remunerative employment when his injury appeared, had it not been for special circumstances.

The new gross income shall be used as the basis for computing the income replacement indemnity due to the worker from the beginning of his disablement.

1985, c. 6, s. 76.

§ 4. — *Special provisions regarding certain workers*

**77.** This subdivision applies to a worker who suffers an employment injury while acting as a person contemplated in section 10, 11, 12, 12.0.1, 12.1 or 13 or while he is a full-time student.

The other provisions of Division I of this chapter that are not inconsistent with this subdivision apply with the necessary modifications to the persons contemplated in the first paragraph.

1985, c. 6, s. 77; 1987, c. 19, s. 15; 2000, c. 20, s. 160.

**78.** A worker who suffers an employment injury while acting as a person contemplated in section 11, 12, 12.0.1, 12.1 or 13 is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to carry on the remunerated employment or to perform the work for which he is registered with the Commission when his injury appears.

If the worker referred to in the first paragraph has no remunerated employment and is not registered with the Commission at the time his injury appears, he is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to carry on his usual employment or, if none, the employment that could have been his usual employment, considering his training and work experience and his physical and intellectual capacity before his injury occurred.

1985, c. 6, s. 78; 1987, c. 19, s. 16; 2000, c. 20, s. 161.

**79.** A worker who suffers an employment injury while he is a student contemplated in section 10 or a full-time student is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to

carry on the remunerated employment that he holds or would have held, pursue his studies or carry on an employment connected with the completion of his studies.

1985, c. 6, s. 79.

**80.** The income replacement indemnity of a student contemplated in section 10, of a child contemplated in paragraph 3 of section 11 or of a worker who is a full-time student is

(1) \$50 per week until 18 years of age;

(2) from 18 years of age, computed on the basis of the gross annual income determined on the basis of the minimum wage then in force; and

(3) from 21 years of age, revised upwards if he proves to the Commission that he could probably have earned a higher gross employment income at the end of the studies being pursued had he not suffered an employment injury.

Notwithstanding subparagraphs 1 and 2 of the first paragraph, the student or child may prove to the Commission that he has earned, during the 12 months preceding the date he became disabled, a gross employment income entailing a higher indemnity and in this case section 65 does not apply in respect of the minimum employment income.

The review made under subparagraph 3 of the first paragraph replaces any review under section 76.

1985, c. 6, s. 80.

**81.** The gross income of a person contemplated in paragraph 1, 2, 2.1 or 4 of section 11 or in section 12 or 12.0.1 who has no remunerated employment and is not registered with the Commission when his employment injury appears is determined on the basis of the minimum wage then in force.

1985, c. 6, s. 81; 2000, c. 20, s. 162; 2020, c. 29, s. 2.

**81.1.** Section 65, insofar as it relates to the minimum employment income, does not apply to the computation of the income replacement indemnity to which a person described in section 12.1 is entitled during confinement. It applies, however, if the person dies, to determine the amount of an indemnity to which that person's spouse or another dependent is entitled.

2009, c. 19, s. 1.

**82.** The income replacement indemnity of a volunteer worker contemplated in section 13 is computed

(1) in accordance with section 80, if the worker is under 18 years of age when his employment injury appears;

(2) on the basis of the gross annual income determined on the basis of the minimum wage in force when his employment injury appears, if the worker holds no remunerated employment with any employer and is not registered with the Commission.

1985, c. 6, s. 82.

## DIVISION II

### COMPENSATION FOR BODILY INJURY

**83.** A worker who suffers an employment injury and who sustains permanent physical or mental impairment is entitled, in respect of each industrial accident or occupational disease for which he files a claim with the Commission, to compensation for bodily injury which takes into account the anatomicophysiological

deficit and disfigurement resulting from the impairment and the suffering or loss of enjoyment of life resulting from the deficit or disfigurement.

1985, c. 6, s. 83.

**84.** The amount of compensation for bodily injury is equal to a percentage, not exceeding 100%, of permanent physical or mental impairment multiplied by the amount prescribed in Schedule II at the time his employment injury appeared, in relation to the worker's age at that time.

The percentage of permanent physical or mental impairment is equal to the sum of the percentages determined according to the table of bodily injuries adopted by regulation for anatomicophysiological deficit, disfigurement and the suffering or loss of enjoyment of life resulting from the deficit or disfigurement.

If a given bodily injury is not listed in the table, the corresponding percentage shall be established according to the bodily injuries that are listed and that are of the same kind.

1985, c. 6, s. 84; 1992, c. 11, s. 4.

**85.** The table of compensation for bodily injury adopted by regulation must allow for the determination of an additional percentage where a worker, by reason of an employment injury or an occupational disease, sustains anatomicophysiological deficits in symmetrical organs or an anatomicophysiological deficit in an organ that is symmetrical to an already impaired organ.

For the purposes of this section, the table shall take account of the nature of the impaired organs and the anatomical or functional character of the deficits.

1985, c. 6, s. 85; 1999, c. 40, s. 4.

**86.** Where a worker has sustained an anatomicophysiological deficit, the amount of the compensation for bodily injury shall not be less than \$500.

1985, c. 6, s. 86.

**87.** A worker who sustains one or several permanent physical or mental impairments as a result of the same work accident or the same occupational disease is entitled, where the total of the percentages of these impairments exceeds 100%, to receive, in addition to the compensation determined under section 84, an amount equal to 25% of the amount of the compensation determined on the basis of the excess percentage.

1985, c. 6, s. 87.

**88.** The Commission shall establish the amount of the compensation for bodily injury as soon as the sequelae of the employment injury are medically determined.

If, two years after the injury appeared, it is impossible to determine medically all the sequelae of the injury, the Commission shall estimate the minimum amount of the compensation on the basis of those sequelae that it is possible to determine medically at that time.

The Commission shall make the required subsequent upward adjustments as soon as possible.

1985, c. 6, s. 88.

**89.** A worker who, by reason of a recurrence, relapse or aggravation sustains a new permanent physical or mental impairment at a time when the amount of his compensation for bodily injury has already been established is entitled to a new compensation for bodily injury determined in relation to the percentage of the new impairment.

Where the total percentage of the permanent physical or mental impairment, including the already established percentage and the percentage resulting from the recurrence, relapse or aggravation exceeds 100%, the worker is entitled to receive

(1) compensation in an amount determined in relation to 100% less the percentage that has already been determined; and

(2) an amount equal to 25% of the amount of compensation determined on the basis of the total percentage less 100%.

The amount of the new compensation for bodily injury provided for in the first or second paragraph is computed in accordance with Schedule II in force at the time of the recurrence, relapse or aggravation and in relation to the worker's age at that time.

1985, c. 6, s. 89.

**90.** The Commission shall pay to the worker interest on the amount of the compensation for bodily injury from the date the claim for the employment injury that caused the permanent physical or mental impairment of the worker is filed.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.

1985, c. 6, s. 90; 1993, c. 5, s. 2.

**91.** Compensation for bodily injury is not payable in the case of death of the worker.

Notwithstanding the first paragraph, if the worker dies of a cause unrelated to his employment injury and if, on the date of his death it was possible to determine medically the sequelae of his injury, the Commission shall estimate the amount of compensation that it would probably have awarded and pay one-third of that amount to the spouse of the worker and the remaining two-thirds in equal shares to the children who are considered to be dependants.

In the absence of either, the Commission shall pay the amount of the compensation to the spouse or to the children who are considered to be dependants, as the case may be.

1985, c. 6, s. 91; 1999, c. 40, s. 4.

### **DIVISION III**

#### **COMPENSATION IN THE CASE OF DEATH**

##### **§ 1. — Interpretation and application**

**92.** For the purposes of this division,

(1) a child of the worker includes any person to whom the worker stood in *loco parentis* at the time of his death;

(2) the person who stood in *loco parentis* to the worker at the time of his death is considered to be the father or the mother of the worker.

1985, c. 6, s. 92; 1999, c. 40, s. 4.

**93.** A person suffering from severe long-term physical or mental disability is considered to be invalid for the purposes of this division.

Disability is severe if it prevents the person from regularly being able to engage in truly remunerative occupations.

Disability is long-term if to all appearances it will end in death or last indefinitely.

1985, c. 6, s. 93; 1999, c. 40, s. 4.

**94.** A worker who contributes indirectly to the income of his mother or father through his work in the family enterprise is considered to provide for his mother or father proportionately to his contribution.

1985, c. 6, s. 94; 1999, c. 40, s. 4.

**95.** A worker who dies while he is the beneficiary of an income replacement indemnity following an occupational disease that may cause death is presumed to have died from that disease.

The presumption does not operate unless the Commission has had the opportunity to have an autopsy performed on the body.

1985, c. 6, s. 95.

**96.** Where a worker has disappeared following an event that occurred out of or in the course of his work, under circumstances which raise the presumption that he is dead, the Commission may consider that the worker is dead and that the date of his death is the date of the event.

1985, c. 6, s. 96.

**97.** The death of a worker by reason of an employment injury gives rise to the indemnities or compensation provided for under this division.

1985, c. 6, s. 97.

§ 2. — *Indemnities to dependants*

**98.** The spouse of the deceased worker is entitled to a lump sum indemnity equal to the product obtained by multiplying the gross annual employment income of the worker determined in accordance with sections 63 to 82 and revalorized where required, by the factor provided in Schedule III in relation to the age of the spouse at the date of death of the worker.

1985, c. 6, s. 98.

**99.** If invalid at the date of death of the worker, the spouse is entitled to the greater of the following lump sum indemnities:

(1) an indemnity determined under section 98; and

(2) an indemnity equal to twice the amount provided in Schedule II in relation to the spouse's age at the date of death of the worker.

1985, c. 6, s. 99.

**100.** In no case may the lump sum indemnity payable to the spouse be less than \$94,569.

1985, c. 6, s. 100; 2009, c. 19, s. 2.

**101.** In addition to the lump sum indemnity provided for in sections 98 to 100, the spouse of the deceased worker is entitled to an indemnity equal to 55% of the income replacement indemnity to which the worker was entitled at the date of his death, where such is the case, or to which he would have been entitled at that date if he had then been unable to carry on his employment by reason of an employment injury.

The indemnity is payable in the form of a monthly pension, from the date of the death of the worker, for the period provided for in Schedule IV, according to the age of the spouse at that date.

1985, c. 6, s. 101.

**101.1.** If the deceased worker has no spouse on the date of his death, but has a minor child, a child of full age over half of whose needs were provided for by the worker or a child of full age but under 25 years of age who, on that date, is attending an educational institution on a full-time basis, the child is entitled to a lump sum indemnity equal to the product obtained by multiplying the gross annual employment income of the worker determined in accordance with sections 63 to 82 and revalorized where required, by the factor provided in Schedule III in relation to the age of the worker on the date of his death. If there is more than one such child, the indemnity is divided equally between them.

In no case may the indemnity be less than \$94,569.

2009, c. 19, s. 3.

**102.** The child of a worker who is a minor at the date of death of the worker, is entitled to an indemnity of \$250 per month until he is of full age.

If the child is attending an educational institution on a full-time basis when he reaches full age, he is then entitled to a lump sum indemnity of \$9,000.

1985, c. 6, s. 102.

**103.** If the child of the worker who is a minor at the date of death of the worker was an invalid at that date and still is when he reaches full age, he is entitled on the latter date, instead of the indemnity provided for in the second paragraph of section 102, to a lump sum indemnity of:

(1) \$50,000, unless the circumstances that caused his invalidity entitle him to benefits under this Act, the Workers' Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

(2) \$9,000 if the circumstances that caused his invalidity entitle him to benefits under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 103.

**104.** The child of a worker who is of full age but under 25 years of age at the date of death of the worker and who on that date is attending an educational institution on a full-time basis is entitled to a lump sum indemnity of \$9,000.

1985, c. 6, s. 104.

**105.** The child of a worker who is of full age but under 25 years of age at the date of death of the worker and who is an invalid on that date is entitled to

(1) instead of the indemnity provided for in section 104, a lump sum indemnity equal to the amount provided in Schedule II in relation to his age on that date, unless the circumstances that caused his invalidity entitle him to a benefit under this Act, the Workers' Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

(2) the indemnity provided for under section 104, if the circumstances that caused his invalidity entitle him to a benefit under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 105.

**106.** A person, other than a dependant contemplated in sections 98 to 105, over half of whose needs were provided for by the worker, at the date of his death, is entitled to a lump sum indemnity

(1) of \$6,000, if he is under 35 years of age at that date;

(2) equal to 75% of the gross annual employment income of the worker determined under sections 63 to 82 and revalorized where required, if he is 35 years of age or over at that date.

1985, c. 6, s. 106.

**107.** If the person contemplated in section 106 is invalid at the date of death of the worker, he is entitled, instead of the indemnity provided for in the said section, to

(1) a lump sum indemnity equal to the amount provided in Schedule II in relation to his age at that date, unless the circumstances that caused his invalidity entitle him to a benefit under this Act, the Workers' Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

(2) the indemnity provided for in subparagraph 1 or 2 of section 106 in relation to his age at the date of death of the worker if the circumstances that caused his invalidity entitle him to a benefit under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 107.

**108.** A person other than a dependant contemplated in sections 98 to 107 one-half or less of whose needs were provided for by the worker at the date of his death is entitled to a lump sum indemnity of

(1) \$6,000, if the worker provided for his needs in a proportion of 25% to 50%;

(2) \$3,000, if the worker provided for his needs in a proportion of 10% to less than 25%.

1985, c. 6, s. 108.

§ 3. — *Other indemnities owing to death*

**109.** The spouse is entitled on the death of the worker to an indemnity of \$1,000.

If there is no spouse, the Commission shall pay the indemnity under the first paragraph to the other dependants, in equal shares.

1985, c. 6, s. 109.

**110.** The father and mother of a worker who died without dependants are entitled to an indemnity of \$24,587 each. The share of a dead parent or of a parent deprived of parental authority accrues to the other parent. If both parents are deceased, the indemnity is paid to the succession of the deceased worker, except if the property of the succession is to be taken by the State.

1985, c. 6, s. 110; 2009, c. 19, s. 4.

**111.** The Commission shall reimburse to the payer, on the production of vouchers,

(1) the funeral expenses, up to \$4,599;

(2) the cost of transportation of the body of the worker from the place of death to the funerarium closest to the habitual residence of the deceased, if he was resident in Québec, or to another place approved by the Commission.

1985, c. 6, s. 111; 2009, c. 19, s. 5.

## DIVISION IV

### OTHER INDEMNITIES

**112.** A worker who suffers an employment injury is entitled, on the presentation of vouchers, to a maximum indemnity of

(1) \$300 for the cleaning, repair or replacement of clothing damaged as a result of an industrial accident;

(2) \$300 per year for damage caused to his clothing by a prosthesis or orthosis within the meaning of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2) the use of which is required by reason of an employment injury.

1985, c. 6, s. 112; 2001, c. 60, s. 166; 2009, c. 30, s. 58; 2016, c. 1, s. 145.

**113.** A worker is entitled, on the production of vouchers, to an indemnity for the repair or replacement of a prosthesis or orthosis within the meaning of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2) unintentionally damaged during an unforeseen and sudden occurrence attributable to any cause, arising out of his work, to the extent that he is not entitled to such an indemnity under another plan.

The maximum indemnity payable is \$125 for eyeglass frames and \$60 per contact lens; the maximum indemnity payable for any other prosthesis or orthosis is the amount determined under section 198.1.

1985, c. 6, s. 113; 1992, c. 11, s. 5; 2001, c. 60, s. 166; 2009, c. 30, s. 58; 2016, c. 1, s. 145.

**114.** The indemnities contemplated in paragraph 1 of section 112 and, in the case of a dental prosthesis or an ocular orthosis, in section 113 are subject to a deductible of \$25 each.

1985, c. 6, s. 114.

**115.** The Commission shall reimburse, on the production of vouchers, to the worker and, if his physical condition requires it, to the person who must accompany him, the transportation and travel expenses incurred to receive care, undergo medical examinations or take part in a personal rehabilitation program, according to the norms and amounts it determines and that it publishes in the *Gazette officielle du Québec*.

1985, c. 6, s. 115.

**116.** A worker who, by reason of an employment injury, suffers from a disability contemplated in section 93 is entitled to continue to come under the retirement plan offered in the establishment where he was working at the time of his injury.

In such a case, the worker shall pay his share of the exigible assessment, where such is the case, and the Commission shall assume the employer's share, except during the period in which the employer is bound to assume his share pursuant to subparagraph 2 of the first paragraph of section 235.

1985, c. 6, s. 116.

## DIVISION V

### REVALORIZATION

**117.** The amount of the gross annual income used as the basis for computing the income replacement indemnity, as well as for the purposes of section 101, and the amount of the gross annual income evaluated by the Commission under the first paragraph of section 50 are revalorized each year, on the anniversary of the day the worker became unable to carry on his employment.

1985, c. 6, s. 117.



**118.** All the amounts of money fixed in this chapter, except sections 50, 63 and 66, in Chapter IV and in Schedules II and V are revalorized each year on 1 January.

An indemnity owing to death received by a beneficiary pursuant to the first paragraph of section 102 also is revalorized on the date determined in the first paragraph.

1985, c. 6, s. 118.

**119.** Revalorization is made by multiplying the amount to be revalorized by the ratio between the Consumer Price Index of the current year and that of the preceding year.

1985, c. 6, s. 119.

**120.** The Consumer Price Index for a year is the yearly average computed on the basis of the monthly Consumer Price Index in Canada established by Statistics Canada for the 12 months preceding 1 November of the year preceding the year for which the index is computed.

If, on 1 December of a year, the data furnished by Statistics Canada are incomplete, the Commission may use the data then available to establish the Consumer Price Index.

If Statistics Canada uses a new method to compute the monthly Consumer Price Index by modifying the time basis or the content basis and if the modification entails a variation of more than 1% in the Yearly Average, the monthly indices to be used to establish the Yearly Average for each of the years affected by the change of method are adjusted by the Commission in such a way as to take into account the data gathered according to the method used by Statistics Canada on 19 August 1985.

1985, c. 6, s. 120.

**121.** If the yearly average computed on the basis of the monthly Consumer Price Index carries out to more than one decimal place, only the first digit is retained and it is increased by one unit if the second digit is greater than 4.

1985, c. 6, s. 121.

**122.** If the ratio between the Consumer Price Index for the current year and that for the preceding year carries out to more than three decimal places, only the first three digits are retained and the third digit is increased by one unit if the fourth digit is greater than 4.

1985, c. 6, s. 122.

**123.** The amount obtained through a revalorization is rounded off to the nearest dollar, except for the purposes of Schedule V.

1985, c. 6, s. 123.

## **DIVISION VI**

### **PAYMENT OF INDEMNITIES**

**124.** The Commission shall pay to the worker the income replacement indemnity to which he is entitled from the fifteenth full day following the day the worker became unable to carry on his employment.

Notwithstanding the foregoing, the Commission shall pay the worker to whom no employer is bound to pay a salary or wages under section 60 an income replacement indemnity for each day or part of a day during which the worker would normally have earned an employment income, had he not been unable to carry on his

employment as a result of his employment injury, for the fourteen full days following the day he became disabled if the worker furnishes the medical certificate contemplated in section 199 to the Commission.

1985, c. 6, s. 124.

**125.** The Commission shall pay the income replacement indemnity, in the form of a pension, once every two weeks.

1985, c. 6, s. 125.

**126.** The Commission may withhold from an income replacement indemnity, and reimburse to the employer, the equivalent of any amount paid by him to the worker from the fifteenth full day of disability, as an allowance or indemnity, unless the payment is made to make up a difference between the salary or wages of the worker and the indemnity to which he is entitled.

1985, c. 6, s. 126.

**127.** (*Repealed*).

1985, c. 6, s. 127; 1988, c. 51, s. 94.

**128.** The payment of the income replacement indemnity of a worker is not interrupted if, on the day he returns to work he is forced to abandon his work because of the state of his health with respect to his injury.

1985, c. 6, s. 128.

**129.** The Commission, if it considers it appropriate in the interest of the beneficiary or if the beneficiary is urgently in need of it, may pay an income replacement indemnity before rendering its decision on the right to the indemnity if it is of opinion that the application appears *prima facie* to be founded.

If the Commission subsequently dismisses the application or grants it in part, no amounts paid may be recovered from the person who received them, unless the person

(1) obtained the amounts in bad faith; or

(2) is entitled to the benefit of another public compensation scheme by reason of the injury or disease for which he received the amounts.

In the case of subparagraph 2, the Commission may recover the amounts of overpayments only up to the amount to which the person is entitled under another public compensation scheme.

1985, c. 6, s. 129.

**130.** The Commission may pay an income replacement indemnity directly into the account that a beneficiary has with a bank or a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3) if the beneficiary agrees thereto.

1985, c. 6, s. 130; 1988, c. 64, s. 587; 2000, c. 29, s. 614.

**131.** The Commission may pay an income replacement indemnity in one or several instalments equivalent to the representative capital of the indemnity, for a maximum period of one year, or at intervals other than those provided in section 125 where

(1) the amount paid at those intervals is minimal;

(2) the beneficiary is not resident or ceases to be resident in Québec; or

(3) it believes it beneficial to the rehabilitation of the beneficiary, if he consents to it.

In the third case, the Commission may also pay part of the representative capital of the indemnity and pay the balance as a pension at the intervals it determines.

1985, c. 6, s. 131.

**132.** The Commission shall cease to pay an income replacement indemnity on the first of the following dates:

(1) that on which it is informed by an employer or the worker himself that he has returned to his employment or to an equivalent employment;

(2) that on which it receives from the health professional in charge of the worker a report indicating the date on which the employment injury suffered by the worker has consolidated and the fact that the worker retains no resultant functional disability, if the worker requires no rehabilitation to be again able to carry on his employment.

However, where the time prescribed for the exercise of the worker's right to return to work has expired at the date the injury has consolidated, the Commission shall cease to pay the income replacement indemnity in accordance with section 48.

1985, c. 6, s. 132; 2020, c. 6, s. 13.

**133.** The Commission shall recover the amount of the income replacement indemnity that a worker has received without being entitled thereto since the date of the consolidation of his employment injury, where the worker

(1) has been informed by the health professional in charge of him of the date of consolidation of his injury and of the fact that he retains no resultant functional disability; and

(2) has failed to immediately inform his employer in accordance with the first paragraph of section 274.

1985, c. 6, s. 133; 2020, c. 6, s. 13.

**134.** The Commission shall pay the compensation in the case of death provided for in sections 98 to 100 to the spouse either when the decision granting the compensation becomes final or at the end of the period in which the Commission pays the compensation in the case of death provided for in section 101 to the spouse, whichever is later.

Before the end of the period referred to in the first paragraph, the Commission may, however, pay all or part of the indemnity provided for in sections 98 to 100 where it considers it useful for the rehabilitation of the spouse and if the decision granting the indemnity is final.

1985, c. 6, s. 134.

**135.** The Commission shall pay interest on the amount of the compensation in the case of death provided for in sections 98 to 100 from the date of the death.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.

1985, c. 6, s. 135; 1993, c. 5, s. 3.

**136.** The indemnity provided for in section 101 ceases to be paid in the month following the month in which the spouse entitled to it dies.

1985, c. 6, s. 136.

**137.** The Commission shall pay the death benefit provided for in the first paragraph of section 102 to the person having custody of the child who is entitled to compensation.

The benefit shall cease to be paid in the month following the month in which the child entitled to it dies or reaches full age.

1985, c. 6, s. 137.

**138.** The Commission shall pay the death benefit provided for in the second paragraph of section 102 at the end of the three-month period of the school year in which the child entitled to compensation reaches full age or at the end of the three-month period following the date on which the child reaches full age if that birthday falls between two three-month periods.

1985, c. 6, s. 138.

**139.** The Commission shall pay the death benefit provided for in section 101.1 for a child of full age attending an educational institution on a full-time basis and that provided for in section 104 at the end of the three-month period of the school year during which the worker died or at the end of the three-month period following the date of death if the death occurred between two three-month periods.

1985, c. 6, s. 139; 2009, c. 19, s. 6.

**140.** The Commission shall pay the benefit contemplated in section 138 or 139, if the decision awarding the benefit is final, on receiving a certificate from the educational institution attended by the beneficiary attesting that he was registered as a full-time student for the three-month period referred to in section 138 or 139, as the case may be, and that he regularly attended the institution during the three-month period.

1985, c. 6, s. 140; 1992, c. 11, s. 6.

**141.** The Commission shall pay an indemnity to a tutor or curator, or failing such a person, to a person it designates, if the beneficiary is under legal incapacity; the designated person has the powers and duties of a tutor or a curator, as the case may be.

The Commission shall notify the Public Curator of any payment it makes in accordance with the first paragraph.

1985, c. 6, s. 141.

**142.** The Commission may reduce or suspend the payment of an indemnity

(1) if the beneficiary

(a) produces inaccurate information;

(b) refuses or neglects to produce the information it requires or to give the authorization necessary for obtaining it;

(2) if the worker, without valid reason,

(a) interferes with a medical examination prescribed under this Act or neglects or refuses to undergo such an examination, unless, in the opinion of the health professional in charge of him, the examination usually entails serious danger;

(b) does anything that, according to the health professional in charge of him or, if the matter is contested, a member of the Bureau d'évaluation médicale, prevents or delays a cure;

(c) neglects or refuses to undergo medical treatment, other than a surgical operation, that the health professional in charge of him or, if the matter is contested, a member of the Bureau d'évaluation médicale considers necessary in the interest of the worker;

(d) neglects or refuses to avail himself of the rehabilitation measures prescribed in his personal rehabilitation program;

(e) neglects or refuses to perform the work temporarily assigned to him by his employer that he is required to perform in accordance with section 179 while his employer pays or offers to pay him the salary or wages and the benefits contemplated in section 180;

(f) neglects or refuses to inform his employer in accordance with section 274.

1985, c. 6, s. 142; 1992, c. 11, s. 7; 2020, c. 6, s. 13.

**143.** The Commission may pay an indemnity or a benefit retroactively to the date on which its payment was reduced or suspended when the ground that justified the decision no longer exists.

1985, c. 6, s. 143.

**144.** Indemnities paid under this Act are unassignable, unseizable and nontaxable except the income replacement indemnity, up to 50% of which is seizable for alimentary debts.

At the request of the Minister of Employment and Social Solidarity, the Commission shall deduct from indemnities payable to a person under this Act the amount repayable under section 90 of the Individual and Family Assistance Act (chapter A-13.1.1). The Commission shall remit the amount thus deducted to the Minister of Employment and Social Solidarity.

It shall also, at the request of Retraite Québec, deduct from the income replacement indemnity payable to a person under this Act, the amounts of disability pension or retirement pension paid to that person under the Act respecting the Québec Pension Plan (chapter R-9) which may be recovered under that Act. It shall pay the amounts so deducted to Retraite Québec.

1985, c. 6, s. 144; 1988, c. 51, s. 95; 1992, c. 44, s. 81; 1993, c. 15, s. 89; 1994, c. 12, s. 67; 1997, c. 63, s. 128; 1997, c. 73, s. 88; 1998, c. 36, s. 163; 2001, c. 44, s. 30; 2005, c. 15, s. 138; 2015, c. 20, s. 61.

**144.1.** The Commission shall deduct from the income replacement indemnity to which the worker is entitled under this Act the amount received in accordance with an order under paragraph 2 of section 123.15 of the Act respecting labour standards (chapter N-1.1) for the same period as that covered by the income replacement indemnity. The Commission shall remit the amount thus deducted to the employer who paid it.

The Commission shall also reimburse to the employer the amount paid by the employer in accordance with an order under paragraph 6 of section 123.15 of that Act, up to the expenses to which the employee is entitled under this Act.

This section also applies where an order disposing of the same matters as the matter referred to in the first or second paragraph has been made pursuant to a collective agreement.

2002, c. 80, s. 76.

## CHAPTER IV

### REHABILITATION

#### DIVISION I

##### RIGHT TO REHABILITATION

**145.** A worker who, as a result of the employment injury he has suffered, sustains permanent physical or mental impairment is entitled, to the extent provided by this chapter, to the rehabilitation required by his condition in view of his social and professional reintegration.

1985, c. 6, s. 145.

**146.** To ensure the worker's right to rehabilitation, the Commission shall prepare and implement, with the worker's collaboration, a personal rehabilitation program, which may include, according to the worker's needs, a physical, social and professional rehabilitation program.

The program may be modified, with the worker's collaboration, to take account of new circumstances.

1985, c. 6, s. 146.

**147.** In respect of rehabilitation, the personal rehabilitation program constitutes the decision of the Commission regarding the rehabilitation benefits to which the worker is entitled, and each modification made to the program by virtue of the second paragraph of section 146 constitutes a new decision of the Commission.

1985, c. 6, s. 147.

##### § 1. — *Physical rehabilitation*

**148.** The purpose of physical rehabilitation is to remove or lessen a worker's physical handicap and to enable him to develop his residual capacity in order to compensate for the functional disability resulting from his employment injury.

1985, c. 6, s. 148.

**149.** A physical rehabilitation program may include, in particular, medical and nursing care, physiotherapy and ergotherapy treatments, exercises to adapt to a prosthesis or an orthosis and any other care and treatment deemed necessary by the health professional in charge of the worker.

1985, c. 6, s. 149; 2020, c. 6, s. 13.

**150.** A physical rehabilitation program may also include home care provided by a nurse, a nursing assistant or nurse's aide, according to the requirements of the worker's condition following his employment injury, where prescribed by the health professional in charge of him.

The Commission shall assume the cost of the care and, in addition, reimburse, according to the standards and in the amounts it determines, the travel and living expenses incurred by the nurse, nursing assistant or nurse's aide.

Where the care cannot be provided by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, the Commission shall reimburse the worker for the cost of the care, fixing its amount according to the cost of similar services under the public plan.

1985, c. 6, s. 150; 1992, c. 21, s. 78; 1994, c. 23, s. 23; 2020, c. 6, s. 13.

§ 2. — *Social rehabilitation*

**151.** The purpose of social rehabilitation is to help the worker overcome so far as possible the personal and social consequences of his employment injury, adapt himself to the new situation resulting from his injury and become self-sufficient in carrying on his usual activities.

1985, c. 6, s. 151.

**152.** A social rehabilitation program may include, in particular,

- (1) professional psycho-social services;
- (2) the implementation of means to provide the worker with a residence and a vehicle adapted to his residual capacity;
- (3) the payment of the cost of personal home assistance;
- (4) the reimbursement of child care expenses;
- (5) the reimbursement of the cost of ordinary maintenance work on the residence.

1985, c. 6, s. 152.

**153.** A worker's residence may be adapted if

- (1) the worker has sustained severe permanent physical impairment;
- (2) the adaptation is necessary and constitutes the appropriate solution to enable the worker to enter and leave his residence by himself and to have access independently to the things and conveniences in his residence; and
- (3) the worker undertakes to live in the residence for at least three years.

Where the worker is a lessee, he shall provide the Commission with a copy of a lease for a minimum term of three years.

1985, c. 6, s. 153.

**154.** Where the residence of a worker referred to in section 153 is not adaptable to his residual capacity, the worker may be reimbursed, up to \$3,000, for the cost he may incur to move into a new residence that is adapted or adaptable to his residual capacity.

For the purposes of the first paragraph, the worker shall furnish to the Commission at least two detailed estimates containing the information it may require.

1985, c. 6, s. 154.

**155.** The principal vehicle of a worker may be adapted if the worker has sustained severe permanent physical impairment and if the adaptation is necessary, owing to his employment injury, to enable him to drive the vehicle or to get into it.

1985, c. 6, s. 155.

**156.** The Commission has no authority to assume the cost of work to adapt the residence or principal vehicle of a worker referred to in section 153 or 155 unless the worker provides the Commission with at least two detailed estimates of the work to be executed, prepared by two specialized contractors and containing the

information required by the Commission, and unless the worker provides the Commission with copies of the required authorizations and permits for executing the work.

1985, c. 6, s. 156.

**157.** Where the Commission assumes the cost of the work to adapt a worker's residence or principal vehicle, it shall also assume the additional cost of insurance and maintenance arising from the adaptation of the residence or vehicle.

1985, c. 6, s. 157.

**158.** Personal home assistance may be granted to a worker who, as a result of his employment injury, is unable to care for himself and to do, without assistance, the household tasks that he would normally do himself, if the assistance proves necessary for his remaining in or return to his residence.

1985, c. 6, s. 158.

**159.** Personal home assistance includes the cost of engaging a person to help the worker to care for himself and to do the household tasks the worker would normally do himself were it not for his injury.

The person may be the worker's spouse.

1985, c. 6, s. 159.

**160.** The amount payable for personal home assistance is determined according to the standards and tables adopted by the Commission by regulation but must not exceed \$800 a month.

1985, c. 6, s. 160; 1996, c. 70, s. 5.

**161.** The amount payable for personal home assistance shall be reevaluated periodically to take account of changes in the worker's health and the needs arising therefrom.

1985, c. 6, s. 161.

**162.** The amount of personal home assistance ceases to be paid when the worker

(1) is again able to care for himself or to do the household tasks he was unable to do himself by reason of his employment injury; or

(2) is lodged or hospitalized in a facility maintained by an institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5).

1985, c. 6, s. 162; 1992, c. 21, s. 79; 1994, c. 23, s. 23.

**163.** The amount of personal home assistance is paid to the worker once every two weeks.

The amount is adjusted or cancelled, as the case may be, from the first due date after the occurrence giving rise to the adjustment or cancellation.

1985, c. 6, s. 163.

**164.** A worker who receives personal home assistance, carries on an activity as part of his personal rehabilitation program or, as a result of his employment injury, is lodged or hospitalized in a facility maintained by an institution referred to in paragraph 2 of section 162, may be reimbursed for child care expenses up to the amounts mentioned in Schedule V if

(1) the worker assumes alone the custody of his children;



(2) the worker's spouse is unable, owing to illness or disability, to care for the children living under their roof; or

(3) the worker's spouse must be absent from the residence to be with the worker when the latter is lodged or hospitalized in a facility maintained by an institution or to accompany the worker to any activity carried on by the latter as part of his personal rehabilitation program.

1985, c. 6, s. 164; 1992, c. 21, s. 80.

**165.** A worker who has sustained a serious physical impairment as a result of an employment injury and who is unable to do the ordinary maintenance work on his residence that he would normally do himself were it not for his injury may be reimbursed for the costs he incurs to have the work done, up to \$1,500 a year.

1985, c. 6, s. 165.

§ 3. — *Vocational rehabilitation*

**166.** The purpose of vocational rehabilitation is to facilitate the worker's reinstatement in his employment or an equivalent employment or, where that object is not attainable, to facilitate his access to suitable employment.

1985, c. 6, s. 166.

**167.** A vocational rehabilitation program may include, in particular,

- (1) a refresher program;
- (2) evaluation of vocational potential;
- (3) a vocational training program;
- (4) assistance in finding employment;
- (5) the payment of subsidies to an employer to favour the employment of workers who have sustained permanent physical or mental impairments;
- (6) the adaptation of a position;
- (7) the payment of any cost incurred to explore an employment market or to move near a new place of employment;
- (8) the payment of subsidies to the worker.

1985, c. 6, s. 167.

**168.** A worker who, as a result of his employment injury, needs to update his knowledge in order to be able to carry on his employment or equivalent employment may follow a refresher program in an educational institution or in an industrial establishment, in Québec as far as possible.

1985, c. 6, s. 168.

**169.** Where a worker is unable to carry on his employment because he retains a functional disability resulting from his employment injury, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on his employment or an equivalent employment before the expiry of the period for the exercise of his right to return to work.

In the case of the first paragraph, the Commission, with the worker's collaboration and after consulting the employer, shall prepare and implement the appropriate vocational rehabilitation program, at the end of which the worker shall inform his employer that he is again able to carry on his employment or equivalent employment.

1985, c. 6, s. 169.

**170.** Where no rehabilitation measure exists that may enable a worker to carry on his employment or equivalent employment, the Commission shall ask the employer whether he has any suitable employment available and, if so, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on that employment before the expiry of the period for the exercise of his right to return to work.

In the case of the first paragraph, the Commission, with the worker's collaboration and after consulting the employer, shall prepare and implement the appropriate vocational rehabilitation program, at the end of which the worker shall inform his employer that he has become able to carry on the available suitable employment.

1985, c. 6, s. 170.

**171.** Where no rehabilitation measure exists that may enable the worker to carry on his employment or equivalent employment and his employer has no available suitable employment, the worker may have his vocational potential evaluated to help him to determine what employment would be suitable for him.

The main factors of the evaluation are the worker's formal training, his work experience, his functional aptitudes and the labour market.

1985, c. 6, s. 171.

**172.** A worker who remains unable to carry on his employment again by reason of his employment injury may follow a vocational training program where it is otherwise impossible for him to obtain suitable employment.

The purpose of the program is to enable the worker to acquire the knowledge and skills required to carry on a suitable employment and the worker may follow the program in an educational institution or in an industrial establishment, in Québec as far as possible.

1985, c. 6, s. 172.

**173.** A worker who has suffered an employment injury and who becomes again able to carry on his employment may receive assistance in finding employment if the period for exercising his right to return to work has expired and his employer does not reinstate him in his employment or in equivalent employment.

A worker who is unable to carry on his employment as a result of his employment injury and who becomes able to hold suitable employment also may receive assistance in finding employment where suitable employment is not available.

1985, c. 6, s. 173.

**174.** Where the Commission provides assistance in finding employment it shall advise the worker on his applications to possible employers, inform him about the labour market and, if need be, refer him to the appropriate specialized services for assistance in finding the employment he has become able to carry on.

1985, c. 6, s. 174.

**175.** The Commission may, on such conditions as it may determine and that it shall publish in the *Gazette officielle du Québec* thirty days before they become applicable, grant a subsidy to an employer who hires a worker who has suffered an employment injury, for such period, not exceeding one year, as the worker is unable to meet the normal requirements for the employment.

The purpose of the subsidy is to provide the worker with a period of readjustment to his employment or adaptation to his new employment, or to enable him to acquire new vocational qualifications.

1985, c. 6, s. 175.

**176.** The Commission may reimburse the cost of adapting a position if the adaptation enables a worker who has sustained permanent physical impairment as a result of his employment injury to carry on his employment, equivalent employment or suitable employment.

The cost includes the expenses incurred for purchasing and installing the materials and equipment necessary for adapting the position, but no cost may be reimbursed except to the person who incurred it with the prior authorization of the Commission to that effect.

1985, c. 6, s. 176.

**177.** A worker who, following an employment injury, becomes able to carry on his employment again or who becomes able to carry on suitable employment may be reimbursed, up to \$3,000, for any cost incurred by him

(1) to explore an employment market more than 50 kilometres from his residence, if such employment is not available within a radius of 50 kilometres of his residence; and

(2) to move to a new residence if he obtains employment outside a radius of 50 kilometres from his present residence, if the two residences are at least 50 kilometres apart and if his new residence is situated within 50 kilometres of his new place of employment.

The worker shall furnish to the Commission at least two detailed estimates containing the information it may require.

1985, c. 6, s. 177.

**178.** The Commission may grant subsidies, not exceeding the Maximum Yearly Insurable Earnings established under section 66, to a worker who has suffered an employment injury and who devises a plan to create and manage an undertaking providing him with suitable employment, if the worker remains unable to carry on his employment as a result of his injury.

The plan must be accompanied with a study which complies in form and content with the requirements of the Commission, confirming the feasibility and the mid-term profitability of the planned undertaking, and the worker must show that he has the capacity to operate the undertaking.

If the plan is accepted, the Commission shall reimburse the worker for any expenses he incurred to obtain the feasibility study.

1985, c. 6, s. 178.

## DIVISION II

### TEMPORARY ASSIGNMENT OF WORK

**179.** The employer of a worker who has suffered an employment injury may temporarily assign work to him until he is again able to carry on his employment or until he becomes able to carry on a suitable employment, even if his injury has not consolidated, if the health professional in charge of the worker believes that

(1) the worker is reasonably fit to perform the work;

(2) the work, despite the worker's injury, does not endanger his health, safety or physical well-being; and

- (3) the work is beneficial to the worker's rehabilitation.

If the worker disagrees with the health professional, he may avail himself of the procedure provided in sections 37 to 37.3 of the Act respecting occupational health and safety (chapter S-2.1), and in that case is not bound to do the work assigned him by his employer until the report of the health professional has been confirmed by a final decision.

1985, c. 6, s. 179; 2020, c. 6, s. 13.

**180.** The employer shall pay the worker who performs the work he temporarily assigns to him the salary or wages and benefits attaching to the employment he held when his employment injury appeared and to which he would have been entitled if he had continued to carry on that employment.

1985, c. 6, s. 180.

### **DIVISION III**

#### **FUNCTIONS OF THE COMMISSION**

**181.** The cost of rehabilitation is assumed by the Commission.

In implementing a personal rehabilitation program, the Commission shall assume the cost of the appropriate and most economical means of attaining the desired objective.

1985, c. 6, s. 181.

**182.** The Commission itself shall provide the professional services determined as part of a personal rehabilitation program or refer the worker to the appropriate persons or services.

1985, c. 6, s. 182.

**183.** The Commission may suspend or terminate all or part of a personal rehabilitation program if the worker omits or refuses to avail himself of any rehabilitation measure prescribed in his program.

For the purposes of this section, the Commission shall give the worker five clear days notice informing him that if he fails to avail himself of a rehabilitation measure, it will apply a sanction authorized in the first paragraph.

1985, c. 6, s. 183.

**184.** The Commission may

(1) develop and support the activities of persons and organizations dealing with rehabilitation and cooperate with them;

(2) assess the efficiency of the available policies, programs and services relating to rehabilitation;

(3) carry out studies and research on rehabilitation or have them carried out;

(4) take any measure it deems useful to favour the vocational reintegration of the spouse of a worker who has died as the result of an employment injury;

(5) take any measure it deems useful to lessen or remove the consequences of an employment injury.

For the purposes of subparagraphs 1, 2 and 3 of the first paragraph, the Commission shall form a multidisciplinary committee.

1985, c. 6, s. 184.

**185.** The Commission may take measures to facilitate the rehabilitation of any worker who is entitled to an income replacement indemnity because he exercised his right to protective re-assignment described in the Act respecting occupational health and safety (chapter S-2.1), with a view to preventing any possible recurrence, relapse or aggravation.

1985, c. 6, s. 185.

**186.** The Commission may grant subsidies to a person who creates permanent employment reserved for workers who have sustained permanent physical or mental impairment as a result of an employment injury.

No subsidy may exceed \$4,000 for each employment or be renewed.

The Commission may also offer any person creating employment as described in the first paragraph professional consultation services and reimburse the fees and expenses of the professionals providing the services.

1985, c. 6, s. 186.

**187.** The Commission shall recover all or part of a subsidy it has paid pursuant to this chapter to such extent as the subsidy has not been used for the purposes for which it was granted.

Sections 431 to 436 apply to the recovery contemplated in the first paragraph.

1985, c. 6, s. 187.

## CHAPTER V

### MEDICAL AID

**188.** A worker who has suffered an employment injury is entitled to the medical aid required by his condition as a result of the injury.

1985, c. 6, s. 188.

**189.** Medical aid consists of the following:

- (1) the services of health professionals;
- (2) the care or treatment provided by an institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5);
- (3) medicines and other pharmaceutical products;
- (4) prostheses and orthoses within the meaning of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2), prescribed by a health professional and available at any supplier's approved by the Régie de l'assurance maladie du Québec or, in the case of a supplier who is not established in Québec, recognized by the Commission;
- (5) any care, treatment, technical aid or cost not referred to in subparagraphs 1 to 4 and determined by regulation by the Commission, which regulation may specify the cases where, the conditions on which and up to what amount payments may be made, as well as the prior authorizations to which such payments may be subject.

1985, c. 6, s. 189; 1992, c. 11, s. 8; 1994, c. 23, s. 23; 1999, c. 89, s. 53; 2001, c. 60, s. 166; 2009, c. 30, s. 58; 2016, c. 1, s. 145.

**190.** The employer shall immediately give first aid to a worker who suffers an employment injury in his establishment and, where required, transportation, to a health institution, to a health professional or to the worker's residence, as required by his condition.

The cost of transportation of the worker shall be assumed by his employer, who shall reimburse it, where such is the case, to the person who incurred it.

On a construction site, the obligation imposed by the first paragraph applies to the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1).

1985, c. 6, s. 190; 1992, c. 21, s. 375.

**191.** An employer or the principal contractor referred to in the third paragraph of section 190 shall, in the cases determined by regulation, maintain at his own expense a first aid service and an emergency medical service including the staff and equipment determined by regulation, provide premises for that purpose and keep a first-aid and emergency medical register in accordance with the regulations.

1985, c. 6, s. 191.

**192.** Every worker is entitled to receive care from the health professional of his choice.

1985, c. 6, s. 192.

**193.** Every worker is entitled to receive care from the health institution of his choice.

Where the Commission considers that the care required by the condition of the worker cannot be provided within a reasonable time by the institution he has chosen, the Commission may, in the interest of the worker, if the health professional in charge of him agrees, refer him to another institution so that he may receive the required care more promptly.

1985, c. 6, s. 193; 1992, c. 21, s. 81, s. 375; 2020, c. 6, s. 13.

**194.** The Commission shall be charged the cost of medical aid.

No amount may be claimed from a worker for any medical aid benefit to which he is entitled under this Act and no action in respect thereof lies in any court of justice.

1985, c. 6, s. 194.

**195.** The Commission and the Minister of Health and Social Services shall make a standard agreement concerning all or part of the care and treatment provided by the institutions referred to in paragraph 2 of section 189; the standard agreement shall pertain to the dispensing of such care and treatment and shall specify, in particular, the amounts payable by the Commission for such care or treatments, the time within which they must be provided by the institutions and the reports which must be filed with the Commission.

The Commission shall make a specific agreement with each agency referred to in the Act respecting health services and social services (chapter S-4.2) and each regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5), providing for the implementation of the standard agreement in the territory of the agency. Every specific agreement must conform to the parameters of the standard agreement.

An institution is deemed to accept to comply with the specific agreement unless it notifies its refusal to the Commission and to the agency or regional council, as the case may be, within the time allowed by the agreement, by means of a resolution of its board of directors; in the latter case, the institution shall be remunerated according to the standard agreement.

For the territory to which Part IV.2 of the Act respecting health services and social services applies, the specific agreement shall be made with the institution having its head office in that territory.

1985, c. 6, s. 195; 1992, c. 11, s. 9; 1994, c. 23, s. 23; 1998, c. 39, s. 174; 1999, c. 40, s. 4; 2005, c. 32, s. 308; I.N. 2016-01-01 (NCCP).

**196.** Services rendered by health professionals under this Act and contemplated in the fourteenth paragraph of section 3 of the Health Insurance Act (chapter A-29), enacted by section 488, including those of a member of the Bureau d'évaluation médicale or of a committee on occupational lung diseases or of a special committee acting under Chapter VI, except services rendered by a health professional at the employer's request, are paid to those professionals by the Régie de l'assurance maladie du Québec in accordance with the agreements made under section 19 of the Health Insurance Act.

1985, c. 6, s. 196; 1992, c. 11, s. 10; 1999, c. 89, s. 43, s. 53.

**197.** The Commission shall reimburse the Régie de l'assurance maladie du Québec for the cost of the services contemplated in section 196 and any administrative expenses attaching thereto.

1985, c. 6, s. 197; 1996, c. 70, s. 6; 1999, c. 89, s. 53.

**198.** The Commission and the Régie de l'assurance maladie du Québec shall enter into an agreement concerning the rules governing the reimbursement of the sums paid by the Régie for the purposes of this Act and the determination of the administrative expenses incurred for the payment of the services referred to in section 196.

1985, c. 6, s. 198; 1996, c. 70, s. 7; 1999, c. 89, s. 53.

**198.1.** The Commission shall pay the cost of the purchase, adjustment, repair and replacement of a prosthesis or orthosis referred to in paragraph 4 of section 189 as determined by regulation by the Commission, which regulation may specify the cases where, the conditions on which and up to what amount payments may be made, as well as the prior authorizations to which such payments may be subject.

In the case of a prosthesis or orthosis with characteristics identical to those of a prosthesis or orthosis covered by a program administered by the Régie de l'assurance maladie du Québec pursuant to the Health Insurance Act (chapter A-29) or the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the amount payable by the Commission is the amount determined in that program.

1992, c. 11, s. 11; 1999, c. 89, s. 53.

## CHAPTER VI

### MEDICAL EVALUATION PROCEDURE

#### DIVISION I

##### GENERAL PROVISIONS

**199.** The first health professional who takes charge of a worker who has suffered an employment injury shall immediately provide the worker, on the form prescribed by the Commission, with a certificate containing the diagnosis and

(1) where he expects the worker's employment injury to consolidate within fourteen full days from the date he became unable to carry on his employment by reason of his injury, the foreseeable date when the injury will consolidate; or

(2) where he expects the worker's employment injury to take more than fourteen full days after the date he became unable to carry on his employment by reason of his injury to consolidate, the foreseeable time the injury will take to consolidate.

If the worker is not in a position to choose the first health professional to take charge of him, he may, as soon as he is in a position to do so, choose another health professional who will have charge of him and who shall then, at the worker's request, give him the certificate prescribed in the first paragraph.

1985, c. 6, s. 199; 2020, c. 6, s. 13.

**200.** In the case described in paragraph 2 of the first paragraph of section 199, the health professional in charge of the worker shall also send to the Commission, within six days of his first examination, on the form prescribed by the Commission, a summary report containing the following particulars:

- (1) the date of the industrial accident;
- (2) the main diagnosis and any relevant additional information;
- (3) the foreseeable time the employment injury will take to consolidate;
- (4) the fact that the worker is awaiting physiotherapeutic or ergotherapeutic treatment or awaiting hospitalization or that he is receiving such treatment or is hospitalized;
- (5) so far as he can determine, the possibility that there may be permanent sequelae.

The same applies to any health professional who has charge of the worker subsequently.

1985, c. 6, s. 200; 2020, c. 6, s. 13.

**201.** If changes in the worker's pathological condition significantly change the nature or duration of the care or treatment prescribed or administered, the health professional in charge of the worker shall immediately so inform the Commission on the form prescribed by the Commission for that purpose.

1985, c. 6, s. 201; 2020, c. 6, s. 13.

**202.** The health professional in charge of the worker, within ten days of receiving a request from the Commission to that effect, shall furnish to the Commission, on the form prescribed by the Commission, a report containing the information required by the Commission on one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212.

1985, c. 6, s. 202; 1992, c. 11, s. 12; 2020, c. 6, s. 13.

**203.** In the case of subparagraph 1 of the first paragraph of section 199, if the worker has suffered a permanent physical or mental impairment, and, in the case of subparagraph 2 of the first paragraph of the said section, the health professional in charge of the worker shall, when the employment injury of the worker has consolidated, send to the Commission, a final report on the form prescribed by the Commission for that purpose.

The report shall include the date of the consolidation of the injury and, as the case may be,

- (1) the percentage of the worker's permanent physical or mental impairment according to the table of compensation for bodily injury adopted by regulation;
- (2) a description of the worker's functional disability resulting from his injury;
- (3) the aggravation of functional disabilities previous to those resulting from the injury.

The health professional in charge of the worker shall inform him of the content of his report without delay.

1985, c. 6, s. 203; 1999, c. 40, s. 4; 2020, c. 6, s. 13.



**204.** The Commission may require a worker who has suffered an employment injury to undergo an examination by the health professional it designates, in order to obtain a written report from the health professional on any matter relating to the injury. The worker must undergo the examination.

The Commission shall assume the cost of the examination and the expenses incurred by the worker to go for the examination, according to the norms and amounts it determines under section 115.

1985, c. 6, s. 204; 1992, c. 11, s. 13.

**205.** The list of the health professionals the Commission may designate for the purposes of section 204 shall be submitted each year to the board of directors of the Commission for approval; the board may add or strike out names.

Where the board fails to approve the list at the sitting following the sitting at which the list was submitted, the Commission shall use the list already submitted.

The chairman of the board of directors and chief executive officer may add names of health professionals, other than those struck off the list by the board of directors, to the list referred to in the first and second paragraphs, if he considers that the number on the list is insufficient. In such a case, he shall inform the board of directors.

The list of the health professionals the Commission may designate for the purposes of section 204 for one year remains in force until it is replaced.

1985, c. 6, s. 205; 1992, c. 11, s. 13; 2002, c. 76, s. 28.

**205.1.** If the report of the health professional designated for the purposes of section 204 calls into question the findings of the health professional in charge of the worker regarding one or several of the matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212, the latter may, within 30 days of the date of receipt of the report of the health professional, provide the Commission, on the form prescribed by the Commission, with an additional report to support his findings and include, where applicable, any consultation report containing reasons. The health professional in charge of the worker shall inform the worker as soon as possible of the content of his report.

The Commission may submit the reports including the additional report, if any, to the Bureau d'évaluation médicale established under section 216.

1997, c. 27, s. 3; 2020, c. 6, s. 13.

**206.** The Commission may submit to the Bureau d'évaluation médicale the report it has obtained under section 204, even if the report concerns one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212 in respect of which the health professional in charge of the worker did not express his opinion.

1985, c. 6, s. 206; 1992, c. 11, s. 13; 2020, c. 6, s. 13.

**207.** Notwithstanding section 22 of the Health Insurance Act (chapter A-29), a physician who fails to furnish a certificate or report within the prescribed time loses his right to remuneration for the medical examination which ought to have been followed by the certificate or report.

The Régie de l'assurance maladie du Québec, on receiving notice of the failure from the Commission, shall refuse to pay for the medical examination or shall reimburse itself by way of compensation or otherwise, as the case may be.

1985, c. 6, s. 207; 1999, c. 89, s. 53.

**208.** Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2), the health institution where the worker has been treated shall send to the Commission, within six days of a request to that effect, a copy of the worker's record or of that part of the record that is required by the Commission and that is related to the employment injury. The Commission shall reimburse the health institution for the cost of photocopies.

A health institution failing to comply with the Commission's request within the prescribed time loses the right to receive payment for services provided to the worker in relation to his employment injury.

1985, c. 6, s. 208; 1992, c. 21, s. 375; 2005, c. 32, s. 231.

**209.** An employer who has a right of access to the record in the possession of the Commission in respect of an employment injury suffered by a worker may require that the worker undergo an examination by the health professional designated by the employer, every time the health professional in charge of the worker furnishes a report to the Commission as required on one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212.

An employer who avails himself of the provisions of the first paragraph may ask the designated health professional for his opinion regarding the relationship between the worker's injury or illness and the industrial accident he suffered or the work he does or used to do.

1985, c. 6, s. 209; 1992, c. 11, s. 14; 2020, c. 6, s. 13.

**210.** An employer who requires a worker in his employ to undergo a medical examination shall give him the reasons therefor.

The employer shall assume the cost of the examination and the expenses incurred by the worker to go for his examination.

1985, c. 6, s. 210.

**211.** A worker who suffers an employment injury shall undergo the examination required by his employer in accordance with sections 209 and 210.

1985, c. 6, s. 211.

**212.** An employer who has a right of access to the record in the possession of the Commission in respect of an employment injury suffered by a worker may contest the certificate or report of the health professional in charge of the worker, if he obtains a report from a health professional who, after examining the worker, calls into question the findings of the health professional regarding one or several of the following matters:

- (1) the diagnosis;
- (2) the foreseeable date or time of consolidating of the injury;
- (3) the nature, necessity, adequacy or duration of the administered or prescribed care or treatment;
- (4) the fact or degree of permanent physical or mental impairment of the worker;
- (5) the fact or the assessment of the worker's functional disability.

The employer shall transmit a copy of the report to the Commission within 30 days after the date he receives the certificate or report he wishes to contest.

1985, c. 6, s. 212; 1992, c. 11, s. 15; 1997, c. 27, s. 4; 2020, c. 6, s. 13.

**212.1.** If the report of the health professional obtained under section 212 calls into question the findings of the health professional in charge of the worker regarding one or several of the matters mentioned in subparagraphs 1 to 5 of the first paragraph of that section, the latter may, within 30 days of the date of receipt of the report of the health professional, provide the Commission, on the form prescribed by the Commission, with an additional report to support his findings and include, where applicable, any consultation report containing reasons. The health professional in charge of the worker shall inform the worker as soon as possible of the content of his report.

The Commission shall submit the reports including the additional report, if any, to the Bureau d'évaluation médicale established under section 216.

1997, c. 27, s. 5; 2020, c. 6, s. 13.

**213.** *(Repealed).*

1985, c. 6, s. 213; 1992, c. 11, s. 16.

**214.** *(Repealed).*

1985, c. 6, s. 214; 1992, c. 11, s. 16.

**215.** The employer and the Commission, upon receiving the reports obtained by them under this division, shall send copies of them to the worker and to the health professional in charge of him.

The Commission shall without delay transmit to the health professional designated by the employer a copy of every medical report it obtains by virtue of this section concerning the worker employed by that employer.

1985, c. 6, s. 215; 1992, c. 11, s. 17; 2020, c. 6, s. 13.

**216.** The Bureau d'évaluation médicale is hereby established.

Each year, after consultation with the professional orders concerned and the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister draws up a list of health professionals who agree to act as members of the Bureau.

The list of the health professionals who have agreed to act as members of the Bureau for one year shall remain in force until it is replaced.

1985, c. 6, s. 216; 1992, c. 11, s. 18; 2011, c. 16, s. 83.

**217.** The Commission shall without delay submit the contestations provided for in sections 205.1, 206 and 212.1 to the Bureau d'évaluation médicale by advising the Minister of the subject of contention and providing him with the names and addresses of the parties and health professionals concerned.

1985, c. 6, s. 217; 1992, c. 11, s. 19; 1997, c. 27, s. 6.

**218.** The Minister shall designate a member of the Bureau d'évaluation médicale from among the health professionals whose names appear on the list contemplated in section 216.

However, the Minister or the person designated by the Minister for that purpose may, if he considers it advisable owing to the complexity of a case, designate more than one member of the Bureau.

The Minister shall inform the parties to the contestation, the Commission and the health professionals concerned of the name and address of the member of the Bureau d'évaluation médicale he has designated.

1985, c. 6, s. 218; 1992, c. 11, s. 20; 1997, c. 27, s. 7.

**219.** The Commission shall without delay send to the member of the Bureau d'évaluation médicale the entire medical record in its possession in respect of the employment injury suffered by a worker which is the subject of the contestation.

1985, c. 6, s. 219; 1992, c. 11, s. 21.

**220.** The member of the Bureau d'évaluation médicale shall study the submitted record. Where he deems it expedient, he may examine the worker or require any medical information or document from the Commission that it holds or may obtain regarding the worker.

He may also examine the worker if the latter requests it.

1985, c. 6, s. 220; 1992, c. 11, s. 22.

**221.** The member of the Bureau d'évaluation médicale shall, in a substantiated opinion in writing, quash or confirm the diagnosis and the other findings of the health professional in charge of the worker and of the health professional designated by the Commission or by the employer relating to matters set out in subparagraphs 1 to 5 of the first paragraph of section 212 and substitute therefor his own diagnosis and findings, where required.

The member of the Bureau d'évaluation médicale may also, if he considers it appropriate, state his opinion regarding any of those matters, even if the health professional in charge of the worker or the health professional designated by the employer or by the Commission did not express his opinion on the matter.

1985, c. 6, s. 221; 1992, c. 11, s. 23; 2020, c. 6, s. 13.

**222.** The member of the Bureau d'évaluation médicale shall give his opinion within 30 days of the date on which the record was transmitted to him and shall send it to the Minister without delay, with copies to the Commission and the parties.

1985, c. 6, s. 222; 1992, c. 11, s. 24.

**223.** Members of the Bureau d'évaluation médicale shall not be prosecuted for any act done by them in good faith in the performance of their duties.

1985, c. 6, s. 223; 1992, c. 11, s. 25.

**224.** For the purposes of rendering a decision under this Act, and subject to section 224.1, the Commission is bound by the diagnosis and the other findings established by the health professional in charge of the worker, respecting matters set out in subparagraphs 1 to 5 of the first paragraph of section 212.

1985, c. 6, s. 224; 1992, c. 11, s. 26; 2020, c. 6, s. 13.

**224.1.** Where a member of the Bureau d'évaluation médicale gives an opinion pursuant to section 221 within the time prescribed in section 222, the Commission is bound by that opinion and shall render a decision accordingly.

Where the member of the Bureau d'évaluation médicale fails to give his opinion within the time prescribed in section 222, the Commission is bound by the report obtained from the health professional it designated, where that is the case.

If the Commission has not obtained such a report, it may request, from the health professional it designates, a report on the matter mentioned in any of subparagraphs 1 to 5 of the first paragraph of section 212 which is the subject of the contestation; in that case, the Commission is bound by the opinion of the member of the Bureau d'évaluation médicale or the report of the health professional it has designated, whichever it receives first, and shall render a decision accordingly.

The Commission shall file in the worker's record any opinion or report it receives even though it is not bound thereby.

1992, c. 11, s. 27.

**225.** A member of the Bureau d'évaluation médicale who fails to give his opinion within the prescribed time or who fails to send it without delay shall receive no remuneration for the work he has already performed.

1985, c. 6, s. 225; 1992, c. 11, s. 28.

## DIVISION II

### SPECIAL PROVISIONS RESPECTING OCCUPATIONAL LUNG DISEASES

**226.** Where a worker files a claim with the Commission alleging that he is suffering from an occupational lung disease, the Commission shall refer him, within the next ten days, to a committee on occupational lung diseases.

1985, c. 6, s. 226.

**227.** The Minister shall form not fewer than four committees on occupational lung diseases, the function of which is to determine whether a worker is suffering from an occupational lung disease.

A committee on occupational lung diseases shall be composed of three pneumologists, including the chairman, who shall be an associate professor or full professor at a university in Québec.

1985, c. 6, s. 227.

**228.** The pneumologists are appointed for four years by the Minister from a list provided by the Ordre des médecins du Québec and after consultation with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2).

The pneumologists remain in office notwithstanding the expiry of their term until they are reappointed or replaced.

1985, c. 6, s. 228; 2011, c. 16, s. 84.

**229.** Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2), within 10 days after a request by the Commission, the institution within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, shall transmit to the chairman of the committee on occupational lung diseases indicated to him by the Commission the lung x-rays of the worker referred to the committee by the Commission.

1985, c. 6, s. 229; 1992, c. 21, s. 82; 1994, c. 23, s. 23; 2005, c. 32, s. 232.

**230.** The committee on occupational lung diseases to which the Commission refers a worker shall examine him within twenty days of the Commission's request.

The committee shall make a report in writing to the Commission on its diagnosis within twenty days of the examination and, where its diagnosis is positive, it shall also include in its report its findings relating to the functional disability, the percentage of physical impairment and the worker's tolerance for a contaminant within the meaning of the Act respecting occupational health and safety (chapter S-2.1) that caused his disease or that is likely to expose him to a recurrence, relapse or aggravation.

1985, c. 6, s. 230.

**231.** Upon receiving the report, the Commission shall submit the worker's record to a special committee composed of three persons whom it shall designate from among the chairmen of the committees on occupational lung diseases, except the chairman who made the report to be examined by the special committee.

The worker's record includes the report of the committee on occupational lung diseases and all the documents used by the committee in arriving at its diagnosis and other findings.

The special committee shall confirm or quash the diagnosis and other findings arrived at by the committee on occupational lung diseases under the second paragraph of section 230 and substitute therefor its own diagnosis and findings, where necessary; it shall substantiate its opinion and give it to the Commission within twenty days of the date on which the Commission submitted the record to it.

1985, c. 6, s. 231.

**232.** No member of a committee on occupational lung diseases or special committee may be prosecuted by reason of an act performed in good faith in carrying out his duties.

1985, c. 6, s. 232.

**233.** For the purposes of rendering a decision under this Act on the rights of a worker who files a claim with the Commission alleging that he is suffering from an occupational lung disease, the Commission is bound by the diagnosis and other findings arrived at by the special committee under the third paragraph of section 231.

1985, c. 6, s. 233.

## CHAPTER VII

### RIGHT TO RETURN TO WORK

#### DIVISION I

##### WORKER'S RIGHTS

**234.** This division applies to every worker who on the date he suffers an employment injury is bound by a contract of employment for an indeterminate term or, in the case provided for in section 237, for a fixed term.

Notwithstanding the foregoing, this division does not apply to a worker contemplated in Division II of this chapter, except with respect to section 243.

1985, c. 6, s. 234.

**235.** A worker who is absent from work as a result of an employment injury

(1) continues to accumulate seniority within the meaning of the collective agreement that is applicable to him, and uninterrupted service within the meaning of the agreement and the Act respecting labour standards (chapter N-1.1);

(2) continues to come under the retirement and insurance plans offered in the establishment, provided he pays his share of the exigible assessment, if any, in which case his employer shall assume his own share.

This section applies to the worker until the expiry of the time limit prescribed in subparagraph 1 or 2 of the first paragraph, as the case may be, of section 240.

1985, c. 6, s. 235.

**236.** A worker who has suffered an employment injury and again becomes able to carry on his employment is entitled to be reinstated by preference to others in his employment in the establishment where he was working when the employment injury appeared or reassigned to equivalent employment in that establishment or in another establishment of his employer.

1985, c. 6, s. 236.

**237.** Every worker who on the date he suffers an employment injury is bound by a contract of employment for a fixed term and again becomes able to carry on his employment before the date of expiry of his contract is entitled to be reinstated in his employment and to remain in that employment until the date of expiry of his contract.

1985, c. 6, s. 237.

**238.** Where an employer bound by a collective agreement does not reinstate a worker who has again become able to carry on his employment on the ground that the worker would have been transferred, suspended or dismissed or would have lost his employment otherwise if he had been at work, the relevant provisions of the collective agreement apply as if the worker had been at work at the time of the transfer, suspension, dismissal or loss of employment.

1985, c. 6, s. 238.

**239.** A worker who remains unable to carry on his employment as a result of an employment injury and who becomes able to carry on suitable employment is entitled to hold the first suitable employment that becomes available in an establishment of his employer.

The right conferred by the first paragraph is exercised subject to the rules respecting seniority prescribed by the collective agreement applicable to the worker.

1985, c. 6, s. 239.

**240.** The rights conferred by sections 236 to 239 may be exercised

(1) within one year following the beginning of the period of continuous absence of the worker as a result of an employment injury if he held employment in an establishment numbering twenty workers or fewer at the beginning of the period; or

(2) within two years following the beginning of the period of continuous absence of the worker as a result of an employment injury if he held employment in an establishment numbering more than 20 workers at the beginning of the period.

The fact that a worker returns to work following medical advice does not interrupt his period of continuous absence if, as a consequence of his injury, the state of his health related to his injury forces him to leave his work the day he returns.

1985, c. 6, s. 240.

**241.** An application for review filed under section 358 or a proceeding brought under section 359 in respect of the inability of a worker to carry on his employment by reason of an employment injury suspends the period of continuous absence contemplated in section 240 if the final decision is to the effect that the worker was able to carry on his employment during that period.

1985, c. 6, s. 241; 1997, c. 27, s. 8.

**242.** A worker who is reinstated in his employment or equivalent employment is entitled to the wages or salary and benefits, at the same rates and on the same conditions, as if he had continued to carry on his employment during his absence.

A worker who holds suitable employment is entitled to the salary or wages and benefits connected with that employment, taking into account the seniority and uninterrupted service he has accumulated.

1985, c. 6, s. 242.

**243.** No person may refuse to hire a worker because the worker has suffered an employment injury if the worker is able to carry on the employment contemplated.

1985, c. 6, s. 243.

**244.** A collective agreement may contain clauses respecting the implementation of the right to return to work provided for in this division.

The right to return to work of a worker is implemented in the manner prescribed by the collective agreement applicable to him, if the agreement contains the clauses provided for in the first paragraph or clauses respecting the return to work after accident or disease.

In the case of this section, a worker who believes he has been wronged in exercising his right to return to work may have recourse to the grievance procedure prescribed by the agreement.

1985, c. 6, s. 244.

**245.** In the absence of a collective agreement contemplated in the second paragraph of section 244, the modalities of application of a worker's right to return to work are determined by the health and safety committee established under the Act respecting occupational health and safety (chapter S-2.1) for the entire establishment where the employment that the worker is entitled to be reinstated in or to hold is available.

In case of disagreement on the committee or if a worker or employer is dissatisfied with the recommendations of the committee, the worker or employer may request the Commission to intervene.

1985, c. 6, s. 245.

**246.** In the absence of a collective agreement contemplated in the second paragraph of section 244 and where a health and safety committee has not been established for the entire establishment where the employment that the worker is entitled to be reinstated in or to hold is available, the worker and his employer shall agree on the modalities of application of the worker's right to return to work.

If the worker and the employer cannot agree, either of them may request the Commission to intervene.

1985, c. 6, s. 246.

## DIVISION II

### RIGHTS OF CONSTRUCTION WORKERS

**247.** This section applies to a worker who is an employee within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and who works on a construction site.

1985, c. 6, s. 247; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

**248.** A worker who has suffered an employment injury and again becomes able to carry on his employment is entitled to be reinstated in his employment with the employer for whom he was working at the time his injury appeared, subject to the rules respecting hiring and placement prescribed by a regulation respecting the placement of employees made under the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).



Rights under the first paragraph may be exercised within the period prescribed in section 240, and section 241 is applicable.

1985, c. 6, s. 248; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

**249.** A worker who, when he suffers an employment injury, holds a classification certificate “A” or “Apprentice” under a regulation respecting the placement of employees made under the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and who again becomes able to carry on his employment is entitled to renew his certificate even if, as a result of his injury, he has not accumulated the number of working hours required under that regulation.

The Commission de la construction du Québec shall issue the certificate to the worker.

1985, c. 6, s. 249; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

**250.** The modalities of application of the right to return to work of a worker contemplated in section 248 are determined by the job-site committee established under the Act respecting occupational health and safety (chapter S-2.1).

Where no job-site committee exists, the worker and his employer shall agree on the modalities of application of the right.

1985, c. 6, s. 250.

**251.** In case of disagreement on the job-site committee or if a worker or his employer is dissatisfied with the recommendations of the committee, or if the worker and the employer do not agree between themselves on the modalities of application of the right to return to work, either the worker or his employer may request the Commission to intervene.

1985, c. 6, s. 251.

### DIVISION III

#### RECOURSE TO THE COMMISSION

**252.** The Commission has exclusive jurisdiction to decide any complaint filed under section 32 and any request for intervention made under sections 245, 246 and 251.

1985, c. 6, s. 252.

**253.** Any complaint brought under section 32 must be filed in writing within thirty days of knowledge of the action, sanction or measure of which the worker complains.

The worker shall transmit a copy of the complaint to his employer.

1985, c. 6, s. 253.

**254.** The Commission may attempt to reconcile a worker who files a complaint under section 32 and his employer, if the worker consents to it.

1985, c. 6, s. 254.

**255.** If it is shown to the satisfaction of the Commission that the worker was the object of a sanction or action referred to in section 32 within six months of the date on which he had suffered an employment injury or the date on which he had exercised a right conferred on him by this Act, there is a presumption in his favour that the sanction was imposed on him or the action was taken against him because he had suffered an employment injury or had exercised that right.

In the case of the first paragraph, the employer must prove that the sanction was imposed or the action taken in respect of the worker for another good and sufficient reason.

1985, c. 6, s. 255.

**256.** If the presumption in favour of the worker applies, the Commission may order the employer to reinstate the worker in his employment with all his rights and privileges, and to pay him his salary or wages and the other benefits connected with his employment until it decides the complaint.

1985, c. 6, s. 256.

**257.** Where the Commission decides a complaint filed under section 32, it may order the employer to reinstate the worker in his employment with all his rights and privileges, to cancel a sanction or to cease practising discrimination or taking reprisals against the worker, and to pay him an amount equivalent to the salary or wages and benefits of which he was deprived.

1985, c. 6, s. 257.

**258.** Where a request for intervention under section 245, 246 or 251 has been referred to the Commission, the Commission shall inquire of the parties the reasons for their disagreement and attempt to reconcile them and, where no agreement is possible, it shall render its decision.

1985, c. 6, s. 258.

**259.** Where the Commission decides a request for intervention under section 245, 246 or 251, it may order the employer to reinstate the worker in his employment or in an equivalent employment with all his rights and privileges or to assign him the employment he should have been assigned in accordance with section 239 and to pay him an amount equivalent to the salary or wages and benefits of which he was deprived.

1985, c. 6, s. 259.

**260.** The amount ordered to be paid by the Commission under section 257 or 259 is payable for the period between the day the employer should have reinstated or maintained the worker in his employment or assigned him other employment, as the case may be, and the day the order is carried out or on which the worker fails to occupy the employment designated in the order after being duly recalled by the employer.

If the worker held another employment during the period described, the salary or wages he earned must be deducted from the amount payable to him.

If the worker has received an income replacement indemnity, it must also be deducted from the payable amount and reimbursed to the Commission by the employer.

1985, c. 6, s. 260.

**261.** Where the Commission orders the employer to pay to the worker an amount equivalent to the salary or wages and benefits of which he was deprived, it may also order the payment of interest, computed from the date of filing of the complaint or of the request for intervention, on the amount payable.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily.

1985, c. 6, s. 261; 1993, c. 5, s. 4.

**262.** The Commission shall render its decision within 30 days of a complaint filed with it or of a request for intervention referred to it.

Subject to section 263, the decision has effect immediately, even if it is contested before the Administrative Labour Tribunal.

1985, c. 6, s. 262; 1997, c. 27, s. 10; 2015, c. 15, s. 237.

**263.** An employer shall comply with an order of the Commission under this division within eight days of notification thereof.

1985, c. 6, s. 263.

**264.** The worker concerned may file, in the office of the clerk of the Superior Court of the district in which the employer's establishment is situated,

- (1) a decision rendered under section 256, within 15 days of notification thereof;
- (2) any final decision rendered under section 257, 259 or 261.

The decision of the Commission becomes executory upon its filing as in the case of a final decision without appeal of the Superior Court, and it has every effect thereof.

1985, c. 6, s. 264.

## CHAPTER VIII

### CLAIMS AND NOTIFICATION PROCEDURE

**265.** A worker who suffers an employment injury or, if he is deceased or unable to act, his representative, shall notify his immediate superior or, failing him, another representative of the employer, of the injury or death, before leaving the premises if possible or, otherwise, as soon as possible.

1985, c. 6, s. 265.

**266.** Notification as in section 265 is sufficient if the person giving it correctly identifies the worker and describes in ordinary language the place and circumstances in which the employment injury occurred.

The employer shall help the worker and his representative to give the notification.

The Commission may put forms at the disposal of employers and workers for the purpose of giving notification.

1985, c. 6, s. 266.

**267.** A worker who suffers an employment injury that makes him unable to carry on his employment beyond the day on which the injury appears shall give his employer the medical certificate referred to in section 199.

If no employer is bound to pay wages or a salary to the worker under section 60, the worker shall send the certificate to the Commission.

1985, c. 6, s. 267.

**268.** An employer bound to pay a salary or wages under section 60 shall notify the Commission that the worker is unable to carry on his employment beyond the day on which the employment injury appeared and claim in writing the amount repayable to him under that section.

The employer shall give the notification and make the claim on the form prescribed by the Commission.

The form must indicate the following particulars:

- (1) the worker's name, his address, and his social insurance and health insurance numbers;
- (2) the name and address of the employer and of his establishment as well as the number assigned to each of them by the Commission;
- (3) the date of the beginning of the worker's disability or the date of his death;
- (4) the place and circumstances of the industrial accident, where that is the case;
- (5) the gross income described in the worker's contract of employment;
- (6) the amount payable under section 60;
- (7) the name and address of the health professional designated by the employer to receive communication of the medical record kept by the Commission on the worker; and
- (8) if the employer contests the fact that there is an employment injury or the foreseeable date or time of consolidating of the injury, the grounds for his contestation.

1985, c. 6, s. 268.

**269.** The employer shall transmit to the Commission the form provided for in section 268, along with a copy of the medical certificate referred to in section 199, within two days after

- (1) the date on which the worker returns to work if he does so within 14 full days after the beginning of his inability to carry on his employment as a result of his employment injury; or
- (2) 14 full days after the beginning of the worker's inability to carry on his employment as a result of his employment injury, if he has not returned to work at the end of that period.

The employer shall give the worker a copy of the form duly filled out and signed.

1985, c. 6, s. 269.

**270.** A worker who, as a result of an employment injury, is unable to carry on his employment for more than 14 full days or has suffered permanent physical or mental impairment, or, if he dies of the injury, the beneficiary, shall file his claim with the Commission, on the form prescribed by it, within six months after the injury or his death, as the case may be.

The employer shall assist the worker or, if such is the case, the beneficiary in filling out the claim and furnish him with any information necessary therefor.

The worker or, if such is the case, the beneficiary shall remit a copy of the form duly filled out and signed to the employer.

1985, c. 6, s. 270.

**271.** A worker who suffers an employment injury that does not make him unable to carry on his employment beyond the day on which the injury appeared or to whom no employer is bound to pay a salary or wages under section 60 regardless of how long he remains unable shall file his claim with the Commission, where applicable on the form it prescribes, within six months after his injury.

1985, c. 6, s. 271.

**272.** A worker having contracted an occupational disease or, if he has died of it, the beneficiary shall file his claim with the Commission, on the form it prescribes, within six months after the worker or the

beneficiary is made aware that the worker has an occupational disease or that he has died of it, as the case may be.

The form shall indicate, in particular, the name and address of each employer for whom the worker has carried on work conducive to his occupational disease.

The Commission shall send a copy of the form to each employer whose name appears on it.

1985, c. 6, s. 272.

**273.** Where an employer whose name appears on the form contemplated in section 272 has disappeared, the association of employers grouping the employers who carry on economic activities similar to that of the employer who has disappeared may exercise the rights granted by this Act to the employer of the worker in respect of the claim for which the form was completed.

1985, c. 6, s. 273.

**274.** A worker who is informed by the health professional in charge of him of the date of consolidation of the employment injury he has suffered and of the fact that he will retain a certain degree of functional disability, or that he will retain no such disability, shall pass on the information to his employer without delay.

A worker referred to in Division II of Chapter VII shall also communicate the information to the Commission de la construction du Québec without delay.

1985, c. 6, s. 274; 1986, c. 89, s. 50; 2020, c. 6, s. 13.

**275.** An employer who is informed by a worker pursuant to section 274 and who reinstates the worker in his employment or an equivalent employment shall so inform the Commission without delay.

1985, c. 6, s. 275.

**276.** A worker shall without delay inform the Commission that he has been reinstated in his employment or equivalent employment.

1985, c. 6, s. 276.

**277.** In the cases referred to in sections 275 and 276, the worker mentioned in Division II of Chapter VII, or his employer, as the case may be, shall also inform the Commission de la construction du Québec without delay.

1985, c. 6, s. 277; 1986, c. 89, s. 50.

**278.** A beneficiary shall inform the Commission without delay of any change in his situation that might have effect on any right he has under this Act or on the amount of an indemnity.

1985, c. 6, s. 278.

**279.** A worker may require the assistance of his representative or give him a mandate to give notification or make a claim in accordance with this chapter.

1985, c. 6, s. 279.

**280.** The employer shall enter in a register the work accidents that happen in his establishment that do not make the employee unable to carry on his employment beyond the day his employment injury became apparent; he shall present the register to the worker for his signature confirming that he suffered the accident and the date of its occurrence.

The register of first aid and emergency medical service prescribed by regulation may be used for the purposes of the first paragraph.

The employer shall put the register at the disposal of the Commission and of a labour union representing the workers in his establishment, or transmit copy of it to them according as they require, and shall transmit copy of the extract concerning the worker to him or his representative on request.

1985, c. 6, s. 280.

## CHAPTER IX

### FINANCING

#### DIVISION I

##### GENERAL PROVISIONS

**281.** The Commission shall collect from employers the sums required for the administration of this Act.

1985, c. 6, s. 281; 1986, c. 58, s. 112.

**282.** The sums collected and the amounts recovered by the Commission in administering this Act are part of the assets of the fund.

1985, c. 6, s. 282; 2002, c. 76, s. 29.

**283.** The Commission shall keep separate accounts for each employer, but the assets of the fund are indivisible for the payment of benefits.

1985, c. 6, s. 283; 1996, c. 70, s. 8; 2002, c. 76, s. 30.

**284.** The Commission shall choose its manner of financing according to the method it considers appropriate to allow it to meet its expenses as they become payable and avoid unduly burdening employers in future years with payments to be made for employment injuries which have occurred previously.

1985, c. 6, s. 284; 1988, c. 34, s. 1.

**284.1.** In determining the employer's assessment, the Commission shall take into account, in accordance with the rules provided for in this chapter, the experience related to the risk of employment injuries insured by the Commission.

1996, c. 70, s. 9.

**284.2.** The Commission may make, with a group of employers it considers appropriate, an agreement determining, in particular, the special conditions governing the application to the employers of personalized rates or retrospective adjustment of the assessment as well as procedures for calculating such rates or adjustment. The Commission shall determine, by regulation, the framework within which the agreement is to be made.

Such an agreement may depart from the prescribed conditions and procedures used to fix an employer's assessment and shall provide that disputes resulting from its application are to be submitted to arbitration and are excluded from any other remedy under this Act.

1996, c. 70, s. 9.

**285.** The Commission shall make a valuation at the end of every year of the amount of the actuarial reserve required taking into account the manner of financing it has elected.

1985, c. 6, s. 285.

**286.** The valuation of the actuarial reserve and the actuarial valuations referred to in sections 304, 314 and 454 shall be made by an actuary being a Fellow of the Canadian Institute of Actuaries or having equivalent status recognized by the Institute.

1985, c. 6, s. 286; 1989, c. 74, s. 1.

**287.** *(Repealed).*

1985, c. 6, s. 287; 1988, c. 64, s. 587; 2000, c. 29, s. 615; 2002, c. 76, s. 31.

**288.** *(Repealed).*

1985, c. 6, s. 288; 2002, c. 76, s. 31.

**289.** For the purposes of this chapter, the gross wages of a worker shall be taken into consideration up to the Maximum Yearly Insurable Earnings established under in section 66.

“Gross wages” means all forms of remuneration from an employer that are part of the base wages, within the meaning of section 1159.1 of the Taxation Act (chapter I-3), with the exception of base wages relating to that portion of sick leave that exceeds 105 consecutive days.

1985, c. 6, s. 289; 1993, c. 5, s. 5; 1999, c. 83, s. 1; 2005, c. 38, s. 1.

**289.1.** Notwithstanding section 289, the gross wages of a worker who in the service of an employer to whom the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) applies or who is carrying out for an employer work referred to in subparagraph 9 of the first paragraph of section 19 of that Act are taken into consideration, for one week of work, up to the Maximum Yearly Insurable Earnings established under section 66 and apportioned on a weekly basis.

For the purposes of the first paragraph, any fraction of a week is deemed a whole week.

The week of annual vacation to which a worker, being an employee to whom that Act applies or carrying out work referred to in subparagraph 9 of the first paragraph of section 19 of that Act, is entitled either under the collective agreement entered into in accordance with that Act, under the decree adopted in accordance with that Act or under his employment contract is deemed not to be a week of work.

However, this section shall apply only if the employer pays at least 40% of his gross wages for the year in respect of the unit in which he is classified either to employees to whom the Act respecting labour relations, vocational training and workforce management in the construction industry applies for work which is subject to that Act or to workers carrying out work referred to in subparagraph 9 of the first paragraph of section 19 of the said Act.

1993, c. 5, s. 5; 1999, c. 40, s. 4; 2007, c. 3, s. 72.

## DIVISION II

### STATEMENTS TO BE FURNISHED BY EMPLOYERS, AND REGISTER

**290.** An employer who begins operating must notify the Commission of that fact in the manner, subject to the conditions and within the time prescribed by regulation.

1985, c. 6, s. 290; 1996, c. 70, s. 10; 2006, c. 53, s. 7.

**291.** For the purposes of this chapter, the employer shall declare to the Commission the gross wages of the employer’s workers and the other information prescribed by regulation, in the manner, subject to the conditions and within the time also prescribed by regulation.

The employer or a representative of the employer who has personal knowledge of the information given shall attest to its accuracy if so required by regulation.

1985, c. 6, s. 291; 2006, c. 53, s. 7.

**292.** *(Repealed).*

1985, c. 6, s. 292; 1993, c. 5, s. 6; 1996, c. 70, s. 11; 2006, c. 53, s. 8.

**293.** *(Repealed).*

1985, c. 6, s. 293; 2006, c. 53, s. 8.

**293.0.1.** *(Repealed).*

2001, c. 76, s. 138; 2006, c. 53, s. 8.

**293.1.** *(Repealed).*

2000, c. 20, s. 163; 2001, c. 76, s. 139; 2006, c. 53, s. 8.

**294.** *(Repealed).*

1985, c. 6, s. 294; 1987, c. 19, s. 17; 1993, c. 5, s. 7; 2001, c. 76, s. 140; 2002, c. 24, s. 206; 2006, c. 53, s. 8.

**294.1.** *(Repealed).*

1996, c. 70, s. 12; 2006, c. 53, s. 8.

**295.** An employer shall use the form prescribed by the Commission, where applicable, for the purposes of sections 290 and 291.

1985, c. 6, s. 295; 2006, c. 53, s. 9.

**296.** For the purposes of this chapter, the Commission may make a regulation requiring an employer to keep registers or records or retain supporting documents concerning the information contained in the registers or other records, according to the standards prescribed by regulation.

A person who keeps such registers or records or retains such supporting documents shall, if so required by the Commission, make them available to the Commission or send a copy, or the registers, records or supporting documents themselves, to the Commission.

1985, c. 6, s. 296; 1987, c. 19, s. 18; 1996, c. 70, s. 13; 2000, c. 20, s. 164; 2001, c. 76, s. 141; 2002, c. 24, s. 206; 2006, c. 53, s. 10.

### DIVISION III

#### CLASSIFICATION

**297.** The Commission shall determine annually, by regulation, units of classification and group them by sectors.

1985, c. 6, s. 297; 1989, c. 74, s. 2; 1996, c. 70, s. 14.

**298.** For the purposes of assessment, the Commission shall classify each employer under one or more units, in accordance with the rules it determines by regulation.

1985, c. 6, s. 298; 1996, c. 70, s. 15.



**299.** *(Repealed).*

1985, c. 6, s. 299; 1996, c. 70, s. 16.

**300.** *(Repealed).*

1985, c. 6, s. 300; 1989, c. 74, s. 3; 1993, c. 5, s. 8; 1996, c. 70, s. 16.

**301.** *(Repealed).*

1985, c. 6, s. 301; 1989, c. 74, s. 4; 1996, c. 70, s. 16.

**302.** *(Repealed).*

1985, c. 6, s. 302; 1996, c. 70, s. 16.

**303.** The Commission shall notify the employer in writing of his classification.

The notice constitutes a decision of the Commission.

1985, c. 6, s. 303; 1996, c. 70, s. 17.

**DIVISION IV**

**FIXING OF ASSESSMENT**

**304.** The Commission shall fix annually, by regulation, according to the manner of financing that it has elected and after actuarial valuation, the rate of assessment applicable to each unit of classification.

1985, c. 6, s. 304; 1989, c. 74, s. 5; 1996, c. 70, s. 18.

**304.1.** The Commission shall fix, in accordance with its regulations, a personalized rate of assessment applicable to any employer in respect of each unit under which he is classified if the employer meets, for the year of assessment, the requirements prescribed by regulation.

For the purpose of fixing the personalized rate, the Commission shall determine annually, by regulation, the experience ratios of the units of classification.

1989, c. 74, s. 6; 1996, c. 70, s. 19.

**305.** The Commission shall assess every employer annually at the rate applicable to the unit under which he is classified or, as the case may be, at the personalized rate applicable to him.

Notwithstanding the first paragraph, the Commission may make an agreement with an employer to assess him more than once a year and set down for that purpose modalities of application respecting the transmission and the contents of statements and the payment of the assessment other than those prescribed in Divisions II and V of this chapter.

1985, c. 6, s. 305; 1989, c. 74, s. 7; 1996, c. 70, s. 20.

**306.** The Commission shall compute an assessment on the basis of the wages declared by the employer in accordance with section 291.

1985, c. 6, s. 306; 2006, c. 53, s. 11; 2009, c. 19, s. 22.

**307.** If an employer fails to send a notice or the information required under section 290 or 291 within the prescribed time or if the information provided is inaccurate on its face, the Commission may fix the employer's assessment in the manner it considers appropriate.

1985, c. 6, s. 307; 1993, c. 5, s. 9; 1996, c. 70, s. 21; 2006, c. 53, s. 11.

**308.** An employer who should have been assessed for a year and was not remains liable to pay to the Commission the amount for which he should have been assessed for the year.

1985, c. 6, s. 308; 1996, c. 70, s. 22.

**309.** *(Repealed).*

1985, c. 6, s. 309; 1993, c. 5, s. 10; 1996, c. 70, s. 23.

**310.** The Commission may establish the amount of the assessment of

(1) the employer of an independent operator contemplated in section 9, according to the proportion of the price agreed upon for the work he carries out that corresponds to the cost of labour;

(2) the employer of a volunteer worker or the government as employer of a person contemplated in section 11 or 12, according to the minimum wage in force on 31 December of the year during which the work was carried out or the activity engaged in;

(2.1) an authority referred to in section 12, other than the Government, as the employer of a person who participates in activities referred to in that section, according to the minimum wage in force on 31 December of the year during which the activity took place;

(3) the employer of a student contemplated in section 10, as a lump sum determined by it;

(3.1) the authority responsible for a municipal fire safety service as the employer of a person referred to in section 12.0.1, according to the minimum wage in force on 31 December of the year during which the assistance was given;

(4) the employer of a confined person contemplated in section 12.1, according to the minimum wage in force on 31 December of the year during which the work was carried out.

1985, c. 6, s. 310; 1987, c. 19, s. 19; 2000, c. 20, s. 165; 2001, c. 76, s. 142.

**311.** The Commission may increase the rate of assessment of all the units or impose a supplementary assessment on all the employers to make up a deficit caused by a disaster.

The supplementary assessment is deemed in all respects to be a regular assessment.

1985, c. 6, s. 311; 1999, c. 40, s. 4.

**312.** The Commission may increase the rate of assessment of one, several or all the units or add to the assessment imposed on one, several or all the employers, as it considers fair, a percentage or additional amount in order to create a reserve to pay costs due to

(1) circumstances that, in its opinion, would entail too great an increase in the rate of assessment of a unit of classification;

(2) occupational diseases;

(3) protective re-assignments provided by section 32 of the Act respecting occupational health and safety (chapter S-2.1);

(4) the failure of certain employers to pay their assessments.

1985, c. 6, s. 312; 1996, c. 70, s. 24.

**312.1.** The Commission, by regulation, may increase the rates of assessment applicable to employers belonging to a sector of activity for which a joint sector-based association has been established under the Act respecting occupational health and safety (chapter S-2.1), to defray the cost of the subsidy granted to the association if the cost is not included in the rates fixed under section 304.

1992, c. 11, s. 29.

**313.** The Commission may add to the employers' assessment a fixed amount it establishes every year for the management of the records kept for them, the cost of which is not financed by means of the rates fixed under sections 304 and 304.1.

1985, c. 6, s. 313; 1989, c. 74, s. 8; 1996, c. 70, s. 25.

**314.** The Commission shall, in accordance with its regulations, make a retrospective adjustment of the annual assessment of an employer who meets, for the year of assessment, the requirements prescribed by regulation.

The retrospective adjustment shall take into account the elements prescribed by regulation, in particular, the assumption by the employer of the cost of benefits.

The Commission shall determine annually, by regulation, after actuarial valuation, the insurance premiums necessary for the final adjustment of the annual assessment.

1985, c. 6, s. 314; 1989, c. 74, s. 9.

**314.1.** *(Repealed).*

1989, c. 74, s. 9; 1993, c. 5, s. 11; 1996, c. 70, s. 26.

**314.2.** The Commission shall pay, in a lump sum, the amount owed to an employer as retrospective adjustment of his annual assessment and, where applicable, the employer shall pay the amount owed as such to the Commission, in which case Division V of this chapter applies.

1989, c. 74, s. 9.

**314.3.** Where an employer is involved in a transaction defined by regulation, the Commission may, in the cases and on the conditions prescribed by the regulation, determine the experience it must take into account in order to reflect the risk to which the workers are exposed following the transaction and assess the employer accordingly in accordance with the special prescribed procedure, if any.

1996, c. 70, s. 27.

**314.4.** The employer involved in a transaction referred to in section 314.3 shall inform the Commission in accordance with the standards prescribed by regulation.

1996, c. 70, s. 27.

## DIVISION V

### PAYMENT OF THE ASSESSMENT

**315.** An employer must pay the Commission the amount of the assessment in the manner, subject to the conditions and within the time prescribed by regulation.

1985, c. 6, s. 315; 1993, c. 5, s. 12; 1996, c. 70, s. 28; 2006, c. 53, s. 12.

**315.1.** An employer described in the first paragraph of section 1015 of the Taxation Act (chapter I-3) must, on the dates, for the periods and subject to the conditions set out in that section, make periodic payments to the Minister of Revenue, on account of the assessments to be paid, in the amount determined according to the method prescribed by regulation of the Commission.

Any other employer that belongs to a category determined by regulation of the Commission must, on the dates, for the periods and subject to the conditions determined by regulation of the Commission among those set out in section 1015 of the Taxation Act, make periodic payments to the Minister of Revenue, on account of the assessments to be paid, in the amount determined according to the method prescribed by regulation of the Commission.

For the purposes of this section, the Minister of Revenue exercises the powers conferred on that Minister by the Tax Administration Act (chapter A-6.002) with respect to the remittance and receipt of any amount that is payable under section 1015 of the Taxation Act.

2006, c. 53, s. 12; 2009, c. 19, s. 23; 2010, c. 31, s. 175.

**315.2.** For the purpose of computing the amount of a payment under section 315.1, the Commission may impose the use of a provisional rate fixed according to the method it considers appropriate.

2006, c. 53, s. 12.

**315.3.** If an employer pays to the Minister of Revenue an amount that is lower than the aggregate of the amounts stated by the employer as payable by him to that Minister as an employer under a fiscal law within the meaning of the Tax Administration Act (chapter A-6.002) or under section 315.1, or as remittable by him to that Minister under such a fiscal law, the amount paid by the employer as periodic payments under section 315.1 is equal to the proportion of the amount he pays to that Minister that the amount stated by him as payable by him to that Minister as periodic payments under section 315.1 is of the aggregate of the amounts stated by him as payable by him to that Minister as an employer under a fiscal law or under section 315.1, or as remittable by him to that Minister under a fiscal law.

2006, c. 53, s. 12; 2009, c. 19, s. 23; 2010, c. 31, s. 175.

**315.4.** The Minister of Revenue shall remit to the Commission, at least once a month, the amounts paid to that Minister under section 315.1, after deducting the agreed fees and taking into account any adjustments arising from agreements.

2006, c. 53, s. 12; 2009, c. 19, s. 23.

**315.5.** Despite section 174 of the Act respecting occupational health and safety (chapter S-2.1), the Commission and the Minister of Revenue shall enter into an agreement for the communication of the information and documents required for the purpose of administering the provisions concerning the periodic payments made by employers to the Minister of Revenue.

2006, c. 53, s. 12; 2009, c. 19, s. 23.

**316.** The Commission may demand payment of the assessment due by a contractor from the employer who retains his services.

In the case of the first paragraph, the Commission may establish the amount of the assessment according to the proportion of the price agreed upon for the work corresponding to the cost of labour, rather than the wages indicated in the statement made according to section 291.

The employer who has paid the amount of the assessment is entitled to be reimbursed by the contractor concerned and the employer may retain the amount due out of the sums that he owes the contractor.

If an employer proves that he is retaining the services of a contractor, the Commission may inform the employer whether an assessment is due by that contractor.

1985, c. 6, s. 316; 2006, c. 53, s. 13; 2009, c. 19, s. 24.

**317.** The Commission may prescribe, by regulation, the circumstances in which, time within which and conditions subject to which it may redetermine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination.

This section applies notwithstanding any inconsistent general or special provision of law.

1985, c. 6, s. 317; 1993, c. 5, s. 13; 1996, c. 70, s. 29.

**318.** When at the commencement of the activities of an employer it appears that they will be exercised for a period of less than 12 months, the Commission may require the employer to pay or guarantee the payment to it of a sum sufficient to cover the payment of the assessment due for the period.

The Commission may recover the sum as if it were an assessment.

1985, c. 6, s. 318; 1996, c. 70, s. 30.

**319.** An employer who fails to send information required under section 291 within the time prescribed incurs a penalty of \$25 per day for each day of default up to an amount of \$2,500.

1985, c. 6, s. 319; 1993, c. 5, s. 14; 1996, c. 70, s. 31; 2006, c. 53, s. 14; 2009, c. 19, s. 25.

**320.** *(Repealed).*

1985, c. 6, s. 320; 1993, c. 5, s. 15; 1996, c. 70, s. 32.

**321.** If an employer refuses or neglects to forward to the Commission the documents required by Division II of this chapter or neglects or refuses to pay an assessment in the manner and within the prescribed time, he may in addition be required to pay to the Commission an amount equal to the cost of the benefits for an employment injury suffered by one of his workers while he is so in default.

In no case may the amount be less than \$100.

For the purposes of this section, the Commission shall convert the cost of benefits into a capital sum representing the payments to become due and issue a corresponding notice of assessment.

1985, c. 6, s. 321; 2006, c. 53, s. 15.

**321.1.** If an employer fails to make a periodic payment within the prescribed time or makes a payment that is insufficient on its face, the Commission may, in the way it considers appropriate, determine the amount that should have been paid and demand the payment from the employer by means of a notice of assessment.

If the defaulting employer then makes the periodic payment, the employer is still liable for the penalty and any interest accrued due to the delay.

2006, c. 53, s. 16.

**321.2.** An employer who fails to make a periodic payment within the prescribed time incurs a penalty of

- (1) 7% of the amount of the payment, if the delay does not exceed 7 days;
- (2) 11% of the amount of the payment, if the delay does not exceed 14 days; and

(3) 15% of the amount of the payment in other cases.

2006, c. 53, s. 16; 2009, c. 19, s. 26.

**321.3.** An employer who makes a periodic payment that is lower than the payment that should have been made must make up the difference and is liable to a penalty of

(1) 7% of the difference, if the difference is made up within 7 days after the date on which the payment is payable;

(2) 11% of the difference, if the difference is made up within 14 days after the date on which the payment is payable; and

(3) 15% of the difference in other cases.

2006, c. 53, s. 16; 2009, c. 19, s. 26.

**322.** Where an employer fails to pay an assessment, a penalty, interest or the cost of benefits he is liable to pay under section 321, the Commission may, at the expiry of the period for payment, issue a certificate attesting

(1) the name and address of the debtor;

(2) the amount due;

(3) the rate of interest applicable on the amount until payment in full; and

(4) the exigibility of the debt.

Upon deposit of the certificate with the clerk of the court of competent jurisdiction, the decision of the Commission becomes executory as if it were a final decision without appeal of the court and has all the effects of such a decision.

1985, c. 6, s. 322; 1993, c. 5, s. 16.

**323.** The employer and the Commission are required to pay the interest fixed by regulation in the cases and subject to the terms and conditions prescribed.

The rates of interest shall be fixed according to the rules established by the regulation which may provide for the capitalization of the interest.

1985, c. 6, s. 323; 1992, c. 11, s. 30; 1993, c. 5, s. 17; 1996, c. 70, s. 33.

**323.1.** The Commission may waive all or part of the interest, penalty or charge payable by an employer.

The Commission may also cancel all or part of the interest, penalty or fees payable by an employer.

The chair of the board of directors and chief executive officer of the Commission shall present a statistical summary of such waivers and cancellations to the board of directors within four months after the end of the fiscal year in which the waivers and cancellations are made.

1993, c. 5, s. 18; 2006, c. 53, s. 17.

**323.2.** If an employer that is a legal person fails to pay an assessment, the employer's directors in office on the date of the default become solidarily liable with the employer for that assessment as well as any interest accrued and penalties incurred in relation to the assessment

(1) if a notice of execution in respect of the employer is returned unfulfilled in whole or in part after a certificate of default is filed under section 322;

(2) if a winding-up order is made against the employer or the employer becomes bankrupt within the meaning of the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3) and a claim is filed; or

(3) if the employer has instituted proceedings for its winding-up or dissolution, or if it has been dissolved.  
2006, c. 53, s. 17; I.N. 2016-01-01 (NCCP).

**323.3.** Section 323.2 does not apply to a director who, in the circumstances, exercised a reasonable degree of care, diligence and skill or could not have been aware of the default described in that section.

2006, c. 53, s. 17.

**323.4.** The Commission shall assess a director described in section 323.2 as if the director were an employer, and this division applies to such an assessment, with the necessary modifications.

2006, c. 53, s. 17.

**323.5.** The Commission may not assess a director for an amount referred to in section 323.2 if the employer is required to pay that amount under section 316.

Furthermore, the Commission may not assess a director for an amount referred to in section 323.2 after the expiry of two years after the date on which the director last ceases to be a director of the employer.

2006, c. 53, s. 17.

**324.** The amounts due under this chapter confer on the Commission a legal hypothec on the employer's property.

1985, c. 6, s. 324; 1992, c. 57, s. 426; 1999, c. 40, s. 4.

**325.** The notice of assessment, including the amount of the penalty and of the interest imposed on the employer, constitutes a decision of the Commission.

1985, c. 6, s. 325; 1993, c. 5, s. 19.

## DIVISION VI

### ASSIGNMENT OF COSTS

**326.** The Commission shall impute to the employer the cost of benefits payable by reason of an industrial accident suffered by a worker while in the employ of the employer.

It may also, on its own initiative or on the application of an employer, impute the cost of benefits payable by reason of an industrial accident to the employers of one, several or all units if the imputation under the first paragraph would have the effect of causing an employer to support unduly the cost of benefits due by reason of an industrial accident imputable to a third person or unduly burdening an employer.

Any application under the second paragraph must be filed in writing by the employer within the year following the date of the accident, and state the reasons for the application.

1985, c. 6, s. 326; 1996, c. 70, s. 34.

**327.** The Commission shall impute to the employers of all the units the cost of

- (1) benefits due by reason of an employment injury described in section 31;

(2) medical aid benefits due by reason of an employment injury that does not make the worker unable to carry on his employment beyond the day on which his injury appears.

1985, c. 6, s. 327.

**328.** In the case of an occupational disease, the Commission shall impute the cost of the benefits to the employer for whom the worker carried on employment of a kind that would induce the disease.

If the worker carried on the employment for more than one employer, the Commission shall impute the cost of benefits to all employers for whom the worker carried on the employment, in proportion to the duration of his employment with each of the employers and to the importance of the danger of the work carried on for each of those employers in relation to the worker's occupational disease.

Where the cost is not imputable to an employer for whom the worker carried on employment of a kind that would induce his occupational disease because the employer has disappeared or where the imputation would have the effect of unduly burdening the employer, the Commission shall impute the cost of benefits imputable to the employer to the employers of one, several or all of the units or to the reserve provided for in paragraph 2 of section 312.

1985, c. 6, s. 328.

**329.** In the case of a worker already handicapped when his employment injury appears, the Commission may, on its own initiative or on the application of an employer, impute all or part of the cost of the benefits to the employers of all of the units.

Any application under the first paragraph must be filed in writing by the employer before the expiry of the third year following the year of the employment injury, and state the reasons for the application.

A worker referred to in the first paragraph may, at any time until the end of the proof and hearing, intervene before the Tribunal in a proceeding under this section.

1985, c. 6, s. 329; 1996, c. 70, s. 35; 2015, c. 15, s. 113.

**330.** The Commission may impute the cost of benefits due as a result of a disaster to the reserve provided for in paragraph 1 of section 312.

1985, c. 6, s. 330.

**330.1.** For the purposes of this division, the cost of benefits includes the cost of the services of a health professional designated by the Commission under Division I of Chapter VI.

1996, c. 70, s. 36.

**331.** Where the Commission imputes the cost of benefits to an employer, it shall so notify him in writing.

The notice constitutes a decision of the Commission.

1985, c. 6, s. 331.

## DIVISION VII

### INSPECTION

1996, c. 70, s. 37.

**331.1.** The Commission or a person it authorizes to carry out an inspection may, for the purposes of Chapter IX or X, enter at any reasonable time any place of work or any establishment of an employer. The



Commission or the person may then require, for examination or reproduction of extracts, any relevant book, report, contract, file, account, register, recording, record or document.

A person having custody, possession or control of the documents referred to in the first paragraph shall communicate them to the person carrying out an inspection and facilitate the person's examination of such documents.

1996, c. 70, s. 37.

**331.2.** No person may hinder an inspection.

1996, c. 70, s. 37.

**331.3.** The person carrying out the inspection shall, on request, identify himself and produce the certificate issued by the Commission attesting his capacity.

1996, c. 70, s. 37.

## CHAPTER X

### SPECIAL PROVISIONS FOR EMPLOYERS HELD PERSONALLY RESPONSIBLE FOR THE PAYMENT OF BENEFITS

**332.** An employer operating an interprovincial or international railway transport or shipping enterprise is personally liable for the payment of benefits awarded by the Commission for

- (1) any industrial accident suffered by a worker employed by the employer;
- (2) any occupational disease contracted by a worker who carried on, in that enterprise, a kind of work that would induce that disease.

Chapter IX does not apply to the employer who is personally liable for the payment of benefits, except to the extent indicated in section 345, and any other provisions of the said Act which are consistent with this chapter apply to that employer and his workers, with the necessary modifications.

1985, c. 6, s. 332; 1999, c. 40, s. 4; 2006, c. 53, s. 18.

**333.** An employer who is personally liable for the payment of benefits shall transmit to the Commission, within 14 days of the commencement of his activities, a written notice indicating his identity and the names and addresses of each of his establishments located in Québec which are used in operating his interprovincial or international railway transport or shipping enterprise.

1985, c. 6, s. 333; 1999, c. 40, s. 4.

**334.** An employer who is personally liable for the payment of benefits shall make and keep in force a contract of insurance, of suretyship or of warranty with a legal person, by which the person undertakes to assume payment of benefits to beneficiaries and the assessment referred to in section 343 should the employer fail to do so.

The employer shall file with the Commission, within the time determined by the Commission, which shall not be less than 30 days, proof of a contract made by him in accordance with the first paragraph. In the case of a legal person that is not governed by the Bank Act (R.S.C. 1985, c. B-1), the Quebec Savings Banks Act (R.S.C. 1970, c. B-4), the Act respecting financial services cooperatives (chapter C-67.3), the Trust Companies and Savings Companies Act (chapter S-29.02) or the Insurers Act (chapter A-32.1), the Commission may also require proof that the solvency of that person is in accordance with generally applicable principles in that regard.

1985, c. 6, s. 334; 1987, c. 95, s. 402; 1988, c. 27, s. 2; 1988, c. 64, s. 587; 2000, c. 29, s. 722; 2006, c. 53, s. 19; 2018, c. 23, s. 811.

**334.1.** An employer who is personally liable for the payment of benefits may file with the Commission an irrevocable letter of credit issued by a legal person in favour of the Commission instead of making a contract described in section 334. In the event of default by the employer, the letter of credit must cover the payment of benefits to beneficiaries and of the assessment referred to in section 343 not otherwise covered by a contract made in accordance with section 334. It must also be cashable by the Commission if the employer becomes subject to Chapter IX under section 336 and must be in compliance with the other conditions fixed by the Commission.

Not later than 75 days before the expiry date of the previous letter of credit, an employer who avails himself of the first paragraph must file with the Commission a new letter of credit meeting the requirements of the first paragraph, unless the employer has filed proof of making a contract described in section 334 that is applicable from the expiry date of the first letter of credit and under which a person undertakes to assume the obligations of the employer that are not otherwise covered by another contract made in accordance with that section.

If the legal person issuing the letter of credit is not governed by any of the Acts listed in the second paragraph of section 334, the Commission may require proof that the solvency of that person is in accordance with generally applicable principles in that regard.

2006, c. 53, s. 20.

**335.** Notwithstanding any inconsistent provision of a general law or special Act, no contract made pursuant to the first paragraph of section 334 may be terminated before the expiry of thirty days after the Commission receives written notice to that effect from the party that intends to terminate it.

1985, c. 6, s. 335.

**336.** An employer who fails to comply with the obligation prescribed by section 333 is considered never to have been governed by this chapter and is subject to Chapter IX.

The employer may nevertheless become subject to this chapter if the employer files a written application to that effect with the Commission within six months after the date on which the employer's default under section 333 began. However, the employer remains subject to Chapter IX for any period before the date on which the application is received by the Commission.

An employer who fails to comply with the obligations prescribed by sections 334 and 334.1 ceases to be governed by this chapter and becomes subject to Chapter IX if the employer does not remedy the default within 15 days after the date on which a default notice is served on the employer by the Commission.

1985, c. 6, s. 336; 2006, c. 53, s. 21.

**337.** If a worker suffering from an occupational disease has carried on work that would induce his disease for more than one employer, of which employers at least one is personally liable for the payment of benefits, the Commission shall determine by whom the benefits are to be paid and shall determine each employer's share in proportion to the duration of the work for each employer.

If the worker is no longer in the employ of the employer who is personally liable for the payment of benefits for whom he carried on a kind of work of a kind that would induce his disease, the employer shall pay each year to the Commission or to the employer who is required to pay the benefits, as the case may be, the share the Commission allocated to him, within 30 days of mailing a written notice given to him by the Commission to that effect.

1985, c. 6, s. 337.

**338.** If the employer contemplated in the second paragraph of section 337 fails to make the required payment to the Commission, the Commission may claim reimbursement thereof as if it were an assessment.

If the employer fails to make the payment required to another employer, the other employer may claim reimbursement thereof from him by taking the appropriate civil action.

1985, c. 6, s. 338.

**339.** An employer who is personally liable for the payment of benefits may enter into an agreement with the beneficiary concerning the mode of payment of the income replacement indemnity or the death benefit provided for in section 101 or the first paragraph of section 102; the agreement takes effect only with the Commission's approval.

Failing an agreement approved by the Commission, it may require the employer to pay an indemnity according to the mode of payment specified by the Commission in accordance with Division VI of Chapter III.

1985, c. 6, s. 339.

**340.** A final decision awarding an indemnity payable by an employer who is personally liable for the payment of benefits may be filed in the office of the court of competent jurisdiction by the Commission or the beneficiary concerned.

On filing, the decision becomes executory as if it were a final judgment without appeal of the court and has all the effects of such a judgment.

1985, c. 6, s. 340.

**341.** The Commission shall claim from an employer who is personally liable for the payment of benefits to a worker the amount of benefits for medical aid and rehabilitation it has furnished to the worker, by means of a notice in writing indicating

- (1) the worker's name;
- (2) the date, nature and amount of benefits provided; and
- (3) the employer's right to apply for review of the decision.

For the purposes of payment, computation of interest and determining the due date and, where such is the case, contestation, the notice constitutes a notice of assessment.

1985, c. 6, s. 341.

**342.** If the Commission believes it necessary to ensure prompt payment of benefits, it may pay a beneficiary the benefits due by an employer who is personally liable for their payment.

The Commission shall claim the amount of benefits paid from the employer by means of a written notice.

For the purposes of payment, the computation of interest, the due date and any contestation, the notice constitutes a notice of assessment.

1985, c. 6, s. 342; 2006, c. 53, s. 22.

**343.** The Commission shall levy, each year, from employers who are personally liable for the payment of benefits, an assessment to defray the costs it incurs for the administration of this chapter.

The assessment corresponds to a percentage of the cost of the benefits due by each of the employers. The percentage is determined by the Commission by regulation and may vary according to situations also determined by regulation.

The regulations may prescribe a minimum assessment.

1985, c. 6, s. 343; 2006, c. 53, s. 23.

**344.** The Commission shall pay to the beneficiary the benefits owing by an employer who is personally liable for the payment of benefits where the employer and his insurer or the surety for or warrantor of payment of the benefits have disappeared or are insolvent.

The Commission may also levy, each year, from the employers who are personally liable for the payment of benefits an additional assessment the proceeds of which shall not exceed 25% of the amount of the costs required for the administration of this chapter in order to cover the sums it has paid under the first paragraph and the interest on those sums.

The interest is determined in accordance with section 323.

Payment of the assessment described in the second paragraph by an employer subrogates him, up to the amount he has paid, to the rights of the Commission against the employer and his insurer or the surety for or warrantor of payment of the benefits.

1985, c. 6, s. 344.

**345.** Division V of Chapter IX applies to the payment of an assessment or an additional assessment levied from an employer who is personally liable for the payment of benefits, with the exception of the second paragraph of section 315 and sections 315.1 to 315.4, 319, 321 to 321.3 and 323.2 to 323.5.

1985, c. 6, s. 345; 1996, c. 70, s. 38; 2006, c. 53, s. 24; 2009, c. 19, s. 7.

**346.** Subject to sections 129 and 363, an employer who is personally liable for the payment of benefits and who has paid to a beneficiary a benefit to which he is not entitled or of a greater amount than he is entitled to may claim reimbursement thereof by taking the appropriate civil action.

1985, c. 6, s. 346.

**347.** An employer who is personally liable for the payment of benefits may exercise the recourse in subrogation conferred on the Commission in section 446; section 447 applies to him in this case.

1985, c. 6, s. 347.

**348.** An employer who is personally liable for the payment of benefits may apply to the Commission to cease to be governed by this chapter and to be subject to Chapter IX.

If the Commission accepts an employer's application under the first paragraph, it may charge to the fund the obligations of the employer relating to industrial accidents having occurred or occupational diseases reported before the change of status, on the remittance, by the employer, the employer's insurer or the surety or warrantor, of a reserve to pay the benefits for the industrial accidents and occupational diseases as well as the assessment referred to in section 343.

An employer who chooses not to remit such a reserve remains personally liable for the payment of benefits due in relation to industrial accidents having occurred or occupational diseases reported before the change of status, and must make a contract in accordance with section 334 or file with the Commission an irrevocable letter of credit in accordance with section 334.1 to cover, in case of default on the employer's part, the payment of benefits for the industrial accidents and occupational diseases as well as the assessment referred to in section 343.

An employer who becomes subject to Chapter IX under section 336 or who fails to make a contract or file with the Commission an irrevocable letter of credit in accordance with the third paragraph, the employer's insurer, or the surety or warrantor must, at the request of the Commission, remit a reserve in the amount

established by the Commission so that the obligations of the employer relating to industrial accidents having occurred or occupational diseases reported before the change of status and the assessment referred to in section 343 will be charged to the fund.

For the purposes of payment, the computation of interest, the due date and any contestation, the request referred to in the fourth paragraph constitutes a notice of assessment.

1985, c. 6, s. 348; 2002, c. 76, s. 32; 2006, c. 53, s. 25.

## CHAPTER XI

### JURISDICTION OF THE COMMISSION, REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE LABOUR TRIBUNAL

1997, c. 27, s. 11; 2015, c. 15, s. 237.

**349.** The Commission has exclusive jurisdiction to examine and decide any question contemplated in this Act unless a special provision gives the jurisdiction to another person or agency.

1985, c. 6, s. 349; 1997, c. 27, s. 12.

**350.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be taken, nor any provisional remedy be ordered against the Commission by reason of an act performed or decision rendered pursuant to an Act under its administration.

1985, c. 6, s. 350; I.N. 2016-01-01 (NCCP).

**351.** The Commission shall render its decisions according to equity and upon the real merits and justice of the case.

The Commission may, by any legal means which it sees fit, inquire into the matters it is empowered to investigate.

1985, c. 6, s. 351; 1997, c. 27, s. 13.

**352.** The Commission shall extend any time limit granted in this Act for the exercise of a right or relieve a person from the consequences of his failure to comply with it, where the person proves that there are reasonable grounds for his tardiness.

1985, c. 6, s. 352.

**353.** No proceedings brought pursuant to this Act may be dismissed for defect of form or irregularity.

1985, c. 6, s. 353; 1999, c. 40, s. 4.

**354.** Decisions of the Commission must be in writing, substantiated and notified to the interested parties as soon as possible.

1985, c. 6, s. 354.

**355.** Decisions of the Commission need not be signed but the name of the person who rendered a decision must appear thereon.

1985, c. 6, s. 355.

**356.** The Commission may, on the conditions it determines, authorize a person required to transmit to it a notice, report, statement or other document to send it by means of a magnetic medium or an electronic system.

1985, c. 6, s. 356.

**357.** An intelligible transcription in writing of the data stored in a computer by the Commission is a document of the Commission.

Where the data have been sent to the Commission pursuant to section 356, the transcription must reproduce them faithfully.

1985, c. 6, s. 357.

**357.1.** A transaction referred to in section 314.3 does not revive rights to review or rights of contestation otherwise extinguished.

No employer who is a member of a group of employers having entered into an agreement under section 284.2 may apply for a review of or contest a decision concerning the worker of another employer of the group.

1996, c. 70, s. 39.

**358.** A person who believes he has been wronged by a decision rendered by the Commission under this Act may, within 30 days of notification of the decision, apply for review thereof.

However, a person may not apply for the review of any matter of a medical nature in respect of which the Commission is bound under section 224, for the review of a decision made by the Commission under Division III of Chapter VII or for the review of the refusal of the Commission to reconsider its decision pursuant to the first paragraph of section 365.

No person may apply for the review of the Commission's decision to accept or refuse to enter into an agreement under section 284.2, or to refuse to waive or cancel interest, a penalty or fees under section 323.1.

A person may not apply for the review of a provisional rate fixed by the Commission under section 315.2.

1985, c. 6, s. 358; 1992, c. 11, s. 31; 1996, c. 70, s. 40; 1997, c. 27, s. 14; 2006, c. 53, s. 26.

**358.1.** An application for review must be made in writing. The application must state briefly the main grounds on which it is based and the subject of the decision to which it pertains.

1997, c. 27, s. 15.

**358.2.** The Commission may extend the time limit prescribed in section 358 or relieve a person of the consequences of a failure to act within the allotted time, if it is established that the application for review could not reasonably have been made within that time.

1997, c. 27, s. 15.

**358.3.** After giving the parties an opportunity to present observations, the Commission shall make a decision on the basis of the record; it may confirm, quash or amend the initial decision or order and, if appropriate, make the decision or order that should, in its opinion, have been made initially.

Sections 224.1 and 233 apply in such a case to the Commission and it shall decide accordingly.

1997, c. 27, s. 15.

**358.4.** The review shall be carried out by the chairman of the board of directors and chief executive officer of the Commission, or by any person designated by him.

1997, c. 27, s. 15.

**358.5.** The decision shall be in writing and give the reasons on which it is based, be notified to the parties, and state their right to contest the decision before the Administrative Labour Tribunal and the time limit for doing so.

1997, c. 27, s. 15; 2015, c. 15, s. 237.

**359.** A person who believes he has been wronged by a decision made following an application under section 358 may, within 45 days of being notified of the decision, contest it before the Tribunal.

If such a contestation concerns a decision cancelling an income replacement indemnity granted by the Commission, the Tribunal may order that the execution of the contested decision be postponed as regards that conclusion and that the effects of the initial decision be maintained for the time it specifies, provided the beneficiary demonstrates that there is an emergency or that he would suffer serious harm were the initial decision of the Commission to cease to have effect.

The following must be heard and decided by preference:

- (1) a contestation referred to in the second paragraph;
- (2) a contestation brought under this section and concerning the reduction or suspension of an indemnity established under subparagraph *e* of paragraph 2 of section 142.

The following must be heard and decided as a matter of priority:

- (1) a contestation brought under this section in respect of the existence of an employment injury other than a recurrence, relapse or aggravation, or the fact that the person is a worker or is considered to be a worker;
- (2) a contestation brought under this section and concerning the foreseeable date when the worker's employment injury will consolidate or the foreseeable time the injury will take to consolidate, or the existence or assessment of the worker's functional disability.

A decision in respect of a contestation referred to in the fourth paragraph must be rendered within 90 days after the originating pleading is filed and within 60 days after the matter is taken under advisement.

1985, c. 6, s. 359; 1992, c. 11, s. 32; 1997, c. 27, s. 16; 2015, c. 15, s. 114.

**359.1.** A person who believes he has been wronged by a decision made by the Commission under Division III of Chapter VII may, within 45 days of being notified of the decision, contest it before the Administrative Labour Tribunal.

1997, c. 27, s. 17; 2015, c. 15, s. 237.

**360.** *(Repealed).*

1985, c. 6, s. 360; 1992, c. 11, s. 33.

**361.** A decision of the Commission has effect immediately, notwithstanding any application for review, unless it is a decision awarding compensation for bodily injury or a lump sum death benefit under sections 98 to 100 and 101.1, the second paragraph of section 102 or sections 103 to 108 and 110, in which case the decision has effect when it becomes final.

1985, c. 6, s. 361; 1989, c. 74, s. 10; 1992, c. 11, s. 34; 2009, c. 19, s. 8.

**362.** A decision under section 358.3 shall have effect immediately, even if it is contested before the Administrative Labour Tribunal, unless it is a decision pertaining to compensation for bodily injury, a lump sum death benefit under sections 98 to 100 and 101.1, the second paragraph of section 102 or sections 103 to

108 and 110, or a decision rendered pursuant to Chapter IX or X, in which case the decision has effect when it becomes final.

1985, c. 6, s. 362; 1992, c. 11, s. 35; 1997, c. 27, s. 18; 2009, c. 19, s. 9; 2015, c. 15, s. 237.

**362.1.** The Commission may, however, take into account, for the purpose of establishing the assessment of an employer for a year, any compensation for bodily injury or any amount paid as a death benefit under sections 98 to 100 and 101.1, the second paragraph of section 102 and sections 103 to 108 and 110 even though the decision granting such compensation or benefit is not final.

1996, c. 70, s. 41; 2009, c. 19, s. 10.

**363.** Where the Commission, following a decision under section 358.3, or the Administrative Labour Tribunal cancels or reduces the amount of an income replacement indemnity or of a death benefit contemplated in section 101 or in the first paragraph of section 102 or a benefit provided for in the personal rehabilitation program of a worker, the sums already paid to a beneficiary are not recoverable unless they were obtained through bad faith or unless they were wages paid as an indemnity pursuant to section 60.

1985, c. 6, s. 363; 1997, c. 27, s. 19; 2015, c. 15, s. 237.

**364.** If a decision made by the Commission, following an application under section 358, or by the Administrative Labour Tribunal acknowledges the right of a beneficiary to a benefit which he had been refused initially or increases the amount of a benefit, the Commission shall pay to the beneficiary the interest accrued from the date of the claim.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.

1985, c. 6, s. 364; 1993, c. 5, s. 20; 1997, c. 27, s. 20; 1996, c. 70, s. 42; 2015, c. 15, s. 237.

**365.** The Commission may, within 90 days, reconsider a decision it has rendered if the decision has not been the subject of a decision rendered under section 358.3, in order to correct any error.

If a decision of the Commission was rendered before an essential fact became known, it may, of its own initiative or at the request of a party, reconsider the decision within 90 days of the fact becoming known.

Before reconsidering a decision, the Commission shall inform the persons to whom it has notified the decision.

This section does not apply to a decision rendered under Chapter IX.

1985, c. 6, s. 365; 1992, c. 11, s. 36; 1996, c. 70, s. 43; 1997, c. 27, s. 21.

**365.1.** *(Repealed).*

1992, c. 11, s. 36; 1997, c. 27, s. 22.

**365.2.** *(Repealed).*

1992, c. 11, s. 36; 1997, c. 27, s. 22.

**366.** Sections 361, 363 and 364, with the necessary modifications, apply to a decision rendered under section 365.

1985, c. 6, s. 366; 1992, c. 11, s. 37; 1997, c. 27, s. 23.



**366.1.** The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister.

2015, c. 15, s. 115.

## CHAPTER XII

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

## DIVISION I

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**367.** *(Repealed).*

1985, c. 6, s. 367; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**368.** *(Repealed).*

1985, c. 6, s. 368; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

## DIVISION II

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**369.** *(Repealed).*

1985, c. 6, s. 369; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**370.** *(Repealed).*

1985, c. 6, s. 370; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**371.** *(Repealed).*

1985, c. 6, s. 371; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**372.** *(Repealed).*

1985, c. 6, s. 372; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**373.** *(Repealed).*

1985, c. 6, s. 373; 1988, c. 21, s. 66; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**374.** *(Repealed).*

1985, c. 6, s. 374; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**375.** *(Repealed).*

1985, c. 6, s. 375; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**376.** *(Repealed).*

1985, c. 6, s. 376; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION III**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**377.** *(Repealed).*

1985, c. 6, s. 377; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**378.** *(Repealed).*

1985, c. 6, s. 378; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**379.** *(Repealed).*

1985, c. 6, s. 379; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**380.** *(Repealed).*

1985, c. 6, s. 380; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**381.** *(Repealed).*

1985, c. 6, s. 381; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**382.** *(Repealed).*

1985, c. 6, s. 382; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**383.** *(Repealed).*

1985, c. 6, s. 383; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**384.** *(Repealed).*

1985, c. 6, s. 384; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION IV**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**385.** *(Repealed).*

1985, c. 6, s. 385; 1997, c. 27, s. 24; 2011, c. 16, s. 84; 2015, c. 15, s. 116.

**386.** *(Repealed).*

1985, c. 6, s. 386; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION V**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**387.** *(Repealed).*

1985, c. 6, s. 387; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**388.** *(Repealed).*

1985, c. 6, s. 388; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**389.** *(Repealed).*

1985, c. 6, s. 389; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**390.** *(Repealed).*

1985, c. 6, s. 390; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**391.** *(Repealed).*

1985, c. 6, s. 391; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION VI**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**392.** *(Repealed).*

1985, c. 6, s. 392; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**393.** *(Repealed).*

1985, c. 6, s. 393; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**394.** *(Repealed).*

1985, c. 6, s. 394; 1986, c. 58, s. 113; 1997, c. 27, s. 24; 2002, c. 22, s. 29; 2015, c. 15, s. 116.

**395.** *(Repealed).*

1985, c. 6, s. 395; 1997, c. 27, s. 24; 2002, c. 22, s. 29; 2015, c. 15, s. 116.

**396.** *(Repealed).*

1985, c. 6, s. 396; 1986, c. 58, s. 114; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION VII**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**397.** *(Repealed).*

1985, c. 6, s. 397; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**398.** *(Repealed).*

1985, c. 6, s. 398; 1992, c. 11, s. 38; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**399.** *(Repealed).*

1985, c. 6, s. 399; 1997, c. 27, s. 24; 1997, c. 43, s. 11; 2015, c. 15, s. 116.

**400.** *(Repealed).*

1985, c. 6, s. 400; 1997, c. 27, s. 24; 1997, c. 43, s. 12; 2002, c. 22, s. 30; 2015, c. 15, s. 116.

**DIVISION VIII**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**401.** *(Repealed).*

1985, c. 6, s. 401; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION IX**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**402.** *(Repealed).*

1985, c. 6, s. 402; 1992, c. 11, s. 39; 1997, c. 27, s. 24; 2002, c. 22, s. 31; 2015, c. 15, s. 116.

**403.** *(Repealed).*

1985, c. 6, s. 403; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**404.** *(Repealed).*

1985, c. 6, s. 404; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**405.** *(Repealed).*

1985, c. 6, s. 405; 1997, c. 27, s. 24; 2002, c. 30, s. 158; 2015, c. 15, s. 116.

**406.** *(Repealed).*

1985, c. 6, s. 406; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION X**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**407.** *(Repealed).*

1985, c. 6, s. 407; 1997, c. 27, s. 24; 2011, c. 16, s. 84; 2015, c. 15, s. 116.

**408.** *(Repealed).*

1985, c. 6, s. 408; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**409.** *(Repealed).*

1985, c. 6, s. 409; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**410.** *(Repealed).*

1985, c. 6, s. 410; 1988, c. 21, s. 66; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**411.** *(Repealed).*

1985, c. 6, s. 411; 1992, c. 11, s. 40; 1997, c. 27, s. 24; 1997, c. 43, s. 13; 2015, c. 15, s. 116.

**DIVISION XI**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**412.** *(Repealed).*

1985, c. 6, s. 412; 1997, c. 27, s. 24; 1999, c. 40, s. 4; 2015, c. 15, s. 116.

**413.** *(Repealed).*

1985, c. 6, s. 413; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**414.** *(Repealed).*

1985, c. 6, s. 414; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**415.** *(Repealed).*

1985, c. 6, s. 415; 1992, c. 11, s. 41; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**415.1.** *(Replaced).*

1992, c. 11, s. 42; 1997, c. 27, s. 24.

**416.** *(Repealed).*

1985, c. 6, s. 416; 1992, c. 11, s. 43; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**417.** *(Repealed).*

1985, c. 6, s. 417; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION XII**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**418.** *(Repealed).*

1985, c. 6, s. 418; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**419.** *(Repealed).*

1985, c. 6, s. 419; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**420.** *(Repealed).*

1985, c. 6, s. 420; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**421.** *(Repealed).*

1985, c. 6, s. 421; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**422.** *(Repealed).*

1985, c. 6, s. 422; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**423.** *(Repealed).*

1985, c. 6, s. 423; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**424.** *(Repealed).*

1985, c. 6, s. 424; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**425.** *(Repealed).*

1985, c. 6, s. 425; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**426.** *(Repealed).*

1985, c. 6, s. 426; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**427.** *(Repealed).*

1985, c. 6, s. 427; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**428.** *(Repealed).*

1985, c. 6, s. 428; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.** *(Repealed).*

1985, c. 6, s. 429; 1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.1.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION XIII**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.2.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.3.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.4.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION XIV**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.5.** *(Repealed).*

1997, c. 27, s. 24; 2000, c. 8, s. 242; 2015, c. 15, s. 116.

**429.6.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.7.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.8.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.9.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.10.** *(Repealed).*

1997, c. 27, s. 24; 2011, c. 18, s. 84; 2015, c. 15, s. 116.

**429.11.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.12.** *(Repealed).*

1997, c. 27, s. 24; 2011, c. 18, s. 85; 2015, c. 15, s. 116.

**429.12.1.** *(Repealed).*

2011, c. 18, s. 86; 2015, c. 15, s. 116.

**DIVISION XV**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.13.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.14.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.15.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.16.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.17.** *(Repealed).*

1997, c. 27, s. 24; 2005, c. 17, s. 32; 2015, c. 15, s. 116.

**429.18.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.19.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.20.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.21.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.22.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.23.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.24.** *(Repealed).*

1997, c. 27, s. 24; 2005, c. 34, s. 38; 2015, c. 15, s. 116.

**429.25.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.



**429.26.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.27.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.28.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.29.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.30.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.31.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.32.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.33.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.34.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.35.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.36.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.37.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.38.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.39.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.40.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.41.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.42.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.43.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION XVI**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.44.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.45.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.46.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.47.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.48.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**DIVISION XVII**

*Repealed, 2015, c. 15, s. 116.*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.49.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.50.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.51.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.52.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.53.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.54.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.55.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.56.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.57.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.58.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

**429.59.** *(Repealed).*

1997, c. 27, s. 24; 2015, c. 15, s. 116.

## CHAPTER XIII

### REDRESS

#### DIVISION I

##### RECOVERY OF BENEFITS

**430.** Subject to sections 129 and 363, a person who has received a benefit to which he is not entitled or the amount of which exceeds that to which he is entitled shall reimburse the amount received in excess to the Commission.

1985, c. 6, s. 430.

**431.** The Commission may recover the amount of the debt within 3 years of payment of the debt not owed or in the case of bad faith, within one year following the date on which the Commission became aware of the bad faith.

1985, c. 6, s. 431.

**432.** The Commission shall give a formal notice to the debtor stating the amount and reasons for the due date of the debt and the right of the debtor to apply for a review of the decision.

The formal notice interrupts the prescription provided for in section 431.

1985, c. 6, s. 432.

**433.** The amount due is payable upon the expiry of the time for filing an application for review under section 358 or the time for bringing a proceeding under section 359 or, if the application has been filed or the proceeding brought, on the day of the final decision confirming the decision of the Commission.

1985, c. 6, s. 433; 1997, c. 27, s. 25.

**434.** If the debtor is also the creditor of an income replacement indemnity and his debt is exigible, the Commission may deduct up to 25% from the amount of the indemnity if the debtor has no dependants, up to 20% if he has one dependant and up to 15% if he has more than one dependant unless the debtor consents to the Commission deducting more.

1985, c. 6, s. 434.

**435.** If the debtor fails to reimburse the debt, the Commission may, 30 days after the due date of the debt or from that date if it is of the opinion that the debtor is attempting to evade payment, issue a certificate attesting

- (1) the surname and address of the debtor,
- (2) the amount of the debt, and
- (3) the date of the final decision fixing the due date of the debt.

1985, c. 6, s. 435.

**436.** Upon filing of the certificate in the office of the court of competent jurisdiction, the decision of the Commission or the Administrative Labour Tribunal becomes executory as if it were a final decision without appeal of such court and has all the effects of such a decision.

1985, c. 6, s. 436; 1997, c. 27, s. 26; 2015, c. 15, s. 237.

**437.** The Commission may, even after filing the certificate, remit the debt if it considers it fair to do so, in particular by reason of the debtor's good faith or his financial position.

However, the Commission shall not remit a debt it is required to recover under the fourth paragraph of section 60 or under section 133.

1985, c. 6, s. 437.

## DIVISION II

### CIVIL LIABILITY

**438.** No worker who has suffered an employment injury may institute a civil liability action against his employer by reason of his employment injury.

1985, c. 6, s. 438.

**439.** In no case may the beneficiary of a worker who dies by reason of an employment injury, may institute a civil liability action against the employer of the worker by reason of the death.

1985, c. 6, s. 439.

**440.** A person with whom a student is undergoing an unremunerated training period and a person for whom a person described in section 11, 12, 12.0.1 or 12.1 who executes tasks, participates in a civil protection activity, renders a service to the community or acts as a trainee, benefits from the immunity granted by sections 438 and 439.

1985, c. 6, s. 440; 1987, c. 19, s. 20; 2000, c. 20, s. 166; 2001, c. 76, s. 143.

**441.** No beneficiary may bring a civil liability action, by reason of an employment injury, against an employer governed by this Act other than the employer of the injured worker, except

(1) if the employer has committed a fault that constitutes an offence or indictable offence within the meaning of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(2) to recover the amount by which the loss sustained exceeds the benefit;

(3) if the employer is a person responsible for an employment injury contemplated in section 31; or

(4) if the employer is personally liable for the payment of benefits.

Notwithstanding the rules relating to prescription enacted by the Civil Code, a civil liability action for a fault contemplated in subparagraph 1 of the first paragraph may be instituted only within six months of the admission of guilt or the final conviction.

1985, c. 6, s. 441; 1999, c. 40, s. 4.

**442.** No beneficiary may bring a civil liability action, by reason of an employment injury, against a worker or a mandatary of an employer governed by this Act for a fault committed in the performance of his duties, except in the case of a health professional responsible for an employment injury contemplated in section 31.

Where the employer is a legal person, the administrator of the legal person is deemed to be a mandatary of the employer.

1985, c. 6, s. 442; 1999, c. 40, s. 4.

**443.** A beneficiary who may bring a civil liability action must elect to do so and notify the Commission thereof within six months of the industrial accident of the date on which it was medically established and brought to the knowledge of the worker that he was suffering from an occupational disease or, as the case may be, of the death resulting from an employment injury.

Notwithstanding the first paragraph, a beneficiary who may bring a civil liability action for a fault contemplated in subparagraph 1 of the first paragraph of section 441 must elect to do so and notify the Commission thereof not later than six months after the date of the admission of guilt or the final conviction.

If the beneficiary fails to make the election provided for in the first or second paragraph, he is deemed to have renounced the benefits provided in this Act.

1985, c. 6, s. 443; 1999, c. 40, s. 4.

**444.** If the beneficiary contemplated in section 443 elects to bring a civil liability action and collects a sum less than the amount provided for in this Act, he is entitled to a benefit for the difference.

The beneficiary shall claim the benefit from the Commission within six months of the final judgment rendered on the civil liability action.

1985, c. 6, s. 444.

**445.** If the beneficiary contemplated in section 443 elects to claim a benefit under this Act, he is entitled to recover from the person liable for it the amount by which the loss sustained exceeds the benefit.

1985, c. 6, s. 445.

**446.** A claim made by a beneficiary from the Commission subrogates it of right to the rights of the beneficiary against the person responsible for the employment injury up to the amount of benefits it has paid and the capital sum representing the benefits to become due.

No agreement having the effect of depriving the Commission of all or part of its recourse in subrogation may be set up against it unless it ratifies the agreement.

1985, c. 6, s. 446.

**447.** The action brought by the beneficiary against the person responsible for an employment injury interrupts, in favour of the Commission, the prescription enacted by the Civil Code.

1985, c. 6, s. 447; 1999, c. 40, s. 4.

### DIVISION III

#### REDRESS UNDER OTHER PLANS

**448.** A person to whom the Commission pays an income replacement indemnity or a total disability benefit under an Act administered by it and who, by reason of a new event, claims such indemnity or benefit under the Automobile Insurance Act (chapter A-25) or an Act administered by the Commission other than that under which he is already receiving the indemnity or benefit, is not entitled to both one and the other indemnity for the same period.

The Commission shall continue to pay to the person the income replacement indemnity or the total disability benefit that he is already receiving, where required, while awaiting the determination of the entitlement to and the amount of benefits payable under each of the applicable Acts.

1985, c. 6, s. 448.

**449.** The Commission shall reach an agreement with the Société de l'assurance automobile du Québec to settle a mode of processing claims made under the Automobile Insurance Act (chapter A-25) by the persons contemplated in section 448.

The agreement must make possible to

(1) distinguish between the damage resulting from the new event and that attributable to the employment injury, to the injury sustained by the rescuer within the meaning of the Act to promote good citizenship (chapter C-20) or to the indictable offence sustained by the victim within the meaning of the Crime Victims Compensation Act (chapter I-6), as the case may be;

(2) determine accordingly the entitlement to and the amount of the benefits payable under each of the applicable Acts;

(3) determine the benefits each agency is required to pay and specify the cases, amounts and modalities of reimbursement among them.

1985, c. 6, s. 449; 1990, c. 19, s. 11; 1999, c. 40, s. 4.

**450.** Where a person contemplated in section 448 claims an income replacement indemnity under the Automobile Insurance Act (chapter A-25), the Commission and the Société de l'assurance automobile du Québec shall, in carrying out the agreement contemplated in section 449, jointly render a decision which distinguishes between the damage attributable to each event and determine the corresponding entitlement to and amount of the benefits payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to contest the decision under this Act, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be, or under the Automobile Insurance Act.

A proceeding brought under any of the said Acts precludes any proceeding under any other of them and the decision made binds both agencies.

1985, c. 6, s. 450; 1990, c. 19, s. 11; 1997, c. 27, s. 27; 1999, c. 40, s. 4.

**451.** Where a person to whom the Commission pays an income replacement indemnity or a total disability benefit under an Act administered by it claims, by reason of a new event, an income replacement indemnity or a total disability benefit under another Act administered by the Commission, the Commission shall distinguish between the damage attributable to each event and determine the corresponding entitlement to and amount of benefits payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to contest the decision under this Act, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be.

A proceeding brought under any of the said Acts precludes any proceeding under any other of them and the decision made binds the Commission for the purposes of each of the said Acts.

1985, c. 6, s. 451; 1997, c. 27, s. 28; 1999, c. 40, s. 4.

**452.** Where, by reason of one and the same employment injury, a person is entitled to both a benefit under this Act and a benefit under an Act other than an Act of the Parliament of Québec, he shall elect one of them and notify the Commission of his election within six months of the industrial accident or of the date when it is medically established and brought to the attention of the worker that he has contracted an occupational disease or, where such is the case, of the death as a result of the employment injury.

If the person fails to make the election, he is presumed to waive any benefit under this Act.

1985, c. 6, s. 452.

**453.** An application to the Commission for benefits preserves the beneficiary's right to claim benefits under the Act respecting the Québec Pension Plan (chapter R-9) or under any other public or private insurance plan, notwithstanding the expiry of the time limit for claims under the plan.

The time limit begins to run anew from the date of the final decision on the application for benefits.

1985, c. 6, s. 453.

## CHAPTER XIV

### REGULATIONS

**454.** The Commission may make regulations

(1) amending Schedule I by adding thereto any disease it recognizes as characteristic of a particular type of work or directly related to the risks peculiar to that particular type of work;

(2) determining the cases in which a student is considered a worker;

(2.1) determining, for the purposes of section 160, the standards and tables of personal home assistance and providing for the method of annual reevaluation of the sums of money fixed therein;

(3) prescribing a table of compensation for bodily injury including a table for anatomicophysiological deficits, a table for disfigurements and a table for suffering or loss of enjoyment of life and determining the criteria for and modalities of application of the table of compensation for bodily injury, for the purposes of computing compensation;

(3.1) determining the care, treatment, technical aid and costs forming part of the medical aid referred to in paragraph 5 of section 189 and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;

(4) determining, according to the classes of establishments and of construction sites it designates, the cases in which the employer or on a construction site, the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) shall maintain a first-aid service and an emergency medical service at his expense, the cases in which he shall furnish premises for such purpose, the staff and equipment such service must include and the content of the first aid or emergency medical register;

(4.1) determining, subject to the second paragraph of section 198.1, the cost of the purchase, adjustment, repair and replacement of a prosthesis or orthosis referred to in the said section and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;

(4.2) determining the framework within which section 284.2 is to apply for the purposes of the agreements provided for therein;

(4.3) prescribing, for the purposes of section 290, the standards applicable to the notice that an employer who begins operating must give to the Commission;

(4.4) determining, for the purposes of section 291, the other information the employer must declare to the Commission, and prescribing standards applicable to the declaration of gross wages and other information;

(4.5) determining, for the purposes of section 296, the registers and records an employer must keep and the supporting documents the employer must retain as well as standards relating to the keeping and retention of such registers, records and supporting documents;

(5) determining, for the purposes of section 297, units of classification and the sectors under which they are grouped;

(5.1) determining, for the purposes of section 298, the rules for classification of employers into units;

(6) fixing, for the purposes of section 304, the rate of assessment applicable to each unit of classification;

(7) prescribing the requirements that must be met by an employer to qualify for a personalized rate, and the elements that must be taken into account and the method to be followed in establishing such rate;

(8) determining, for the purposes of fixing the personalized rate, the experience ratios of the units of classification;

(8.1) increasing the rates of assessment applicable to employers belonging to a sector of activity for which a joint sector-based association has been established under the Act respecting occupational health and safety, to defray the cost of the subsidy granted to the association if the cost is not included in the rates fixed under section 304;

(9) prescribing the requirements that must be met by an employer to qualify for a retrospective adjustment of his assessment, the elements that must be taken into account and the method to be followed in establishing such adjustment and, without limiting the foregoing, providing, for the purposes of the retrospective adjustment, for the assumption by the employer of the cost of benefits, and prescribing the limits he may choose with respect to such an assumption, the conditions and the terms under which such an election may be made and the cases where the limit applicable is the limit determined by regulation;

(10) determining the insurance premiums necessary for the final retrospective adjustment of the annual assessment;



(11) fixing the maximum amount which the retrospectively adjusted assessment of the employer cannot exceed;

(12) *(subparagraph repealed)*;

(12.1) defining the transactions referred to in section 314.3 and prescribing the cases, terms and conditions for the determination of the experience of the employer involved in such a transaction and prescribing special assessment procedures applicable to the employer;

(12.2) determining the standards according to which the employer involved in a transaction referred to in section 314.3 is to inform the Commission;

(12.2.1) prescribing, for the purposes of section 315, standards applicable to the payment of the assessment by the employer;

(12.2.2) determining, for the purposes of section 315.1, standards applicable to the periodic payments the employer must make to the Minister of Revenue and the categories of employers who must make such payments;

(12.3) determining the circumstances in which, time within which and conditions subject to which the Commission may re-determine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination;

(12.4) determining the cases in which and the conditions subject to which two or more employers may apply to form a group for the establishment of personalized rates and prescribing special procedures for calculating their rates;

(13) determining in what cases and on what conditions several employers may request to be considered one and the same employer for the purposes of the retrospective assessment adjustment and prescribing special procedures for the calculation of the adjustment;

(14) prescribing, for the purposes of sections 60, 90, 135, 261 and 364, the rules for determining the rate of interest;

(15) determining, for the purposes of section 323, in what cases and subject to what terms and conditions the Commission or the employer is required to pay interest, the rules for the determination of the applicable rates of interest and the terms and conditions of payment of the interest. The regulation may provide for the capitalization of the interest;

(16) determining, for the purposes of section 343, percentages for fixing the assessment of employers who are personally liable for the payment of benefits, determining the situations to which the percentages apply and providing for any minimum assessment;

(17) determining any professional within the meaning of the Professional Code (chapter C-26) who may act as a health professional for the purposes of this Act.

In exercising its regulatory powers under subparagraphs 4.2 to 13, 15 and 16 of the first paragraph, the Commission may prescribe standards that differ according to the categories of employers it determines.

In exercising the regulatory powers provided for in subparagraphs 7, 9, 12.1, 12.4 and 13 of the first paragraph, the Commission may prescribe that certain elements which are necessary to establish the personalized rate, the retrospective adjustment or the experience of an employer will be determined after actuarial valuation, in the cases or in the circumstances prescribed by regulation.

In addition, the Commission may, in exercising the regulatory powers provided for in subparagraphs 7 and 9 of the first paragraph, provide for rules to ensure an equitable apportionment of the assessment among the

employers subject to a method for fixing the assessment or among employers subject to the different methods for fixing the assessment.

Where the Commission determines a professional under subparagraph 17 of the first paragraph, it may adapt the rules and standards set out in this Act concerning the roles and responsibilities of that professional, or exclude some of those rules and standards.

1985, c. 6, s. 454; 1989, c. 74, s. 11; 1992, c. 11, s. 44; 1993, c. 5, s. 21; 1996, c. 70, s. 44; 1999, c. 40, s. 4; 2006, c. 53, s. 27; 2009, c. 19, s. 27; 2020, c. 6, s. 11.

**455.** Every draft regulation made by the Commission under subparagraphs 1, 2, 3 to 4.1, 14 and 17 of the first paragraph of section 454 shall be submitted to the Government for approval.

Notwithstanding section 17 of the Regulations Act (chapter R-18.1), any regulation made under subparagraphs 4.2 to 13, 15 and 16 of the first paragraph of section 454 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1985, c. 6, s. 455; 1989, c. 74, s. 12; 1992, c. 11, s. 45; 1993, c. 5, s. 22; 1996, c. 70, s. 45; 2002, c. 76, s. 33; 2006, c. 53, s. 28; 2020, c. 6, s. 12.

**456.** The Government may amend any regulation submitted for approval by the Commission under section 455.

1985, c. 6, s. 456; 1989, c. 74, s. 13.

**457.** If the Commission fails to adopt a regulation within what the Government considers a reasonable time, the Government may adopt the regulation.

The Government shall subsequently publish in the *Gazette officielle du Québec* the draft regulation it wishes to adopt with a notice that on the expiry of 60 days following the notice, the draft regulation will be adopted by the Government, with or without amendments.

Publication is not required if the Commission has already caused the draft regulation to be published in the *Gazette officielle du Québec* and if no amendments have been made to it by the Government.

The regulation comes into force on the tenth day after publication in the *Gazette officielle du Québec* of its final text together with the order by which it was adopted or on any later date fixed in the order.

1985, c. 6, s. 457.

## CHAPTER XV

### PENAL PROVISIONS

1992, c. 61, s. 35.

**458.** Every employer who contravenes the first paragraph of section 32 or 33, section 59, the first or second paragraph of section 60, the first paragraph of section 61, the first paragraph of section 190, section 191, the first paragraph of section 215, paragraph 2 of the first paragraph of section 235, the second paragraph of section 266, section 268 or 269, the second paragraph of section 270 or the first paragraph of section 334 is guilty of an offence and liable to a fine of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in the case of a legal person.

1985, c. 6, s. 458; 1990, c. 4, s. 35.

**459.** Every principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) who contravenes the first paragraph of section 190 or section 191 is guilty of an offence and

liable to a fine of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in the case of a legal person.

1985, c. 6, s. 459; 1990, c. 4, s. 35.

**460.** Every employer who, without reasonable cause, the proof of which lies on him, acts or fails to act, to delay or prevent the exercise of a worker's right under this Act to return to work is guilty of an offence and liable to a fine of not less than \$500 nor more than \$1,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$2,000 in the case of a legal person.

1985, c. 6, s. 460; 1990, c. 4, s. 35.

**461.** Every person who contravenes section 14, every association of independent operators or domestics who or which contravenes the first or second paragraph of section 22 or the first or second paragraph of section 24 or the employer who contravenes section 275, the first or third paragraph of section 280, sections 290 to 296 or 333 or the second paragraph of section 334 or section 335 or who fails to pay all or part of an assessment one month after its due date is guilty of an offence and liable to a fine of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person.

1985, c. 6, s. 461; 1990, c. 4, s. 35.

**462.** Every health professional or health institution who or which refuses or neglects to make a certificate, notice or report prescribed in sections 199 to 203 or 208, the second paragraph of section 230 or the third paragraph of section 231, or a person who contravenes section 211, section 265, the third paragraph of section 270 or section 274, 276, 277 or 278 is guilty of an offence and is liable to a fine of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person.

1985, c. 6, s. 462; 1990, c. 4, s. 35; 1992, c. 21, s. 375; 1992, c. 11, s. 46.

**463.** Every person who acts or fails to act, in view of obtaining an advantage to which he knows he is not entitled or of avoiding an obligation imposed on him by this Act is guilty of an offence and liable to a fine of not less than \$500 nor more than \$2,000 in the case of a natural person and to a fine of not less than \$2,000 nor more than \$8,000 in the case of a legal person.

1985, c. 6, s. 463; 1990, c. 4, s. 35.

**464.** Every person who makes a false declaration or, without reasonable cause, the proof of which lies on him, impedes or attempts to impede an inquiry, an inspection, an examination or a hearing of the Commission or refuses or fails to comply with an order or decision of the Commission is guilty of an offence and liable to a fine of not less than \$300 nor more than \$500 in the case of a natural person and to a fine of not less than \$500 nor more than \$1,000 in the case of a legal person.

1985, c. 6, s. 464; 1990, c. 4, s. 35; 1996, c. 70, s. 46.

**465.** Every person who contravenes a provision of this Act or any regulations thereunder for which a penalty has not been provided is guilty of an offence and liable to a fine of not more than \$300 in the case of a natural person and to a fine not exceeding \$500 in the case of a legal person.

1985, c. 6, s. 465; 1990, c. 4, s. 35.

**466.** Every person who, knowingly, by an act or omission, attempts to aid a person to commit an offence or advises a person to commit an offence, encourages or incites him thereto, is himself a party to the offence and liable to the same penalty as that provided for the person who committed it, whether or not such person has been prosecuted or convicted.

1985, c. 6, s. 466.

**467.** For the first subsequent conviction, the offender is liable to a fine of an amount that must not be less than double the minimum fine provided for that offence.

For any additional subsequent conviction, the amount of the fine must not be less than treble the minimum fine provided for that offence.

1985, c. 6, s. 467; 1990, c. 4, s. 36.

**468.** Every worker prosecuted for an offence against this Act is released from all responsibility if he proves that the offence was committed notwithstanding his disagreement and following formal instructions from his employer.

1985, c. 6, s. 468.

**469.** If a legal person commits an offence, the director, officer, employee or the representative of the legal person having prescribed or authorized the performance of the act or omission which constitutes the offence or who gave his consent is deemed to have participated in the offence and is liable to the penalty prescribed for the offence, whether or not the legal person has been prosecuted or convicted.

1985, c. 6, s. 469; 1999, c. 40, s. 4.

**470.** *(Repealed).*

1985, c. 6, s. 470; 1990, c. 4, s. 37; 1992, c. 61, s. 36.

**471.** *(Repealed).*

1985, c. 6, s. 471; 1992, c. 61, s. 36.

**472.** *(Repealed).*

1985, c. 6, s. 472; 1992, c. 61, s. 36.

**473.** The Commission may institute penal proceedings for offences under this chapter.

Proceedings shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

1985, c. 6, s. 473; 1990, c. 4, s. 38; 1992, c. 61, s. 37; 2001, c. 26, s. 71.

**474.** The fines belong to the fund, except where the Attorney General or the Director of Criminal and Penal Prosecutions instituted the penal proceedings.

The same rule applies to costs which are transmitted to the Commission with the defendant's plea.

1985, c. 6, s. 474; 1992, c. 61, s. 38; 2002, c. 76, s. 34; 2005, c. 34, s. 86.

## CHAPTER XVI

### FINAL AND TRANSITIONAL PROVISIONS

#### DIVISION I

##### FINAL PROVISIONS

**475.** *(Omitted).*

1985, c. 6, s. 475.

WORKERS' COMPENSATION ACT

**476.** *(Omitted).*

1985, c. 6, s. 476.

**477.** Subject to sections 478 and 506, any reference in any Act, regulation, proclamation, order in council, order, contract or any other document to the Workers' Compensation Act (chapter A-3) or any provision thereof is considered to be a reference to this Act or the corresponding provision of this Act.

1985, c. 6, s. 477; 1999, c. 40, s. 4.

**478.** The Workers' Compensation Act (chapter A-3), amended by sections 479 to 483, and the regulations made thereunder, remain in force for the purposes of the processing of claims made for industrial accidents and deaths that occurred before 19 August 1985 and for claims made before that date for occupational diseases, except in the case of a recurrence, relapse or aggravation contemplated in the first paragraph of section 555.

Subject to sections 580 and 581, the Workers' Compensation Act so amended and the regulations thereunder also remain in force for the purposes of every classification of industries and employers' assessment carried out for a year prior to 1986.

The said Act, so amended, and the regulations thereunder remain in force also for the purposes of the application of the Act to promote good citizenship (chapter C-20) and the Crime Victims Compensation Act (chapter I-6).

1985, c. 6, s. 478.

**479.** *(Amendment integrated into c. A-3, s. 34.1).*

1985, c. 6, s. 479.

**480.** *(Amendment integrated into c. A-3, s. 53).*

1985, c. 6, s. 480.

**481.** *(Amendment integrated into c. A-3, s. 53.1).*

1985, c. 6, s. 481.

**482.** *(Amendment integrated into c. A-3, s. 54).*

1985, c. 6, s. 482.

**483.** *(Amendment integrated into c. A-3, s. 63).*

1985, c. 6, s. 483.

**484.** *(Omitted).*

1985, c. 6, s. 484.

AUTOMOBILE INSURANCE ACT

**485.** *(Amendment integrated into c. A-25, s. 4).*

1985, c. 6, s. 485.

**486.** *(Amendment integrated into c. A-25, s. 10).*

1985, c. 6, s. 486.

**487.** *(Amendment integrated into c. A-25, ss. 18-18.4).*

1985, c. 6, s. 487.

HEALTH INSURANCE ACT

**488.** *(Amendment integrated into c. A-29, s. 3).*

1985, c. 6, s. 488.

**489.** *(Amendment integrated into c. A-29, s. 19).*

1985, c. 6, s. 489.

ACT RESPECTING THE BARREAU DU QUÉBEC

**490.** *(Amendment integrated into c. B-1, s. 128).*

1985, c. 6, s. 490.

ACT TO PROMOTE GOOD CITIZENSHIP

**491.** *(Amendment integrated into c. C-20, s. 18).*

1985, c. 6, s. 491.

**492.** *(Amendment integrated into c. C-20, ss. 21, 21.1).*

1985, c. 6, s. 492.

LABOUR CODE

**493.** *(Amendment integrated into c. C-27, s. 118).*

1985, c. 6, s. 493.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**494.** *(Amendment integrated into c. C-34, s. 6).*

1985, c. 6, s. 494.

**495.** *(Amendment integrated into c. C-34, s. 21).*

1985, c. 6, s. 495.

**496.** *(Amendment integrated into c. C-34, subdivision 6 of Division II and s. 31).*

1985, c. 6, s. 496.

**497.** *(Amendment integrated into c. C-34, s. 38).*

1985, c. 6, s. 497.

CRIME VICTIMS COMPENSATION ACT

**498.** *(Amendment integrated into c. I-6, s. 5).*

1985, c. 6, s. 498.

**499.** *(Amendment integrated into c. I-6, s. 15).*

1985, c. 6, s. 499.

**500.** *(Amendment integrated into c. I-6, s. 20).*

1985, c. 6, s. 500.

**501.** *(Amendment integrated into c. I-6, s. 20.1).*

1985, c. 6, s. 501.

**502.** *(Amendment integrated into c. I-6, ss. 22, 23).*

1985, c. 6, s. 502.

**503.** *(Amendment integrated into c. I-6, Schedule).*

1985, c. 6, s. 503.

ACT RESPECTING INDEMNITIES FOR VICTIMS OF ASBESTOSIS AND SILICOSIS IN MINES AND QUARRIES

**504.** *(Omitted).*

1985, c. 6, s. 504.

**505.** Subject to section 506, every reference in any Act, regulation, by-law, proclamation, order in council, decree, contract or other document to a provision of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) or to any of its provisions is a reference to this Act or the corresponding provision of this Act.

1985, c. 6, s. 505; 1999, c. 40, s. 4.

**506.** The Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) remains in force for the purposes of the processing of claims made under this Act, before 19 August 1985, or under the first paragraph of section 576.

The Workers' Compensation Act (chapter A-3), as amended by sections 479 to 483, and the regulations made under the said Act continue to apply for that purpose.

1985, c. 6, s. 506.

**507.** *(Omitted).*

1985, c. 6, s. 507.

**508.** *(Omitted).*

1985, c. 6, s. 508.

**509.** *(Omitted).*

1985, c. 6, s. 509.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

**510.** *(Amendment integrated into c. R-4, s. 24).*

1985, c. 6, s. 510.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

**511.** *(Amendment integrated into c. R-5, s. 2).*

1985, c. 6, s. 511.

**512.** *(Amendment integrated into c. R-5, s. 22.1).*

1985, c. 6, s. 512.

ACT RESPECTING THE QUÉBEC PENSION PLAN

**513.** *(Amendment integrated into c. R-9, ss. 96.1-96.4).*

1985, c. 6, s. 513.

**514.** *(Amendment integrated into c. R-9, s. 99.1).*

1985, c. 6, s. 514.

**515.** *(Amendment integrated into c. R-9, s. 101).*

1985, c. 6, s. 515.

**516.** *(Amendment integrated into c. R-9, s. 102.4).*

1985, c. 6, s. 516.

**517.** *(Amendment integrated into c. R-9, s. 165.1).*

1985, c. 6, s. 517.

**518.** *(Repealed).*

1985, c. 6, s. 518; 1993, c. 15, s. 90.

**519.** *(Repealed).*

1985, c. 6, s. 519; 1993, c. 15, s. 90.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**520.** *(Amendment integrated into c. R-10, Schedule I).*

1985, c. 6, s. 520.



ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**521.** *(Amendment integrated into c. S-2.1, s. 1).*

1985, c. 6, s. 521.

**522.** *(Amendment integrated into c. S-2.1, ss. 20-23).*

1985, c. 6, s. 522.

**523.** *(Amendment integrated into c. S-2.1, ss. 30, 31).*

1985, c. 6, s. 523.

**524.** *(Amendment integrated into c. S-2.1, s. 36).*

1985, c. 6, s. 524.

**525.** *(Amendment integrated into c. S-2.1, ss. 37-37.3).*

1985, c. 6, s. 525.

**526.** *(Amendment integrated into c. S-2.1, s. 39).*

1985, c. 6, s. 526.

**527.** *(Amendment integrated into c. S-2.1, s. 42).*

1985, c. 6, s. 527.

**528.** *(Amendment integrated into c. S-2.1, s. 45).*

1985, c. 6, s. 528.

**529.** *(Amendment integrated into c. S-2.1, s. 48).*

1985, c. 6, s. 529.

**530.** *(Amendment integrated into c. S-2.1, s. 60).*

1985, c. 6, s. 530.

**531.** *(Amendment integrated into c. S-2.1, s. 62).*

1985, c. 6, s. 531.

**532.** *(Amendment integrated into c. S-2.1, s. 81).*

1985, c. 6, s. 532.

**533.** *(Amendment integrated into c. S-2.1, s. 90).*

1985, c. 6, s. 533.

**534.** *(Amendment integrated into c. S-2.1, s. 97).*

1985, c. 6, s. 534.

**535.** *(Amendment integrated into c. S-2.1, s. 99.1).*

1985, c. 6, s. 535.

**536.** *(Amendment integrated into c. S-2.1, s. 145).*

1985, c. 6, s. 536.

**537.** *(Amendment integrated into c. S-2.1, s. 158).*

1985, c. 6, s. 537.

**538.** *(Amendment integrated into c. S-2.1, s. 158.1).*

1985, c. 6, s. 538.

**539.** *(Amendment integrated into c. S-2.1, s. 163).*

1985, c. 6, s. 539.

**540.** *(Amendment integrated into c. S-2.1, s. 167).*

1985, c. 6, s. 540.

**541.** *(Omitted).*

1985, c. 6, s. 541.

**542.** *(Amendment integrated into c. S-2.1, s. 172).*

1985, c. 6, s. 542.

**543.** *(Amendment integrated into c. S-2.1, chapter IX.1, ss. 176.1-176.20).*

1985, c. 6, s. 543.

**544.** *(Amendment integrated into c. S-2.1, ss. 177, 178).*

1985, c. 6, s. 544.

**545.** *(Amendment integrated into c. S-2.1, ss. 191-193).*

1985, c. 6, s. 545.

**546.** *(Amendment integrated into c. S-2.1, s. 210).*

1985, c. 6, s. 546.

**547.** *(Amendment integrated into c. S-2.1, s. 223).*

1985, c. 6, s. 547.

**548.** *(Amendment integrated into c. S-2.1, ss. 224-226, chapter XIII, ss. 227-233).*

1985, c. 6, s. 548.

**549.** *(Amendment integrated into c. S-2.1, ss. 242-244).*

1985, c. 6, s. 549.

**550.** *(Omitted).*

1985, c. 6, s. 550.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

**551.** *(Amendment integrated into c. S-3.2, s. 4).*

1985, c. 6, s. 551.

**DIVISION II**

**TRANSITIONAL PROVISIONS**

**552.** Every regulation made under the Workers' Compensation Act (chapter A-3), to the extent that it is consistent with this Act, remains in force and is a regulation made under this Act until it is repealed or replaced.

1985, c. 6, s. 552.

**553.** Subject to section 555, the provisions of this Act apply to industrial accidents and deaths which occur from the date of their coming into force.

Subject to section 555 and the first paragraph of section 576, the provisions of this Act apply to occupational diseases for which a claim is made from the date of their coming into force.

The provisions of this Act also apply to the classification and assessment made for the year 1986 and subsequent years and to the imputation made from the date of their coming into force.

1985, c. 6, s. 553.

**554.** Any person who, on the coming into force of Chapter III, receives permanent disability benefits under the Workers' Compensation Act (chapter A-3) remains entitled to his benefits and the said Act continues to apply to him, except if he elects as in section 562.

1985, c. 6, s. 554.

**555.** A person who, before the date of the coming into force of Chapter III, suffered an industrial accident or filed a claim for an occupational disease under the Workers' Compensation Act (chapter A-3) and suffers a recurrence, relapse or aggravation from that date becomes subject to this Act.

Notwithstanding the first paragraph, the person is not entitled to an income replacement indemnity if, at the time of the recurrence, relapse or aggravation, he does not hold any employment and

(1) is 65 years of age or more, or

(2) receives benefits for permanent total disability pursuant to the Workers' Compensation Act, whatever his age.

Similarly, a person who receives financial assistance under a social stabilization program is not entitled to an income replacement indemnity.

1985, c. 6, s. 555; 1991, c. 35, s. 3.

**556.** For the purposes of computing an income replacement indemnity of a person contemplated in the first paragraph of section 555, the gross income of the person is that

(1) which he receives from the employment he holds at the time of the recurrence, relapse or aggravation, or

(2) which he received from any employment he carried on during the 12 months preceding the beginning of his inability to carry on his ordinary employment, if he does not have any employment at the time of the recurrence, relapse or aggravation.

1985, c. 6, s. 556.

**557.** Where a degree of permanent disability has already been recognized respecting a person contemplated in section 555 under the Workers' Compensation Act (chapter A-3), as a result of an industrial accident or occupational disease that is the cause of the recurrence, relapse or aggravation suffered by the person, section 89 applies for the purposes of computing the indemnity for bodily injury, with the necessary modifications.

1985, c. 6, s. 557; 1999, c. 40, s. 4.

**558.** A person who, on the date of the coming into force of Chapter III, is entitled to an indemnity under the Workers' Compensation Act (chapter A-3) on account of the death of a worker which occurred before that date, remains entitled to the indemnity and the Workers' Compensation Act, except subsection 2 of section 36 and section 49, continues to apply for that purpose, except if he elects as in section 559 or 562.

1985, c. 6, s. 558.

**559.** A person contemplated in section 558 who is entitled to a life pension as the surviving spouse of a deceased worker may, if he is less than 65 years of age, opt to receive the indemnities provided for in sections 98, 100 and 101.

For the purposes of computing the indemnities,

(1) the date of the option is deemed to be the date of the worker's death;

(2) the gross annual employment income of the deceased worker is the higher of

(a) that which he derived from the employment he held at the date of his death, revalorized each year until the date of the option according to the percentage determined in accordance with the Workers' Compensation Act (chapter A-3) for each of those years, up to the Maximum Yearly Insurable Earnings established under section 66 at the date of the option; and

(b) \$25,000.

For the purposes of this section, the amount of \$25,000 provided for herein is revalorized in accordance with sections 118 to 123 and the amount of the gross annual income that is the basis for the computation of the indemnity provided for in section 101 is revalorized each year on the anniversary of the option in accordance with sections 119 to 123.

1985, c. 6, s. 559.

**560.** Where a surviving spouse exercises the option provided for in section 559, his child who is a minor at the date of the option and for whom he receives, at that date, monthly benefits under the Workers' Compensation Act (chapter A-3) by reason of the death of the worker, is entitled to the indemnity provided for in section 102 in lieu of those benefits.

1985, c. 6, s. 560.

**561.** Where a surviving spouse exercises the option provided for in section 559 and there is, at the date of the option, a dependent person of full age for whom he receives monthly benefits under the Workers' Compensation Act (chapter A-3) by reason of the death of the worker, the dependent person is entitled to

receive his share of the benefits in the form of monthly benefits, revalorized pursuant to section 41 of the said Act.

If the monthly benefits received by the spouse under the Workers' Compensation Act are due by reason of a death which occurred after 31 December 1978, the share of the dependent person is equal to a percentage of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized pursuant to section 41 of the said Act.

The percentage is equal to the difference between the percentage established under subsection 2 of section 35 of the said Act, according to the number of dependent persons at the date of the option and 55%, divided by the number of dependent persons, other than the spouse, existing at that date.

The percentage is redetermined each time one of the dependent persons, other than the spouse, ceases to be a dependent person, according to the number of remaining dependent persons, including the spouse.

1985, c. 6, s. 561.

**562.** A person who, at the coming into force of Chapter III, is receiving permanent disability benefits under the Workers' Compensation Act (chapter A-3), or a person contemplated in section 558 who is entitled to a life pension as a surviving spouse of a deceased worker may, if he is under 65 years of age, transmit to the Commission a notice in writing so that it may recompute the amount of his monthly benefits according to as he elects between the two following options:

(1) a redistribution option, allowing the person to receive monthly benefits greater than his present benefits and, subject to the second paragraph of section 563, that cease on his reaching 65 years of age;

(2) a smoothing option, allowing the person to receive monthly benefits greater than his present benefits until he reaches 65 years of age and, subsequently, lower monthly benefits.

1985, c. 6, s. 562.

**563.** Where a person exercises the redistribution option, the amount of his new monthly benefits is established by multiplying the amount of the monthly benefits to which he is entitled under the Workers' Compensation Act (chapter A-3) by the factor provided for in Schedule VIII according to his age at the date of the option and according to whether he is an injured worker or a surviving spouse.

However, if the amount of the new benefits is greater than that of the income replacement indemnity determined on the basis of the Maximum Yearly Insurable Earnings established under section 66, the person exercising the redistribution option is entitled to receive, in lieu of the amount computed in accordance with the first paragraph, the following amount:

(1) until the age of 65, monthly benefits equal to the amount of the income replacement indemnity determined on the basis of the Maximum Yearly Insurable Earnings established under section 66;

(2) from his sixty-fifth birthday, monthly benefits for life equal to the difference between

(a) the monthly benefits to which he is entitled, at the date of the option, under the Workers' Compensation Act; and

(b) the amount obtained by dividing the amount contemplated in paragraph 1, less the amount contemplated in subparagraph a, by the factor, less the number one, provided for in Schedule VIII according to his age at the date of the option.

1985, c. 6, s. 563.

**564.** Where a person exercises the smoothing option, the amount of the new monthly benefits he is entitled to receive until he reaches 65 years of age is established by adding to the amount of the monthly benefits to

which he is entitled under the Workers' Compensation Act (chapter A-3) the product obtained by multiplying the amount of his reference benefits by the factor provided in Schedule IX according to his age at the date of the option and according to whether he is an injured worker or a surviving spouse.

The amount of a person's reference benefits is the lesser of

(1) the amount of the monthly benefits to which he is entitled under the Workers' Compensation Act at the date of the option; and

(2) the difference between

(a) the sum of the retirement pension to which he will be entitled on his sixty-fifth birthday under the Act respecting the Québec Pension Plan (chapter R-9) in force at the date of the option and the pension to which he would be entitled under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) if he were 65 years of age at the date of the option; and

(b) the amount of the disability pension and the retirement pension he receives, where such is the case, under the Act respecting the Québec Pension Plan and the amount of the surviving spouse's pension he receives, where such is the case, under the said Act if he is at least 55 years of age at the date of the option or if he is not, the amount of the latter pension to which he would be entitled if he were 55 years of age at that date.

From his sixty-fifth birthday, a person who has exercised the smoothing option is entitled to receive monthly benefits equal to the monthly benefits to which he would be entitled at that date under the Workers' Compensation Act, less the amount of his reference benefits, plus the product contemplated in the first paragraph.

1985, c. 6, s. 564.

**565.** Where a person who exercises the redistribution option or the smoothing option is the surviving spouse of a worker who died after 31 December 1978, the amount of the monthly benefits to which he is entitled under the Workers' Compensation Act (chapter A-3) is established, for the purposes of sections 563 and 564, at 55% of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized until the date of the option pursuant to section 41 of the said Act.

1985, c. 6, s. 565.

**566.** Where a person who exercises the redistribution option or the smoothing option is the surviving spouse of a worker who died after 31 December 1978, the other persons dependent upon the worker within the meaning of the Workers' Compensation Act (chapter A-3), for whom the spouse receives benefits under the said Act at the date of the option, are entitled to receive, from that date, in equal shares, monthly benefits determined on the basis of a percentage of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized until the date of the option pursuant to section 41 of the said Act.

The percentage is equal to the difference between the percentage established under subsection 2 of section 35 of the Workers' Compensation Act according to the number of dependent persons at the date of the option and 55%.

The percentage is redetermined each time one of the dependent persons, other than the spouse, ceases to be a dependent person, according to the number of remaining dependent persons, including the spouse.

1985, c. 6, s. 566.

**567.** The new monthly benefits to which a person who exercises the redistribution option or the smoothing option is entitled before or after the age of 65, as well as those to which a dependent person contemplated in section 566 is entitled are revalorized pursuant to section 41 of the Workers' Compensation Act (chapter A-3).

1985, c. 6, s. 567.

**568.** Where a surviving spouse who exercised an option provided for in section 559 or 562 dies, the persons who are still, at the date of that death, persons dependent upon the predeceased worker, within the meaning of the Workers' Compensation Act (chapter A-3), are entitled to receive, from the date of the spouse's death, the monthly benefits to which they would be entitled under the said Act if the spouse had not exercised the option.

1985, c. 6, s. 568.

**569.** The Commission shall furnish to a person who may elect under section 559 or 562 the assistance and information necessary to allow him to make an informed election.

1985, c. 6, s. 569.

**570.** A worker who is benefiting from an economic stabilization, social stabilization or rehabilitation benefits program of the Commission on 19 August 1985 is entitled to continue to benefit therefrom after that date on the conditions and to the extent provided for in the program.

A worker who suffered an industrial accident before 19 August 1985 or who filed a claim for an occupational disease before that date and who is entitled, on that date, to benefits for temporary total disability owing to the accident or disease is entitled to benefit from an economic stabilization, social stabilization or rehabilitation benefits program of the Commission on the conditions and to the extent provided for in the program.

The programs established pursuant to sections 56 and 56.1 of the Workers' Compensation Act (chapter A-3) are and have always been valid notwithstanding any judgment to the contrary.

The Commission may, by regulation, amend or replace the programs in accordance with sections 56.1, 124 and 125 of the Workers' Compensation Act.

1985, c. 6, s. 570; 1988, c. 66, s. 1; 1991, c. 35, s. 4.

**570.1.** Any decision of the Commission rendered in relation to an economic stabilization program, social stabilization program or rehabilitation benefits program may be reviewed or contested before the Administrative Labour Tribunal as in the case of a decision rendered under this Act. For that purpose, Chapter XI applies, except sections 351 to 353 and 361 to 366.

A decision of the Administrative Labour Tribunal has effect immediately, notwithstanding any application for review or any contestation, until the final decision.

The first paragraph shall not be interpreted as permitting a review or contestation of any decision relating to a worker's permanent or temporary disability rendered under the Workers' Compensation Act (chapter A-3).

1988, c. 66, s. 1; 1991, c. 35, s. 5; 1992, c. 11, s. 47; 1997, c. 27, s. 29; 2015, c. 15, s. 237.

**570.2.** If as a result of a final decision rendered under the Workers' Compensation Act (chapter A-3) a worker becomes creditor with respect to an amount payable under the said Act as permanent disability benefit, the Commission shall, taking the decision into account, deduct any overpayment received by the worker as financial assistance for social stabilization or economic stabilization, from the amount of the benefit payable to him.

Section 570.1 applies to the decision of the Commission.

1991, c. 35, s. 6.

**571.** Any revision office established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) to examine, hear and decide, in second instance, all matters or questions relating to matters enumerated in subsection 4 of section 63 of the Workers' Compensation Act (chapter A-3) becomes a review board established under subsection 5 of section 63 of the said Act, enacted by section 483, and it shall continue to examine, hear and decide, without continuance of suit, all matters or questions pending before it on 19 August 1985.

1985, c. 6, s. 571.

**572.** Penal proceedings may be instituted or continued for an offence under a provision of the Workers' Compensation Act (chapter A-3) or the regulations thereunder.

1985, c. 6, s. 572; 1992, c. 61, s. 39.

**573.** The employer whom the Commission considered personally bound to pay benefits under the Workers' Compensation Act (chapter A-3) and who is not contemplated in Chapter X may elect to be subject to the said chapter if he informs the Commission thereof in writing within six months of the date of the coming into force of Chapter X.

1985, c. 6, s. 573.

**574.** The Commission may pay benefits owing by an employer whom it considered personally liable for the payment of benefits under the Workers' Compensation Act (chapter A-3) and claim reimbursement from him for them where the amount for which the employer is insured or that he has deposited with the Commission under this Act is insufficient to cover the benefits he is required to pay.

This section is declaratory.

1985, c. 6, s. 574.

**574.1.** Unless the Commission agrees to charge to the fund the obligations of an employer who is personally liable for the payment of benefits under the Workers' Compensation Act (chapter A-3), the employer remains liable for the payment of benefits for a recurrence, relapse or aggravation of an injury or disease resulting from an industrial accident suffered or an occupational disease reported by one of the employer's workers while the employer was personally liable for the payment of benefits.

This section is declaratory. However, it cannot operate to prevent an employer who is personally liable for the payment of benefits under the Workers' Compensation Act from being declared, under a final judgment of an administrative tribunal or a court of justice, not personally liable for the payment of benefits for a recurrence, relapse or aggravation suffered by one of the employer's workers, as long as the employer contested a decision of the Commission holding the employer liable for the payment of those benefits before 14 November 2006.

2006, c. 53, s. 29.

**574.2.** The Commission may impose and is deemed to have always had the power to impose on an employer that it considered personally liable for the payment of benefits under the Workers' Compensation Act (chapter A-3) an assessment to defray the costs incurred under this Act in relation to a recurrence, a relapse or an aggravation of an injury or disease resulting from an industrial accident suffered or an occupational disease reported by one of the employer's workers while the employer was personally liable for the payment of benefits.



For the purpose of fixing the assessment, the Commission exercises its powers under section 343 of this Act, with the necessary modifications.

2006, c. 53, s. 29.

**575.** The Regulation respecting the appointment of members of the Medical Experts Committee (R.R.Q., 1981, chapter I-7, r. 1) remains in force for the sole purpose of terminating the processing of claims made by persons who are entitled to an indemnity under the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7).

1985, c. 6, s. 575.

**576.** A person who, before the date of the coming into force of Division I of Chapter III, received an indemnity under the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) and who suffers a recurrence, relapse or aggravation after that date remains subject to the said Act, if he receives a supplementary indemnity under the Act at the time of the recurrence, relapse or aggravation.

If the person does not receive an indemnity as in the first paragraph at the time, he becomes subject to this Act and sections 556 and 557 apply to him, with the necessary modifications.

1985, c. 6, s. 576.

**577.** A person recognized by the Commission or its review board as suffering from permanent disability resulting from asbestosis or silicosis and who, for that reason, received before the coming into force of Chapter III, benefits under the Workers' Compensation Act (chapter A-3) or an indemnity under the Act respecting indemnities for victims of asbestosis or silicosis in mines and quarries (chapter I-7), is entitled to keep the benefits or indemnity he received and to continue to receive such benefits or indemnity, as the case may be, notwithstanding any subsequent decision or judgment denying his right to the benefits or indemnity, unless obtained by fraud.

A person who received benefits before the date of coming into force of Chapter III, pursuant to the Workers' Compensation Act following the death of a worker recognized by the Commission or its review board as having died by reason of asbestosis or silicosis benefits from the rights provided for in the first paragraph.

The cost of the benefits or indemnity contemplated in the first or second paragraph is charged to the employers of all units.

This section is declaratory.

1985, c. 6, s. 577.

**578.** Provisions of this Act which apply to rescuers within the meaning of the Act to promote good citizenship (chapter C-20) and to the crime victims within the meaning of the Crime Victims Compensation Act (chapter I-6), apply to any injury contemplated in the said Acts occurring from the date of the coming into force of the provisions.

Sections 558, 559 and 562 do not apply to any person who is entitled to benefits under one of the said Acts.

1985, c. 6, s. 578.

**579.** Notwithstanding sections 494 to 497, the Commission des affaires sociales retains its jurisdiction to hear any appeal concerning the right to compensation, the amount of a compensation and the degree of impairment of earning capacity brought, before or from 19 August 1985, under section 65 of the Workers'

Compensation Act (chapter A-3) or under the Act respecting indemnities for victims of asbestosis or silicosis in mines and quarries (chapter I-7).

Appeals contemplated in the first paragraph, including those pending before the industrial accidents division of the Commission des affaires sociales, are heard by the rescuers and crime victims indemnity division.

1985, c. 6, s. 579.

**580.** Any matter or question relating to the classification of industries and the assessment of employers made before 1 January 1986 for a year preceding 1986 is, for the purposes of the contestation, governed by the Regulation respecting the classification of employers (R.R.Q., 1981, chapter A-3, r. 5).

1985, c. 6, s. 580.

**581.** Notwithstanding section 541, the revision office or review board for matters relating to the classification of industries and the assessment of employers established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) is continued and preserves its jurisdiction to examine, hear and decide finally any matter or question relating to the classification of industries and the assessment of employers made before 1986 for a year preceding 1986.

Notwithstanding the foregoing, the Commission may modify the composition of the office or board.

1985, c. 6, s. 581.

**582.** Sections 522 and 545 apply to a decision rendered by an inspector from 19 August 1985.

1985, c. 6, s. 582.

**583.** Notwithstanding paragraph 3 of section 521 and section 544, a regional chief inspector appointed under section 177 of the Act respecting occupational health and safety (chapter S-2.1) retains his authority to examine, hear and decide any application to review an order or decision rendered by an inspector, before 19 August 1985, under section 19, Chapter X or Division V of Chapter XI of the said Act.

The Commission may appoint a new regional chief inspector, if required, to exercise the authority provided in the first paragraph.

1985, c. 6, s. 583.

**584.** Notwithstanding section 541, a revision office in matters of inspection established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) to examine, hear and decide any application to review a decision rendered by a regional chief inspector continues to exist and retains its jurisdiction for that purpose, but the Commission may change its composition.

1985, c. 6, s. 584.

**585.** Sections 227 and 228 of the Act respecting occupational health and safety (chapter S-2.1) enacted by section 548 apply to a penalty or measure imposed from 19 August 1985.

1985, c. 6, s. 585.

**586.** Notwithstanding the fourteenth paragraph of section 3 of the Health Insurance Act (chapter A-29) enacted by section 488, the Commission shall assume the cost of any service contemplated in that paragraph so long as no agreement contemplated in the second paragraph of section 19 of the said Act, enacted by section 489, is in force in respect of that service.

The Commission shall fix the cost according to what it would be fair and reasonable to claim from the worker for a similar service if he were required to pay for it himself.

1985, c. 6, s. 586; 1999, c. 89, s. 44.

**587.** Section 535 has effect from 1 January 1981.

1985, c. 6, s. 587.

**588.** Section 537 has effect from 13 March 1980 and ceases to have effect from the date of coming into force of section 81 of the Archives Act (chapter A-21.1).

1985, c. 6, s. 588.

**589.** The Commission des normes, de l'équité, de la santé et de la sécurité du travail is responsible for the administration of this Act.

1985, c. 6, s. 589; 2015, c. 15, s. 117.

**590.** The Minister of Labour is responsible for the administration of this Act.

1985, c. 6, s. 590; 1997, c. 27, s. 30.

**591.** *(Repealed).*

1985, c. 6, s. 591; 2011, c. 16, s. 85.

**592.** Within three months from assent to the Act respecting industrial accidents and occupational diseases (1985, chapter 6), the members of the board of directors of the Commission shall draw up the list of members for the current year of the review boards provided for in the second and third paragraphs of section 176.2 of the Act respecting occupational health and safety (chapter S-2.1) enacted by section 543.

1985, c. 6, s. 592.

**593.** The Commission may, before 19 August 1985, make a regulation under paragraph 3 of section 454 and under paragraph 40.1 of section 223 of the Act respecting occupational health and safety (chapter S-2.1) enacted by paragraph 3 of section 547.

Notwithstanding any provision inconsistent herewith, the regulation shall be submitted for approval to the Government and comes into force on the date of publication in the *Gazette officielle du Québec* of the order approving it and of its final text or on any later date fixed in the order.

1985, c. 6, s. 593.

**594.** *(Omitted).*

1985, c. 6, s. 594.

**595.** *(This section ceased to have effect on 19 August 1990).*

1985, c. 6, s. 595; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**596.** *(Omitted).*

1985, c. 6, s. 596.

# INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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## SCHEDULE I

(Section 29)

### OCCUPATIONAL DISEASES

#### DIVISION I

#### DISEASES CAUSED BY TOXIC PRODUCTS OR SUBSTANCES

DISEASE	TYPE OF WORK
(1) Poisoning by metals and their organic or inorganic toxic compounds:	any work involving the utilization, handling or other form of exposure to those metals;
(2) Poisoning by halogens and their organic or inorganic toxic compounds:	any work involving the utilization, handling or other form of exposure to those halogens;
(3) Poisoning by the organic and inorganic toxic compounds of boron:	any work involving the utilization, handling or other form of exposure to the compounds of boron;
(4) Poisoning by silicium and its organic or inorganic toxic compounds:	any work involving the utilization, handling or other form of exposure to silicium and those compounds of silicium;
(5) Poisoning by phosphorus and its organic and inorganic toxic compounds:	any work involving the utilization, handling or other form of exposure to phosphorus or those compounds of phosphorus;
(6) Poisoning by arsenic and its organic or inorganic toxic compounds:	any work involving the utilization, handling or other form of exposure to arsenic or those compounds or arsenic;
(7) Poisoning by the organic or inorganic toxic compounds of sulfur:	any work involving the utilization, handling or other form of exposure to those compounds of sulfur;
(8) Poisoning by	any work involving the

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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selenium and its organic or inorganic toxic compounds:		utilization, handling or other form of exposure to selenium or those compounds of selenium;
(9) Poisoning by tellurium and its organic or inorganic toxic compounds:		any work involving the utilization, handling or other form of exposure to tellurium or those compounds of tellurium;
(10) Poisoning by the organic or inorganic toxic compounds of nitrogen:		any work involving the utilization, handling or other form of exposure to those compounds of nitrogen;
(11) Poisoning by the organic or inorganic toxic compounds of oxygen:		any work involving the utilization, handling or other form of exposure to those compounds of oxygen;
(12) Poisoning by aliphatic, alicyclic and aromatic hydrocarbons:		any work involving the utilization, handling or other form of exposure to those substances.

## DIVISION II

### DISEASES CAUSED BY INFECTIOUS AGENTS

DISEASE		TYPE OF WORK
(1) Bacterial cutaneous or fungus infections (pyodermatosis, bacterial folliculitis, panaris, dermatomycosis, candida cutaneous infection):		any work involving contact with tissues or material contaminated by bacteria or fungi;
(2) Parasitosis:		any work involving contact with humans, animals or material contaminated by parasites such as sarcoptes scabiei, pediculus humanus;

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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(3) Anthrax:	any work involving the   utilization, handling or other   form of exposure to wool, hair,   bristles, hides and contaminated   skins;
(4) Brucellosis:	any work related to the care,   slaughtering, cutting,   transport of slaughterhouse   animals or any work involving   contact with brucella;
(5) Viral hepatitis:	any work involving contact with   contaminated humans or animals,   human or animal products or other   contaminated substances;
(6) Tuberculosis:	any work involving contact with   humans or animals, human or animal   products or other contaminated   substances;
(7) Multiple warts on the hands:	any work carried on in a   slaughterhouse or involving the   handling of animals or animal   products under humid conditions   (maceration). 

### DIVISION III

#### SKIN DISEASES CAUSED BY AGENTS OTHER THAN INFECTIOUS AGENTS

DISEASE	TYPE OF WORK
(1) Irritative contact dermatitis:	any work involving contact with   substances such as a solvent,   detergent, soap, acid, alkali,   cement, lubricant or other   irritating agent;
(2) Allergic contact dermatitis:	any work involving contact with   substances such as nickel, chrome,   epoxy, mercury or antibiotic and   other allergens;
(3) Dermatoses caused by plants (phytodermatitis):	any work involving contact with   plants;
(4) Dermatoses caused by mechanical action (localized	any work involving friction or   pressure;

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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callosities and keratoderma):	
(5) Dermatoses caused by tar, pitch, asphalt, mineral oils, anthracene and its compounds, products and residues of those substances (photodermatitis, folliculitis, dyschromia, epithelioma or paraneoplastic lesions):	any work involving the utilization or the handling of tar, pitch, asphalt, mineral oils, anthracene or their compounds, products and residues;
(6) Dermatitis caused by ionizing radiations (radiodermatitis):	any work involving exposure ionizing radiations;
(7) Cutaneous telangiectasia:	any work performed in aluminium plants, involving repeated exposure to ambient air in potrooms;
(8) Dermatoses caused by oil or grease (chemical folliculitis):	any work involving the utilization or handling of oil or grease.

### DIVISION IV

#### DISEASES CAUSED BY PHYSICAL AGENTS

DISEASE	TYPE OF WORK
(1) Hearing impairment caused by noise:	any work involving exposure to excessive noise;
(2) Muscular-skeletal lesions manifested by objective signs (bursitis, tendinitis tenosynovitis):	any work involving repeated movements or pressures over an extended period of time;
(3) Illnesses caused by working in compressed air:	any work carried on in compressed air;

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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(4) Disease caused by exposure to high or low temperatures:	any work carried on under conditions of high or low temperatures;
(5) Disease caused by ionizing radiations:	any work involving exposure to ionizing radiations;
(6) Disease caused by vibrations:	any work involving vibrations;
(7) Retinitis:	any work involving electro-welding or acetylene welding;
(8) Cataract caused by non-ionizing radiation:	any work involving exposure to infrared radiation, microwaves or laser beams.

### DIVISION V

#### LUNG DISEASES CAUSED BY ORGANIC AND INORGANIC DUST

DISEASE	TYPE OF WORK
(1) Asbestosis, lung cancer or mesothelioma caused by asbestos:	any work involving exposure to asbestos fibre;
(2) Bronchopneumopathy caused by dust from hard metals:	any work involving exposure to the dust of hard metals;
(3) Siderosis:	any work involving exposure to iron oxide and iron dust;
(4) Silicosis:	any work involving exposure to silica dust;
(5) Talcosis:	any work involving exposure to talc dust;
(6) Byssinosis:	any work involving exposure to cotton, flax, hemp or sisal dust;
(7) Extrinsic allergic alveolitis:	any work involving exposure to an agent recognized as causing extrinsic allergic alveolitis;
(8) Bronchial asthma:	any work involving exposure to a



| specific sensitizing agent.  
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1985, c. 6, Schedule I.

# INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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## SCHEDULE II

(Section 84)

### INDEMNITY FOR BODILY INJURY

AGE	INDEMNITY (\$)	AGE	INDEMNITY (\$)
18 years or less	50 000	42	37 234
19	49 468	43	36 702
20	48 936	44	36 170
21	48 404	45	35 638
22	47 872	46	35 106
23	47 340	47	34 754
24	46 809	48	34 043
25	46 277	49	33 511
26	45 745	50	32 979
27	45 213	51	32 447
28	44 681	52	31 915
29	44 149	53	31 383
30	43 617	54	30 851
31	43 085	55	30 319
32	42 553	56	29 787
33	42 021	57	29 255
34	41 489	58	28 723
35	40 957	59	28 191
36	40 426	60	27 660
37	39 894	61	27 128
38	39 362	62	26 596
39	38 830	63	26 064
40	38 298	64	25 532
41	37 766	65 or over	25 000

1985, c. 6, Schedule II; 1999, c. 40, s. 4.



*In accordance with sections 118 and 119 of this Act, all the amounts of money fixed in this Schedule are revalored each year on 1 January by multiplying the amount to be revalored by the ratio between the Consumer Price Index of the current year and that of the preceding year.*

**SCHEDULE III**

*(Sections 98 and 101.1)*

**LUMP SUM DEATH INDEMNITIES**

AGE	FACTOR
24 or under	2.00
25 to 29	2.25
30 to 34	2.50
35 to 39	2.75
40 to 44	3.00
45 to 49	2.75
50 to 54	2.50
55 to 59	2.25
60	2.00
61	1.80
62	1.60
63	1.40
64	1.20
65 or over	1.00

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1985, c. 6, Schedule III; 2009, c. 19, s. 11.

**SCHEDULE IV**

*(Section 101)*

TEMPORARY INDEMNITY TO THE SPOUSE OF A DECEASED WORKER

AGE	PERIOD
34 or under	1 year
35 to 44	2 years
45 to 54	3 years
55 or over	2 years

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1985, c. 6, Schedule IV.

**SCHEDULE V**

*(Section 164)*

**CHILD CARE EXPENSES**

(1) In day nurseries:

\$13/day per child, less assistance granted by the Ministère de la Santé et des Services sociaux;

(2) In the home of the children or of the baby sitter:

\$1.50/hour for 1 child

\$1.75/hour for 2 children

\$2.00/hour for 3 children or more

or

\$20/day (24 hours) for 1 child

\$22/day (24 hours) for 2 children

\$25/day (24 hours) for 3 children or more.

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1985, c. 6, Schedule V; 1985, c. 23, s. 24.



*In accordance with sections 118 and 119 of this Act, all the amounts of money fixed in this Schedule are revalorized each year on 1 January by multiplying the amount to be revalorized by the ratio between the Consumer Price Index of the current year and that of the preceding year.*

**SCHEDULE VI**

*(Repealed).*

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1985, c. 6, Schedule VI; 1997, c. 27, s. 31.

**SCHEDULE VII**

*(Repealed).*

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1985, c. 6, Schedule VII; 1997, c. 27, s. 31.

**SCHEDULE VIII***(Section 563)*

## TABLE OF FACTORS FOR REDISTRIBUTION OF MONTHLY BENEFITS

AGE	FACTOR	
	<i>Injured worker</i>	<i>Surviving spouse</i>
10	1.055	—
11	1.057	—
12	1.060	—
13	1.062	—
14	1.065	—
15	1.067	1.102
16	1.070	1.107
17	1.073	1.111
18	1.076	1.115
19	1.080	1.120
20	1.083	1.125
21	1.087	1.130
22	1.091	1.136
23	1.095	1.142
24	1.100	1.148
25	1.104	1.155
26	1.109	1.162
27	1.115	1.169
28	1.120	1.177
29	1.126	1.185
30	1.133	1.194
31	1.140	1.203
32	1.147	1.214
33	1.155	1.224
34	1.163	1.236
35	1.172	1.248
36	1.182	1.262
37	1.193	1.276
38	1.204	1.292
39	1.217	1.308
40	1.230	1.327
41	1.245	1.347
42	1.262	1.369
43	1.280	1.393
44	1.300	1.419
45	1.322	1.448
46	1.347	1.481
47	1.375	1.517



## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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48	1.406	1.558
49	1.442	1.604
50	1.483	1.656
51	1.530	1.717
52	1.585	1.786
53	1.649	1.868
54	1.726	1.966
55	1.819	2.083
56	1.934	2.227
57	2.079	2.408
58	2.266	2.641
59	2.517	2.953
60	2.870	3.391
61	3.403	4.049
62	4.295	5.149
63	6.084	7.353
64	11.466	13.971

1985, c. 6, Schedule VIII.

**SCHEDULE IX**

(Section 564)

TABLE OF FACTORS FOR SMOOTHING OF MONTHLY BENEFITS

AGE	FACTOR	
	<i>Injured worker</i>	<i>Surviving spouse</i>
10	.052	—
11	.054	—
12	.056	—
13	.058	—
14	.061	—
15	.063	.093
16	.066	.096
17	.068	.100
18	.071	.103
19	.074	.107
20	.077	.111
21	.080	.115
22	.083	.120
23	.087	.124
24	.091	.129
25	.095	.134
26	.099	.139
27	.103	.145
28	.107	.150
29	.112	.156
30	.117	.162
31	.122	.169
32	.128	.176
33	.134	.183
34	.140	.191
35	.147	.199
36	.154	.207
37	.162	.216
38	.170	.226
39	.178	.236
40	.187	.246
41	.197	.257
42	.208	.269
43	.219	.282
44	.231	.295
45	.244	.309
46	.258	.325
47	.273	.341

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

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48	.289	.358
49	.307	.376
50	.326	.396
51	.346	.417
52	.369	.440
53	.394	.465
54	.421	.491
55	.450	.520
56	.483	.551
57	.519	.585
58	.559	.621
59	.603	.661
60	.652	.705
61	.706	.753
62	.767	.806
63	.836	.864
64	.913	.928

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1985, c. 6, Schedule IX.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 6 of the statutes of 1985, in force on 1 September 1985, is repealed, except sections 475, 479, paragraphs 1 and 3 of section 480, sections 481, 483, 594 and 596, effective from the coming into force of chapter A-3.001 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 479, paragraphs 1 and 3 of section 480 as well as sections 481 and 483 of chapter 6 of the statutes of 1985, in force on 1 April 2002, are repealed effective from the coming into force of the updating to 1 April 2002 of chapter A-3.001 of the Revised Statutes.