

chapter S-2.1

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

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CHAPTER I

DEFINITIONS

1. In this Act and the regulations, unless otherwise indicated by the context,

“**accident**” means an industrial accident within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

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

“**agency**” means an agency referred to in the Act respecting health services and social services (chapter S-4.2), the institution to which Part IV.2 of that Act applies and the regional council within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

“**agreement**” means an individual work contract or a collective agreement within the meaning of paragraph *d* of section 1 of the Labour Code (chapter C-27) and paragraph *g* of section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) or another agreement relating to working conditions, including a Government regulation giving effect thereto;

“**certified association**” means a certified association within the meaning of the Labour Code (chapter C-27);

“**Commission**” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail established by section 137;

“**construction site**” means a place where foundation, erection, maintenance, renovation, repair, alteration or demolition work is carried out in respect of a building or of civil engineering works, on and at the site itself, including the preparatory work of land clearing or earth moving and any other work determined by regulation, and the lodging, eating or recreational facilities put at the disposal of the construction workers by the employer;

“**contaminant**” means a solid, liquid or gaseous matter, a microorganism, a sound, a vibration, a radiation, heat or an odor, or any combination of these, that is generated by equipment, a machine, a process, a product, a substance or a dangerous substance and that is likely to alter in any way the health or safety of workers;

“**dangerous substance**” means any substance which, by reason of its characteristics, constitutes a danger to the health, safety or physical well-being of a worker, including a hazardous product;

“**decree**” means a decree within the meaning of paragraph *h* of section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry or a decree adopted pursuant to the Act respecting collective agreement decrees (chapter D-2);

“**employer**” means a person who, under a contract of employment or a contract of apprenticeship, even without remuneration, retains the services of a worker; an educational institution is deemed to be the employer of a student in cases where, under a regulation, the student is deemed to be a worker or a construction worker;

“**employers' association**” means a group organization of employers, an association of group organizations of employers or an association that includes employers and group organizations of employers, having as its objects the study, safeguarding and development of the economic interests of its members and particularly assistance in the negotiation and application of collective agreements;

“**establishment**” means all the installations and equipment grouped on one site and organized under the authority of one person or of related persons in view of producing or distributing goods or services, except a construction site; this word includes, in particular, a school, a construction enterprise and the lodging, eating or recreational facilities put at the disposal of workers by the employer, excepting, however, private lodging facilities;

“**fund**” means the Fonds de la santé et de la sécurité du travail established under section 136.1;

“**hazardous product**” means any product, mixture, material or substance governed by subdivision 5 of Division II of Chapter III and determined by a regulation made under this Act;

“**health and safety committee**” means a committee established pursuant to section 68, 69 or 82;

“**hospital centre**” means a hospital centre 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;

“**inspector**” means a person appointed under section 177;

“**job-site committee**” means a committee established pursuant to section 204;

“**local community service centre**” means a local community service centre 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;

“**minister**” means the minister designated by the Government pursuant to section 336;

“**occupational disease**” means an occupational disease within the meaning of the Act respecting industrial accidents and occupational diseases;

“**principal contractor**” means the owner or any other person who, on a construction site, is responsible for the carrying out of all the work;

“**public health director**” means a public health director 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;

“**radiation**” means any transmission of energy in the form of particles or electromagnetic waves with or without the production of ions when interacting with matter;

“**regulation**” means a regulation made in conformity with this Act;

“**safety representative**” means a person appointed pursuant to section 87 or 88;

“**sector-based association**” means a joint sector-based association on occupational health and safety established pursuant to section 98 or the joint sector-based construction association established pursuant to section 99;

“**union association**” means a group of workers constituted as a professional syndicate, union, brotherhood or otherwise or a group of such syndicates, unions, brotherhoods or other groups of workers otherwise constituted, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and particularly the negotiation and application of collective agreements;

“**worker**” means a person, including a student in the cases determined by regulation, who, under a contract of employment or a contract of apprenticeship, even without remuneration, carries out work for an employer, except

(1) a person employed as manager, superintendent, foreman or as the agent of the employer in his relations with his workers;

(2) a director or officer of a legal person, except where a person acts as such in relation to his employer after being designated by the workers or by a certified association;

“**workplace**” means any place in or at which a person is required to be present out of or in the course of work, including an establishment and a construction site.

1979, c. 63, s. 1; 1985, c. 6, s. 477, s. 521; 1986, c. 89, s. 50; 1988, c. 61, s. 1; 1992, c. 21, s. 300; 1994, c. 23, s. 23; 1997, c. 27, s. 34; 1998, c. 39, s. 188; 1999, c. 40, s. 261; 2002, c. 38, s. 10; 2001, c. 26, s. 168; 2002, c. 76, s. 1; 2005, c. 32, s. 308; 2007, c. 3, s. 72; 2015, c. 13, s. 1; 2015, c. 15, s. 207.

CHAPTER II

SCOPE

DIVISION I

GENERAL PROVISIONS

2011, c. 12, s. 2.

2. The object of this Act is the elimination, at the source, of dangers to the health, safety and physical well-being of workers.

This Act provides mechanisms for the participation of workers, workers' associations, employers and employers' associations in the realization of its object.

1979, c. 63, s. 2.

3. The fact that collective or individual means of protection or safety equipment are put at the disposal of workers where necessary to meet their special needs must in no way reduce the effort expended to eliminate, at the source, dangers to the health, safety and physical well-being of workers.

1979, c. 63, s. 3.

4. This Act is of public order and any derogating provision of any agreement or decree is absolutely null.

However, an agreement or decree may provide, in respect of a worker, a person performing functions under this Act or a certified association, more favourable provisions for the health, safety and physical well-being of the worker.

1979, c. 63, s. 4; 1999, c. 40, s. 261.

5. Nothing in this Act or in the regulations may be construed as limiting the rights of a worker or certified association under a collective agreement, Act, regulation, decree, order in council or other order.

1979, c. 63, s. 5.

6. This Act binds the Government, Government departments and agencies that are mandataries of the State.

1979, c. 63, s. 6; 1999, c. 40, s. 261.

7. Every self-employed natural person who, for another person, and without the assistance of workers, carries out work in a workplace where there are workers is subject to the obligations imposed on a worker pursuant to this Act and the regulations.

The person described in the first paragraph must, furthermore, comply with the obligations imposed on an employer in respect of products, processes, equipment, materials, contaminants and dangerous substances.

1979, c. 63, s. 7.

8. The first paragraph of section 7 also applies to an employer or persons contemplated in paragraphs 1 and 2 of the definition of the word "worker", in section 1, who carries out work at a workplace.

1979, c. 63, s. 8.

8.0.1. Chapter VIII.1 and sections 167, 170, 172 and 173 do not apply to the Act respecting labour standards (chapter N-1.1) or the Pay Equity Act (chapter E-12.001).

2015, c. 15, s. 208.

8.1. This Act and the regulations prevail over any inconsistent provision of the Act respecting off-highway vehicles (chapter V-1.2) and of the regulations thereunder.

1996, c. 60, s. 85.

DIVISION II

AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.2. The purpose of this division 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. 3; 2014, c. 18, s. 7.

8.3. The provisions of an agreement under section 8.2 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.4. The Government may, by regulation, take any necessary measures to carry out this division, 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. 3; 2014, c. 18, s. 7.

8.5. An agreement under section 8.2 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 8.4.

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.6. 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. 3; 2014, c. 18, s. 7.

8.7. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 8.2.

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.8. *(Replaced).*

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.9. *(Replaced).*

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.10. *(Replaced).*

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.11. *(Replaced).*

2011, c. 12, s. 3; 2014, c. 18, s. 7.

8.12. *(Replaced).*

2011, c. 12, s. 3; 2014, c. 18, s. 7.

CHAPTER III

RIGHTS AND OBLIGATIONS

DIVISION I

THE WORKER

§ 1. — *General rights*

9. Every worker has a right to working conditions that have proper regard for his health, safety and physical well-being.

1979, c. 63, s. 9.

10. In accordance with this Act and the regulations, the worker is entitled, in particular,

(1) to training, information and counselling services in matters of occupational health and safety, especially in relation to his work and his work environment, and to receive appropriate instruction, training and supervision;

(2) to receive the preventive and curative health services relating to the risks to which he may be exposed, and his wages for the time spent in undergoing a medical examination during employment prescribed for the application of this Act and the regulations.

1979, c. 63, s. 10.

11. Every person contemplated in paragraphs 1 and 2 of the definition of the word “worker”, in section 1, has the rights granted to workers under sections 9, 10, and 32 to 48.

1979, c. 63, s. 11.

§ 2. — *Right of refusal*

12. A worker has a right to refuse to perform particular work if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety or physical well-being, or would expose another person to a similar danger.

1979, c. 63, s. 12.

13. No worker may, however, exercise his right under section 12 if his refusal to perform the work puts the life, health, safety or physical well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in his kind of work.

1979, c. 63, s. 13.

14. Until an executory decision is rendered ordering a worker to resume work, the employer shall not, subject to section 17 and the second paragraph of section 19, have the work performed by another worker or by a person who ordinarily works outside the establishment and a worker who is exercising his right of refusal is deemed to be at work.

1979, c. 63, s. 14.

15. Where a worker refuses to perform particular work, he must immediately inform his supervisor, his employer or an agent of his employer; if none of these persons is present at the workplace, the worker must take reasonable steps to ensure that one of them is informed as soon as possible.

1979, c. 63, s. 15.

16. On being informed, the supervisor or, as the case may be, the employer or his agent shall convoke the safety representative to examine the matter and the corrective measures he intends to apply.

If there is no safety representative or if he is not available, the safety representative is replaced by a representative of the worker's certified association, if any, and if he is available, or if none is available, by any other worker designated by the worker who refuses to perform his work.

1979, c. 63, s. 16.

17. If the worker maintains his refusal to perform the work when his supervisor or, as the case may be, the employer or his agent and the safety representative or the person replacing him are of opinion that no danger exists to justify the worker's refusal to work or that his refusal to work is based on grounds that are acceptable in the particular case of that worker but do not justify another worker's refusing to perform the work, the employer may, notwithstanding section 14, have the work performed by another worker. That other worker may accept to perform the work after being informed that the right of refusal has been exercised, and of the reasons therefor.

1979, c. 63, s. 17.

18. After the situation has been examined, the intervention of an inspector may be required by

(1) the worker, if he maintains his refusal to perform the work;

(2) the safety representative or the person replacing him if he believes that the performance of the work exposes the worker to danger to his health, safety or physical well-being or exposes another person to similar danger; or

(3) the employer or his agent, if he believes that the performance of the work does not expose the worker to danger to his health, safety or physical well-being or does not expose another person to such danger, or that the corrective measures taken have dissipated the danger.

1979, c. 63, s. 18.

19. The inspector shall determine immediately whether or not a danger exists that would justify the worker's refusal to work. He may require the worker to resume his work. He may also prescribe temporary measures and require that corrective measures be taken within such time as he may determine.

If, in the inspector's opinion, the refusal to work is based on grounds that are acceptable in the particular case of that worker but do not justify another worker's refusing to perform the work, the employer may,

notwithstanding section 14, have the work performed by another worker, who may agree to perform it after being informed of the fact that the right of refusal has been exercised, and of the reasons therefor.

The inspector's decision must be substantiated and recorded in writing. It is transmitted by registered mail to the worker, the safety representative or the person replacing him, and to the employer or his agent.

1979, c. 63, s. 19; I.N. 2016-01-01 (NCCP).

20. The inspector's decision may be the object of an application for review and a contestation before the Administrative Labour Tribunal in accordance with sections 191.1 to 193.

The inspector's decision has effect immediately, notwithstanding any application for review.

1979, c. 63, s. 20; 1985, c. 6, s. 522; 1997, c. 27, s. 35; 2015, c. 15, s. 237.

21. *(Replaced).*

1979, c. 63, s. 21; 1985, c. 6, s. 522.

22. *(Replaced).*

1979, c. 63, s. 22; 1985, c. 6, s. 522.

23. *(Replaced).*

1979, c. 63, s. 23; 1985, c. 6, s. 522.

24. A final decision applies as long as the circumstances remain unchanged.

1979, c. 63, s. 24.

25. An employer may require a worker who has exercised his right to refuse to work to remain at the workplace and assign him temporarily to other duties that he is reasonably capable of performing.

1979, c. 63, s. 25.

26. In cases where the exercise of the right to refuse to work prevents at least two other workers from working, the inspector must be present on the premises not later than six hours after his intervention has been required.

If the inspector is not present within the prescribed time, the employer may, notwithstanding section 14, have the work performed by another worker who agrees to do the work after being informed that the right of refusal has been exercised, and of the reasons therefor.

1979, c. 63, s. 26.

27. Where several workers refuse to perform particular work by reason of the same danger, their cases are examined jointly and may be the subject of a decision concerning them jointly.

1979, c. 63, s. 27.

28. Where the exercise of the right of refusal results in depriving of work other workers in the undertaking, these other workers are deemed to be at work for the duration of the work stoppage.

The employer may, however, assign the other workers to other duties that they are reasonably capable of performing or require that they remain available at the workplace during the whole period thus remunerated.

1979, c. 63, s. 28.

29. The employer must allow the safety representative or, as the case may be, the person replacing him, to exercise the functions vested in him by sections 16, 18, 21 and 23.

The safety representative or the person replacing him is deemed to be working when he is exercising the functions vested in him referred to in this section.

1979, c. 63, s. 29.

30. No employer may dismiss, suspend or transfer a worker, practise discrimination or take reprisals against him or impose any other penalty on him on the ground that the worker exercised the right contemplated in section 12.

However, the employer may, within the 10 days following a final decision, dismiss, suspend or transfer the worker or impose another penalty on him if the worker abused his right.

1979, c. 63, s. 30; 1985, c. 6, s. 523.

31. No employer may dismiss, suspend or transfer a safety representative or the person replacing him, practise discrimination or take reprisals against him or impose any other penalty on him on the ground that the safety representative or person replacing him exercised a function conferred on him by this Act.

However, the employer, within the 10 days following a final decision respecting a worker's exercise of his right of refusal, may dismiss, suspend or transfer the safety representative or person replacing him or impose another penalty on him if the representative or person abused his function.

1979, c. 63, s. 31; 1985, c. 6, s. 523.

§ 3. — *Protective re-assignment*

32. A worker who furnishes a certificate attesting that his being exposed to a contaminant entails danger to him, in view of the fact that his health shows signs of deterioration, may request to be re-assigned to duties that do not entail exposure to a contaminant and that he is reasonably capable of performing, until the condition of his health allows him to resume his former duties and his working conditions conform to the standards established by regulation for that contaminant.

1979, c. 63, s. 32.

33. The certificate contemplated in section 32 may be issued by the physician in charge of health services in the establishment where the worker is employed, or another physician.

If the certificate is issued by the physician in charge he must, at the worker's request, notify the physician designated by the worker.

If the certificate is issued by another physician, he must, before issuing it, consult with the physician in charge or, if there is no physician in charge, with the public health director of the region in which the establishment is situated, or the physician designated by him.

1979, c. 63, s. 33; 1992, c. 21, s. 301.

34. The Commission may, by regulation,

- (1) identify the contaminants in relation to which a worker may exercise his right under section 32;
- (2) determine the criteria on which a deterioration of health associated with each contaminant identified under paragraph 1 warrants the exercise of the right under section 32;
- (3) specify the criteria on which a worker may be re-assigned, or be returned to his regular duties;

(4) determine the form and tenor of the certificate contemplated in section 32.

1979, c. 63, s. 34.

35. If a requested re-assignment is not made immediately, the worker may stop working until he is re-assigned or his health or working conditions allow him to return to his duties in accordance with section 32.

1979, c. 63, s. 35.

36. A worker is entitled, for the first five working days of his work stoppage, to be remunerated at his regular wage rate and to also receive from his employer, where section 42.11 or 1019.4 of the Taxation Act (chapter I-3) applies to the worker, remuneration equal to the aggregate of the tips that could reasonably be considered to be attributable to those days and that 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.

At the end of that period, the worker is entitled to the income replacement indemnity to which he would be entitled under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) if he then became unable to carry on his employment by reason of an employment injury within the meaning of that Act.

To decide a case under this section, the Commission shall apply the Act respecting industrial accidents and occupational diseases to the extent that it is consistent with this Act; its decision may be the object of an application for review and contestation before the Administrative Labour Tribunal in accordance with this Act.

1979, c. 63, s. 36; 1985, c. 6, s. 524; 1997, c. 85, s. 412; 1997, c. 27, s. 36; 2015, c. 15, s. 237.

37. If a worker believes he is not reasonably capable of performing duties to which he is re-assigned by the employer, he may request the health and safety committee or, failing such a committee, the safety representative and the employer to examine and decide the question in conjunction with the physician in charge of health services in the establishment, or if there is no physician in charge, the public health director of the region where the establishment is situated.

If there is no safety committee or safety representative, the worker may send his request directly to the Commission.

The Commission shall render its decision within 20 days of the request and the decision has effect immediately notwithstanding any application for review.

1979, c. 63, s. 37; 1985, c. 6, s. 525; 1992, c. 21, s. 302.

37.1. If a person believes he has been wronged by a decision rendered under section 37, he may, within 10 days of being notified of the decision, apply for review to the Commission in accordance with sections 358.1 to 358.5 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

1985, c. 6, s. 525; 1997, c. 27, s. 37.

37.2. The Commission shall proceed by preference with an application for review under section 37.1.

The decision made by the Commission on the application has effect immediately, even if it is contested before the Administrative Labour Tribunal.

1985, c. 6, s. 525; 1997, c. 27, s. 38; 2015, c. 15, s. 237.

37.3. Any person who believes he has been wronged by a decision made by the Commission following an application under section 37.1, may, within 10 days of being notified of the decision, contest it before the Administrative Labour Tribunal.

Proceedings brought under this section are heard and decided by preference.

1985, c. 6, s. 525; 1992, c. 11, s. 48; 1997, c. 27, s. 39; 2015, c. 15, s. 209.

38. The worker re-assigned to other duties retains all the benefits attached to his employment before his re-assignment.

At the end of the period of re-assignment, the employer must return the worker to his regular employment.

The worker continues to receive the social benefits recognized for his workplace, subject to payment of the exigible assessments, part of which is assumed by the employer.

1979, c. 63, s. 38.

39. A worker who has stopped working retains all the benefits relating to his employment before his work stoppage, subject to the first and second paragraphs of section 36.

The second and third paragraphs of section 38 apply, with the necessary modifications, to a worker who has stopped working.

A worker retains the benefits contemplated in this section for only one year following the date of the work stoppage, unless his working conditions do not conform to the standards established for the contaminant concerned.

1979, c. 63, s. 39; 1985, c. 6, s. 526.

§ 4. — *Re-assignment of a pregnant worker*

40. A pregnant worker who furnishes to her employer a certificate attesting that her working conditions may be physically dangerous to her unborn child, or to herself by reason of her pregnancy, may request to be re-assigned to other duties involving no such danger that she is reasonably capable of performing.

The form and tenor of the certificate are determined by regulation, and section 33 applies to its issuance.

1979, c. 63, s. 40.

41. If a requested re-assignment is not made immediately, the pregnant worker may stop working until she is re-assigned or until the date of delivery.

“Delivery” means the natural or the lawfully, medically induced end of a pregnancy by childbirth, whether or not the child is viable.

1979, c. 63, s. 41.

42. Sections 36 to 37.3 apply, with the necessary modifications, where a female worker exercises her rights under sections 40 and 41.

1979, c. 63, s. 42; 1985, c. 6, s. 527.

42.1. A pregnant worker shall receive no indemnity under sections 40 to 42 from the fourth week preceding the week of the expected date of delivery, as stated in the certificate referred to in section 40, if she is eligible for benefits under the Act respecting parental insurance (chapter A-29.011). The worker is presumed to be eligible for those benefits from that fourth week.

However, the expected date of delivery may be changed if the Commission is informed by the worker's attending physician of a new expected date of delivery, not later than four weeks before the date stated in the certificate mentioned in the first paragraph.

2005, c. 13, s. 91; O.C. 374-2006, s. 1.

43. A worker who exercises her rights under sections 40 and 41 retains all the benefits attached to her regular employment before her re-assignment to other duties or before her work stoppage.

At the end of the worker's period of re-assignment or work stoppage, the employer must return her to her regular employment and grant her the benefits she would have been entitled to had she remained in her employment.

The worker continues to receive the social benefits recognized for her workplace subject to payment of the exigible assessments, part of which is assumed by the employer.

1979, c. 63, s. 43.

44. On receiving an application from a pregnant worker, the Commission may make temporary payments if it is of opinion that it will probably grant the indemnity.

If the Commission concludes that the application should not be granted, the amounts paid as temporary payments are not recoverable.

1979, c. 63, s. 44.

45. The cost relating to the payment of the indemnity shall be charged to all the employers.

1979, c. 63, s. 45; 1985, c. 6, s. 528.

46. A worker who furnishes to her employer a certificate attesting that her working conditions involve risks for the child she is breast-feeding may request to be re-assigned to other duties involving no such risks that she is reasonably capable of performing.

The form and tenor of the certificate are determined by regulation, and section 33 applies to its issuance.

1979, c. 63, s. 46.

47. If the requested re-assignment is not made immediately, the worker may stop working until she is re-assigned or the child is weaned.

1979, c. 63, s. 47.

48. Sections 36 to 37.3, 43, 44 and 45 apply, with the necessary modifications, where a worker exercises her rights under sections 46 and 47.

1979, c. 63, s. 48; 1985, c. 6, s. 529.

§ 5. — *Obligations*

49. A worker must

(1) become familiar with the prevention program applicable to him;

(2) take the necessary measures to ensure his health, safety or physical well-being;

(3) see that he does not endanger the health, safety or physical well-being of other persons at or near his workplace;

(4) undergo the medical examinations required by this Act and the regulations;

(5) participate in the identification and elimination of risks of work accidents or occupational diseases at his workplace;

(6) cooperate with the health and safety committee and, where such is the case, with the job-site committee and with any person responsible for the application of this Act and the regulations.

1979, c. 63, s. 49.

49.1. A worker must not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph.

2018, c. 19, s. 19.

DIVISION II

THE EMPLOYER

§ 1. — General rights

50. Every employer is entitled, in particular, in accordance with this Act and the regulations, to training, information and counselling services in matters of occupational health and safety.

1979, c. 63, s. 50.

§ 2. — General obligations

51. Every employer must take the necessary measures to protect the health and ensure the safety and physical well-being of his worker. He must, in particular,

(1) see that the establishments under his authority are so equipped and laid out as to ensure the protection of the worker;

(2) designate members of his personnel to be responsible for health and safety matters and post their names in a conspicuous place easily accessible to the worker;

(3) ensure that the organization of the work and the working procedures and techniques do not adversely affect the safety or health of the worker;

(4) supervise the maintenance of the workplace, provide sanitary installations, drinking water, adequate lighting, ventilation and heating and see that meals are eaten in sanitary quarters at the workplace;

(5) use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker;

(6) take the fire prevention measures prescribed by regulation;

(7) supply safety equipment and see that it is kept in good condition;

(8) see that no contaminant emitted or dangerous substance used adversely affects the health or safety of any person at a workplace;

(9) give the worker adequate information as to the risks connected with his work and provide him with the appropriate training, assistance or supervision to ensure that he possesses the skill and knowledge required to safely perform the work assigned to him;

(10) post up in a conspicuous place easily accessible to the worker all information transmitted by the Commission, the agency and the physician in charge, and put that information at the disposal of the workers, the health and safety committee and of the certified association;

(11) provide the worker, free of charge, with all the individual protective health and safety devices or equipment selected by the health and safety committee in accordance with paragraph 4 of section 78 or, as the case may be, the individual or common protective devices or equipment determined by regulation, and require that the worker use these devices and equipment in the course of work;

(12) allow workers to undergo the medical examinations during employment required under this Act and the regulations;

(13) give, to the workers, the health and safety committee, the certified association, the public health director and the Commission, the list of the dangerous substances used in the establishment and of the contaminants that may be emitted;

(14) cooperate with the health and safety committee, or as the case may be, the job-site committee and with any person responsible for the application of this Act and the regulations and provide them with all necessary information;

(15) put at the disposal of the health and safety committee the equipment, premises and clerical personnel necessary for the carrying out of its functions.

1979, c. 63, s. 51; 1992, c. 21, s. 303; 2005, c. 32, s. 308.

51.1. A person who, although not an employer, retains the services of a worker for the purposes of his establishment must fulfill the obligations imposed on an employer by this Act.

2009, c. 19, s. 17.

51.2. The employer must see to it that a worker does not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph.

2018, c. 19, s. 19.

52. Every employer shall, in accordance with the regulations, keep and maintain a register of risks connected with certain jobs, identifying, in particular, the contaminants and dangerous substances connected with certain jobs, and a register of the risks connected with the kind of work performed by each worker in his employ.

The employer must put the registers at the disposal of the members of the health and safety committee and of the safety representative.

1979, c. 63, s. 52.

53. No employer may have particular work performed

(1) by a worker who has not reached the age determined by regulation to perform such work;

(2) beyond the daily or weekly maximum number of hours fixed by regulation;

(3) by a person who has not undergone the medical examination or does not hold the health certificate prescribed by regulation to perform such work.

1979, c. 63, s. 53.

54. In the cases determined by regulation, no employer or owner may undertake the construction of an establishment or alter its installations or equipment unless he has previously transmitted to the Commission the plans and specifications of an architect or engineer attesting to their conformity with the regulations, in accordance with the terms and conditions and within the time prescribed by regulation. A copy of the plans and specifications must be transmitted to the health and safety committee or, if there is no such committee, to the safety representative.

1979, c. 63, s. 54.

55. When an employer takes possession of an establishment, he must send to the Commission a notice of opening of an establishment within the time and in accordance with the terms and conditions provided by regulation. When he closes an establishment he must, in the same manner, transmit a closing notice.

1979, c. 63, s. 55.

56. Where one building is used by several employers, the owner must see that the necessary measures to protect the health and ensure the safety of workers are taken in those parts of the building not under the authority of an employer.

1979, c. 63, s. 56.

57. In any establishment or construction site considered remote, within the meaning of the regulations, the employer must maintain the living conditions determined by regulation.

1979, c. 63, s. 57.

§ 3. — *Prevention program*

58. Every employer who has an establishment of a category identified for that purpose by regulation must see that a prevention program for each establishment under his authority is implemented, taking into account the responsibilities of the health and safety committee, if any.

1979, c. 63, s. 58.

59. The object of a prevention program is to eliminate, at the source, risks to the health, safety and physical well-being of workers.

Such a program, in addition to any component prescribed by regulation, must contain, in particular,

(1) programs for the adaptation of the establishment to the standards prescribed by the regulations respecting the layout of workplaces, work organization, equipment, material, contaminants, dangerous substances, processes and collective safety measures and equipment;

(2) measures of supervision of the quality of the work environment and of preventive maintenance;

(3) the specific standards of sanitation and safety for the establishment;

(4) the terms and conditions of implementation of any other rule relating to health and safety in the establishment, which must include, as a minimum, the contents of the regulations applicable to the establishment;

(5) identification of the individual protective devices and equipment which, while in compliance with the regulations, are best adapted to meet the needs of the workers of the establishment;

- (6) training and information programs, for the workers, in matters of health and safety.

The components contemplated in subparagraphs 5 and 6 of the second paragraph are determined by the health and safety committee, if any, in accordance with paragraphs 3 and 4 of section 78.

1979, c. 63, s. 59.

60. The employer shall send the prevention program and any updating of it to the health and safety committee, if any; he shall also send the program and the updating of it to the Commission, with the committee's recommendations, as the case may be, according to the terms and conditions and within the time limits prescribed by regulation.

The Commission may order the content of a program amended or a new program transmitted to it within the time it determines. It may also allow an establishment's program of adaptation to the standards prescribed by regulation to provide a different adaptation period than the implementation period that may be provided by regulation under the second paragraph of section 223.

1979, c. 63, s. 60; 1985, c. 6, s. 530.

61. The employer shall transmit to the health and safety committee, the certified association, the safety representative, the physician in charge and the sector-based association, a copy of the prevention program as amended, where that is the case, pursuant to the order of the Commission under the second paragraph of section 60.

1979, c. 63, s. 61.

§ 4. — *Accidents*

62. Every employer must inform the Commission of an incident, by the most rapid means of communication, and, within 24 hours, make a written report to it, in the form and with the information prescribed by regulation, if the incident has caused

- (1) the death of a worker;
- (2) the loss of a limb or of part of a limb, the total or partial loss of the use of a limb or a significant physical trauma to a worker;
- (3) such serious injuries to several workers as probably to prevent them from performing their work for one working day; or
- (4) material damage valued at \$150,000 or more.

The employer shall also inform the health and safety committee and the safety representative.

The scene of the incident must remain unchanged until it has been investigated by the inspector, except to prevent an aggravation of its consequences, or unless the inspector authorizes a change.

Copy of the employer's report must be transmitted without delay to the health and safety committee, the safety representative and the certified association.

1979, c. 63, s. 62; 1985, c. 6, s. 531; 2009, c. 19, s. 18.

62.0.1. The amount set out in subparagraph 4 of the first paragraph of section 62 in relation to material damage is revalorized on 1 January each year using the method described in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

2009, c. 19, s. 19.

§ 5. — *Information in respect of hazardous products*

1988, c. 61, s. 2; 2015, c. 13, s. 2.

62.1. Except in the cases provided for by regulation, no employer may allow a hazardous product to be used, handled or stored in a workplace unless the product has a label and a safety data sheet that comply with this subdivision and the regulations under it and unless a worker who is exposed or likely to be exposed to the product has received the training and information required to safely carry out the work entrusted to him.

An employer may, however, store a hazardous product that does not have such a label or safety data sheet in a workplace or allow it to be handled for storage purposes under conditions prescribed by regulation, if he takes, without delay, the steps necessary to ensure that the product has such a label and safety data sheet and if the worker is given, as soon as possible, the training and information regarding handling and storage that is included in the program required under section 62.5.

Despite sections 10 and 11, the training obligation provided for in this section does not apply to the persons described in paragraph 2 of the definition of “worker” in section 1.

1988, c. 61, s. 2; 2015, c. 13, s. 3.

62.2. An employer who manufactures a hazardous product must, in the cases provided for by regulation, label it or identify it by means of a sign, as the case may be, and prepare a safety data sheet for it.

The label, sign and safety data sheet must comply with the standards determined by regulation.

1988, c. 61, s. 2; 2015, c. 13, s. 3.

62.3. *(Replaced).*

1988, c. 61, s. 2; 2015, c. 13, s. 3.

62.4. The label, sign and safety data sheet concerning a hazardous product must be in French. The French text may be accompanied with one or several translations.

1988, c. 61, s. 2; 2015, c. 13, s. 4.

62.5. An employer must, in addition to his obligations under section 51, implement a training and information program with respect to hazardous products, the minimum content of which is prescribed by regulation.

An employer must also ensure that the training and information received by a worker, during the periods and in the cases prescribed by regulation, allow the worker to develop the skills required to safely carry out the work entrusted to him.

The training and information program shall be established by the health and safety committee. The procedure set out in section 79 shall apply in cases of disagreement within the committee.

Where there is no health and safety committee, the training and information program shall be established by the employer in consultation with the certified association or, where there is no certified association, with the workers or their representative, as the case may be, within the establishment.

The program must be updated in the manner prescribed by regulation.

The program shall be incorporated into any compulsory prevention program implemented in the establishment.

1988, c. 61, s. 2; 2015, c. 13, s. 5.

62.6. Subject to the cases provided for by regulation, an employer must, in respect of every hazardous product present in a workplace,

(1) transmit a copy of the safety data sheet concerning the controlled product to the health and safety committee, the prevention representative or, where there is no health and safety committee or prevention representative, to the certified association or, where there is no certified association, to the representative of the workers within the establishment;

(2) keep and make readily available to every worker, in the workplace, the safety data sheet concerning the controlled product, in accordance with the regulations;

(3) subject to section 62.7, disclose, on request, to any interested worker of the establishment, to the health and safety committee or to the prevention representative or, where there is no health and safety committee or prevention representative, to the certified association or, where there is no certified association, to the representative of the workers within the establishment, the sources of information in his possession relating to any toxicological data used in preparing the safety data sheet.

For the purposes of subparagraph 2 of the first paragraph, an employer must consult the health and safety committee or, in the absence of such a committee, the certified association or, if there is no certified association, the workers or their representative, as the case may be, on the best way to make safety data sheets available in the workplace.

1988, c. 61, s. 2; 2015, c. 13, s. 6.

62.7. An employer who is required to disclose information the employer considers confidential on a label or safety data sheet may apply for an exemption from that obligation in respect of the information prescribed by regulation.

1988, c. 61, s. 2; 2015, c. 13, s. 7.

62.8. An application for exemption shall be filed in the form and manner prescribed by regulation. It must contain the prescribed information and be accompanied with the prescribed documents and fees.

1988, c. 61, s. 2.

62.9. An employer who files an application for exemption is not required to disclose the information forming the object of his application, until a final decision is rendered.

1988, c. 61, s. 2.

62.10. The Government shall, by order, designate the body having exclusive jurisdiction to examine and grant or dismiss an application for exemption.

1988, c. 61, s. 2.

62.11. The designated body shall examine every application for exemption in accordance with the procedure prescribed by regulation and may require, within the period it determines, any additional information it considers necessary.

The designated body shall make its decision on the basis of the criteria prescribed by regulation.

1988, c. 61, s. 2.

62.12. Where the designated body dismisses all or part of an application for exemption, it shall order the applicant to disclose, within the period and in the form and manner it determines, the information forming the object of the application. The duplicant must comply with the decision of the designated body.

Following a final decision granting an application, the applicant is exempt, for a period of three years, from the obligation to disclose the information forming the object of his application.

1988, c. 61, s. 2.

62.13. The employer, a worker of the establishment, a member of the health and safety committee, a prevention representative, a certified association representing a worker of the establishment or any interested person may, within the period prescribed by regulation, appeal from the decision rendered in respect of an application for exemption.

1988, c. 61, s. 2.

62.14. The Government shall, by order, designate the body having exclusive jurisdiction to hear and decide any appeal under section 62.13.

1988, c. 61, s. 2.

62.15. Appeals are brought by filing with the appellate body a written application containing a detailed statement of the grounds of the appeal.

Applications shall be filed in the form and manner prescribed by regulation and shall contain the prescribed information and be accompanied with the prescribed documents and fees.

1988, c. 61, s. 2.

62.16. The appellate body shall hear and decide every appeal in accordance with the procedure prescribed by regulation.

It shall render its decisions on the basis of the criteria prescribed by regulation.

1988, c. 61, s. 2.

62.17. The appellate body may confirm or quash a decision appealed from, or render any decision which should have been rendered in first instance.

If it considers that information must be disclosed to protect the health and ensure the safety of workers, the appellate body may, in a decision granting an exemption, order that such information be disclosed to a person designated by it. The person to whom such an order is directed must comply within the period and in the manner specified therein.

A person to whom information is disclosed pursuant to the preceding paragraph shall not disclose the information to any other person or allow any other person to have access to the information.

1988, c. 61, s. 2.

62.18. No employer may file a second application for exemption in respect of information for which an exemption has been refused.

1988, c. 61, s. 2.

62.19. For the purposes of sections 62.10 and 62.14, the Government may, by order, designate a body or agency established for similar purposes by the Parliament of Canada.

Where that is the case, the body or agency shall exercise the powers and duties conferred on it by its constitutive Act in accordance with the rules and in the manner prescribed by that Act, subject to the

provisions of a regulation made by the Government under section 223.1. However, the persons mentioned in section 62.13 may appeal from any decision concerning an application for exemption.

1988, c. 61, s. 2.

62.20. Notwithstanding sections 62.9 and 62.12, an employer is bound to disclose any information in his possession concerning a hazardous product

- (1) to the Commission, at its request;
- (2) to a physician requesting the information for the purpose of making a medical diagnosis or dispensing medical treatment in a situation that he deems to be an emergency;
- (3) to a nurse requesting the information for the purpose of providing first aid in an emergency.

Every person who obtains information pursuant to this section shall keep such information confidential.

1988, c. 61, s. 2; 2015, c. 13, s. 8.

62.21. Section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) does not apply in respect of information covered by an exemption obtained under section 62.7.

1988, c. 61, s. 2; 2015, c. 13, s. 9.

DIVISION III

THE SUPPLIER

63. No person may manufacture, supply, sell, lease, distribute or instal any product, process, equipment, material, contaminant or dangerous substance unless it is safe and in conformity with the standards prescribed by regulation.

1979, c. 63, s. 63.

64. Except for research purposes in a laboratory affected exclusively to such purposes or on a workplace where it is allowed by the Commission, no person may manufacture, supply, sell, lease, distribute or instal any contaminant or dangerous substance other than those comprised on the list drawn up under paragraph 3 of section 223 unless prior notice of it has been given to the Commission in accordance with the regulations.

The notice must include the information prescribed by regulation for each biological or chemical agent and each combination of them.

1979, c. 63, s. 64.

65. The inspector may obtain an expert opinion on any product, process, equipment, material, contaminant or dangerous substance in order to determine the risks to the health and safety of a worker. The cost of that expert opinion may be claimed from one or more manufacturers, suppliers or users, and they must pay it.

1979, c. 63, s. 65.

66. Where the Commission is of opinion that a product, process, equipment, material, contaminant or dangerous substance may endanger the health or safety of a worker, it may order the manufacture, supplying or utilization of it, or any activity that might cause the emission of the contaminant, prohibited or restricted on such conditions as it may determine.

1979, c. 63, s. 66.

67. A supplier must see that any dangerous substance supplied by him is labelled in accordance with the regulations; if there is no regulation, the label must indicate at least the composition of the dangerous substance, the risks attached to its utilization and the measures to be taken in case of emergency. There is no obligation to reveal manufacturing secrets.

1979, c. 63, s. 67.

CHAPTER IV

HEALTH AND SAFETY COMMITTEES

68. A health and safety committee may be established in any establishment employing more than twenty workers and belonging to a category identified for that purpose by regulation.

1979, c. 63, s. 68.

69. A health and safety committee is established upon a written notice sent to the employer by a certified association or, if there is no certified association, by at least ten per cent of the workers or, in the case of an establishment employing fewer than forty workers, by at least four of these, or upon such a notice sent by the employer to a certified association or, if there is no certified association, to the workers as a whole. A copy of the notice must be sent to the Commission.

The Commission, where it considers it expedient, may require the establishment of a health and safety committee, regardless of the number of workers in the establishment.

1979, c. 63, s. 69.

70. The number of members of a committee is determined by regulation, taking into account the category to which the establishment belongs.

1979, c. 63, s. 70.

71. At least one-half of the members of a committee shall represent the workers and be designated in accordance with section 72.

The other members of the committee shall be designated by the employer.

1979, c. 63, s. 71.

72. The workers' representatives on a committee shall be designated from among the workers of the establishment.

They shall be designated by the certified association where it represents all the workers of the establishment.

Where several certified associations represent all the workers of the establishment, they may, by agreement, designate the workers' representatives. If they do not agree, the designation of the representatives is determined in accordance with the terms and conditions prescribed by regulation.

In other cases, the designation of representatives is determined in accordance with the terms and conditions prescribed by regulation.

1979, c. 63, s. 72.

73. The workers' representatives as a whole and the employer's representatives as a whole are entitled to only one vote, respectively, on a committee.

1979, c. 63, s. 73.

74. A health and safety committee shall meet at least once every three months, subject to the regulations.

Meetings are held during regular working hours, unless the committee decides otherwise.

If the committee fails to establish its own rules of procedure, it must apply those established by regulation.

1979, c. 63, s. 74.

75. The physician in charge of health services in an establishment may participate, without the right to vote, in the meetings of the committee.

1979, c. 63, s. 75.

76. Workers' representatives are deemed to be at work when they are participating in the meetings and work of the committee.

1979, c. 63, s. 76.

77. Workers' representatives must notify their supervisor, or the employer or his agent, when they take time off work to participate in the meetings and work of the committee.

1979, c. 63, s. 77.

78. The functions of a health and safety committee are

(1) to choose, in accordance with section 118, the physician in charge of health services in the establishment;

(2) to approve the health program prepared by the physician in charge under section 112;

(3) to establish, within the prevention program, training and information programs in matters of occupational health and safety;

(4) to select the individual protective devices and equipment which, while complying with the regulations, are best adapted to the needs of the workers of the establishment;

(5) to take cognizance of the other components of the prevention program and to make recommendations to the employer;

(6) to participate in the identification and assessment of the risks connected with certain jobs and certain kinds of work, and the identification of contaminants and dangerous substances connected with certain jobs, for the purposes of section 52;

(7) to keep registers of work accidents, occupational diseases and incidents that could have caused them;

(8) to send to the Commission the information required by it and an annual report of activities, in accordance with the regulations;

(9) to receive copy of notices of accident and to inquire into incidents that have caused or could have caused a work accident or an occupational disease and to submit the appropriate recommendations to the employer and the Commission;

(10) to receive suggestions and complaints from the workers, the certified association and the employer relating to occupational health and safety, and to examine, record, and answer these suggestions and complaints;

(11) to receive and study the reports of inspections made in the establishment;

(12) to receive and study the statistical data produced by the physician in charge, the agency and the Commission;

(13) to carry out any other task the employer and the workers or their certified association entrust to it under an agreement.

1979, c. 63, s. 78; 1992, c. 21, s. 304; 2005, c. 32, s. 308.

79. If a health and safety committee fails to reach an agreement on decisions it must make in accordance with paragraphs 1 to 4 of section 78, the workers' representatives shall present their recommendations in writing to the employers' representatives, who must reply in writing, explaining the points of disagreement.

If the dispute continues, it may be submitted by any of the parties to the Commission, whose decision is executory.

1979, c. 63, s. 79.

80. The employer must post up the names of the members of the health and safety committee in as many conspicuous places in the establishment, easily accessible to the workers, as are reasonably necessary for their information.

1979, c. 63, s. 80.

81. No employer may dismiss, suspend or transfer a worker, practise discrimination or take reprisals against him or impose any other penalty on him on the ground that the worker is a member of a health and safety committee.

However, the employer may dismiss, suspend or transfer a worker or impose any other penalty on him if he abused his function on a health and safety committee.

1979, c. 63, s. 81; 1985, c. 6, s. 532.

82. In an establishment contemplated in section 68, the employer and the certified association or certified associations may agree on the establishment of several health and safety committees and the number of members of each committee. A copy of the agreement shall be sent to the Commission.

1979, c. 63, s. 82.

83. The health and safety committees referred to in section 82 and their members have the same rights and functions as the committees established under section 68, except to choose the physician in charge of health services and to approve the health program prepared by the physician in charge.

1979, c. 63, s. 83.

84. Workers' representatives to the health and safety committees shall be designated by the certified association, or if there are several certified associations, on the terms and conditions agreed by them.

1979, c. 63, s. 84.

85. The workers' representatives on each health and safety committee shall designate the workers' representatives to the health and safety committee established for the whole establishment. The functions of the latter committee are to choose the physician in charge of health services in the establishment, approve the health program prepared by the physician in charge, and exercise the other functions entrusted to it by the health and safety committees of the establishment.

1979, c. 63, s. 85.

86. The specific prevention program of an establishment, as provided for in section 58, must take into account the responsibilities of each health and safety committee of the establishment.

1979, c. 63, s. 86.

CHAPTER V

SAFETY REPRESENTATIVE

87. Where a health and safety committee exists in an establishment, one or more persons shall be designated from among the workers of the establishment as safety representatives.

The persons referred to in the first paragraph are members *ex officio* of the health and safety committee.

1979, c. 63, s. 87.

88. Irrespective of the number of workers in an establishment that belongs to a category of establishments in which health and safety committees may be established in accordance with the regulations under paragraph 22 of section 223, one or more persons shall be designated from among the workers of that establishment as safety representatives upon a written notice sent to the employer by a certified association or if there is no such association, by at least ten per cent of the workers.

A copy of the notice must be sent to the Commission.

1979, c. 63, s. 88.

89. In the case of sections 87 and 88, safety representatives are designated in the same manner as workers' representatives to the health and safety committee.

1979, c. 63, s. 89.

90. The functions of a safety representative are

- (1) to inspect workplaces;
- (2) to receive copies of accident notices and investigate incidents that have caused or could have caused an accident;
- (3) to identify situations that may be a source of danger to workers;
- (4) to make such recommendations to the health and safety committee as he deems appropriate or, if there is no such committee, to the workers or their certified association and the employer;
- (5) to assist workers in the exercise of their rights under this Act and the regulations;
- (6) to accompany the inspector on visits of inspection;
- (7) to intervene in the cases where a worker exercises his right of refusal;
- (8) to submit complaints to the Commission;
- (9) to participate in the identification and assessment of risks connected with certain jobs and with the kinds of work performed by the workers, and the identification of contaminants and dangerous substances connected with certain kinds of work for the purposes of section 52.

1979, c. 63, s. 90; 1985, c. 6, s. 533.

91. A safety representative may, without loss of pay, take time off work as necessary to participate in training programs of such content and duration as are approved by the Commission.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.

1979, c. 63, s. 91.

92. A safety representative may take time off work as necessary to exercise the functions contemplated in paragraphs 2, 6 and 7 of section 90.

The health and safety committee, taking into account the regulations, shall determine how much time the safety representative may devote to the exercise of his other functions. If the committee fails to agree, the representative may devote the minimum time fixed by regulation to these functions.

1979, c. 63, s. 92.

93. A safety representative must notify his supervisor, his employer or his employer's agent, when he takes time off work to exercise his functions.

1979, c. 63, s. 93.

94. The employer must cooperate with the safety representative, provide him with the instruments or apparatus he may reasonably need and allow him to perform his functions.

1979, c. 63, s. 94.

95. The Commission may, by regulation, determine what instruments or apparatus a safety representative needs to exercise his functions, according to the categories of establishments.

1979, c. 63, s. 95.

96. A safety representative is deemed to be at work when exercising his functions.

1979, c. 63, s. 96.

97. No employer may dismiss, suspend or transfer a safety representative, practise discrimination or take reprisals against him or impose any other penalty on him on the ground that he performed the functions of a safety representative.

However, the employer may dismiss, suspend or transfer the safety representative or impose any other penalty on him if he abused his functions.

1979, c. 63, s. 97; 1985, c. 6, s. 534.

CHAPTER VI

SECTOR-BASED ASSOCIATIONS

98. One or several employers' associations and one or several union associations belonging to the same sector of activity may make an agreement establishing a joint sector-based association on occupational health and safety. Only one sector-based association may be established for one sector of activity.

A sector-based association must be administered by a board of directors composed, in equal numbers, of representatives of the employers' associations and representatives of the union associations.

An agreement must contain all the components prescribed by regulation, particularly a procedure for the settlement of disagreements. The agreement comes into force on the approval of the Commission.

1979, c. 63, s. 98.

99. The representative associations within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and the Association des entrepreneurs en construction du Québec shall enter into an agreement establishing the joint sector-based construction association.

The joint sector-based construction association must be administered by a board of directors composed, in equal numbers, of representatives of the Association des entrepreneurs en construction du Québec and representatives of the representative associations.

The agreement must contain all the components prescribed by regulation, particularly a procedure for the settlement of disagreements. The agreement comes into force on the approval of the Commission.

Failing an agreement under the first paragraph, the Commission shall establish the terms and conditions and determine the composition of the joint sector-based construction association.

1979, c. 63, s. 99; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

99.1. A sector-based association is a legal person.

1985, c. 6, s. 535; 1999, c. 40, s. 261.

100. The Commission shall grant an annual subsidy to every sector-based association, on the conditions and criteria determined by regulation.

The Commission may at any time require the necessary information from a sector-based association on the use made of the amounts granted.

Furthermore, the Commission shall furnish technical assistance, on such conditions and in such manner as it may determine.

1979, c. 63, s. 100.

101. The object of a sector-based association is to provide training, information, research and counselling services to employers and workers in the sector of activities which it represents.

It may, in particular,

- (1) assist in the formation and operation of health and safety committees and job-site committees;
- (2) prepare and implement training and information programs for health and safety committees and job-site committees;
- (3) make recommendations relating to occupational health and safety standards and regulations;
- (4) cooperate with the Commission and the public health directors in the preparation of records or studies on the health of workers and on the risks to which they are exposed;
- (5) prepare specific prevention guides for the activities of establishments;
- (6) give its opinion on the qualifications required of inspectors;
- (7) adopt by-laws its internal management;

(8) acquire or lease property and the necessary equipment;

(9) make arrangements with private or public bodies for the use or exchange of premises, equipment or services;

(10) from among the members of its board of directors or by calling upon other persons, form such committees as it considers necessary for the pursuit of its objects and the conduct of its affairs, and define their functions;

(11) hire the necessary administrative and skilled personnel for the pursuit of its objects.

1979, c. 63, s. 101; 1992, c. 21, s. 305; 1999, c. 40, s. 261.

102. A sector-based association shall send to the Commission the information required by the latter and an annual report of activities, in accordance with the regulations.

1979, c. 63, s. 102.

103. A sector-based association has no right of intervention or consultation at the level of labour relations.

It has no power to levy assessments.

1979, c. 63, s. 103.

CHAPTER VII

UNION ASSOCIATIONS AND EMPLOYERS' ASSOCIATIONS

104. The Commission may grant a subsidy to a union association or to an employers' association every year, for the training and information of its members in the fields of occupational health and safety.

1979, c. 63, s. 104.

105. The Commission may, in addition, grant a subsidy to a union association or to an employers' association to allow it to participate in the establishment and operation of a sector-based association or in the work of the Commission.

1979, c. 63, s. 105.

106. The Commission may at any time require information from a union association or an employers' association on the use made of the amounts granted.

1979, c. 63, s. 106.

CHAPTER VIII

OCCUPATIONAL HEALTH

DIVISION I

HEALTH PROGRAMS AND THE STANDARD CONTRACT

107. The Commission shall prepare

(1) occupational health programs applicable in such territories or to such establishments or categories of establishments as it determines;

(2) a standard contract indicating the minimum content of contracts to be entered into between the Commission and agencies, for the purposes of the implementation of health programs.

A draft health program or a draft standard contract must be submitted to the Minister of Health and Social Services, for agreement.

1979, c. 63, s. 107; 1985, c. 23, s. 24; 1992, c. 21, s. 306; 2005, c. 32, s. 308.

108. A health program or a standard contract contemplated in section 107 comes into force upon Government approval.

1979, c. 63, s. 108.

109. The Commission shall enter into a contract with every agency whereby the agency undertakes to provide the services required to implement the occupational health programs in its territory or to provide such services to the institutions or categories of institutions identified in the contract.

However, at the Commission's request, the Minister of Health and Social Services may in exceptional cases allow an agency to make a similar undertaking with regard to a territory, other than its own, which is identified in the contract.

The agency shall designate, in the contract, any person operating a hospital centre or local community service centre that dispenses, among the services referred to in the first paragraph, those which the agency is unable to provide; that person shall be bound by the contract.

The contract must be consistent with the provisions of the standard contract; it may also set out occupational health priorities applicable to the territory or to the institutions or categories of institutions identified in the contract.

The contract shall be filed by the agency with the Minister of Health and Social Services.

1979, c. 63, s. 109; 1992, c. 21, s. 307; 2005, c. 32, s. 308.

110. Every year, the Commission shall establish a budget for the application of this chapter. It shall allot part of the budget to each agency in accordance with the contract entered into with that agency.

Each agency shall ensure that the budget allotted to it is used exclusively to remunerate the professional, technical and clerical staff who provide the services specified in the contract entered into pursuant to section 109, with the exception of health professionals within the meaning of the Health Insurance Act (chapter A-29), and to cover the costs relating to examinations and analyses and the provision of the premises and equipment required to provide those services, in accordance with the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be.

1979, c. 63, s. 110; 1992, c. 21, s. 308; 1994, c. 23, s. 23; 2005, c. 32, s. 308.

111. The physician in charge of health services in an establishment, chosen in accordance with section 118, and the other health professionals within the meaning of the Health Insurance Act (chapter A-29) who provide services therein within the scope of programs contemplated in this chapter, shall be remunerated by the Régie de l'assurance maladie du Québec, by way of fixed fees, of fees for a fixed price, of salary, of fees or of specific fees, according to the agreements entered into under section 19 of the said Act.

1979, c. 63, s. 111; 1999, c. 89, s. 53.

DIVISION II

SPECIFIC HEALTH PROGRAM FOR AN ESTABLISHMENT

112. The physician in charge of health services in an establishment must prepare a specific health program for that establishment. The program must be submitted to the health and safety committee for approval.

1979, c. 63, s. 112.

113. The specific health program for an establishment, taking into account the health programs contemplated in section 107 applicable to the establishment and the contract entered into pursuant to section 109, must particularly contain the following components:

(1) measures designed to identify the risks to his health a worker is exposed to in carrying out his work and to ensure the supervision and assessment of the quality of the work environment;

(2) activities to inform the worker, the employer and, where such is the case, the health and safety committee and the certified association on the nature of the risks in the work environment, and the necessary preventive measures;

(3) measures designed to identify and assess the health characteristics necessary for the carrying out of a job;

(4) measures designed to identify the characteristics of each worker of the establishment, to facilitate his assignment to tasks corresponding to his aptitudes and to prevent harm to his health, safety or physical well-being;

(5) medical supervision of workers for the prevention and early detection of harm to their health that might be caused or aggravated by their work;

(6) pre-employment medical checkups and medical examinations during employment, as provided by regulation;

(7) the maintenance of adequate first aid service;

(8) the establishment and up-dating of a list of workers exposed to a contaminant or dangerous substance, based on the registers kept by the employer.

1979, c. 63, s. 113; 1992, c. 21, s. 309; 2015, c. 13, s. 10.

114. A copy of the specific health program for the establishment must be transmitted to the Commission and to the public health director.

1979, c. 63, s. 114; 1992, c. 21, s. 310.

115. Health services for workers in an establishment shall be provided in the establishment itself.

They may also be provided in a facility maintained by a person operating a hospital centre or a local community service centre. They may be provided in some other place if the public health director believes this to be necessary due to the fact that the other premises are not available.

1979, c. 63, s. 115; 1992, c. 21, s. 311.

116. *(Repealed).*

1979, c. 63, s. 116; 1992, c. 21, s. 312.

DIVISION III

PHYSICIAN IN CHARGE OF HEALTH SERVICES IN AN ESTABLISHMENT

117. A physician may be placed in charge of health services in an institution if his application to practise his profession for the purposes of this chapter has been accepted, in accordance with the Act respecting health services and social services (chapter S-4.2) or, as the case may be, the Act respecting health services and social services for Cree Native persons (chapter S-5) by a person operating a hospital centre or local community service centre designated in the contract entered into pursuant to section 109.

1979, c. 63, s. 117; 1992, c. 21, s. 313; 1994, c. 23, s. 23.

118. A physician in charge shall be chosen by the health and safety committee. If the employer's representatives and the workers' representatives on the committee fail to agree, he shall be designated by the Commission after consultation with the public health director.

If there is no committee, the public health director shall designate the physician in charge.

1979, c. 63, s. 118; 1992, c. 21, s. 314.

119. The appointment of a physician in charge by a committee is valid for four years. An appointment made by the Commission or the public health director is valid for two years.

1979, c. 63, s. 119; 1992, c. 21, s. 315.

120. The workers' representatives or the employer's representatives on the health and safety committee, the committee itself, or, if there is no committee, a certified association, or the employer, or, if there is no certified association, 10% of the workers may apply to the Administrative Tribunal of Québec to dismiss a physician in charge of health services from his duties in an establishment.

Similarly, a physician whose application, as contemplated in section 117, has not been accepted or, once accepted has not been renewed by person operating a hospital centre or a local community service centre may, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec. A physician may also, within 150 days after filing his application and if no decision is transmitted within that time, refer the matter to the Tribunal as in the case of contestation of an unfavourable decision.

An application under this section must be based on the lack of qualifications, scientific incompetence, negligence or misconduct of the physician in charge.

1979, c. 63, s. 120; 1992, c. 21, s. 316; 1997, c. 43, s. 669.

121. *(Repealed).*

1979, c. 63, s. 121; 1997, c. 43, s. 670.

122. The physician in charge of health services in an establishment, in cooperation with the public health director, must assess the professional, technical and financial resources required to implement the specific health program of the establishment.

He shall also see to the implementation of the specific health program of the establishment.

1979, c. 63, s. 122; 1992, c. 21, s. 317.

123. While respecting the confidential nature of medical records and industrial processes, the physician in charge must notify the Commission, the employer, the workers, the certified association, the health and safety

committee and the public health director of any deficiency in the health, safety or sanitation conditions likely to require a preventive measure. He must send a report of his activities to them on request.

1979, c. 63, s. 123; 1992, c. 21, s. 318.

124. The physician in charge shall notify a worker of any situation exposing him to a danger to his health, safety or physical well-being and of any deterioration of his health.

1979, c. 63, s. 124.

125. The physician in charge must visit the workplaces regularly and take cognizance of all the information necessary for the performance of his duties.

1979, c. 63, s. 125.

126. The physician in charge or the person designated by him has access, at any reasonable time of the day or night, to any workplace, and he may be accompanied by an expert.

Furthermore, he has access to all the information necessary for the performance of his duties, in particular, to the registers contemplated in section 52. He may use a measuring device on the workplace.

1979, c. 63, s. 126.

DIVISION IV

PUBLIC HEALTH DIRECTOR

1992, c. 21, s. 319.

127. The public health director is responsible for the implementation, in the territory of the agency, of the contract entered into under section 109; he shall, in particular,

- (1) see to the application of the specific health programs for establishments;
- (2) cooperate with the committee on the examination of qualifications of the council of physicians, dentists and pharmacists and with the board of directors of the person operating a hospital centre or local community service centre, for the examination of applications of physicians who wish to work in the field of occupational medicine, in accordance with this Act, and the regulations thereunder, the Act respecting health services and social services (chapter S-4.2) and the regulations thereunder or, as the case may be, the Act respecting health services and social services for Cree Native persons (chapter S-5) and the regulations thereunder;
- (3) coordinate utilization of the resources of the territory to provide the examinations, analyses and expert opinions necessary for the carrying out of the health programs;
- (4) collate data on the workers' state of health and health risks to which they are exposed;
- (5) ensure the keeping of a worker's medical record for a period of not less than 20 years after the end of his employment or 40 years after the beginning of his employment, whichever is longer;
- (6) carry out epidemiological studies;
- (7) assess specific health programs for establishments and make the appropriate recommendations to the Commission, to the physicians in charge and to the health and safety committees concerned;
- (8) transmit to the Commission statistical data on the workers' state of health and any information the Commission may require in accordance with this Act and the regulations;

(9) visit the establishments in the territory and take cognizance of all the information necessary for the performance of his duties.

1979, c. 63, s. 127; 1984, c. 47, s. 209; 1992, c. 21, s. 320; 1994, c. 23, s. 23; 2005, c. 32, s. 308.

128. The public health director or the person designated by him has all the rights contemplated in section 126.

1979, c. 63, s. 128; 1992, c. 21, s. 321.

129. Subject to paragraph 5 of section 127, the preservation and confidentiality of a worker's medical record shall be ensured in accordance with the Act respecting health services and social services (chapter S-4.2) and the regulations thereunder concerning a user's record or, as the case may be, in accordance with the Act respecting health services and social services for Cree Native persons (chapter S-5) and the regulations thereunder concerning the record of a recipient.

The physician must, on request, communicate a worker's medical record to him or, with his written authorization, to any person designated by the worker.

1979, c. 63, s. 129; 1992, c. 21, s. 322; 1994, c. 23, s. 23.

DIVISION V

RECOGNITION OF CERTAIN HEALTH SERVICES

130. Within ninety days of the coming into force of the regulation determining the health services that must be provided to workers in an establishment, the employer may make an application for recognition of the health services existing in his establishment on 20 June 1979 that have been maintained until the date on which the application is made.

The application referred to in the first paragraph is made to the agency of the region in which the establishment is situated.

No employer may make an application under this section except with the consent of the workers' representatives on the health and safety committee or, if there are several committees, of the committee for the whole establishment, or, if there is no committee, of the certified association or associations, or, if there is no certified association, of the majority of the workers of the establishment.

1979, c. 63, s. 130; 1992, c. 21, s. 323; 2005, c. 32, s. 308.

131. If, having examined the situation, the public health director is of the opinion that the services offered in the establishment are equivalent to the health services provided by this Act and the regulations, he may recommend that the board of directors of the agency recognize these services and, where applicable, the conditions of recognition.

1979, c. 63, s. 131; 1992, c. 21, s. 324; 2005, c. 32, s. 308.

132. The public health director shall examine the situation every year, and recommend that the board of directors of the agency cancel its recognition or renew it and, where applicable, the conditions of renewal.

1979, c. 63, s. 132; 1992, c. 21, s. 325; 2005, c. 32, s. 308.

133. Excepting health professionals within the meaning of the Health Insurance Act (chapter A-29), the staff engaged in providing health services recognized by an agency are remunerated by the employer. The employer shall also defray the costs connected with examinations and analyses and the provision of premises and equipment.

1979, c. 63, s. 133; 1992, c. 21, s. 326; 2005, c. 32, s. 308.

134. Excepting health professionals within the meaning of the Health Insurance Act (chapter A-29), the staff engaged in providing health services contemplated in section 130 shall be integrated with the staff of a person operating a hospital centre or a local community service centre when

(1) the health services in the establishment are not recognized by the agency or recognition is not renewed;

(2) a staff member has been working 50% of his time at tasks directly connected with occupational health; and

(3) it is impossible to replace the staff member adequately in the establishment because of his professional qualifications and the needs of the establishment.

1979, c. 63, s. 134; 1992, c. 21, s. 327; 2005, c. 32, s. 308.

135. The Minister of Health and Social Services is responsible for the integration of the staff with the staff of a person operating a hospital centre or a local community service centre in the cases provided in section 134. He shall use, in particular, the internal resources in the sector of social affairs to promote the best possible integration of the staff.

1979, c. 63, s. 135; 1985, c. 23, s. 24; 1992, c. 21, s. 328.

136. An employer who does not intend to make an application for recognition of health services contemplated in section 130 must notify the Minister of Health and Social Services within 90 days after the coming into force of the regulation referred to in section 130.

At any time, after the expiry of 90 days from the coming into force of the regulation referred to in section 130, an employer who no longer intends to maintain health services that have been recognized by an agency must give notice of four months to the Minister of Health and Social Services.

In the cases referred to in the preceding paragraphs, staff engaged in providing health services in an establishment affected by the decision of an employer shall be integrated with the staff of a person operating a hospital centre or a local community service centre in accordance with sections 134 and 135.

1979, c. 63, s. 136; 1985, c. 23, s. 24; 1992, c. 21, s. 329; 2005, c. 32, s. 308.

CHAPTER VIII.1

THE FONDS DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

2002, c. 76, s. 2.

136.1. The Commission shall transfer to a fund known as the Fonds de la santé et de la sécurité du travail the sums in its possession on 31 December 2002, including the securities deposited with the Caisse de dépôt et placement du Québec, except the sums kept on deposit in accordance with the Acts administered by the Commission.

2002, c. 76, s. 2.

136.2. The fund, established as a social trust patrimony, shall be dedicated to

(1) the payment of the sums or benefits to which any person may be entitled under the Acts administered by the Commission ;

(2) the achievement of any purpose provided for in those Acts.

2002, c. 76, s. 2.

136.3. The Commission is the trustee of the fund.

The Commission is deemed to have accepted the trusteeship and the obligations arising therefrom as of 1 January 2003.

The Commission shall act in the best interest of the purpose pursued by the fund.

2002, c. 76, s. 2.

136.4. Articles 1260 to 1262, 1264 to 1266, 1270, 1274, 1278, 1280, 1293, 1299, 1306 to 1308, 1313 and 1316 are the only provisions of Title VI and Title VII of Book IV of the Civil Code that apply to the fund and the Commission in its capacity of trustee, with the necessary modifications.

2002, c. 76, s. 2.

136.5. The Commission shall transfer to the fund all the sums it collects, as and when collected, except the sums kept on deposit in accordance with the Acts administered by the Commission.

2002, c. 76, s. 2.

136.6. The sums transferred to the fund by the Commission shall be deposited with a bank governed by the Bank Act (Statutes of Canada, 1991, chapter 46) or a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3).

2002, c. 76, s. 2.

136.7. Any of the sums making up the fund that are not required immediately shall be deposited with the Caisse de dépôt et placement du Québec.

2002, c. 76, s. 2.

136.8. The expenses related to the administration of the fund are payable by the fund.

The fund is also required to pay any expenses the Commission may claim for the carrying out of the Acts it administers, except those that are paid out of the sums it keeps on deposit.

2002, c. 76, s. 2; 2009, c. 19, s. 20.

136.9. Where the Commission takes a sum of money out of the fund, the Commission is acting in its capacity of trustee.

2002, c. 76, s. 2.

136.10. The Commission must, not less than three months before 31 December each year, transmit to the fund its budget estimates for the following fiscal year.

2002, c. 76, s. 2.

136.11. The fiscal year of the fund ends on 31 December each year.

2002, c. 76, s. 2.

136.12. Before 30 June each year, the Commission shall submit to the Minister a report on the activities of the fund for the previous fiscal year. The report must contain all the information prescribed by the Minister.

The Minister must table the report before the National Assembly within 15 days of receiving it if the National Assembly is sitting or, if it is not sitting, within 15 days of resumption.

2002, c. 76, s. 2.

136.13. The books and accounts of the fund shall be examined by the Auditor General every year and whenever ordered by the Government.

The certificate of the Auditor General must accompany the report referred to in section 136.12.

2002, c. 76, s. 2.

CHAPTER IX

THE COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

2015, c. 15, s. 237.

DIVISION I

ESTABLISHMENT

137. A body is hereby established under the name of “Commission des normes, de l'équité, de la santé et de la sécurité du travail”.

1979, c. 63, s. 137; 2015, c. 15, s. 210.

138. The Commission is a legal person.

1979, c. 63, s. 138; 1999, c. 40, s. 261.

139. The Commission shall have its head office at the place determined by the Government; a notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

1979, c. 63, s. 139; 1999, c. 40, s. 261.

140. The Commission shall be administered by a board of directors composed of fifteen members, including a chairman of the board and chief executive officer.

1979, c. 63, s. 140; 1992, c. 11, s. 49.

141. The members of the board of directors of the Commission shall be appointed by the Government. Except the chairman of the board of directors and chief executive officer, they shall be designated in the following manner:

(1) seven members shall be chosen from the lists provided by the most representative union associations;

(2) seven members shall be chosen from the lists provided by the most representative employers' associations.

The chairman of the board of directors and chief executive officer shall be appointed after consultation with the most representative union associations and employers' associations.

1979, c. 63, s. 141; 1992, c. 11, s. 50.

141.1. (*Repealed*).

2002, c. 76, s. 3.

142. In addition, the Government shall appoint vice-chairmen.

One of the vice-chairmen is responsible only for matters relating to the Pay Equity Act (chapter E-12.001). Another vice-chairman is responsible for matters relating to the Act respecting labour standards (chapter N-1.1).

The vice-chairman responsible for matters relating to the Pay Equity Act is appointed after consultation with the Comité consultatif du travail et de la main-d'oeuvre.

1979, c. 63, s. 142; 2015, c. 15, s. 211.

143. The chairman of the board of directors and chief executive officer and the vice-chairmen shall be appointed for not over five years. The terms of office are renewable.

1979, c. 63, s. 143; 1992, c. 11, s. 52; 2002, c. 76, s. 4.

144. Members of the board of directors, other than the chairman of the board of directors and chief executive officer, shall be appointed for not over three years. They may be reappointed only three times, for consecutive or non-consecutive terms, in accordance with the appointment procedure set out in section 141.

1979, c. 63, s. 144; 1992, c. 11, s. 53; 2018, c. 12, s. 25.

145. The Minister responsible for the application of this Act shall appoint an observer to the board of directors of the Commission.

The observer shall participate in all the meetings of the board of directors, with no voting rights.

1979, c. 63, s. 145; 1985, c. 6, s. 536; 1985, c. 23, s. 24; 1999, c. 87, s. 1; 2002, c. 76, s. 5.

146. The chairman of the board of directors and chief executive officer and the vice-chairmen must devote their time exclusively to the duties of their office.

1979, c. 63, s. 146; 1992, c. 11, s. 54; 2002, c. 76, s. 6.

147. The members of the board of directors of the Commission and the vice-chairmen remain in office, notwithstanding the expiry of their term, until they are replaced or reappointed.

1979, c. 63, s. 147; 1992, c. 11, s. 55; 2002, c. 76, s. 7.

148. Any vacancy occurring during the term of office of a member of the board of directors of the Commission or of a vice-chairman shall be filled by the Government in accordance with sections 141 to 144.

1979, c. 63, s. 148; 1992, c. 11, s. 56; 2002, c. 76, s. 8.

149. The Government shall fix the salary and, where necessary, the additional salary, fees and allowances of each member of the board of directors of the Commission and of the vice-chairmen, and the indemnities to which they are entitled.

The salaries, fees, allowances, indemnities and other operating expenses of the Commission shall be charged to the Commission.

1979, c. 63, s. 149; 1992, c. 11, s. 57; 2002, c. 76, s. 9.

150. The board of directors of the Commission may hold its sittings at any place in Québec.

1979, c. 63, s. 150.

151. Eight members including the chairman of the board of directors and chief executive officer or, in the case provided for in section 155, the person replacing him, constitute a quorum of the board of directors of the Commission.

In the case of a tie-vote, the chairman of the board of directors and chief executive officer has a casting vote.

1979, c. 63, s. 151; 1992, c. 11, s. 58.

152. The chairman of the board of directors and chief executive officer and the vice-chairmen shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting their personal interest in conflict with that of the Commission.

However, forfeiture is not incurred if an interest described in the first paragraph devolves to them by succession or gift, provided that they renounce or dispose of it with all possible dispatch.

The other members of the board of directors of the Commission must disclose their direct interest on any question putting their personal interest in conflict with that of the Commission.

The members of the board of directors are not in conflict of interest for the sole reason that they are required to perform the duties imposed on the Commission under section 136.3.

1979, c. 63, s. 152; 1992, c. 11, s. 59; 2002, c. 76, s. 10.

153. A member must abstain from voting on decisions of the board of directors of the Commission under which a contract or other benefit may be granted to him or to an undertaking in which he has an interest.

1979, c. 63, s. 153.

153.1. A person holding a management position in an employers' association or a union association may not be a member of both the board of directors of the Commission and that of the Commission de la construction du Québec.

2018, c. 12, s. 26.

154. The chairman of the board of directors and chief executive officer shall preside over the meetings of the board and see to the proper operation of the board. He shall be responsible for the administration and direction of the Commission and for the relations between the Commission and the Government.

1979, c. 63, s. 154; 1992, c. 11, s. 60.

154.1. *(Repealed).*

2002, c. 76, s. 11.

154.2. *(Repealed).*

2002, c. 76, s. 11.

155. If the chairman of the board of directors and chief executive officer or one of the vice-chairmen is absent or unable to act, the Government may appoint a person to replace him for the time he is absent or unable to act.

1979, c. 63, s. 155; 1992, c. 11, s. 61; 1999, c. 40, s. 261; 2002, c. 76, s. 12.

156. An executive committee shall be formed, consisting of

- (1) the chairman of the board of directors and chief executive officer,
- (2) one person designated by the workers' representatives on the board of directors and chosen from among such representatives, and

(3) one person designated by the employers' representatives on the board of directors and chosen from among such representatives.

1979, c. 63, s. 156; 1992, c. 11, s. 62.

157. The secretary and the other officers of the Commission shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

1979, c. 63, s. 157; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

158. *(Repealed).*

1979, c. 63, s. 158; 1985, c. 6, s. 537; 1983, c. 38, s. 81; 1992, c. 57, s. 692.

158.1. The Commission shall deliver copies of the resolutions of the board of directors to its regional offices on request.

1985, c. 6, s. 538.

159. A decision signed by all the members of the board of directors or of the executive committee has the same value as if it had been taken at an ordinary sitting.

1979, c. 63, s. 159.

160. For the exercise of its powers, the Commission or a person designated by it may inquire into any matter within its jurisdiction. The Commission or the designated person is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

A person designated to make an inquiry shall not disclose information obtained during the inquiry except in the performance of his duties or with the authorization of the Commission or a tribunal, or upon the order of a coroner exercising his duties.

1979, c. 63, s. 160; 1983, c. 41, s. 205.

161. Neither the Commission, the commissioners, the members of its board of directors, its vice-chairmen nor its officers may be sued by reason of official acts done by them in good faith in the exercise of their functions.

Moreover, for the purposes of an inquiry, the commissioners have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

1979, c. 63, s. 161; 1992, c. 11, s. 63; 2002, c. 76, s. 13; 2015, c. 15, s. 212.

DIVISION I.0.1

INDIVIDUAL DECISIONS IN PAY EQUITY MATTERS

2015, c. 15, s. 213.

161.0.1. Individual decisions under the Pay Equity Act (chapter E-12.001) are made by the vice-chairman responsible for matters relating to the Pay Equity Act under section 142, and two commissioners.

The commissioners are appointed by the Government after consultation with bodies that, in the Minister's view, are representative of employers, employees and women.

2015, c. 15, s. 213.

161.0.2. The commissioners are appointed for a term not exceeding five years. At the expiry of their term, they remain in office until replaced or reappointed.

2015, c. 15, s. 213.

161.0.3. The commissioners must devote their time exclusively to the duties of their office, which they must exercise on a full-time basis.

2015, c. 15, s. 213.

161.0.4. The commissioners' remuneration, employee benefits and other conditions of employment are determined by the Government.

2015, c. 15, s. 213.

161.0.5. The vice-chairman responsible for matters relating to the Pay Equity Act (chapter E-12.001) and one commissioner constitute the quorum at sittings held under this division. In the case of a tie vote, the vice-chairman has a casting vote. The vice-chairman or a commissioner designated by the vice-chairman may, sitting alone, exercise the powers conferred on the Commission under Division I of Chapter VI of the Pay Equity Act.

2015, c. 15, s. 213.

161.0.6. If a commissioner is absent or unable to act, the Minister may appoint an interim replacement on the conditions the Minister determines.

2015, c. 15, s. 213.

161.0.7. The Government may, after consultation with the chairman and vice-chairman of the Commission, appoint any additional commissioner for the time it determines if it considers this necessary for the dispatch of business under this division; the Government shall set the additional commissioner's salary, employee benefits, additional salary, fees and allowances, as applicable.

2015, c. 15, s. 213.

DIVISION I.1

SERVICE STATEMENT AND STRATEGIC PLAN

2002, c. 76, s. 14.

161.1. The Commission shall publish a service statement setting out its objectives with regard to the level and quality of the services provided.

The statement shall specify the time frame within which services are to be provided and give clear information on their nature and accessibility.

2002, c. 76, s. 14.

161.2. The Commission must

- (1) remain receptive to the expectations of its clients ;
- (2) simplify service delivery rules and procedures to the greatest extent possible ;

(3) encourage the members of its personnel to provide quality services and to collaborate in achieving the results targeted by the Commission.

2002, c. 76, s. 14.

161.3. The Commission must adopt a strategic plan covering a period of more than one year.

2002, c. 76, s. 14.

161.4. The strategic plan must state

- (1) the mission of the Commission ;
- (2) the context in which the Commission acts and the main challenges it faces ;
- (3) the strategic directions, objectives and lines of intervention selected ;
- (4) the results targeted over the period covered by the plan ;
- (5) the performance indicators to be used in measuring results.

2002, c. 76, s. 14.

161.5. The Commission shall transmit the strategic plan to the Minister, who shall table it in the National Assembly.

2002, c. 76, s. 14.

DIVISION I.2

REPORTING

2002, c. 76, s. 14.

162. The fiscal period of the Commission ends on 31 December each year.

1979, c. 63, s. 162.

162.1. Each year, the chairman of the board of directors and chief executive officer shall submit to the Minister the financial forecasts of the Commission relating to pay equity matters for the following fiscal year, in accordance with the form and content and on the date determined by the Minister. The forecasts, which must provide for the continuation of the activities and mission of the Commission relating to pay equity matters, are submitted to the Minister for approval.

2015, c. 15, s. 214.

163. Before 30 June each year, the Commission shall submit to the Minister a report stating the results achieved measured against the objectives fixed in the strategic plan referred to in section 161.4.

In addition, the report must state

- (1) the mandates conferred on the Commission ;
- (2) the service statement referred to in section 161.1 ;
- (3) the programs placed under the administration of the Commission ;
- (4) the personnel turnover ;

(5) a statement by the chairman of the board of directors and chief executive officer concerning the reliability of the information and of the monitoring mechanisms.

The Minister must table the report without delay before the National Assembly if it is in session or, if it is not, within fifteen days after the opening of the next session or resumption.

1979, c. 63, s. 163; 1985, c. 6, s. 539; 2002, c. 76, s. 15.

163.1. The chairman of the board of directors and chief executive officer is, as provided by law, in particular as concerns the exercise of the authority and powers of the minister under whose authority he falls, accountable to the National Assembly for his administrative management.

The competent parliamentary committee of the National Assembly shall hear the minister at least once each year, if the minister considers it appropriate and, where applicable, shall also hear the chairman of the board of directors and chief executive officer to examine their administrative management.

The parliamentary committee may examine

(1) the service statement and the results achieved in relation to the administrative aspects of the strategic plan ;

(2) the results achieved in relation to the objectives of an affirmative action program or hiring plan for handicapped persons that is applicable to the Commission ;

(3) any other matter of an administrative nature under the authority of the Commission that is noted in a report of the Auditor General or the Public Protector.

2002, c. 76, s. 16.

164. Subject to section 174, the Commission must furnish to the Minister any information he may require.

1979, c. 63, s. 164.

165. The books and accounts of the Commission shall be examined by the Auditor General every year, and any other time on Government order; the certificate of the Auditor General must accompany the annual report of the Commission.

1979, c. 63, s. 165.

DIVISION II

FUNCTIONS OF THE COMMISSION

166. The functions of the Commission are to prepare, propose and implement policies relating to worker health and safety, to ensure a safer work environment.

1979, c. 63, s. 166.

167. In addition to its other functions under this Act, the regulations or any other Act or regulation, the Commission has the following functions in particular:

(1) to establish priorities for intervention in the matter of worker health and safety;

(2) to grant technical assistance to health and safety committees and technical and financial assistance to joint sector-based associations;

(3) to prepare and implement an assistance program for the implementation and operation of mechanisms by which employers and workers may participate in matters of occupational health and safety;

- (4) to identify research priorities and needs in matters of occupational health and safety;
- (5) to conduct or cause others to conduct studies and research in the fields contemplated by the Acts and regulations administered by it, in particular to eliminate, at the source, dangers to the health, safety and physical well-being of workers;
- (6) to make an annual grant to the Institut de recherche en santé et en sécurité du travail du Québec;
- (7) to collect information in the fields contemplated in the Acts and regulations administered by it;
- (8) to maintain an information and management system comprising statistical data in the fields contemplated in the Acts and regulations administered by it;
- (9) to analyze, in cooperation with the Minister of Health and Social Services where applicable, data collected by the various bodies and persons working in the field of occupational health and safety, and compile statistics therefrom;
- (10) to maintain and update a toxicological index;
- (11) to assess interventions in the field of occupational health and safety;
- (12) to plan and conduct information campaigns on the protection of the health, safety and physical well-being of workers, in cooperation with the Minister of Health and Social Services, where appropriate;
- (13) to devise, in cooperation with the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology where appropriate, training and information programs in the fields of the Acts and regulations administered by it, see to their carrying out and participate, if necessary, in their financing;
- (14) to submit recommendations to the Minister of Education, Recreation and Sports or to the Minister of Higher Education, Research, Science and Technology for the integration of training and information programs on occupational health and safety into teaching programs;
- (15) to grant financial assistance to an association devoted to the training or information of its members in matters of occupational health and safety or whose function is to promote occupational health and safety;
- (16) to submit recommendations to the Minister of Health and Social Services in view of his coordinating the implementation of health programs and seeing that the personnel employed is properly qualified and that the equipment and premises used for purposes of occupational health and safety are of the proper quality;
- (17) to cooperate with bodies pursuing objects similar to its own outside Québec.

1979, c. 63, s. 167; 1985, c. 21, s. 82; 1985, c. 6, s. 540; 1985, c. 23, s. 24; 1988, c. 41, s. 88; 1993, c. 51, s. 50; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2013, c. 28, s. 203.

167.1. *(Repealed).*

2002, c. 76, s. 17; 2006, c. 29, s. 40; 2011, c. 19, s. 37.

167.2. *(Repealed).*

2002, c. 76, s. 17; 2006, c. 29, s. 40; 2015, c. 15, s. 215.

168. The Commission may, with the written approval of the Minister of Health and Social Services, grant a research contract in the field of occupational health requiring the hiring of additional staff or the installation of new equipment in a facility maintained 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).

1979, c. 63, s. 168; 1985, c. 23, s. 24; 1992, c. 21, s. 330, s. 375; 1994, c. 23, s. 23.

169. The Government may, upon the recommendation of the Minister, establish a body whose function is research in occupational health and safety.

The appointment of the members of the body referred to in the first paragraph, their term of office and their salary, fees or allowances shall be determined by the Government.

1979, c. 63, s. 169.

170. The Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law.

Notwithstanding any other legislative or regulatory provision, where an agreement under this section extends benefits arising out of Acts or regulations referred to in the first paragraph to any person contemplated in the agreement, the Commission may, by regulation, to make it effective, take the measures necessary for its application.

The regulation and the agreement shall be tabled immediately in the National Assembly if it is in session or, if it is not sitting, within fifteen days of the opening of the next session or, as the case may be, resumption.

1979, c. 63, s. 170; 1985, c. 30, s. 146.

170.1. Notwithstanding sections 176.0.1 and 176.0.2, the Commission may enter with the Government or with any of its departments or bodies into an agreement enabling the Commission to obtain resources or services placed at the disposal of the Government or that government department or body under the Acts referred to in those sections.

2002, c. 76, s. 18.

171. *(Repealed).*

1979, c. 63, s. 171; 1985, c. 6, s. 541.

172. The Commission may delegate generally or specially, to the chairman of the board of directors and chief executive officer, the executive committee, its vice-chairmen, its officers or a person it may designate, its powers to examine and decide any question declared by the Acts and regulations administered by it to be within its jurisdiction.

For the purposes of the examination of a question, the persons and the members of the executive committee contemplated in the first paragraph have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

At the examination of a question, the Commission, the persons and the members of the executive committee contemplated in the first paragraph may order a party to pay certain costs or to charge them to the Commission; the nature and amount of these costs and the cases and circumstances in which they may be awarded shall be determined by regulation.

1979, c. 63, s. 172; 1985, c. 6, s. 542; 1992, c. 11, s. 64; 1997, c. 27, s. 40; 2002, c. 76, s. 19.

172.1. The Commission may generally or specially authorize a person to exercise the powers conferred on it by the Pay Equity Act (chapter E-12.001) and the Act respecting labour standards (chapter N-1.1).

The second paragraph of section 172 applies to a person referred to in the first paragraph.

2015, c. 15, s. 216.

173. The Commission may require from any person the information necessary for the application of the acts and the regulations administered by it.

1979, c. 63, s. 173.

174. The Commission shall see to the confidentiality of information obtained by it; only impersonal analyses of it may be disclosed.

Despite the first paragraph, the Commission may communicate to the Régie du bâtiment du Québec any information that is necessary for the application of the Building Act (chapter B-1.1). Similarly, it may communicate to the Commission de la construction du Québec any information that is necessary for the application of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20). It may also communicate to the Minister of Employment and Social Solidarity any information relating to an indemnity or medical assistance payment which it pays or may pay to a person, where such information is necessary for the application of the Individual and Family Assistance Act (chapter A-13.1.1).

1979, c. 63, s. 174; 1990, c. 31, s. 8; 1994, c. 12, s. 67; 1997, c. 63, s. 128; 1998, c. 36, s. 193; 2001, c. 44, s. 30; 2005, c. 15, s. 172; 2012, c. 25, s. 76.

174.1. 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 this Act and the Act respecting parental insurance (chapter A-29.011).

2005, c. 13, s. 92.

174.2. The Commission must communicate to the Régie du bâtiment du Québec any information relating to a finding of guilty for an offence under any section of this Act, to the extent that the information is necessary for the application of the provisions of the Building Act (chapter B-1.1) pertaining to the issue, amendment, suspension or cancellation of a licence.

2012, c. 25, s. 77.

174.3. The Commission must ensure that measures are implemented to ensure that employees who are members of a professional order governed by the Professional Code (chapter C-26) comply with the standards of conduct to which they are subject.

2015, c. 15, s. 217.

175. Notwithstanding section 174, a professional may take cognizance of information held by the Commission for study, teaching or research purposes, with the latter's authorization and notwithstanding subparagraph 5 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The authorization is granted in accordance with the criteria set out in section 125 of the said Act.

1979, c. 63, s. 175; 1987, c. 68, s. 110.

176. The Commission has exclusive jurisdiction to examine and decide any question in respect of which a power, authority or discretion is conferred on it.

1979, c. 63, s. 176; 1997, c. 27, s. 41.

DIVISION III

PROVISIONS NOT APPLICABLE

2002, c. 76, s. 20.

176.0.1. The Financial Administration Act (chapter A-6.001) and section 10 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) in the case of services other than those relating to information resources do not apply to the Commission.

2002, c. 76, s. 20; 2005, c. 7, s. 73; 2011, c. 19, s. 38; 2013, c. 23, s. 140.

176.0.2. The Public Administration Act (chapter A-6.01) does not apply to the Commission, except sections 30 to 40 and, as concerns human resources management, section 78.

2002, c. 76, s. 20; 2014, c. 17, s. 32.

176.0.3. *(Repealed).*

2006, c. 29, s. 41; 2015, c. 15, s. 215.

CHAPTER IX.1

Repealed, 1997, c. 27, s. 42.

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.1. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.1.1. *(Repealed).*

1992, c. 11, s. 65; 1997, c. 27, s. 42.

176.1.2. *(Repealed).*

1992, c. 11, s. 65; 1997, c. 27, s. 42.

176.1.3. *(Repealed).*

1992, c. 11, s. 65; 1997, c. 27, s. 42.

176.1.4. *(Repealed).*

1992, c. 11, s. 65; 1997, c. 27, s. 42.

176.2. *(Repealed).*

1985, c. 6, s. 543; 1986, c. 95, s. 301; 1992, c. 11, s. 66; 1997, c. 27, s. 42.

176.2.1. *(Repealed).*

1992, c. 11, s. 67; 1997, c. 27, s. 42.

176.3. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 68; 1997, c. 27, s. 42.

176.4. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 69; 1997, c. 27, s. 42.

176.5. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.5.1. *(Repealed).*

1992, c. 11, s. 70; 1997, c. 27, s. 42.

176.5.2. *(Repealed).*

1992, c. 11, s. 70; 1997, c. 27, s. 42.

176.5.3. *(Repealed).*

1992, c. 11, s. 70; 1997, c. 27, s. 42.

176.6. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.7. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.7.1. *(Repealed).*

1992, c. 11, s. 71; 1997, c. 27, s. 42.

176.7.2. *(Repealed).*

1992, c. 11, s. 71; 1997, c. 27, s. 42.

176.7.3. *(Repealed).*

1992, c. 11, s. 71; 1997, c. 27, s. 42.

176.7.4. *(Repealed).*

1992, c. 11, s. 71; 1997, c. 27, s. 42.

176.8. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 72; 1997, c. 27, s. 42.

176.9. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 73; 1997, c. 27, s. 42.

176.10. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 73; 1997, c. 27, s. 42.

176.11. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.12. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.13. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.14. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.15. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 74.

176.16. *(Repealed).*

1985, c. 6, s. 543; 1992, c. 11, s. 75; 1997, c. 27, s. 42.

176.16.1. *(Repealed).*

1992, c. 11, s. 75; 1997, c. 27, s. 42.

176.17. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.18. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.19. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

176.20. *(Repealed).*

1985, c. 6, s. 543; 1997, c. 27, s. 42.

CHAPTER X

INSPECTION

177. For the purposes of the application of this Act and the regulations, inspectors shall be appointed in accordance with the Public Service Act (chapter F-3.1.1), and they are officers of the Commission.

1979, c. 63, s. 177; 1983, c. 55, s. 161; 1985, c. 6, s. 544; 2000, c. 8, s. 242.

178. Sections 160 and 161 apply to an inspector appointed under section 177.

1979, c. 63, s. 178; 1985, c. 6, s. 544.

179. An inspector, in the performance of his duties, may, at any reasonable hour of the day or night, enter a place where activities are carried on in the fields contemplated in this Act and the regulations, and inspect that place.

An inspector acting under this section has access to all the books, registers and records of any employer, principal contractor, supplier or other person carrying on an activity in the fields contemplated by this Act and

the regulations. A person having custody, possession or control of these books, registers or records shall give communication of them to the inspector and facilitate his examination of them.

An inspector shall, on demand, produce a certificate of his office.

1979, c. 63, s. 179; 1986, c. 95, s. 302.

180. The inspector may, in addition to his general powers,

- (1) investigate any matter within his competence;
- (2) require the employer or principal contractor, whichever is the case, to produce the plan of the installations and of the layout of the equipment;
- (3) take, free of charge, samples of any kind, particularly of objects used by the workers, for analysis; he must then inform the employer and, if possible, return the samples to him after analysis;
- (4) conduct tests and make photographs or recordings at a workplace;
- (5) in order to ensure that a building, a structure or civil engineering works are stable, require the employer, principal contractor or owner to produce an attestation of solidity signed by an engineer or architect, or an attestation contemplated in section 54;
- (6) in such cases as he may determine, instal a measuring device at a workplace, or cause it to be worn by a worker with the worker's written consent, or order the employer to instal it or cause it to be worn at the time and place the inspector indicates, and require the employer to transmit the data on the terms and conditions the inspector determines;
- (7) be accompanied by one or more persons of his choice while performing his duties.

1979, c. 63, s. 180.

181. On arriving at a workplace, and before making an investigation or inspection, an inspector shall take reasonable steps to advise the employer, the certified association and the prevention officer. On a construction site, he shall advise the principal contractor and the safety representative.

1979, c. 63, s. 181.

182. If he considers it advisable, an inspector may issue a remedial order requiring a person to comply with this Act or the regulations, and fix the time in which he must comply.

1979, c. 63, s. 182.

183. The inspector shall communicate the findings of his investigation or inspection to the employer, the certified association, the job-site committee, the health and safety committee, the safety representative and the public health director; he shall send them a copy of any remedial order. If there is no committee, the employer shall post up copies of the remedial order in a sufficient number of conspicuous places easily accessible to the workers to ensure that they are informed.

1979, c. 63, s. 183; 1992, c. 21, s. 331.

184. A person to whom an inspector has given a remedial order shall carry it out in the appointed time, and inform the certified association, the health and safety committee, the safety representative and the inspector, as soon as possible, of the specific measures the person intends to take.

1979, c. 63, s. 184; 2015, c. 13, s. 11.

185. No person may hinder an inspector in the performance of his duties, mislead or attempt to mislead him by concealment or false or untruthful statements, refuse to give his name and address to the inspector or neglect to obey an order he may give under this Act or the regulations.

1979, c. 63, s. 185.

186. An inspector may order the suspension of work or the complete or partial shut-down of a workplace and, if necessary, affix seals, if he considers a worker's health, safety or physical well-being to be endangered.

The inspector shall substantiate his decision in writing as soon as possible and indicate the steps to be taken to eliminate the danger.

Section 183 applies, with the necessary modifications, to the inspector's order.

1979, c. 63, s. 186.

187. During a suspension of work or a shut-down, the workers are deemed to be at work and therefore entitled to the wages and social benefits related to their work.

1979, c. 63, s. 187.

188. No person may be admitted to a workplace shut down by an inspector except, with his authorization, to do the necessary work to eliminate the danger.

However, the application of the first paragraph cannot prevent an employer, principal contractor or owner from taking such conservation measures as are necessary to avoid the destruction or serious deterioration of the property in the workplace.

1979, c. 63, s. 188; 1999, c. 40, s. 261.

189. Work shall not be resumed nor the workplace reopened until authorized by the inspector.

Section 183 applies, with the necessary modifications, to the inspector's authorization.

1979, c. 63, s. 189.

190. Where a person contravenes this Act or the regulations, an inspector may order him to cease making, supplying, selling, leasing, distributing or installing the product, process, equipment, material, contaminant or dangerous substance concerned, and affix seals or confiscate such objects and order the person to cease every activity that might cause the emission of the contaminant concerned.

The inspector shall substantiate his decision in writing, indicating, where that is the case, the steps to be taken to bring the product, process, equipment, material, contaminant or dangerous substance, or the activity that might cause the emission of the contaminant, into conformity with the Act and the regulations.

The person is prohibited from again making, supplying, selling, leasing, distributing or installing the product, process, equipment, material, contaminant or dangerous substance, or resuming the activity that might cause the emission of a contaminant, until authorized by the inspector.

Section 183 applies, with the necessary modifications, to the inspector's order or authorization.

1979, c. 63, s. 190.

191. An order or decision of an inspector has effect immediately, notwithstanding any application for review.

1979, c. 63, s. 191; 1985, c. 6, s. 545.

191.1. Any person who believes he has been wronged by an order or decision of an inspector may apply for review thereof by the Commission in accordance with sections 358.1 to 358.5 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) within 10 days of being notified of the decision.

1985, c. 6, s. 545; 1997, c. 27, s. 43.

191.2. Where the review relates to the complete or partial closing of a workplace or to the exercise of the right of refusal, the Commission shall proceed with the review by preference.

1985, c. 6, s. 545; 1997, c. 27, s. 44.

192. A decision made by the Commission following an application under section 191.1 has effect immediately, notwithstanding any contestation before the Administrative Labour Tribunal.

1979, c. 63, s. 192; 1985, c. 6, s. 545; 1997, c. 27, s. 45; 2015, c. 15, s. 237.

193. Any person who believes he has been wronged by a decision made by the Commission following an application under section 191.1, may, within 10 days of being notified of the decision, contest it before the Administrative Labour Tribunal.

Proceedings brought under this section are heard and decided by preference.

1979, c. 63, s. 193; 1985, c. 6, s. 545; 1992, c. 11, s. 76; 1997, c. 27, s. 46; 2015, c. 15, s. 218.

CHAPTER XI

SPECIAL PROVISIONS RESPECTING CONSTRUCTION SITES

DIVISION I

DEFINITIONS AND APPLICATION

194. For the purposes of this chapter,

(1) “representative association” means a representative association within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

(2) “employer” means an employer within the meaning of the Act referred to in paragraph 1;

(3) “safety representative” means a person designated under section 209;

(4) “construction worker” means an employee within the meaning of the Act referred to in paragraph 1, including a student in the cases determined by regulation.

1979, c. 63, s. 194; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

195. The other chapters of this Act apply, with the necessary modifications, to employers and construction workers, except as amended by this chapter.

1979, c. 63, s. 195.

DIVISION II

PRINCIPAL CONTRACTORS AND EMPLOYERS

196. A principal contractor is bound to the same extent as an employer to observe the obligations imposed on employers by this Act and the regulations, particularly that of taking the necessary steps to protect the health and ensure the safety and physical well-being of construction workers.

1979, c. 63, s. 196.

197. At the beginning and at the end of activities on a construction site, the principal contractor shall send a notice of opening or closing of a construction site, whichever applies, within the time and on the terms and conditions provided by regulation.

1979, c. 63, s. 197.

198. Where it is foreseen that activities on a construction site will occupy at least ten construction workers simultaneously at a particular stage of the work, the principal contractor must, before work begins, see that a prevention program is prepared. The program must be prepared in collaboration with the employers, and a copy of it must be transmitted to the safety representative and to the joint sector-based construction association contemplated in section 99.

1979, c. 63, s. 198.

199. The object of a prevention program is to eliminate, at the source, danger to the health, safety and physical well-being of construction workers. Particularly, it must contain every component prescribed by regulation.

1979, c. 63, s. 199.

200. A prevention program must be transmitted to the Commission before work begins,

(1) if it is foreseen that activities on the construction site will occupy at least twenty-five construction workers simultaneously at a particular stage of the work;

(2) if the total floor space of the building or buildings to be erected on the site is 10 000 square metres or over; or

(3) if the construction site presents a high risk of accident as defined by regulation.

1979, c. 63, s. 200.

201. The Commission may order the content of a prevention program changed or the submission to it of a new program within the time it determines.

1979, c. 63, s. 201.

202. A principal contractor shall see that an employer working on a construction site where a prevention program is implemented undertakes in writing to see that it is complied with.

1979, c. 63, s. 202.

203. If the prevention programs of the principal contractor and of the employer conflict, the former prevails.

1979, c. 63, s. 203.

Not in force

DIVISION III

JOB-SITE COMMITTEE

Not in force

204. Where it is foreseen that activities on a construction site will occupy at least 25 construction workers simultaneously at a particular stage of the work, the principal contractor shall form a job-site committee as soon as work begins.

1979, c. 63, s. 204.

Not in force

205. A job-site committee consists of the following persons, as and when they are on the job-site:

- (1) at least one representative of the principal contractor;
- (2) one representative of each employer;
- (3) one representative of the person in charge of the plans and specifications, and, where that is the case, of supervising the work;
- (4) one representative of each representative association having at least one member of a union or association that it represents working on the construction site.

1979, c. 63, s. 205.

Not in force

206. The functions of a job-site committee are

- (1) to supervise the application of the prevention program;
- (2) in view of the safety of the construction workers, to supervise the setting up and operation of mechanisms to coordinate the activities of employers who are on the construction site simultaneously;
- (3) to receive suggestions and complaints from the construction workers or their unions or associations, the employers and the principal contractor, regarding occupational health and safety;
- (4) to receive copy of notices of accident and submit appropriate recommendations to the principal contractor, the employer, or the Commission;
- (5) to receive and study the reports of inspections carried out on the construction site;
- (6) to receive and examine the statistical data compiled by the agency or the Commission;
- (7) to transmit to the Commission such information as it may require, in accordance with the regulations.

1979, c. 63, s. 206; 1992, c. 21, s. 332; 2005, c. 32, s. 308.

Not in force

207. A job-site committee shall meet at least once every two weeks, subject to the regulations.

Meetings must be held during regular working hours, unless the committee decides otherwise.

If the committee fails to establish its own rules of procedure, it must follow those established by regulation.

1979, c. 63, s. 207.

Not in force

208. Sections 76, 77 and 81 apply, with the necessary modifications, to the representatives of representatives associations who are members of a job-site committee.

1979, c. 63, s. 208.

Not in force

DIVISION IV

SAFETY REPRESENTATIVE

Not in force

209. A representative association may designate one or more persons to be safety representatives on a construction site where a construction worker who is a member of a union or of an association of employees affiliated to the representative association is working.

Persons designated under this section must be construction workers working on the construction site.

1979, c. 63, s. 209.

Not in force

210. The functions of a safety representative are

- (1) to inspect workplaces;
- (2) to receive copies of accident notices and investigate incidents that have caused or could have caused an accident;
- (3) to identify situations that may be a source of danger to construction workers;
- (4) to make such recommendations to the job-site committee, or if there is no such committee, to the construction workers or their union or association and the employer, as he deems appropriate;
- (5) to assist construction workers in the exercise of their rights under this Act and the regulations;
- (6) to accompany the inspector on visits of inspection;
- (7) to intervene in cases where a worker exercises his right of refusal;
- (8) to submit complaints to the Commission.

1979, c. 63, s. 210; 1985, c. 6, s. 546.

Not in force

211. A safety representative must participate in training programs of such content and duration as are determined by regulation.

He may, without loss of pay, take time off work as necessary to participate in programs referred to in the first paragraph.

Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations.

1979, c. 63, s. 211.

Not in force

212. A safety representative may take time off work as necessary to carry out the functions contemplated in paragraphs 2, 6 and 7 of section 210.

The Commission shall determine, by regulation, by category of construction sites, how much time a safety representative may devote to the exercise of his other functions.

1979, c. 63, s. 212.

Not in force

213. Sections 93, 94, 95 and 97 apply, with the necessary modifications, to a safety representative.

1979, c. 63, s. 213.

Not in force

214. A safety representative is deemed to be at work when exercising his functions.

1979, c. 63, s. 214.

Not in force

215. Section 26 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) apply, with the necessary modifications, to a safety representative.

1979, c. 63, s. 215; 1986, c. 89, s. 50; 2007, c. 3, s. 72.

DIVISION V

INSPECTION

216. The terms and conditions under which inspectors perform their duties on construction sites shall be established by regulation.

The regulations shall also determine, by category of construction sites, the cases in which one or more inspectors must be present full time.

1979, c. 63, s. 216.

217. Where an inspector finds that a workplace, or a tool, device or machine in use does not comply with the regulations, the prevention program, if any, or any other safety standard, and that it endangers the health,

safety or physical well-being of a construction worker as a result, he shall order the principal contractor to take the appropriate measures.

1979, c. 63, s. 217.

218. An inspector may order a device or machine contemplated in section 217 that he designates stopped, and even the complete stoppage of work. His orders are executory.

1979, c. 63, s. 218.

219. Where a situation is corrected to his satisfaction, an inspector may authorize the resumption of work or the re-operation of a device or machine.

1979, c. 63, s. 219.

DIVISION VI

MAJOR CONSTRUCTION SITES

220. No person may open a construction site which to all appearances will be a major construction site within the meaning of the regulations without notifying the Commission of it in writing at least 180 days before the commencement of work.

The Commission, on being informed of an opening, shall convoke and meet the principal contractor and each of the representative associations. The principal contractor shall furnish to the Commission all the information it requests regarding the intended construction site.

1979, c. 63, s. 220.

221. The Commission shall adopt the provisions that are to apply on the construction site during the construction work. These provisions must determine, in particular, the respective roles, in health and safety matters, of the principal contractor, the employers, the representative associations, the job-site committee, the safety representative, the inspectors and the construction workers.

1979, c. 63, s. 221.

222. The Commission shall communicate the content of the program to the principal contractor and the representative associations.

1979, c. 63, s. 222.

CHAPTER XII

REGULATIONS

223. The Commission may make regulations

(1) establishing categories of establishments, according to the activities carried on, the number of employees, the dangers to the health and safety of workers or the frequency and seriousness of accidents and occupational diseases;

(2) determining what other works may be included in the definition of the words “construction site” in section 1;

(3) listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

- (4) defining the properties of a substance that make it a dangerous substance;
- (5) determining the cases where a student is deemed to be a worker or a construction worker within the meaning of this Act;
- (6) identifying the contaminants in respect of which a worker may exercise his rights under section 32, determining the criteria of deterioration of health associated with each contaminant warranting the exercise of that right, specifying the conditions of the protective re-assignment of a worker and his return to his duties, and determining the form and tenor of the certificate contemplated in sections 32, 40 and 46;
- (7) prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where he makes premises available to workers for lodging, meal service or leisure activities;
- (8) determining the safety measures against fire that must be taken by an employer or principal contractor;
- (9) determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;
- (10) determining the content of the registers that the employer must keep and update in conformity with section 52;
- (11) fixing the minimum age at which a worker may carry out particular work it specifies;
- (12) fixing, in such cases or circumstances as it may indicate, the maximum daily or weekly number of hours that may be devoted to particular work, according to the nature of the work, the place where it is carried out and the physical capacity of the worker, and prescribing the distribution of these hours and a minimum rest period or meal period;
- (13) requiring, in such circumstances as it may indicate, a pre-employment medical checkup or medical examinations during employment, determining the content and standards of the examinations, their time or frequency and the form and tenor of the related medical certificate, and requiring a medical certificate for any work it specifies and prescribing its form and tenor;
- (14) indicating the cases or circumstances in which new construction or alterations to existing installations must not be undertaken without prior transmission to the Commission of the architect's or engineer's plans and specifications, and indicating the time, terms and conditions of their transmission; prescribing standards of construction, development, maintenance and demolition;
- (15) specifying the content and the time, terms and conditions of transmission of a notice of opening or closing of an establishment or construction site;
- (16) determining the cases and circumstances where an establishment or construction site must be considered remote, and the living conditions to be maintained there by the employer for the benefit of the workers;
- (17) determining the categories of establishments for which a prevention program must be implemented, the minimum compulsory content of a prevention program for each category of establishments or construction sites, and the time, terms and conditions of transmission of a prevention program and its updating to the Commission;
- (18) determining the form and content of the report that an employer must make under section 62;

(19) prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

(20) determining the time, terms and conditions of transmission of a notice contemplated in section 64, and its form and content;

(21) determining the cases and circumstances where a label or a notice must indicate the dangers inherent in a contaminant or dangerous substance and indicate the safety measures to be taken in handling or using the contaminant or substance;

(21.1) defining and identifying hazardous products, establishing a classification of such products, and specifying the criteria or methods for classifying them into the categories identified;

(21.2) excluding products from the application of subdivision 5 of Division II of Chapter III or certain of its provisions;

(21.3) *(subparagraph repealed)*;

(21.4) prescribing labelling and posting standards applicable to hazardous products present or manufactured in a workplace and prescribing, in particular,

(a) the information that a label or sign must contain;

(b) the form of labels or signs;

(c) measures for the up-dating and renewal of labels and signs and for their replacement in case of loss, destruction or deterioration;

(d) circumstances in which a label may be replaced by a sign or another means of information specified in the regulation;

(21.5) prescribing standards applicable to safety data sheets concerning hazardous products present or manufactured in a workplace and prescribing, in particular,

(a) the information that a safety data sheet must contain;

(b) the form of safety data sheets and the methods of reproduction permitted to facilitate access thereto;

(c) the updating, distribution, conservation and replacement of safety data sheets;

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

(21.6.1) determining the information regarding which an application for exemption may be filed under section 62.7;

(21.6.2) determining the information that must appear on a label or safety data sheet when information is exempted from disclosure;

(21.7) *(subparagraph repealed)*;

(22) determining the categories of establishments in which a health and safety committee may be formed and fixing, by category, the minimum and maximum number of members of a committee; establishing rules of operation for committees and determining the procedure, terms and conditions of appointment of the members representing the workers in the cases provided in section 72;

(23) fixing, for health and safety committees in establishments of such categories as it identifies, a minimum number of meetings different from that provided by this Act; indicating what information a committee must transmit to it, and the procedure, terms and conditions of its transmission and of the transmission of the annual report of activities;

(24) determining, by category of establishments, the amount of time that a safety representative may devote to his functions, determining, by category of establishments or construction sites, the instruments or apparatus a safety representative needs to exercise his functions and determining the registration, travel and accommodation expenses borne by it under sections 91 and 211;

(25) delimiting sectors of activities, and indicating which establishments, employers, workers, unions, or categories of any of these, form part of a particular sector of activities within the meaning of section 98;

(26) prescribing the minimum compulsory content of agreements contemplated in sections 98 and 99;

(27) establishing the conditions and criteria according to which subsidies may be granted to sector-based associations in application of section 100, and indicating what information must be transmitted to it by a sector-based association and the procedure, terms and conditions of transmission of the information and annual report of activities;

(28) determining, by category of establishments or construction sites, the cases in which health services must be supplied to workers;

(29) establishing categories of construction sites, according to the foreseen duration of work on a site, how many construction workers it is foreseen will be working on a site at one time and the risks of work accident or occupational disease;

(30) defining what constitutes a high risk construction site;

(31) establishing the rules of operation of job-site committees and fixing, for committees instituted on construction sites of such categories as it identifies, a minimum number of meetings different from that prescribed by this Act; indicating what information a committee must transmit to it, and the procedure, terms and conditions of its transmission;

(32) determining, by category of construction sites, the amount of time that a safety representative may devote to the exercise of his functions and determining the content and the duration of the training programs in which the safety representative contemplated in section 211 must participate;

(33) establishing the conditions and the terms on which inspectors are to perform their duties on a construction site and determining, by category of construction sites, the cases where one or more inspectors must be present full time;

(34) determining what constitutes a major construction site;

(35) determining the cases where a measuring device may be installed at a workplace or caused to be worn by a worker with his written consent;

(36) establishing rules for its internal management;

(37) establishing rules applicable to the examination and decision of questions over which an inspector or the Commission has jurisdiction or over which certain persons or the executive committee have jurisdiction pursuant to section 172;

(38) *(subparagraph repealed)*;

(39) taking the necessary measures for the implementation of an agreement made pursuant to section 170;

(40) determining the cases or circumstances where a party is entitled to reimbursement of the costs incurred for the examination of a question under section 172, specifying the nature and indicating the amounts thereof;

(40.1) *(subparagraph repealed)*;

(41) exempting certain categories of persons, workers, employers, workplaces, establishments or construction sites from the application of this Act or certain of its provisions;

(42) generally prescribing any other measure to facilitate the application of this Act.

The content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation.

A regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body.

1979, c. 63, s. 223; 1982, c. 58, s. 72; 1985, c. 6, s. 547; 1988, c. 61, s. 3; 1997, c. 27, s. 47; 2015, c. 13, s. 12; I.N. 2015-07-01.

223.1. The Government may make regulations

(1) prescribing the form and manner in which an application for exemption under section 62.8 or a contestation under section 62.15 must be filed and the information, documents and fees that must accompany it;

(2) prescribing the criteria to be applied in examining an application for exemption;

(3) prescribing the procedure applicable to the examination of an application for exemption under section 62.8;

(4) prescribing the rules of procedure applicable to the body designated pursuant to section 62.14 and the period within which a contestation may be filed.

1988, c. 61, s. 4; 1997, c. 27, s. 48.

223.2. *(Repealed)*.

1988, c. 61, s. 4; 2015, c. 13, s. 13.

224. Every draft regulation made by the Commission under section 223 shall be submitted to the Government for approval.

1979, c. 63, s. 224; 1985, c. 6, s. 548; 2002, c. 76, s. 21.

225. The Government itself may adopt regulations if the Commission fails to adopt them within the time it considers reasonable.

The Government then publishes in the *Gazette officielle du Québec* the draft regulations that it wishes to adopt with a notice indicating that at the expiry of 60 days following the notice, they will be adopted by the Government with or without amendment.

The publication is not required if the Commission has already caused the draft regulation to be published in the *Gazette officielle du Québec* and no amendment is made thereto by the Government.

The regulations come into force on the tenth day following the publication in the *Gazette officielle du Québec* of its final text together with the order under which they were made or on any later date fixed in the order.

1979, c. 63, s. 225; 1985, c. 6, s. 548.

226. *(Repealed).*

2002, c. 76, s. 22.

CHAPTER XIII

RECOURSES

1985, c. 6, s. 548.

227. Any worker who believes he has been dismissed, suspended, transferred or subjected to a discriminatory measure or reprisals or any other penalty for exercising his rights or functions under this Act or the regulations may resort to the grievance procedure provided by the collective agreement applicable to him or, if he so elects, submit a complaint in writing to the Commission within 30 days of the penalty or measure about which he is complaining.

1979, c. 63, s. 227; 1985, c. 6, s. 548.

228. Division III of Chapter VII of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) apply, with the necessary modifications, to a complaint submitted pursuant to section 227 as if it were a complaint submitted under section 32 of the said Act.

A decision of the Commission may be contested before the Administrative Labour Tribunal in accordance with section 359.1 of the Act respecting industrial accidents and occupational diseases.

1979, c. 63, s. 228; 1985, c. 6, s. 548; 1997, c. 27, s. 49; 2015, c. 15, s. 237.

228.1. 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. 219.

229. *(Replaced).*

1979, c. 63, s. 229; 1985, c. 6, s. 548.

230. *(Replaced).*

1979, c. 63, s. 230; 1985, c. 6, s. 548.

231. *(Replaced).*

1979, c. 63, s. 231; 1985, c. 6, s. 548.

232. *(Replaced).*

1979, c. 63, s. 232; 1985, c. 6, s. 548.

233. *(Replaced).*

1979, c. 63, s. 233; 1985, c. 6, s. 548.

CHAPTER XIV

PENAL PROVISIONS

1992, c. 61, s. 545.

234. Subject to the second paragraph of section 160, every person who, in any manner whatever, reveals or divulges a manufacturing or operating secret or process of which he learns in the course of his functions under this Act and the regulations is guilty of an offence.

1979, c. 63, s. 234.

235. Every person who makes a false declaration or neglects or refuses to provide the information necessary for the application of this Act or the regulations is guilty of an offence.

1979, c. 63, s. 235.

236. Every person who contravenes this Act or a regulation or refuses to conform to, or incites a person not to conform to, a decision or order rendered under this Act or the regulations is guilty of an offence and liable,

(1) in the case of a natural person, to a fine of not less than \$600 nor more than \$1,500 for a first offence, a fine of not less than \$1,500 nor more than \$3,000 for a second offence, and a fine of not less than \$3,000 nor more than \$6,000 for a third or subsequent offence; and

(2) in the case of a legal person, to a fine of not less than \$1,500 nor more than \$3,000 for a first offence, a fine of not less than \$3,000 nor more than \$6,000 for a second offence, and a fine of not less than \$6,000 nor more than \$12,000 for a third or subsequent offence.

1979, c. 63, s. 236; 1990, c. 4, s. 798; 1999, c. 40, s. 261; 2009, c. 19, s. 21.

237. Every person who, by an act or omission, does anything that directly and seriously compromises the health, safety or physical well-being of a worker is guilty of an offence and liable,

(1) in the case of a natural person, to a fine of not less than \$1,500 nor more than \$3,000 for a first offence, a fine of not less than \$3,000 nor more than \$6,000 for a second offence, and a fine of not less than \$6,000 nor more than \$12,000 for a third or subsequent offence;

(2) in the case of a legal person, to a fine of not less than \$15,000 nor more than \$60,000 for a first offence, a fine of not less than \$30,000 nor more than \$150,000 for a second offence, and a fine of not less than \$60,000 nor more than \$300,000 for a third or subsequent offence.

1979, c. 63, s. 237; 1990, c. 4, s. 799; 1999, c. 40, s. 261; 2009, c. 19, s. 21.

237.1. The amount of the fines set out in sections 236 and 237 are revalorized on 1 January each year using the method described in sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

2009, c. 19, s. 21.

238. The court may, on an application by the prosecutor, order a person convicted of an offence under a provision of section 236 or 237 to conform to the requirements of the Act or the regulations within the time it fixes or to carry out any measure it considers likely to contribute to the prevention of work accidents or occupational disease.

Prior notice of the application for an order shall be given by the prosecutor to the defendant, except where the parties are in the presence of the judge.

1979, c. 63, s. 238; 1990, c. 4, s. 800; 1992, c. 61, s. 546.

239. In proceedings contemplated in this chapter, proof that an offence has been committed by an agent or mandatary of or a worker employed by an employer suffices to establish that it was committed by the employer, unless the employer establishes that the offence was committed without his knowledge or consent and despite provisions made to prevent its being committed.

1979, c. 63, s. 239.

240. Where a worker is being prosecuted for an offence against this Act or the regulations, proof that the offence was committed as a result of formal instructions given by his employer and despite the worker's objection suffices to release him from his responsibility.

1979, c. 63, s. 240.

241. Where a legal person has committed an offence, every director, officer, employee or agent of that legal person who has prescribed or authorized the action or the omission that constitutes the offence or who has consented thereto is deemed to have participated in the offence and is liable to the same penalty as a natural person, whether or not the legal person has been prosecuted or found guilty.

1979, c. 63, s. 241; 1999, c. 40, s. 261.

242. Penal proceedings for an offence under a provision of this Act may be instituted by the Commission.

A certified association may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under a provision of this Act.

1979, c. 63, s. 242; 1985, c. 6, s. 549; 1992, c. 61, s. 547.

243. *(Repealed).*

1979, c. 63, s. 243; 1985, c. 6, s. 549; 1992, c. 61, s. 548.

243.1. *(Repealed).*

1985, c. 6, s. 549; 1992, c. 61, s. 548.

243.2. *(Repealed).*

1985, c. 6, s. 549; 1992, c. 61, s. 548.

244. *(Repealed).*

1979, c. 63, s. 244; 1985, c. 6, s. 549; 1990, c. 4, s. 801; 2001, c. 26, s. 169.

245. *(Repealed).*

1979, c. 63, s. 245; 1992, c. 61, s. 549.

246. The fines belong to the fund, except when the Attorney General or the Director of Criminal and Penal Prosecutions has instituted the penal proceedings.

The same rule applies to costs transmitted to the Commission with the defendant's plea.

1979, c. 63, s. 246; 1992, c. 61, s. 550; 2002, c. 76, s. 23; 2005, c. 34, s. 86.

CHAPTER XV

FINANCING

247. The Commission shall collect from the employers the sums required to defray all the costs arising from the application of this Act and the regulations.

The Commission shall exercise for that purpose all the powers and duties vested in it by the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

1979, c. 63, s. 247; 1996, c. 70, s. 47; 1999, c. 89, s. 53; 2002, c. 76, s. 24.

248. The Commission shall reimburse to the Régie de l'assurance maladie du Québec the sums disbursed for the purposes of Chapter VIII.

2002, c. 76, s. 25.

249. *(Repealed).*

1979, c. 63, s. 249; 1996, c. 70, s. 48.

250. *(Repealed).*

2002, c. 76, s. 26.

CHAPTER XVI

TRANSITIONAL PROVISIONS

251. *(Amendment integrated into c. A-3, s. 2).*

1979, c. 63, s. 251.

252. *(Amendment integrated into c. A-3, s. 3).*

1979, c. 63, s. 252.

253. *(Amendment integrated into c. A-3, s. 4).*

1979, c. 63, s. 253.

254. *(Repealed).*

1979, c. 63, s. 254; 1985, c. 6, s. 550.

255. *(Amendment integrated into c. A-3, s. 55).*

1979, c. 63, s. 255.

256. *(Omitted).*

1979, c. 63, s. 256.

257. *(Amendment integrated into c. A-3, s. 61).*

1979, c. 63, s. 257.

258. *(Omitted).*

1979, c. 63, s. 258.

259. *(Amendment integrated into c. A-3, s. 63).*

1979, c. 63, s. 259.

260. *(Omitted).*

1979, c. 63, s. 260.

261. *(Amendment integrated into c. A-3, s. 70).*

1979, c. 63, s. 261.

262. *(Omitted).*

1979, c. 63, s. 262.

263. *(Amendment integrated into c. A-3, s. 88).*

1979, c. 63, s. 263.

264. *(Amendment integrated into c. A-3, s. 91).*

1979, c. 63, s. 264.

265. *(Omitted).*

1979, c. 63, s. 265.

266. *(Amendment integrated into c. A-3, s. 111).*

1979, c. 63, s. 266.

267. *(Amendment integrated into c. A-3, s. 119.9).*

1979, c. 63, s. 267.

268. *(Omitted).*

1979, c. 63, s. 268.

269. *(Amendment integrated into c. A-3, s. 124).*

1979, c. 63, s. 269.

270. *(Amendment integrated into c. A-3, s. 126).*

1979, c. 63, s. 270.

271. *(Amendment integrated into c. A-3, Schedule B).*

1979, c. 63, s. 271.

272. *(Amendment integrated into c. A-3, Schedule E).*

1979, c. 63, s. 272.

273. *(Amendment integrated into c. A-29, s. 3).*

1979, c. 63, s. 273.

274. *(Amendment integrated into c. B-1, s. 128).*

1979, c. 63, s. 274.

275. *(Amendment integrated into c. C-12, s. 46).*

1979, c. 63, s. 275.

276. *(Amendment integrated into c. C-34, s. 3).*

1979, c. 63, s. 276.

277. *(Amendment integrated into c. C-34, s. 7).*

1979, c. 63, s. 277.

278. *(Amendment integrated into c. C-34, s. 21).*

1979, c. 63, s. 278.

279. *(Amendment integrated into c. C-34, s. 28).*

1979, c. 63, s. 279.

280. *(Amendment integrated into c. C-34, s. 29).*

1979, c. 63, s. 280.

281. *(Amendment integrated into c. C-34, s. 32.1).*

1979, c. 63, s. 281.

282. *(Amendment integrated into c. C-34, s. 33).*

1979, c. 63, s. 282.

283. *(Amendment integrated into c. C-34, s. 38).*

1979, c. 63, s. 283.

284. *(Amendment integrated into c. I-13.01, s. 2).*

1979, c. 63, s. 284; 1975, c. 53, s. 132.

285. *(Omitted).*

1979, c. 63, s. 285.

286. Regulations made under the Industrial and Commercial Establishments Act (chapter E-15) remain in force, to the extent that they are consistent with this Act, until they are amended, replaced or repealed by a regulation made under this Act.

The regulations are then regulations made under this Act.

1979, c. 63, s. 286.

287. *(Amendment integrated into c. I-7, s. 2).*

1979, c. 63, s. 287.

288. *(Amendment integrated into c. I-7, s. 15).*

1979, c. 63, s. 288.

289. *(Omitted).*

1979, c. 63, s. 289.

290. *(Amendment integrated into c. M-4, s. 1).*

1979, c. 63, s. 290.

291. *(Amendment integrated into c. M-6, s. 2).*

1979, c. 63, s. 291.

292. *(Omitted).*

1979, c. 63, s. 292.

293. *(Amendment integrated into c. M-13, s. 296).*

1979, c. 63, s. 293.

294. Regulations made pursuant to section 289 and paragraphs *m* and *o* of section 296 of the Mining Act (chapter M-13) remain in force, to the extent that they are consistent with this Act, until they are amended, replaced or repealed by a regulation made pursuant to this Act.

The regulations are then regulations made under this Act.

1979, c. 63, s. 294.

295. *(Amendment integrated into c. M-33, s. 2).*

1979, c. 63, s. 295.

296. *(Amendment integrated into c. M-33, s. 3).*

1979, c. 63, s. 296.

297. *(Amendment integrated into c. P-35, s. 1).*

1979, c. 63, s. 297.

298. *(Amendment integrated into c. P-35, s. 66).*

1979, c. 63, s. 298.

299. *(Amendment integrated into c. P-35, s. 69).*

1979, c. 63, s. 299.

300. Regulations made pursuant to subparagraphs *o*, *p*, *q* and *r* of the first paragraph of section 69 of the Public Health Protection Act (chapter P-35) remain in force, to the extent that they are consistent with this Act, until they are amended, replaced or repealed by a regulation made pursuant to this Act.

The regulations are then regulations made under this Act.

1979, c. 63, s. 300.

301. *(Amendment integrated into c. Q-1, s. 43).*

1979, c. 63, s. 301.

302. *(Amendment integrated into c. Q-1, s. 58.1).*

1979, c. 63, s. 302.

303. *(Omitted).*

1979, c. 63, s. 303.

304. *(Amendment integrated into c. Q-2, s. 87).*

1979, c. 63, s. 304.

305. *(Omitted).*

1979, c. 63, s. 305.

306. *(Amendment integrated into c. Q-2, s. 91).*

1979, c. 63, s. 306.

307. *(Amendment integrated into c. Q-2, s. 92).*

1979, c. 63, s. 307.

308. *(Amendment integrated into c. Q-2, s. 106).*

1979, c. 63, s. 308.

309. *(Amendment integrated into c. Q-2, s. 126.1).*

1979, c. 63, s. 309.

310. Regulations respecting the health, safety or physical well-being of workers made pursuant to the Environment Quality Act (chapter Q-2) and Chapter XI of the regulations made by Order in Council 479 of 12 February 1944 remain in force, to the extent that they are consistent with this Act, until they are amended, replaced or repealed by a regulation made pursuant to this Act.

Those regulations and Chapter XI of the regulations made by Order in Council 479 of 12 February 1944 are then regulations made under this Act.

1979, c. 63, s. 310; 1980, c. 11, s. 128.

311. *(Amendment integrated into c. R-10, s. 2).*

1979, c. 63, s. 311.

312. *(Amendment integrated into c. R-12, s. 55).*

1979, c. 63, s. 312.

313. *(Amendment integrated into c. R-20, s. 57).*

1979, c. 63, s. 313.

314. *(Omitted).*

1979, c. 63, s. 314.

315. *(Amendment integrated into c. R-20, s. 80).*

1979, c. 63, s. 315.

316. *(Amendment integrated into c. R-20, s. 87).*

1979, c. 63, s. 316.

317. *(Amendment integrated into c. R-20, s. 88).*

1979, c. 63, s. 317.

318. *(Amendment integrated into c. R-20, s. 89).*

1979, c. 63, s. 318.

319. *(Amendment integrated into c. S-3, s. 7).*

1979, c. 63, s. 319.

320. *(Omitted).*

1979, c. 63, s. 320.

321. *(Amendment integrated into c. S-3, s. 10).*

1979, c. 63, s. 321.

322. *(Amendment integrated into c. S-3, s. 10.1).*

1979, c. 63, s. 322.

323. *(Amendment integrated into c. S-3, s. 31).*

1979, c. 63, s. 323.

324. *(Amendment integrated into c. S-3, s. 39).*

1979, c. 63, s. 324.

325. *(Amendment integrated into c. S-5, s. 70).*

1979, c. 63, s. 325.

326. *(Amendment integrated into c. A-20.01, s. 3).*

1979, c. 63, s. 326.

327. A joint health and safety committee, or the equivalent, formed pursuant to the Industrial and Commercial Establishments Act (chapter E-15) or to a collective agreement becomes, from 22 October 1983, a health and safety committee established pursuant to this Act where

(1) the establishment in which it was formed employs more than twenty workers;

(2) the establishment belongs to a category of establishments identified by regulation pursuant to paragraph 22 of section 223 as establishments where a health and safety committee may be formed; and

(3) application is made in accordance with section 69.

Such a committee from that date enjoys the same rights and is subject to the same obligations as a health and safety committee established pursuant to this Act, in addition to any right, power or obligation, provided for in the collective agreement, that is more advantageous to the health, safety and physical well-being of the workers.

1979, c. 63, s. 327.

328. The Commission is substituted for the Commission des accidents du travail du Québec and, in that capacity, it assumes all the powers and obligations and acquires all the rights thereof.

The Commission becomes, without continuance of suit, a party to any suit brought by or against the Commission des accidents du travail du Québec.

Matters pending before a review board established pursuant to subsection 5 of section 63 of the Workers' Compensation Act (chapter A-3) are continued and decided by a review board established pursuant to section 171.

1979, c. 63, s. 328.

329. *(Omitted).*

1979, c. 63, s. 329.

330. Officers of the Commission des accidents du travail du Québec in office on 13 March 1980 become officers of the Commission de la santé et de la sécurité du travail.

1979, c. 63, s. 330.

331. The Government may appoint any commissioner of the Commission des accidents du travail du Québec in office on 13 March 1980 to a position on the Commission and give him an appropriate classification.

On the date the commissioner is appointed, the Public Service Act (chapter F-3.1.1) becomes applicable to him without further formality. His rights and privileges under the Act respecting the Civil Service Superannuation Plan (chapter R-12) are maintained.

1979, c. 63, s. 331; 1983, c. 55, s. 161.

332. The files and records of the Commission des accidents du travail du Québec become the files and records of the Commission de la santé et de la sécurité du travail.

1979, c. 63, s. 332.

333. In any Act, regulation, proclamation, order in council, contract or document, a reference to the Industrial and Commercial Establishments Act (chapter E-15) is a reference to the corresponding provisions of this Act.

1979, c. 63, s. 333.

334. *(Repealed).*

1979, c. 63, s. 334; 1985, c. 6, s. 550.

335. The sums required for the application of this Act are taken, until 31 December 1980, out of the Consolidated Revenue Fund.

1979, c. 63, s. 335.

CHAPTER XVII

FINAL PROVISIONS

336. The Government shall designate a minister to be responsible for the application of this Act.

1979, c. 63, s. 336.



The Minister of Labour, Employment and Social Solidarity is responsible for the application of this Act. Order in Council 1292-2018 dated 18 October 2018, (2018) 150 G.O. 2 (French), 7385.

337. (Omitted).

1979, c. 63, s. 337.

338. (This section ceased to have effect on 17 April 1987).

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 63 of the statutes of 1979, in force on 1 November 1980, is repealed, except sections 329 and 337, effective from the coming into force of chapter S-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 9 to 51, 53 to 57, 62 to 67, 98 to 103, 110 and 111, 127 to 136, 178 to 192, 194 to 197, 216 to 222, 227 to 246, the second paragraph of section 247, sections 252, 265, 267, 271, 273, 275, 278 to 282, 284 to 286, 289 to 301, 303 to 310, 313 to 324, and 326 of chapter 63 of the statutes of 1979, in force on 31 December 1981, are repealed effective from the coming into force of the updating to 31 December 1981 of chapter S-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 58 to 61 and 198 to 203 of chapter 63 of the statutes of 1979, in force on 1 July 1982, are repealed effective from the coming into force of the updating to 1 July 1982 of chapter S-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 52 and 112 to 126 of chapter 63 of the statutes of 1979, in force on 1 January 1983, are repealed effective from the coming into force of the updating to 1 January 1983 of chapter S-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 68 to 86, 268 and 327 of chapter 63 of the statutes of 1979, in force on 1 January 1984, are repealed effective from the coming into force of the updating to 1 January 1984 of chapter S-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 87 to 97 of chapter 63 of the statutes of 1979, in force on 1 March 1985, are repealed effective from the coming into force of the updating to 1 March 1985 of chapter S-2.1 of the Revised Statutes.

