

1991, chapter 35

**AN ACT TO AMEND THE WORKMEN'S
COMPENSATION ACT AND THE ACT RESPECTING
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL
DISEASES**

Bill 151

Introduced by Mr Normand Cherry, Minister of Labour

Introduced 15 May 1991

Passage in principle 5 June 1991

Passage 17 June 1991

Assented to 20 June 1991

Coming into force: 20 June 1991

Acts amended:

Workmen's Compensation Act (R.S.Q., chapter A-3)

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)



CHAPTER 35

An Act to amend the Workmen's Compensation Act and the Act respecting industrial accidents and occupational diseases

[Assented to 20 June 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-3,
s. 42, am.

1. Section 42 of the Workmen's Compensation Act (R.S.Q., chapter A-3) is amended by adding, at the end, the following paragraphs:

Revalori-
zation

"The compensation payable under this section shall be revalorized by a percentage of 4 % on 1 January 1986, 4.1 % on 1 January 1987, 4.4 % on 1 January 1988, 4.1 % on 1 January 1989, 4.8 % on 1 January 1990, 4.8 % on 1 January 1991 and, for every subsequent year, in the manner and at the time prescribed in accordance with the first paragraph of subsection 1 of section 41.

Obligation
to pay

The obligation to pay the increase in compensation resulting from the revalorization shall devolve upon the accident fund or on the employer in the same manner as the obligation to pay the compensation.

Restriction

The third and fourth paragraphs apply only in respect of a compensation payable for a period of disability occurring after 31 December 1991."

c. A-3,
s. 124, am.

2. Section 124 of the said Act, amended by section 3 of chapter 66 of the statutes of 1988, is again amended by replacing paragraph *k* by the following paragraph:

"(*k*) determining, for the purposes of paragraph *j* of section 56.1, the cases where financial assistance is granted to a worker and specifying the amounts and the terms and conditions thereof, and providing for the revalorization of the assistance or of any of the elements used in computing the amount of such assistance;"

c. A-3.001,
s. 555, am. **3.** Section 555 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding, at the end, the following paragraph:

Restriction “Similarly, a person who receives financial assistance under a social stabilization program is not entitled to an income replacement indemnity.”

c. A-3.001,
s. 570, am. **4.** Section 570 of the said Act is amended by inserting the words “or replace” after the word “amend” in the first line of the fourth paragraph.

c. A-3.001,
s. 570.1,
am. **5.** Section 570.1 of the said Act is amended

(1) by adding, at the end, the following sentence: “For that purpose, Chapter XI applies, except sections 351 to 353, 360, 361, the first paragraph of section 362 and sections 363 to 366.”;

(2) by adding, at the end, the following paragraphs:

Immediate effect “A decision of the Commission has effect immediately, notwithstanding any application for review or any appeal.

Restriction The first paragraph shall not be interpreted as permitting a review of, or appeal from, any decision relating to a worker's permanent or temporary disability rendered under the Workmen's Compensation Act (R.S.Q., chapter A-3).”

c. A-3.001,
s. 570.2,
added **6.** The said Act is amended by inserting, after section 570.1, the following section:

Deduction of over-payment **“570.2** If as a result of a final decision rendered under the Workmen's Compensation Act (R.S.Q., chapter A-3) a worker becomes creditor with respect to an amount payable under the said Act as permanent disability benefit, the Commission shall, taking the decision into account, deduct any overpayment received by the worker as financial assistance for social stabilization or economic stabilization, from the amount of the benefit payable to him.

Application Section 570.1 applies to the decision of the Commission.”

Entitlement **7.** A worker who is entitled to benefit from the social stabilization program established pursuant to sections 56 and 56.1 of the Workmen's Compensation Act on the day preceding the date of coming into force of the first regulation replacing that program is entitled to benefit from the new program.

Amount of
assistance

In that case, if the annual amount of the financial assistance to which the worker is entitled under the former program is greater than the amount provided for in the new program, the worker shall retain the right to receive that amount until it becomes equal to or lower than the amount determined under the new program.

Entitlement

8. A worker who is entitled to benefit from the economic stabilization program established pursuant to sections 56 and 56.1 of the Workmen's Compensation Act on the day preceding the date of coming into force of the first regulation replacing that program is entitled to benefit from the new program for the first year following the coming into force of the regulation establishing it and, for each subsequent year, to the extent that the worker is holding employment on the date which is the anniversary of the coming into force of the regulation.

Unemploy-
ment
through
injury

Where the worker no longer holds employment on such a date by reason of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases, he is deemed to hold the employment in respect of which he was benefiting from the economic stabilization program at the time of the employment injury until the day preceding the date of the first anniversary of the coming into force of the regulation after the date on which he loses entitlement to an income replacement indemnity by reason of that injury.

Seasonal or
cyclical
employment

Where, in the course of a year, the worker holds seasonal or cyclical employment, he is deemed to hold that employment on the date of the next anniversary of the coming into force of the regulation if, on that date, he is eligible for unemployment insurance benefits by reason of the cessation of such employment.

Amount of
assistance

9. If the annual amount of the financial assistance to which the worker referred to in section 8 is entitled under the former program is greater than the amount provided for in the new program, the worker shall retain the right to receive that amount until it becomes equal to or lower than the amount determined under the new program or as long as the worker does not hold employment or is not deemed to hold employment on a date which is the anniversary of the coming into force of the regulation establishing the new program.

Maximum
amount

However, the amount which the worker is entitled to receive shall not be greater, on the date of coming into force of the regulation and on each anniversary of that coming into force, than the difference between the Maximum Yearly Insurable Earnings, determined under section 66 of the Act respecting industrial accidents and occupational diseases, for the year for which the amount of assistance is computed

and the gross annual income, determined in accordance with the regulation, that the worker derives from the employment he holds on that date.

Coming into
force of
certain
regulations

10. Any regulation made, before 1 January 1992, by the Commission de la santé et de la sécurité du travail under the fourth paragraph of section 570 of the Act respecting industrial accidents and occupational diseases, amended by section 4 of this Act, may be approved by the Government even after only fifteen days' publication in the *Gazette officielle du Québec* and may come into force upon publication in the *Gazette officielle du Québec* of the Government order approving the regulation and of the text of the regulation, or on any later date specified in the text.

Application
of s. 6

11. The deduction provided for in section 570.2 of the Act respecting industrial accidents and occupational diseases, enacted by section 6 of this Act, shall operate with respect to any amount of permanent disability benefit payable for a period prior to or subsequent to 20 June 1991.

Coming into
force

12. This Act comes into force on 20 June 1991.