

1989, chapter 74

**AN ACT TO AMEND THE ACT RESPECTING
INDUSTRIAL ACCIDENTS AND
OCCUPATIONAL DISEASES**

Bill 14

Introduced by Mr Yves Séguin, Minister of Labour

Introduced 5 December 1989

Passage in principle 13 December 1989

Passage 20 December 1989

Assented to 20 December 1989

Coming into force: 1 January 1990

Act amended:

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





CHAPTER 74

An Act to amend the Act respecting industrial accidents and occupational diseases

[Assented to 20 December 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-3.001,
s. 286, am.

1. Section 286 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the words “the actuarial valuation contemplated in section 304” in the first and second lines by the words “the actuarial valuations referred to in sections 304, 314 and 454”.

c. A-3.001,
s. 297,
replaced

2. Section 297 of the said Act is replaced by the following section:

Units of
economic
activity

“297. The Commission shall determine annually, by regulation, units of economic activity and group them by sectors.”

c. A-3.001,
s. 300, am.

3. Section 300 of the said Act is amended

(1) by replacing the words “the division, major group or industrial group contemplated for the employer and for” in the third and fourth lines of the first paragraph by the words “the units which, according to the information available, may correspond to the activities of the employer and of”;

(2) by replacing the words “related thereto” in the sixth line of the first paragraph by the words “, among those identified,”.

c. A-3.001,
s. 301, am.

4. Section 301 of the said Act is amended

(1) by inserting the words “the following conditions are met:” after the word “if” in the third line of the first paragraph;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) more than one unit exists for the activities;

“(2) no unit exists which groups all of the activities;

“(3) the workers assigned to an economic activity of the employer are not substantially exposed to the risks of employment injuries of another economic activity of such employer.”;

(3) by replacing the words “To be classified under this section, the employer must” in the first line of the second paragraph by the words “The employer must, at the request of the Commission, or may, of his own initiative,”;

(4) by inserting the words “or to meet the condition prescribed in subparagraph 3 of the first paragraph” after the word “statements” in the first line of the third paragraph.

c. A-3.001,
s. 304, am.

5. Section 304 of the said Act is amended

(1) by inserting the words “, by regulation” after the word “annually” in the first line of the first paragraph;

(2) by striking out the second paragraph.

c. A-3.001,
s. 304.1,
added

6. The said Act is amended by inserting, after section 304, the following section:

Personalized
rate

“304.1 The Commission shall fix, in accordance with its regulations, a personalized rate of assessment applicable to any employer who, with respect to a unit under which he is classified, meets, for the year of assessment, the requirements prescribed by regulation.

Experience
ratios

For the purpose of fixing the personalized rate, the Commission shall determine annually, by regulation, the experience ratios of the units of activity.”

c. A-3.001,
s. 305, am.

7. Section 305 of the said Act is amended by inserting the words “or, as the case may be, at the personalized rate applicable to him” after the word “classified” in the second line of the first paragraph.

c. A-3.001,
s. 313,
replaced

8. Section 313 of the said Act is replaced by the following section:

Additional
amount

“313. The Commission may add to the employers’ assessment a fixed amount it establishes every year for the management of each of the financial records kept for them, the cost of which is not financed by means of the rates fixed under sections 304 and 304.1.”

c. A-3.001,
s. 314,
replaced

9. Section 314 of the said Act is replaced by the following sections:

Retrospec-
tive
adjustment

“314. The Commission shall, in accordance with its regulations, make a retrospective adjustment of the annual assessment of an employer who meets, for the year of assessment, the requirements prescribed by regulation.

Cost of
benefits

The retrospective adjustment shall take into account the elements prescribed by regulation, in particular, the assumption by the employer of the cost of benefits.

Insurance
premiums

The Commission shall determine annually, by regulation, after actuarial valuation, the insurance premiums necessary for the final adjustment of the annual assessment.

Interest

“314.1 The retrospective adjustment shall be increased by an interest at the rate, on the conditions and in the manner determined by regulation.

Payment

“314.2 The Commission shall pay, in a lump sum, the amount owed to an employer as retrospective adjustment of his annual assessment and, where applicable, the employer shall pay the amount owed as such to the Commission, in which case Division V of this chapter applies.”

c. A-3.001,
s. 361, am.

10. Section 361 of the said Act is amended by replacing the words “and a notice of assessment” in the fourth and fifth lines of the second paragraph by the words “, a notice of assessment and a notice of imputation”.

c. A-3.001,
s. 454, am.

11. Section 454 of the said Act is amended by replacing paragraph 5 by the following paragraphs:

“(5) determining, for the purposes of section 297, units of economic activity and the sectors under which they are grouped;

“(6) fixing, for the purposes of section 304, the rate of assessment applicable to each unit of activity;

“(7) prescribing the requirements that must be met by an employer to qualify for a personalized rate, and the elements that

must be taken into account and the method to be followed in establishing such rate;

“(8) determining, for the purposes of fixing the personalized rate, the experience ratios of the units of activity;

“(9) prescribing the requirements that must be met by an employer to qualify for a retrospective adjustment of his assessment, the elements that must be taken into account and the method to be followed in establishing such adjustment and, without limiting the foregoing, providing, for the purposes of the retrospective adjustment, for the assumption by the employer of the cost of benefits, and prescribing the limits he may choose with respect to such an assumption, the conditions and the terms under which such an election may be made and the cases where the limit applicable is the limit determined by regulation;

“(10) determining the insurance premiums necessary for the final retrospective adjustment of the annual assessment;

“(11) fixing, according to the assessment applicable to an employer under section 305, the maximum amount which the retrospectively adjusted assessment of the employer cannot exceed;

“(12) determining the rate of the interest to be added to the retrospective adjustment of an employer’s annual assessment and prescribing the conditions and the terms under which the interest applies;

“(13) determining in what cases and on what conditions several employers may request to be considered one and the same employer for the purposes of the personalized rate or the retrospective assessment adjustment.

Personalized
rate and
retrospective
adjustment

In exercising the regulatory powers provided for in subparagraphs 7 and 9 of the first paragraph, the Commission may prescribe that certain elements which are necessary to establish the personalized rate or the retrospective adjustment will be determined after actuarial valuation, in the cases or in the circumstances prescribed by regulation.”

c. A-3.001,
s. 455, am.

12. Section 455 of the said Act is amended by inserting the words “, in the case of a regulation adopted under paragraphs 1 to 4 and 7 to 13 of section 454, it will be” after the word “and” in the fourth line.

c. A-3.001,
s. 456,
replaced

13. Section 456 of the said Act is replaced by the following section:

Powers of
the
Government

“456. The Government may amend any regulation submitted for approval by the Commission under section 455.”

Data
compiled
before
1 January
1990

14. For the purposes of sections 304.1 and 314 of the Act respecting industrial accidents and occupational diseases, the Commission may take into account data compiled before 1 January 1990.

Reimburse-
ment

15. The Commission shall reimburse to every employer governed by the administrative policy which, pursuant to the mode of financing in force before the assessment year 1990, limited reductions in the rate of assessment of a unit to only one class of rates per year, an amount as carried over credit in determining the rates for the assessment year 1989. This amount shall correspond to the result obtained by multiplying the difference, for the assessment year 1989, between the rate imposed on the employer and the mathematical rate of the unit under which he is classified, by the insurable wages paid by the employer in that year. The amount reimbursable cannot be greater than the amount of the employer's amount of assessment computed in accordance with the rate imposed on him for the year, which shall be reduced by the rate applicable to class 1.

Reimburse-
ment

However, the employer is not entitled to such reimbursement if, for the year 1989, the mathematical rate of the unit under which he was classified and the rate of assessment of that unit belonged to the same class of rates or if the employer, at any time in the year, belonged to a unit identified as transitory for the determination of the rates for the assessment year 1989.

Regulatory
provisions
applicable

16. Notwithstanding sections 9 and 11, Chapter I of the Regulation respecting the system of merit or demerit rating for assessing an employer as approved by Order in Council 1628-86 (1986, G.O. 2, 2658) and amended by the Regulation respecting the system of merit or demerit rating for assessing an employer (Amendment) as approved by Order in Council 1884-89 (1989, G.O. 2, 4266) continues to apply for the reference years 1987, 1988 and 1989 and Chapter II of the said Regulation for the year 1989.

Regulations
adopted
before
1 July 1990

17. Regulations adopted before 1 July 1990 by the Commission de la santé et de la sécurité du travail under subparagraphs 7 to 12 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases, enacted by section 11 of this Act, may be approved by the Government without prior publication in the *Gazette officielle du Québec* and come into force on the date of

publication, in the *Gazette officielle du Québec*, of the government order approving them, accompanied with their text. These regulations will have effect from the assessment year 1990.

Regulations
adopted
before
1 July 1990

Regulations adopted by the Commission before 1 July 1990 under subparagraphs 5 and 6 of the first paragraph of the said section, enacted by section 11 of this Act, may come into force on their date of publication in the *Gazette officielle du Québec*, without prior publication in the *Gazette officielle du Québec*, and will have effect for the assessment year 1990.

Effect

18. Section 10 has effect from 19 August 1985.

Coming into
force

19. This Act comes into force on 1 January 1990.