



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 35

**An Act to amend the Act respecting
industrial accidents and
occupational diseases, the Act
respecting occupational health and
safety and the Health Insurance Act**

Introduction

**Introduced by
Mr Normand Cherry
Minister of Labour**

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EXPLANATORY NOTES

The bill first amends the Act respecting industrial accidents and occupational diseases to enable any employer having to bear the cost of an employment injury to have access to the information relating to the injury.

The bill modifies the existing medical assessment procedure by providing, in particular, that a Bureau d'évaluation médicale will replace medical arbitration, by authorizing the Commission to require that a worker undergo medical examination for his injury, by establishing rules applicable where a member of the Bureau d'évaluation médicale fails to give his opinion within the time prescribed, and by enabling a member of the Bureau d'évaluation médicale to give his opinion on any question he considers pertinent.

The bill also provides that workers will be allowed to contest a decision of the Bureau d'évaluation médicale, and that employers having to bear the cost of an employment injury will be entitled to file an objection. Employers will be granted broader powers to demand that a worker who has suffered an employment injury undergo medical examination. The bill specifies the time limits within which contestations or objections may be filed before the Bureau d'évaluation médicale.

The bill provides that any worker who suffers an employment injury and who is at least 55 years of age, or at least 60 years of age for any other injury, will be required to hold suitable employment with his employer, where available. It provides that only a worker who has suffered an employment injury will be compensated for damage to prostheses or orthoses.

The bill specifies that the care and treatment provided by public health institutions form part of medical aid, and clarifies the power of the Commission to make regulations in respect of medical aid.

The bill provides that subsidies granted to a joint sector-based association will be assumed by employers belonging to a sector of

activity for which such an association exists, and that those employers will be assessed accordingly.

The bill provides that the decisions of the Commission and of the review office have effect as soon as they are made, except in respect of certain lump sum indemnities, and authorizes the board of appeal in matters of employment injuries to stay the execution of a decision of the review office in certain cases.

As regards review offices, the bill extends their jurisdiction to matters of a medical nature and provides for the appointment of medical assessors. The decisions of such offices in matters relating to compensation for employment injuries may be appealed from where the benefit in dispute exceeds \$1 000. It also provides that an appeal to the board of appeal in matters of employment injuries will be decided on the record with a hearing, without a new inquiry, unless the board of appeal decides otherwise. It provides also that the Commission de la santé et de la sécurité du travail will, in certain cases, pay the expenses and allowances of witnesses appearing before the board of appeal in matters of employment injuries.

The bill also amends the Act respecting occupational health and safety to provide for the appointment of a chairman of the board directors and chief executive officer and of a chairman and chief of operations. It provides for the creation of a financing division within the review office and the appointment of conciliators.

Finally, the bill includes certain transitional provisions as well as concordance and technical amendments.

Bill 35

An Act to amend the Act respecting industrial accidents and occupational diseases, the Act respecting occupational health and safety and the Health Insurance Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. Section 38 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is replaced by the following sections:

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

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

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

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

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

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

2. Section 43 of the said Act is amended

(1) by replacing the word and figures “, 229 and 231” in the first line by the word and figure “and 229”;

(2) by replacing the word and figure “section 415” in the second line by the words and figures “sections 415 and 415.1”.

3. Section 53 of the said Act is amended

(1) by adding, at the end of the first paragraph, the words “or a suitable employment available with his employer”;

(2) by adding, at the end of the second paragraph, the words “and if he holds a suitable employment with his employer or refuses without valid reason to do so, he is entitled to an indemnity reduced by the amount of the weighted net income that he derives or could derive from the suitable employment, determined pursuant to section 50”.

4. Section 84 of the English text of the said Act is amended by replacing the words “the Commission shall establish the corresponding percentage, using as guidelines” in the first and second lines of the third paragraph by the words “the corresponding percentage shall be established according to”.

5. Sections 113 and 114 of the said Act are replaced by the following sections:

“113. A worker who suffers an employment injury is entitled, on the production of vouchers, to an indemnity for the repair or replacement of a prosthesis or orthosis within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35) damaged by reason or at the time of the injury.

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

“114. The indemnity provided for in paragraph 1 of section 112 is subject to a deductible of \$33.”

6. Section 140 of the said Act is amended by adding, after the figure “139” in the second line the words “, if the decision awarding the benefit is final,”.

7. Section 142 of the said Act is amended by replacing the words “the referee” in the second line of subparagraph *b* and the third line of subparagraph *c* of paragraph 2 by the words “a member of the Bureau d’évaluation médicale”.

8. Section 189 of the said Act is amended

(1) by replacing the part preceding paragraph 1 by the following:

“189. Medical aid consists of the following:”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the care or treatment provided by an institution governed by the Act respecting health services and social services and amending various legislation (1991, chapter 42) or by the Act respecting health services and social services for Cree and Inuit Native persons (chapter S-5);”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) any care, treatment, technical aid or cost not referred to in subparagraphs 1 to 4 and determined by regulation by the Commission, which regulation may specify the cases where, the conditions on which and up to what amount payments may be made, as well as the prior authorizations to which such payments may be subject.”

9. Section 195 of the said Act is replaced by the following section:

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

The Commission shall make a specific agreement with each regional board established under the Act respecting health services and social services and amending various legislation (1991, chapter 42) and each regional council established under the Act respecting health

services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5), providing for the implementation of the standard agreement in the territory of the regional board. Every specific agreement must conform to the parameters of the standard agreement.

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

10. Section 196 of the said Act is amended

(1) by replacing the words “referee or a member” in the fourth line by the words “member of the Bureau d’évaluation médicale or”;

(2) by striking out the words “or of a special committee” in the fifth line.

11. The said Act is amended by inserting, after section 198, the following section:

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

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

12. Section 202 of the said Act is amended by replacing the words “the development of the worker’s pathological condition and on the nature or the duration of the care or treatment prescribed or administered” in the fifth, sixth and seventh lines by the words “one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212.”

13. Sections 204 to 206 of the said Act are replaced by the following sections:

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

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

“205. The worker may contest the report of the health professional designated by the Commission if he obtains a report from a health professional who, after examining the worker, calls into question the findings of the health professional designated by the Commission regarding one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212.

The worker shall transmit a copy of the report to the Commission within thirty days after the date he receives the report he wishes to contest, in order that the Commission submit it to the Bureau d'évaluation médicale as provided in section 217.”

14. Section 209 of the said Act is replaced by the following section:

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

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

15. Section 212 of the said Act is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“212. An employer who has a right of access to the record in the possession of the Commission in respect of an employment injury

suffered by a worker may contest the certificate or report of the physician in charge of the worker or the report of the health professional designated by the Commission, if he obtains a report from a health professional who, after examining the worker, calls into question the findings of the physician or the health professional designated by the Commission regarding one or several of the following matters:”;

(2) by replacing the word “of” in the third line of the second paragraph by the words “he receives”;

(3) by replacing the words “arbitration under” in the fourth line of the second paragraph by the words “the Bureau d’évaluation médicale as provided in”.

16. Sections 213 and 214 are repealed.

17. Section 215 of the said Act is amended by striking out the word “medical” in the second line of the first paragraph.

18. Section 216 of the said Act is replaced by the following section:

“216. The Bureau d’évaluation médicale is hereby established.

On the recommendation of the professional orders concerned, the Conseil consultatif du travail et de la main-d’oeuvre shall, every year, submit to the Minister a list of the health professionals who have agreed to act as members of the Bureau.

The Minister may add the names of other health professionals to that list.”

19. Section 217 of the said Act is amended by replacing the words and figures “contemplated in sections 206, 212 and 214 to arbitration” in the second and third lines by the words and figures “provided for in sections 205 and 212 to the Bureau d’évaluation médicale”.

20. Section 218 of the said Act is amended

(1) by replacing the word “referee” in the first line of the first paragraph by the words “member of the Bureau d’évaluation médicale”;

(2) by replacing the word “referee” in the third line of the second paragraph by the words “member of the Bureau d’évaluation médicale”.

21. Section 219 of the said Act is replaced by the following section:

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

22. Section 220 of the said Act is amended by replacing the word “referee” in the first line of the first paragraph by the words “member of the Bureau d’évaluation médicale”.

23. Section 221 of the said Act is amended

(1) by replacing the word “referee” in the first line by the words “member of the Bureau d’évaluation médicale”;

(2) by replacing the words “physician in charge of the worker” in the second and third lines by the words “certificate or report which is the subject of the contestation,”;

(3) by adding, at the end, the following paragraph:

“The member of the Bureau d’évaluation médicale may also, if he considers it appropriate, state his opinion regarding any of those matters, even if the physician in charge of the worker, the health professional consulted by the worker for the purposes of section 205 or the health professional designated by the employer or by the Commission did not express his opinion on the matter.”

24. Section 222 of the said Act is replaced by the following section:

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

25. Section 223 of the said Act is amended by replacing the word “Referees” in the first line by the words “Members of the Bureau d’évaluation médicale”.

26. Section 224 of the said Act is replaced by the following section:

“224. For the purpose of rendering a decision under this Act, and subject to section 224.1, the Commission is bound by the diagnosis

and the other findings established by the physician in charge of the worker, respecting matters set out in subparagraphs 1 to 5 of the first paragraph of section 212, except where a health professional has been designated pursuant to section 204, in which case the Commission is bound by that health professional's report."

27. The said Act is amended by inserting, after section 224, the following section:

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

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

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

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

28. Section 225 of the said Act is amended

(1) by replacing the word "referee" in the first line of the first paragraph by the words "member of the Bureau d'évaluation médicale";

(2) by striking out the words "or the time extension granted by the parties" in the second line of the first paragraph;

(3) by striking out the second paragraph.

29. Section 231 of the said Act is repealed.

30. Section 232 of the said Act is amended by striking out the words "or special committee" in the first and second lines.

31. Section 233 of the said Act is amended by replacing the words “special committee under the third paragraph of section 231” in the fifth line by the words “committee on occupational lung diseases under the second paragraph of section 230”.

32. The said Act is amended by inserting, after section 312, the following section:

“312.1 The Commission, by regulation, may increase the rates of assessment applicable to employers belonging to a sector of activity for which a joint sector-based association has been established under the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), to defray the cost of the subsidy granted to the association if the cost is not included in the rates fixed under section 304.”

33. Section 323 of the said Act is amended by inserting the words “the first paragraph of” after the words “according to” in the second line of the first paragraph.

34. Section 358 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the first paragraph, a person shall not apply for the review of a decision of the Commission rendered under the second paragraph of section 224, section 256 or the first paragraph of section 365.2 or the review of a refusal by the Commission to reconsider its decision pursuant to the first paragraph of section 365.”

35. Section 359 of the said Act is amended

(1) by replacing the first two lines by the words “If a person or the Commission believes he or it has been wronged by a decision of a review office following an application made pursuant to section 358, he or it”;

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

“However, no person may appeal from a decision rendered by the employment injuries prevention and compensation division concerning benefits not exceeding \$1 000, or from a decision referred to in section 176.7.4 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

To determine the value of the matter in dispute, interest accrued, if any, on the date of the review office’s decision shall not be taken into account.”

36. Section 360 of the said Act is repealed.

37. Section 361 of the said Act is replaced by the following section:

“361. A decision of the Commission has effect immediately, notwithstanding any application for review, unless it is a decision awarding compensation for bodily injury or a lump sum death benefit under sections 98 to 100, the second paragraph of section 102 or sections 103 to 108 and 110, in which case the decision has effect when it becomes final.”

38. Section 362 of the said Act is replaced by the following section:

“362. A decision of a review office shall have effect immediately, notwithstanding appeal, unless it is a decision pertaining to compensation for bodily injury, a lump sum death benefit under sections 98 to 100, the second paragraph of section 102 or sections 103 to 108 and 110, or a decision rendered pursuant to Chapter IX or X, in which case the decision has effect when it becomes final.”

39. Section 365 of the said Act is replaced by the following sections:

“365. The Commission may, within ninety days, reconsider a decision it has rendered if the decision has not been the subject of a decision of a review office, in order to correct any error.

If a decision of the Commission was rendered before an essential fact became known, it may, of its own initiative or at the request of a party, reconsider the decision within ninety days of the fact becoming known.

“365.1 Before reconsidering a decision, the Commission shall inform the persons who were given notice of the decision.

It may also attempt to conciliate those persons.

“365.2 If the persons referred to in the first paragraph of section 365.1 reach an agreement, the agreement shall be ratified by the Commission to the extent that it conforms with the law; the decision of the Commission is thereupon final and without appeal.

If no agreement is reached or if the Commission refuses to ratify the agreement, the Commission may reconsider its decision in accordance with section 365.”

40. Section 366 of the said Act is replaced by the following section:

“366. Sections 361, 363 and 364, adapted as required, apply to a decision rendered under section 365 or 365.2.”

41. Section 398 of the said Act is repealed.

42. Section 402 of the said Act is amended

(1) by replacing the words “Commission changing its initial decision pursuant to the second paragraph of section 224” in the first, second and third lines by the words “review office cancelling the amount of an income replacement indemnity awarded by the Commission”;

(2) by inserting the words “in respect of that finding” after the words “appealed from” in the fourth line.

43. Section 404 of the said Act is amended by striking out the words “proof and” in the third line of the second paragraph.

44. Section 411 of the said Act is replaced by the following section:

“411. A commissioner may order a party to assume all or part of the expenses and allowances of the witnesses established according to the norms and amounts fixed by the president.

Where the Commission is not a party to the appeal and the commissioner amends the decision rendered by the Commission, the commissioner may, if he considers it appropriate, order the Commission to assume all or part of the costs and allowances of the witnesses.”

45. Section 415 of the said Act is amended

(1) by replacing the word “and” in the third line of the first paragraph by the words “, to the review office and to”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“Within thirty days following receipt of the declaration, the review office shall transmit to the board of appeal and to every party a copy of the entire record in its possession respecting the decision appealed from.

The record comprises, in addition to the record already transmitted by the Commission, the application for review, the subsequent proceedings, the documents produced, the transcript of the depositions if they were recorded, the minutes of the proof and hearing and the decision of the review office.”

46. The said Act is amended by inserting, after section 415, the following section:

“415.1 The board of appeal has access to the record in the possession of the Commission respecting the decision that is the subject of the appeal.”

47. Section 416 of the said Act is amended

(1) by striking out the words “proof and” in the second line of the first paragraph;

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

“The same applies to the worker concerned by an appeal relating to the application of section 329.”

48. Sections 417 and 418 of the said Act are repealed.

49. Section 419 of the said Act is amended by striking out the second paragraph.

50. Section 423 of the said Act is amended

(1) by striking out the words “proof and” in the third line of the first paragraph;

(2) by striking out the words “and their witnesses” in the second line of the second paragraph.

51. The said Act is amended by inserting, after section 423, the following section:

“423.1 The appeal shall be heard and decided by the board of appeal according to the proof presented to the review office, and without a new inquiry.

The board of appeal may, however, by way of exception, authorize the presentation of additional proof, subject to the conditions it determines.”

52. Section 425 of the said Act is amended by replacing the words “wishing to hear” in the first line by the words “authorized to present”.

53. Section 426 of the said Act is amended by striking out the words “proof or” in the first line.

54. Section 428 of the said Act is amended by inserting the words “, where he authorizes the presentation of additional proof under section 423.1,” after the word “may” in the first line of the first paragraph.

55. Section 454 of the said Act is amended

(1) by inserting, after subparagraph 3 of the first paragraph, the following subparagraph:

“(3.1) determining the care, treatment, technical aid and costs forming part of the medical aid referred to in paragraph 5 of section 189 and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;”;

(2) by inserting, after subparagraph 4 of the first paragraph, the following subparagraph:

“(4.1) determining, subject to the second paragraph of section 198.1, the cost of the purchase, adjustment, repair and replacement of a prosthesis or orthosis referred to in the said section and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;”;

(3) by inserting, after subparagraph 8 of the first paragraph, the following subparagraph:

“(8.1) increasing the rates of assessment applicable to employers belonging to a sector of activity for which a joint sector-based association has been established under the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), to defray the cost of the subsidy granted to the association if the cost is not included in the rates fixed under section 304;”.

56. Section 455 of the said Act is amended by replacing the words and figures “paragraphs 1 to 4 and 7 to 13” in the fifth line by the words and figures “subparagraphs 1 to 4.1, 7, 8 and 9 to 13”.

57. Section 462 of the said Act, amended by section 35 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the words and figures “, the second paragraph of section 230 or the third paragraph of section 231” in the third and fourth lines by the words and figure “or in the second paragraph of section 230”;

(2) by striking out the words and figure “the third paragraph of section 213,” in the fifth line.

58. Section 570.1 of the said Act, amended by section 5 of chapter 35 of the statutes of 1991, is again amended

(1) by replacing the figures and words “, 360, 361, the first paragraph of section 362 and sections 363” at the end of the first paragraph by the word and figure “and 361”;

(2) by adding, at the end of the second paragraph, the words “, until the final decision”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

59. Section 37.3 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the words “believes he has been wronged by a decision rendered by a review office following an application made under section 37.1, he” in the first, second and third lines by the words “or the Commission believes he or it has been wronged by a decision rendered by a review office following an application made under section 37.1, he or it”.

60. Section 140 of the said Act is amended by replacing the words “who, in addition, holds the office of director general” in the third line by the words “of the board and chief executive officer”.

61. Section 141 of the said Act is amended

(1) by inserting the words “of the board of directors and chief executive officer” after the word “chairman” in the second line;

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

“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.”

62. The said Act is amended by inserting, after section 141, the following section:

“141.1 The Government shall appoint a chairman and chief of operations.”

63. Section 143 of the said Act is amended by inserting the words “of the board of directors and chief executive officer, the chairman and chief of operations” after the word “chairman” in the first line.

64. Section 144 of the said Act is amended by inserting the words “of the board of directors and chief executive officer” after the word “chairman” in the first line.

65. Section 146 of the said Act is amended by replacing the word “and” in the first line by the words “of the board of directors and chief executive officer, the chairman and chief of operations and the”.

66. Section 147 of the said Act is amended by replacing the word “and” in the second line by the words “, the chairman and chief of operations and”.

67. Section 148 of the said Act is amended

(1) by inserting the words “, of the chairman and chief of operations” after the word “Commission” in the second line;

(2) by replacing the figures and word “141, 143 and 144” in the third and fourth lines by the figures and word “141 to 144”.

68. Section 149 of the said Act is amended by inserting the words “, of the chairman and chief of operations” after the word “Commission” in the third line of the first paragraph.

69. Section 151 of the said Act is amended

(1) by inserting the words “of the board of directors and chief executive officer” after the word “chairman” in the first line of the first paragraph;

(2) by inserting the words “of the board of directors and chief executive officer” after the word “chairman” in the second paragraph.

70. Section 152 of the said Act is amended by replacing the words “Neither the chairman nor the vice-chairmen may” in the first line of the first paragraph by the words “The chairman of the board of directors and chief executive officer, the chairman and chief of operations and the vice-chairmen shall not”.

71. Section 154 of the said Act is replaced by the following sections:

“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.

“154.1 The chairman and chief of operations shall act under the authority of the chairman of the board of directors and chief executive officer. He shall be responsible mainly for the operations of the Commission and assume the other responsibilities conferred on him by the chairman of the board and chief executive officer.

“154.2 The vice-chairmen shall act under the authority of the chairman of the board of directors and chief executive officer or that of the chairman and chief of operations, as provided in the internal management by-law of the Commission.”

72. Section 155 of the said Act is amended by inserting the words “of the board of directors and chief executive officer, the chairman and chief of operations” after the word “chairman” in the first line.

73. Section 156 of the said Act is amended by inserting the words “of the board of directors and chief executive officer” after the word “chairman” in paragraph 1.

74. Section 161 of the said Act is amended by inserting the words “its chairman and chief of operations,” after the word “directors,” in the second line.

75. Section 172 of the said Act is amended by replacing the words “chairman and director general, the executive committee” in the second line of the first paragraph by the words “chairman of the board of directors and chief executive officer, the executive committee, the chairman and chief of operations”.

76. The said Act is amended by inserting, after section 176.1, the following sections:

“176.1.1 The review office shall sit in divisions. The divisions are as follows:

- (1) the financing division;

(2) the employment injuries prevention and compensation division.

The divisions may sit simultaneously.

“176.1.2 Applications for review filed under section 358 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) in respect of a decision rendered pursuant to Chapter IX or X of the said Act shall be heard by the financing division.

The financing division shall also hear applications for review of decisions rendered under section 365 of the said Act in respect of the reconsideration of a decision rendered pursuant to Chapter IX or X of the said Act.

“176.1.3 Applications for review filed under section 37.1 or 191.1, and applications for review filed under section 358 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), other than those concerning the review of a decision referred to in section 176.1.2, shall be heard by the employment injuries prevention and compensation division.

“176.1.4 In the financing division, the review office shall be composed of one member acting as chairman. The chairman shall be appointed by the Commission from among its officers for a term specified in the instrument of appointment.”

77. Section 176.2 of the said Act is amended

(1) by replacing the word “A” in the first line of the first paragraph by the words “In the employment injuries prevention and compensation division, the”;

(2) by replacing the words “second or third” in the first and second lines of the fifth paragraph by the words “third or fourth”.

78. The said Act is amended by inserting, after section 176.2, the following section:

“176.2.1 The chairmen may serve on both divisions.”

79. Section 176.3 of the said Act is amended by replacing the words “second, third or fourth” in the second line by the words “third, fourth or fifth”.

80. Section 176.4 of the said Act is amended by inserting the words “in accordance with section 176.2,” after the word “region,” in the first line of the first paragraph.

81. The said Act is amended by inserting, after section 176.5, the following sections:

“176.5.1 The Commission may appoint assessors to advise the members of a review office on any matter of a medical nature and to attend the sittings of the review office.

“176.5.2 The Commission may appoint conciliators to meet the parties to an application for review and to attempt to reach an agreement.

“176.5.3 No conciliator may be compelled to disclose any information revealed to him or of which he has become aware in the performance of his duties, or to produce a document prepared or obtained in the performance of his duties, before a court or a body or person exercising judicial or quasi-judicial functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person may have access to such a document unless the document is used to support the agreement and the decision of the review office ratifying it.”

82. The said Act is amended by inserting, after section 176.7, the following sections:

“176.7.1 The Commission may intervene at any time before a review office, until the end of the proof and hearing.

Where the Commission wishes to intervene, it shall send notice to that effect to each party and to the review office; it becomes thereupon party to the review.

The same applies to the worker concerned by an application for review relating to the application of section 329 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001).

“176.7.2 Where a review office receives an application for review concerning a decision referred to in section 176.1.3, it shall send the application to a conciliator.

“176.7.3 Every agreement resulting from conciliation shall be recorded in writing and signed by the parties.

“176.7.4 The agreement shall be ratified by the review office to the extent that it complies with the law; the decision of the review office shall thereupon be final and without appeal.”

83. Section 176.8 of the said Act is amended by replacing the words “The review office” in the first line by the words “Where no agreement has been reached or the review office refuses to ratify the agreement, the review office”.

84. Section 176.9 of the said Act is amended by striking out the words “fix the date of the hearing, if a hearing is required, not later than 30 days after the date of the application for review, and” in the first, second and third lines.

85. Section 176.16 of the said Act is replaced by the following sections:

“176.16 The decisions of the review office sitting in the employment injuries prevention and compensation division shall be made by a majority of the members.

If there is a dissenting member, the reasons for his dissent shall be recorded in the decision.

“176.16.1 Every decision of a review office shall be made in writing, give reasons and be signed and notified to the parties and to the Commission.

The decision ratifying an agreement reached following conciliation shall be accompanied with the document to which it refers, where that is the case.”

86. Section 193 of the said Act is amended by inserting the words “, including the Commission,” after the word “person” in the first line.

FINAL PROVISION

HEALTH INSURANCE ACT

87. Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

(1) by replacing the word “referee” in the fifth line of the tenth paragraph by the words “member of the Bureau d’évaluation médicale”;

(2) by striking out the words “or a special committee” in the sixth line of the tenth paragraph.

TRANSITIONAL PROVISIONS

88. Section 53 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), amended by section 3 of this Act, applies to any worker described in such provision from the date of coming into force of that section.

89. Until the making of the first agreement with each regional board or regional council, in accordance with the second paragraph of section 195 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), replaced by section 9 of this Act, the Commission de la santé et de la sécurité du travail shall assume the cost of the physiotherapy and ergotherapy treatments provided by an institution carrying on its activities in the territory of that board or that council, as the case may be, and referred to in paragraph 2 of section 189 of the said Act, amended by section 8 of this Act, in accordance with resolution A-31-88 dated 14 March 1988 and resolution A-178-90 dated 18 December 1990, adopted by its board of directors.

For the year 1993, the tariffs mentioned in those resolutions shall be increased by the percentage of increase granted by the Government to the employees of such institutions for that period.

90. The list drawn up under section 216 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) becomes, from the date of coming into force of section 18 of this Act, the list of the health professionals submitted by the Conseil consultatif du travail et de la main-d'oeuvre, to which the Minister may add the names of other health professionals.

91. The Commission de la santé et de la sécurité du travail shall remain bound by the opinion of a member of the Bureau d'évaluation médicale given from the date of coming into force of sections 26 and 27 of this Act where contestation is based on a medical examination required by the Commission under section 213 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), as it read before the date of coming into force of section 16 of this Act, or, in the case of contestation referred to the Commission by an employer under section 212 of the said Act, as it read before the date of coming into force of section 15 of this Act.

However, the decision rendered by the Commission following such opinion may be the subject of an application for review in accordance with section 358 of the said Act, amended by section 34 of this Act.

92. Any matter pending before a review office on the date of coming into force of section 76 of this Act, whose object is a decision rendered pursuant to Chapter IX or X of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), shall be continued and decided by a review office established in accordance with section 176.1.4 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), enacted by section 76 of this Act, unless the hearing began before that date, in which case the matter shall be continued before the review office to which it was referred.

93. Any matter pending before a review office on the date of coming into force of section 76 of this Act, whose object is a decision other than the decisions rendered pursuant to Chapter IX or X of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), may be referred to conciliation, at the discretion of the review office.

94. Notwithstanding section 36 of this Act, the Commission d'appel en matière de lésions professionnelles remains competent to hear and determine and to dispose of any appeal, before or after the date of coming into force of the said section, under section 360 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), as it read before that date, from a decision rendered by the Commission de la santé et de la sécurité du travail before that date.

95. Section 423.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), enacted by section 51 of this Act, applies to an appeal from a decision of a review office established under the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), where the hearing of the matter before such office began after the coming into force of the said section.

96. The chairman and director general of the Commission de la santé et de la sécurité au travail becomes, on the date of coming into force of section 60 of this Act, the chairman of the board of directors and chief executive officer of the Commission and remains in office until the expiry of his term as chairman and director general; he remains governed by his conditions of employment as chairman and director general of the Commission.

97. Every reference to the chairman and director general of the Commission de la santé et de la sécurité du travail in any Act, regulation, order, contract, agreement or other document is a reference to the chairman of the board of directors and chief executive officer of the Commission.

98. This Act will come into force on the date or dates to be fixed by proclamation of the Government, except paragraph 2 of section 189 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), enacted by section 8 of this Act, and section 195 of the said Act, replaced by section 9 of this Act, which will come into force on the same date as section 620 of the Act respecting health services and social services and amending various legislation (1991, chapter 42).
