



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 74

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

Introduction

Introduced by
Mr Yves Séguin
Minister of Labour

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EXPLANATORY NOTES

The object of this bill is to validate the social stabilization, economic stabilization and rehabilitation benefits programs established by the Commission de la santé et de la sécurité du travail under the Workmen's Compensation Act. In addition, the bill empowers the Commission to amend the programs by resolution if authorized by the Minister.

The bill also amends, with retroactive effect, the Workmen's Compensation Act to provide terms and conditions for the repayment, by employers referred to in Schedule B to the Act, of expenses and disbursements made by the Commission in connection with rehabilitation measures and to delete a provision providing a regulatory power in that respect.

Finally, the bill provides a procedure applicable to the review of and appeals from decisions made by the Commission for the purposes of the programs along with the terms and conditions governing the repayment of sums of money paid under the programs by employers who have contested their validity.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing section 570 by the following sections:

“570. Economic stabilization programs, social stabilization programs and rehabilitation benefits programs established pursuant to sections 56 and 56.1 of the Workmen's Compensation Act (R.S.Q., chapter A-3) are and have always been valid despite the fact that they have not been established by regulation.

The Commission may, by resolution and with the authorization of the Minister, amend those programs; the Regulations Act (R.S.Q., chapter R-18.1) does not apply to those amendments.

“570.1 Any decision of the Commission rendered in relation to an economic stabilization program, social stabilization program or rehabilitation benefits program may be reviewed or appealed from as in the case of a decision rendered under this Act.”

2. Section 56.2 of the Workmen's Compensation Act (R.S.Q., chapter A-3) is amended by replacing the second paragraph by the following paragraph:

“Where an employer belongs to an industry mentioned in Schedule B, he must, within 30 days of an application to that effect, reimburse those expenses and disbursements to the Commission, failing which, the Commission shall render a decision in which it shall

indicate the nature, the amount and the date of the expenses and disbursements and the surname and given name of the worker for whom they were incurred.”

3. Section 124 of the said Act is amended by striking out paragraph 1.

4. Any review board established under subsection 5 of section 63 of the Workmen’s Compensation Act remains competent to examine, hear and decide all applications for review filed under the said Act, and concerning economic stabilization, social stabilization or rehabilitation benefits programs.

5. No employer who, before 4 May 1988 and within the prescribed time, has contested, before an administrative tribunal, in review or in appeal, or before a court of justice, the validity of the economic stabilization program, the social stabilization program or the rehabilitation benefits program, on the ground that the program had not been established by regulation shall not be held liable, with respect to the workers employed by him, for costs resulting from expenses incurred by the Commission de la santé et de la sécurité du travail from 20 October 1982 to *(insert here the date of assent to this Act)* for the purposes of such a program; no employer held personally liable for the payment of benefits shall be required to reimburse the Commission for such expenses.

If expenses have already been imputed to the employer, the Commission must, for the purposes of the assessment system based on the merit or demerit of employers, recalculate the assessment of the employer for the relevant years of assessment and exclude therefrom the amount of such expenses; in addition, the Commission must reimburse the employer who has personally paid the costs of the benefits to the Commission.

No interest is payable on the sums refunded by the Commission pursuant to the preceding paragraph.

6. Amounts reimbursed to employers pursuant to section 5 shall be financed by means of the annual assessment fixed under Chapter IX of the Act respecting industrial accidents and occupational diseases or, as the case may be, under section 343 of the said Act.

7. The provisions of this Act come into force on *(insert here the date of assent to this Act)*. However section 2 has effect from 1 January 1979.