

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 66
**AN ACT TO AMEND THE ACT RESPECTING
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL
DISEASES AND THE WORKMEN'S
COMPENSATION ACT**

Bill 74

Introduced by Mr Yves Séguin, Minister of Labour

Introduced 15 November 1988

Passage in principle 23 November 1988

Passage 22 December 1988

Assented to 23 December 1988

Coming into force: 23 December 1988

Acts amended:

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

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



CHAPTER 66

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

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-3.001,
s. 570,
replaced

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:

Stabilization
program

“570. A worker who is benefiting from an economic stabilization, social stabilization or rehabilitation benefits program of the Commission on 19 August 1985 is entitled to continue to benefit therefrom after that date on the conditions and to the extent provided for in the program.

Temporary
total
disability

A worker who suffered an industrial accident before 19 August 1985 or who filed a claim for an occupational disease before that date and who is entitled, on that date, to benefits for temporary total disability owing to the accident or disease is entitled to benefit from an economic stabilization, social stabilization or rehabilitation benefits program of the Commission on the conditions and to the extent provided for in the program.

Validity

The 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 notwithstanding any judgment to the contrary.

Amendment

The Commission may, by regulation, amend the programs in accordance with sections 56.1, 124 and 125 of the Workmen's Compensation Act.

Review or
appeal

“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.”

c. A-3,
s. 56.2, am.

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:

Expenses
paid by the
employer

“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.”

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

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

Review
board

4. Any review board established under subsection 5 of section 63 of the Workmen’s Compensation Act remains competent to examine, hear and decide every application for review filed under the said Act in relation to a decision of the Commission de la santé et de la sécurité du travail rendered before 23 December 1988 concerning economic stabilization, social stabilization or rehabilitation benefits programs.

Liability of
employer

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 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 23 December 1988 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.

Reimburse-
ment

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.

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

Financing **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.

Coming into force **7.** The provisions of this Act come into force on 23 December 1988. However section 2 has effect from 1 January 1979.