Industrial accidents and occupational diseases, an Act respecting, R.S.Q. c. A-3.001

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

CHAPTER I
OBJECT, INTERPRETATION AND APPLICATION

DIVISION I
OBJECT
Object.

1. The object of this Act is to provide compensation for employment injuries and the consequences they entail for beneficiaries.

Compensation.
The process of compensation for employment injuries includes provision of the necessary care for the consolidation of an injury, the physical, social and vocational rehabilitation of a worker who has suffered an injury, the payment of income replacement indemnities, compensation for bodily injury and, as the case may be, death benefits.

Return to work.
This Act, within the limits laid down in Chapter VII, also entitles a worker who has suffered an employment injury to return to work.

1985, c. 6, s. 1.

DIVISION II
INTERPRETATION

Interpretation:

2. In this Act, unless the context requires otherwise,

"beneficiary";

"beneficiary" means a person entitled to a benefit under this Act;

"benefit";

"benefit" means compensation or an indemnity paid in money, financial assistance or services
furnished under this Act;

“Commission”;

"Commission" means the Commission de la santé et de la sécurité du travail established by the Act respecting occupational health and safety (chapter S-2.1);

“consolidation”;

“consolidation” means the healing or stabilization of an employment injury following which no improvement of the state of health of the injured worker is foreseeable;

“construction site”;

“construction site” means a construction site within the meaning of the Act respecting occupational health and safety;

“dependent”;

“dependent” means a person entitled to an indemnity under Subdivision 2 of Division III of Chapter III;

“domestic”;

“domestic” means a natural person engaged by an individual for remuneration, whose main duty is, in the dwelling of the individual,

1) to do housework, or

2) to care for a child or a sick, handicapped or aged person and who lives in the dwelling;

“employer”;

“employer” means a person who, under a contract of employment or of apprenticeship, uses the services of a worker for the purposes of his establishment;

“employment injury”;

“employment injury” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“equivalent employment”;

“equivalent employment” means employment of a similar nature to the employment held by the worker when he suffered the employment injury, from the standpoint of vocational qualifications required, wages, social benefits, duration and working conditions;

“establishment”;

“establishment” means an establishment within the meaning of the Act respecting occupational health and safety;

“fund”;

“fund” means the Fonds de la santé et de la sécurité du travail established under section 136.1 of the Act respecting occupational health and safety;

“health professional”;

“health professional” means a professional in the field of health within the meaning of the Health Insurance Act (chapter A-29);

“independent operator”;

“independent operator” means a natural person who carries on work for his own account, alone or in partnership, and does not employ any worker;
"industrial accident";

"industrial accident" means a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him;

"occupational disease";

"occupational disease" means a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work;

"paper carrier";

"paper carrier" means a natural person who carries out home delivery of a daily or weekly newspaper for a remuneration;

"spouse";

"spouse" means the person who, at the date of death of a worker,

1) is married to, or in a civil union with, and cohabits with the worker, or

2) lives with the worker in a de facto union, whether the person is of the opposite or the same sex, and

(a) has been living with the worker for not less than three years, or one year if a child has been born or is to be born of their union, and

(b) is publicly represented as the worker's spouse;

"suitable employment";

"suitable employment" means appropriate employment that allows a worker who has suffered an employment injury to use his remaining ability to work and his vocational qualifications, that he has a reasonable chance of obtaining and the working conditions of which do not endanger the health, safety or physical well-being of the worker, considering his injury;

"worker".

"worker" means a natural person who does work for an employer for remuneration under a contract of employment or of apprenticeship, except

1) a domestic;

2) a natural person engaged by an individual to care for a child or a sick, handicapped or aged person and who does not live in the dwelling of the individual;

3) a person who plays sports as his main source of income.

1985, c. 6, s. 2; 1997, c. 27, s. 1; 1999, c. 14, s. 2; 1999, c. 40, s. 4; 2002, c. 6, s. 76; 2002, c. 76, s. 27.

Government bound.

3. This Act binds the Government and its departments and agencies that are mandataries of the State.

1985, c. 6, s. 3; 1999, c. 40, s. 4.

Public Act.

4. This Act is a public Act.

More favourable provisions.
Notwithstanding the first paragraph, any covenant or any agreement or order giving effect thereto may provide more favourably for a worker than does this Act.

1985, c. 6, s. 4.

Hiring out of services.

5. An employer who lends or hires out the services of a worker in his employ continues to be the worker's employer for the purposes of this Act.

1985, c. 6, s. 5.

Minimum wage.

6. For the purposes of this Act, the Commission shall determine the minimum wage of a worker according to the minimum wage for a normal workweek to which he may be entitled under the Act respecting labour standards (chapter N-1.1) and the regulations thereunder.

1985, c. 6, s. 6.

DIVISION III
SCOPE

§ 1. — General scope

Application.

7. This Act applies to every worker to whom an industrial accident happens in Québec or who contracts an occupational disease in Québec and whose employer, when the accident happens or the disease is contracted, has an establishment in Québec.

1985, c. 6, s. 7; 1996, c. 70, s. 1.

Accident outside Québec.

8. This Act applies to a worker who is the victim of an industrial accident outside Québec or who suffers from an occupational disease contracted outside Québec if, when the accident occurs or the disease is contracted, the worker has his domicile in Québec and his employer has an establishment in Québec.

Worker's domicile outside Québec.

However, where the worker's domicile is not in Québec, this Act applies where the worker had his domicile in Québec at the time of his assignment outside Québec, the work outside Québec is for a duration of not over five years when the accident occurs or the disease is contracted, and his employer has an establishment in Québec.

1985, c. 6, s. 8; 1996, c. 70, s. 2.

Agreement.

8.1. An agreement made under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1) may provide for exceptions to sections 7 and 8, on such conditions and to such extent as it determines.
§ 2. — Persons deemed workers

INDEPENDENT OPERATORS

Independent operator.

9. An independent operator who in the course of his business carries on activities for a person similar to or connected with those carried on in the establishment of that person is considered to be a worker in the employ of that person, unless

1) he carries on the activities

(a) simultaneously for several persons;

(b) under a remunerated or unremunerated service exchange agreement with another independent operator carrying on similar activities;

(c) for several persons in turn, supplies the required equipment and the work done for each person is of short duration; or

2) in the case of activities that are only intermittently required by the person who retains his services.

1985, c. 6, s. 9; 1999, c. 40, s. 4.

STUDENTS

Student.

10. Subject to paragraph 4 of section 11, a student is considered to be a worker employed by the educational institution in which he is pursuing his studies, or by the school board, where the institution comes under such a board if, under the responsibility of the institution, he is undergoing a training period at an establishment, without remuneration, or if his case is one of the cases determined by regulation.

1985, c. 6, s. 10; 1999, c. 40, s. 4; 2001, c. 44, s. 24.

PERSONS DEEMED EMPLOYED BY THE GOVERNMENT OR PARTICIPATING IN CIVIL PROTECTION ACTIVITIES

Government-employed worker.

11. The following are considered to be workers employed by the Government:

1) a person other than a child contemplated in subsection 3, carrying on compensatory work under the Code of Penal Procedure (chapter C-25.1);

2) a person who performs hours of community service under a probation order or a suspension order;

3) a child who executes tasks, renders a service to the community or acts as a trainee, with or without remuneration, under voluntary measures taken pursuant to the Youth Protection Act (chapter P-34.1) or alternative measures taken under the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1), or in execution of a decision rendered by the Court of Québec under one of such Acts or the Code of Penal Procedure;

4) a person performing work as part of an Individualized Integration, Training and Employment Plan pursuant to section 5 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001), unless the work is performed within the scope of a measure or wage subsidy program under the responsibility of the Minister of Employment and Social Solidarity.

1985, c. 6, s. 11; 1988, c. 21, s. 66; 1987, c. 19, s. 13; 1988, c. 51, s. 93; 1990, c. 4, s. 34; 1991, c. 43, s. 22; 1998, c. 28, s. 12; 1998, c. 36, s. 162; 1999, c. 40, s. 4; 2001, c. 44, s. 25.
Worker.

12. A person who, as a volunteer, assists the personnel deployed to carry out emergency response or recovery operations during an event that is within the purview of the Civil Protection Act (chapter S-2.3) after the person's assistance has been expressly accepted by the authority responsible for such measures is considered to be a worker employed by that authority, subject to the second paragraph.

Worker.

Where a local or national state of emergency has been declared, a person who assists the personnel deployed after the person's assistance has been expressly accepted or required under section 47 or 93 of the Civil Protection Act is considered to be a worker employed by the local authority or government having declared the state of emergency or for which the state of emergency was declared.

Worker.

A person who participates in a training activity organized pursuant to paragraph 7 of section 67 of the said Act is considered to be a worker employed by the Government.

Right to return to work.

However, the right to return to work does not apply to a person referred to in this section.

1985, c. 6, s. 12; 1988, c. 46, s. 26; 1999, c. 40, s. 4; 2001, c. 76, s. 136.

PERSONS ASSISTING MEMBERS OF A MUNICIPAL FIRE SAFETY SERVICE

Worker.

12.0.1. Every person who, during an event referred to in section 40 of the Fire Safety Act (chapter S-3.4), assists the firefighters of a municipal fire safety service after the person's assistance has been expressly accepted or required pursuant to subparagraph 7 of the second paragraph of that section, is considered to be a worker employed by the authority responsible for the service.

Restriction.

The right to return to work does not, however, apply to a person referred to in the first paragraph.

2000, c. 20, s. 159; 2001, c. 76, s. 137.

CONFINED PERSONS WHO CARRY OUT REMUNERATED WORK UNDER A PROGRAM OF ACTIVITIES

Confined person.

12.1. A confined person is considered to be a worker employed by the fund for the benefit of confined persons established in a house of detention under section 22.0.1 of the Act respecting correctional services (chapter S-4.01) if he carries out remunerated work under a program of activities.

Applicable provisions.

Sections 22.0.16 to 22.0.18 of the said Act apply to the indemnities owing to a confined person.

1987, c. 19, s. 14; 1991, c. 43, s. 22; 1999, c. 40, s. 4.

VOLUNTARY WORKERS

Voluntary worker.

13. A person is considered to be a worker if he voluntarily does work for the purposes of an establishment, provided that his work is done with the agreement of the person who uses his services and that the latter person sends a statement to the Commission setting out
1) the nature of the activities carried on in the establishment;

2) the nature of the voluntary work;

3) the number of persons doing voluntary work for the purposes of the establishment or who are likely to do it within the current calendar year;

4) the average duration of the volunteer work; and

5) the period during the current calendar year for which protection is requested under this Act.

Application.

This Act, except in respect of the right to return to work, applies to persons who do volunteer work for the purposes of the establishment for the period indicated in the statement.

1985, c. 6, s. 13; 1999, c. 40, s. 4.

Posting up of notice.

14. A person who sends the statement prescribed in section 13 to the Commission shall, at the request of the Commission, keep an up-to-date list of the volunteer workers contemplated in the statement and inform them by a notice posted up in a conspicuous place in his establishment that for the period he indicates they have protection under this Act, except in respect of the right to return to work.

1985, c. 6, s. 14.

PERSONS CONTEMPLATED BY AN AGREEMENT

Health or social services user.

15. A user within the meaning of the Act respecting health services and social services (chapter S-4.2) who does work in view of his physical, mental or social reeducation under the responsibility of an institution contemplated in that Act may be considered a worker employed by that institution on the conditions and to the extent provided by an agreement to that effect between the Commission and the Minister of Health and Social Services.

Beneficiary.

The same applies in respect of a beneficiary within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5).

1985, c. 6, s. 15; 1985, c. 23, s. 24; 1992, c. 21, s. 77, s. 375; 1994, c. 23, s. 23; 1999, c. 40, s. 4.

Government project.

16. A person doing work under a project of any government, whether or not the person is a worker within the meaning of this Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned.

Applicable provisions.

The second and third paragraphs of section 170 of the Act respecting occupational health and safety (chapter S-2.1) apply to the agreement.

1985, c. 6, s. 16; 1999, c. 40, s. 4.

Federal government employees.

17. Employees of the Government of Canada contemplated in the Government Employees Compensation Act (Revised Statutes of Canada, 1985, chapter G-5) are subject to this Act to the extent that an agreement entered into under section 170 of the Act respecting occupational health and safety (chapter S-2.1) sets out the modalities of application of that federal Act.
§ 3. — Persons registered with the Commission

Registration.

18. Independent operators, domestics, employers and directors of legal persons may register with the Commission to have protection under this Act.

1985, c. 6, s. 18; 1999, c. 40, s. 4.

Association.

19. An association of independent operators or of domestics may register its members with the Commission and if it does so is considered to be their employer, but only for the purposes of Chapter IX.

Independent operator.

An individual who engages an independent operator also may register him with the Commission and if he does so is considered to be his employer, but only for the purposes of Chapters IX and XIII; in this case, the individual shall inform the independent operator of the fact that he benefits by the protection afforded by this Act, and of the amount of the protection.

1985, c. 6, s. 19; 1999, c. 40, s. 4.

Right to benefits.

20. If a person registered with the Commission suffers an employment injury, he is entitled thereby to the benefits provided for by this Act as if he were a worker.

1985, c. 6, s. 20.

Notice.

21. Registration with the Commission is made by way of a notice in writing indicating the name and address of the person to be registered, the place, nature and expected duration of the work and the amount of protection applied for.

Amount of protection.

In no case may the amount be less than the gross annual income determined on the basis of the minimum wage for a regular workweek in force at the time of registration, or exceed the Maximum Yearly Insurable Earnings established under section 66.

1985, c. 6, s. 21.

List of members.

22. An association of independent operators or of domestics that registers its members with the Commission shall keep an up-to-date list of them and of the amount of protection it has applied for each of them.

Public notice.

The association shall also inform its members that they benefit by the protection afforded by this Act by means of a notice published within thirty days of the registration in a newspaper circulated in each area where they are domiciled.

1985, c. 6, s. 22.

Cessation of protection.

23. Protection afforded a person registered with the Commission ceases on the day the
Commission receives notice in writing to that effect from the person or association having made the registration.

Unpaid assessment.

Protection ceases also by failure to pay an assessment when due.

Public notice.

In the case of failure to pay by an association having registered its members, the protection afforded them ceases ten days after the day the Commission causes notice to that effect to be published in a newspaper circulated in each area where they are domiciled; the notice shall be published within thirty days of the failure to pay.

1985, c. 6, s. 23.

Notice to member.

24. An association of independent operators or of domestics that wishes to deregister one of its members shall so inform that member in writing at least thirty days in advance.

Public notice.

If the association wishes to deregister several or all of its members, it shall so inform them, within the same time limit, by means of a notice published in a newspaper circulated in each area where they are domiciled.

1985, c. 6, s. 24.

CHAPTER II

GENERAL PROVISIONS

Vested rights.

25. Rights vested under this Act are conferred without regard to any personal liability.

1985, c. 6, s. 25.

Unfulfilled obligations.

26. Every worker may exercise his rights under this Act even if his employer fails to fulfil his obligations under it.

1985, c. 6, s. 26.

Negligence of worker.

27. An injury or a disease arising solely as a result of the gross and wilful negligence of the worker who is the victim thereof is not an employment injury unless it ends in his death or causes him severe permanent physical or mental impairment.

1985, c. 6, s. 27.

Presumed employment injury.

28. An injury that happens at the workplace while the worker is at work is presumed to be an employment injury.

1985, c. 6, s. 28.

Peculiar risks.

29. The diseases listed in Schedule I are characteristic of the work appearing opposite each of such diseases on the schedule and are directly related to the risks peculiar to that work.
Presumed occupational disease.

A worker having contracted a disease contemplated in Schedule I is presumed to have contracted an occupational disease if he has done work corresponding to that disease according to the Schedule.

1985, c. 6, s. 29.

Unlisted disease.

30. A worker having contracted a disease not listed in Schedule I out of or in the course of employment and not as a result of an industrial accident or of an injury or disease caused by such an accident is considered to have contracted an occupational disease if he satisfies the Commission that his disease is characteristic of work he has done or is directly related to the risks peculiar to that work.

1985, c. 6, s. 30; 1999, c. 40, s. 4.

Considered employment injury.

31. An injury or a disease is considered to be an employment injury if it arises out of or in the course of

1) the care received by a worker for an employment injury or the lack of such care;

2) an activity prescribed to the worker as part of the medical treatment he receives for an employment injury or as part of his personal rehabilitation program.

Provision not applicable.

The first paragraph does not apply if the injury or disease gives rise to compensation under the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6).

1985, c. 6, s. 31; 1999, c. 40, s. 4.

Prohibited action.

32. No employer may dismiss, suspend or transfer a worker or practice discrimination or take reprisals against him, or impose any other sanction upon him because he has suffered an employment injury or exercised his rights under this Act.

Recourses.

A worker who believes that he has been the victim of a sanction or action described in the first paragraph may, as he elects, resort to the grievance procedure set down in the collective agreement applicable to him or submit a complaint to the Commission in accordance with section 253.

1985, c. 6, s. 32.

Prohibition.

33. No employer may demand or receive any contribution from a worker for performing his obligations under this Act.

Order of repayment.

The Commission may order the employer to repay the contribution to the worker. The order becomes executory upon being filed in the office of the court of competent jurisdiction by the Commission or the worker concerned, as in the case of a final judgment of the court that is not subject to appeal, and has all the same effects.

Contribution.
An association of independent operators or of domestics that registers its members with the Commission may, for that purpose, demand and receive a contribution from them.

1985, c. 6, s. 33.

New employer.

34. Where an establishment or part thereof is alienated or transferred otherwise than by judicial sale, the new employer assumes the obligations of the former employer under this Act toward the worker and, in respect of payment of the assessment due at the time of the alienation or transfer, toward the Commission.

Judicial sale.

Where an establishment is sold by judicial sale, the new employer assumes the obligations of the former employer under this Act toward the worker if the new employer carries on the same activities in the establishment as were carried on there before the sale.

1985, c. 6, s. 34.

Non-compliance of worker.

35. The failure of a worker to comply with this Act does not exempt his employer from his own obligations thereunder.

Non-compliance of employer.

The failure of an employer to comply with this Act does not exempt the worker from his own obligations thereunder.

1985, c. 6, s. 35.

Access to record.

36. A beneficiary has a right of access free of charge to the full record kept on him or on the deceased worker, as the case may be, by the Commission, and any person he expressly authorizes to that effect has the same right.

1985, c. 6, s. 36.

Access to record.

37. An employer, as well as any person expressly authorized by him for that purpose, has a right of access free of charge to the record kept by the Commission on his classification and assessment and the costs charged to him.

1985, c. 6, s. 37.

Access to record.

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.

Access to record.

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.

Access to record.

Where a transaction referred to in section 314.3 has occurred, the employer involved in the transaction shall also have access free of charge to the record kept by the Commission in respect of
an employment injury the cost of which is used to determine the employer’s assessment following
the transaction.

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

Access to medical record.

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.

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

1985, c. 6, s. 38; 1992, c. 11, s. 1; 1996, c. 70, s. 4.

Restriction on use of information.

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.

1992, c. 11, s. 1.

Report to employer.

39. A health professional shall report to the employer who designated him in respect of the
medical and physical rehabilitation record of a worker to which the Commission gives him access;
he may on that occasion give the employer a summary of the record and an opinion to enable him
to exercise his rights under this Act.

Restriction.

No person to whom the health professional reports may use or communicate the information or
opinion received by him on that occasion for any other purpose than the exercise of the rights of the
employer under this Act.

1985, c. 6, s. 39.

Computerized documents.

40. Where, under this Act, a person has a right of access to a record held by the Commission
containing computerized documents, the Commission shall furnish a written and intelligible
transcript of them to the person.

1985, c. 6, s. 40.

Reasonable time.

41. The information requested pursuant to sections 36, 37, 38, 39 and 40 shall be furnished within
a reasonable time.

1985, c. 6, s. 41.

Information held by Régie.

42. The Commission may, for the purposes of the administration of this Act, obtain from the Régie
de l’assurance maladie du Québec, and the latter shall furnish to the Commission, any information
held by the Régie on

1) the identification of a worker who has suffered an employment injury;

2) administration costs and expenses the Régie recovers from the Commission.
Article 42.1. The Commission and the Régie des rentes du Québec shall enter into an agreement for the communication of the information and documents required for the purposes of the Acts and regulations administered by the Commission and for the purposes of the Act respecting the Québec Pension Plan (chapter R-9) and the regulations thereunder.

Agreement.

In particular, such an agreement shall permit

(a) the fixing of the date on which, pursuant to the third paragraph of section 139.2 of the Act respecting the Québec Pension Plan, an application for a disability pension is presumed to be made;

(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166 of that Act, of contributors who are beneficiaries of an income replacement indemnity and the months or parts of months for which that indemnity is payable to them;

(c) the determination of the amounts of disability pension or retirement pension which may be recovered by the Board on the ground that an income replacement indemnity was payable to the beneficiary and, for the purposes of the deductions provided for in the third paragraph of section 144 of this Act, the determination of the terms and conditions of application for and payment of such amounts;

(d) the identification of contributors who are beneficiaries of a disability pension, the months for which that pension is payable to them and the amount of that pension.

Article 42.2. The Commission and the Minister of Employment and Social Solidarity shall enter into an agreement for the communication of the information required for the purposes of the Act respecting parental insurance (chapter A-29.011).

2005, c. 13, s. 77.

Exception.

43. Sections 38, 208, 215, 219, 229 and 231, the third paragraph of section 280, the fourth paragraph of section 296 and sections 429.25, 429.26 and 429.32 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1985, c. 6, s. 43; 1992, c. 11, s. 2; 1997, c. 27, s. 2.

CHAPTER III
INDEMNITIES

DIVISION I
INCOME REPLACEMENT INDEMNITY

§ 1. — Right to the income replacement indemnity

Income replacement.

44. A worker who suffers an employment injury is entitled to an income replacement indemnity if he becomes unable to carry on his employment by reason of the injury.
Unemployed worker.

A worker who is no longer employed when his employment injury appears is entitled to the income replacement indemnity if he becomes unable to carry on the employment he usually held.

1985, c. 6, s. 44.

Amount.

45. The income replacement indemnity is equal to 90% of the weighted net income that the worker derives annually from his employment.

1985, c. 6, s. 45.

Presumption.

46. A worker is presumed to be unable to carry on his employment until the employment injury he has suffered has consolidated.

1985, c. 6, s. 46.

Rehabilitation period.

47. A worker whose employment injury has consolidated is entitled to the income replacement indemnity provided for in section 45 for as long as he requires rehabilitation to become able to carry on his employment again or, if that is not possible, to be able to carry on a suitable full time employment.

1985, c. 6, s. 47.

Return to work.

48. Where a worker who has suffered an employment injury is again able to carry on his employment after the time prescribed to exercise his right to return to work, he is entitled to the income replacement indemnity provided for in section 45 until he returns to his employment or an equivalent employment or until he refuses, without valid reason, to do so, but not for more than one year from the date on which he is again able to carry on his employment.

Reduction.

Notwithstanding the foregoing, the indemnity shall be reduced by any amount paid to the worker by reason of the cessation of his employment under an Act of Québec other than this Act, or of any other.

1985, c. 6, s. 48.

Reduction.

49. Where a worker unable to carry on his employment by reason of an employment injury becomes able to carry on a suitable full-time employment, his income replacement indemnity shall be reduced by the amount of the weighted net income that he could derive from the suitable employment.

Employment unavailable.

If the suitable employment is not available, the worker is entitled to the income replacement indemnity provided for in section 45 until he holds that employment or until he refuses it without valid reason, but not for more than one year from the date when he becomes able to carry on that employment.

Reduction.

The indemnity provided for in the second paragraph is reduced by any amount paid to the worker by reason of the cessation of his employment under an Act of Québec other than this Act, or any other.
1985, c. 6, s. 49.

Computation of income.

50. For the purposes of determining the weighted net income that the worker could derive from the suitable employment that he becomes able to carry on full time, the Commission shall evaluate the gross annual income that the worker could derive from that employment by situating him in an income bracket and considering the lowest income in that bracket as the income that the worker could derive from that suitable employment.

Computation of income.

However, if the Commission believes that the gross annual income the worker could derive from the suitable employment he becomes able to carry on full time is greater than the Maximum Yearly Insurable Earnings established pursuant to section 66, it shall consider the gross annual income equal to the Maximum Yearly Insurable Earnings.

Publication of table.

The Commission shall publish every year in the Gazette officielle du Québec the table of gross annual income for suitable employments, which takes effect on 1 January of the year for which it is made.

Contents.

The table shall consist of income brackets, the first being limited to not more than $1 000 from the gross annual income determined on the basis of the minimum wage in force on 1 January of the year for which the table is made, the second to $2 000 and the following brackets at $3 000 each, up to the Maximum Yearly Insurable Earnings established pursuant to section 66 for that year.

Rounding off.

The highest income in the first income bracket is rounded off to the next lower $500.

1985, c. 6, s. 50.

Recovery of right.

51. A worker holding a suitable full-time employment who, within two years of the date he began to carry on the employment, must give it up on the advice of the physician in charge of him, shall recover his right to the income replacement indemnity provided for in section 45 and to the other benefits provided for in this Act.

Physician's opinion.

The first paragraph applies only if the physician in charge of the worker is of the opinion that he is not reasonably fit to hold the suitable employment or that the suitable employment endangers his health, safety or physical well-being.

1985, c. 6, s. 51.

Reduction.

52. Notwithstanding sections 46 to 48 and the second paragraph of section 49, if a worker holds a new employment, his income replacement indemnity shall be reduced by the amount of the weighted net income he derives from his new employment.

1985, c. 6, s. 52.

Worker 55 years of age.

53. A worker who is the victim of an occupational disease when 55 years of age or over or a person who suffers another employment injury when 60 years of age or over and who sustains, by reason of that disease or other injury, permanent physical or mental impairment that renders him unable to carry on his employment is entitled to the income replacement indemnity provided for in
section 45 until he holds a new employment or a suitable employment available with his employer.

New employment.

If the worker referred to in the first paragraph holds a new employment, he is entitled to the indemnity provided for in section 52 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.

Termination of employment.

Where the worker holds a suitable employment with his employer and the latter terminates such employment within two years after the date on which the worker began to hold it, the worker shall recover his right to the income replacement indemnity provided for in section 45 and to the other benefits provided for in this Act.

1985, c. 6, s. 53; 1992, c. 11, s. 3.

Review of indemnity.

54. Two years after the date on which a worker became able to carry on a suitable full-time employment, the Commission shall review his income replacement indemnity if it ascertains that the gross annual income that the worker derives from the employment he holds is greater than the revalorized income it has evaluated pursuant to the first paragraph of section 50.

Reduction.

Where the Commission reviews the income replacement indemnity of the worker under this section, it shall reduce it to an amount equal to the difference between the income replacement indemnity to which he would be entitled if he had not become able to carry on a suitable employment full-time and the weighted net income that he derives from the employment he holds.

1985, c. 6, s. 54.

Subsequent reviews.

55. Three years after the review under section 54 and every five years thereafter, the Commission shall, on the same condition and in the same manner, review the income replacement indemnity of the worker until he derives from the employment he holds a gross annual income equal to or greater than the income used, on the date of the review, as the basis for computing his income replacement indemnity or until he reaches sixty-five years of age, whichever occurs first.

1985, c. 6, s. 55.

Worker 65 years of age.

56. The income replacement indemnity is reduced by 25% from the sixty-fifth birthday of the worker, by 50% from the second year following the said date, and by 75% from the third year following the said date.

1985, c. 6, s. 56.

Extinction of right.

57. The right to an income replacement indemnity is extinguished from the earliest of the following events:

1) when the worker is again able to carry on his employment, subject to section 48;
2) the death of the worker; or

3) the sixty-eighth birthday of the worker or, if he suffers an employment injury when 64 years of age or over, four years after the date he became unable to carry on his employment.

1985, c. 6, s. 57.

Unrelated death.

58. Notwithstanding paragraph 2 of section 57, where a worker who receives an income replacement indemnity dies from a cause unrelated to his employment injury, the income replacement indemnity continues to be paid to his spouse for three months from the date of death.

1985, c. 6, s. 58.

§ 2. — Payment by the employer

Day of injury.

59. The employer of a worker at the time he suffers an employment injury shall pay him his net salary or wages for that part of the work day during which the worker becomes unable to carry on his employment by reason of his injury, where the worker would normally have worked during that part of the day had he not been disabled.

Time of payment.

The employer shall pay the salary or wages to the worker at the time he would normally have paid them to him.

1985, c. 6, s. 59.

First fourteen days.

60. The employer of a worker at the time he suffers an employment injury shall pay him, if he becomes unable to carry on his employment by reason of his injury, 90 % of his net salary or wages for each day or part of a day the worker would normally have worked had he not been disabled, for 14 full days following the beginning of his disability.

Time of payment.

The employer shall pay the salary or wages referred to in the first paragraph to the worker at the time he would normally have paid them to him if the worker has furnished the medical certificate contemplated in section 199.

Reimbursement.

The salary or wages referred to in the first paragraph constitute an income replacement indemnity to which the worker is entitled for 14 full days following the commencement of his disability and the Commission shall reimburse the amount thereof to the employer within 14 days of receipt of his claim, failing which it shall pay him interest, the rate of which is determined according to the rules prescribed by regulation. Such interest shall run from the first day payment is overdue and shall be capitalized daily.

Ineligible worker.

If the Commission subsequently decides that the worker is not entitled to the whole or part of the indemnity, the Commission shall claim reimbursement from the worker in accordance with Division 1 of Chapter XIII.

1985, c. 6, s. 60; 1993, c. 5, s. 1.

Absence.

61. Where a worker who has suffered an employment injury has returned to work, the employer shall pay him his net salary or wages for each day or part of a day when he must be absent from
work to receive care or undergo medical examinations in connection with his employment injury, or
to take part in a personal rehabilitation program.

Reimbursement.

The Commission shall reimburse to the employer, on request, the salary or wages he has paid
under the first paragraph, except where the worker is absent from work to undergo a medical
examination required by the employer.

1985, c. 6, s. 61.

Computation of wages.

62. For the purposes of sections 59 to 61, the net salary or wages of the worker is equal to his
gross salary or wages less the deductions usually made by his employer pursuant to

1) the Taxation Act (chapter I-3) and the Income Tax Act (Revised Statutes of Canada, 1985,
chapter 1, 5th Supplement);

2) the Employment Insurance Act (Statutes of Canada, 1996, chapter 23); and

3) the Act respecting the Québec Pension Plan (chapter R-9);

4) the Act respecting parental insurance (chapter A-29.011).

Gross salary or wages for a day.

For the purposes of this section, gross salary or wages for a day or part of a day includes, where
section 42.11 or 1019.4 of the Taxation Act applies to the worker, the aggregate of tips that, for
that day or part thereof, would have been reported by the worker to the employer under that
section 1019.4 or that the employer would have attributed to the worker under that section 42.11.

Computation of wages.

For the purposes of section 60, the gross salary or wages of the worker is taken into consideration
up to the Maximum Yearly Insurable Earnings established under section 66.

1985, c. 6, s. 62; 1997, c. 85, s. 2; 2001, c. 9, s. 123.

§ 3. — Computation of the income replacement indemnity

Weighted net income.

63. The weighted net income that the worker derives annually from his employment is equal to his
gross annual employment income less the amount of deductions weighted by income brackets
established by the Commission in relation to the family situation of the worker to take account of

1) the income tax payable under the Taxation Act (chapter I-3) and the Income Tax Act (Revised
Statutes of Canada, 1985, chapter 1, 5th Supplement),

2) the employee’s premiums payable under the Employment Insurance Act (Statutes of Canada,
1996, chapter 23), and

3) the contribution payable by the worker under the Act respecting the Québec Pension Plan (chapter R-9);

4) the premium payable by the worker pursuant to the Act respecting parental insurance (chapter A-29.011).

Publication of table.

The Commission shall publish each year in the Gazette officielle du Québec a table of income
replacement indemnities, which takes effect on 1 January of the year for which it is made.

Contents.
The table consists of a listing of gross incomes by brackets of $100, family situations and corresponding income replacement indemnities.

Income between brackets.

Where the gross income of a worker falls between two income brackets, his income replacement indemnity is determined on the basis of the higher bracket.

1985, c. 6, s. 63; 1997, c. 85, s. 3; 2001, c. 9, s. 124.

Use of table.

64. Where the Commission is reviewing an income replacement indemnity, determining a new gross income pursuant to section 76 or revalorizing the gross income used as the basis for the computation of the indemnity it shall apply the table of income replacement indemnities then in force but give consideration to the family situation of the worker existing when his employment injury appeared.

1985, c. 6, s. 64.

Computation of indemnity.

65. For the purposes of computing the income replacement indemnity, in no case may the gross annual employment income be less than the gross annual income determined on the basis of the minimum wage in force when the employment injury appears or greater than the Maximum Yearly Insurable Earnings then in force.

1985, c. 6, s. 65.

Maximum Yearly Insurable Earnings.

66. For the year 1985, the amount of the Maximum Yearly Insurable Earnings is $33 000.

Maximum Yearly Insurable Earnings.

For the year 1986 and each subsequent year, the amount of the Maximum Yearly Insurable Earnings is obtained by multiplying the Maximum for the year 1985 by the ratio between the sum of the average of weekly salaries and wages of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed and the same sum for each of the 12 months preceding 1 July 1984.

Applicability.

The amount of the Maximum Yearly Insurable Earnings shall be rounded off to the next highest $500 and is applicable for one year from 1 January of each year.

Statistics Canada data.

For the application of this section, the Commission shall use the data furnished by Statistics Canada on 1 October of the year preceding that for which the amount of the Maximum Yearly Insurable Earnings is computed.

Incomplete data.

If, on 1 October of a year, the data furnished by Statistics Canada are incomplete, the Commission may use the data then available to establish the Maximum Yearly Insurable Earnings.

New method.

If Statistics Canada uses a new method to determine the average of weekly salaries and wages for a particular month by modifying the time basis or the content basis and if the sum of the average of weekly salaries and wages for a year in which Statistics Canada used a new method is more than 1% higher or lower than the sum of the average of weekly salaries and wages established according to the data of the former method, the averages of weekly salaries and wages to be used
to establish the Yearly Average for each of the years affected by the change of method are adjusted by the Commission in such a way as to take into account the data gathered according to the method used by Statistics Canada on 19 August 1985.

1985, c. 6, s. 66.

Gross income.

67. The gross income of a worker is determined on the basis of the gross income set forth in his contract of employment and, where section 42.11 or 1019.4 of the Taxation Act (chapter I-3) applies to the worker, on the basis of the aggregate of the tips the worker would have reported to his employer under that section 1019.4 or that his employer would have attributed to him under that section 42.11, unless the worker proves to the Commission that he derived a higher gross income from his employment with the employer in the service of whom he was when his employment injury appeared or from the same type of employment with different employers during the 12 months preceding the commencement of his disability.

Allowable inclusions.

To establish a higher gross income, the worker may include bonuses, premiums, gratuities, commissions, supplements for overtime, leaves, if their cash value is not included in the salary or wages, profit sharing, and the cash value of the personal use of an automobile or of a dwelling furnished by the employer where he has lost the enjoyment thereof by reason of his employment injury, and benefits under the Act respecting parental insurance (chapter A-29.011) or the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

1985, c. 6, s. 67; 1997, c. 85, s. 4; 2001, c. 9, s. 125.

Seasonal worker.

68. The gross income of a seasonal worker or of a worker on call is the gross income of a worker of the same class holding a similar employment in the same region, except if the worker proves to the Commission that he derived a higher gross income from any employment he carried on during the twelve months preceding the commencement of his disability.

Applicable provision.

The second paragraph of section 67 applies for the purposes of establishing a higher gross income.

1985, c. 6, s. 68.

Unemployed worker.

69. The gross income of a worker who is no longer employed when his employment injury appears is the gross income he derived from the employment out of or in the course of which he suffered his injury, determined pursuant to section 67.

Revalorization of income.

The gross income is revalorized on 1 January each year from the date the worker ceased to hold his employment.

1985, c. 6, s. 69.

Recurrence or aggravation.

70. The gross income of a worker who suffers a recurrence, a relapse or an aggravation is the greater of the income he derives from the employment he holds when he suffers the recurrence, relapse or aggravation and the gross income used as a basis for computing his former indemnity.

Revalorization of income.

For the purposes of the application of the first paragraph, where the recurrence, relapse or aggravation occurs more than one year after the worker has become disabled, the gross income used for computing his former indemnity is revalorized.
1985, c. 6, s. 70.

Worker with several employments.

71. The gross income of a worker who carries on more than one employment is the income he would derive from the most remunerative employment that he becomes unable to carry on, as if he carried on that employment full-time.

Gross income.

Where the worker becomes unable to carry on only one of his employments, his gross income is the income he derives from that employment; in such a case, section 65 does not apply in respect of the minimum employment income.

1985, c. 6, s. 71.

Independent operator.

72. The gross income of an independent operator contemplated in section 9 is the income of a worker of the same class holding a similar employment in the same region, except if the worker proves to the Commission that he derived a greater gross income from an occupation contemplated in section 9 during the twelve months preceding the commencement of his disability.

1985, c. 6, s. 72.

Beneficiary of indemnity.

73. The gross income of a worker who suffers an employment injury while he is the beneficiary of an income replacement indemnity is the revalorized gross income on the basis of which his initial indemnity was computed or the gross income he derives from his new employment, whichever is greater.

Computation of new indemnity.

The income replacement indemnity of the worker who has suffered an employment injury ceases to be paid to him and in no case may his new indemnity be greater than the indemnity computed on the basis of the Maximum Yearly Insurable Earnings in force when a subsequent employment injury appears.

1985, c. 6, s. 73.

Registered person.

74. The gross income of a person registered with the Commission is equal to the amount for which he is registered.

1985, c. 6, s. 74.

Computation of gross income.

75. If it may be more equitable in view of the particular type of work done by a worker, his gross income may be determined in a manner other than that provided under sections 67 to 74.

Computation of indemnity.

Notwithstanding the first paragraph, in no case may the gross income determined thereunder be used as a basis for computing the income replacement indemnity if it is lower than the income resulting from the application of the said sections.

1985, c. 6, s. 75.

Higher gross income.

76. If a worker, by reason of an employment injury, is unable to carry on his employment for more than two years, the Commission shall determine a higher gross income than that provided for under this subdivision if the worker proves to it that he could have held a more remunerative
employment when his injury appeared, had it not been for special circumstances.

Computation of indemnity.

The new gross income shall be used as the basis for computing the income replacement indemnity due to the worker from the beginning of his disablement.

1985, c. 6, s. 76.

§ 4. — Special provisions regarding certain workers

Application.

77. This subdivision applies to a worker who suffers an employment injury while acting as a person contemplated in section 10, 11, 12, 12.0.1, 12.1 or 13 or while he is a full-time student.

Application.

The other provisions of Division I of this chapter that are not inconsistent with this subdivision apply with the necessary modifications to the persons contemplated in the first paragraph.

1985, c. 6, s. 77; 1987, c. 19, s. 15; 2000, c. 20, s. 160.

Right to indemnity.

78. A worker who suffers an employment injury while acting as a person contemplated in section 11, 12, 12.0.1, 12.1 or 13 is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to carry on the remunerated employment or to perform the work for which he is registered with the Commission when his injury appears.

Right to indemnity.

If the worker referred to in the first paragraph has no remunerated employment and is not registered with the Commission at the time his injury appears, he is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to carry on his usual employment or, if none, the employment that could have been his usual employment, considering his training and work experience and his physical and intellectual capacity before his injury occurred.

1985, c. 6, s. 78; 1987, c. 19, s. 16; 2000, c. 20, s. 161.

Student.

79. A worker who suffers an employment injury while he is a student contemplated in section 10 or a full-time student is entitled to an income replacement indemnity if he becomes unable, by reason of his injury, to carry on the remunerated employment that he holds or would have held, pursue his studies or carry on an employment connected with the completion of his studies.

1985, c. 6, s. 79.

Computation of indemnity.

80. The income replacement indemnity of a student contemplated in section 10, of a child contemplated in paragraph 3 of section 11 or of a worker who is a full-time student is

1) $50 per week until 18 years of age;

2) from 18 years of age, computed on the basis of the gross annual income determined on the basis of the minimum wage then in force; and

3) from 21 years of age, revised upwards if he proves to the Commission that he could probably have earned a higher gross employment income at the end of the studies being pursued had he not suffered an employment injury.

Higher indemnity.
Notwithstanding subparagraphs 1 and 2 of the first paragraph, the student or child may prove to the Commission that he has earned, during the 12 months preceding the date he became disabled, a gross employment income entailing a higher indemnity and in this case section 65 does not apply in respect of the minimum employment income.

Review.

The review made under subparagraph 3 of the first paragraph replaces any review under section 76.

1985, c. 6, s. 80.

Minimum wage.

81. The gross income of a person contemplated in paragraph 1, 2 or 4 of section 11 or in section 12 or 12.0.1 who has no remunerated employment and is not registered with the Commission when his employment injury appears is determined on the basis of the minimum wage then in force.

1985, c. 6, s. 81; 2000, c. 20, s. 162.

Voluntary worker.

82. The income replacement indemnity of a voluntary worker contemplated in section 13 is computed

1) in accordance with section 80, if the worker is under 18 years of age when his employment injury appears;

2) on the basis of the gross annual income determined on the basis of the minimum wage in force when his employment injury appears, if the worker holds no remunerated employment with any employer and is not registered with the Commission.

1985, c. 6, s. 82.

DIVISION II

COMPENSATION FOR BODILY INJURY

Permanent impairment.

83. A worker who suffers an employment injury and who sustains permanent physical or mental impairment is entitled, in respect of each industrial accident or occupational disease for which he files a claim with the Commission, to compensation for bodily injury which takes into account the anatomicophysiological deficit and disfigurement resulting from the impairment and the suffering or loss of enjoyment of life resulting from the deficit or disfigurement.

1985, c. 6, s. 83.

Amount.

84. The amount of compensation for bodily injury is equal to a percentage, not exceeding 100%, of permanent physical or mental impairment multiplied by the amount prescribed in Schedule II at the time his employment injury appeared, in relation to the worker's age at that time.

Percentage of impairment.

The percentage of permanent physical or mental impairment is equal to the sum of the percentages determined according to the table of bodily injuries adopted by regulation for anatomicophysiological deficit, disfigurement and the suffering or loss of enjoyment of life resulting from the deficit or disfigurement.

Unlisted injury.
If a given bodily injury is not listed in the table, the corresponding percentage shall be established according to the bodily injuries that are listed and that are of the same kind.

1985, c. 6, s. 84; 1992, c. 11, s. 4.

Symmetrical organs.

85. The table of compensation for bodily injury adopted by regulation must allow for the determination of an additional percentage where a worker, by reason of an employment injury or an occupational disease, sustains anatomicophysiological deficits in symmetrical organs or an anatomicophysiological deficit in an organ that is symmetrical to an already impaired organ.

Factors.

For the purposes of this section, the table shall take account of the nature of the impaired organs and the anatomical or functional character of the deficits.

1985, c. 6, s. 85; 1999, c. 40, s. 4.

Minimum amount.

86. Where a worker has sustained an anatomicophysiological deficit, the amount of the compensation for bodily injury shall not be less that $500.

1985, c. 6, s. 86.

Total percentage over 100%.

87. A worker who sustains one or several permanent physical or mental impairments as a result of the same work accident or the same occupational disease is entitled, where the total of the percentages of these impairments exceeds 100%, to receive, in addition to the compensation determined under section 84, an amount equal to 25% of the amount of the compensation determined on the basis of the excess percentage.

1985, c. 6, s. 87.

Determination of sequelae.

88. The Commission shall establish the amount of the compensation for bodily injury as soon as the sequelae of the employment injury are medically determined.

Undeterminable sequelae.

If, two years after the injury appeared, it is impossible to determine medically all the sequelae of the injury, the Commission shall estimate the minimum amount of the compensation on the basis of those sequelae that it is possible to determine medically at that time.

Adjustments.

The Commission shall make the required subsequent upward adjustments as soon as possible.

1985, c. 6, s. 88.

New impairment.

89. A worker who, by reason of a recurrence, relapse or aggravation sustains a new permanent physical or mental impairment at a time when the amount of his compensation for bodily injury has already been established is entitled to a new compensation for bodily injury determined in relation to the percentage of the new impairment.

Total percentage over 100%.

Where the total percentage of the permanent physical or mental impairment, including the already established percentage and the percentage resulting from the recurrence, relapse or aggravation exceeds 100%, the worker is entitled to receive
1) compensation in an amount determined in relation to 100% less the percentage that has already been determined; and

2) an amount equal to 25% of the amount of compensation determined on the basis of the total percentage less 100%.

Computation of amount.

The amount of the new compensation for bodily injury provided for in the first or second paragraph is computed in accordance with Schedule II in force at the time of the recurrence, relapse or aggravation and in relation to the worker's age at that time.

1985, c. 6, s. 89.

Interest.

90. The Commission shall pay to the worker interest on the amount of the compensation for bodily injury from the date the claim for the employment injury that caused the permanent physical or mental impairment of the worker is filed.

Interest.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.

1985, c. 6, s. 90; 1993, c. 5, s. 2.

Death.

91. Compensation for bodily injury is not payable in the case of death of the worker.

Unrelated death.

Notwithstanding the first paragraph, if the worker dies of a cause unrelated to his employment injury and if, on the date of his death it was possible to determine medically the sequelae of his injury, the Commission shall estimate the amount of compensation that it would probably have awarded and pay one-third of that amount to the spouse of the worker and the remaining two-thirds in equal shares to the children who are considered to be dependants.

Compensation to spouse or children.

In the absence of either, the Commission shall pay the amount of the compensation to the spouse or to the children who are considered to be dependants, as the case may be.

1985, c. 6, s. 91; 1999, c. 40, s. 4.

DIVISION III

COMPENSATION IN THE CASE OF DEATH

§ 1. — Interpretation and application

Interpretation.

92. For the purposes of this division,

1) a child of the worker includes any person to whom the worker stood in loco parentis at the time of his death;

2) the person who stood in loco parentis to the worker at the time of his death is considered to be the father or the mother of the worker.

1985, c. 6, s. 92; 1999, c. 40, s. 4.
Invalid.

93. A person suffering from severe long-term physical or mental disability is considered to be invalid for the purposes of this division.

Severe disability.

Disability is severe if it prevents the person from regularly being able to engage in truly remunerative occupations.

Long-term disability.

Disability is long-term if to all appearances it will end in death or last indefinitely.

1985, c. 6, s. 93; 1999, c. 40, s. 4.

Family enterprise.

94. A worker who contributes indirectly to the income of his mother or father through his work in the family enterprise is considered to provide for his mother or father proportionately to his contribution.

1985, c. 6, s. 94; 1999, c. 40, s. 4.

Presumed cause of death.

95. A worker who dies while he is the beneficiary of an income replacement indemnity following an occupational disease that may cause death is presumed to have died from that disease.

Autopsy.

The presumption does not operate unless the Commission has had the opportunity to have an autopsy performed on the body.

1985, c. 6, s. 95.

Presumed death.

96. Where a worker has disappeared following an event that occurred out of or in the course of his work, under circumstances which raise the presumption that he is dead, the Commission may consider that the worker is dead and that the date of his death is the date of the event.

1985, c. 6, s. 96.

Right to compensation.

97. The death of a worker by reason of an employment injury gives rise to the indemnities or compensation provided for under this division.

1985, c. 6, s. 97.

§ 2. — Indemnities to dependants

Lump sum.

98. The spouse of the deceased worker is entitled to a lump sum indemnity equal to the product obtained by multiplying the gross annual employment income of the worker determined in accordance with sections 63 to 82 and revalorized where required, by the factor provided in Schedule III in relation to the age of the spouse at the date of death of the worker.

1985, c. 6, s. 98.

Invalid spouse.

99. If invalid at the date of death of the worker, the spouse is entitled to the greater of the
following lump sum indemnities:

1) an indemnity determined under section 98; and

2) an indemnity equal to twice the amount provided in Schedule II in relation to the spouse's age at the date of death of the worker.

1985, c. 6, s. 99.

Minimum amount.

100. In no case may the lump sum indemnity payable to the spouse be less than $50 000.

1985, c. 6, s. 100.

Additional indemnity.

101. In addition to the lump sum indemnity provided for in sections 98 to 100, the spouse of the deceased worker is entitled to an indemnity equal to 55% of the income replacement indemnity to which the worker was entitled at the date of his death, where such is the case, or to which he would have been entitled at that date if he had then been unable to carry on his employment by reason of an employment injury.

Monthly pension.

The indemnity is payable in the form of a monthly pension, from the date of the death of the worker, for the period provided for in Schedule IV, according to the age of the spouse at that date.

1985, c. 6, s. 101.

Minor child.

102. The child of a worker who is a minor at the date of death of the worker, is entitled to an indemnity of $250 per month until he is of full age.

Lump sum.

If the child is attending an educational institution on a full-time basis when he reaches full age, he is then entitled to a lump sum indemnity of $9 000.

1985, c. 6, s. 102.

Invalid child.

103. If the child of the worker who is a minor at the date of death of the worker was an invalid at that date and still is when he reaches full age, he is entitled on the latter date, instead of the indemnity provided for in the second paragraph of section 102, to a lump sum indemnity of:

1) $50 000, unless the circumstances that caused his invalidity entitle him to benefits under this Act, the Workers’ Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

2) $9 000 if the circumstances that caused his invalidity entitle him to benefits under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 103.

Full-time student.

104. The child of a worker who is of full age but under 25 years of age at the date of death of the worker and who on that date is attending an educational institution on a full-time basis is entitled to a lump sum indemnity of $9 000.

1985, c. 6, s. 104.
Invalid child of full age.

105. The child of a worker who is of full age but under 25 years of age at the date of death of the worker and who is an invalid on that date is entitled to

1) instead of the indemnity provided for in section 104, a lump sum indemnity equal to the amount provided in Schedule II in relation to his age on that date, unless the circumstances that caused his invalidity entitle him to a benefit under this Act, the Workers' Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

2) the indemnity provided for under section 104, if the circumstances that caused his invalidity entitle him to a benefit under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 105.

Other dependant.

106. A person, other than a dependant contemplated in sections 98 to 105, over half of whose needs were provided for by the worker, at the date of his death, is entitled to a lump sum indemnity

1) of $6 000, if he is under 35 years of age at that date;

2) equal to 75% of the gross annual employment income of the worker determined under sections 63 to 82 and revalorized where required, if he is 35 years of age or over at that date.

1985, c. 6, s. 106.

Invalid.

107. If the person contemplated in section 106 is invalid at the date of death of the worker, he is entitled, instead of the indemnity provided for in the said section, to

1) a lump sum indemnity equal to the amount provided in Schedule II in relation to his age at that date, unless the circumstances that caused his invalidity entitle him to a benefit under this Act, the Workers' Compensation Act (chapter A-3), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6);

2) the indemnity provided for in subparagraph 1 or 2 of section 106 in relation to his age at the date of death of the worker if the circumstances that caused his invalidity entitle him to a benefit under any of the Acts referred to in paragraph 1.

1985, c. 6, s. 107.

Other dependant.

108. A person other than a dependant contemplated in sections 98 to 107 one-half or less of whose needs were provided for by the worker at the date of his death is entitled to a lump sum indemnity of

1) $6 000, if the worker provided for his needs in a proportion of 25% to 50%;

2) $3 000, if the worker provided for his needs in a proportion of 10% to less than 25%.

1985, c. 6, s. 108.

§ 3. — Other indemnities owing to death

Spouse's indemnity.

109. The spouse is entitled on the death of the worker to an indemnity of $1 000.

Other dependants.
If there is no spouse, the Commission shall pay the indemnity under the first paragraph to the other dependants, in equal shares.

1985, c. 6, s. 109.

Parents' indemnity.

110. The father and mother of a worker who died without dependants are entitled to an indemnity of $3,000 each. The share of a dead parent or of a parent deprived of parental authority accrues to the other parent.

1985, c. 6, s. 110.

Funeral expenses.

111. The Commission shall reimburse to the payer, on the production of vouchers,

1) the funeral expenses, up to $1,500;

2) the cost of transportation of the body of the worker from the place of death to the funerarium closest to the habitual residence of the deceased, if he was resident in Québec, or to another place approved by the Commission.

1985, c. 6, s. 111.

DIVISION IV
OTHER INDEMNITIES

Clothing.

112. A worker who suffers an employment injury is entitled, on the presentation of vouchers, to a maximum indemnity of

1) $300 for the cleaning, repair or replacement of clothing damaged as a result of an industrial accident;

2) $300 per year for damage caused to his clothing by a prosthesis or orthesis within the meaning of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (chapter L-0.2) the use of which is required by reason of an employment injury.

1985, c. 6, s. 112; 2001, c. 60, s. 166.

Prosthesis or orthesis.

113. A worker is entitled, on the production of vouchers, to an indemnity for the repair or replacement of a prosthesis or orthesis within the meaning of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (chapter L-0.2) unintentionally damaged during an unforeseen and sudden occurrence attributable to any cause, arising out of his work, to the extent that he is not entitled to such an indemnity under another plan.

Maximum indemnity.

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

1985, c. 6, s. 113; 1992, c. 11, s. 5; 2001, c. 60, s. 166.

Deductible.

114. The indemnities contemplated in paragraph 1 of section 112 and, in the case of a dental prosthesis or an ocular orthesis, in section 113 are subject to a deductible of $25 each.
1985, c. 6, s. 114.

Travel expenses.

115. The Commission shall reimburse, on the production of vouchers, to the worker and, if his physical condition requires it, to the person who must accompany him, the transportation and travel expenses incurred to receive care, undergo medical examinations or take part in a personal rehabilitation program, according to the norms and amounts it determines and that it publishes in the Gazette officielle du Québec.

1985, c. 6, s. 115.

Retirement plan.

116. A worker who, by reason of an employment injury, suffers from a disability contemplated in section 93 is entitled to continue to come under the retirement plan offered in the establishment where he was working at the time of his injury.

Assessment.

In such a case, the worker shall pay his share of the exigible assessment, where such is the case, and the Commission shall assume the employer's share, except during the period in which the employer is bound to assume his share pursuant to subparagraph 2 of the first paragraph of section 235.

1985, c. 6, s. 116.

DIVISION V
REVALORIZATION

Revalorized amounts.

117. The amount of the gross annual income used as the basis for computing the income replacement indemnity, as well as for the purposes of section 101, and the amount of the gross annual income evaluated by the Commission under the first paragraph of section 50 are revalorized each year, on the anniversary of the day the worker became unable to carry on his employment.

1985, c. 6, s. 117.

Revalorization on 1 January.

118. All the amounts of money fixed in this chapter, except sections 50, 63 and 66, in Chapter IV and in Schedules II and V are revalorized each year on 1 January.

Indemnity owing to death.

An indemnity owing to death received by a beneficiary pursuant to the first paragraph of section 102 also is revalorized on the date determined in the first paragraph.

1985, c. 6, s. 118.

Method.

119. Revalorization is made by multiplying the amount to be revalorized by the ratio between the Consumer Price Index of the current year and that of the preceding year.

1985, c. 6, s. 119.

Consumer Price Index.

120. The Consumer Price Index for a year is the yearly average computed on the basis of the monthly Consumer Price Index in Canada established by Statistics Canada for the 12 months preceding 1 November of the year preceding the year for which the index is computed.
Incomplete data.

If, on 1 December of a year, the data furnished by Statistics Canada are incomplete, the Commission may use the data then available to establish the Consumer Price Index.

New method.

If Statistics Canada uses a new method to compute the monthly Consumer Price Index by modifying the time basis or the content basis and if the modification entails a variation of more than 1% in the Yearly Average, the monthly indices to be used to establish the Yearly Average for each of the years affected by the change of method are adjusted by the Commission in such a way as to take into account the data gathered according to the method used by Statistics Canada on 19 August 1985.

1985, c. 6, s. 120.

Rounding off of average.

121. If the yearly average computed on the basis of the monthly Consumer Price Index carries out to more than one decimal place, only the first digit is retained and it is increased by one unit if the second digit is greater than 4.

1985, c. 6, s. 121.

Rounding off of ratio.

122. If the ratio between the Consumer Price Index for the current year and that for the preceding year carries out to more than three decimal places, only the first three digits are retained and the third digit is increased by one unit if the fourth digit is greater than 4.

1985, c. 6, s. 122.

Rounding off of amount.

123. The amount obtained through a revalorization is rounded off to the nearest dollar, except for the purposes of Schedule V.

1985, c. 6, s. 123.

DIVISION VI
PAYMENT OF INDEMNITIES

Beginning of payment.

124. The Commission shall pay to the worker the income replacement indemnity to which he is entitled from the fifteenth full day following the day the worker became unable to carry on his employment.

First fourteen days.

Notwithstanding the foregoing, the Commission shall pay the worker to whom no employer is bound to pay a salary or wages under section 60 an income replacement indemnity for each day or part of a day during which the worker would normally have earned an employment income, had he not been unable to carry on his employment as a result of his employment injury, for the fourteen full days following the day he became disabled if the worker furnishes the medical certificate contemplated in section 199 to the Commission.

1985, c. 6, s. 124.

Pension.

125. The Commission shall pay the income replacement indemnity, in the form of a pension, once every two weeks.
Reimbursement of employer.

126. The Commission may withhold from an income replacement indemnity, and reimburse to the employer, the equivalent of any amount paid by him to the worker from the fifteenth full day of disability, as an allowance or indemnity, unless the payment is made to make up a difference between the salary or wages of the worker and the indemnity to which he is entitled.

127. (Repealed).

Uninterrupted payment.

128. The payment of the income replacement indemnity of a worker is not interrupted if, on the day he returns to work he is forced to abandon his work because of the state of his health with respect to his injury.

Advance payment.

129. The Commission, if it considers it appropriate in the interest of the beneficiary or if the beneficiary is urgently in need of it, may pay an income replacement indemnity before rendering its decision on the right to the indemnity if it is of opinion that the application appears prima facie to be founded.

Dismissal of application.

If the Commission subsequently dismisses the application or grants it in part, no amounts paid may be recovered from the person who received them, unless the person

1) obtained the amounts in bad faith; or

2) is entitled to the benefit of another public compensation scheme by reason of the injury or disease for which he received the amounts.

Maximum recoverable.

In the case of subparagraph 2, the Commission may recover the amounts of overpayments only up to the amount to which the person is entitled under another public compensation scheme.

Direct deposit.

130. The Commission may pay an income replacement indemnity directly into the account that a beneficiary has with a bank or a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3) if the beneficiary agrees thereto.

Instalments.

131. The Commission may pay an income replacement indemnity in one or several instalments equivalent to the representative capital of the indemnity, for a maximum period of one year, or at intervals other than those provided in section 125 where

1) the amount paid at those intervals is minimal;

2) the beneficiary is not resident or ceases to be resident in Québec; or
3) it believes it beneficial to the rehabilitation of the beneficiary, if he consents to it.

Pension.

In the third case, the Commission may also pay part of the representative capital of the indemnity and pay the balance as a pension at the intervals it determines.

1985, c. 6, s. 131.

Cessation of payment.

132. The Commission shall cease to pay an income replacement indemnity on the first of the following dates:

1) that on which it is informed by an employer or the worker himself that he has returned to his employment or to an equivalent employment;

2) that on which it receives from the physician in charge of the worker a report indicating the date on which the employment injury suffered by the worker has consolidated and the fact that the worker retains no resultant functional disability, if the worker requires no rehabilitation to be again able to carry on his employment.

Expiry of time limit.

However, where the time prescribed for the exercise of the worker’s right to return to work has expired at the date the injury has consolidated, the Commission shall cease to pay the income replacement indemnity in accordance with section 48.

1985, c. 6, s. 132.

Recovery of indemnity.

133. The Commission shall recover the amount of the income replacement indemnity that a worker has received without being entitled thereto since the date of the consolidation of his employment injury, where the worker

1) has been informed by the physician in charge of him of the date of consolidation of his injury and of the fact that he retains no resultant functional disability; and

2) has failed to immediately inform his employer in accordance with the first paragraph of section 274.

1985, c. 6, s. 133.

Time of payment.

134. The Commission shall pay the compensation in the case of death provided for in sections 98 to 100 to the spouse either when the decision granting the compensation becomes final or at the end of the period in which the Commission pays the compensation in the case of death provided for in section 101 to the spouse, whichever is later.

Earlier payment.

Before the end of the period referred to in the first paragraph, the Commission may, however, pay all or part of the indemnity provided for in sections 98 to 100 where it considers it useful for the rehabilitation of the spouse and if the decision granting the indemnity is final.

1985, c. 6, s. 134.

Interest.

135. The Commission shall pay interest on the amount of the compensation in the case of death provided for in sections 98 to 100 from the date of the death.

Interest.
The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.

1985, c. 6, s. 135; 1993, c. 5, s. 3.

Death of spouse.

136. The indemnity provided for in section 101 ceases to be paid in the month following the month in which the spouse entitled to it dies.

1985, c. 6, s. 136.

Payment to person having custody.

137. The Commission shall pay the death benefit provided for in the first paragraph of section 102 to the person having custody of the child who is entitled to compensation.

Cessation of payment.

The benefit shall cease to be paid in the month following the month in which the child entitled to it dies or reaches full age.

1985, c. 6, s. 137.

Time of payment.

138. The Commission shall pay the death benefit provided for in the second paragraph of section 102 at the end of the three-month period of the school year in which the child entitled to compensation reaches full age or at the end of the three-month period following the date on which the child reaches full age if that birthday falls between two three-month periods.

1985, c. 6, s. 138.

Time of payment.

139. The Commission shall pay the death benefit provided for in section 104 at the end of the three-month period of the school year during which the worker died or at the end of the three-month period following the date of death if the death occurred between two three-month periods.

1985, c. 6, s. 139.

Certificate of registration.

140. The Commission shall pay the benefit contemplated in section 138 or 139, if the decision awarding the benefit is final, on receiving a certificate from the educational institution attended by the beneficiary attesting that he was registered as a full-time student for the three-month period referred to in section 138 or 139, as the case may be, and that he regularly attended the institution during the three-month period.

1985, c. 6, s. 140; 1992, c. 11, s. 6.

Legal incapacity.

141. The Commission shall pay an indemnity to a tutor or curator, or failing such a person, to a person it designates, if the beneficiary is under legal incapacity; the designated person has the powers and duties of a tutor or a curator, as the case may be.

Notice to Public Curator.

The Commission shall notify the Public Curator of any payment it makes in accordance with the first paragraph.

1985, c. 6, s. 141.

Reduction or suspension.
142. The Commission may reduce or suspend the payment of an indemnity

1) if the beneficiary

(a) produces inaccurate information;

(b) refuses or neglects to produce the information it requires or to give the authorization necessary for obtaining it;

2) if the worker, without valid reason,

(a) interferes with a medical examination prescribed under this Act or neglects or refuses to undergo such an examination, unless, in the opinion of the physician in charge of him, the examination usually entails serious danger;

(b) does anything that, according to the physician in charge of him or, if the matter is contested, a member of the Bureau d'évaluation médicale, prevents or delays a cure;

(c) neglects or refuses to undergo medical treatment, other than a surgical operation, that the physician in charge of him or, if the matter is contested, a member of the Bureau d’évaluation médicale considers necessary in the interest of the worker;

(d) neglects or refuses to avail himself of the rehabilitation measures prescribed in his personal rehabilitation program;

(e) neglects or refuses to perform the work temporarily assigned to him by his employer that he is required to perform in accordance with section 179 while his employer pays or offers to pay him the salary or wages and the benefits contemplated in section 180;

(f) neglects or refuses to inform his employer in accordance with section 274.

1985, c. 6, s. 142; 1992, c. 11, s. 7.

Retroactive payment.

143. The Commission may pay an indemnity or a benefit retroactively to the date on which its payment was reduced or suspended when the ground that justified the decision no longer exists.

1985, c. 6, s. 143.

Unseizability.

144. Indemnities paid under this Act are unassignable, unseizable and nontaxable except the income replacement indemnity, up to 50 % of which is seizable for alimentary debts.

Deduction.

At the request of the Minister of Employment and Social Solidarity, the Commission shall deduct from indemnities payable to a person under this Act the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001). The Commission shall remit the amount thus deducted to the Minister of Employment and Social Solidarity.

Deduction.

It shall also, at the request of the Régie des rentes du Québec, deduct from the income replacement indemnity payable to a person under this Act, the amounts of disability pension or retirement pension paid to that person under the Act respecting the Québec Pension Plan (chapter R-9) which may be recovered under that Act. It shall pay the amounts so deducted to the Board.

1985, c. 6, s. 144; 1988, c. 51, s. 95; 1992, c. 44, s. 81; 1993, c. 15, s. 89; 1994, c. 12, s. 67; 1997, c. 63, s. 128; 1997, c. 73, s. 88; 1998, c. 36, s. 163; 2001, c. 44, s. 30.

Deduction.

144.1. The Commission shall deduct from the income replacement indemnity to which the worker
is entitled under this Act the amount received in accordance with an order under paragraph 2 of section 123.15 of the Act respecting labour standards (chapter N-1.1) for the same period as that covered by the income replacement indemnity. The Commission shall remit the amount thus deducted to the employer who paid it.

Reimbursement.

The Commission shall also reimburse to the employer the amount paid by the employer in accordance with an order under paragraph 6 of section 123.15 of that Act, up to the expenses to which the employee is entitled under this Act.

Order.

This section also applies where an order disposing of the same matters as the matter referred to in the first or second paragraph has been made pursuant to a collective agreement.

2002, c. 80, s. 76.

CHAPTER IV

REHABILITATION

DIVISION I

RIGHT TO REHABILITATION

Right to rehabilitation.

145. A worker who, as a result of the employment injury he has suffered, sustains permanent physical or mental impairment is entitled, to the extent provided by this chapter, to the rehabilitation required by his condition in view of his social and professional reintegration.

1985, c. 6, s. 145.

Personal program.

146. To ensure the worker's right to rehabilitation, the Commission shall prepare and implement, with the worker's collaboration, a personal rehabilitation program, which may include, according to the worker's needs, a physical, social and professional rehabilitation program.

Modification of program.

The program may be modified, with the worker's collaboration, to take account of new circumstances.

1985, c. 6, s. 146.

Decision of Commission.

147. In respect of rehabilitation, the personal rehabilitation program constitutes the decision of the Commission regarding the rehabilitation benefits to which the worker is entitled, and each modification made to the program by virtue of the second paragraph of section 146 constitutes a new decision of the Commission.

1985, c. 6, s. 147.

§ 1. — Physical rehabilitation

Purpose.

148. The purpose of physical rehabilitation is to remove or lessen a worker's physical handicap and to enable him to develop his residual capacity in order to compensate for the functional disability resulting from his employment injury.
1985, c. 6, s. 148.

Contents of program.

149. A physical rehabilitation program may include, in particular, medical and nursing care, physiotherapy and ergotherapy treatments, exercises to adapt to a prosthesis or an orthosis and any other care and treatment deemed necessary by the physician in charge of the worker.

1985, c. 6, s. 149.

Home care.

150. A physical rehabilitation program may also include home care provided by a nurse, a nursing assistant or nurse's aide, according to the requirements of the worker's condition following his employment injury, where prescribed by the physician in charge of him.

Reimbursement of expenses.

The Commission shall assume the cost of the care and, in addition, reimburse, according to the standards and in the amounts it determines, the travel and living expenses incurred by the nurse, nursing assistant or nurse's aide.

Private care.

Where the care cannot be provided by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, the Commission shall reimburse the worker for the cost of the care, fixing its amount according to the cost of similar services under the public plan.

1985, c. 6, s. 150; 1992, c. 21, s. 78; 1994, c. 23, s. 23.

§ 2. — Social rehabilitation

Purpose.

151. The purpose of social rehabilitation is to help the worker overcome so far as possible the personal and social consequences of his employment injury, adapt himself to the new situation resulting from his injury and become self-sufficient in carrying on his usual activities.

1985, c. 6, s. 151.

Contents of program.

152. A social rehabilitation program may include, in particular,

1) professional psycho-social services;

2) the implementation of means to provide the worker with a residence and a vehicle adapted to his residual capacity;

3) the payment of the cost of personal home assistance;

4) the reimbursement of child care expenses;

5) the reimbursement of the cost of ordinary maintenance work on the residence.

1985, c. 6, s. 152.

Adaptation of residence.

153. A worker's residence may be adapted if

1) the worker has sustained severe permanent physical impairment;
2) the adaptation is necessary and constitutes the appropriate solution to enable the worker to enter and leave his residence by himself and to have access independently to the things and conveniences in his residence; and

3) the worker undertakes to live in the residence for at least three years.

Lease.

Where the worker is a lessee, he shall provide the Commission with a copy of a lease for a minimum term of three years.

1985, c. 6, s. 153.

Moving expenses.

154. Where the residence of a worker referred to in section 153 is not adaptable to his residual capacity, the worker may be reimbursed, up to $3,000, for the cost he may incur to move into a new residence that is adapted or adaptable to his residual capacity.

Estimates.

For the purposes of the first paragraph, the worker shall furnish to the Commission at least two detailed estimates containing the information it may require.

1985, c. 6, s. 154.

Adaptation of vehicle.

155. The principal vehicle of a worker may be adapted if the worker has sustained severe permanent physical impairment and if the adaptation is necessary, owing to his employment injury, to enable him to drive the vehicle or to get into it.

1985, c. 6, s. 155.

Estimates.

156. The Commission has no authority to assume the cost of work to adapt the residence or principal vehicle of a worker referred to in section 153 or 155 unless the worker provides the Commission with at least two detailed estimates of the work to be executed, prepared by two specialized contractors and containing the information required by the Commission, and unless the worker provides the Commission with copies of the required authorizations and permits for executing the work.

1985, c. 6, s. 156.

Insurance and maintenance.

157. Where the Commission assumes the cost of the work to adapt a worker's residence or principal vehicle, it shall also assume the additional cost of insurance and maintenance arising from the adaptation of the residence or vehicle.

1985, c. 6, s. 157.

Home assistance.

158. Personal home assistance may be granted to a worker who, as a result of his employment injury, is unable to care for himself and to do, without assistance, the household tasks that he would normally do himself, if the assistance proves necessary for his remaining in or return to his residence.

1985, c. 6, s. 158.

Household tasks.

159. Personal home assistance includes the cost of engaging a person to help the worker to care
for himself and to do the household tasks the worker would normally do himself were it not for his injury.

Spouse.
The person may be the worker's spouse.
1985, c. 6, s. 159.

Amount.
160. The amount payable for personal home assistance is determined according to the standards and tables adopted by the Commission by regulation but must not exceed $800 a month.
1985, c. 6, s. 160; 1996, c. 70, s. 5.

Periodical reevaluation.
161. The amount payable for personal home assistance shall be reevaluated periodically to take account of changes in the worker's health and the needs arising therefrom.
1985, c. 6, s. 161.

Cessation of payment.
162. The amount of personal home assistance ceases to be paid when the worker
1) is again able to care for himself or to do the household tasks he was unable to do himself by reason of his employment injury; or
2) is lodged or hospitalized in a facility maintained by an institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5).
1985, c. 6, s. 162; 1992, c. 21, s. 79; 1994, c. 23, s. 23.

Time of payment.
163. The amount of personal home assistance is paid to the worker once every two weeks.

Adjustment or cancellation.
The amount is adjusted or cancelled, as the case may be, from the first due date after the occurrence giving rise to the adjustment or cancellation.
1985, c. 6, s. 163.

Child care expenses.
164. A worker who receives personal home assistance, carries on an activity as part of his personal rehabilitation program or, as a result of his employment injury, is lodged or hospitalized in a facility maintained by an institution referred to in paragraph 2 of section 162, may be reimbursed for child care expenses up to the amounts mentioned in Schedule V if
1) the worker assumes alone the custody of his children;
2) the worker's spouse is unable, owing to illness or disability, to care for the children living under their roof; or
3) the worker's spouse must be absent from the residence to be with the worker when the latter is lodged or hospitalized in a facility maintained by an institution or to accompany the worker to any activity carries on by the latter as part of his personal rehabilitation program.
1985, c. 6, s. 164; 1992, c. 21, s. 80.

Maintenance work.
165. A worker who has sustained a serious physical impairment as a result of an employment injury and who is unable to do the ordinary maintenance work on his residence that he would normally do himself were it not for his injury may be reimbursed for the costs he incurs to have the work done, up to $1,500 a year.

1985, c. 6, s. 165.

§ 3. — Vocational rehabilitation

Purpose.

166. The purpose of vocational rehabilitation is to facilitate the worker's reinstatement in his employment or an equivalent employment or, where that object is not attainable, to facilitate his access to suitable employment.

1985, c. 6, s. 166.

Contents of program.

167. A vocational rehabilitation program may include, in particular,

1) a refresher program;
2) evaluation of vocational potential;
3) a vocational training program;
4) assistance in finding employment;
5) the payment of subsidies to an employer to favour the employment of workers who have sustained permanent physical or mental impairments;
6) the adaptation of a position;
7) the payment of any cost incurred to explore an employment market or to move near a new place of employment;
8) the payment of subsidies to the worker.

1985, c. 6, s. 167.

Refresher program.

168. A worker who, as a result of his employment injury, needs to update his knowledge in order to be able to carry on his employment or equivalent employment may follow a refresher program in an educational institution or in an industrial establishment, in Québec as far as possible.

1985, c. 6, s. 168.

Rehabilitation measure.

169. Where a worker is unable to carry on his employment because he retains a functional disability resulting from his employment injury, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on his employment or an equivalent employment before the expiry of the period for the exercise of his right to return to work.

Implementation of program.

In the case of the first paragraph, the Commission, with the worker's collaboration and after consulting the employer, shall prepare and implement the appropriate vocational rehabilitation program, at the end of which the worker shall inform his employer that he is again able to carry on his employment or equivalent employment.
Suitable employment.

170. Where no rehabilitation measure exists that may enable a worker to carry on his employment or equivalent employment, the Commission shall ask the employer whether he has any suitable employment available and, if so, the Commission shall inform the worker and his employer of the existence, where that is the case, of a rehabilitation measure that may enable the worker to carry on that employment before the expiry of the period for the exercise of his right to return to work.

Implementation of program.

In the case of the first paragraph, the Commission, with the worker's collaboration and after consulting the employer, shall prepare and implement the appropriate vocational rehabilitation program, at the end of which the worker shall inform his employer that he has become able to carry on the available suitable employment.

Evaluation of potential.

171. Where no rehabilitation measure exists that may enable the worker to carry on his employment or equivalent employment and his employer has no available suitable employment, the worker may have his vocational potential evaluated to help him to determine what employment would be suitable for him.

Factors.

The main factors of the evaluation are the worker's formal training, his work experience, his functional aptitudes and the labour market.

Vocational training.

172. A worker who remains unable to carry on his employment again by reason of his employment injury may follow a vocational training program where it is otherwise impossible for him to obtain suitable employment.

Purpose.

The purpose of the program is to enable the worker to acquire the knowledge and skills required to carry on a suitable employment and the worker may follow the program in an educational institution or in an industrial establishment, in Québec as far as possible.

Assistance in finding employment.

173. A worker who has suffered an employment injury and who becomes again able to carry on his employment may receive assistance in finding employment if the period for exercising his right to return to work has expired and his employer does not reinstate him in his employment or in equivalent employment.

Nature of assistance.

174. Where the Commission provides assistance in finding employment it shall advise the worker on his applications to possible employers, inform him about the labour market and, if need be, refer
him to the appropriate specialized services for assistance in finding the employment he has become able to carry on.

1985, c. 6, s. 174.

Subsidy.

175. The Commission may, on such conditions as it may determine and that it shall publish in the Gazette officielle du Québec thirty days before they become applicable, grant a subsidy to an employer who hires a worker who has suffered an employment injury, for such period, not exceeding one year, as the worker is unable to meet the normal requirements for the employment.

Purpose.

The purpose of the subsidy is to provide the worker with a period of readjustment to his employment or adaptation to his new employment, or to enable him to acquire new vocational qualifications.

1985, c. 6, s. 175.

Adaptation of position.

176. The Commission may reimburse the cost of adapting a position if the adaptation enables a worker who has sustained permanent physical impairment as a result of his employment injury to carry on his employment, equivalent employment or suitable employment.

Cost.

The cost includes the expenses incurred for purchasing and installing the materials and equipment necessary for adapting the position, but no cost may be reimbursed except to the person who incurred it with the prior authorization of the Commission to that effect.

1985, c. 6, s. 176.

Reimbursement for costs.

177. A worker who, following an employment injury, becomes able to carry on his employment again or who becomes able to carry on suitable employment may be reimbursed, up to $3 000, for any cost incurred by him

1) to explore an employment market more than 50 kilometres from his residence, if such employment is not available within a radius of 50 kilometres of his residence; and

2) to move to a new residence if he obtains employment outside a radius of 50 kilometres from his present residence, if the two residences are at least 50 kilometres apart and if his new residence is situated within 50 kilometres of his new place of employment.

Estimates.

The worker shall furnish to the Commission at least two detailed estimates containing the information it may require.

1985, c. 6, s. 177.

Subsidies.

178. The Commission may grant subsidies, not exceeding the Maximum Yearly Insurable Earnings established under section 66, to a worker who has suffered an employment injury and who devises a plan to create and manage an undertaking providing him with suitable employment, if the worker remains unable to carry on his employment as a result of his injury.

Study.

The plan must be accompanied with a study which complies in form and content with the requirements of the Commission, confirming the feasibility and the mid-term profitability of the planned undertaking, and the worker must show that he has the capacity to operate the
undertaking.

Reimbursement for expenses.

If the plan is accepted, the Commission shall reimburse the worker for any expenses he incurred to obtain the feasibility study.

1985, c. 6, s. 178.

DIVISION II
TEMPORARY ASSIGNMENT OF WORK

Temporary assignment.

179. The employer of a worker who has suffered an employment injury may temporarily assign work to him until he is again able to carry on his employment or until he becomes able to carry on a suitable employment, even if his injury has not consolidated, if the physician in charge of the worker believes that

1) the worker is reasonably fit to perform the work;

2) the work, despite the worker's injury, does not endanger his health, safety or physical well-being; and

3) the work is beneficial to the worker's rehabilitation.

Disagreement with physician.

If the worker disagrees with the physician, he may avail himself of the procedure provided in sections 37 to 37.3 of the Act respecting occupational health and safety (chapter S-2.1), and in that case is not bound to do the work assigned him by his employer until the report of the physician has been confirmed by a final decision.

1985, c. 6, s. 179.

Salary or wages.

180. The employer shall pay the worker who performs the work he temporarily assigns to him the salary or wages and benefits attaching to the employment he held when his employment injury appeared and to which he would have been entitled if he had continued to carry on that employment.

1985, c. 6, s. 180.

DIVISION III
FUNCTIONS OF THE COMMISSION

Cost of rehabilitation.

181. The cost of rehabilitation is assumed by the Commission.

Appropriateness and economy.

In implementing a personal rehabilitation program, the Commission shall assume the cost of the appropriate and most economical means of attaining the desired objective.

1985, c. 6, s. 181.

Provision of services.

182. The Commission itself shall provide the professional services determined as part of a personal rehabilitation program or refer the worker to the appropriate persons or services.
Suspension of program.

183. The Commission may suspend or terminate all or part of a personal rehabilitation program if the worker omits or refuses to avail himself of any rehabilitation measure prescribed in his program.

Notice.

For the purposes of this section, the Commission shall give the worker five clear days notice informing him that if he fails to avail himself of a rehabilitation measure, it will apply a sanction authorized in the first paragraph.

Powers.

184. The Commission may

1) develop and support the activities of persons and organizations dealing with rehabilitation and cooperate with them;

2) assess the efficiency of the available policies, programs and services relating to rehabilitation;

3) carry out studies and research on rehabilitation or have them carried out;

4) take any measure it deems useful to favour the vocational reintegration of the spouse of a worker who has died as the result of an employment injury;

5) take any measure it deems useful to lessen or remove the consequences of an employment injury.

Multidisciplinary committee.

For the purposes of subparagraphs 1, 2 and 3 of the first paragraph, the Commission shall form a multidisciplinary committee.

Protective re-assignment.

185. The Commission may take measures to facilitate the rehabilitation of any worker who is entitled to an income replacement indemnity because he exercised his right to protective re-assignment described in the Act respecting occupational health and safety (chapter S-2.1), with a view to preventing any possible recurrence, relapse or aggravation.

Employment creation.

186. The Commission may grant subsidies to a person who creates permanent employment reserved for workers who have sustained permanent physical or mental impairment as a result of an employment injury.

Maximum subsidy.

No subsidy may exceed $4 000 for each employment or be renewed.

Consultation services.

The Commission may also offer any person creating employment as described in the first paragraph professional consultation services and reimburse the fees and expenses of the professionals providing the services.
1985, c. 6, s. 186.

Recovery of subsidy.

187. The Commission shall recover all or part of a subsidy it has paid pursuant to this chapter to such extent as the subsidy has not been used for the purposes for which it was granted.

Applicable provisions.

Sections 431 to 436 apply to the recovery contemplated in the first paragraph.

1985, c. 6, s. 187.

CHAPTER V

MEDICAL AID

Right to medical aid.

188. A worker who has suffered an employment injury is entitled to the medical aid required by his condition as a result of the injury.

1985, c. 6, s. 188.

Medical aid.

189. Medical aid consists of the following:

1) the services of health professionals;

2) the care or treatment provided by an institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5);

3) medicines and other pharmaceutical products;

4) prostheses and orthoses within the meaning of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (chapter L-0.2), prescribed by a health professional and available at any supplier’s approved by the Régie de l’assurance maladie du Québec or, in the case of a supplier who is not established in Québec, recognized by the Commission;

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.

1985, c. 6, s. 189; 1992, c. 11, s. 8; 1994, c. 23, s. 23; 1999, c. 89, s. 53; 2001, c. 60, s. 166.

First aid.

190. The employer shall immediately give first aid to a worker who suffers an employment injury in his establishment and, where required, transportation, to a health institution, to a health professional or to the worker’s residence, as required by his condition.

Transportation.

The cost of transportation of the worker shall be assumed by his employer, who shall reimburse it, where such is the case, to the person who incurred it.

Principal contractor.

On a construction site, the obligation imposed by the first paragraph applies to the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1).
1985, c. 6, s. 190; 1992, c. 21, s. 375.

Emergency service.

191. An employer or the principal contractor referred to in the third paragraph of section 190 shall, in the cases determined by regulation, maintain at his own expense a first aid service and an emergency medical service including the staff and equipment determined by regulation, provide premises for that purpose and keep a first-aid and emergency medical register in accordance with the regulations.

1985, c. 6, s. 191.

Health professional.

192. Every worker is entitled to receive care from the health professional of his choice.

1985, c. 6, s. 192.

Health institution.

193. Every worker is entitled to receive care from the health institution of his choice.

Reference to other institution.

Where the Commission considers that the care required by the condition of the worker cannot be provided within a reasonable time by the institution he has chosen, the Commission may, in the interest of the worker, if the physician in charge of him agrees, refer him to another institution so that he may receive the required care more promptly.

1985, c. 6, s. 193; 1992, c. 21, s. 81, s. 375.

Cost.

194. The Commission shall be charged the cost of medical aid.

Claim.

No amount may be claimed from a worker for any medical aid benefit to which he is entitled under this Act and no action in respect thereof lies in any court of justice.

1985, c. 6, s. 194.

Standard agreement.

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.

Specific agreement.

The Commission shall make a specific agreement with each agency referred to in the Act respecting health services and social services (chapter S-4.2) and each regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5), providing for the implementation of the standard agreement in the territory of the agency. Every specific agreement must conform to the parameters of the standard agreement.

Presumption of compliance.

An institution is deemed to accept to comply with the specific agreement unless it signifies its refusal to the Commission and to the agency 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.
Territory to which Part IV.2 of c. S-4.2 applies.

For the territory to which Part IV.2 of the Act respecting health services and social services applies, the specific agreement shall be made with the institution having its head office in that territory.

1985, c. 6, s. 195; 1992, c. 11, s. 9; 1994, c. 23, s. 23; 1998, c. 39, s. 174; 1999, c. 40, s. 4; 2005, c. 32, s. 308.

Payment by Régie.

196. Services rendered by health professionals under this Act and contemplated in the fourteenth paragraph of section 3 of the Health Insurance Act (chapter A-29), enacted by section 488, including those of a member of the Bureau d'évaluation médicale or of a committee on occupational lung diseases or of a special committee acting under Chapter VI, except services rendered by a health professional at the employer’s request, are paid to those professionals by the Régie de l’assurance maladie du Québec in accordance with the agreements made under section 19 of the Health Insurance Act.

1985, c. 6, s. 196; 1992, c. 11, s. 10; 1999, c. 89, s. 43, s. 53.

Reimbursement by Commission.

197. The Commission shall reimburse the Régie de l’assurance maladie du Québec for the cost of the services contemplated in section 196 and any administrative expenses attaching thereto.

1985, c. 6, s. 197; 1996, c. 70, s. 6; 1999, c. 89, s. 53.

Agreement.

198. The Commission and the Régie de l’assurance maladie du Québec shall enter into an agreement concerning the rules governing the reimbursement of the sums paid by the Régie for the purposes of this Act and the determination of the administrative expenses incurred for the payment of the services referred to in section 196.

1985, c. 6, s. 198; 1996, c. 70, s. 7; 1999, c. 89, s. 53.

Costs related to prosthesis or orthosis.

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.

Amount payable in specific cases.

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 (chapter A-29) or the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5), the amount payable by the Commission is the amount determined in that program.

1992, c. 11, s. 11; 1999, c. 89, s. 53.

CHAPTER VI

MEDICAL EVALUATION PROCEDURE

DIVISION I

GENERAL PROVISIONS

Physician’s certificate.
199. The first physician who takes charge of a worker who has suffered an employment injury shall immediately provide the worker, on the form prescribed by the Commission, with a certificate containing the diagnosis and

1) where he expects the worker's employment injury to consolidate within fourteen full days from the date he became unable to carry on his employment by reason of his injury, the foreseeable date when the injury will consolidate; or

2) where he expects the worker's employment injury to take more than fourteen full days after the date he became unable to carry on his employment by reason of his injury to consolidate, the foreseeable time the injury will take to consolidate.

Choice of physician.

If the worker is not in a position to choose the first physician to take charge of him, he may, as soon as he is in a position to do so, choose another physician who will have charge of him and who shall then, at the worker's request, give him the certificate prescribed in the first paragraph.

1985, c. 6, s. 199.

Report to Commission.

200. In the case described in paragraph 2 of the first paragraph of section 199, the physician in charge of the worker shall also send to the Commission, within six days of his first examination, on the form prescribed by the Commission, a summary report containing the following particulars:

1) the date of the industrial accident;

2) the main diagnosis and any relevant additional information;

3) the foreseeable time the employment injury will take to consolidate;

4) the fact that the worker is awaiting physiotherapeutic or ergotherapeutic treatment or awaiting hospitalization or that he is receiving such treatment or is hospitalized;

5) so far as he can determine, the possibility that there may be permanent sequelae.

Subsequent physician.

The same applies to any physician who has charge of the worker subsequently.

1985, c. 6, s. 200.

Change in condition.

201. If changes in the worker's pathological condition significantly change the nature or duration of the care or treatment prescribed or administered, the physician in charge of the worker shall immediately so inform the Commission on the form prescribed by the Commission for that purpose.

1985, c. 6, s. 201.

Report to Commission.

202. The physician in charge of the worker, within ten days of receiving a request from the Commission to that effect, shall furnish to the Commission, on the form prescribed by the Commission, a report containing the information required by the Commission on one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212.

1985, c. 6, s. 202; 1992, c. 11, s. 12.

Final report.

203. In the case of subparagraph 1 of the first paragraph of section 199, if the worker has suffered a permanent physical or mental impairment, and, in the case of subparagraph 2 of the first paragraph of the said section, the physician in charge of the worker shall, when the employment injury of the worker has consolidated, send to the Commission, a final report on the form
prescribed by the Commission for that purpose.

Contents.

The report shall include the date of the consolidation of the injury and, as the case may be,

1) the percentage of the worker's permanent physical or mental impairment according to the table of compensation for bodily injury adopted by regulation;

2) a description of the worker's functional disability resulting from his injury;

3) the aggravation of functional disabilities previous to those resulting from the injury.

Information of worker.

The physician in charge of the worker shall inform him of the content of his report without delay.

1985, c. 6, s. 203; 1999, c. 40, s. 4.

Examination.

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.

Payment of costs.

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.

1985, c. 6, s. 204; 1992, c. 11, s. 13.

List of health professionals.

205. The list of the health professionals the Commission may designate for the purposes of section 204 shall be submitted each year to the board of directors of the Commission for approval; the board may add or strike out names.

Failure to obtain approval.

Where the board fails to approve the list at the sitting following the sitting at which the list was submitted, the Commission shall use the list already submitted.

Additional names.

The chairman of the board of directors and chief executive officer may add names of health professionals, other than those struck off the list by the board of directors, to the list referred to in the first and second paragraphs, if he considers that the number on the list is insufficient. In such a case, he shall inform the board of directors.

Period of validity.

The list of the health professionals the Commission may designate for the purposes of section 204 for one year remains in force until it is replaced.

1985, c. 6, s. 205; 1992, c. 11, s. 13; 2002, c. 76, s. 28.

Reports.

205.1. If the report of the health professional designated for the purposes of section 204 calls into question the findings of the physician in charge of the worker regarding one or several of the matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212, the latter may, within 30 days of the date of receipt of the report of the health professional, provide the Commission, on the form prescribed by the Commission, with an additional report to support his findings and include, where applicable, any consultation report containing reasons. The physician in charge of the worker shall inform the worker as soon as possible of the content of his report.
Submission of reports.

The Commission may submit the reports including the additional report, if any, to the Bureau d'évaluation médicale established under section 216.

1997, c. 27, s. 3.

Report.

206. The Commission may submit to the Bureau d'évaluation médicale the report it has obtained under section 204, even if the report concerns one or several matters mentioned in subparagraphs 1 to 5 of the first paragraph of section 212 in respect of which the physician in charge of the worker did not express his opinion.

1985, c. 6, s. 206; 1992, c. 11, s. 13.

Loss of right to remuneration.

207. Notwithstanding section 22 of the Health Insurance Act (chapter A-29), a physician who fails to furnish a certificate or report within the prescribed time loses his right to remuneration for the medical examination which ought to have been followed by the certificate or report.

1985, c. 6, s. 207; 1999, c. 89, s. 53.

Notice to Régie.

The Régie de l'assurance maladie du Québec, on receiving notice of the failure from the Commission, shall refuse to pay for the medical examination or shall reimburse itself by way of compensation or otherwise, as the case may be.

1985, c. 6, s. 207; 1999, c. 89, s. 53.

Medical record.

208. Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2), the health institution where the worker has been treated shall send to the Commission, within six days of a request to that effect, a copy of the worker's record or of that part of the record that is required by the Commission and that is related to the employment injury. The Commission shall reimburse the health institution for the cost of photocopies.

1985, c. 6, s. 208; 1992, c. 21, s. 375; 2005, c. 32, s. 231.

Examination.

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.

1985, c. 6, s. 209; 1992, c. 11, s. 14.

Opinion of health professional.

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.

1985, c. 6, s. 209; 1992, c. 11, s. 14.

Reasons for examination.

210. An employer who requires a worker in his employ to undergo a medical examination shall
give him the reasons therefor.

Cost.

The employer shall assume the cost of the examination and the expenses incurred by the worker to go for his examination.

1985, c. 6, s. 210.

Obligation.

211. A worker who suffers an employment injury shall undergo the examination required by his employer in accordance with sections 209 and 210.

1985, c. 6, s. 211.

Contestation by employer.

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, if he obtains a report from a health professional who, after examining the worker, calls into question the findings of the physician regarding one or several of the following matters:

1) the diagnosis;
2) the foreseeable date or time of consolidating of the injury;
3) the nature, necessity, adequacy or duration of the administered or prescribed care or treatment;
4) the fact or degree of permanent physical or mental impairment of the worker;
5) the fact or the assessment of the worker’s functional disability.

Time limit.

The employer shall transmit a copy of the report to the Commission within 30 days after the date he receives the certificate or report he wishes to contest.

1985, c. 6, s. 212; 1992, c. 11, s. 15; 1997, c. 27, s. 4.

Report.

212.1. If the report of the health professional obtained under section 212 calls into question the findings of the physician in charge of the worker regarding one or several of the matters mentioned in subparagraphs 1 to 5 of the first paragraph of that section, the latter may, within 30 days of the date of receipt of the report of the health professional, provide the Commission, on the form prescribed by the Commission, with an additional report to support his findings and include, where applicable, any consultation report containing reasons. The physician in charge of the worker shall inform the worker as soon as possible of the content of his report.

Submission of reports.

The Commission shall submit the reports including the additional report, if any, to the Bureau d’évaluation médicale established under section 216.

1997, c. 27, s. 5.

213. (Repealed).

1985, c. 6, s. 213; 1992, c. 11, s. 16.

214. (Repealed).

1985, c. 6, s. 214; 1992, c. 11, s. 16.
Transmission to worker and physician.

215. The employer and the Commission, upon receiving the reports obtained by them under this division, shall send copies of them to the worker and to the physician in charge of him.

Transmission to health professional.

The Commission shall without delay transmit to the health professional designated by the employer a copy of every medical report it obtains by virtue of this section concerning the worker employed by that employer.

1985, c. 6, s. 215; 1992, c. 11, s. 17.

Bureau d'évaluation médicale.

216. The Bureau d'évaluation médicale is hereby established.

List of health professionals.

On the recommendation of the professional orders concerned, the Conseil consultatif du travail et de la main-d’oeuvre shall, every year, before 15 March, submit to the Minister a list of the health professionals who have agreed to act as members of the Bureau.

Additional names.

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

Failure to submit list.

Where the Conseil consultatif fails to submit such list, the Minister shall prepare it himself.

Period of validity.

The list of the health professionals who have agreed to act as members of the Bureau for one year shall remain in force until it is replaced.

1985, c. 6, s. 216; 1992, c. 11, s. 18.

Notice to the Minister.

217. The Commission shall without delay submit the contestations provided for in sections 205.1, 206 and 212.1 to the Bureau d'évaluation médicale by advising the Minister of the subject of contention and providing him with the names and addresses of the parties and health professionals concerned.

1985, c. 6, s. 217; 1992, c. 11, s. 19; 1997, c. 27, s. 6.

Member of the Bureau d'évaluation médicale.

218. The Minister shall designate a member of the Bureau d'évaluation médicale from among the health professionals whose names appear on the list contemplated in section 216.

Minister.

However, the Minister or the person designated by the Minister for that purpose may, if he considers it advisable owing to the complexity of a case, designate more than one member of the Bureau.

Notice to parties.

The Minister shall inform the parties to the contestation, the Commission and the health professionals concerned of the name and address of the member of the Bureau d'évaluation médicale he has designated.

1985, c. 6, s. 218; 1992, c. 11, s. 20; 1997, c. 27, s. 7.
Medical record.

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.

1985, c. 6, s. 219; 1992, c. 11, s. 21.

Duties.

220. The member of the Bureau d'évaluation médicale shall study the submitted record. Where he deems it expedient, he may examine the worker or require any medical information or document from the Commission that it holds or may obtain regarding the worker.

Examination.

He may also examine the worker if the latter requests it.

1985, c. 6, s. 220; 1992, c. 11, s. 22.

Opinion.

221. The member of the Bureau d'évaluation médicale shall, in a substantiated opinion in writing, quash or confirm the diagnosis and the other findings of the physician in charge of the worker and of the health professional designated by the Commission or by the employer relating to matters set out in subparagraphs 1 to 5 of the first paragraph of section 212 and substitute therefor his own diagnosis and findings, where required.

Opinion.

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 or the health professional designated by the employer or by the Commission did not express his opinion on the matter.

1985, c. 6, s. 221; 1992, c. 11, s. 23.

Time limit.

222. The member of the Bureau d'évaluation médicale shall give his opinion within 30 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.

1985, c. 6, s. 222; 1992, c. 11, s. 24.

Immunity.

223. Members of the Bureau d'évaluation médicale shall not be prosecuted for any act done by them in good faith in the performance of their duties.

1985, c. 6, s. 223; 1992, c. 11, s. 25.

Diagnosis and findings.

224. For the purposes 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.

1985, c. 6, s. 224; 1992, c. 11, s. 26.

Binding opinion.

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.

Binding report.

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.

Binding opinion or report.

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.

Filing of opinions and reports.

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

1992, c. 11, s. 27.

Loss of remuneration.

225. A member of the Bureau d'évaluation médicale who fails to give his opinion within the prescribed time or who fails to send it without delay shall receive no remuneration for the work he has already performed.

1985, c. 6, s. 225; 1992, c. 11, s. 28.

DIVISION II
SPECIAL PROVISIONS RESPECTING OCCUPATIONAL LUNG DISEASES

Lung disease.

226. Where a worker files a claim with the Commission alleging that he is suffering from an occupational lung disease, the Commission shall refer him, within the next ten days, to a committee on occupational lung diseases.

1985, c. 6, s. 226.

Committees.

227. The Minister shall form not fewer than four committees on occupational lung diseases, the function of which is to determine whether a worker is suffering from an occupational lung disease.

Composition.

A committee on occupational lung diseases shall be composed of three pneumologists, including the chairman, who shall be an associate professor or full professor at a university in Québec.

1985, c. 6, s. 227.

Term of office.

228. The pneumologists are appointed for four years by the Minister from a list provided by the Ordre des médecins du Québec and after consultation with the Conseil consultatif du travail et de la main-d'oeuvre.

Expiry.

The pneumologists remain in office notwithstanding the expiry of their term until they are reappointed or replaced.
X-rays.

229. Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2), within 10 days after a request by the Commission, the institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be, shall transmit to the chairman of the committee on occupational lung diseases indicated to him by the Commission the lung x-rays of the worker referred to the committee by the Commission.

Examination.

230. The committee on occupational lung diseases to which the Commission refers a worker shall examine him within twenty days of the Commission's request.

Report to Commission.

The committee shall make a report in writing to the Commission on its diagnosis within twenty days of the examination and, where its diagnosis is positive, it shall also include in its report its findings relating to the functional disability, the percentage of physical impairment and the worker's tolerance for a contaminant within the meaning of the Act respecting occupational health and safety (chapter S-2.1) that caused his disease or that is likely to expose him to a recurrence, relapse or aggravation.

Special committee.

231. Upon receiving the report, the Commission shall submit the worker's record to a special committee composed of three persons whom it shall designate from among the chairmen of the committees on occupational lung diseases, except the chairman who made the report to be examined by the special committee.

Contents of record.

The worker's record includes the report of the committee on occupational lung diseases and all the documents used by the committee in arriving at its diagnosis and other findings.

Opinion.

The special committee shall confirm or quash the diagnosis and other findings arrived at by the committee on occupational lung diseases under the second paragraph of section 230 and substitute therefor its own diagnosis and findings, where necessary; it shall substantiate its opinion and give it to the Commission within twenty days of the date on which the Commission submitted the record to it.

Immunity.

232. No member of a committee on occupational lung diseases or special committee may be prosecuted by reason of an act performed in good faith in carrying out his duties.

Binding diagnosis.

233. For the purposes of rendering a decision under this Act on the rights of a worker who files a claim with the Commission alleging that he is suffering from an occupational lung disease, the Commission is bound by the diagnosis and other findings arrived at by the special committee under the third paragraph of section 231.
CHAPTE R VII
RIGHT TO RETURN TO WORK

DIVISION I
WORKER’S RIGHTS

Application.

234. This division applies to every worker who on the date he suffers an employment injury is bound by a contract of employment for an indeterminate term or, in the case provided for in section 237, for a fixed term.

Application.

Notwithstanding the foregoing, this division does not apply to a worker contemplated in Division II of this chapter, except with respect to section 243.

1985, c. 6, s. 234.

Seniority and retirement plan.

235. A worker who is absent from work as a result of an employment injury

1) continues to accumulate seniority within the meaning of the collective agreement that is applicable to him, and uninterrupted service within the meaning of the agreement and the Act respecting labour standards (chapter N-1.1);

2) continues to come under the retirement and insurance plans offered in the establishment, provided he pays his share of the exigible assessment, if any, in which case his employer shall assume his own share.

Application.

This section applies to the worker until the expiry of the time limit prescribed in subparagraph 1 or 2 of the first paragraph, as the case may be, of section 240.

1985, c. 6, s. 235.

Reinstatement.

236. A worker who has suffered an employment injury and again becomes able to carry on his employment is entitled to be reinstated by preference to others in his employment in the establishment where he was working when the employment injury appeared or reassigned to equivalent employment in that establishment or in another establishment of his employer.

1985, c. 6, s. 236.

Fixed-term contract.

237. Every worker who on the date he suffers an employment injury is bound by a contract of employment for a fixed term and again becomes able to carry on his employment before the date of expiry of his contract is entitled to be reinstated in his employment and to remain in that employment until the date of expiry of his contract.

1985, c. 6, s. 237.

Collective agreement.

238. Where an employer bound by a collective agreement does not reinstate a worker who has
again become able to carry on his employment on the ground that the worker would have been transferred, suspended or dismissed or would have lost his employment otherwise if he had been at work, the relevant provisions of the collective agreement apply as if the worker had been at work at the time of the transfer, suspension, dismissal or loss of employment.

1985, c. 6, s. 238.

Priority.

239. A worker who remains unable to carry on his employment as a result of an employment injury and who becomes able to carry on suitable employment is entitled to hold the first suitable employment that becomes available in an establishment of his employer.

Seniority.

The right conferred by the first paragraph is exercised subject to the rules respecting seniority prescribed by the collective agreement applicable to the worker.

1985, c. 6, s. 239.

Time limits.

240. The rights conferred by sections 236 to 239 may be exercised

1) within one year following the beginning of the period of continuous absence of the worker as a result of an employment injury if he held employment in an establishment numbering twenty workers or fewer at the beginning of the period; or

2) within two years following the beginning of the period of continuous absence of the worker as a result of an employment injury if he held employment in an establishment numbering more than 20 workers at the beginning of the period.

Uninterrupted absence.

The fact that a worker returns to work following medical advice does not interrupt his period of continuous absence if, as a consequence of his injury, the state of his health related to his injury forces him to leave his work the day he returns.

1985, c. 6, s. 240.

Suspension of continuous absence.

241. An application for review filed under section 358 or a proceeding brought under section 359 in respect of the inability of a worker to carry on his employment by reason of an employment injury suspends the period of continuous absence contemplated in section 240 if the final decision is to the effect that the worker was able to carry on his employment during that period.

1985, c. 6, s. 241; 1997, c. 27, s. 8.

Wages and benefits.

242. A worker who is reinstated in his employment or equivalent employment is entitled to the wages or salary and benefits, at the same rates and on the same conditions, as if he had continued to carry on his employment during his absence.

Seniority.

A worker who holds suitable employment is entitled to the salary or wages and benefits connected with that employment, taking into account the seniority and uninterrupted service he has accumulated.

1985, c. 6, s. 242.

Prohibition.

243. No person may refuse to hire a worker because the worker has suffered an employment injury and who becomes able to carry on suitable employment.
injury if the worker is able to carry on the employment contemplated.

1985, c. 6, s. 243.

Collective agreement.

244. A collective agreement may contain clauses respecting the implementation of the right to return to work provided for in this division.

Implementation of right.

The right to return to work of a worker is implemented in the manner prescribed by the collective agreement applicable to him, if the agreement contains the clauses provided for in the first paragraph or clauses respecting the return to work after accident or disease.

Grievance.

In the case of this section, a worker who believes he has been wronged in exercising his right to return to work may have recourse to the grievance procedure prescribed by the agreement.

1985, c. 6, s. 244.

Health and safety committee.

245. In the absence of a collective agreement contemplated in the second paragraph of section 244, the modalities of application of a worker's right to return to work are determined by the health and safety committee established under the Act respecting occupational health and safety (chapter S-2.1) for the entire establishment where the employment that the worker is entitled to be reinstated in or to hold is available.

Intervention of Commission.

In case of disagreement on the committee or if a worker or employer is dissatisfied with the recommendations of the committee, the worker or employer may request the Commission to intervene.

1985, c. 6, s. 245.

Agreement.

246. In the absence of a collective agreement contemplated in the second paragraph of section 244 and where a health and safety committee has not been established for the entire establishment where the employment that the worker is entitled to be reinstated in or to hold is available, the worker and his employer shall agree on the modalities of application of the worker's right to return to work.

Intervention of Commission.

If the worker and the employer cannot agree, either of them may request the Commission to intervene.

1985, c. 6, s. 246.

DIVISION II

RIGHTS OF CONSTRUCTION WORKERS

Application.

247. This section applies to a worker who is an employee within the meaning of the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20) and who works on a construction site.

1985, c. 6, s. 247; 1986, c. 89, s. 50.
Reinstatement.

248. A worker who has suffered an employment injury and again becomes able to carry on his employment is entitled to be reinstated in his employment with the employer for whom he was working at the time his injury appeared, subject to the rules respecting hiring and placement prescribed by a regulation respecting the placement of employees made under the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20).

Time limit.

Rights under the first paragraph may be exercised within the period prescribed in section 240, and section 241 is applicable.

1985, c. 6, s. 248; 1986, c. 89, s. 50.

Classification certificate.

249. A worker who, when he suffers an employment injury, holds a classification certificate “A” or “Apprentice” under a regulation respecting the placement of employees made under the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20) and who again becomes able to carry on his employment is entitled to renew his certificate even if, as a result of his injury, he has not accumulated the number of working hours required under that regulation.

Issue.

The Commission de la construction du Québec shall issue the certificate to the worker.

1985, c. 6, s. 249; 1986, c. 89, s. 50.

Job-site committee.

250. The modalities of application of the right to return to work of a worker contemplated in section 248 are determined by the job-site committee established under the Act respecting occupational health and safety (chapter S-2.1).

Agreement.

Where no job-site committee exists, the worker and his employer shall agree on the modalities of application of the right.

1985, c. 6, s. 250.

Intervention of Commission.

251. In case of disagreement on the job-site committee or if a worker or his employer is dissatisfied with the recommendations of the committee, or if the worker and the employer do not agree between themselves on the modalities of application of the right to return to work, either the worker or his employer may request the Commission to intervene.

1985, c. 6, s. 251.

DIVISION III

RECOUSE TO THE COMMISSION

Jurisdiction.

252. The Commission has exclusive jurisdiction to decide any complaint filed under section 32 and any request for intervention made under sections 245, 246 and 251.

1985, c. 6, s. 252.

Time limit.
253. Any complaint brought under section 32 must be filed in writing within thirty days of knowledge of the action, sanction or measure of which the worker complains.

Transmission to employer.

The worker shall transmit a copy of the complaint to his employer.

1985, c. 6, s. 253.

Reconciliation.

254. The Commission may attempt to reconcile a worker who files a complaint under section 32 and his employer, if the worker consents to it.

1985, c. 6, s. 254.

Presumption.

255. If it is shown to the satisfaction of the Commission that the worker was the object of a sanction or action referred to in section 32 within six months of the date on which he had suffered an employment injury or the date on which he had exercised a right conferred on him by this Act, there is a presumption in his favour that the sanction was imposed on him or the action was taken against him because he had suffered an employment injury or had exercised that right.

Burden of proof.

In the case of the first paragraph, the employer must prove that the sanction was imposed or the action taken in respect of the worker for another good and sufficient reason.

1985, c. 6, s. 255.

Reinstatement order.

256. If the presumption in favour of the worker applies, the Commission may order the employer to reinstate the worker in his employment with all his rights and privileges, and to pay him his salary or wages and the other benefits connected with his employment until it decides the complaint.

1985, c. 6, s. 256.

Powers.

257. Where the Commission decides a complaint filed under section 32, it may order the employer to reinstate the worker in his employment with all his rights and privileges, to cancel a sanction or to cease practising discrimination or taking reprisals against the worker, and to pay him an amount equivalent to the salary or wages and benefits of which he was deprived.

1985, c. 6, s. 257.

Reconciliation.

258. Where a request for intervention under section 245, 246 or 251 has been referred to the Commission, the Commission shall inquire of the parties the reasons for their disagreement and attempt to reconcile them and, where no agreement is possible, it shall render its decision.

1985, c. 6, s. 258.

Powers.

259. Where the Commission decides a request for intervention under section 245, 246 or 251, it may order the employer to reinstate the worker in his employment or in an equivalent employment with all his rights and privileges or to assign him the employment he should have been assigned in accordance with section 239 and to pay him an amount equivalent to the salary or wages and benefits of which he was deprived.
Period of payment.

260. The amount ordered to be paid by the Commission under section 257 or 259 is payable for the period between the day the employer should have reinstated or maintained the worker in his employment or assigned him other employment, as the case may be, and the day the order is carried out or on which the worker fails to occupy the employment designated in the order after being duly recalled by the employer.

Deduction.

If the worker held another employment during the period described, the salary or wages he earned must be deducted from the amount payable to him.

Deduction.

If the worker has received an income replacement indemnity, it must also be deducted from the payable amount and reimbursed to the Commission by the employer.

Interest.

261. Where the Commission orders the employer to pay to the worker an amount equivalent to the salary or wages and benefits of which he was deprived, it may also order the payment of interest, computed from the date of filing of the complaint or of the request for intervention, on the amount payable.

Interest.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily.

Time limit.

262. The Commission shall render its decision within 30 days of a complaint filed with it or of a request for intervention referred to it.

Immediate effect.

Subject to section 263, the decision has effect immediately, even if it is contested before the Commission des lésions professionnelles.

Time limit.

263. An employer shall comply with an order of the Commission under this division within eight days of notification thereof.

Filing.

264. The worker concerned may file, in the office of the clerk of the Superior Court of the district in which the employer’s establishment is situated,

1) a decision rendered under section 256, within 15 days of notification thereof;

2) any final decision rendered under section 257, 259 or 261.

Effect.
The decision of the Commission becomes executory upon its filing as in the case of a final decision without appeal of the Superior Court, and it has every effect thereof.

1985, c. 6, s. 264.

CHAPTER VIII
CLAIMS AND NOTIFICATION PROCEDURE

Notification of employer.

265. A worker who suffers an employment injury or, if he is deceased or unable to act, his representative, shall notify his immediate superior or, failing him, another representative of the employer, of the injury or death, before leaving the premises if possible or, otherwise, as soon as possible.

1985, c. 6, s. 265.

Sufficient notification.

266. Notification as in section 265 is sufficient if the person giving it correctly identifies the worker and describes in ordinary language the place and circumstances in which the employment injury occurred.

Assistance.

The employer shall help the worker and his representative to give the notification.

Forms.

The Commission may put forms at the disposal of employers and workers for the purpose of giving notification.

1985, c. 6, s. 266.

Medical certificate.

267. A worker who suffers an employment injury that makes him unable to carry on his employment beyond the day on which the injury appears shall give his employer the medical certificate referred to in section 199.

Transmission to Commission.

If no employer is bound to pay wages or a salary to the worker under section 60, the worker shall send the certificate to the Commission.

1985, c. 6, s. 267.

Notification of Commission.

268. An employer bound to pay a salary or wages under section 60 shall notify the Commission that the worker is unable to carry on his employment beyond the day on which the employment injury appeared and claim in writing the amount repayable to him under that section.

Form.

The employer shall give the notification and make the claim on the form prescribed by the Commission.

Particulars.

The form must indicate the following particulars:

1) the worker's name, his address, and his social insurance and health insurance numbers;
2) the name and address of the employer and of his establishment as well as the number assigned to each of them by the Commission;

3) the date of the beginning of the worker's disability or the date of his death;

4) the place and circumstances of the industrial accident, where that is the case;

5) the gross income described in the worker's contract of employment;

6) the amount payable under section 60;

7) the name and address of the health professional designated by the employer to receive communication of the medical record kept by the Commission on the worker; and

8) if the employer contests the fact that there is an employment injury or the foreseeable date or time of consolidating of the injury, the grounds for his contestation.

1985, c. 6, s. 268.

Transmission to Commission.

269. The employer shall transmit to the Commission the form provided for in section 268, along with a copy of the medical certificate referred to in section 199, within two days after

1) the date on which the worker returns to work if he does so within 14 full days after the beginning of his inability to carry on his employment as a result of his employment injury; or

2) 14 full days after the beginning of the worker's inability to carry on his employment as a result of his employment injury, if he has not returned to work at the end of that period.

Copy to worker.

The employer shall give the worker a copy of the form duly filled out and signed.

1985, c. 6, s. 269.

Filing of claim.

270. A worker who, as a result of an employment injury, is unable to carry on his employment for more than 14 full days or has suffered permanent physical or mental impairment, or, if he dies of the injury, the beneficiary, shall file his claim with the Commission, on the form prescribed by it, within six months after the injury or his death, as the case may be.

Assistance.

The employer shall assist the worker or, if such is the case, the beneficiary in filling out the claim and furnish him with any information necessary therefor.

Copy to employer.

The worker or, if such is the case, the beneficiary shall remit a copy of the form duly filled out and signed to the employer.

1985, c. 6, s. 270.

Filing of claim.

271. A worker who suffers an employment injury that does not make him unable to carry on his employment beyond the day on which the injury appeared or to whom no employer is bound to pay a salary or wages under section 60 regardless of how long he remains unable shall file his claim with the Commission, where applicable on the form it prescribes, within six months after his injury.

1985, c. 6, s. 271.

Filing of claim.
272. A worker having contracted an occupational disease or, if he has died of it, the beneficiary shall file his claim with the Commission, on the form it prescribes, within six months after the worker or the beneficiary is made aware that the worker has an occupational disease or that he has died of it, as the case may be.

Names of employers.

The form shall indicate, in particular, the name and address of each employer for whom the worker has carried on work conducive to his occupational disease.

Copy to employers.

The Commission shall send a copy of the form to each employer whose name appears on it.

1985, c. 6, s. 272.

Association.

273. Where an employer whose name appears on the form contemplated in section 272 has disappeared, the association of employers grouping the employers who carry on economic activities similar to that of the employer who has disappeared may exercise the rights granted by this Act to the employer of the worker in respect of the claim for which the form was completed.

1985, c. 6, s. 273.

Notice to employer.

274. A worker who is informed by the physician in charge of him of the date of consolidation of the employment injury he has suffered and of the fact that he will retain a certain degree of functional disability, or that he will retain no such disability, shall pass on the information to his employer without delay.

Notice to CCQ.

A worker referred to in Division II of Chapter VII shall also communicate the information to the Commission de la construction du Québec without delay.

1985, c. 6, s. 274; 1986, c. 89, s. 50.

Notice to Commission.

275. An employer who is informed by a worker pursuant to section 274 and who reinstates the worker in his employment or an equivalent employment shall so inform the Commission without delay.

1985, c. 6, s. 275.

Notice to Commission.

276. A worker shall without delay inform the Commission that he has been reinstated in his employment or equivalent employment.

1985, c. 6, s. 276.

Notice to CCQ.

277. In the cases referred to in sections 275 and 276, the worker mentioned in Division II of Chapter VII, or his employer, as the case may be, shall also inform the Commission de la construction du Québec without delay.

1985, c. 6, s. 277; 1986, c. 89, s. 50.

Notice to Commission.

278. A beneficiary shall inform the Commission without delay of any change in his situation that might have effect on any right he has under this Act or on the amount of an indemnity.
Representative.

279. A worker may require the assistance of his representative or give him a mandate to give notification or make a claim in accordance with this chapter.

Register of accidents.

280. The employer shall enter in a register the work accidents that happen in his establishment that do not make the employee unable to carry on his employment beyond the day his employment injury became apparent; he shall present the register to the worker for his signature confirming that he suffered the accident and the date of its occurrence.

Prescribed register.

The register of first aid and emergency medical service prescribed by regulation may be used for the purposes of the first paragraph.

Access to register.

The employer shall put the register at the disposal of the Commission and of a labour union representing the workers in his establishment, or transmit copy of it to them according as they require, and shall transmit copy of the extract concerning the worker to him or his representative on request.

CHAPTER IX

FINANCING

DIVISION I

GENERAL PROVISIONS

Collection.

281. The Commission shall collect from employers the sums required for the administration of this Act.

Assets.

282. The sums collected and the amounts recovered by the Commission in administering this Act are part of the assets of the fund.

Separate accounts.

283. The Commission shall keep separate accounts for each employer, but the assets of the fund are indivisible for the payment of benefits.

Financing method.

284. The Commission shall choose its manner of financing according to the method it considers appropriate to allow it to meet its expenses as they become payable and avoid unduly burdening
employers in future years with payments to be made for employment injuries which have occurred previously.

1985, c. 6, s. 284; 1988, c. 34, s. 1.

Employer’s assessment.

284.1. In determining the employer’s assessment, the Commission shall take into account, in accordance with the rules provided for in this chapter, the experience related to the risk of employment injuries insured by the Commission.

1996, c. 70, s. 9.

Agreement.

284.2. The Commission may make, with a group of employers it considers appropriate, an agreement determining, in particular, the special conditions governing the application to the employers of personalized rates or retrospective adjustment of the assessment as well as procedures for calculating such rates or adjustment. The Commission shall determine, by regulation, the framework within which the agreement is to be made.

Agreement.

Such an agreement may depart from the prescribed conditions and procedures used to fix an employer’s assessment and shall provide that disputes resulting from its application are to be submitted to arbitration and are excluded from any other remedy under this Act.

1996, c. 70, s. 9.

Actuarial reserve.

285. The Commission shall make a valuation at the end of every year of the amount of the actuarial reserve required taking into account the manner of financing it has elected.

1985, c. 6, s. 285.

Valuation by actuary.

286. The valuation of the actuarial reserve and the actuarial valuations referred to in sections 304, 314 and 454 shall be made by an actuary being a Fellow of the Canadian Institute of Actuaries or having equivalent status recognized by the Institute.

1985, c. 6, s. 286; 1989, c. 74, s. 1.

287. (Repealed).

1985, c. 6, s. 287; 1988, c. 64, s. 587; 2000, c. 29, s. 615; 2002, c. 76, s. 31.

288. (Repealed).

1985, c. 6, s. 288; 2002, c. 76, s. 31.

Gross wages.

289. For the purposes of this chapter, the gross wages of a worker shall be taken into consideration up to the Maximum Yearly Insurable Earnings established under in section 66.

Gross wages.

“Gross wages” means all forms of remuneration from an employer that are part of the base wages, within the meaning of section 1159.1 of the Taxation Act (chapter I-3), with the exception of base wages relating to that portion of sick leave that exceeds 105 consecutive days.

1985, c. 6, s. 289; 1993, c. 5, s. 5; 1999, c. 83, s. 1; 2005, c. 38, s. 1.

Gross wages.
289.1. Notwithstanding section 289, the gross wages of a worker who in the service of an employer to whom the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20) applies or who is carrying out for an employer work referred to in subparagraph 9 of the first paragraph of section 19 of that Act are taken into consideration, for one week of work, up to the Maximum Yearly Insurable Earnings established under section 66 and apportioned on a weekly basis.

Work week.

For the purposes of the first paragraph, any fraction of a week is deemed a whole week.

Week of annual vacation.

The week of annual vacation to which a worker, being an employee to whom that Act applies or carrying out work referred to in subparagraph 9 of the first paragraph of section 19 of that Act, is entitled either under the collective agreement entered into in accordance with that Act, under the decree adopted in accordance with that Act or under his employment contract is deemed not to be a week of work.

Applicability.

However, this section shall apply only if the employer pays at least 40% of his gross wages for the year in respect of the unit in which he is classified either to employees to whom the Act respecting labour relations, vocational training and manpower management in the construction industry applies for work which is subject to that Act or to workers carrying out work referred to in subparagraph 9 of the first paragraph of section 19 of the said Act.

1993, c. 5, s. 5; 1999, c. 40, s. 4.

DIVISION II

STATEMENTS TO BE FURNISHED BY EMPLOYERS, AND REGISTER

Beginning of activities.

290. An employer shall forward to the Commission a written notice of his identity and the name and address of each of his establishments within 14 days after the beginning of his activities.

Required information.

Within 60 days after the beginning of his activities, he shall forward to the Commission the following information:

1) the nature of the activities carried on in each of his establishments;

2) an estimate of the gross wages that he expects to pay to his workers until the following 31 December.

1985, c. 6, s. 290; 1996, c. 70, s. 10.

Change in activities.

291. The employer shall transmit written notice to the Commission of any significant change in the nature of the activities carried on in any of his establishments, within 14 days of the change.

1985, c. 6, s. 291.

Yearly statement.

292. An employer shall transmit to the Commission every year, before 15 March, a statement indicating the following particulars:

1) the amount of the gross wages earned by his workers during the preceding calendar year, and
2) an estimate of the gross wages he expects to pay to his workers during the current calendar year.

Signed declaration.

The correctness of the statement is attested by a declaration signed by the employer or his representative who has personal knowledge of the matters mentioned therein.

1985, c. 6, s. 292; 1993, c. 5, s. 6; 1996, c. 70, s. 11.

Educational institution.

293. An educational institution or the school board it comes under where such is the case shall transmit to the Commission every year a statement indicating the following particulars:

1) the nature and the average duration of the training periods without remuneration and of the activities prescribed by regulation that are done by students contemplated in section 10; and

2) the number of students contemplated in section 10 who were under the responsibility of the institution during the preceding year and an estimate of the number likely to be so during the current year.

1985, c. 6, s. 293.

Statement.

293.0.1. Any authority, other than the Government, which, during a calendar year, has used the services of persons referred to in section 12 must, before 15 March of the following year, transmit to the Commission a statement setting out

1) the nature and the average duration of the participation of such persons in a civil protection activity; and

2) the number of persons involved in the course of the past year.

2001, c. 76, s. 138.

Statement to the Commission.

293.1. An authority responsible for a municipal fire safety service which, during a calendar year, has used the services of persons referred to in section 12.0.1 must, before 15 March of the following year, transmit to the Commission a statement setting out

1) the nature and average duration of the work performed by those persons;

2) the number of persons involved in the course of the past year.

2000, c. 20, s. 163; 2001, c. 76, s. 139.

Government.

294. The Government shall transmit to the Commission every year, before 15 March, a statement indicating the following particulars:

1) the nature of the employment carried on by a person contemplated in section 11 or the activities referred to in section 12;

2) the number of persons who have carried on employment contemplated in section 11 or participated in an activity referred to in section 12 during the preceding year and those likely to do so during the current year; and

3) the average duration of the employment referred to in section 11 or the activities referred to in section 12.

Applicability.
The first paragraph, adapted as required, also applies to a fund for the benefit of confined persons contemplated in section 12.1.

1985, c. 6, s. 294; 1987, c. 19, s. 17; 1993, c. 5, s. 7; 2001, c. 76, s. 140.

Statements of wages.

294.1. The Commission may regulate the statements of wages required of the employer under this division.

1996, c. 70, s. 12.

Form.

295. An employer shall use the form prescribed by the Commission, where applicable, for the purposes of sections 290 to 294.

1985, c. 6, s. 295.

Register of wages.

296. An employer shall keep in Québec a detailed register of the wages paid to his workers.

Government register.

The Government shall keep a detailed register of the names and addresses of the persons contemplated in subparagraphs 1, 2 and 4 of the first paragraph of section 11 and in section 12.

Register.

An authority referred to in section 293.0.1 shall keep a detailed register of the names and addresses of the persons referred to in section 12.

Register of names.

An authority responsible for a municipal fire safety service described in section 293.1 shall keep a detailed register of the names and addresses of the persons referred to in section 12.0.1.

Register.

A fund for the benefit of confined persons contemplated in section 12.1 shall keep a detailed register of the names and addresses of the persons contemplated in the said section.

Educational institution register.

An educational institution or the school board it comes under where such is the case shall keep a detailed register of the names and addresses of the persons contemplated in section 10.

Access of Commission.

Every person who keeps a register under this section shall put it at the disposal of the Commission, transmit copies from it to the Commission or return it to the Commission, as it may require.

1985, c. 6, s. 296; 1987, c. 19, s. 18; 1996, c. 70, s. 13; 2000, c. 20, s. 164; 2001, c. 76, s. 141.

DIVISION III
CLASSIFICATION

Units of classification.

297. The Commission shall determine annually, by regulation, units of classification and group them by sectors.

1985, c. 6, s. 297; 1989, c. 74, s. 2; 1996, c. 70, s. 14.
Employers.

298. For the purposes of assessment, the Commission shall classify each employer under one or more units, in accordance with the rules it determines by regulation.

1985, c. 6, s. 298; 1996, c. 70, s. 15.

299. (Repealed).

1985, c. 6, s. 299; 1996, c. 70, s. 16.

300. (Repealed).

1985, c. 6, s. 300; 1989, c. 74, s. 3; 1993, c. 5, s. 8; 1996, c. 70, s. 16.

301. (Repealed).

1985, c. 6, s. 301; 1989, c. 74, s. 4; 1996, c. 70, s. 16.

302. (Repealed).

1985, c. 6, s. 302; 1996, c. 70, s. 16.

Notice.

303. The Commission shall notify the employer in writing of his classification.

Decision.

The notice constitutes a decision of the Commission.

1985, c. 6, s. 303; 1996, c. 70, s. 17.

DIVISION IV

FIXING OF ASSESSMENT

Rate of assessment.

304. The Commission shall fix annually, by regulation, according to the manner of financing that it has elected and after actuarial valuation, the rate of assessment applicable to each unit of classification.

1985, c. 6, s. 304; 1989, c. 74, s. 5; 1996, c. 70, s. 18.

Personalized rate.

304.1. The Commission shall fix, in accordance with its regulations, a personalized rate of assessment applicable to any employer in respect of each unit under which he is classified if the employer 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 classification.

1989, c. 74, s. 6; 1996, c. 70, s. 19.

Annual assessment.

305. The Commission shall assess every employer annually at the rate applicable to the unit under which he is classified or, as the case may be, at the personalized rate applicable to him.

Greater frequency.
Notwithstanding the first paragraph, the Commission may make an agreement with an employer to assess him more than once a year and set down for that purpose modalities of application respecting the transmission and the contents of statements and the payment of the assessment other than those prescribed in Divisions II and V of this chapter.

1985, c. 6, s. 305; 1989, c. 74, s. 7; 1996, c. 70, s. 20.

Computation.

306. The Commission shall compute the amount of an assessment on the basis of the amount that the employer estimates he will expend for wages during the current year and adjust the amount of the assessment for the preceding year on the basis of the statement made by the employer of the amount of wages that he paid during that year.

1985, c. 6, s. 306.

Failure to transmit statement.

307. Where an employer fails to transmit the statement contemplated in section 292 within the prescribed time, the Commission shall evaluate the wages earned by the workers of the employer to be not more than 200 % of those declared in his last statement to the Commission, and the wage bill that he should have estimated to be not more than 250 % of that in the last statement.

Failure to transmit statement.

The Commission may also, where it considers it appropriate, evaluate the wages earned by his workers and the wage bill he should have estimated to be not more than the result obtained by multiplying the number of workers the Commission knows he has by the Maximum Yearly Insurable Earnings established under section 66.

New assessment.

If the employer subsequently transmits the required statement, the Commission shall adjust the amount of the wages and fix the corresponding assessment, but the employer remains liable to pay the penalty and the interest resulting from the delay.

1985, c. 6, s. 307; 1993, c. 5, s. 9; 1996, c. 70, s. 21.

Unassessed employer.

308. An employer who should have been assessed for a year and was not remains liable to pay to the Commission the amount for which he should have been assessed for the year.

1985, c. 6, s. 308; 1996, c. 70, s. 22.

309. (Repealed).

1985, c. 6, s. 309; 1993, c. 5, s. 10; 1996, c. 70, s. 23.

Assessment of certain employers.

310. The Commission may establish the amount of the assessment of

1) the employer of an independent operator contemplated in section 9, according to the proportion of the price agreed upon for the work he carries out that corresponds to the cost of labour;

2) the employer of a voluntary worker or the government as employer of a person contemplated in section 11 or 12, according to the minimum wage in force on 31 December of the year during which the work was carried out or the activity engaged in;

2.1) an authority referred to in section 12, other than the Government, as the employer of a person who participates in activities referred to in that section, according to the minimum wage in force on 31 December of the year during which the activity took place;

3) the employer of a student contemplated in section 10, as a lump sum determined by it;
3.1) the authority responsible for a municipal fire safety service as the employer of a person referred to in section 12.0.1, according to the minimum wage in force on 31 December of the year during which the assistance was given;

4) the employer of a confined person contemplated in section 12.1, according to the minimum wage in force on 31 December of the year during which the work was carried out.

1985, c. 6, s. 310; 1987, c. 19, s. 19; 2000, c. 20, s. 165; 2001, c. 76, s. 142.

Disaster.

311. The Commission may increase the rate of assessment of all the units or impose a supplementary assessment on all the employers to make up a deficit caused by a disaster.

Supplementary assessment.

The supplementary assessment is deemed in all respects to be a regular assessment.

1985, c. 6, s. 311; 1999, c. 40, s. 4.

Rate increase.

312. The Commission may increase the rate of assessment of one, several or all the units or add to the assessment imposed on one, several or all the employers, as it considers fair, a percentage or additional amount in order to create a reserve to pay costs due to

1) circumstances that, in its opinion, would entail too great an increase in the rate of assessment of a unit of classification;

2) occupational diseases;

3) protective re-assignments provided by section 32 of the Act respecting occupational health and safety (chapter S-2.1);

4) the failure of certain employers to pay their assessments.

1985, c. 6, s. 312; 1996, c. 70, s. 24.

Rate increase.

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 (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.

1992, c. 11, s. 29.

Additional amount.

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

1985, c. 6, s. 313; 1989, c. 74, s. 8; 1996, c. 70, s. 25.

Retrospective 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.

1985, c. 6, s. 314; 1989, c. 74, s. 9.

314.1. (Repealed).

1989, c. 74, s. 9; 1993, c. 5, s. 11; 1996, c. 70, s. 26.

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.

1989, c. 74, s. 9.

Transaction.

314.3. Where an employer is involved in a transaction defined by regulation, the Commission may, in the cases and on the conditions prescribed by the regulation, determine the experience it must take into account in order to reflect the risk to which the workers are exposed following the transaction and assess the employer accordingly in accordance with the special prescribed procedure, if any.

1996, c. 70, s. 27.

Notice to Commission.

314.4. The employer involved in a transaction referred to in section 314.3 shall inform the Commission in accordance with the standards prescribed by regulation.

1996, c. 70, s. 27.

DIVISION V
PAYOUT OF THE ASSESSMENT

Time limit.

315. The employer shall pay the amount of his assessment to the Commission before the twenty-first day of the month following the month of the mailing of the notice of assessment.

Agreement.

However, the Commission may come to an agreement with the employer on special terms and conditions of payment of his assessment.

1985, c. 6, s. 315; 1993, c. 5, s. 12; 1996, c. 70, s. 28.

Contractor.

316. The Commission may demand payment of the assessment due by a contractor from the employer who retains his services.

Computation.

In the case of the first paragraph, the Commission may establish the amount of the assessment according to the proportion of the price agreed upon for the work corresponding to the cost of labour, rather than the wages indicated in the statement made according to section 292.
Reimbursement.

The employer who has paid the amount of the assessment is entitled to be reimbursed by the contractor concerned and the employer may retain the amount due out of the sums that he owes the contractor.

1985, c. 6, s. 316.

Redetermination of classification.

317. The Commission may prescribe, by regulation, the circumstances in which, time within which and conditions subject to which it may redetermine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination.

Exception.

This section applies notwithstanding any inconsistent general or special provision of law.

1985, c. 6, s. 317; 1993, c. 5, s. 13; 1996, c. 70, s. 29.

Period of under 12 months.

318. When at the commencement of the activities of an employer it appears that they will be exercised for a period of less than 12 months, the Commission may require the employer to pay or guarantee the payment to it of a sum sufficient to cover the payment of the assessment due for the period.

Recovery.

The Commission may recover the sum as if it were an assessment.

1985, c. 6, s. 318; 1996, c. 70, s. 30.

Interest.

319. If an employer fails to furnish the documents required by sections 290 to 294 within the prescribed time, he shall pay a sum equal to 5% of the assessment he should have paid.

1985, c. 6, s. 319; 1993, c. 5, s. 14; 1996, c. 70, s. 31.

320. (Repealed).

1985, c. 6, s. 320; 1993, c. 5, s. 15; 1996, c. 70, s. 32.

Penalty.

321. If an employer refuses or neglects to forward to the Commission the documents required by Division II of this chapter or refuses or neglects to pay an assessment in the manner and within the prescribed time, he may in addition be required to pay to the Commission an amount equal to 10% of the cost of the benefits for an employment injury suffered by one of his workers while he is so in default.

Minimum.

In no case may the amount be less than $100.

Notice of assessment.

For the purposes of this section, the Commission shall convert the cost of benefits into a capital sum representing the payments to become due and issue a corresponding notice of assessment.

1985, c. 6, s. 321.

Debt certificate.
322. Where an employer fails to pay an assessment, a penalty, interest or the cost of benefits he is liable to pay under section 321, the Commission may, at the expiry of the period for payment, issue a certificate attesting

1) the name and address of the debtor;

2) the amount due;

3) the rate of interest applicable on the amount until payment in full; and

4) the exigibility of the debt.

Deposit.

Upon deposit of the certificate with the clerk of the court of competent jurisdiction, the decision of the Commission becomes executory as if it were a final decision without appeal of the court and has all the effects of such a decision.

1985, c. 6, s. 322; 1993, c. 5, s. 16.

Interest.

323. The employer and the Commission are required to pay the interest fixed by regulation in the cases and subject to the terms and conditions prescribed.

Rates of interest.

The rates of interest shall be fixed according to the rules established by the regulation which may provide for the capitalization of the interest.

1985, c. 6, s. 323; 1992, c. 11, s. 30; 1993, c. 5, s. 17; 1996, c. 70, s. 33.

Date of notice of assessment.

323.1. For the purposes of this chapter, the date of mailing of a notice of assessment is presumed to be the date that such notice bears.

1993, c. 5, s. 18.

Legal hypothec.

324. The amounts due under this chapter confer on the Commission a legal hypothec on the employer's property.

1985, c. 6, s. 324; 1992, c. 57, s. 426; 1999, c. 40, s. 4.

Decision.

325. The notice of assessment, including the amount of the penalty and of the interest imposed on the employer, constitutes a decision of the Commission.

1985, c. 6, s. 325; 1993, c. 5, s. 19.

DIVISION VI

ASSIGNMENT OF COSTS

Imputation to establishment.

326. The Commission shall impute to the employer the cost of benefits payable by reason of an industrial accident suffered by a worker while in the employ of the employer.

Imputation to unit.

It may also, on its own initiative or on the application of an employer, impute the cost of benefits
payable by reason of an industrial accident to the employers of one, several or all units if the 
imputation under the first paragraph would have the effect of causing an employer to support 
unduly the cost of benefits due by reason of an industrial accident imputable to a third person or 
unduly burdening an employer.

Application.

Any application under the second paragraph must be filed in writing by the employer within the 
year following the date of the accident, and state the reasons for the application.

1985, c. 6, s. 326; 1996, c. 70, s. 34.

Imputation to all units.

327. The Commission shall impute to the employers of all the units the cost of

1) benefits due by reason of an employment injury described in section 31;

2) medical aid benefits due by reason of an employment injury that does not make the worker 
able to carry on his employment beyond the day on which his injury appears.

1985, c. 6, s. 327.

Occupational disease.

328. In the case of an occupational disease, the Commission shall impute the cost of the benefits 
to the employer for whom the worker carried on employment of a kind that would induce the 
disease.

Several employers.

If the worker carried on the employment for more than one employer, the Commission shall impute 
the cost of benefits to all employers for whom the worker carried on the employment, in proportion 
to the duration of his employment with each of the employers and to the importance of the danger 
of the work carried on for each of those employers in relation to the worker's occupational disease.

Imputation to unit.

Where the cost is not imputable to an employer for whom the worker carried on employment of a 
kind that would induce his occupational disease because the employer has disappeared or where 
the imputation would have the effect of unduly burdening the employer, the Commission shall 
impute the cost of benefits imputable to the employer to the employers of one, several or all of the 
units or to the reserve provided for in paragraph 2 of section 312.

1985, c. 6, s. 328.

Handicapped worker.

329. In the case of a worker already handicapped when his employment injury appears, the 
Commission may, on its own initiative or on the application of an employer, impute all or part of 
the cost of the benefits to the employers of all of the units.

Application.

Any application under the first paragraph must be filed in writing by the employer before the expiry 
of the third year following the year of the employment injury, and state the reasons for the 
application.

1985, c. 6, s. 329; 1996, c. 70, s. 35.

Disaster.

330. The Commission may impute the cost of benefits due as a result of a disaster to the reserve 
provided for in paragraph 1 of section 312.

1985, c. 6, s. 330.
Cost of benefits.

330.1. For the purposes of this division, the cost of benefits includes the cost of the services of a health professional designated by the Commission under Division I of Chapter VI.

1996, c. 70, s. 36.

Notice of imputation.

331. Where the Commission imputes the cost of benefits to an employer, it shall so notify him in writing.

Decision.

The notice constitutes a decision of the Commission.

1985, c. 6, s. 331.

DIVISION VII
INSPECTION
Powers.

331.1. The Commission or a person it authorizes to carry out an inspection may, for the purposes of Chapter IX or X, enter at any reasonable time any place of work or any establishment of an employer. The Commission or the person may then require, for examination or reproduction of extracts, any relevant book, report, contract, file, account, register, recording, record or document.

Communication of documents.

A person having custody, possession or control of the documents referred to in the first paragraph shall communicate them to the person carrying out an inspection and facilitate the person's examination of such documents.

1996, c. 70, s. 37.

Prohibition.

331.2. No person may hinder an inspection.

1996, c. 70, s. 37.

Identification.

331.3. The person carrying out the inspection shall, on request, identify himself and produce the certificate issued by the Commission attesting his capacity.

1996, c. 70, s. 37.

CHAPTER X
SPECIAL PROVISIONS FOR EMPLOYERS HELD PERSONALLY RESPONSIBLE FOR THE PAYMENT OF BENEFITS
Railway or shipping enterprise.

332. An employer operating an interprovincial or international railway transport or shipping enterprise is personally liable for the payment of benefits awarded by the Commission for

1) any industrial accident suffered by a worker employed by the employer;

2) any occupational disease contracted by a worker who carried on, in that enterprise, a kind of
work that would induce that disease.

Paper carrier.

The employer of a paper carrier also is personally liable for the payment of benefits awarded to the paper carrier by the Commission pursuant to this Act.

Application.

Chapter IX does not apply to the employer who is personally liable for the payment of benefits, except to the extent indicated in section 345, and any other provisions of the said Act which are consistent with this chapter apply to that employer and his workers, with the necessary modifications.

1985, c. 6, s. 332; 1999, c. 40, s. 4.

Notice to Commission.

333. An employer who is personally liable for the payment of benefits shall transmit to the Commission, within 14 days of the commencement of his activities, a written notice indicating his identity and the names and addresses of each of his establishments located in Québec which are used in operating his interprovincial or international railway transport or shipping enterprise.

1985, c. 6, s. 333; 1999, c. 40, s. 4.

Insurance.

334. An employer who is personally liable for the payment of benefits shall make and keep in force a contract of insurance, of suretyship or of warranty with a legal person, by which the person undertakes to assume payment of benefits to beneficiaries should the employer fail to do so.

Filing of contract.

The employer shall file with the Commission, within the time determined by the Commission, which shall not be less than 30 days, proof of a contract made by him in accordance with the first paragraph. In the case of a legal person that is not governed by the Bank Act (Revised Statutes of Canada, 1985, chapter B-1), the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), the Act respecting financial services cooperatives (chapter C-67.3), the Act respecting trust companies and savings companies (chapter S-29.01) or the Act respecting insurance (chapter A-32), the Commission may also require proof that the solvency of that person is in accordance with generally applicable principles in that regard.

1985, c. 6, s. 334; 1987, c. 95, s. 402; 1988, c. 27, s. 2; 1988, c. 64, s. 587; 2000, c. 29, s. 722.

Termination of contract.

335. Notwithstanding any inconsistent provision of a general law or special Act, no contract made pursuant to the first paragraph of section 334 may be terminated before the expiry of thirty days after the Commission receives written notice to that effect from the party that intends to terminate it.

1985, c. 6, s. 335.

Failure to comply.

336. An employer who fails to comply with his obligations under section 334 ceases to be governed by this chapter and becomes subject to Chapter IX unless he remedies the failure within fifteen days of being served notice of failure addressed to him by the Commission.

1985, c. 6, s. 336.

Occupational disease.

337. If a worker suffering from an occupational disease has carried on work that would induce his disease for more than one employer, of which employers at least one is personally liable for the payment of benefits, the Commission shall determine by whom the benefits are to be paid and shall
determine each employer's share in proportion to the duration of the work for each employer.

Payment of share.

If the worker is no longer in the employ of the employer who is personally liable for the payment of benefits for whom he carried on a kind of work of a kind that would induce his disease, the employer shall pay each year to the Commission or to the employer who is required to pay the benefits, as the case may be, the share the Commission allocated to him, within 30 days of mailing a written notice given to him by the Commission to that effect.

1985, c. 6, s. 337.

Failure to pay.

338. If the employer contemplated in the second paragraph of section 337 fails to make the required payment to the Commission, the Commission may claim reimbursement thereof as if it were an assessment.

Failure to pay.

If the employer fails to make the payment required to another employer, the other employer may claim reimbursement thereof from him by taking the appropriate civil action.

1985, c. 6, s. 338.

Agreement.

339. An employer who is personally liable for the payment of benefits may enter into an agreement with the beneficiary concerning the mode of payment of the income replacement indemnity or the death benefit provided for in section 101 or the first paragraph of section 102; the agreement takes effect only with the Commission's approval.

Mode of payment.

Failing an agreement approved by the Commission, it may require the employer to pay an indemnity according to the mode of payment specified by the Commission in accordance with Division VI of Chapter III.

1985, c. 6, s. 339.

Filing of decision.

340. A final decision awarding an indemnity payable by an employer who is personally liable for the payment of benefits may be filed in the office of the court of competent jurisdiction by the Commission or the beneficiary concerned.

Effect.

On filing, the decision becomes executory as if it were a final judgment without appeal of the court and has all the effects of such a judgment.

1985, c. 6, s. 340.

Notice of claim.

341. The Commission shall claim from an employer who is personally liable for the payment of benefits to a worker the amount of benefits for medical aid and rehabilitation it has furnished to the worker, by means of a notice in writing indicating

1) the worker's name;
2) the date, nature and amount of benefits provided; and
3) the employer's right to apply for review of the decision.

Notice of assessment.
For the purposes of payment, computation of interest and determining the due date and, where such is the case, contestation, the notice constitutes a notice of assessment.

1985, c. 6, s. 341.

Required deposit.

342. The Commission where it believes it necessary in order to ensure prompt payment of benefits, may require an employer who is personally liable for the payment of benefits, his insurer, or his surety or warrantor, as the case may be, to deposit, from time to time, sums out of which it may pay the benefits he is liable to pay as and when employment injuries occur.

Maximum amount.

The deposit may be required for as long as the benefits are payable but the sum required shall not exceed the amount of benefits the employer is personally liable to pay for a period of three months.

1985, c. 6, s. 342.

Administrative costs.

343. The Commission shall levy, each year, from employers who are personally liable for the payment of benefits, an assessment to defray the costs it incurs for the administration of this chapter.

Percentage.

The assessment shall correspond to a percentage of the cost of the benefits due by each employer; the percentage shall vary according as the benefits are paid by the employer or the Commission.

Minimum.

For the purposes of this section, the Commission may fix a minimum assessment.

1985, c. 6, s. 343.

Disappearance or insolvency.

344. The Commission shall pay to the beneficiary the benefits owing by an employer who is personally liable for the payment of benefits where the employer and his insurer or the surety for or warrantor of payment of the benefits have disappeared or are insolvent.

Additional assessment.

The Commission may also levy, each year, from the employers who are personally liable for the payment of benefits an additional assessment the proceeds of which shall not exceed 25% of the amount of the costs required for the administration of this chapter in order to cover the sums it has paid under the first paragraph and the interest on those sums.

Interest.

The interest is determined in accordance with section 323.

Subrogation.

Payment of the assessment described in the second paragraph by an employer subrogates him, up to the amount he has paid, to the rights of the Commission against the employer and his insurer or the surety for or warrantor of payment of the benefits.

1985, c. 6, s. 344.

Applicable provisions.

345. Division V of Chapter IX applies to the payment of an assessment or an additional assessment levied from an employer who is personally liable for the payment of benefits, with the
exception of the second paragraph of section 315 and sections 319 and 321.

1985, c. 6, s. 345; 1996, c. 70, s. 38.

Reimbursement.

346. Subject to sections 129 and 363, an employer who is personally liable for the payment of benefits and who has paid to a beneficiary a benefit to which he is not entitled or of a greater amount than he is entitled to may claim reimbursement thereof by taking the appropriate civil action.

1985, c. 6, s. 346.

Recourse in subrogation.

347. An employer who is personally liable for the payment of benefits may exercise the recourse in subrogation conferred on the Commission in section 446; section 447 applies to him in this case.

1985, c. 6, s. 347.

Change of status.

348. An employer who is personally liable for the payment of benefits may apply to the Commission to cease to be governed by this chapter and to be subject to Chapter IX.

Remittance of reserve.

The Commission, if it accepts an employer's application pursuant to the first paragraph, or where an employer becomes governed by Chapter IX pursuant to section 336, may charge to the fund the obligations of the employer relating to employment injuries that occurred before his change of status, on the remittance, by the employer, his insurer or the surety or warrantor, as the case may be, of a reserve established to pay for the benefits owing for each of those injuries.

1985, c. 6, s. 348; 2002, c. 76, s. 32.

CHAPTER XI

JURISDICTION OF THE COMMISSION, REVIEW AND PROCEEDING BEFORE THE COMMISSION DES LÉSIONS PROFESSIONNELLES

Jurisdiction.

349. The Commission has exclusive jurisdiction to examine and decide any question contemplated in this Act unless a special provision gives the jurisdiction to another person or agency.

1985, c. 6, s. 349; 1997, c. 27, s. 12.

Immunity.

350. Except on a question of jurisdiction, no proceedings under article 33 of the Code of Civil Procedure (chapter C-25) nor any extraordinary recourse within the meaning of the said Code may be taken, nor any provisional remedy be ordered against the Commission by reason of an act performed or decision rendered pursuant to an Act under its administration.

1985, c. 6, s. 350.

Basis for decisions.

351. The Commission shall render its decisions according to equity and upon the real merits and justice of the case.

Inquiry.

The Commission may, by any legal means which it sees fit, inquire into the matters it is empowered to investigate.
1985, c. 6, s. 351; 1997, c. 27, s. 13.

Extension.

352. The Commission shall extend any time limit granted in this Act for the exercise of a right or relieve a person from the consequences of his failure to comply with it, where the person proves that there are reasonable grounds for his tardiness.

1985, c. 6, s. 352.

Defect of form.

353. No proceedings brought pursuant to this Act may be dismissed for defect of form or irregularity.

1985, c. 6, s. 353; 1999, c. 40, s. 4.

Decisions.

354. Decisions of the Commission must be in writing, substantiated and notified to the interested parties as soon as possible.

1985, c. 6, s. 354.

Unsigned decisions.

355. Decisions of the Commission need not be signed but the name of the person who rendered a decision must appear thereon.

1985, c. 6, s. 355.

Electronic transmission.

356. The Commission may, on the conditions it determines, authorize a person required to transmit to it a notice, report, statement or other document to send it by means of a magnetic medium or an electronic system.

1985, c. 6, s. 356.

Transcription.

357. An intelligible transcription in writing of the data stored in a computer by the Commission is a document of the Commission.

Faithful reproduction.

Where the data have been sent to the Commission pursuant to section 356, the transcription must reproduce them faithfully.

1985, c. 6, s. 357.

Transaction.

357.1. A transaction referred to in section 314.3 does not revive rights to review or rights of contestation otherwise extinguished.

Prohibition.

No employer who is a member of a group of employers having entered into an agreement under section 284.2 may apply for a review of or contest a decision concerning the worker of another employer of the group.

1996, c. 70, s. 39.

Application for review.
358. A person who believes he has been wronged by a decision rendered by the Commission under this Act may, within 30 days of notification of the decision, apply for review thereof.

Exceptions.

However, a person may not apply for the review of any matter of a medical nature in respect of which the Commission is bound under section 224, for the review of a decision made by the Commission under Division III of Chapter VII or for the review of the refusal of the Commission to reconsider its decision pursuant to the first paragraph of section 365.

Prohibition.

No person may apply for the review of the Commission's decision to accept or refuse to enter into an agreement under section 284.2.

1985, c. 6, s. 358; 1992, c. 11, s. 31; 1996, c. 70, s. 40; 1997, c. 27, s. 14.

Application for review.

358.1. An application for review must be made in writing. The application must state briefly the main grounds on which it is based and the subject of the decision to which it pertains.

1997, c. 27, s. 15.

Time limit.

358.2. The Commission may extend the time limit prescribed in section 358 or relieve a person of the consequences of a failure to act within the allotted time, if it is established that the application for review could not reasonably have been made within that time.

1997, c. 27, s. 15.

Decision.

358.3. After giving the parties on opportunity to present observations, the Commission shall make a decision on the basis of the record; it may confirm, quash or amend the initial decision or order and, if appropriate, make the decision or order that should, in its opinion, have been made initially.

Provisions applicable.

Sections 224.1 and 233 apply in such a case to the Commission and it shall decide accordingly.

1997, c. 27, s. 15.

Review.

358.4. The review shall be carried out by the chairman of the board of directors and chief executive officer of the Commission, or by any person designated by him.

1997, c. 27, s. 15.

Decision.

358.5. The decision shall be in writing and give the reasons on which it is based, be notified to the parties, and state their right to contest the decision before the Commission des lésions professionnelles and the time limit for doing so.

1997, c. 27, s. 15.

Contestation of decision.

359. A person who believes he has been wronged by a decision made following an application under section 358 may, within 45 days of being notified of the decision, contest it before the Commission des lésions professionnelles.
Contestation of decision.

359.1. A person who believes he has been wronged by a decision made by the Commission under Division III of Chapter VII may, within 45 days of being notified of the decision, contest it before the Commission des lésions professionnelles.

Effect of decision.

360. (Repealed).

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.

Effect of decision.

362. A decision under section 358.3 shall have effect immediately, even if it is contested before the Commission des lésions professionnelles, 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.

Establishment of assessment.

362.1. The Commission may, however, take into account, for the purpose of establishing the assessment of an employer for a year, any compensation for bodily injury or any amount paid as a death benefit under sections 98 to 100, the second paragraph of section 102 and sections 103 to 108 and 110 even though the decision granting such compensation or benefit is not final.

Cancellation of indemnity.

363. Where the Commission, following a decision under section 358.3, or the Commission des lésions professionnelles cancels or reduces the amount of an income replacement indemnity or of a death benefit contemplated in section 101 or in the first paragraph of section 102 or a benefit provided for in the personal rehabilitation program of a worker, the sums already paid to a beneficiary are not recoverable unless they were obtained through bad faith or unless they were wages paid as an indemnity pursuant to section 60.

Accrued interest.

364. If a decision made by the Commission, following an application under section 358, or by the Commission des lésions professionnelles acknowledges the right of a beneficiary to a benefit which he had been refused initially or increases the amount of a benefit, the Commission shall pay to the beneficiary the interest accrued from the date of the claim.

Rate of interest.

The rate of such interest is determined according to the rules prescribed by regulation. Such interest shall be capitalized daily and shall form part of the compensation.
Reconsideration.

365. The Commission may, within 90 days, reconsider a decision it has rendered if the decision has not been the subject of a decision rendered under section 358.3, in order to correct any error.

Reconsideration.

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 90 days of the fact becoming known.

Notice.

Before reconsidering a decision, the Commission shall inform the persons to whom it has notified the decision.

Applicability.

This section does not apply to a decision rendered under Chapter IX.

1985, c. 6, s. 365; 1992, c. 11, s. 36; 1996, c. 70, s. 43; 1997, c. 27, s. 21.

365.1. (Repealed).

1992, c. 11, s. 36; 1997, c. 27, s. 22.

365.2. (Repealed).

1992, c. 11, s. 36; 1997, c. 27, s. 22.

Applicable provisions.

366. Sections 361, 363 and 364, with the necessary modifications, apply to a decision rendered under section 365.

1985, c. 6, s. 366; 1992, c. 11, s. 37; 1997, c. 27, s. 23.

CHAPTER XII

COMMISSION DES LÉSIONS PROFESSIONNELLES

DIVISION I

ESTABLISHMENT

Establishment.

367. A board, to be known as the “Commission des lésions professionnelles”, is hereby established.

1985, c. 6, s. 367; 1997, c. 27, s. 24.

Head office.

368. The head office of the board shall be situated at the place determined by the Government; notice of the address of the head office, and of any change in its address, shall be published in the Gazette officielle du Québec.

Offices.

The board shall have one office at Québec and one office at Montréal. It may also have an office in any other administrative region, if warranted by the number of proceedings in that region. The board may not, however, have an office in an immovable where the Commission already has an
DIVISION II
JURISDICTION

Jurisdiction.

369. The board shall, to the exclusion of any other tribunal, make determinations on

1) proceedings brought under section 359, 359.1, 450 or 451;

2) proceedings brought under section 37.3 or 193 of the Act respecting occupational health and safety (chapter S-2.1).

1985, c. 6, s. 369; 1997, c. 27, s. 24.

Divisions.

370. The board shall sit in divisions. The divisions are

1) the financial matters division;

2) the employment injuries prevention and compensation division.

1985, c. 6, s. 370; 1997, c. 27, s. 24.

Proceedings.

371. Proceedings under section 359 that relate to a decision made pursuant to Chapter IX or Chapter X shall be decided by the financial matters division.

1985, c. 6, s. 371; 1997, c. 27, s. 24.

Proceedings.

372. Proceedings under section 37.3 or 193 of the Act respecting occupational health and safety (chapter S-2.1), proceedings under section 359 other than those referred to in section 371, and proceedings under section 359.1, 450 or 451 shall be decided by the employment injuries prevention and compensation division.

1985, c. 6, s. 372; 1997, c. 27, s. 24.

Commissioner.

373. Within each division of the board, proceedings shall be heard and decided by one commissioner.

1985, c. 6, s. 373; 1988, c. 21, s. 66; 1997, c. 27, s. 24.

Members.

374. Within the employment injuries prevention and compensation division, two members, one from an employers' association and one from a union association, shall sit with and advise the commissioner.

Members.

The member from an employers' association shall be appointed in accordance with the fourth paragraph of section 385. The member from a union association shall be appointed in accordance with the fifth paragraph of that section.

1985, c. 6, s. 374; 1997, c. 27, s. 24.
Commissioners.

375. Commissioners may sit in either division of the board.

1985, c. 6, s. 375; 1997, c. 27, s. 24.

Authority.

376. A commissioner has the authority to decide, alone, any application prior to the hearing of a case.

1985, c. 6, s. 376; 1997, c. 27, s. 24.

DIVISION III
FUNCTIONS, DUTIES AND POWERS

Power.

377. The board has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.

Decision.

It may confirm, quash or amend a contested decision or order and, if appropriate, make the decision or order that should, in its opinion, have been made initially.

1985, c. 6, s. 377; 1997, c. 27, s. 24.

Powers and immunity.

378. The board and its commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Order.

They are also vested with all the powers necessary for the performance of their duties; they may, in particular, make any order they consider appropriate to safeguard the rights of the parties.

Judicial proceedings.

No judicial proceedings may be brought against them by reason of an act done in good faith in the performance of their duties.

1985, c. 6, s. 378; 1997, c. 27, s. 24.

Members.

379. The members referred to in section 374 may, in order to advise the commissioner, ask questions during the hearing of a case and express their opinion to the commissioner when the case is taken under advisement.

Immunity.

No judicial proceedings may be brought against the members by reason of an act done in good faith in the performance of their duties.

1985, c. 6, s. 379; 1997, c. 27, s. 24.

Execution of contested decision.

380. The board may, in a proceeding contesting a decision under section 358.3 that cancels an income replacement indemnity granted by the Commission, order that the execution of the
contested decision be postponed as regards that conclusion and that the effects of the initial
decision be maintained for the time it indicates if the beneficiary demonstrates that there is an
emergency or that he would suffer serious harm were the initial decision of the Commission to
cease to have effect.

Application.
The beneficiary's application shall be heard and decided by preference.

1985, c. 6, s. 380; 1997, c. 27, s. 24.

Report.

381. The board shall forward to the Minister, not later than 30 June each year, a report on its
activities during the preceding fiscal year.

Recommendations.

It may, in its annual report, make recommendations in respect of the Acts, regulations, policies,
programs and administrative procedures coming under its jurisdiction.

Annual report.

The Minister shall table the annual report before the National Assembly within 30 days of receiving
it if the Assembly is sitting, or within 30 days of resumption.

Names.
The report shall not designate by name any person concerned by the matters brought before the
board.

Information.
The board shall provide to the Minister any additional information he requires concerning its
activities.

1985, c. 6, s. 381; 1997, c. 27, s. 24.

Jurisprudence database.

382. The board shall establish a computerized jurisprudence database and a digitized minute book,
and take all necessary steps to ensure that they are accessible to board members, assessors,
conciliators and to such other members of its personnel as it designates.

Information.
The information contained in the jurisprudence database is public information for the purposes of
the Act respecting Access to documents held by public bodies and the Protection of personal
information (chapter A-2.1).

1985, c. 6, s. 382; 1997, c. 27, s. 24.

Publication of decisions.

383. The board shall publish, periodically, a compilation of the decisions it has made.

Names.

It shall omit the names of the persons concerned by a decision when it is of the opinion that the
decision contains information of a confidential nature the disclosure of which could be prejudicial to
the persons concerned.

Decisions.
The decisions published by the board are public information for the purposes of the Act respecting
Access to documents held by public bodies and the Protection of personal information (chapter A-
Agreements.

384. The board may enter into an agreement with any person, association, partnership or body and with the Government or with any of its departments or bodies.

Agreements.

It may also, according to law, enter into an agreement with a government inside or outside Canada or any department or body of such a government or with an international organization or a body of such an organization.

DIVISION IV
APPOINTMENT OF MEMBERS

Members.

385. The board shall be composed of members, some of whom shall be commissioners.

Commissioners.

The Commissioners shall be advocates or notaries. They shall be appointed by the Government after consultation with the Conseil consultatif du travail et de la main-d'oeuvre.

Members.

The members other than the commissioners shall be either from employers’ associations or from union associations.

Employers’ associations.

The members from employers’ associations shall be appointed by the Government from among the persons whose names appear on a list drawn up annually by the board of directors of the Commission for each region in which the board has an office.

Union associations.

The members from union associations shall be appointed by the Government from among the persons whose names appear on a list drawn up annually by the said board of directors for each region in which the board has an office.

Minister.

The Minister may draw up a list under the fourth or fifth paragraph if the board of directors of the Commission has failed to do so.

List.

386. Where a person whose name appears on a list referred to in the fourth, fifth or sixth paragraph of section 385 dies, resigns or is unable to act, the board of directors of the Commission if it entered the person’s name on the list or the Minister, as the case may be, may remove the person’s name from the list and enter another person’s name.
RECRUITMENT AND SELECTION OF MEMBERS

Commissioner.

387. Only a person who has the qualifications required by law and at least 10 years' experience pertinent to the exercise of the functions of the board may be a commissioner of the board.

1985, c. 6, s. 387; 1997, c. 27, s. 24.

Regulation.

388. Commissioners shall be appointed by the Government from among persons declared to be qualified according to the recruiting and selection procedure established by government regulation. The regulation shall, in particular,

1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

2) determine the procedure by which a person may become a candidate;

3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them;

4) fix the composition of the committees and mode of appointment of committee members;

5) determine the selection criteria to be taken into account by the committees;

6) determine the information a committee may require from a candidate and the consultations it may hold.

1985, c. 6, s. 388; 1997, c. 27, s. 24.

Register.

389. The names of the persons declared to be qualified for appointment as commissioners shall be recorded in a register kept at the Ministère du Conseil exécutif.

1985, c. 6, s. 389; 1997, c. 27, s. 24.

Declaration of aptitude.

390. A declaration of aptitude shall be valid for a period of 18 months or for such period as is determined by government regulation.

1985, c. 6, s. 390; 1997, c. 27, s. 24.

Remuneration.

391. Members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

Expenses.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

1985, c. 6, s. 391; 1997, c. 27, s. 24.

DIVISION VI

TERM OF OFFICE AND RENEWAL

Term of office.
392. Subject to the exceptions that follow, the term of office of a commissioner is five years and the term of office of a member other than a commissioner is one year, except for the first two years of existence of the board during which the member's term of office is two years.

1985, c. 6, s. 392; 1997, c. 27, s. 24.

Government.

393. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment of a commissioner where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

1985, c. 6, s. 393; 1997, c. 27, s. 24.

Renewal.

394. The term of office of a commissioner shall be renewed for five years, according to the procedure established under section 395,

1) unless the commissioner is notified otherwise at least three months before the expiry of the term by the agent authorized therefor by the Government; or

2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the term.

Variation of term of office.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

1985, c. 6, s. 394; 1986, c. 58, s. 113; 1997, c. 27, s. 24; 2002, c. 22, s. 29.

Renewal.

395. The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

1) authorize the establishment of committees;

2) fix the composition of the committees and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01);

3) determine the criteria to be taken into account by the committees;

4) determine the information a committee may require from a commissioner and the consultations it may hold.

Recommendation.

An examination committee may not make a recommendation against the renewal of a commissioner's term of office without first having informed the commissioner of its intention to make such a recommendation and of the reasons therefor and without having given the commissioner the opportunity to present observations.

Immunity.

No judicial proceedings may be brought against members of an examination committee for any act done in good faith in the performance of their duties.

1985, c. 6, s. 395; 1997, c. 27, s. 24; 2002, c. 22, s. 29.

Remuneration.

396. Members of an examination committee shall receive no remuneration except in such cases,
subject to such conditions and to such extent as may be determined by the Government.

Expenses.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

1985, c. 6, s. 396; 1986, c. 58, s. 114; 1997, c. 27, s. 24.

Termination of office.

397. The term of office of a member may terminate prematurely only on his retirement or resignation, or on his being dismissed or otherwise removed from office in the circumstances referred to in this division.

1985, c. 6, s. 397; 1997, c. 27, s. 24.

Resignation.

398. To resign, a member must give the Minister reasonable notice in writing and send a copy to the president of the board.

Effect.

The resignation takes effect on the date it is accepted by the Minister.

1985, c. 6, s. 398; 1992, c. 11, s. 38; 1997, c. 27, s. 24.

Removal from office.

399. The Government may remove a member from office for loss of a qualification required by law for holding the office of member, or if, in the opinion of the Government, a permanent disability prevents the member from performing the duties of his office satisfactorily. Permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the president of the board.

Inquiry.

The Conseil shall, when conducting an inquiry to determine whether a member has a permanent disability, act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (chapter J-3), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.

1985, c. 6, s. 399; 1997, c. 27, s. 24; 1997, c. 43, s. 11.

Dismissal.

400. The Government may also dismiss a member if the Conseil de la justice administrative so recommends, after an inquiry following a complaint concerning a failure to observe the code of ethics, to perform the duties imposed by this chapter or to comply with the requirements relating to conflict of interest or incompatible offices. It may also suspend or reprimand the member.

Complaint.

A complaint must be in writing and must set out briefly the grounds on which it is based. The complaint is sent to the seat of the Conseil de la justice administrative.

Examination of complaint.

The Conseil shall, when examining a complaint brought against a member, act in accordance with the provisions of sections 184 to 192 of the Act respecting administrative justice (chapter J-3), adapted as required.

Members.

However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry
committee, two members of the committee shall be chosen from among the members of the Conseil referred to in paragraphs 1, 2 and 5 to 9 of section 167 of that Act, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chairman is a member of the Conseil. The third member of the inquiry committee shall be the member of the Conseil referred to in paragraph 4 of that section or shall be chosen from a list drawn up by the president of the Commission, after consulting all the commissioners of the board. In the latter case and if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the Conseil for the purpose of determining a penalty.

1985, c. 6, s. 400; 1997, c. 27, s. 24; 1997, c. 43, s. 12; 2002, c. 22, s. 30.

DIVISION VIII
OTHER PROVISION REGARDING TERMINATION OF DUTIES

Performance of duties.

401. Any member may, with the authorization of and for the time determined by the president of the board, continue to perform his duties after the expiry of his term of office in order to conclude the cases he has begun to hear but has yet to determine; he shall be considered to be a supernumerary member for the time required.

Exception.
The first paragraph does not apply to a member who has been dismissed or otherwise removed from office.

1985, c. 6, s. 401; 1997, c. 27, s. 24.

DIVISION IX
REMUNERATION AND OTHER CONDITIONS OF OFFICE

Regulations.

402. The Government shall make regulations determining

1) the mode of remuneration of the members and the applicable standards and scales, and the method for determining the annual percentage of salary advancement up to the maximum salary rate and of the adjustment of the remuneration of commissioners whose salary has reached the maximum rate;

2) the conditions subject to which and the extent to which a member may be reimbursed the expenses incurred in the performance of his duties.

Regulations.
The Government may make regulations determining other conditions of office applicable to all or certain members, including benefits other than a pension plan.

Regulatory provisions.
The regulatory provisions may vary according to whether they apply to a commissioner or a member other than a commissioner or to a member charged with an administrative office within the board.

Coming into force.
The regulations come into force on the fifteenth day following the date of their publication in the Gazette officielle du Québec or on any later date indicated therein.

1985, c. 6, s. 402; 1992, c. 11, s. 39; 1997, c. 27, s. 24; 2002, c. 22, s. 31.

Remuneration.
403. The Government shall fix, in accordance with the regulations, the remuneration, benefits and other conditions of office of the members.

1985, c. 6, s. 403; 1997, c. 27, s. 24.

Remuneration.

404. Once fixed, a member's remuneration may not be reduced.

Administrative office.

However, additional remuneration attaching to an administrative office within the board shall cease upon termination of such office.

1985, c. 6, s. 404; 1997, c. 27, s. 24.

Pension plan.

405. The pension plan of commissioners shall be determined pursuant to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

1985, c. 6, s. 405; 1997, c. 27, s. 24; 2002, c. 30, s. 158.

Public servant.

406. A public servant appointed as a member of the board ceases to be subject to the Public Service Act (chapter F-3.1.1) for all matters concerning such office; for the duration of his term of office, he is on full leave without pay for the purpose of performing his duties of office.

1985, c. 6, s. 406; 1997, c. 27, s. 24.

President.

407. The Government shall designate, among the commissioners, a president and at least two vice-presidents.

Government.

They shall be designated by the Government after consultation with the Conseil consultatif du travail et de la main-d'oeuvre.

1985, c. 6, s. 407; 1997, c. 27, s. 24.

Vice-president.

408. The Minister shall designate a vice-president to replace the president or another vice-president temporarily when required.

Vice-president.

If the vice-president so designated is himself absent or unable to act, the Minister shall designate another vice-president as a replacement.

1985, c. 6, s. 408; 1997, c. 27, s. 24.

Fixed duration.

409. The administrative office of the president or a vice-president is of a fixed duration determined in the instrument of appointment or renewal.

1985, c. 6, s. 409; 1997, c. 27, s. 24.

Premature termination.
410. The administrative office of the president or a vice-president may terminate prematurely only on his relinquishing such office, on the premature termination or non-renewal of his term of office as a member of the board, or on his being dismissed or otherwise removed from his administrative office in the circumstances referred to in this division.

1985, c. 6, s. 410; 1988, c. 21, s. 66; 1997, c. 27, s. 24.

Dismissal.

411. The Government may dismiss the president or a vice-president from his administrative office for loss of a qualification required by law for the holding of such office.

Removal.

The Government may also remove them from administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister’s request concerning a lapse pertaining only to administrative duties. The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (chapter J-3), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.

1985, c. 6, s. 411; 1992, c. 11, s. 40; 1997, c. 27, s. 24; 1997, c. 43, s. 13.

DIVISION XI
ETHICS AND IMPARTIALITY

Oath.

412. Before taking office, every commissioner shall take an oath, as follows: “I (...) declare under oath that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge and abilities.”.

President.

The oath shall be taken before the president of the board. The president of the board shall take the oath before a judge of the Court of Québec.

Minister.

The writing evidencing the oath shall be sent to the Minister.

1985, c. 6, s. 412; 1997, c. 27, s. 24; 1999, c. 40, s. 4.

Code of ethics.

413. The Government shall, after consulting the president, establish a code of ethics applicable to the members of the board.

Content.

The content of the code may vary according to whether it applies to a commissioner or to a member other than a commissioner.

Coming into force.

The code shall come into force on the fifteenth day following the date of its publication in the Gazette officielle du Québec, or on any later date indicated therein.

1985, c. 6, s. 413; 1997, c. 27, s. 24.

Content.

414. The code of ethics shall set out the rules of conduct and the duties of the members towards the public, the parties, their witnesses and the persons representing them; it shall, in particular,
define the conduct that is derogatory to the honour, dignity or integrity of the members. It may, in addition, determine the activities or situations that are incompatible with the office they hold, their obligations as regards the disclosure of their interests, and the functions they may exercise gratuitously.

1985, c. 6, s. 414; 1997, c. 27, s. 24.

Conflict of interest.

415. A member may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between his personal interest and his duties of office, unless the interest devolves to him by succession or gift and he renounces it or disposes of it with dispatch.

1985, c. 6, s. 415; 1992, c. 11, s. 41; 1997, c. 27, s. 24.

415.1. (Replaced).

1992, c. 11, s. 42; 1997, c. 27, s. 24.

Incompatible activity.

416. In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Act, a member must refrain from pursuing an activity or placing himself in a situation incompatible, within the meaning of the code of ethics, with the exercise of his office.

1985, c. 6, s. 416; 1992, c. 11, s. 43; 1997, c. 27, s. 24.

Exclusive occupation.

417. Commissioners shall devote themselves exclusively to their office.

Mandate.

They may, however, carry out any other mandate entrusted to them by order of the Government after consultation with the president of the board.

1985, c. 6, s. 417; 1997, c. 27, s. 24.

DIVISION XII

MANAGEMENT AND ADMINISTRATION

Administration.

418. In addition to the powers and duties that may otherwise be assigned to him, the president is charged with the administration and general management of the board.

Duties.

The duties of the president include

1) fostering the participation of commissioners in the formulation of guiding principles for the board so as to maintain a high level of quality and coherence of decisions;

2) designating a commissioner with responsibility for the administration of each office of the board;

3) coordinating, assigning and supervising the work of the members who shall comply with his orders and directives in that regard;

4) seeing to the observance of standards of ethical conduct;

5) promoting the professional development of the commissioners as regards the exercise of their
functions.
1985, c. 6, s. 418; 1997, c. 27, s. 24.

Regions.

419. Upon the appointment of a commissioner, the president shall assign him to one or more
regions in which the board has an office.

Change.
The president may change such an assignment for the proper dispatch of the business of the board.
1985, c. 6, s. 419; 1997, c. 27, s. 24.

Sittings.
420. The president shall determine which commissioners are to be called upon to sit at the sittings
of the board.
1985, c. 6, s. 420; 1997, c. 27, s. 24.

Members.
421. Where, for the purposes of section 374, two members must sit with a commissioner, the
president shall call upon the members appointed under the fourth paragraph of section 385, in the
order in which their names are entered on the list drawn up by the Government for the region in
which they are appointed, until one declares himself able to act; that person shall then be
designated by the president to sit at the hearing he indicates.

Members.
The president shall proceed in the same manner to designate a member appointed under the fifth
paragraph of section 385, using the list of members drawn up by the Government.
1985, c. 6, s. 421; 1997, c. 27, s. 24.

Assessors.
422. The president may, if he considers it expedient, assign one or more assessors appointed
under section 423 to a commissioner.

Commissioners.
The president may also, if he considers it expedient owing to the complexity or importance of a
proceeding, designate three commissioners to hear and decide the case, one of whom shall preside
at the proof and hearing.
1985, c. 6, s. 422; 1997, c. 27, s. 24.

Full-time assessors.
423. The president shall appoint full-time assessors, whose function is to sit with a commissioner
and advise him on any question of a medical, professional or technical nature.
1985, c. 6, s. 423; 1997, c. 27, s. 24.

Part-time assessors.
424. The president may, in order to expedite the business of the board, appoint part-time or
temporary assessors and determine their fees.

Personnel.
Such assessors are not members of the personnel of the board.
Conciliators.

425. The president shall appoint conciliators, whose function is to meet with the parties and endeavour to reach an agreement.

Code of ethics.

426. The president shall establish a code of ethics applicable to assessors and conciliators, and shall see that it is observed.

Separate rules.

The code of ethics may prescribe separate rules for conciliators and assessors.

Coming into force.

The code of ethics comes into force on the fifteenth day following the date of its publication in the Gazette officielle du Québec or on any later date indicated therein.

Plan.

427. Each year, the president shall present a plan to the Minister in which he shall state his management objectives aimed at ensuring the accessibility of the board and the quality and promptness of its decision-making process and give an account of the results achieved in the preceding year.

Information.

428. Each month, the president shall forward, to the Minister, in addition to any information otherwise requested by the Minister:

1) the number of days on which hearings were held and the average number of hours devoted to them;

2) the number of postponements granted;

3) the number of cases in which a conciliation meeting took place, the nature thereof, together with the number of such cases in which an agreement was reached between the parties;

4) the number of cases heard, the nature thereof and the places and dates of the hearings;

5) the number of cases taken under advisement, the nature thereof and the time devoted to advisement;

6) the number of decisions made;

7) the number of decisions made that have the effect of confirming or quashing an opinion given by a member of the Bureau d'évaluation médicale;

8) the time devoted to proceedings, from the filing of the introductory application to the beginning of the hearing and the making of the decision.

Delegation.

429. The president may delegate all or part of his powers and duties to the vice-presidents or to a commissioner responsible for the management of a regional office.
Vice-presidents.

429.1. In addition to the powers and duties that may otherwise be assigned to them or delegated to them by the president, the vice-presidents shall assist and advise the president in the performance of his duties and perform their administrative duties under the president's authority.

1997, c. 27, s. 24.

DIVISION XIII
SITTINGS
Commissioner.

429.2. The sittings of the board, in both divisions, shall be presided by a commissioner.

1997, c. 27, s. 24.

Location of sittings.

429.3. The board may sit at any place in Québec, even on a holiday. Where a hearing is held in a locality where a court sits, the clerk of the court shall allow the board to use, free of charge, the premises used by the court, unless they are being used for sittings of the court.

1997, c. 27, s. 24.

Replacement.

429.4. Where a member who has been called upon to sit at a sitting dies, resigns or is unable to act, the board shall immediately designate a replacement, following the same procedure as for the designation of the member being replaced.

1997, c. 27, s. 24.

DIVISION XIV
PERSONNEL AND MATERIAL AND FINANCIAL RESOURCES
Personnel.

429.5. The secretary, the full-time assessors, the conciliators and the other members of the personnel of the board shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

Immunity.

No judicial proceedings may be brought against them for any act done in good faith in the performance of their duties.

1997, c. 27, s. 24; 2000, c. 8, s. 242.

Records.

429.6. The secretary shall have custody of the records of the board.

1997, c. 27, s. 24.

Minutes.

429.7. The minutes of a sitting signed by the commissioner who presided are authentic.
Documents.

The documents emanating from the board are authentic if they are signed, as are copies if they are certified true, by the president, a vice-president or the secretary, or by any person designated by the president for that purpose.

1997, c. 27, s. 24.

Exhibits.

429.8. Once proceedings have been completed, the parties shall reclaim the exhibits they produced and the documents they filed.

Destruction.

The exhibits or documents not reclaimed by the parties may be destroyed after the expiry of one year from the date of the final decision of the board or of the proceeding terminating the proceedings, unless the president decides otherwise and, in particular, decides to transmit the exhibits or documents to the Commission so that it may complete its file.

1997, c. 27, s. 24.

Financial year.

429.9. The financial year of the board shall end on 31 March.

1997, c. 27, s. 24.

Budgetary estimates.

429.10. Each year, the president shall submit the budgetary estimates of the board for the following financial year to the Minister according to the form, tenor and schedule determined by the Minister.

Approval.

The estimates shall be submitted to the Government for approval.

1997, c. 27, s. 24.

Books and accounts.

429.11. The books and accounts of the board shall be audited by the Auditor General each year and whenever ordered by the Government.

1997, c. 27, s. 24.

Sums.

429.12. The sums required for the application of this chapter shall be taken out of the fund of the board.

Fund.

The fund shall consist of the sums paid into it annually by the board for the purposes of this chapter, in the amount and on the terms and conditions determined by the Government.

1997, c. 27, s. 24.

DIVISION XV
RULES OF EVIDENCE AND PROCEDURE

Opportunity to be heard.
429.13. Before making a decision, the board shall give the parties an opportunity to be heard.

1997, c. 27, s. 24.

Proceeding on the record.

429.14. The board may proceed on the record if it considers it appropriate and if the parties consent thereto.

1997, c. 27, s. 24.

Failure to appear.

429.15. If a duly summoned party does not appear at the time fixed for the hearing without having provided a valid excuse for his absence, or chooses not to be heard, the board may nonetheless proceed with the hearing of the matter and make a decision.

1997, c. 27, s. 24.

Commission.

429.16. The Commission may intervene before the board at any time until the end of the proof and hearing.

Notice.

Where the Commission wishes to intervene, it shall send a notice to that effect to each of the parties and to the board; it is then considered to be a party to the proceeding.

Worker.

The same applies to the worker concerned by a proceeding relating to the application of section 329.

1997, c. 27, s. 24.

Representation.

429.17. The parties may be represented by the person of their choice except a professional who has been removed from the roll or declared disqualified to practise, or whose right to engage in professional activities has been restricted or suspended in accordance with the Professional Code (chapter C-26) or any legislation governing a profession.

1997, c. 27, s. 24; 2005, c. 17, s. 32.

Defect of form.

429.18. The board may accept a written proceeding despite a defect of form or an irregularity.

1997, c. 27, s. 24.

Extension of time limit.

429.19. The board may extend a time limit or relieve a person of the consequences of a failure to act within the allotted time if it is established that the person could not reasonably have acted within that time and if, in the opinion of the board, no other party suffers serious harm therefrom.

1997, c. 27, s. 24.

Procedure.

429.20. In the absence of provisions applicable to a particular case, the board may remedy the inadequacy by any procedure consistent with this Act or with its rules of procedure.

1997, c. 27, s. 24.
Rules of evidence.

429.21. The board may, by way of a by-law passed by a majority of the commissioners, make rules of evidence, procedure and practice specifying the manner in which the rules established under this division are to be applied. The rules shall, in particular, provide for the preparation of a hearing role.

Approval.
The by-law shall be submitted to the Government for approval.

1997, c. 27, s. 24.

Proceeding.

429.22. A proceeding is brought by means of an application filed in the office of the board of the region in which the domicile of the worker is located or, if the worker is domiciled outside Québec, of a region in which the employer has an establishment.

Office.

Where no worker is party to the proceeding, the proceeding is brought at the office of the board of a region in which the employer has an establishment.

Head office.

If a proceeding is brought in a region where the board does not have an office, the application is filed at the head office of the board.

1997, c. 27, s. 24.

Content of application.

429.23. The application shall

1) identify the decision or order in respect of which the proceeding is brought;

2) contain a short statement of the grounds invoked in support of the proceeding;

3) set out the conclusion sought;

4) contain any other information required by the rules of evidence, procedure and practice of the board.

1997, c. 27, s. 24.

Provisions applicable.

429.24. The rules pertaining to the notice provided for in article 95 of the Code of Civil Procedure (chapter C-25), adapted as required, apply in every case in which a party alleges that a provision referred to in the said article is inapplicable constitutionally or is invalid or inoperative, including in respect of the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 of the 1982 volume of the Acts of the Parliament of the United Kingdom) or of the Charter of human rights and freedoms (chapter C-12).

1997, c. 27, s. 24.

Copy.

429.25. Upon receipt of an application, the board shall forward a copy to the other parties and to the Commission.

1997, c. 27, s. 24.

Copy.
429.26. Within 20 days of receipt of a copy of the application, the Commission shall send to the board and to every party a copy of the record in its possession respecting the contested decision.

1997, c. 27, s. 24.

Improper or dilatory proceeding.

429.27. The board may, on an application, dismiss a proceeding it considers improper or dilatory or subject it to certain conditions.

1997, c. 27, s. 24.

Failure to rule.

429.28. Where, on examining the application and the contested decision, the board ascertains that the Commission failed to rule upon certain questions although it was required to do so by law, it may, if the date of the hearing has not been fixed, suspend the case for the time it fixes so that the Commission may act.

Proceeding maintained.

If, at the expiry of the allotted time, the proceeding is maintained, the board shall hear it as though it were a proceeding in respect of the original decision.

1997, c. 27, s. 24.

Joinder.

429.29. Cases in which the subject-matter in dispute is substantially the same or which could suitably be combined, whether or not the same parties are involved, may be joined by order of the president or of a person designated by the president on the conditions he fixes.

Order.

An order made under the first paragraph may be revoked by the board upon hearing the matter if, of its own initiative or at the request of a party, it comes to the conclusion that the interest of justice will be better served by doing so.

1997, c. 27, s. 24.

Preference.

429.30. A proceeding must be heard and decided by preference

1) if it is made under section 359 and its object is the reduction or suspension of an indemnity established under subparagraph e of paragraph 2 of section 142;

2) if it is made under section 37.3 of the Act respecting occupational health and safety (chapter S-2.1) and its object is to determine whether a worker can be reassigned to other duties;

3) if it is made under section 193 of that Act and its object is the closing of the whole or part of a place of employment or the exercise of a right of refusal;

4) in any other case, if the president considers it appropriate.

1997, c. 27, s. 24.

Preference.

429.31. A proceeding must be heard and decided by preference

1) if it is made under section 359 in respect of the existence of an employment injury other than a recurrence, relapse or aggravation, or the fact that the person is a worker or is considered to be a worker;

2) if it is made under section 359 and its object is the date or the foreseeable period of
consolidation of the worker’s employment injury, or the existence or the assessment of the worker's functional disability;

3) in any other case, if the president considers it appropriate.

1997, c. 27, s. 24.

Record.

429.32. The board shall have access to the record in the possession of the Commission respecting the contested decision.

1997, c. 27, s. 24.

Pre-hearing conference.

429.33. The president or the commissioner designated by him may, if he considers it useful and if the circumstances of the case allow it, call the parties to a pre-hearing conference.

1997, c. 27, s. 24.

Purpose.

429.34. The pre-hearing conference is held by a commissioner. The purpose of the pre-hearing conference is

1) to define the questions to be dealt with at the hearing;

2) to assess the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought;

3) to ensure that all documentary evidence is exchanged by the parties;

4) to plan the conduct of the proceedings and proof at the hearing;

5) to examine the possibility for the parties of admitting certain facts or of proving them by means of sworn statements;

6) to examine any other question likely to simplify or accelerate the conduct of the hearing.

Members.

In the employment injuries prevention and compensation division, the members referred to in section 374 may participate in the conference if they are available to do so.

1997, c. 27, s. 24.

Minutes.

429.35. Minutes of the pre-hearing conference shall be drawn up and signed by the parties and by the commissioner who called the parties to the conference.

Agreements and decisions.

Agreements and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the proceeding, unless the board, when hearing the matter, permits a derogation therefrom to prevent an injustice.

1997, c. 27, s. 24.

Hearing.

429.36. The board shall, so far as possible, facilitate the holding of a hearing at a date and time when the parties and their witnesses, if any, are able to attend without unduly disrupting their usual occupations.
Notice.

429.37. Notice shall be sent to the parties within reasonable time before the hearing, stating

1) the purpose, date, time and place of the hearing;
2) that the parties have the right to be assisted or represented;
3) that the board has the authority to proceed, without further delay or notice, despite the failure of a party to appear at the time and place fixed if no valid excuse is provided.

Parties.

429.38. The board may hear the parties by any means provided for in its rules of evidence, procedure and practice.

Witnesses.

429.39. A party who wishes to cause witnesses to be heard and to produce documents shall proceed in the manner prescribed in the rules of evidence, procedure and practice of the board.

Visit.

429.40. A commissioner may visit premises or order an expert appraisal by a qualified person he designates to examine and assess the facts of a case.

Members.

In the employment injuries prevention and compensation division, the commissioner shall be accompanied by the members referred to in section 374.

Access.

The owner, lessee or occupant of premises that the commissioner wishes to visit must facilitate their access thereto.

Continuance of hearing.

429.41. Where a commissioner is unable to continue a hearing, another member designated by the president may, with the consent of the parties, continue the hearing and, in the case of oral evidence already produced, rely on the notes and minutes of the hearing or, as the case may be, on the stenographer’s notes or on the recording of the hearing.

Recusation.

429.42. A member who has knowledge of a valid cause for his recusation must declare that cause in a writing filed in the record and must advise the parties of it.
Party.

429.43. A party may, at any time before the decision and provided he acts with dispatch, apply for the recusation of a member seized of the case if he has good reason to believe that a cause for recusation exists.

Application.

The application for recusation shall be addressed to the president. Unless the member removes himself from the case, the application shall be decided by the president or by a member designated by the president.

1997, c. 27, s. 24.

DIVISION XVI
CONCILIATION

Conciliator.

429.44. If the parties to a proceeding consent thereto, the board may appoint a conciliator who shall meet with the parties and endeavour to reach an agreement.

1997, c. 27, s. 24.

Admission as evidence.

429.45. Nothing said or written in the course of conciliation may be admitted as evidence, unless the parties consent thereto.

1997, c. 27, s. 24.

Agreement.

429.46. Every agreement shall be recorded in writing, and any document to which it refers shall be attached thereto. The agreement must be signed by the conciliator and by the parties, and is binding on the parties.

Confirmation.

The agreement shall be confirmed by a commissioner to the extent that it is in accordance with law; in such a case, the agreement constitutes a decision of the board which terminates the proceedings.

Decision mandatory.

The decision is mandatory and binding on the parties.

1997, c. 27, s. 24.

Hearing.

429.47. Where no agreement has been reached or the board refuses to confirm an agreement, the latter shall hold a hearing as soon as possible.

1997, c. 27, s. 24.

Disclosure.

429.48. Conciliators shall not disclose anything revealed to them or learned by them in the exercise of their functions, or pruduce personal notes or any document made or obtained in the course of their duties before a court or before a body or person exercising judicial or quasi-judicial functions.
Access.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document, unless the document is used as the basis for an agreement and for the decision confirming an agreement.

1997, c. 27, s. 24.

DIVISION XVII
DECISIONS

Decision.

429.49.  The decision of the board shall be made, in each division, by the commissioner alone.

Case.

Where a case is heard by more than one commissioner, it shall be decided by the majority of the commissioners having heard it.

Final decision.

The decision of the board is final, may not be appealed from and must be complied with without delay by every person to whom it applies.

1997, c. 27, s. 24.

Decision.

429.50.  Every decision by the board must be in writing, give the reasons on which it is based, be signed and be notified to the parties and to the Commission.

Members.

Within the employment injuries prevention and compensation division, the decision of the commissioner shall set out the opinion expressed by the members referred to in section 374 sitting with him and the reasons on which the opinion is based.

1997, c. 27, s. 24.

Time limit.

429.51.  The board must make its decision within nine months after the application is filed and within three months after the matter is taken under advisement.

Time limit.

However, in the case of a proceeding under section 429.31, the board must make its decision within 90 days after the application is filed and within 60 days after the matter is taken under advisement.

Failure.

Failure by the board to observe these time limits shall not cause the matter to be withdrawn from the commissioner, or invalidate a decision or order made by the commissioner after the expiry of the time limit.

1997, c. 27, s. 24.

Commissioner.

429.52.  A matter heard by a commissioner and on which he has not made a determination at the time he ceases to exercise his functions shall be heard again; if such a matter was heard by more
than one commissioner, it shall be decided by the other commissioners.

Opinions.

Where opinions are equally divided on a question, it shall be referred to the president who shall decide according to law.

1997, c. 27, s. 24.

Oral evidence.

429.53. A president or a commissioner called upon to hear a matter pursuant to section 429.52 may, with the consent of the parties, rely, as regards oral evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or on the recording of the hearing. If the president or commissioner finds them insufficient, he may recall a witness or require any other evidence.

1997, c. 27, s. 24.

Replacement.

429.54. Any member referred to in section 374 who has ceased to exercise his functions when a matter is taken under advisement shall be replaced.

Evidence.

The member shall, in that case, rely, as regards evidence, on the stenographer's notes of the hearing or, as the case may be, on the stenographer's notes or on the recording of the hearing.

1997, c. 27, s. 24.

Errors.

429.55. A decision or order containing an error in writing or in calculation or any other clerical error may be corrected, on the record and without further formality, by the commissioner who made the decision or order.

Commissioner.

Where a commissioner is unable to act or has ceased to hold office, another commissioner designated by the president may correct the decision.

1997, c. 27, s. 24.

Review.

429.56. The board, on an application, may review or revoke any decision or order it has made

1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

2) where a party, owing to reasons considered sufficient, could not be heard;

3) where a substantive or procedural defect is of a nature likely to invalidate the decision.

Commissioner.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the commissioner who made the decision or order.

1997, c. 27, s. 24.

Proceeding.

429.57. A proceeding for review or revocation is brought by means of an application filed with the employment injuries division within a reasonable time after the decision concerned or after a new
fact likely to warrant a different decision is discovered. The application shall refer to the decision concerned and state the grounds invoked in support of the application. It shall contain any other information required by the rules of evidence, procedure and practice.

Copy.

The board shall forward a copy of the application to the other parties who may respond, in writing, within 30 days of receipt.

Examination of case.

The board shall examine the case on the record, except where a party asks to be heard or the board determines, of its own initiative, that a hearing is appropriate.

1997, c. 27, s. 24.

Mandatory decision.

429.58. A decision of the board is mandatory according to the terms and conditions stated therein, provided it has been notified to the parties.

Compulsory execution.

Compulsory execution of decisions is effected by deposit at the office of the clerk of the Superior Court in the district in which the proceeding was brought.

Deposit.

Upon the deposit, the decision of the board becomes executory as if it were a final and unappealable judgment of the Superior Court and has all the effects thereof.

1997, c. 27, s. 24.

Immunity.

429.59. Except on a question of jurisdiction, none of the recourses provided in articles 33 and 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised, and no injunction may be granted against the board or against any of its members acting in their official capacity.

Judge.

A judge of the Court of Appeal may, on a motion, quash by summary procedure any judgment, order or injunction granted contrary to this section.

1997, c. 27, s. 24.

CHAPTER XIII
REDRESS

DIVISION I
RECOVERY OF BENEFITS

Reimbursement.

430. Subject to sections 129 and 363, a person who has received a benefit to which he is not entitled or the amount of which exceeds that to which he is entitled shall reimburse the amount received in excess to the Commission.

1985, c. 6, s. 430.

Recovery of debt.
431. The Commission may recover the amount of the debt within 3 years of payment of the debt not owed or in the case of bad faith, within one year following the date on which the Commission became aware of the bad faith.

1985, c. 6, s. 431.

Notice to debtor.

432. The Commission shall give a formal notice to the debtor stating the amount and reasons for the due date of the debt and the right of the debtor to apply for a review of the decision.

Prescription.

The formal notice interrupts the prescription provided for in section 431.

1985, c. 6, s. 432.

Amount.

433. The amount due is payable upon the expiry of the time for filing an application for review under section 358 or the time for bringing a proceeding under section 359 or, if the application has been filed or the proceeding brought, on the day of the final decision confirming the decision of the Commission.

1985, c. 6, s. 433; 1997, c. 27, s. 25.

Deduction from indemnity.

434. If the debtor is also the creditor of an income replacement indemnity and his debt is exigible, the Commission may deduct up to 25% from the amount of the indemnity if the debtor has no dependants, up to 20% if he has one dependant and up to 15% if he has more than one dependant unless the debtor consents to the Commission deducting more.

1985, c. 6, s. 434.

Debt certificate.

435. If the debtor fails to reimburse the debt, the Commission may, 30 days after the due date of the debt or from that date if it is of the opinion that the debtor is attempting to evade payment, issue a certificate attesting

1) the surname and address of the debtor,
2) the amount of the debt, and
3) the date of the final decision fixing the due date of the debt.

1985, c. 6, s. 435.

Effect.

436. Upon filing of the certificate in the office of the court of competent jurisdiction, the decision of the Commission or the board becomes executory as if it were a final decision without appeal of such court and has all the effects of such a decision.

1985, c. 6, s. 436; 1997, c. 27, s. 26.

Release.

437. The Commission may, even after filing the certificate, remit the debt if it considers it fair to do so, in particular by reason of the debtor’s good faith or his financial position.

Restriction.

However, the Commission shall not remit a debt it is required to recover under the fourth paragraph of section 60 or under section 133.
DIVISION II
CIVIL LIABILITY

Immunity.

438. No worker who has suffered an employment injury may institute a civil liability action against his employer by reason of his employment injury.

1985, c. 6, s. 438.

Immunity.

439. In no case may the beneficiary of a worker who dies by reason of an employment injury, may institute a civil liability action against the employer of the worker by reason of the death.

1985, c. 6, s. 439.

Immunity.

440. A person with whom a student is undergoing an unremunerated training period and a person for whom a person described in section 11, 12, 12.0.1 or 12.1 who executes tasks, participates in a civil protection activity, renders a service to the community or acts as a trainee, benefits from the immunity granted by sections 438 and 439.

1985, c. 6, s. 440; 1987, c. 19, s. 20; 2000, c. 20, s. 166; 2001, c. 76, s. 143.

Civil liability action.

441. No beneficiary may bring a civil liability action, by reason of an employment injury, against an employer governed by this Act other than the employer of the injured worker, except

1) if the employer has committed a fault that constitutes an offence or indictable offence within the meaning of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

2) to recover the amount by which the loss sustained exceeds the benefit;

3) if the employer is a person responsible for an employment injury contemplated in section 31; or

4) if the employer is personally liable for the payment of benefits.

Time limit.

Notwithstanding the rules relating to prescription enacted by the Civil Code, a civil liability action for a fault contemplated in subparagraph 1 of the first paragraph may be instituted only within six months of the admission of guilt or the final conviction.

1985, c. 6, s. 441; 1999, c. 40, s. 4.

Immunity.

442. No beneficiary may bring a civil liability action, by reason of an employment injury, against a worker or a mandatary of an employer governed by this Act for a fault committed in the performance of his duties, except in the case of a health professional responsible for an employment injury contemplated in section 31.

Deemed mandatary.

Where the employer is a legal person, the administrator of the legal person is deemed to be a mandatary of the employer.

1985, c. 6, s. 442; 1999, c. 40, s. 4.
Notice to Commission.

443. A beneficiary who may bring a civil liability action must elect to do so and notify the Commission thereof within six months of the industrial accident of the date on which it was medically established and brought to the knowledge of the worker that he was suffering from an occupational disease or, as the case may be, of the death resulting from an employment injury.

Notice to Commission.

Notwithstanding the first paragraph, a beneficiary who may bring a civil liability action for a fault contemplated in subparagraph 1 of the first paragraph of section 441 must elect to do so and notify the Commission thereof not later than six months after the date of the admission of guilt or the final conviction.

Deemed renunciation.

If the beneficiary fails to make the election provided for in the first or second paragraph, he is deemed to have renounced the benefits provided in this Act.

1985, c. 6, s. 443; 1999, c. 40, s. 4.

Right to benefit.

444. If the beneficiary contemplated in section 443 elects to bring a civil liability action and collects a sum less than the amount provided for in this Act, he is entitled to a benefit for the difference.

Time limit.

The beneficiary shall claim the benefit from the Commission within six months of the final judgment rendered on the civil liability action.

1985, c. 6, s. 444.

Recovery of difference.

445. If the beneficiary contemplated in section 443 elects to claim a benefit under this Act, he is entitled to recover from the person liable for it the amount by which the loss sustained exceeds the benefit.

1985, c. 6, s. 445.

Subrogation.

446. A claim made by a beneficiary from the Commission subrogates it of right to the rights of the beneficiary against the person responsible for the employment injury up to the amount of benefits it has paid and the capital sum representing the benefits to become due.

Ratification.

No agreement having the effect of depriving the Commission of all or part of its recourse in subrogation may be set up against it unless it ratifies the agreement.

1985, c. 6, s. 446.

Prescription.

447. The action brought by the beneficiary against the person responsible for an employment injury interrupts, in favour of the Commission, the prescription enacted by the Civil Code.

1985, c. 6, s. 447; 1999, c. 40, s. 4.

DIVISION III
REDRESS UNDER OTHER PLANS

Benefit under other Act.

448. A person to whom the Commission pays an income replacement indemnity or a total disability benefit under an Act administered by it and who, by reason of a new event, claims such indemnity or benefit under the Automobile Insurance Act (chapter A-25) or an Act administered by the Commission other than that under which he is already receiving the indemnity or benefit, is not entitled to both one and the other indemnity for the same period.

Continuation of payment.

The Commission shall continue to pay to the person the income replacement indemnity or the total disability benefit that he is already receiving, where required, while awaiting the determination of the entitlement to and the amount of benefits payable under each of the applicable Acts.

1985, c. 6, s. 448.

Agreement with S.A.A.Q.

449. The Commission shall reach an agreement with the Société de l’assurance automobile du Québec to settle a mode of processing claims made under the Automobile Insurance Act (chapter A-25) by the persons contemplated in section 448.

Purpose.

The agreement must make possible to

1) distinguish between the damage resulting from the new event and that attributable to the employment injury, to the injury sustained by the rescuer within the meaning of the Act to promote good citizenship (chapter C-20) or to the indictable offence sustained by the victim within the meaning of the Crime Victims Compensation Act (chapter I-6), as the case may be;

2) determine accordingly the entitlement to and the amount of the benefits payable under each of the applicable Acts;

3) determine the benefits each agency is required to pay and specify the cases, amounts and modalities of reimbursement among them.

1985, c. 6, s. 449; 1990, c. 19, s. 11; 1999, c. 40, s. 4.

Determination of benefits.

450. Where a person contemplated in section 448 claims an income replacement indemnity under the Automobile Insurance Act (chapter A-25), the Commission and the Société de l’assurance automobile du Québec shall, in carrying out the agreement contemplated in section 449, jointly render a decision which distinguishes between the damage attributable to each event and determine the corresponding entitlement to and amount of the benefits payable under each of the applicable Acts.

Appeal.

A person who believes he has been wronged by the decision may elect to contest the decision under this Act, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be, or under the Automobile Insurance Act.

Proceeding.

A proceeding brought under any of the said Acts precludes any proceeding under any other of them and the decision made binds both agencies.

1985, c. 6, s. 450; 1990, c. 19, s. 11; 1997, c. 27, s. 27; 1999, c. 40, s. 4.

Determination of benefits.

451. Where a person to whom the Commission pays an income replacement indemnity or a total
disability benefit under an Act administered by it claims, by reason of a new event, an income replacement indemnity or a total disability benefit under another Act administered by the Commission, the Commission shall distinguish between the damage attributable to each event and determine the corresponding entitlement to and amount of benefits payable under each of the applicable Acts.

Appeal.

A person who believes he has been wronged by the decision may elect to contest the decision under this Act, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be.

Proceeding.

A proceeding brought under any of the said Acts precludes any proceeding under any other of them and the decision made binds the Commission for the purposes of each of the said Acts.

1985, c. 6, s. 451; 1997, c. 27, s. 28; 1999, c. 40, s. 4.

Election and notice.

452. Where, by reason of one and the same employment injury, a person is entitled to both a benefit under this Act and a benefit under an Act other than an Act of the Parliament of Québec, he shall elect one of them and notify the Commission of his election within six months of the industrial accident or of the date when it is medically established and brought to the attention of the worker that he has contracted an occupational disease or, where such is the case, of the death as a result of the employment injury.

Presumed waiver.

If the person fails to make the election, he is presumed to waive any benefit under this Act.

1985, c. 6, s. 452.

Preservation of right.

453. An application to the Commission for benefits preserves the beneficiary's right to claim benefits under the Act respecting the Québec Pension Plan (chapter R-9) or under any other public or private insurance plan, notwithstanding the expiry of the time limit for claims under the plan.

Time limit.

The time limit begins to run anew from the date of the final decision on the application for benefits.

1985, c. 6, s. 453.

CHAPTER XIV

REGULATIONS

Regulations.

454. The Commission may make regulations

1) amending Schedule I by adding thereto any disease it recognizes as characteristic of a particular type of work or directly related to the risks peculiar to that particular type of work;

2) determining the cases in which a student is considered a worker;

2.1) determining, for the purposes of section 160, the standards and tables of personal home assistance and providing for the method of annual reevaluation of the sums of money fixed therein;

3) prescribing a table of compensation for bodily injury including a table for anatomicophysiological deficits, a table for disfigurements and a table for suffering or loss of enjoyment of life and determining the criteria for and modalities of application of the table of compensation for bodily
injury, for the purposes of computing compensation;

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;

4) determining, according to the classes of establishments and of construction sites it designates, the cases in which the employer or on a construction site, the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) shall maintain a first-aid service and an emergency medical service at his expense, the cases in which he shall furnish premises for such purpose, the staff and equipment such service must include and the content of the first aid or emergency medical register;

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;

4.2) determining the framework within which section 284.2 is to apply for the purposes of the agreements provided for therein;

4.3) prescribing special standards applicable to the statements of wages required of the employer in Division II of Chapter IX. Those standards may vary according to the categories of employers the Commission determines;

5) determining, for the purposes of section 297, units of classification and the sectors under which they are grouped;

5.1) determining, for the purposes of section 298, the rules for classification of employers into units; those rules may vary according to the categories of employers the Commission determines;

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

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 classification;

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, to defray the cost of the subsidy granted to the association if the cost is not included in the rates fixed under section 304;

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 the maximum amount which the retrospectively adjusted assessment of the employer cannot exceed;

12) (subparagraph repealed);

12.1) defining the transactions referred to in section 314.3 and prescribing the cases, terms and conditions for the determination of the experience of the employer involved in such a transaction and prescribing special assessment procedures applicable to the employer;
12.2) determining the standards according to which the employer involved in a transaction referred to in section 314.3 is to inform the Commission;

12.3) determining the circumstances in which, time within which and conditions subject to which the Commission may re-determine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination;

12.4) determining the cases in which and the conditions subject to which two or more employers may apply to form a group for the establishment of personalized rates and prescribing special procedures for calculating their rates. The conditions may vary according to the categories of employers the Commission determines;

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 retrospective assessment adjustment and prescribing special procedures for the calculation of the adjustment. The conditions may vary according to the categories of employers the Commission determines;

14) prescribing, for the purposes of sections 60, 90, 135, 261 and 364, the rules for determining the rate of interest;

15) determining, for the purposes of section 323, in what cases and subject to what terms and conditions the Commission or the employer is required to pay interest, the rules for the determination of the applicable rates of interest and the terms and conditions of payment of the interest. The regulation may provide for the capitalization of the interest. The standards adopted under this subparagraph may vary according to the categories of employers the Commission determines.

Personalized rate and retrospective adjustment.

In exercising the regulatory powers provided for in subparagraphs 7, 9, 12.1, 12.4 and 13 of the first paragraph, the Commission may prescribe that certain elements which are necessary to establish the personalized rate, the retrospective adjustment or the experience of an employer will be determined after actuarial valuation, in the cases or in the circumstances prescribed by regulation.

Equitable apportionment of assessments.

In addition, the Commission may, in exercising the regulatory powers provided for in subparagraphs 7 and 9 of the first paragraph, provide for rules to ensure an equitable apportionment of the assessment among the employers subject to a method for fixing the assessment or among employers subject to the different methods for fixing the assessment.

1985, c. 6, s. 454; 1989, c. 74, s. 11; 1992, c. 11, s. 44; 1993, c. 5, s. 21; 1996, c. 70, s. 44; 1999, c. 40, s. 4.

Approval.

455. Every draft regulation made by the Commission under subparagraphs 1, 2, 3 to 4.1 and 14 of the first paragraph of section 454 shall be submitted to the Government for approval.

Coming into force.

Notwithstanding section 17 of the Regulations Act (chapter R-18.1), any regulation made under subparagraphs 5 to 13 and 15 of the first paragraph of section 454 comes into force on the date of its publication in the Gazette officielle du Québec or on any later date fixed therein.

1985, c. 6, s. 455; 1989, c. 74, s. 12; 1992, c. 11, s. 45; 1993, c. 5, s. 22; 1996, c. 70, s. 45; 2002, c. 76, s. 33.

Powers of the Government.

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

457. If the Commission fails to adopt a regulation within what the Government considers a reasonable time, the Government may adopt the regulation.

Publication.

The Government shall subsequently publish in the Gazette officielle du Québec the draft regulation it wishes to adopt with a notice that on the expiry of 60 days following the notice, the draft regulation will be adopted by the Government, with or without amendments.

Publication.

Publication is not required if the Commission has already caused the draft regulation to be published in the Gazette officielle du Québec and if no amendments have been made to it by the Government.

Coming into force.

The regulation comes into force on the tenth day after publication in the Gazette officielle du Québec of its final text together with the order by which it was adopted or on any later date fixed in the order.

1985, c. 6, s. 457.

CHAPTER XV

PENAL PROVISIONS

Offence and penalty.

458. Every employer who contravenes the first paragraph of section 32 or 33, section 59, the first or second paragraph of section 60, the first paragraph of section 61, the first paragraph of section 190, section 191, the first paragraph of section 215, paragraph 2 of the first paragraph of section 235, the second paragraph of section 266, section 268 or 269, the second paragraph of section 270 or the first paragraph of section 334 is guilty of an offence and liable to a fine of not less than $500 nor more than $1 000 in the case of a natural person and to a fine of not less than $1 000 nor more than $2 000 in the case of a legal person.

1985, c. 6, s. 458; 1990, c. 4, s. 35.

Offence and penalty.

459. Every principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) who contravenes the first paragraph of section 190 or section 191 is guilty of an offence and liable to a fine of not less than $500 nor more than $1 000 in the case of a natural person and to a fine of not less than $1 000 nor more than $2 000 in the case of a legal person.

1985, c. 6, s. 459; 1990, c. 4, s. 35.

Offence and penalty.

460. Every employer who, without reasonable cause, the proof of which lies on him, acts or fails to act, to delay or prevent the exercise of a worker’s right under this Act to return to work is guilty of an offence and liable to a fine of not less than $500 nor more than $1 000 in the case of a natural person and to a fine of not less than $1 000 nor more than $2 000 in the case of a legal person.

1985, c. 6, s. 460; 1990, c. 4, s. 35.

Offence and penalty.

461. Every person who contravenes section 14, every association of independent operators or
domestics who or which contravenes the first or second paragraph of section 22 or the first or second paragraph of section 24 or the employer who contravenes section 275, the first or third paragraph of section 280, sections 290 to 296 or 333 or the second paragraph of section 334 or section 335 or who fails to pay all or part of an assessment one month after its due date is guilty of an offence and liable to a fine of not less than $300 nor more than $500 in the case of a natural person and to a fine of not less than $500 nor more than $1,000 in the case of a legal person.

1985, c. 6, s. 461; 1990, c. 4, s. 35.

Offence and penalty.

462. Every health professional or health institution who or which refuses or neglects to make a certificate, notice or report prescribed in sections 199 to 203 or 208, the second paragraph of section 230 or the third paragraph of section 231, or a person who contravenes section 211, section 265, the third paragraph of section 270 or section 274, 276, 277 or 278 is guilty of an offence and is liable to a fine of not less than $300 nor more than $500 in the case of a natural person and to a fine of not less than $500 nor more than $1,000 in the case of a legal person.

1985, c. 6, s. 462; 1990, c. 4, s. 35; 1992, c. 21, s. 375; 1992, c. 11, s. 46.

Offence and penalty.

463. Every person who acts or fails to act, in view of obtaining an advantage to which he knows he is not entitled or of avoiding an obligation imposed on him by this Act is guilty of an offence and liable to a fine of not less than $500 nor more than $2,000 in the case of a natural person and to a fine of not less than $2,000 nor more than $8,000 in the case of a legal person.

1985, c. 6, s. 463; 1990, c. 4, s. 35.

Offence and penalty.

464. Every person who makes a false declaration or, without reasonable cause, the proof of which lies on him, impedes or attempts to impede an inquiry, an inspection, an examination or a hearing of the Commission or refuses or fails to comply with an order or decision of the Commission is guilty of an offence and liable to a fine of not less than $300 nor more than $500 in the case of a natural person and to a fine of not less than $2,000 nor more than $8,000 in the case of a legal person.

1985, c. 6, s. 464; 1990, c. 4, s. 35; 1996, c. 70, s. 46.

Offence and penalty.

465. Every person who contravenes a provision of this Act or any regulations thereunder for which a penalty has not been provided is guilty of an offence and liable to a fine of not more than $300 in the case of a natural person and to a fine not exceeding $500 in the case of a legal person.

1985, c. 6, s. 465; 1990, c. 4, s. 35.

Offence and penalty.

466. Every person who, knowingly, by an act or omission, attempts to aid a person to commit an offence or advises a person to commit an offence, encourages or incites him thereto, is himself a party to the offence and liable to the same penalty as that provided for the person who committed it, whether or not such person has been prosecuted or convicted.

1985, c. 6, s. 466.

First subsequent conviction.

467. For the first subsequent conviction, the offender is liable to a fine of an amount that must not be less than double the minimum fine provided for that offence.

Additional subsequent conviction.

For any additional subsequent conviction, the amount of the fine must not be less than treble the minimum fine provided for that offence.
Release from responsibility.

468. Every worker prosecuted for an offence against this Act is released from all responsibility if he proves that the offence was committed notwithstanding his disagreement and following formal instructions from his employer.

Deemed participation.

469. If a legal person commits an offence, the director, officer, employee or the representative of the legal person having prescribed or authorized the performance of the act or omission which constitutes the offence or who gave his consent is deemed to have participated in the offence and is liable to the penalty prescribed for the offence, whether or not the legal person has been prosecuted or convicted.

Commission.

473. The Commission may institute penal proceedings for offences under this chapter.

Prescription of proceedings.

Proceedings shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

Fines.

474. The fines belong to the fund, except where the Attorney General instituted the penal proceedings.

Costs.

The same rule applies to costs which are transmitted to the Commission with the defendant's plea.
475. (Omitted).
1985, c. 6, s. 475.

WORKERS’ COMPENSATION ACT

476. (Omitted).
1985, c. 6, s. 476.

Considered reference.

477. Subject to sections 478 and 506, any reference in any Act, regulation, proclamation, order in council, order, contract or any other document to the Workers’ Compensation Act (chapter A-3) or any provision thereof is considered to be a reference to this Act or the corresponding provision of this Act.
1985, c. 6, s. 477; 1999, c. 40, s. 4.

Former Act and regulations still in force.

478. The Workers’ Compensation Act (chapter A-3), amended by sections 479 to 483, and the regulations made thereunder, remain in force for the purposes of the processing of claims made for industrial accidents and deaths that occurred before 19 August 1985 and for claims made before that date for occupational diseases, except in the case of a recurrence, relapse or aggravation contemplated in the first paragraph of section 555.

Former Act and regulations still in force.

Subject to sections 580 and 581, the Workers’ Compensation Act so amended and the regulations thereunder also remain in force for the purposes of every classification of industries and employers’ assessment carried out for a year prior to 1986.

Former Act and regulations still in force.

The said Act, so amended, and the regulations thereunder remain in force also for the purposes of the application of the Act to promote good citizenship (chapter C-20) and the Crime Victims Compensation Act (chapter I-6).

1985, c. 6, s. 478.

479. (Amendment integrated into c. A-3, s. 34.1).
1985, c. 6, s. 479.

480. (Amendment integrated into c. A-3, s. 53).
1985, c. 6, s. 480.

481. (Amendment integrated into c. A-3, s. 53.1).
1985, c. 6, s. 481.

482. (Amendment integrated into c. A-3, s. 54).
1985, c. 6, s. 482.

483. (Amendment integrated into c. A-3, s. 63).
1985, c. 6, s. 483.

484. (Omitted).
1985, c. 6, s. 484.

AUTOMOBILE INSURANCE ACT
485.  (Amendment integrated into c. A-25, s. 4).
1985, c. 6, s. 485.

486.  (Amendment integrated into c. A-25, s. 10).
1985, c. 6, s. 486.

487.  (Amendment integrated into c. A-25, ss. 18-18.4).
1985, c. 6, s. 487.

HEALTH INSURANCE ACT
488.  (Amendment integrated into c. A-29, s. 3).
1985, c. 6, s. 488.

489.  (Amendment integrated into c. A-29, s. 19).
1985, c. 6, s. 489.

ACT RESPECTING THE BARREAU DU QUÉBEC
490.  (Amendment integrated into c. B-1, s. 128).
1985, c. 6, s. 490.

ACT TO PROMOTE GOOD CITIZENSHIP
491.  (Amendment integrated into c. C-20, s. 18).
1985, c. 6, s. 491.

492.  (Amendment integrated into c. C-20, ss. 21, 21.1).
1985, c. 6, s. 492.

LABOUR CODE
493.  (Amendment integrated into c. C-27, s. 118).
1985, c. 6, s. 493.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES
494.  (Amendment integrated into c. C-34, s. 6).
1985, c. 6, s. 494.

495.  (Amendment integrated into c. C-34, s. 21).
1985, c. 6, s. 495.

496.  (Amendment integrated into c. C-34, subdivision 6 of Division II and s. 31).
1985, c. 6, s. 496.

497.  (Amendment integrated into c. C-34, s. 38).
1985, c. 6, s. 497.

CRIME VICTIMS COMPENSATION ACT
498.  (Amendment integrated into c. I-6, s. 5).
1985, c. 6, s. 498.

499. (Amendment integrated into c. I-6, s. 15).

1985, c. 6, s. 499.

500. (Amendment integrated into c. I-6, s. 20).

1985, c. 6, s. 500.

501. (Amendment integrated into c. I-6, s. 20.1).

1985, c. 6, s. 501.

502. (Amendment integrated into c. I-6, ss. 22, 23).

1985, c. 6, s. 502.

503. (Amendment integrated into c. I-6, Schedule).

1985, c. 6, s. 503.

ACT RESPECTING INDEMNITIES FOR VICTIMS OF ASBESTOSIS AND SILICOsis IN MINES AND QUARRIES

504. (Omitted).

1985, c. 6, s. 504.

Reference.

505. Subject to section 506, every reference in any Act, regulation, by-law, proclamation, order in council, decree, contract or other document to a provision of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) or to any of its provisions is a reference to this Act or the corresponding provision of this Act.

1985, c. 6, s. 505; 1999, c. 40, s. 4.

Act still in force.

506. The Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) remains in force for the purposes of the processing of claims made under this Act, before 19 August 1985, or under the first paragraph of section 576.

Applicable Act and regulations.

The Workers' Compensation Act (chapter A-3), as amended by sections 479 to 483, and the regulations made under the said Act continue to apply for that purpose.

1985, c. 6, s. 506.

507. (Omitted).

1985, c. 6, s. 507.

508. (Omitted).

1985, c. 6, s. 508.

509. (Omitted).

1985, c. 6, s. 509.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE AUTOMOBILE DU QUÉBEC
510. (Amendment integrated into c. R-4, s. 24).
1985, c. 6, s. 510.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

511. (Amendment integrated into c. R-5, s. 2).
1985, c. 6, s. 511.

512. (Amendment integrated into c. R-5, s. 22.1).
1985, c. 6, s. 512.

ACT RESPECTING THE QUÉBEC PENSION PLAN

513. (Amendment integrated into c. R-9, ss. 96.1-96.4).
1985, c. 6, s. 513.

514. (Amendment integrated into c. R-9, s. 99.1).
1985, c. 6, s. 514.

515. (Amendment integrated into c. R-9, s. 101).
1985, c. 6, s. 515.

516. (Amendment integrated into c. R-9, s. 102.4).
1985, c. 6, s. 516.

517. (Amendment integrated into c. R-9, s. 165.1).
1985, c. 6, s. 517.

518. (Repealed).
1985, c. 6, s. 518; 1993, c. 15, s. 90.

519. (Repealed).
1985, c. 6, s. 519; 1993, c. 15, s. 90.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

520. (Amendment integrated into c. R-10, Schedule I).
1985, c. 6, s. 520.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

521. (Amendment integrated into c. S-2.1, s. 1).
1985, c. 6, s. 521.

522. (Amendment integrated into c. S-2.1, ss. 20-23).
1985, c. 6, s. 522.

523. (Amendment integrated into c. S-2.1, ss. 30, 31).
1985, c. 6, s. 523.

524. (Amendment integrated into c. S-2.1, s. 36).
1985, c. 6, s. 524.

525. (Amendment integrated into c. S-2.1, ss. 37-37.3).

1985, c. 6, s. 525.

526. (Amendment integrated into c. S-2.1, s. 39).

1985, c. 6, s. 526.

527. (Amendment integrated into c. S-2.1, s. 42).

1985, c. 6, s. 527.

528. (Amendment integrated into c. S-2.1, s. 45).

1985, c. 6, s. 528.

529. (Amendment integrated into c. S-2.1, s. 48).

1985, c. 6, s. 529.

530. (Amendment integrated into c. S-2.1, s. 60).

1985, c. 6, s. 530.

531. (Amendment integrated into c. S-2.1, s. 62).

1985, c. 6, s. 531.

532. (Amendment integrated into c. S-2.1, s. 81).

1985, c. 6, s. 532.

533. (Amendment integrated into c. S-2.1, s. 90).

1985, c. 6, s. 533.

534. (Amendment integrated into c. S-2.1, s. 97).

1985, c. 6, s. 534.

535. (Amendment integrated into c. S-2.1, s. 99.1).

1985, c. 6, s. 535.

536. (Amendment integrated into c. S-2.1, s. 145).

1985, c. 6, s. 536.

537. (Amendment integrated into c. S-2.1, s. 158).

1985, c. 6, s. 537.

538. (Amendment integrated into c. S-2.1, s. 158.1).

1985, c. 6, s. 538.

539. (Amendment integrated into c. S-2.1, s. 163).

1985, c. 6, s. 539.

540. (Amendment integrated into c. S-2.1, s. 167).

1985, c. 6, s. 540.
541. (Omitted).
1985, c. 6, s. 541.

542. (Amendment integrated into c. S-2.1, s. 172).
1985, c. 6, s. 542.

543. (Amendment integrated into c. S-2.1, chapter IX.1, ss. 176.1-176.20).
1985, c. 6, s. 543.

544. (Amendment integrated into c. S-2.1, ss. 177, 178).
1985, c. 6, s. 544.

545. (Amendment integrated into c. S-2.1, ss. 191-193).
1985, c. 6, s. 545.

546. (Amendment integrated into c. S-2.1, s. 210).
1985, c. 6, s. 546.

547. (Amendment integrated into c. S-2.1, s. 223).
1985, c. 6, s. 547.

1985, c. 6, s. 548.

549. (Amendment integrated into c. S-2.1, ss. 242-244).
1985, c. 6, s. 549.

550. (Omitted).
1985, c. 6, s. 550.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE
BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

551. (Amendment integrated into c. S-3.2, s. 4).
1985, c. 6, s. 551.

DIVISION II

TRANSITIONAL PROVISIONS

Regulations continued.

552. Every regulation made under the Workers’ Compensation Act (chapter A-3), to the extent that it is consistent with this Act, remains in force and is a regulation made under this Act until it is repealed or replaced.
1985, c. 6, s. 552.

Application.

553. Subject to section 555, the provisions of this Act apply to industrial accidents and deaths which occur from the date of their coming into force.

Application.
Subject to section 555 and the first paragraph of section 576, the provisions of this Act apply to occupational diseases for which a claim is made from the date of their coming into force.

Application.

The provisions of this Act also apply to the classification and assessment made for the year 1986 and subsequent years and to the imputation made from the date of their coming into force.

1985, c. 6, s. 553.

Permanent disability.

554. Any person who, on the coming into force of Chapter III, receives permanent disability benefits under the Workers' Compensation Act (chapter A-3) remains entitled to his benefits and the said Act continues to apply to him, except if he elects as in section 562.

1985, c. 6, s. 554.

Recurrence or aggravation.

555. A person who, before the date of the coming into force of Chapter III, suffered an industrial accident or filed a claim for an occupational disease under the Workers' Compensation Act (chapter A-3) and suffers a recurrence, relapse or aggravation from that date becomes subject to this Act.

Income replacement indemnity.

Notwithstanding the first paragraph, the person is not entitled to an income replacement indemnity if, at the time of the recurrence, relapse or aggravation, he does not hold any employment and

1) is 65 years of age or more, or
2) receives benefits for permanent total disability pursuant to the Workers' Compensation Act, whatever his age.

Restriction.

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

1985, c. 6, s. 555; 1991, c. 35, s. 3.

Gross income.

556. For the purposes of computing an income replacement indemnity of a person contemplated in the first paragraph of section 555, the gross income of the person is that

1) which he receives from the employment he holds at the time of the recurrence, relapse or aggravation, or
2) which he received from any employment he carried on during the 12 months preceding the beginning of his inability to carry on his ordinary employment, if he does not have any employment at the time of the recurrence, relapse or aggravation.

1985, c. 6, s. 556.

Permanent disability.

557. Where a degree of permanent disability has already been recognized respecting a person contemplated in section 555 under the Workers' Compensation Act (chapter A-3), as a result of an industrial accident or occupational disease that is the cause of the recurrence, relapse or aggravation suffered by the person, section 89 applies for the purposes of computing the indemnity for bodily injury, with the necessary modifications.

1985, c. 6, s. 557; 1999, c. 40, s. 4.
Indemnity on account of the death of a worker.

558. A person who, on the date of the coming into force of Chapter III, is entitled to an indemnity under the Workers’ Compensation Act (chapter A-3) on account of the death of a worker which occurred before that date, remains entitled to the indemnity and the Workers’ Compensation Act, except subsection 2 of section 36 and section 49, continues to apply for that purpose, except if he elects as in section 559 or 562.

1985, c. 6, s. 558.

Surviving spouse.

559. A person contemplated in section 558 who is entitled to a life pension as the surviving spouse of a deceased worker may, if he is less than 65 years of age, opt to receive the indemnities provided for in sections 98, 100 and 101.

Computation.

For the purposes of computing the indemnities,

1) the date of the option is deemed to be the date of the worker’s death;

2) the gross annual employment income of the deceased worker is the higher of

(a) that which he derived from the employment he held at the date of his death, revalorized each year until the date of the option according to the percentage determined in accordance with the Workers’ Compensation Act (chapter A-3) for each of those years, up to the Maximum Yearly Insurable Earnings established under section 66 at the date of the option; and

(b) $25 000.

Revalorization.

For the purposes of this section, the amount of $25 000 provided for herein is revalorized in accordance with sections 118 to 123 and the amount of the gross annual income that is the basis for the computation of the indemnity provided for in section 101 is revalorized each year on the anniversary of the option in accordance with sections 119 to 123.

1985, c. 6, s. 559.

Minor child.

560. Where a surviving spouse exercises the option provided for in section 559, his child who is a minor at the date of the option and for whom he receives, at that date, monthly benefits under the Workers’ Compensation Act (chapter A-3) by reason of the death of the worker, is entitled to the indemnity provided for in section 102 in lieu of those benefits.

1985, c. 6, s. 560.

Dependent of full age.

561. Where a surviving spouse exercises the option provided for in section 559 and there is, at the date of the option, a dependent person of full age for whom he receives monthly benefits under the Workers’ Compensation Act (chapter A-3) by reason of the death of the worker, the dependent person is entitled to receive his share of the benefits in the form of monthly benefits, revalorized pursuant to section 41 of the said Act.


If the monthly benefits received by the spouse under the Workers’ Compensation Act are due by reason of a death which occurred after 31 December 1978, the share of the dependent person is equal to a percentage of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized pursuant to section 41 of the said Act.

Computation of percentage.
The percentage is equal to the difference between the percentage established under subsection 2 of section 35 of the said Act, according to the number of dependent persons at the date of the option and 55%, divided by the number of dependent persons, other than the spouse, existing at that date.

Redetermination.

The percentage is redetermined each time one of the dependent persons, other than the spouse, ceases to be a dependent person, according to the number of remaining dependent persons, including the spouse.

1985, c. 6, s. 561.

Options.

562. A person who, at the coming into force of Chapter III, is receiving permanent disability benefits under the Workers' Compensation Act (chapter A-3), or a person contemplated in section 558 who is entitled to a life pension as a surviving spouse of a deceased worker may, if he is under 65 years of age, transmit to the Commission a notice in writing so that it may recompute the amount of his monthly benefits according to as he elects between the two following options:

1) a redistribution option, allowing the person to receive monthly benefits greater than his present benefits and, subject to the second paragraph of section 563, that cease on his reaching 65 years of age;

2) a smoothing option, allowing the person to receive monthly benefits greater than his present benefits until he reaches 65 years of age and, subsequently, lower monthly benefits.

1985, c. 6, s. 562.

Redistribution option.

563. Where a person exercises the redistribution option, the amount of his new monthly benefits is established by multiplying the amount of the monthly benefits to which he is entitled under the Workers' Compensation Act (chapter A-3) by the factor provided for in Schedule VIII according to his age at the date of the option and according to whether he is an injured worker or a surviving spouse.

Amount of benefits.

However, if the amount of the new benefits is greater than that of the income replacement indemnity determined on the basis of the Maximum Yearly Insurable Earnings established under section 66, the person exercising the redistribution option is entitled to receive, in lieu of the amount computed in accordance with the first paragraph, the following amount:

1) until the age of 65, monthly benefits equal to the amount of the income replacement indemnity determined on the basis of the Maximum Yearly Insurable Earnings established under section 66;

2) from his sixty-fifth birthday, monthly benefits for life equal to the difference between

(a) the monthly benefits to which he is entitled, at the date of the option, under the Workers' Compensation Act; and

(b) the amount obtained by dividing the amount contemplated in paragraph 1, less the amount contemplated in subparagraph a, by the factor, less the number one, provided for in Schedule VIII according to his age at the date of the option.

1985, c. 6, s. 563.

Smoothing option.

564. Where a person exercises the smoothing option, the amount of the new monthly benefits he is entitled to receive until he reaches 65 years of age is established by adding to the amount of the monthly benefits to which he is entitled under the Workers' Compensation Act (chapter A-3) the product obtained by multiplying the amount of his reference benefits by the factor provided in Schedule IX according to his age at the date of the option and according to whether he is an
injured worker or a surviving spouse.

Reference benefits.

The amount of a person’s reference benefits is the lesser of

1) the amount of the monthly benefits to which he is entitled under the Workers’ Compensation Act at the date of the option; and

2) the difference between

(a) the sum of the retirement pension to which he will be entitled on his sixty-fifth birthday under the Act respecting the Quebec Pension Plan (chapter R-9) in force at the date of the option and the pension to which he would be entitled under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) if he were 65 years of age at the date of the option; and

(b) the amount of the disability pension and the retirement pension he receives, where such is the case, under the Act respecting the Quebec Pension Plan and the amount of the surviving spouse’s pension he receives, where such is the case, under the said Act if he is at least 55 years of age at the date of the option or if he is not, the amount of the latter pension to which he would be entitled if he were 55 years of age at that date.

Sixty-fifth birthday.

From his sixty-fifth birthday, a person who has exercised the smoothing option is entitled to receive monthly benefits equal to the monthly benefits to which he would be entitled at that date under the Workers’ Compensation Act, less the amount of his reference benefits, plus the product contemplated in the first paragraph.

1985, c. 6, s. 564.

Surviving spouse.

565. Where a person who exercises the redistribution option or the smoothing option is the surviving spouse of a worker who died after 31 December 1978, the amount of the monthly benefits to which he is entitled under the Workers’ Compensation Act (chapter A-3) is established, for the purposes of sections 563 and 564, at 55% of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized until the date of the option pursuant to section 41 of the said Act.

1985, c. 6, s. 565.

Dependents.

566. Where a person who exercises the redistribution option or the smoothing option is the surviving spouse of a worker who died after 31 December 1978, the other persons dependent upon the worker within the meaning of the Workers’ Compensation Act (chapter A-3), for whom the spouse receives benefits under the said Act at the date of the option, are entitled to receive, from that date, in equal shares, monthly benefits determined on the basis of a percentage of the indemnity contemplated in subsection 1 of section 35 of the said Act, revalorized until the date of the option pursuant to section 41 of the said Act.

Computation of percentage.

The percentage is equal to the difference between the percentage established under subsection 2 of section 35 of the Workers’ Compensation Act according to the number of dependent persons at the date of the option and 55%.

Redetermination.

The percentage is redetermined each time one of the dependent persons, other than the spouse, ceases to be a dependent person, according to the number of remaining dependent persons, including the spouse.

1985, c. 6, s. 566.
Revalorization.

567. The new monthly benefits to which a person who exercises the redistribution option or the smoothing option is entitled before or after the age of 65, as well as those to which a dependent person contemplated in section 566 is entitled are revalorized pursuant to section 41 of the Workers' Compensation Act (chapter A-3).

1985, c. 6, s. 567.

Death of surviving spouse.

568. Where a surviving spouse who exercised an option provided for in section 559 or 562 dies, the persons who are still, at the date of that death, persons dependent upon the predeceased worker, within the meaning of the Workers' Compensation Act (chapter A-3), are entitled to receive, from the date of the spouse's death, the monthly benefits to which they would be entitled under the said Act if the spouse had not exercised the option.

1985, c. 6, s. 568.

Information on election.

569. The Commission shall furnish to a person who may elect under section 559 or 562 the assistance and information necessary to allow him to make an informed election.

1985, c. 6, s. 569.

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 Workers' Compensation Act (chapter A-3) are and have always been valid notwithstanding any judgment to the contrary.

Amendment.

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

1985, c. 6, s. 570; 1988, c. 66, s. 1; 1991, c. 35, s. 4.

Review or contestation.

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 contested before the board as in the case of a decision rendered under this Act. For that purpose, Chapter XI applies, except sections 351 to 353 and 361 to 366.

Immediate effect.

A decision of the Commission has effect immediately, notwithstanding any application for review or any contestation, until the final decision.

Restriction.
The first paragraph shall not be interpreted as permitting a review or contestation of any decision relating to a worker's permanent or temporary disability rendered under the Workers' Compensation Act (chapter A-3).

1988, c. 66, s. 1; 1991, c. 35, s. 5; 1992, c. 11, s. 47; 1997, c. 27, s. 29.

Deduction of overpayment.

570.2. If as a result of a final decision rendered under the Workers’ Compensation Act (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.

1991, c. 35, s. 6.

Matters pending.

571. Any revision office established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) to examine, hear and decide, in second instance, all matters or questions relating to matters enumerated in subsection 4 of section 63 of the Workers' Compensation Act (chapter A-3) becomes a review board established under subsection 5 of section 63 of the said Act, enacted by section 483, and it shall continue to examine, hear and decide, without continuance of suit, all matters or questions pending before it on 19 August 1985.

1985, c. 6, s. 571.

Penal proceedings.

572. Penal proceedings may be instituted or continued for an offence under a provision of the Workers' Compensation Act (chapter A-3) or the regulations thereunder.

1985, c. 6, s. 572; 1992, c. 61, s. 39.

Personally bound employer.

573. The employer whom the Commission considered personally bound to pay benefits under the Workers' Compensation Act (chapter A-3) and who is not contemplated in Chapter X may elect to be subject to the said chapter if he informs the Commission thereof in writing within six months of the date of the coming into force of Chapter X.

1985, c. 6, s. 573.

Payment by Commission.

574. The Commission may pay benefits owing by an employer whom it considered personally liable for the payment of benefits under the Workers' Compensation Act (chapter A-3) and claim reimbursement from him for them where the amount for which the employer is insured or that he has deposited with the Commission under this Act is insufficient to cover the benefits he is required to pay.

Declaratory section.

This section is declaratory.

1985, c. 6, s. 574.

Regulation continued.

575. The Regulation respecting the appointment of members of the Medical Experts Committee (R.R.Q., 1981, chapter I-7, r. 1) remains in force for the sole purpose of terminating the processing of claims made by persons who are entitled to an indemnity under the Act respecting indemnities
Recurrence or aggravation.

576. A person who, before the date of the coming into force of Division I of Chapter III, received an indemnity under the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) and who suffers a recurrence, relapse or aggravation after that date remains subject to the said Act, if he receives a supplementary indemnity under the Act at the time of the recurrence, relapse or aggravation.

Applicable provisions.

If the person does not receive an indemnity as in the first paragraph at the time, he becomes subject to this Act and sections 556 and 557 apply to him, with the necessary modifications.

1985, c. 6, s. 576.

Asbestosis or silicosis.

577. A person recognized by the Commission or its review board as suffering from permanent disability resulting from asbestosis or silicosis and who, for that reason, received before the coming into force of Chapter III, benefits under the Workers’ Compensation Act (chapter A-3) or an indemnity under the Act respecting indemnities for victims of asbestosis or silicosis in mines and quarries (chapter I-7), is entitled to keep the benefits or indemnity he received and to continue to receive such benefits or indemnity, as the case may be, notwithstanding any subsequent decision or judgment denying his right to the benefits or indemnity, unless obtained by fraud.

Death of worker.

A person who received benefits before the date of coming into force of Chapter III, pursuant to the Workers’ Compensation Act following the death of a worker recognized by the Commission or its review board as having died by reason of asbestosis or silicosis benefits from the rights provided for in the first paragraph.

Imputation of costs.

The cost of the benefits or indemnity contemplated in the first or second paragraph is charged to the employers of all units.

Declaratory section.

This section is declaratory.

1985, c. 6, s. 577.

Rescuers.

578. Provisions of this Act which apply to rescuers within the meaning of the Act to promote good citizenship (chapter C-20) and to the crime victims within the meaning of the Crime Victims Compensation Act (chapter I-6), apply to any injury contemplated in the said Acts occurring from the date of the coming into force of the provisions.

Non-applicable provisions.

Sections 558, 559 and 562 do not apply to any person who is entitled to benefits under one of the said Acts.

1985, c. 6, s. 578.

Commission des affaires sociales.

579. Notwithstanding sections 494 to 497, the Commission des affaires sociales retains its jurisdiction to hear any appeal concerning the right to compensation, the amount of a compensation and the degree of impairment of earning capacity brought, before or from 19 August.
1985, under section 65 of the Workers' Compensation Act (chapter A-3) or under the Act respecting indemnities for victims of asbestosis or silicosis in mines and quarries (chapter I-7).

Appeals.

Appeals contemplated in the first paragraph, including those pending before the industrial accidents division of the Commission des affaires sociales, are heard by the rescuers and crime victims indemnity division.

1985, c. 6, s. 579.

Applicable regulation.

580. Any matter or question relating to the classification of industries and the assessment of employers made before 1 January 1986 for a year preceding 1986 is, for the purposes of the contestation, governed by the Regulation respecting the classification of employers (R.R.Q., 1981, chapter A-3, r. 5).

1985, c. 6, s. 580.

Jurisdiction retained.

581. Notwithstanding section 541, the revision office or review board for matters relating to the classification of industries and the assessment of employers established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) is continued and preserves its jurisdiction to examine, hear and decide finally any matter or question relating to the classification of industries and the assessment of employers made before 1986 for a year preceding 1986.

Composition.

Notwithstanding the foregoing, the Commission may modify the composition of the office or board.

1985, c. 6, s. 581.

Application.

582. Sections 522 and 545 apply to a decision rendered by an inspector from 19 August 1985.

1985, c. 6, s. 582.

Regional chief inspector.

583. Notwithstanding paragraph 3 of section 521 and section 544, a regional chief inspector appointed under section 177 of the Act respecting occupational health and safety (chapter S-2.1) retains his authority to examine, hear and decide any application to review an order or decision rendered by an inspector, before 19 August 1985, under section 19, Chapter X or Division V of Chapter XI of the said Act.

New appointment.

The Commission may appoint a new regional chief inspector, if required, to exercise the authority provided in the first paragraph.

1985, c. 6, s. 583.

Jurisdiction retained.

584. Notwithstanding section 541, a revision office in matters of inspection established under section 171 of the Act respecting occupational health and safety (chapter S-2.1) to examine, hear and decide any application to review a decision rendered by a regional chief inspector continues to exist and retains its jurisdiction for that purpose, but the Commission may change its composition.

1985, c. 6, s. 584.

Application.
Sections 227 and 228 of the Act respecting occupational health and safety (chapter S-2.1) enacted by section 548 apply to a penalty or measure imposed from 19 August 1985.

1985, c. 6, s. 585.

Cost of services.

Notwithstanding the fourteenth paragraph of section 3 of the Health Insurance Act (chapter A-29) enacted by section 488, the Commission shall assume the cost of any service contemplated in that paragraph so long as no agreement contemplated in the second paragraph of section 19 of the said Act, enacted by section 489, is in force in respect of that service.

The Commission shall fix the cost according to what it would be fair and reasonable to claim from the worker for a similar service if he were required to pay for it himself.

1985, c. 6, s. 586; 1999, c. 89, s. 44.

Retroactive effect.

Section 535 has effect from 1 January 1981.

1985, c. 6, s. 587.

Retroactive effect.

Section 537 has effect from 13 March 1980 and ceases to have effect from the date of coming into force of section 81 of the Archives Act (chapter A-21.1).

1985, c. 6, s. 588.

Commission responsible.

The Commission de la santé et de la sécurité du travail is responsible for the administration of this Act, except Chapter XII.

1985, c. 6, s. 589.

Minister responsible.

The Minister of Labour is responsible for the administration of this Act.

1985, c. 6, s. 590; 1997, c. 27, s. 30.

Conseil consultatif du travail.

Within three months from assent to the Act respecting industrial accidents and occupational diseases (1985, chapter 6), the Conseil consultatif du travail et de la main-d'oeuvre shall perform, for the current year, the obligation imposed on it by section 216.

1985, c. 6, s. 591.

Review board members.

Within three months from assent to the Act respecting industrial accidents and occupational diseases (1985, chapter 6), the members of the board of directors of the Commission shall draw up the list of members for the current year of the review boards provided for in the second and third paragraphs of section 176.2 of the Act respecting occupational health and safety (chapter S-2.1) enacted by section 543.

1985, c. 6, s. 592.

Regulation.

The Commission may, before 19 August 1985, make a regulation under paragraph 3 of
section 454 and under paragraph 40.1 of section 223 of the Act respecting occupational health and safety (chapter S-2.1) enacted by paragraph 3 of section 547.

Approval.

Notwithstanding any provision inconsistent herewith, the regulation shall be submitted for approval to the Government and comes into force on the date of publication in the Gazette officielle du Québec of the order approving it and of its final text or on any later date fixed in the order.

1985, c. 6, s. 593.

594. (Omitted). 1985, c. 6, s. 594.

595. (This section ceased to have effect on 19 August 1990).

1985, c. 6, s. 595; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

596. (Omitted). 1985, c. 6, s. 596.

SCHEDULE I

OCCUPATIONAL DISEASES

(Section 29)

DIVISION I

DISEASES CAUSED BY TOXIC PRODUCTS OR SUBSTANCES

<table>
<thead>
<tr>
<th>DISEASE</th>
<th>TYPE OF WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Poisoning by metals and their organic or inorganic toxic compounds:</td>
<td>any work involving the utilization, handling or other form of exposure to those metals;</td>
</tr>
<tr>
<td>(2) Poisoning by halogens and their organic or inorganic toxic compounds:</td>
<td>any work involving the utilization, handling or other form of exposure to those halogens;</td>
</tr>
<tr>
<td>(3) Poisoning by the organic and inorganic toxic compounds of boron:</td>
<td>any work involving the utilization, handling or other form of exposure to the compounds of boron;</td>
</tr>
<tr>
<td>(4) Poisoning by silicium and its organic or inorganic toxic compounds:</td>
<td>any work involving the utilization, handling or other form of exposure to silicium and those compounds of silicium;</td>
</tr>
<tr>
<td>(5) Poisoning by phosphorous and its organic or inorganic toxic compounds:</td>
<td>any work involving the utilization, handling or other form of exposure to phosphorous or those compounds of phosphorous;</td>
</tr>
<tr>
<td>(6) Poisoning by arsenic and its organic or inorganic toxic compounds:</td>
<td>any work involving the utilization, handling or other form of exposure to arsenic or those compounds or arsenic;</td>
</tr>
<tr>
<td>(7) Poisoning by the organic or utilization, handling or other</td>
<td></td>
</tr>
</tbody>
</table>
inorganic toxic compounds of sulfur: any work involving the utilization, handling or other form of exposure to those compounds of sulfur;

(8) Poisoning by selenium and its organic or inorganic toxic compounds: any work involving the utilization, handling or other form of exposure to selenium or those compounds of selenium;

(9) Poisoning by tellurium and its organic or inorganic toxic compounds: any work involving the utilization, handling or other form of exposure to tellurium or those compounds of tellurium;

(10) Poisoning by the organic or inorganic toxic compounds of nitrogen: any work involving the utilization, handling or other form of exposure to those compounds of nitrogen;

(11) Poisoning by the organic or inorganic toxic compounds of oxygen: any work involving the utilization, handling or other form of exposure to those compounds of oxygen;

(12) Poisoning by the organic or inorganic toxic compounds of hydrocarbons: any work involving the utilization, handling or other form of exposure to those substances.

DIVISION II
DISEASES CAUSED BY INFECTIOUS AGENTS

<table>
<thead>
<tr>
<th>DISEASE</th>
<th>TYPE OF WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Bacterial cutaneous infections</td>
<td>any work involving contact with tissues or material contaminated by bacteria or fungi (pyodermatosis, bacterial folliculitis, panaris, dermatomyositis, candida cutaneous infection):</td>
</tr>
<tr>
<td>(2) Parasitosis:</td>
<td>any work involving contact with humans, animals or material contaminated by parasites such as sarcoptes scabei, pediculus humanus;</td>
</tr>
<tr>
<td>(3) Anthrax:</td>
<td>any work involving the utilization, handling or other form of exposure to wool, hair, bristles, hides and contaminated skins;</td>
</tr>
<tr>
<td>(4) Brucellosis:</td>
<td>any work related to the care, slaughtering, cutting, transport of slaughterhouse animals or any work involving contact with brucella;</td>
</tr>
<tr>
<td>(5) Viral hepatitis:</td>
<td>any work involving contact with contaminated humans or animals, human or animal products or other contaminated substances;</td>
</tr>
<tr>
<td>(6) Tuberculosis:</td>
<td>any work involving contact with humans or animals, human or animal products or other contaminated substances;</td>
</tr>
</tbody>
</table>
DIVISION III
SKIN DISEASES CAUSED BY AGENTS OTHER THAN INFECTIOUS AGENTS

<table>
<thead>
<tr>
<th>DISEASE</th>
<th>TYPE OF WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Irritative contact dermatitis:</td>
<td>any work involving contact with substances such as a solvent, detergent, soap, acid, alkali, cement, lubricant or other irritating agent;</td>
</tr>
<tr>
<td>(2) Allergic contact dermatitis:</td>
<td>any work involving contact with substances such as nickel, chrome, epoxy, mercury or antibiotic and other allergens;</td>
</tr>
<tr>
<td>(3) Dermatoses caused by plants (phytoderma)</td>
<td>any work involving contact with plants;</td>
</tr>
<tr>
<td>(4) Dermatoses caused by mechanical action (localized callosities and keratoderma):</td>
<td>any work involving friction or pressure;</td>
</tr>
<tr>
<td>(5) Dermatoses caused by tar, pitch, asphalt, mineral oils, anthracene and its compounds, products and residues of those substances (photodermatitis, folliculitis, dyaschromia, epithelioma or paraneoplastic lesions):</td>
<td>any work involving the utilization or the handling of tar, pitch, asphalt, mineral oils, anthracene or their compounds, products and residues;</td>
</tr>
<tr>
<td>(6) Dermatosis caused by ionizing radiations (radiodermatitis):</td>
<td>any work involving exposure ionizing radiations;</td>
</tr>
<tr>
<td>(7) Cutaneous telangiectasia:</td>
<td>any work performed in aluminium plants, involving repeated exposure to ambient air in potrooms;</td>
</tr>
<tr>
<td>(8) Dermatoses caused by oil or grease (chemical folliculitis):</td>
<td>any work involving the utilization or handling of oil or grease.</td>
</tr>
</tbody>
</table>

DIVISION IV
DISEASES CAUSED BY PHYSICAL AGENTS

<table>
<thead>
<tr>
<th>DISEASE</th>
<th>TYPE OF WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Hearing impairment caused by noise:</td>
<td>any work involving exposure to excessive noise;</td>
</tr>
<tr>
<td>(2) Muscular-skeletal lesions manifested</td>
<td>any work involving repeated movements or pressures over an</td>
</tr>
</tbody>
</table>
by objective signs. extended period of time; 
(bursitis, tendinitis, tenosynovitis): 

(3) Illnesses caused by working in compressed air: 

(4) Disease caused by exposure to high or low temperatures: 

(5) Disease caused by ionizing radiations: 

(6) Disease caused by vibrations: 

(7) Retinitis: electro-welding or acetylene welding: 

(8) Cataract caused by exposure to non-ionizing radiation: 

DIVISION V 
LUNG DISEASES CAUSED BY ORGANIC AND INORGANIC DUST 

<table>
<thead>
<tr>
<th>DISEASE</th>
<th>TYPE OF WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Asbestosis, lung cancer or mesothelioma caused by asbestos:</td>
<td>any work involving exposure to asbestos fibre;</td>
</tr>
<tr>
<td>(2) Bronchopneumopathy caused by dust from hard metals:</td>
<td>any work involving exposure to dust of hard metals;</td>
</tr>
<tr>
<td>(3) Siderosis:</td>
<td>any work involving exposure to iron oxide and iron dust;</td>
</tr>
<tr>
<td>(4) Silicosis:</td>
<td>any work involving exposure to silica dust;</td>
</tr>
<tr>
<td>(5) Talcosis:</td>
<td>any work involving exposure to talc dust;</td>
</tr>
<tr>
<td>(6) Byssinosis:</td>
<td>any work involving exposure to cotton, flax, hemp or sisal dust;</td>
</tr>
<tr>
<td>(7) Extrinsic allergic alveolitis:</td>
<td>any work involving exposure to an agent recognized as causing extrinsic allergic alveolitis;</td>
</tr>
<tr>
<td>(8) Bronchial asthma:</td>
<td>any work involving exposure to a specific sensitizing agent.</td>
</tr>
</tbody>
</table>

1985, c. 6, Schedule I. 

SCHEDULE II 

INDEMNITY FOR BODILY INJURY 

( Section 84) 

<table>
<thead>
<tr>
<th>AGE</th>
<th>INDEMNITY ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>Factor</td>
</tr>
<tr>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>24 or under</td>
<td>2.00</td>
</tr>
<tr>
<td>25 to 29</td>
<td>2.25</td>
</tr>
<tr>
<td>30 to 34</td>
<td>2.50</td>
</tr>
<tr>
<td>35 to 39</td>
<td>2.75</td>
</tr>
<tr>
<td>40 to 44</td>
<td>3.00</td>
</tr>
<tr>
<td>45 to 49</td>
<td>2.75</td>
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<tr>
<td>50 to 54</td>
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<td>55 to 59</td>
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<td>61</td>
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<td>62</td>
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<td>63</td>
<td>1.40</td>
</tr>
<tr>
<td>64</td>
<td>1.20</td>
</tr>
<tr>
<td>65 or over</td>
<td>1.00</td>
</tr>
</tbody>
</table>

1985, c. 6, Schedule III.

**SCHEDULE IV**

**TEMPORARY INDEMNITY TO THE SPOUSE OF A DECEASED WORKER**

(Section 101)

<table>
<thead>
<tr>
<th>Age</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>34 or under</td>
<td>1 year</td>
</tr>
<tr>
<td>35 to 44</td>
<td>2 years</td>
</tr>
<tr>
<td>45 to 54</td>
<td>3 years</td>
</tr>
<tr>
<td>55 or over</td>
<td>2 years</td>
</tr>
</tbody>
</table>

1985, c. 6, Schedule IV.
SCHEDULE V

CHILD CARE EXPENSES
(Section 164)

1. In day nurseries:
   $13/day per child, less assistance granted by the Ministère de la Santé et des Services sociaux;

2. In the home of the children or of the baby sitter:
   $1.50/hour for 1 child
   $1.75/hour for 2 children
   $2.00/hour for 3 children or more
   or
   $20/day (24 hours) for 1 child
   $22/day (24 hours) for 2 children
   $25/day (24 hours) for 3 children or more.

1985, c. 6, Schedule V; 1985, c. 23, s. 24.

In accordance with sections 118 and 119 of this Act, all the amounts of money fixed in this Schedule are revalorized each year on 1 January by multiplying the amount to be revalorized by the ratio between the Consumer Price Index of the current year and that of the preceding year.

SCHEDULE VI

(Repealed).

1985, c. 6, Schedule VI; 1997, c. 27, s. 31.

SCHEDULE VII

(Repealed).

1985, c. 6, Schedule VII; 1997, c. 27, s. 31.

SCHEDULE VIII

TABLE OF FACTORS FOR REDISTRIBUTION OF MONTHLY BENEFITS
(Section 563)

<table>
<thead>
<tr>
<th>AGE</th>
<th>Injured worker</th>
<th>Surviving spouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>1.055</td>
<td>---</td>
</tr>
<tr>
<td>11</td>
<td>1.057</td>
<td>---</td>
</tr>
<tr>
<td>12</td>
<td>1.060</td>
<td>---</td>
</tr>
<tr>
<td>13</td>
<td>1.062</td>
<td>---</td>
</tr>
<tr>
<td>14</td>
<td>1.065</td>
<td>---</td>
</tr>
<tr>
<td>15</td>
<td>1.067</td>
<td>1.102</td>
</tr>
<tr>
<td>16</td>
<td>1.070</td>
<td>1.107</td>
</tr>
<tr>
<td>Age</td>
<td>Factor for Injured Worker</td>
<td>Factor for Surviving Spouse</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>10</td>
<td>.052</td>
<td>---</td>
</tr>
<tr>
<td>11</td>
<td>.054</td>
<td>---</td>
</tr>
<tr>
<td>12</td>
<td>.056</td>
<td>---</td>
</tr>
<tr>
<td>13</td>
<td>.058</td>
<td>---</td>
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1985, c. 6, Schedule VIII.

**Schedule IX**

**Table of Factors for Smoothing of Monthly Benefits**

(Section 564)

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1985, c. 6, Schedule VIII.
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1985, c. 6, Schedule IX.

**REPEAL SCHEDULES**

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 6 of the statutes of 1985, in force on 1 September 1985, is repealed, except sections 475, 479, paragraphs 1 and 3 of section 480, sections 481, 483, 594 and 596, effective from the coming into force of chapter A-3.001 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 479, paragraphs 1 and 3 of section 480 as well as sections 481 and 483 of chapter 6 of the statutes of 1985, in force on 1 April 2002, are repealed effective from the coming into force of the updating to 1 April 2002 of chapter A-3.001 of the Revised Statutes.