

However, this Regulation applies to a contract in one of the above-mentioned categories only from the date applicable to that category in the following list of dates:

(1) where the contract concerns work on a building:

(a) (insert here the date occurring one year after the date of coming into force of this Regulation), if it involves expenditure of less than \$750,000 but equal to or more than \$75,000;

(b) (insert here the date occurring two years after the date of coming into force of this Regulation), if it involves expenditure of less than \$75,000;

(2) where the contract concerns civil engineering work other than work on a building:

(a) (insert here the date occurring one year after the date of coming into force of this Regulation), if it involves expenditure of less than \$2,500,000 but equal to or more than \$675,000;

(b) (insert here the date occurring two years after the date of coming into force of this Regulation), if it involves expenditure of less than \$675,000.

For the purposes of the second paragraph, the expenditure for a contract includes expenditure resulting from a contract option.

This Regulation becomes applicable to a subcontract on the same date as it becomes applicable to the contract to which the subcontract is related.

106930

Draft Regulation

Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code for the construction industry, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation, which amends the Safety Code for the construction industry (chapter S-2.1, r. 4), updates the standards pertaining to fall protection and working at heights, and takes into account related technical and technological advancements. The draft Regulation also promotes the control of fall hazards by establishing a hierarchy of prevention measures. Lastly, the draft Regulation sets out the rescue procedures for an employee who is suspended in a safety harness or retained in a safety net after a fall.

Study of the matter to date shows an impact of \$17.3M on enterprises for the implementation of the regulatory measures and recurring annual costs of \$6.7M thereafter.

Further information on the draft Regulation may be obtained by contacting Jérémie Filion, engineer, Commission des normes, de l'équité, de la santé et de la sécurité du travail; telephone: 514 515-3994; email: jeremie.filion@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mohamed Aiyar, Vice President, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue D'Estimaerville, Québec (Québec) G1J 0H7.

MARIE-HÉLÈNE MARCHAND
*Acting Secretary General Commission des normes,
de l'équité et de la sécurité du travail*

Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19 and 42,
and 3rd par.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1.

(1) by inserting the following after paragraph 32:

“32.1. “fragile surface” means a surface not intended to support the weight of a worker, in particular a skylight, an awning, an overhang or a drywall ceiling;”;

(2) by replacing “liaison antichute” wherever it appears in the French text by “liaison d’arrêt de chute”.

2. Section 2.4.4 is amended by replacing “and rescue on water” by “, rescue on water, rescue following a fall”.

3. Section 2.9.1 is replaced by the following:

“**2.9.1. Installation of guard-rails:** Whether or not workers are present, guard-rails must be placed at a maximum distance of 300 mm from the open sides of every area, including the sides of a floor or a roof, from which workers could fall

- (1) into a dangerous liquid or substance;
- (2) onto a moving component;
- (3) on equipment or material that constitute a danger;
- (4) from a height of 1.2 m or more where they use a vehicle;
- (5) from a height of 1.5 m or more where handling a load; or
- (6) from a height greater than 3 m in other cases.

This section applies, with the necessary modifications, where a worker is at risk of falling through a fragile surface.

The use of a guard-rail as a means of protection against falls is prohibited on a work surface with an incline greater than 19° (4/12).”

4. Section 2.9.2 is replaced by the following:

“**2.9.2.** Despite the foregoing, where a guard-rail is installed and a portion thereof must be removed during work because it is a nuisance or where it is prohibited or impracticable to install one, in particular on a ladder or a step-ladder, every worker must be protected using one of the following means of protection in the order of precedence below:

- (1) by changing the process or the work position so that workers may work on the ground or on another surface from which they are not at risk of falling;
- (2) by using a travel restraint system in accordance with section 2.10.16;
- (3) by installing a safety net in accordance with section 2.9.3;
- (4) by the worker wearing a safety harness secured to an anchorage system by a fall arrest connecting device, in accordance with sections 2.10.12 and 2.10.15.

The work area must then be delimited by a continuous barrier or trestles of a minimum height of 0.7 m, located at a distance varying between 0.9 m and 1.2 m from the place where workers are at risk of falling, or by a warning line complying with the requirements of section 2.9.4.1, to prevent access to the work area by persons not working therein.

In the case referred to in subparagraph 4 of the first paragraph, a suspension cable or a platform must be used where the worker cannot remain in position without the help of the fall arrest connecting device or a means of positioning, such as a plank on brackets, a positioning tether or a strap.”

5. Section 2.9.3 is replaced by the following:

“**2.9.3. Safety net:** Where a safety net is installed, it must

- (1) be installed in accordance with the manufacturer’s instructions and so that, when used, the person who falls therein will not hit an obstacle under or above the net or be hit by an object;
- (2) be placed as close as possible vertically to the work surface and so as to prevent a free fall of more than 3 metres;
- (3) be chosen based on the environment in which it will be used so that it can resist damage that could be caused in particular by corrosion, welding or cutting operations, or weather-related conditions;
- (4) be free of all foreign matter;
- (5) have a notice indicating the manufacturer’s name or trademark, the serial number, the year of manufacture and the minimum resistance;
- (6) comply and be used in accordance with ANSI/ASSE Standard A10.11 Safety Requirements for Personnel and Debris Nets or standards NF EN 1263-1 Temporary Works Equipment - Safety Nets - Part 1: Safety Requirements, Test Methods and NF EN 1263-2 Safety Nets - Part 2: Safety Requirements for the Positioning Limits.

In case of conflict between the requirements provided for in the standards referred to in subparagraph 6 of the first paragraph and those provided for in this Regulation, the stricter standard applies.”

6. Section 2.9.4.0 is amended

(1) in the first paragraph,

(a) by replacing “2.9.2” by “2.9.1”;

(b) by inserting “complying with section 2.9.4.1” after “line”;

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

“In such a case, a means of protection against falls, in compliance with the hierarchy prescribed in the first paragraph of section 2.9.2, must be used by the worker outside the area delimited by the warning line.”

7. Section 2.9.4.1 is amended by replacing “2.9.2” in paragraph 6 by “2.9.1”.

8. The following is inserted after section 2.9.4.1:

“**2.9.5.** Any worker who, after a fall, is suspended in a safety harness or retained in a safety net must be rescued within a maximum of 15 minutes. The rescue procedures must prioritize the use of personnel hoists.

To that end, the principal contractor must develop a rescue procedure in cooperation with employers before the start of work requiring the use of a safety harness or a safety net. The procedure must cover all activities on the construction site and be updated according to the evolution of the work on the site.

2.9.5.1. Before the start of the work referred to in the second paragraph of section 2.9.5, a training course on the rescue procedure developed by the principal contractor must be dispensed to the workers who will be required to carry it out.

The rescue procedure must be tested with drills that allow in particular for workers to become familiar with their roles, the communication protocol and the use of the determined rescue equipment. The complexity of the drills must vary according to the complexity of the work and the rescue to be performed.

The drills must be carried out before the start of the work referred to in the second paragraph of section 2.9.5 and repeated every 6 months for the duration of the work.

2.9.5.2. The principal contractor must supply and ensure the availability of the equipment necessary to perform a rescue following a fall for the duration of the work referred to in the second paragraph of section 2.9.5. The principal contractor must also ensure that at least 1 rescue attendant who was trained to rescue a worker suspended in a safety harness or retained in a safety net is present at all times on the work premises.

The nature of the rescue attendant’s work on the construction site must allow that person to intervene quickly and efficiently during a rescue. The rescue attendant may also act as first-aider if so provided in the rescue procedure.

2.9.5.3. Where the rescue is performed on ropes, the equipment must comply with standards NFPA 2500, ANSI Z359.4 or sections 2.10.12 and 2.10.15 and be available at all times on the construction site for the duration of the work referred to in the second paragraph of section 2.9.5.”

9. Section 2.10.12 is amended

(1) in paragraph 1,

(a) by replacing “CAN/CSA” in the first paragraph by “CSA”;

(b) by replacing “CAN/CSA Standard Z259.11 Energy Absorbers and Lanyards” in subparagraph *a* of the second paragraph by “CSA Standard Z259.11 Personal Energy Absorbers and Lanyards”;

(c) by replacing “CAN/CSA Standard Z259.2.2 Self-Retracting Devices for Personal Fall-Arrest System” in subparagraph *b* of the second paragraph by “CSA Standard Z259.2.2 Self-Retracting Devices”;

(d) by replacing “antichutes” wherever it appears in the French text in subparagraphs *c* and *d* of the second paragraph by “d’arrêt de chute”;

(e) by replacing “Accessoires de raccordement pour les systèmes personnels de protection contre les chutes CAN/CSA-Z259.12” in the French text in subparagraph *e* of the second paragraph by “Composants de raccordement pour les systèmes individuels d’arrêt de chute CSA Z259.12”;

(2) by striking out paragraph 2.

10. Section 2.10.15 is amended

(1) by replacing “antichute” in the French text in the portion before paragraph 1 of the first paragraph by “d’arrêt de chute”;

(2) by replacing “CAN/CSA” in subparagraph ii of subparagraph *b* of paragraph 1 of the first paragraph by “CSA”;

(3) by replacing “Flexible Horizontal Lifeline Systems” in subparagraph *b* of paragraph 2 of the first paragraph by “Manufactured Horizontal Lifeline Systems”.

11. The following is inserted after section 2.10.15:

“**2.10.16. Travel restraint system:** A travel restraint system must include

(1) a safety harness complying with section 2.10.12 or a safety belt complying with section 2.10.14;

(2) a fall arrest connecting device whose length does not allow the wearer to get any closer than 0.9 m from the open side and complying with section 2.10.12, except as concerns the requirement for a shock absorber;

(3) an anchorage system complying with section 2.10.15, except as concerns the minimum resistance of the single anchorage, which can be 8 kN;

Where the resistance of the anchorage system provided for in subparagraph 3 of the first paragraph does not comply with section 2.10.15, a mark is required on the anchorage system indicating that the use must be limited to travel restraint.

The travel restraint system cannot be used on surfaces with an incline greater than 15° (3/12).”

12. Section 3.9.4 is amended by replacing paragraph 5 by the following:

“Any worker who erects or dismantles scaffolding must be protected against falls in accordance with subdivision 2.9 of Division II.”

13. Section 3.10.9 is amended by replacing paragraph 3 by the following:

“Any worker who pulls loads onto a floor at platform level must be protected against falls in accordance with subdivision 2.9 of Division II.”

14. Section 3.24.4 is revoked.

15. The French text is amended by replacing “liaison antichute” wherever it appears by “liaison d’arrêt de chute”.

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106935