

chapter A-3

WORKERS' COMPENSATION ACT

NOTE

Subject to section 478 of chapter 6 of Statutes of 1985, chapter A-3 is replaced by the Act respecting industrial accidents and occupational diseases ([chapter A-3.001](#)). (1985, c. 6, s. 476)

The Workers' Compensation Act ([chapter A-3](#)), amended by sections 479 to 483 of the Act respecting industrial accidents and occupational diseases ([chapter A-3.001](#)) and the regulations made thereunder, remain in force:

(1) 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 of chapter A-3.001;

(2) for the purposes of every classification of industries and employers' assessment carried out for a year prior to 1986, subject to sections 580 and 581 of chapter A-3.001;

(3) 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)

DIVISION I

PRELIMINARY PROVISIONS

1. This Act applies to every industry or part of an industry, except domestic services where the worker is employed by an individual to serve at his domicile, and sports activities where the worker is a participating athlete.

R. S. 1964, c. 159, s. 1; 1978, c. 57, s. 2.

2. (1) In this Act, unless the context indicates otherwise,

(a) "accident" means an unexpected and sudden event, attributable to any cause, which befalls a person, arising out of or in the course of his work, resulting in his injury, illness or death;

(b) "skilled tradesman" means a person who, in the course of his business, alone, as part of a team or in partnership, for his own account and without any worker in his service, performs work;

(c) "beneficiary" means a worker or a dependent person;

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

(e) "spouses" means

(A) two persons who are married or in a civil union and who live together, or

(B) two persons, of opposite sex or the same sex, who live together in a de facto union and who at the time of the accident

i. had been living together for three years or for one year if a child was born of their union, and

ii. were publicly represented as spouses;

(f) “employment” means an occupation productive of income carried on in an industry;

(g) “employer” means a person having in his service, under a contract of employment or apprenticeship, a worker in an employment in or about an industry; the employer who lends the services of a worker temporarily remains the employer of that worker for such time as those services are so lent;

(h) “accident fund” means the accident fund established under section 79;

(i) “industry” means an establishment, undertaking, trade or service;

(j) “invalid” means a person who is physically or mentally incapable of earning;

(k) “occupational disease” means a disease contracted out of or in the course of work and recognized by the Commission as characteristic of certain work or directly linked with the specific risks of certain work;

(l) “dependent person” means

(1) a spouse;

(2) a person who is or was married to or in a civil union with the worker and

i. is separated *de facto* or legally or whose marriage to or civil union with the worker has been dissolved or declared null by a final judgment or whose civil union with the worker has been dissolved by a notarized joint declaration of dissolution; and

ii. who, at the time of the accident, was entitled to receive from the worker alimony under a judgment or an agreement;

(3) a child of the worker, less than 18 years of age;

(4) a child of the worker, more than 18 years of age, who regularly attends a teaching institution in accordance with the terms and conditions provided for by regulation or who is an invalid;

(5) another person related by blood to the worker and any stranger to whom the worker stood *in loco parentis* or who stood *in loco parentis* to the worker and who, at the time of the accident, was wholly or partly dependent upon the worker's income in accordance with the criteria provided for by regulation;

(m) “benefit” means an indemnity paid in money, financial assistance or services furnished under this Act;

(m.1) “health professional” means a professional within the meaning of the Health Insurance Act ([chapter A-29](#)) and any other professional within the meaning of the Professional Code ([chapter C-26](#)) determined by regulation of the Commission;

(n) “regulation” means a regulation made by the Commission and approved by the Government under this Act;

(o) “income” means the annual gross earnings, up to the maximum rate of annual earnings established under section 46, made by the worker in the employment during which he has been injured or has died;

(p) “weighted net income” means the income of the worker less the deductions weighted by income brackets established annually by regulation, taking into account family situations specified by regulation and taking into consideration, for those purposes, the Taxation Act

([chapter I-3](#)), the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)), the Employment Insurance Act (S.C. 1996, c. 23), the Act respecting parental insurance ([chapter A-29.011](#)) and the Act respecting the Québec Pension Plan ([chapter R-9](#));

(g) “worker” means a person who, under a contract of employment or apprenticeship, performs work for remuneration for an employer, including,

- i. a skilled tradesman who, for a person operating an industry, performs work connected with that industry, in the cases or circumstances and on the terms and conditions prescribed by regulation;
- ii. a student who, under the responsibility of a teaching institution, undergoes a non-remunerated training period in an industry;
- iii. a person who performs non-remunerated work in an industry, in the cases and in accordance with the terms and conditions provided for by regulation.

(2) The following shall be deemed employers, on the same footing as individuals, and be subject to the authority of this Act:

- (a) the Gouvernement du Québec and any permanent commission of such Government;
- (b) municipalities, school boards and the Conseil scolaire de l’île de Montréal;
- (c) public service commissions;
- (d) commissions operating an industry or service for municipal purposes; and
- (e) subject to the Government Employees Compensation Act (R.S.C. 1985, c. G-5), the Government of Canada and its services.

R. S. 1964, c. 159, s. 2; 1972, c. 60, s. 31; 1977, c. 5, s. 14; 1977, c. 42, s. 1; 1978, c. 57, s. 3; 1979, c. 63, s. 251; 1979, c. 63, s. 329; 1999, c. 14, s. 1; 2002, c. 6, s. 74; 2005, c. 13, s. 74; 2020, c. 6, s. 4.

DIVISION II

GENERAL PROVISIONS

1978, c. 57, s. 4.

3. (1) A worker injured by reason of an accident is entitled to the benefits provided for by this Act, except

- (a) where the accident does not disable him, beyond the day during which such accident occurred, from earning full wages in the employment he holds at the time of the accident; or
- (b) where the injury is attributable solely to his serious and wilful misconduct unless the injury results in death or serious disablement.

(2) *(Subsection repealed).*

(3) Employers in the industries included in Schedule B shall be liable individually to pay the benefit.

(4) The employer whose undertaking is generally carried on outside Québec shall be liable individually to pay the benefit due for an accident having happened within Québec if the usual place of employment of the injured worker is not therein and if, at the time of the accident, the said employer has not paid to the Commission all the assessments for which he is liable in virtue of this Act.

(5) Employers in the industries designated by regulation shall be bound to contribute to the accident fund as hereinafter provided, but shall not be liable individually to pay the benefit.

4. (1) Accidents happening outside Québec also give the right to the benefit provided by this Act, but only in the following cases, to wit:

(a) where the employer has an office or an undertaking in Québec and the residence and usual place of employment of the worker are therein, provided that the duration of the employment outside Québec has not exceeded 36 months and that it was the direct continuation of employment in Québec, in the service of the same employer;

(b) where the worker, who has his residence in Québec, is obliged by the nature of his employment in a transportation business by land to perform his work within and without Québec;

(c) where the worker, who has his residence in Québec or was hired therein, is obliged, by the nature of his work in a transportation business by water, to perform his work partly within and partly without Québec, if the vessel on board of which the worker is employed is registered in a Canadian port or if the owner or charterer of such vessel has his domicile or head office in Québec.

(2) Benefit payable in respect of an accident happening elsewhere than in Québec shall, except where the employer has fully contributed to the accident fund in respect of all the wages of workers in his employ who are engaged in the business in which the accident happens, be paid by the employer individually. The business carried on elsewhere than in Québec by an employer who has not so contributed to the accident fund shall be deemed to be included in Schedule B.

(3) *(Subsection repealed).*

5. (1) Where by the law in force in the place in which the accident happens, the beneficiary is entitled to a benefit and is also entitled to a benefit under this Act, he shall be bound to elect between the said law and that of Québec and to give notice of such election. If such election is not made and notice given, it shall be presumed that he have elected not to claim benefit under this Act.

(2) Within three months after the happening of the accident, or, in case it results in death, within three months after the death, or within such longer period as either before or after the expiration of such three months the Commission may allow, notice of such election shall be given to the Commission.

6. The Commission may award such sum in lieu of an indemnity, as it may deem proper, to any dependent person not residing in Canada, and may pay the same out of the accident fund, or order it to be paid by the employer, as the case may be.

7. (1) Where an accident happens to a worker in the course of his employment under such circumstances as entitle a beneficiary to an action resulting from the fault of some person other than an employer whose industry is subject to this Act, that beneficiary, if entitled to a benefit, may, at his election, claim that benefit or bring such action.

Notwithstanding the first paragraph, a beneficiary may bring that action against an employer whose industry is subject to this Act, other than the worker's employer, where the fault of that employer constitutes an offence or a criminal act within the meaning of the Criminal Code.

(2) If an action is brought and less is recovered and collected than the amount of the benefit to which the beneficiary is entitled under this Act, such beneficiary shall receive benefit for the difference.

(3) If the beneficiary elects to claim a benefit, the employer, if he is individually liable to pay it, or the Commission, if the benefit is payable out of the accident fund, as the case may be, is subrogated *pleno jure* in the rights of the beneficiary and may, personally or in the name and stead of the beneficiary, institute legal action against the person responsible, and any sum so recovered by the Commission forms part of the accident fund. The subrogation takes place by the mere making of the election and may be exercised to the full extent of the amount of benefits which the employer or the Commission may be called upon to pay.

Agreements or compromises effected between the parties respecting such action or right of action shall be without effect, unless approved and ratified by the Commission and the payment of the amount agreed upon or adjudged shall be made only in the manner indicated by the Commission.

(4) Notwithstanding any provision to the contrary, the Commission may exercise its recourse against a municipality or school board or the Conseil scolaire de l'île de Montréal, by reason of an accident to a worker, within the 12 months following the date of the receipt of the notice of election contemplated by subsections 1 and 5 of this section, provided that such notice of election be communicated by the Commission to the municipality or school board concerned or the Conseil scolaire de l'île de Montréal within the 30 days following the receipt thereof.

(5) The election as between the above recourses shall be made and notice of it shall be given in the manner provided by section 5.

(6) If the worker has the right to make the election mentioned in subsection 1 of this section, the Commission, in special and urgent cases, even when the worker has not elected or made a claim, may furnish such worker with the medical and surgical attendance his condition may require, and the expense thereof shall constitute a prior claim ranking immediately after law costs, upon the amount of the judgment to be rendered, if action be afterwards brought.

(7) The recourse provided for in the second paragraph of subsection 1 may be instituted within a delay of six months from the date of the final judgment finding the employer guilty of an offence or a criminal act within the meaning of the Criminal Code.

R. S. 1964, c. 159, s. 7; 1972, c. 60, s. 32; 1977, c. 5, s. 14; 1978, c. 57, s. 1, s. 7.

8. Notwithstanding any provision to the contrary and notwithstanding the fact that a benefit may have been obtained under the election contemplated in subsection 1 of section 7, the beneficiary, may, before the prescription is acquired, claim, under common law, from any person other than the employer of the worker any additional sum required to constitute, with the benefit due to him under this Act, an amount proportionate to the loss actually sustained.

R. S. 1964, c. 159, s. 8; 1978, c. 57, s. 8.

9. No recourse contemplated in sections 7 and 8 may be exercised against the workers, servants or mandataries of the employer whose industry is subject to this Act by reason of any fault committed in the performance of their duties.

R. S. 1964, c. 159, s. 9; 1978, c. 57, s. 9.

10. For the purposes of this Act, the legal person responsible for the teaching institution under the responsibility of which a student undergoes a non-remunerated training period in

an industry contemplated by this Act, shall be the employer of such student.

For the purposes of sections 7, 8, 9 and 16, the person with whom a student, under the responsibility of a teaching institution, undergoes a non-remunerated training period in an industry contemplated by this Act, shall also be the employer of such student.

1977, c. 42, s. 2.

11. (1) The employer carrying on an industry subject to the authority of this Act shall be considered to be the immediate employer of any worker of a contractor or sub-contractor executing any work for such industry:

(a) until such contractor or sub-contractor shall, in respect of such work, have made the declarations required and is assessed as an employer in an industry designated by regulation; or,

(b) in cases where such contractor or sub-contractor is individually liable for payment of benefit, until the Commission finds and declares that the solvency of such contractor or sub-contractor is sufficient protection for his workers and sufficient security for the benefits provided for by this Act.

(2) Where the employer has made payment, under subsection 1, of assessment or benefit, he is entitled to reimbursement from the contractor or sub-contractor to such extent as the Commission may determine.

(3) Where a person, referred to in this subsection and in subsection 4 as the "principal", carrying on an industry subject to this Act, contracts with any other person herein called: "the contractor or sub-contractor", for the execution by such contractor or a sub-contractor of the whole or any part of any work for the principal, it is the duty of the principal to see that any sum which the contractor or sub-contractor is liable to contribute to the accident fund is paid; and if any such principal fails to do so, he is severally liable to pay it to the Commission, and the Commission has the like powers and rights to compel the principal to pay, as it possesses for the collection of an assessment.

(4) Where the principal is liable to make payment to the Commission under subsection 3 of this section, he shall be entitled to be indemnified by any person liable therefor and may withhold out of any indebtedness to such person a sufficient amount to do so.

R. S. 1964, c. 159, s. 10; 1978, c. 57, s. 1, s. 10.

12. Nothing in section 11 shall prevent a worker claiming benefit or the Commission collecting contribution to the accident fund from the contractor or any sub-contractor instead of from the principal.

R. S. 1964, c. 159, s. 11; 1978, c. 57, s. 1.

13. (1) In the case of an industry designated by regulation, an employer or a director of a legal person, being the victim of an accident, or their dependants are entitled to the benefits under this Act, provided:

(a) that such employer or director is carried or carries himself on the pay-roll of the industry at an amount which the Commission deems reasonable, but not exceeding the maximum rate of annual earnings established according to subsection 1 of section 46;

(b) that the intention to include such employer or director of a legal person as a worker be stated in the pay-roll and in the statement furnished to the Commission under section 88; and

(c) that the amount of the salary of such employer or director, as shown in the said pay-roll and statement, be included in the estimate for the year.

For the purpose of determining the indemnity, the earnings of such employer or director shall not be taken to be more than the amount as shown by such pay-roll and statement, or to be more than the maximum rate of annual earnings established according to subsection 1 of section 46.

(2) Where a skilled tradesman carries on his functions in an industry designated by regulation, that skilled tradesman or, as the case may be, his dependent persons, if he is the victim of an accident, is entitled to the benefits provided in this Act, provided he has given to the Commission a written notice indicating:

(a) the nature and place of his industry;

(b) an estimate of the annual gross earnings from his industry not exceeding the maximum rate of annual earnings established according to subsection 1 of section 46.

(3) An employer or a director of a legal person who, on 6 May 1977, or in the case of a skilled tradesman who, on 1 January 1979, has the benefit of the protection granted by subsection 1 or 2 or who avails himself of it after that date shall continue to have the benefit of such protection until he gives notice in writing to the Commission that he no longer wishes to avail himself of it.

Failure by the employer, the legal person or the skilled tradesman to pay an assessment following a notice under section 97 is equivalent to the notice in writing mentioned in the first paragraph and terminates the protection granted under subsection 1 or 2.

R. S. 1964, c. 159, s. 12; 1966-67, c. 52, s. 2; 1971, c. 45, s. 1; 1975, c. 54, s. 1; 1977, c. 42, s. 3; 1978, c. 57, s. 11.

14. (1) No action before any court of justice shall lie for the recovery of a benefit whether it is payable by the employer individually or out of the accident fund, but all claims for a benefit payable by the employer or out of the accident fund are heard and determined exclusively by the Commission, subject to the proceeding provided for in section 65.

(2) This Act shall not do away with any of the common law rights belonging to any persons not subject to its provisions.

R. S. 1964, c. 159, s. 13; 1978, c. 57, s. 12; 1997, c. 43, s. 2.

15. If a worker receiving a weekly or other periodical payment under this Act ceases to reside in Québec he shall not thereafter be entitled to receive any such payment unless the expert certifies that the disability resulting from the injury to such worker is likely to be of a permanent nature.

If the expert so certifies, the Commission may order that the worker shall be paid quarterly the amount of the weekly or other periodical payments accruing due, if he proves, in such manner as may be prescribed by the regulations, his identity and the continuance of the disability in respect of which indemnity is payable.

R. S. 1964, c. 159, s. 14; 1978, c. 57, s. 1.

16. Subject to sections 7 and 8, the benefits under this Act are in lieu of all rights, recourses and rights of action, of any nature whatsoever, of the beneficiary against an employer whose industry is subject to this Act by reason of any accident happening to him, and no action in respect thereof lies in any court of justice.

R. S. 1964, c. 159, s. 15; 1978, c. 57, s. 13.

17. The following shall be without effect: agreements made contrary to the provisions of this Act, and every obligation contracted and every transaction the effect whereof may be to prevent an injured person or his dependent persons from receiving the entire amount of the benefit provided by this Act and from having the full enjoyment thereof.

R. S. 1964, c. 159, s. 16; 1978, c. 57, s. 1.

18. If an agreement is arrived at between the employer individually liable for the payment of the benefit, on the one part, and the beneficiary, as the case may be, on the other part, respecting the benefit to which such beneficiary may be entitled, such agreement, in order to be valid, must be in writing, signed and attested by the parties and approved by the Commission.

R. S. 1964, c. 159, s. 17; 1978, c. 57, s. 1.

19. (1) Unless otherwise provided, it is forbidden for any employer to make any retention of any part of the earnings of his workers or to receive from them any subscription or contribution whatever, even with the consent of such workers, in connection with the obligations imposed upon such employer by this Act. Any agreement by which such a retention is made or such subscription or contribution received shall be without effect.

(2) Every employer who contravenes this section is guilty of an offence and is bound, in addition to any other penalty provided by this Act, to reimburse to the worker, on an order of the Commission, the amount which he has so deducted from the earnings of that worker or otherwise received from the latter.

R. S. 1964, c. 159, s. 18; 1978, c. 57, s. 1, s. 14.

20. The benefit awarded under this Act shall be inalienable and exempt from seizure.

R. S. 1964, c. 159, s. 19; 1978, c. 57, s. 1.

21. (1) Subject to subsection 5 of this section, benefit shall not be payable unless notice of the accident is given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and unless the claim for benefit is made within six months from the happening of the accident, or, in case of death, within six months from the time of death.

(2) The notice of the accident shall give the name in full and address of the worker and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

(3) Such notice may be served by delivering it at the place of business or the residence of the employer, or may be notified by sending it by registered mail to either place, or, where the employer is a partnership or legal person, by delivering it at the office of the employer, or, if there are more offices than one, at any of the offices of such employer, or sending it by registered mail to any of such offices.

(4) Where the benefit is payable out of the accident fund, such notice shall also be given to the Commission by delivering it at the office of the secretary or by sending it to him by registered mail addressed to his office.

(5) Failure to give the prescribed notice or to make such claim, or the existence of any irregularity or inexactitude whatever in such notice or claim, shall not bar the right to benefit if, in the opinion of the Commission, the employer was not prejudiced thereby or, where the benefit is payable out of the accident fund, if the Commission is of the opinion that the claim for benefit is a just one and ought to be allowed.

22. (1) Every employer shall, within the two working days after the happening of an accident by which a worker in his employ is disabled from earning full wages or which necessitates medical aid, notify the Commission in writing of the:

- (a) happening of the accident and nature of it;
- (b) time of its occurrence;
- (c) name in full and address of the worker;
- (d) place where the accident happened;
- (e) name and address of the health professional by whom the worker was or is attended for the injury.

Such employer shall furnish in addition such further details and particulars respecting any accident or claim to compensation as the Commission may require.

(2) The employer must sign the notice duly filled in, remit a copy of it to the worker and enable him to take cognizance of its contents before signing it.

(3) Every employer who does not comply with this section or who knowingly transmits or causes to be transmitted false information to the Commission is guilty of an offence and is bound in addition to any other penalty or liability which he may incur under this Act, to pay to the Commission, if so ordered by it, the amount of benefits awarded by the Commission in accordance with the evidence or information deemed sufficient.

R. S. 1964, c. 159, s. 21; 1978, c. 57, s. 1, s. 15; 2020, c. 6, s. 5.

23. (1) A worker who claims benefit, or to whom benefit is payable under this Act, shall, if so required by his employer, submit himself for examination by a duly qualified health professional chosen and paid for by the employer, and shall, in addition, if so required by the Commission, submit himself for examination by the expert chosen by the latter.

(2) A worker shall not be required at the request of his employer to submit himself for examination otherwise than in accordance with the regulations.

R. S. 1964, c. 159, s. 22; 1978, c. 57, s. 1; 2020, c. 6, s. 9.

24. (1) Where a worker has upon the request of his employer submitted himself for examination, or has been examined by a duly qualified health professional selected by himself, and a copy of the report of the health professional practitioner has been furnished in the former case by the employer to the worker, and in the latter case by the worker to the employer, the Commission may, on the application of either of the parties, refer the matter to an expert.

(2) The expert to whom a reference is made under subsection 1 of this section or who has examined the worker by the direction of the Commission under subsection 1 of section 23, shall certify to the Commission as to the condition of the worker and his fitness for employment, specifying, where necessary, the Kind of employment, and, if unfit, the cause and degree of such unfitness.

(3) The Commission may suspend the payment of the indemnity to which the worker may be entitled if such worker refuses to submit to any examination required by this Act or ordered under any of its provisions, or in any way obstructs any examination; and payment of his indemnity shall be so suspended until such examination has taken place.

(4) The Commission may also, in its discretion, diminish the indemnity to which a worker is entitled, or suspend payment thereof, whenever the worker persists in dangerous and unsanitary practices imperilling or retarding his cure and whenever he refuses to submit to such medical treatment, as the Commission, on the advice of the expert, may deem necessary for his cure. But this subsection 4 shall not apply in the event of the worker refusing to submit to surgical aid.

R. S. 1964, c. 159, s. 23; 1978, c. 57, s. 1, s. 16; 2020, c. 6, s. 9.

25. Where, in the opinion of the Commission, it will be in the interest of the accident fund to provide a special surgical operation or other special medical treatment for a worker, with the view of avoiding heavy payment for permanent disability, it may authorize such operation or such medical treatment at the expense of the accident fund.

R. S. 1964, c. 159, s. 24; 1978, c. 57, s. 1.

26. The Commission may, at the request of the employer or of the worker, if the benefit is payable by the employer individually, or, if the benefit is payable out of the accident fund, of the Commission's own motion or at the request of the worker, review any weekly or other periodical payment and may put an end to or diminish such payment or may increase it to a sum not beyond the maximum hereinafter prescribed.

R. S. 1964, c. 159, s. 25; 1978, c. 57, s. 1.

27. Where the worker was at the date of the accident under twenty-one years of age, and the review above provided for takes place more than six months after the accident, the amount of weekly payment may be increased to the sum to which he would have been entitled if his average earnings had at the date of the accident been equal to what, if he had not been injured, he would probably have been earning at the date of the review.

R. S. 1964, c. 159, s. 26; 1978, c. 57, s. 1.

28. (1) Where the benefit is payable by an employer individually, the employer may, with the consent of the beneficiary to whom it is payable and with the authorization of the Commission, but not otherwise, commute the weekly or other periodical payments into a capital sum representing such payments. Where the benefit is payable out of the accident fund, the Commission, of its own motion and at its discretion, may commute such payments into such capital sum.

(2) The capital sum representing payments payable by the employer individually shall be paid to the Commission.

(3) The capital sum may, at the discretion of the Commission, be:

(a) applied in such manner as the beneficiary may direct;

(b) paid to the beneficiary;

(c) invested by the Commission and applied from time to time as the Commission may deem most advantageous for the beneficiary;

(d) paid to trustees who shall employ it upon and subject to such trusts and for the benefit of such persons as may be desired by the beneficiary and approved by the Commission;

(e) applied in one or several of the modes mentioned above.

(4) Where the benefit is payable out of the accident fund, the Commission may, in any case where, in its opinion, the interest or pressing need of the beneficiary warrants it,

advance to the beneficiary such sum as the circumstances warrant and as the Commission may determine.

R. S. 1964, c. 159, s. 27; 1978, c. 57, s. 1.

29. The Commission may require an employer, who is individually liable to pay the benefit, to insure his workers and keep them insured against accidents in respect of which he may become liable to pay benefit, in an insurance company approved by the Commission, for such amount as the Commission may direct. Such employer shall transmit to the Commission a certificate of insurance in the form approved by it.

In default of the employer complying with the provisions of this section, the Commission may have the workers of such employer insured and recover the amount paid for such purpose from the employer, in the same way as provided for the payment of assessments.

R. S. 1964, c. 159, s. 28; 1978, c. 57, s. 1.

30. (1) Where an employer who is individually liable to pay the benefit is insured in conformity with section 29, the Commission may require the insurance company or other underwriter to pay to it, in full settlement or on account of the benefit, the sum which, under the contract of insurance, such company or underwriter would be liable to pay to the employer in respect of an accident whereby a beneficiary becomes entitled to benefit under this Act.

(2) Where a claim for benefit is made and the employer is so insured, notice of the claim shall be given to the insurance company and to the employer. In such case the Commission shall determine the rights of the beneficiary to benefit, and shall also determine whether the whole or part of such benefit should be paid directly by the insurance company or other underwriter.

R. S. 1964, c. 159, s. 29; 1978, c. 57, s. 1.

31. (1) Where the accident causes permanent disability, either total or partial, or the death of the worker, and the benefit is payable by the employer individually, the Commission may require the employer or his insurer to pay to the Commission such sum, as, with the interest at the rate which it determines, will be sufficient to meet the future payments to be made to the beneficiary; and the Commission, upon receipt of such sum, shall place it in a special fund to meet the payments to be made to such beneficiary. If such sum is insufficient to meet such payments, the employer shall be liable for the difference. But the balance, if any, when the right to benefit has been liquidated, shall, unless the Commission orders otherwise, be returned to the employer.

(2) The Commission, instead of requiring the employer to make the payment provided in subsection 1 of this section, may require him to give such security as it may deem sufficient guarantee for the performance by the employer of the obligations imposed upon him by this Act.

R. S. 1964, c. 159, s. 30; 1978, c. 57, s. 1.

32. The Commission, where it deems it requisite for the prompt payment of claims, may require any employer carrying on an undertaking mentioned in Schedule B, to deposit with the Commission, from time to time, sums of money out of which the Commission may pay to beneficiaries the indemnity becoming due for accidents as they occur.

R. S. 1964, c. 159, s. 31; 1978, c. 57, s. 1.

33. The Commission may, in such manner and at such time or times as it may deem most equitable and most in accordance with the general principles and provisions of this

Act, levy and collect from the employers, previously, now or hereafter carrying on industries to which this Act applies, the additional moneys necessary to provide for increases of benefit payable under the provisions of this Act.

Such levy and collection, in the case of employers carrying on an industry designated by regulation, may be by way of addition to the usual assessment or by means of special assessment, and, in the case of employers carrying on an industry mentioned in Schedule B, by an additional deposit of the sum required for such purpose.

R. S. 1964, c. 159, s. 32; 1978, c. 57, s. 1.

34. Where payment of an indemnity is suspended under this Act, the Commission may, when the suspension is raised, pay the indemnity to the worker retroactively to the date of suspension.

R. S. 1964, c. 159, s. 33; 1978, c. 57, s. 17.

34.1. For the administration of this Act, the Commission may obtain from the Régie de l'assurance maladie du Québec, and the latter shall furnish to the Commission, any information held by the Régie in respect of

(1) the identification of a worker who has suffered an accident or occupational disease;

(2) the costs and administration expenses recovered from the Commission by the Régie.

1985, c. 6, s. 479; 1990, c. 57, s. 40; 1999, c. 89, s. 53.

34.2. 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. 75.

DIVISION III

INDEMNITIES

1978, c. 57, s. 18.

35. (1) The death of a worker entitles the surviving consort, for life, and the other dependent persons or, if there is no surviving consort, the dependent persons, in equal portions, to an indemnity proportionate annually to a percentage of the indemnity to which the worker would have been entitled had he survived and had he become totally incapable of earning full wages in the employment he held at the time of the accident.

(2) The percentage contemplated in subsection 1 is established at 55% for a dependent person, at 65% for two dependent persons and, if there are more than two, at 65% plus 5% per dependent person over two, up to 80%.

(3) The dependent persons contemplated in subparagraph 4 of paragraph 1 of subsection 1 of section 2 are considered dependent so long as, in the manner prescribed by regulation, those persons could have been considered as dependent on the worker had the latter survived.

(4) Where the worker leaves no surviving consort and he leaves dependent persons contemplated in subparagraph 3 or 4 of paragraph 1 of subsection 1 of section 2, the indemnity of those dependent persons, when they are incapable, is paid to their tutor or mandatary or, if they do not have one, to the person designated by the Commission. The person so designated has the obligations of a tutor.

(5) Where a worker leaves a surviving consort and other dependent persons, the Commission may order, in the interest of those dependent persons, that part of the indemnity, rather than being paid to the surviving consort, be paid to the dependent persons or to their tutor or mandatary if they have one or, if they do not, to the person designated by the Commission. The person so designated has the obligations of a tutor.

(6) Notwithstanding subsection 1, where there are both dependent persons who were wholly dependent on the worker and dependent persons who were partly dependent on him, the Commission may allocate to those persons who were partly dependent on the worker such part of the amount of the indemnity that may be granted to them proportionately to the pecuniary loss sustained by each of them. The Commission may pay that amount in a capital sum, in accordance with the terms and conditions determined by it.

(7) Where an accident causes the death of a worker, the Commission shall reimburse to the person who has paid them the expenses incurred for funeral costs up to \$600, in addition to the costs of transportation of the body in the cases and amount prescribed by regulation.

Furthermore, the surviving consort and other dependent persons or, if there is no surviving consort, the dependent persons are granted by the Commission, in equal shares, an amount of \$500 as a special indemnity.

(8) Where a worker has disappeared following an accident under circumstances which raise a presumption that he is dead, the Commission may acknowledge that, for the purposes of this Act and until proof to the contrary, the worker is dead and the date of his death is that of the accident.

(9) Subject to subsections 6 and 7, the indemnity provided for in this section is paid in the form of an amount payable monthly.

(10) Where the dependent persons are a consort or a consort and children contemplated in paragraph 1 of subsection 1 of section 2, the monthly amount must not be less than the amounts established in Schedule C.

(11) Setting aside the indemnities provided for by subsection 7 and subject to the revalorization provided by section 41, the total of monthly amounts payable under this section shall not exceed 80% of the indemnity contemplated in subsection 1, except to the extent permitted in subsection 10.

R. S. 1964, c. 159, s. 34; 1966-67, c. 52, s. 3; 1971, c. 45, s. 2; 1978, c. 57, s. 19; 2020, c. 11, s. 168.

36. (1) A surviving spouse of less than 35 years of age, and a dependent person contemplated in subparagraph 2 of paragraph 1 of subsection 1 of section 2, who has no children and who is not an invalid, are no longer considered as dependent five years after the death of the worker, and the portion of the percentage contemplated in subsection 3 of section 35 to which each person was entitled is no longer paid at the expiry of that period or at the death of the beneficiary, whichever occurs first.

(2) A surviving spouse loses his or her right to an indemnity under this Act when he or she remarries or enters into a civil union, or lives in a *de facto* union, with another person, whether of the opposite sex or the same sex, for three years or for one year if a child is born of their union and they are publicly represented as spouses.

This provision also applies to a dependent person contemplated in subparagraph 2 of paragraph 1 of subsection 1 of section 2.

(3) In the cases provided for by the two preceding subsections, the right to an indemnity is not extinguished, however, before the expiry of a delay of five years after the death of the worker.

(4) The beneficiary contemplated in subsection 1 and 2 must, without delay, notify the Commission of any change in his situation that may affect the right to a benefit or the amount of the indemnity.

R. S. 1964, c. 159, s. 35; 1978, c. 57, s. 20; 2002, c. 6, s. 75.

37. The indemnity owing to a child is extinguished when he reaches 18 years of age or at his death if he dies before that age, unless he regularly attends a teaching institution or is an invalid.

A child of more than 18 years of age who regularly attends a teaching institution or who is an invalid is considered dependent so long as, in the manner prescribed by regulation, he would have been considered dependent upon the worker, had the latter survived.

R. S. 1964, c. 159, s. 36; 1978, c. 57, s. 21.

38. (1) Where permanent total disability results from an accident, the worker is entitled, for life, to an amount equal annually to 90% of his weighted net income.

(2) In the case of permanent partial disability, the worker is entitled, for life, to a payment provided for in subsection 1 according to the degree of his or her disability.

(3) Where the payment provided for in the preceding subsections does not exceed \$60 a month at the commencement of the right to that payment, the Commission must, unless it is not in the worker's interest to do so, convert the payment into a capital sum that is paid to him at the expiry of the delays provided by section 64 and 65 or when the review office or the Administrative Tribunal of Québec has rendered its decision, as the case may be.

The monthly payment to which the worker is entitled is paid to him until its conversion into a capital sum in accordance with the preceding paragraph.

The conversion of the amount payable to the worker into a capital sum is established in proportion to the worker's age, on the basis of the values mentioned in Schedule E.

(4) Where possible, the impairment of earning capacity is estimated from the nature of the injury, having always in view the worker's fitness to continue the employment in which he was injured or to adapt himself to some other suitable occupation.

(5) Where the worker dies, the sum which was payable to him under subsection 1 or 2 of this section shall be continued until the first day of the next month.

R. S. 1964, c. 159, s. 37; 1966-67, c. 52, s. 4; 1978, c. 57, s. 1, s. 22; 1997, c. 43, s. 3.

39. (1) The amounts payable under section 38 shall be revalorized by adding the following percentages in the following cases:

(a) if the accident occurred between 31 August 1931 and 1 July 1947: 60%;

(b) if the accident occurred between 30 June 1947 and 1 February 1952: 40%;

(c) if the accident occurred between 31 January 1952 and 1 January 1955: 27%;

(d) if the accident occurred between 31 December 1954 and 1 January 1960: 10%.

(2) The revalorization shall apply to amounts payable after 30 September 1964.

(3) The obligation to pay the increase in compensation resulting from the revalorization shall devolve upon the accident fund or the employer in the same manner as the obligation to pay the compensation.

40. (1) The sums payable under sections 38 and 39 shall be revalorized by adding the percentages shown in Schedule A.

(2) The revalorization provided for in subsection 1 shall apply to the amounts payable after 30 September 1967.

(3) The obligation to pay the increase in the sum resulting from the revalorization shall devolve upon the accident fund or the employer in the same manner as the obligation to pay the compensation.

1966-67, c. 52, s. 5.

41. (1) The sums payable under subsection 1 of section 35, subsections 1 and 2 of section 38, sections 39 and 40, the amount provided for in subsection 3 of section 38 and the minimum amounts established in Schedule C must be revalorized each year, in such manner and time as are prescribed in accordance with section 119 of the Act respecting the Québec Pension Plan ([chapter R-9](#)) for the adjustment of the benefits payable under the said Act, so that the amount payable for a month in any year following the first is equal to the product obtained by multiplying the amount that would have been otherwise payable for that month by the ratio that the Pension Index for that following year bears to the Pension Index for the year preceding that following year.

Where the worker dies by reason of an accident or an occupational disease after a period of disability resulting from that accident or that disease, the Commission must, to fix the indemnity provided for in subsection 1 of section 35, if the income of the worker at the time of his death is less than that used as the basis of establishment of the prior indemnity, revalorize, in accordance with the preceding paragraph, the income of the worker which served as the basis of establishment of the prior indemnity.

(2) The revalorization provided for in subsection 1 shall apply to the amounts payable after 1 January 1970.

(3) The obligation to pay the increase in the sum resulting from the revalorization shall devolve upon the accident fund or the employer in the same manner as the obligation to pay the compensation.

1969, c. 52, s. 2; 1978, c. 57, s. 23.

42. In the case of temporary total disability, the indemnity shall be the same as that prescribed by subsection 1 of section 38 but it shall be payable only so long as the disability lasts, subject to the provisions of paragraph a of subsection 1 of section 3.

In the case of temporary partial disability, the indemnity shall be the same as that prescribed by subsections 2, 3 and 4 of section 38, but shall be payable, subject to the provisions of paragraph a of subsection 1 of section 3, only so long as the disability lasts.

The compensation payable under this section shall be revalorized by a percentage of 4% on 1 January 1986, 4.1% on 1 January 1987, 4.4% on 1 January 1988, 4.1% on 1 January 1989, 4.8% on 1 January 1990, 4.8% on 1 January 1991 and, for every subsequent year, in the manner and at the time prescribed in accordance with the first paragraph of subsection 1 of section 41.

The obligation to pay the increase in compensation resulting from the revalorization shall devolve upon the accident fund or on the employer in the same manner as the obligation to pay the compensation.

The third and fourth paragraphs apply only in respect of a compensation payable for a period of disability occurring after 31 December 1991.

R. S. 1964, c. 159, s. 39; 1978, c. 57, s. 1; 1991, c. 35, s. 1.

42.1. A worker is entitled, to the extent that that advantage is not already covered by another plan:

(a) to the reimbursement of a sum the amount and terms and conditions of which are determined by regulation to take account of damage to clothing resulting from an accident or the wearing of a prosthesis or orthopedic device;

(b) to the reimbursement, in the cases and for the amounts determined by regulation, of the cost of repair or of replacement of a prosthesis or orthopedic device involuntarily broken or damaged by reason of or in the course of his work.

1978, c. 57, s. 24.

43. (1) If it is established to the satisfaction of the Commission that a worker is disabled from working by reason of an aggravation consequent upon a worker's accident which aggravation occurred more than one year after such accident, the indemnity in respect of the temporary disability shall be based on the earnings of the claimant at the time of the aggravation, as in the case of another accident, where such earnings are greater than those on which the previous indemnity was based.

(2) When such aggravation causes a permanent disability, the indemnity shall be based on the earnings previous to the aggravation if such earnings are greater than those on which the previous indemnity was based.

(3) In the cases provided in the last two subsections, the degree of disability for which the worker has already been compensated shall be deducted.

R. S. 1964, c. 159, s. 40; 1966-67, c. 52, s. 6; 1969, c. 52, s. 3; 1978, c. 57, s. 1.

44. The employer in whose service the worker is employed at the time of the accident, in the case of the first paragraph of section 42, or of the aggravation in the case of subsection 1 of section 43 or of a relapse resulting from a prior accident, shall pay to such worker, at the time his salary would ordinarily have been paid, the indemnity contemplated in the first paragraph of section 42 or in subsection 1 of section 43, for each of the first five days on which the worker is totally disabled to work, not counting the day on which the accident, aggravation or relapse occurred.

If the claim of the worker for an indemnity under this Act is subsequently deemed well founded, the indemnity paid by the employer under this section constitutes an indemnity granted under this Act and the Commission shall reimburse him.

Otherwise, the employer may demand reimbursement from the worker.

An employer who does not comply with the first paragraph of this section is guilty of an offence and is liable, in addition to costs, to a fine equal to twice the amount of the indemnity he omitted to pay to the worker, unless the employer proves that the claim of the worker was deemed unfounded.

1977, c. 42, s. 4; 1978, c. 57, s. 1, s. 25.

45. The amount of the indemnity to which a worker shall be entitled for temporary total or permanent total disability shall not be less than \$35.

Where his weekly earnings are less than that amount, the indemnity shall be equal to the weekly earnings.

In the case of temporary partial or permanent partial disability, the indemnity shall be determined on the same basis in proportion to the impairment of earning capacity.

R. S. 1964, c. 159, s. 41; 1966-67, c. 52, s. 7; 1978, c. 57, s. 1.

46. (1) The maximum rate of annual earnings is equal to 150% of a yearly average computed on the basis of the average weekly earnings 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 maximum rate of annual earnings is computed.

The maximum rate of annual earnings is rounded off to the next highest \$500 and is applicable, for the year 1979 and each of the subsequent years, from 1 January of each year.

Where a new method is adopted by Statistics Canada to determine the average weekly earnings for a given month, by modifying either the time basis or the content basis, and the yearly average computed in accordance with the data of the new method is more than 1% higher or lower than that computed in accordance with the data of the former method, the average weekly earnings 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 in use by Statistics Canada on 1 September 1977.

For the application of this subsection, the Commission shall use the data supplied by Statistics Canada on 1 October of the year in which the 12-month period serving as the basis for computing the maximum rate of annual earnings terminates.

(2) The Commission determines the income of the worker, basing itself on his earnings, including, where such is the case, his tips reported under section 1019.4 of the Taxation Act ([chapter I-3](#)) and attributed under section 42.11 of that Act, during the 12 months preceding his accident if his employment was not less than 12 months in the employ of the same employer, or during any other shorter period during which he was in the employ of his employer, according to the method it deems most appropriate to the circumstances.

Where, owing to the shortness of the time during which the worker was in the employ of his employer or the casual nature of his employment or the special conditions thereof, the Commission cannot determine his earnings according to the method provided in the preceding paragraph, it may take as a basis the earnings of a worker in the same grade employed at the same work by the same employer, or if there is no worker so employed over a period of 12 months prior to the accident, according to the earnings of a worker in the same grade employed in the same class of employment in the same economic region or in the same locality over a period of 12 months prior to the accident.

(3) Where the worker is working for several employers, in turn, his income is computed on the basis of what, in the opinion of the Commission, he would probably have been earning if he had been employed solely for the employer for whom he was working at the time of the accident.

(4) Employment by the same employer means employment by the same employer in the grade in which the worker was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(5) In computing the income of a worker, the sums which the employer was accustomed to pay the worker for any special expenses entailed by the nature of his employment shall not be reckoned.

(6) The Commission may, if this seems more equitable to it, establish the income of the worker on the basis of his hourly earnings at the time of the accident, taking into account the nature and special conditions of his employment.

(7) For the purposes of this Act, the Commission establishes the income:

(a) of a student who, under the responsibility of a teaching institution, undergoes a non-remunerated training period in an industry, based on the order of the Commission in force on the day of the accident;

(b) of a person who carries on non-remunerated work in an industry, based on the order of the Commission in force on the day of the accident, or if it seems more equitable to it, on the earnings of a worker in the same grade employed at the same work in the same economic region or in the same locality over a period of 12 months prior to the accident.

R. S. 1964, c. 159, s. 42; 1966-67, c. 52, s. 8; 1971, c. 45, s. 1; 1975, c. 54, s. 1; 1977, c. 5, s. 14; 1977, c. 42, s. 5; 1978, c. 57, s. 26; 1979, c. 45, s. 150; 1983, c. 43, s. 1; 1997, c. 85, s. 1; 2015, c. 15, s. 110.

47. (1) In fixing the amount of a weekly or monthly payment, the Commission shall deduct the equivalent of what the employer pays to the worker during the period of his disability, as rent, allowance, indemnity or benefit.

(2) Where the benefit is payable out of the accident fund, the Commission shall repay to the employer, out of such fund, any sum deducted from the worker under the preceding subsection.

(3) The Commission may deduct from the weekly or monthly payments and repay the equivalent of what a welfare or insurance service pays to a worker during his period of disability as an advance payment.

R. S. 1964, c. 159, s. 43; 1978, c. 57, s. 1.

48. The Commission may, wherever it deems it advisable, provide that the payments of compensation may be bimonthly or monthly instead of weekly, or, where the beneficiary is not a resident of Québec or ceases to reside therein, may otherwise fix the periods of payment or commute the compensation into a single payment.

R. S. 1964, c. 159, s. 44; 1978, c. 57, s. 1.

49. The widow of a worker who, before 1 January 1979, was entitled to a monthly payment under section 35 as it then existed, loses her rights to that payment when she remarries or she lives with a man as husband and wife for three years or for one year if a child was born of their union and they were publicly represented as consorts.

The payment of the widow is then replaced by the payment of an amount equal to the total of the payment for two years.

R. S. 1964, c. 159, s. 45; 1978, c. 57, s. 27.

50. The Commission may divert the whole or part of the payment to which a worker is entitled for the benefit of the consort or children of such worker, where:

(a) the worker has left Québec, leaving behind his or her consort or child or children under 18 years of age without adequate means of support; or

(b) the worker, although still residing in Québec, neglects or fails to provide for the support of his or her consort or children.

R. S. 1964, c. 159, s. 46; 1978, c. 57, s. 28.

51. Where the person entitled to rent or indemnity is a minor or under other legal disability, the Commission may, in its discretion, order that the rent or indemnity be paid to another person on his behalf, or be applied as the Commission may deem for his advantage.

R. S. 1964, c. 159, s. 47; 1978, c. 57, s. 1.

52. *(Repealed).*

1971, c. 45, s. 3; 1978, c. 57, s. 29.

DIVISION IV

MEDICAL AID

53. (1) An accident to which this Act applies shall, in addition, entitle the worker to the medical aid required by the condition to which such accident has reduced him.

(2) Medical aid shall include, if necessary, hospitalization, the necessary medical, surgical and nursing attendance, the remedies, medicines and other pharmaceutical supplies required, as well as the furnishing and normal renewing of prosthetic and orthopedic appliances, the use whereof is deemed necessary. When there is more than one hospital centre in the place where the injured worker has to be treated, the latter may designate the one chosen by him.

(3) Where the accident occurs in an industry subject to this Act, the injured worker must be furnished with all the medical aid that his case requires.

(4) In every case where a worker meets with an accident, he must be furnished with the health professional of his choice as soon as he is able to make his choice known and sees fit to avail himself of his privilege.

(5) The Commission shall determine the necessity, character, sufficiency or duration of medical assistance, if there is a disagreement on any such question.

(6) Services provided by a professional in the field of health under this Act and contemplated in the tenth paragraph of section 3 of the Health Insurance Act ([chapter A-29](#)) enacted by section 488 of the Act respecting industrial accidents and occupational diseases ([chapter A-3.001](#)), other than services provided by a professional in the field of health at the request of the employer, shall be paid to the professional by the Régie de l'assurance maladie du Québec in accordance with agreements made under section 19 of the Health Insurance Act.

Other fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the worker if he himself were paying the bill; and, except where otherwise agreed upon, the amount thereof shall be fixed and determined by the Commission, and no action for any amount larger than that so fixed shall lie before any court.

(7) Subject to the following provisions, it is not lawful for any employer, directly or indirectly, to retain, receive or collect from any worker any contribution toward the fees or expenses of medical aid, and every employer contravening this provision is for every such contravention guilty of an offence and may be liable, upon the order of the Commission, to reimburse the worker treble the amount of any sum so retained, received, or collected.

(8) No fees or expense of medical aid provided for by this Act may be claimed from a worker who has suffered an accident within the meaning of this Act and no action for same shall lie before any court of justice.

(9) Where any employer has now or hereafter established, in connection with any industry carried on by him, an arrangement for furnishing medical aid to his workers which, in the opinion of the Commission, is at least as favourable to the workers as that provided for in this section, the Commission, after investigating the facts and considering the wishes of both workers and employer, may approve such arrangement. As long as such approval remains unrevoked such arrangement may be continued in lieu of the medical aid herein provided for. If the industry is designated by regulation the employer who furnishes such medical aid shall be entitled to such reimbursement out of the accident fund or to such reduction in his rate of assessment as the Commission shall deem just.

(10) *(Subsection repealed).*

(11) Every employer shall at his own expense furnish to any worker injured in his employ, who is in need of it, immediate conveyance and transportation to a hospital centre, or to a health professional, or to the worker's home; and any employer failing so to do shall be liable, by order of the Commission, to pay for such conveyance and transportation as may be procured by the worker or by anyone for him, or as may be provided by the Commission.

(12) Where, in conjunction with or apart from the medical aid to which a worker is to be entitled free of charge, further care is proposed to be given him, the Commission shall determine the expediency and extent of any contribution from the worker towards the cost of such additional care or the legality of such contribution from the worker.

(13) The cost of medical aid shall be charged to the Commission, which shall reimburse the Régie de l'assurance maladie du Québec for the cost of services contemplated in the first paragraph of subsection 6 and any corresponding administrative costs.

In the case of an accident that does not disable the worker, beyond the day during which the accident occurred, from earning full wages in the employment he holds at the time of the accident and that does not give rise to any benefit other than services provided by a health professional, the amount of reimbursement for a year is equal to 5.4% of the total for that year of the cost assumed by the Régie for other services provided by health professionals under this Act and for the corresponding administrative costs.

Where an employer belongs to an industry mentioned in Schedule B, he must reimburse those expenses and those disbursements to the Commission in the manner it determines by regulation.

R. S. 1964, c. 159, s. 48; 1971, c. 48, s. 161; 1978, c. 57, s. 1, s. 30; 1985, c. 6, s. 480; 1997, c. 43, s. 4; 1999, c. 89, s. 53; 2020, c. 6, s. 9.

53.1. The Commission and the Régie de l'assurance maladie du Québec shall enter into an agreement regarding the mode of reimbursement of the sums paid by the Régie for the administration of this Act and regarding the fixing of administrative costs incurred by the Régie to pay for services contemplated in the first paragraph of subsection 6 of section 53.

1985, c. 6, s. 481; 1999, c. 89, s. 53.

54. A health professional or hospital centre official who has attended or had the care of or been consulted respecting a worker or the expert who has examined him at the request of the Commission shall report to it, his findings, treatments and recommendations, within six days of the first treatment, consultation or examination; he shall also furnish to the Commission the reports that it requires of him in respect of the worker and that are, in the opinion of the Commission, relevant to the rendering of a decision in respect of a claim; and, failing the making of such reports, such health professional, official or expert shall lose the right to recover the cost of his services.

R. S. 1964, c. 159, s. 49; 1971, c. 48, s. 161; 1978, c. 57, s. 1; 1985, c. 6, s. 482; 1986, c. 95, s. 8; 2020, c. 6, s. 6.

55. Reports to the Commission made by a health professional or expert are confidential. No person may give or receive written or verbal communication of a report or otherwise have access to it except for the purposes of the application of this Act or purposes of the examination of an application for review by a review board or of a hearing before the Administrative Tribunal of Québec, except with the express or implied authorization of the beneficiary, or on a court order.

Notwithstanding the first paragraph, the Commission shall, if the employer so requires, communicate, to the health professional designated by the employer, every report respecting an accident that he receives from a health professional or expert.

Notwithstanding section 19 of the Act respecting health services and social services ([chapter S-4.2](#)), an institution within the meaning of that Act must send to the Commission or to a health professional it designates, on request, a copy, extract or abstract of the file of an user if it is, in the opinion of the Commission, relevant to the rendering of a decision in respect of a claim. The same applies for an institution within the meaning of the Act respecting health services and social services for Cree Native persons ([chapter S-5](#)).

A worker to whom the Commission refuses access to his medical file or written or verbal communication of it may apply to a judge of the Superior Court or the Court of Québec to obtain access to his file, or communication of it, as the case may be.

R. S. 1964, c. 159, s. 50; 1971, c. 48, s. 161; 1977, c. 42, s. 6; 1978, c. 57, s. 1; 1979, c. 63, s. 255; 1986, c. 95, s. 9; 1988, c. 21, s. 66; 1997, c. 43, s. 5; 2005, c. 32, s. 230; I.N. 2016-01-01 (NCCP); 2020, c. 6, s. 7.

DIVISION V

REHABILITATION

1978, c. 57, s. 31.

56. The Commission takes such measures as it deems necessary and makes such expenditures as it deems expedient to assist a worker who is the victim of an accident or an occupational disease in his rehabilitation, to lessen or remove any handicap resulting from an injury and to facilitate his return to normal life and his reintegration into society and on the labour market.

R. S. 1964, c. 159, s. 51; 1978, c. 57, s. 31.

56.1. In the exercise of the functions incumbent on it in matters of rehabilitation, the Commission may, in particular:

- (a) organize and provide rehabilitation services;
- (b) develop, support and promote the activities of professionals in the field of health, of health establishments, of departments and of any other organization dealing with rehabilitation and cooperate with them;
- (c) assess the services available for rehabilitation and their efficiency;
- (d) cause research to be carried out on new rehabilitation methods;
- (e) see to the effectiveness of the rehabilitative measures and bring about the appropriate corrections;
- (f) distribute any information on rehabilitation;

(g) facilitate the access of a worker injured in an accident to consultation services in the field of rehabilitation;

(h) ensure that the worker suffering from a disability following an accident or an occupational disease has access to consultation services, particularly in the fields of vocational guidance, psychology, social service and workforce, to favour his reintegration into the functions he held before his accident;

(i) in the case where reintegration into the functions he held before his accident is impossible, provide for his re-education or training and furnish him with any form of assistance to enable him to have work adapted to his residual capacity;

(j) ensure the granting of financial assistance for the worker suffering from a disability resulting from an accident or an occupational disease in the case where it deems it useful or necessary for his reintegration into work, during a period of training, education or apprenticeship or in other cases it determines by regulation; or

(k) in the case of a permanent disability compelling the worker to stay in an establishment within the meaning of the Act respecting health services and social services ([chapter S-5](#)), favour the adaptation of his place of residence to the needs of that worker if such an adaptation may enable him to leave the establishment.

1978, c. 57, s. 31; 2007, c. 3, s. 72.

56.2. The expenses and disbursements that may be incurred for the purposes of this division are paid by the Commission and levied in the manner provided in Division X.

Where an employer belongs to an industry mentioned in Schedule B, he must, within 30 days of an application to that effect, reimburse those expenses and disbursements to the Commission, failing which, the Commission shall render a decision in which it shall indicate the nature, the amount and the date of the expenses and disbursements and the name of the worker for whom they were incurred.

1978, c. 57, s. 31; 1988, c. 66, s. 2.

DIVISION VI

COMMISSION

57. *(Repealed).*

R. S. 1964, c. 159, s. 52; 1966-67, c. 17, s. 9; 1969, c. 52, s. 4; 1977, c. 5, s. 14; 1978, c. 57, s. 32; 1978, c. 15, s. 140; 1979, c. 63, s. 256.

58. *(Repealed).*

R. S. 1964, c. 159, s. 54; 1979, c. 63, s. 256.

59. *(Repealed).*

R. S. 1964, c. 159, s. 55; 1979, c. 63, s. 256.

60. *(Repealed).*

R. S. 1964, c. 159, s. 56; 1979, c. 63, s. 256.

61. (1) *(Subsection repealed).*

(2) When the Commission, or any person designated by it, holds an inquiry at the chief-place of a judicial district, the clerk shall supply premises for the holding of the inquiry.

(3) When an inquiry is held in a place where there is a Court of Québec, the clerk of the court shall allow the Commission, or the person designated by the Commission, to use the premises intended for the Court of Québec, unless the court is then sitting therein.

R. S. 1964, c. 159, s. 57; 1965 (1st sess.), c. 17, s. 2; 1979, c. 63, s. 257; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

62. (Repealed).

R. S. 1964, c. 159, s. 58; 1966-67, c. 17, s. 10; 1978, c. 15, s. 140; 1979, c. 63, s. 258.

63. (1) Subject to section 70 and to the proceeding provided for in section 65, the Commission has exclusive jurisdiction to examine into and determine all matters and questions arising under this Act and to dispose of any other matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Except on a matter of jurisdiction, no application for judicial review under the Code of Civil Procedure ([chapter C-25.01](#)) shall lie, nor may any injunction be granted, against the Commission or its members in their official capacity.

A judge of the Court of Appeal may, on an application, annul by summary procedure any proceeding brought or decision rendered contrary to the provisions of the preceding paragraph.

(2) Without limiting the generality of the provisions of the preceding subsection 1, the Commission has exclusive jurisdiction to decide:

- (a) the nature of the industry operated by an employer, according to his principal activities;
- (b) the sector of economic activity, the unit or the class of units in which a particular industry or a part, a branch or a subsidiary of such industry is to be included;
- (c) any matter or question relating to the classification of industries, employers' assessment, medical aid or rehabilitation.

(3) Except in those cases in which it has delegated its powers in accordance with subsections 4 and 5, the Commission may at any time, with respect to matters within its jurisdiction, reconsider any question decided by it, and rescind, amend or alter its decisions and orders.

(4) The Commission may delegate generally, to such of its functionaries as it may designate, its powers to examine into and determine all matters and questions respecting the right to an indemnity, the quantum of an indemnity, the degree of impairment of earning capacity and the admissibility of an application for psychotherapeutic rehabilitation services made by a close relation of a crime victim referred to in section 5.1 of the Crime Victims Compensation Act ([chapter I-6](#)).

(5) The Commission may establish review boards composed of such of its functionaries as it may designate for a term specified in the instrument of designation, in such number as it may determine and delegate generally to these boards its powers to examine into and determine in review all matters relating any of the subjects enumerated in subsection 4.

(6) Decisions rendered by persons and boards under subsection 5 are governed by subsection 8 and are valid as decisions of the Commission.

(7) Persons designated under subsection 4 and members of review boards are vested with the powers and the immunity of commissioners appointed under the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to impose imprisonment.

(8) The Commission shall render its decisions according to equity and upon the real merits and justice of the case; it may, by all legal means which it deems best, inquire into the matters the investigation whereof is attributed to it. Its decisions shall state the grounds on which they are based.

(9) *(Subsection repealed).*

(10) *(Subsection repealed).*

R. S. 1964, c. 159, s. 59; 1965 (1st sess.), c. 80, a. 1; 1977, c. 42, s. 7; 1978, c. 57, s. 1, s. 33; 1979, c. 63, s. 259; 1985, c. 6, s. 483; 1986, c. 95, s. 10; 1997, c. 43, s. 6; 2006, c. 41, s. 6; I.N. 2016-01-01 (NCCP).

64. Every person who believes he has been wronged by a decision rendered by a functionary designated under subsection 4 of section 63 may apply to a review board established under subsection 5 of the said section to have the decision reviewed. The person shall briefly set out the main grounds on which it is based and the object of the decision to which it pertains. A copy of the application shall be notified to the Attorney General by the review board.

The application shall be made in writing to the review board within 30 days of notification of the decision, if the decision regards the right to an indemnity or the quantum of an indemnity, or within 90 days of notification of the decision, if the decision regards the degree of impairment of earning capacity.

A review board may allow a person to act after the expiry of the delays fixed in the preceding paragraph if that person shows that it was in fact impossible for him to act sooner.

After giving the applicant and the Attorney General the opportunity to present observations, the review board may confirm, quash or vary the decision and, if appropriate, make the decision which, in its opinion, should have been made.

The decision must be in writing, contain reasons and be notified to the applicant and to the Attorney General and must mention that the decision may be contested before the Administrative Tribunal of Québec and the time limit for doing so.

1977, c. 42, s. 8; 1978, c. 57, s. 1; 1997, c. 43, s. 7.

65. Every person who believes he has been wronged by a decision rendered by a review board may, within 60 days after notification, contest the decision before the Administrative Tribunal of Québec.

Moreover, a person may contest before the Tribunal the decision whose review the person applied for if the review board does not make a decision within 90 days after the receipt of the application, subject to the following:

- (1) if the person who applied for the review requested more time to present observations or produce documents, the 90-day time limit runs from the time observations are presented or documents are produced; and
- (2) if the board considers it necessary, to allow it to make a decision, that an examination be conducted by a health professional or that documents be produced, the time limit is extended for 90 days; the person who applied for the review must be notified of the extension.

1977, c. 42, s. 8; 1977, c. 5, s. 14; 1997, c. 43, s. 8; 2005, c. 17, s. 31.

65.1. An application for review to a review board or a proceeding before the Administrative Tribunal of Québec does not suspend the payment of an indemnity paid in the form of a pension.

1978, c. 57, s. 34; 1997, c. 43, s. 9.

66. *(Repealed).*

R. S. 1964, c. 159, s. 60; 1978, c. 57, s. 35; 1979, c. 63, s. 260.

67. *(Repealed).*

R. S. 1964, c. 159, s. 61; 1979, c. 63, s. 260.

68. *(Repealed).*

R. S. 1964, c. 159, s. 62; 1978, c. 57, s. 36; 1979, c. 63, s. 260.

69. *(Repealed).*

R. S. 1964, c. 159, s. 63; 1979, c. 63, s. 260.

70. (1) Upon deposit in the office of the clerk of the Superior Court of the district of Québec, or of the district in which the debtor has his domicile or place of business, of an authentic copy of a decision of the Commission, the Court may, upon application by the Commission or any interested party, homologate the decision which becomes executory as any other judgment, and order the debtor to pay legal costs. During judicial holidays or out of term, the judge of the Superior Court has the same jurisdiction as the Court for the purposes of this section.

The application for homologation shall be served upon the party against whom the decision was rendered, in the same manner and time as an ordinary action in the Superior Court.

Whenever, within the allotted time, the respondent files an answer to the summons accompanied with an affidavit establishing that he has a *bonafide* contestation to offer, the application for homologation, on application to that effect, shall be referred for hearing and adjudication to the Superior Court of the district of his domicile or place of business, as the case may be.

(2) The decision of the Commission shall be executory 15 days after the day on which it was homologated.

(3) Judgments homologating decisions of the Commission shall be final and without appeal.

R. S. 1964, c. 159, s. 64; 1979, c. 63, s. 261; I.N. 2016-01-01 (NCCP).

71. The worker who desires the homologation of a decision rendered in his favour may apply to the Superior Court of the district wherein he has his domicile.

R. S. 1964, c. 159, s. 65; 1978, c. 57, s. 1.

72. *(Repealed).*

R. S. 1964, c. 159, s. 66; 1969, c. 26, s. 21; 1978, c. 57, s. 37.

73. *(Repealed).*

R. S. 1964, c. 159, s. 67; 1970, c. 17, s. 102; 1979, c. 63, s. 262.

74. (Repealed).

R. S. 1964, c. 159, s. 68; 1968, c. 9, s. 90; 1979, c. 63, s. 262.

75. The Autorité des marchés financiers or any member of its personnel appointed by it for that purpose shall, once a year and whenever so required by the Government, examine the books and affairs of the Commission for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Government.

R. S. 1964, c. 159, s. 69; 1977, c. 5, s. 14; 1982, c. 52, s. 47; 2004, c. 37, s. 91.

76. (Repealed).

R. S. 1964, c. 159, s. 70; 1978, c. 57, s. 38.

77. (Repealed).

R. S. 1964, c. 159, s. 71; 1978, c. 57, s. 38.

DIVISION VII

CONTRIBUTION BY QUÉBEC

78. (Repealed).

R. S. 1964, c. 159, s. 72; 1979, c. 63, s. 262.

DIVISION VIII

ACCIDENT FUND

79. (1) An accident fund is established to provide payment of benefits and any other obligation incumbent on the Commission under this Act.

All employers, except those listed in Schedule B must contribute to the financing of the fund.

(2) The Commission may, by regulation, establish sectors of economic activity and define the units and classes of units that are related thereto. It shall classify each employer, according to the principal activities exercised by him, in one or several units.

(3) The Commission shall fix, every year, by order, the rates of assessment applicable to a unit or a class of units.

R. S. 1964, c. 159, s. 73; 1978, c. 57, s. 39.

80. If the Commission has not the necessary funds to pay the benefit or the expenses provided for by this Act, the Government, whenever requested so to do by the Commission, may authorize the Minister of Finance to advance to it, out of the Consolidated Revenue Fund, the sums required.

The sums so advanced shall be reimbursed to the Minister of Finance by the Commission and shall be paid into the Consolidated Revenue Fund.

R. S. 1964, c. 159, s. 74; 1978, c. 57, s. 1.

81. It shall be the duty of the Commission, unless the Government order otherwise, to maintain the accident fund so that with the reserves, exclusive of the special reserve, it shall always be sufficient to meet all the payments to be made out of the fund in respect of benefit as they become payable, and so as not unduly to burden the employers in future years with payments to be made in respect of accidents which have previously happened.

R. S. 1964, c. 159, s. 75; 1978, c. 57, s. 1.

82. (1) Subject to section 102, it shall not be obligatory upon the Commission to provide and maintain a reserve fund which shall at all times be equal to the capitalized value of the payments of benefit which will become due in future years, unless the Commission shall be of the opinion that it is necessary to do so in order to comply with the provisions of section 81.

(2) It shall not be necessary that the reserve fund be uniform as to all the units or all the classes of units but, subject to sections 81 and 102, the Commission may establish a reserve fund differing from one unit or class of units to another.

R. S. 1964, c. 159, s. 76; 1978, c. 57, s. 1, s. 40.

83. The sums collected by the Commission shall, as and when collected, be deposited in a bank or in a savings and credit union governed by the Savings and Credit Unions Act ([chapter C-4](#)).

Sums which the Commission does not expect to be immediately needed for its administrative costs or for payment of indemnities or benefit shall be deposited immediately with the Caisse de dépôt et placement du Québec.

1972, c. 41, s. 2; 1978, c. 57, s. 1.

84. (1) The Commission shall keep separate accounts indicating the amounts collected and expended in each sector of economic activity, each class of units and each unit, but, for the purpose of paying benefits, the accident fund shall be indivisible.

(2) Where the Commission deems that the accidents in any industry are partly due to not taking the proper precautions for their prevention, or where, in the opinion of the Commission, working conditions, the machinery or appliances in that industry are defective or insufficient, the Commission may, so long as such condition continues to exist, add to the amount of the contribution to the accident fund of the employer who operates that industry such a percentage as it may deem just and levy the amount upon such employer. The Commission may, moreover, exclude, at its discretion, such industry from the unit or class of units in which it is included and add it to the industries in Schedule B.

(3) Any additional percentage levied and collected under subsection 2 shall, at the discretion of the Commission, be added to the accident fund or applied in reduction of the contribution of the other employers in the unit or class of units of industries to which the employer from whom it is collected belongs.

R. S. 1964, c. 159, s. 77; 1978, c. 57, s. 41.

85. When an industry has been transferred from Schedule B to those designated by regulation, the Commission may charge to the accident fund the obligations resulting from accidents which happened before such transfer, upon remittance by the employer or his insurer of a reserve established in accordance with the legislative provisions in force at the time of each such accident.

R. S. 1964, c. 159, s. 79; 1978, c. 57, s. 1.

86. The Commission may, upon the application of an employer, add to a unit or a class of units for such time and upon such conditions as the Commission may determine, any industry or part of an industry of such employer.

R. S. 1964, c. 159, s. 80; 1978, c. 57, s. 42.

87. (Repealed).

R. S. 1964, c. 159, s. 81; 1978, c. 57, s. 43.

DIVISION IX

STATEMENTS TO BE FURNISHED BY EMPLOYERS

88. (1) Every employer shall yearly, on or before the date prescribed by the regulations of the Commission, prepare and transmit to the Commission a statement of the amount of the wages earned by all his employees, including, where such is the case, the gratuities that he is deemed to have paid them under section 1015.2 of the Taxation Act ([chapter I-3](#)), during the 12 months preceding the date fixed by the Commission or any part thereof specified by the Commission and of the amount which he estimates he will expend for wages, including, where such is the case, the gratuities he will be deemed to have paid under the said section 1015.2, during the then current year or any part thereof specified by the Commission, the number of employees contemplated in each case and such additional information as the Commission may require.

The correctness of such statement shall be attested by the declaration under oath of the employer or his manager or, where the employer is a legal person, by an administrator of such legal person having a personal knowledge of the matters to which the statement relates.

(2) For the purposes of this Act, every employer shall keep, in the usual form and with all the details required, a careful and accurate account of all wages paid to his employees, including, where such is the case, the gratuities that he is deemed to pay them under section 1015.2 of the Taxation Act; and such account shall be constantly kept within Québec and shall be produced to the Commission and its officers when so required.

(3) Where the undertaking of the employer embraces more than one branch of business or more than one establishment within the meaning of the Act respecting occupational health and safety ([chapter S-2.1](#)), the Commission may require separate statements from such employer for each branch of business and each establishment, and such statements shall be made, examined and transmitted as provided in subsection 1.

(4) If the employer does not make and transmit to the Commission the prescribed statement within the prescribed time, the Commission may base any ordinary or supplementary assessment on such sum as in its opinion is the probable amount of the pay-roll of the employer, and the employer shall be charged and assessed accordingly. If it is afterwards ascertained that the employer's pay-roll has exceeded the amount fixed by the Commission, such employer shall pay to the Commission the difference between the amount for which he was assessed and the amount for which he would have been assessed on the basis of his actual pay-roll.

(5) The Commission may, if the employer fails to furnish or delays in furnishing the statement prescribed by subsection 1 or furnishes an insufficient statement of the wages he has to pay to his employees, including, where such is the case, the gratuities that he is deemed to pay them under section 1015.2 of the Taxation Act, in addition to any other penalty provided by this Act, order the employer to pay, as the case may be, an additional amount of assessment or interest, as fixed by the Commission.

R. S. 1964, c. 159, s. 82; 1978, c. 57, s. 44; 1979, c. 63, s. 263; 1983, c. 43, s. 2; 1990, c. 4, s. 28.

89. Every employer who carries on an industry subject to the authority of this Act, shall obtain from the Commission and post up in his establishment, in a conspicuous place to which all his workers have access, a certificate to the effect that he has made and furnished to the Commission the statements and reports required by section 88.

R. S. 1964, c. 159, s. 83; 1978, c. 57, s. 1, s. 45.

90. (Repealed).

R. S. 1964, c. 159, s. 84; 1978, c. 57, s. 46.

91. The Commission, or any person designated by it, has the right to examine, at any time, the books, documents, files and accounts of any employer and to make such other inquiry as the Commission may consider expedient for the purpose of making any verification necessary for the application of the acts administered by it and, in particular, to ascertain whether any report furnished to it under section 88 is an accurate statement of the matters which are required to be stated therein, of ascertaining the amount of the pay-roll of any employer, of determining in what proportion an employer must contribute to the accident fund, or whether an employer is in conformity with section 22 of the Act.

R. S. 1964, c. 159, s. 85; 1978, c. 57, s. 47; 1979, c. 63, s. 264.

92. (1) If a statement is found to be inaccurate, the assessment shall be made on the true amount of the pay-roll as ascertained by such examination or inquiry; if an assessment has been made against the employer on the basis of his pay-roll being as shown by the statement, the employer shall pay to the Commission the difference between the amount for which he was assessed and the amount for which he would have been assessed if the exact amount of the pay-roll had been stated, and in addition, by way of supplementary assessment, a sum equal to such difference.

(2) The Commission, if satisfied that the inaccuracy of the statement was not intentional, may remit the supplementary assessment or part of the supplementary assessment incurred by such employer provided by the preceding subsection.

R. S. 1964, c. 159, s. 86; 1978, c. 57, s. 48; 1990, c. 4, s. 29.

93. (Repealed).

R. S. 1964, c. 159, s. 87; 1978, c. 57, s. 1, s. 49; 1979, c. 63, s. 265.

94. (Repealed).

R. S. 1964, c. 159, s. 88; 1978, c. 57, s. 50; 1979, c. 63, s. 265.

**DIVISION X
ASSESSMENTS**

95. (1) The Commission shall, each year, assess the employers other than those operating an industry listed in Schedule B, at the rate applicable to the unit or class of units to which their industries belong, to provide for the financing of the accident fund, and, in particular:

(a) to pay the benefits for the current year in respect of injuries to workers employed in the industries within such unit or class of units;

(b) to pay the expenses of the Commission in the administration of this Act for that year, or so much of such expenses as may not be otherwise provided for;

(c) to maintain a reserve fund, deemed sufficient by the Commission to pay the benefits payable in future, in respect of claims for accidents in that unit or class of units happening in that year and to thus prevent the employers from being burdened later on with payments to be made in respect of accidents which have happened previously.

For that purpose, the Commission shall levy such percentage of the statement of wages or such other sum as it considers sufficient.

(2) Where the employer is a contractor or sub-contractor, the Commission, if it deem proper, may determine the percentage of the assessment of such employer on the price agreed upon for the work done by him instead of on his pay-roll.

(3) If the employer carries on at the same time, either directly or through a contractor or a sub-contractor, several industries subject to different rates, the Commission may determine the proportion of the pay-roll submitted which shall be considered as general costs and assess such general costs proportionally among all the industries carried on.

(4) Such assessments may, if the Commission sees fit, be levied provisionally upon the estimate of pay-roll given by the employer, or upon an estimate fixed by the Commission and, after the actual pay-roll has been ascertained, adjusted to the correct amount; and the payment of assessments may, if the Commission deems fit, be divided into instalments.

(5) For the purposes of Divisions VIII, IX and X, the skilled tradesman contemplated in section 13 is deemed to be an employer.

The Commission may, where it is so required, consider an association of skilled tradesmen as an employer. In such a case, the Commission shall assess the association for all its members and the latter shall benefit by the protection of this Act in cases other than those provided for in paragraph *q* of subsection 1 of section 2.

R. S. 1964, c. 159, s. 89; 1978, c. 57, s. 51.

96. (1) Where the assessment is based on the pay-roll of the employer and the pay-roll includes the salary or wages of a worker whose rate of pay is greater than the maximum rate of annual earnings established under subsection 1 of section 46, the excess shall be deducted from the amount of the pay-roll and the assessment shall be based on the amount of the pay-roll as so reduced.

(2) It is not necessary that the assessment upon the employers in a unit or class of units be uniform for all employers, but it may vary for each industry comprised in a unit or class of units in relation to the hazard of such industry.

(3) A system of merit or demerit rating for assessing may, if the Commission deem proper, be adopted.

R. S. 1964, c. 159, s. 90; 1966-67, c. 52, s. 9; 1971, c. 45, s. 1; 1975, c. 54, s. 1; 1977, c. 42, s. 9; 1978, c. 57, s. 1, s. 52.

97. (1) The Commission shall fix the percentage, rate or sum for which each employer is assessed under the provisions of sections 95 and 96, or the provisional amount thereof, and such employer shall pay to the Commission the amount or provisional amount of his assessment within one month, or such other time as the Commission may fix, to run from the notice of the assessment and of the amount to be paid. Where payment is to be made by instalments, the employer shall pay the first instalment within the above-mentioned delay, and the remaining instalment or instalments at the time or times specified in such notice.

(2) The notice may be sent by post to the employer and shall be deemed to have been given to him on the day on which the notice was posted.

(3) Wherever it appears that a statement or estimate of pay-roll, upon which an assessment or provisional amount of assessment is based, is too low, the employer shall upon demand pay to the Commission such additional sum, to be fixed by the Commission, as will bring the payment of assessment or provisional amount up to the proper amount;

and the employer may be compelled to the payment of any such sum in the same manner as the payment of any assessment may be enforced.

R. S. 1964, c. 159, s. 91.

98. If the amount realized from any assessment is insufficient for the purpose for which the assessment was made, the Commission may make supplementary assessments to make up the deficiency and section 97 shall apply to such supplementary assessments, but the Commission may defer such supplementary assessment until the next annual assessment is made and then include in such annual assessment the amount required to make up the deficiency.

R. S. 1964, c. 159, s. 92.

99. (1) Where any deficiency in the amount realized from any assessment in any unit or class of units is caused by the failure of some of the employers in that unit or class of units to pay their share of the assessment or by any disaster or other circumstance which, in the opinion of the Commission, would unfairly burden the employers in that unit or class of units, the deficiency or loss may be made up by supplementary assessment upon the employers in all the classes of units and the provisions of section 97 shall apply to such assessment; the Commission may defer such supplementary assessing until the next annual assessment and then include in such annual assessment, the amount necessary to make up the deficiency.

(2) The Commission, where it deems proper, may add to the assessment for any unit or class of units, a percentage or additional sum for the purpose of raising a special fund to be laid aside and used to meet the loss arising from any disaster or other circumstance which, in the opinion of the Commission, would unfairly burden the employers in any unit or class of units.

(3) Where an employer employs a worker handicapped as a result of a previous accident, a congenital infirmity or a pathological condition, the Commission may charge all or part of the cost of expenditures and benefits respecting such accident to a special fund.

(4) The Commission may add to the assessment for any or several units or all classes of units a percentage or additional sum in order to establish the special fund contemplated in subsection 3.

(5) Where a worker is the victim of an accident occasioned totally or partly through the fault of an employer whose industry is subject to this Act, of an employee, servant or mandatary of such an employer or of a person driving an automobile within the meaning of the Automobile Insurance Act ([chapter A-25](#)), the Commission may charge all or part of the costs of expenditures and benefits respecting such accident, to a special fund, to the employer, to one or more units, or to all classes of units.

Where the employer contemplated in the preceding paragraph is an employer listed in Schedule B, the Commission shall claim all or part of the cost of expenditures and benefits respecting such accident.

R. S. 1964, c. 159, s. 93; 1978, c. 57, s. 53.

100. (1) If any deficiency mentioned in sections 98 and 99 is afterwards made good, wholly or partly, by the defaulting employer, the amount so received shall be apportioned between the other employers in the proportions in which the deficiency was made up by them by the payment of supplementary assessment upon them and shall be credited to them in making the next assessment.

(2) An employer liable to assessment, who is not assessed in any year, shall nevertheless be liable to pay to the Commission the amount for which he should have been assessed, and payment of that amount may be enforced in the same manner as the payment of an assessment.

(3) Any sum collected from an employer under subsection 2 shall be credited to the employers in the unit and class of units of industries to which such employer belonged and shall be deducted from the next assessment.

R. S. 1964, c. 159, s. 94; 1978, c. 57, s. 54.

101. Notwithstanding that the deficiency arising from a default in the payment of the whole or part of any assessment has been made up by a supplementary assessment, a defaulting employer who owes such assessment or part thereof shall continue liable to pay the same to the Commission.

R. S. 1964, c. 159, s. 95.

102. Whenever the Government is of the opinion that the available amount of the accident fund, with the reserves exclusive of the special reserve, is not sufficient to meet all the payments to be made in respect of benefits as they become payable, and so as not to unduly burden the employers in any unit or class of units of industry in future years with payments which are to be made in respect of accidents which have happened in previous years, it may require the Commission to make a supplementary assessment of such sum as in its opinion is necessary to be added to the accident fund.

When such a requirement is made, the Commission shall forthwith make such supplementary assessment in the manner provided in this Act for other supplementary assessments.

R. S. 1964, c. 159, s. 96; 1978, c. 57, s. 55.

103. In order to maintain the accident fund as provided by section 81, the Commission may, from time to time and as often as it may deem it necessary, increase any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose; and the sums so collected shall form a reserve fund and shall be invested in conformity with the rules respecting investments presumed sound contained in the Civil Code.

R. S. 1964, c. 159, s. 97; 1966-67, c. 81, s. 4.

104. If an assessment is not paid at the time when it becomes payable, the defaulting employer shall pay, as a supplementary assessment, such a percentage upon the amount unpaid as may be prescribed by the regulations.

R. S. 1964, c. 159, s. 98; 1978, c. 57, s. 56; 1990, c. 4, s. 30.

105. (1) Any employer who refuses or neglects to make and transmit any pay-roll, return or other statement required to be furnished by him under sections 88 and 108, or who refuses or neglects to pay any assessment or special or supplementary assessment, or the provisional amount of any assessment, or any instalment or part of such assessments, shall, in addition to any penalty and other liability to which he may be subject, pay to the Commission the full amount or capitalized value, as determined by it, of the benefits payable in respect of any accident to a worker in his employ which happens during the period of such default. The employer may be compelled to pay such amount in the same manner as the payment of an assessment may be enforced.

(2) The Commission, if satisfied that such default was excusable, may in any case relieve such employer, in whole or in part, from liability under this section.

(3) *(Subsection repealed)*.

R. S. 1964, c. 159, s. 99; 1978, c. 57, s. 57.

106. Where default is made in the payment of the whole or any part of any assessment, supplementary assessment, or special assessment, the Commission may render a decision declaring that the assessment was made and determining the amount remaining unpaid on account of it and giving the name and address of the person by whom it was payable. Such decision shall be executory after being homologated in conformity with the provisions of section 70.

R. S. 1964, c. 159, s. 100.

107. The judgment homologating a decision of the Commission rendered under section 106 may be executed in the usual manner.

R. S. 1964, c. 159, s. 101.

108. An employer must, within ten days following the beginning of the operation of an industry, give a written notice to the Commission setting forth:

- (a) the nature and location of the industry;
- (b) an estimate of wages for the remainder of the year;
- (c) any other information determined by regulation.

The employer who fails to comply with the preceding paragraph is guilty of an offence and is liable, in addition to any other penalty or liability incurred under this Act, to pay to the Commission the additional amount of assessment or interest contemplated in subsection 5 of section 88.

R. S. 1964, c. 159, s. 102; 1978, c. 57, s. 58; 1990, c. 4, s. 31.

109. (1) Where an employer engages in any of the industries designated by regulation and has not been assessed in respect of it, the Commission, if it is of opinion that the industry is to be carried on only temporarily, may require the employer to pay or to give security for the payment to the Commission of a sum equal to the assessment for which he would have been liable if the industry had been in operation when the next preceding assessment was made.

(2) The Commission shall have the same powers and be entitled to the same remedies for enforcing payment from the employer of such sum as it possesses or is entitled to for enforcing payment of assessments.

(3) *(Subsection repealed)*.

R. S. 1964, c. 159, s. 103; 1978, c. 57, s. 1, s. 59.

110. (1) The amount of any assessment or compensation for which an employer is liable shall constitute a prior claim on all the property of such employer and of the principal contemplated by subsection 3 of section 11 of this Act, ranking immediately after law costs.

(2) When the benefit is payable by periodical instalments, such instalments, for the purposes of this section, shall be converted by the Commission into a capital sum representing the instalments to become due.

DIVISION XI

OCCUPATIONAL DISEASE

1978, c. 57, s. 60.

111. (1) Where an occupational disease disables a worker or causes his death, the beneficiary is entitled to the benefits provided for under this Act, as if the disease were a bodily injury by accident and the disablement were the happening of an accident, subject to the following provisions: no benefit may be paid if the worker, at the time of entering into the employment, had wilfully and falsely represented himself in writing as not having previously suffered from the disease. The beneficiary's claim must be presented within six months of the date when it is medically established and brought to his attention that he is suffering from an occupational disease, or of the date of his death therefrom, as the case may be.

(2) Where a benefit for an occupational disease is payable by an employer individually, it is payable by the employer who last employed the worker in the employment during which the disease began.

(3) The beneficiary, if so required, shall furnish the employer mentioned in subsection 2 with such information as he possesses with respect to the names and addresses of the other employers for whom he worked in the employment to the nature of which the disease was due; if such information is not furnished or is not sufficient to enable that employer to take the proceedings mentioned in subsection 4, that employer, upon proving that the disease was not contracted while the worker was in his employ, is not liable to pay any benefit.

(4) If the last employer alleges that the disease was in fact contracted while the worker was in the employ of some other employer, he may bring such employer before the Commission, or a person designated by it, and if the allegation is proved, the Commission may order the latter employer to pay the benefit.

(5) If the disease is such as to be contracted and to develop gradually, all the other employers who employed the worker in employment of the nature to produce the disease are liable to pay to the employer by whom the benefit is payable such proportion or contribution as the Commission may determine to be just.

(6) The amount of the indemnity shall be fixed with reference to the income of the worker under the employer by whom the indemnity is payable, and the notice provided for by section 21 shall be given to the last employer of the worker who gave him work of a nature to produce the disease.

The notice in a case under this subsection may be given notwithstanding that the worker has voluntarily left the employment.

If a worker has left an employment during which his disease had begun more than one year previously, the amount of the indemnity is fixed in accordance with the second paragraph of subsection 2 of section 46.

(7) Where the benefits are payable out of the accident fund, the Commission shall make such investigation as it deems necessary to ascertain the unit or class of units or sector of economic activity against which the benefits should be charged and act accordingly.

(8) If the worker, at or immediately before the date of the disablement, was employed in any process mentioned in the second column of Schedule D or in the regulations, and the disease contracted is the disease in the first column of the schedule or of the regulations opposite the description of such process, the disease is presumed to have been due to the nature of that process. In other cases, it must be established to the satisfaction of the

Commission that the disease was caused by the nature of the process in which the worker was employed.

But no benefit is payable under this Act unless the worker has been a resident of Québec for the three years preceding his claim, except where the Commission is satisfied that the disease is not due to any other cause than his employment within Québec.

(9) In the case of a disease not provided for in Schedule D or the regulations, this section applies if the beneficiary establishes, to the satisfaction of the Commission, that the disease was contracted out of or in the course of work done by the worker for an employer and that it is characteristic of that work or directly linked to the particular risks thereof.

(10) In the case of a disease not provided for by Schedule D or the regulations, subsection 1 applies if the worker's disease is caused by an injury resulting from an accident which gives him the right to a benefit under this Act.

R. S. 1964, c. 159, s. 105; 1978, c. 57, s. 1, s. 61; 1979, c. 63, s. 266.

112. In this Act:

(1) the word "pneumoconiosis" shall mean a pathological condition of the lungs, due to breathing air containing siliceous dust and characterized anatomically by generalized fibrous changes in both lungs; such word includes, especially, the diseases known under the names of "silicosis" and "asbestosis" ;

(2) the expression "siliceous dust" shall mean silica dust or other compounds of silicon, including asbestos.

R. S. 1964, c. 159, s. 106.

113. The worker who has ceased to be ordinarily and regularly employed in an industry where he is exposed to breathing siliceous dust must, under pain of forfeiture, produce his claim for pneumoconiosis and prove it within five years of the date on which he left such employment. However, the Commission may, if it considers that justice demands it, receive the claim even after such delay.

R. S. 1964, c. 159, s. 108; 1966-67, c. 52, s. 10; 1978, c. 57, s. 1.

114. (1) The Commission may, in its discretion, set up clinics and require workers who are exposed to the inhalation of siliceous dust to undergo medical examination therein.

(2) The expenditures incurred for such clinics shall be paid by the Commission out of the accident fund and shall be levied by means of an addition to the assessment of the unit or class of units to which the industries for the benefit of which such clinics are established belong.

(3) The Commission may, in the same manner, contribute towards the expenses of such clinics established by employers.

(4) The Commission may by regulation require, for any industry, unit, class of units in which, in its opinion, the workers are exposed to the inhalation of siliceous dust, a periodical medical examination of the workers in a clinic established or subsidized under this section.

(5) After the coming into force of any such regulation, no employer in any industry mentioned therein may utilize the services of any worker who does not furnish him, at the time and in the manner determined by such regulation, with a certificate establishing that he is fit to hold an employment that may expose him to the inhalation of siliceous dust.

(6) *(Subsection repealed).*

(7) *(Subsection repealed).*

R. S. 1964, c. 159, s. 109; 1977, c. 42, s. 11; 1978, c. 57, s. 1, s. 62.

DIVISION XII

Repealed, 1979, c. 63, s. 268.

1978, c. 57, s. 63; 1979, c. 63, s. 268.

115. *(Repealed).*

R. S. 1964, c. 159, s. 110; 1978, c. 57, s. 64; 1979, c. 63, s. 268.

116. *(Repealed).*

R. S. 1964, c. 159, s. 111; 1978, c. 57, s. 65; 1979, c. 63, s. 268.

DIVISION XIII

CONTRIBUTION BY EMPLOYERS IN INDUSTRIES IN SCHEDULE B

1978, c. 57, s. 1.

117. Employers in industries included in Schedule B shall pay to the Commission such proportion of the expenses of the Commission in the administration of this Act as the Commission may deem just to determine, and the sum payable by such employers shall be apportioned between them and assessed and levied in like manner as are assessments for the accident fund. The provisions of this Act shall apply, with the necessary modifications, to assessments made under the authority of this section.

R. S. 1964, c. 159, s. 112; 1978, c. 57, s. 1.

DIVISION XIV

OFFENCES

1978, c. 57, s. 66.

118. *(Repealed).*

R. S. 1964, c. 159, s. 113; 1978, c. 57, s. 67.

119. Every employer who contravenes section 19 or 22 or subsection 7 of section 53 is guilty of an offence and is liable

(a) to a fine of not less than \$300, in the case of an individual;

(b) to a fine of not less than \$600, in the case of an artificial person.

R. S. 1964, c. 159, s. 114; 1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.1. Every employer who contravenes section 44 is guilty of an offence and is liable to a fine equal to double the amount of the indemnity he failed to pay to the worker, unless he proves that the claim of the worker was judged to be unfounded.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.2. Any person who, without reasonable cause, the proof of which is on him, hinders an inquiry or the examination of a matter by the Commission, any person designated by it or a review board, or refuses or fails to comply with an order of the Commission, any person designated by it or of a review board, is guilty of an offence and is liable

(a) to a fine of not less than \$150, in the case of an individual;

(b) to a fine of not less than \$300, in the case of an artificial person.

1978, c. 57, s. 68; 1990, c. 4, s. 32; 1997, c. 43, s. 10.

119.3. The employer who contravenes subsection 1, 2 or 3 of section 88, who makes or files, to comply therewith, a false or erroneous declaration, is guilty of an offence and is liable

(a) to a fine of not less than \$300, in the case of an individual;

(b) to a fine of not less than \$500, in the case of an artificial person.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.4. The employer who contravenes section 89 is guilty of an offence and is liable to a fine of not less than \$100 for each day the offence continues.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.5. Any person who prevents, hinders or refuses the inspection provided for in section 93 is guilty of an offence and is liable to a fine of not less than \$500.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.6. Any person who contravenes section 94 is guilty of an offence and is liable to a fine of not less than \$100.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.7. An employer who contravenes section 108 or 109, or neglects to pay, within one month from the date it is due, any assessment or any special or additional assessment, or the amount of any provisional assessment, or any instalment or part of such assessments and who, after that period, and while still in default, continues to operate an industry, is guilty of an offence and is liable

(a) to a fine of not less than \$300 per day, in the case of an individual;

(b) to a fine of not less than \$600 per day, in the case of an artificial person.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.8. An employer who contravenes subsection 5 of section 114 is guilty of an offence and is liable

(a) to a fine of not less than \$1,000, in the case of an individual;

(b) to a fine of not less than \$2,000, in the case of an artificial person.

1978, c. 57, s. 68; 1990, c. 4, s. 32.

119.9. Any person who omits to file a declaration required by the Commission or makes or files a false or incorrect declaration to or with the Commission, or is a party to an

agreement contrary to this Act, or who infringes a prescription of this Act or a regulation in respect of which no penalty is specially provided, is guilty of an offence and is liable

(a) to a fine of not less than \$100, in the case of an individual;

(b) to a fine of not less than \$300, in the case of an artificial person.

1978, c. 57, s. 68; 1979, c. 63, s. 267; 1990, c. 4, s. 32.

119.10. For the first subsequent offence, the offender is liable to a fine of an amount that must not be less than double the fines provided in sections 119 to 119.9.

For any other subsequent offence, the amount of the fine must not be less than treble the fines provided for in sections 119 to 119.9.

1978, c. 57, s. 68; 1990, c. 4, s. 32; 1992, c. 61, s. 29.

119.11. If the offences referred to in sections 119 to 119.9 have directly endangered the life or the health of a worker, the offender is liable to a fine in an amount that must not be less than ten times the fines provided for in sections 119 to 119.9.

1978, c. 57, s. 68.

119.12. Failure by a worker to comply with this Act or the regulations hereunder does not relieve the employer from an obligation imposed on him by this Act or the regulations hereunder.

Failure by an employer to comply with this Act or the regulations hereunder does not relieve the worker from an obligation imposed on him by this Act or the regulations hereunder.

1978, c. 57, s. 68.

119.13. *(Repealed).*

1978, c. 57, s. 68; 1992, c. 61, s. 30.

119.14. The Commission may institute penal proceedings for an offence under a provision of this Act or the regulations thereunder.

1978, c. 57, s. 68; 1990, c. 4, s. 33; 1992, c. 61, s. 31.

119.15. *(Repealed).*

1978, c. 57, s. 68; 1992, c. 61, s. 32.

120. The fines belong to the Commission and form part of the accident fund, except where the Attorney General instituted the penal proceedings.

The same rule applies to costs which are transmitted to the Commission with the defendant's plea.

R. S. 1964, c. 159, s. 115; 1992, c. 61, s. 33.

DIVISION XV

BENEFITS TO VISUALLY HANDICAPPED WORKERS

1978, c. 57, s. 69.

121. For the purposes of this division, a visually handicapped person is a person whose vision renders him incapable of doing work for which sight is necessary.

R. S. 1964, c. 159, s. 116; 1978, c. 57, s. 69.

122. Where the total amount of the benefits payable by reason of an accident to a visually handicapped worker exceeds \$50, the excess shall be repaid by the Minister of Finance to the accident fund or to the employer, as the case may be, provided that, at the time of the accident, such visually handicapped worker was employed, with the approval of an institute for visually handicapped persons recognized by the Government on the recommendation of the Commission.

R. S. 1964, c. 159, s. 117; 1978, c. 57, s. 69.

123. The payment contemplated by section 122 shall be made by the Minister of Finance out of the Consolidated Revenue Fund, upon the certificate of the Commission.

R. S. 1964, c. 159, s. 118; 1978, c. 57, s. 69.

DIVISION XVI

REGULATIONS

1978, c. 57, s. 69.

124. The Commission may make regulations

(a) designating the industries in which employers are required to contribute to the accident fund;

(b) specifying the criteria according to which a student may be considered to regularly attend a teaching establishment;

(c) defining, in the case of a dependent person, the expression “wholly or partly dependent upon the worker’s income” ;

(c.1) determining any professional, within the meaning of the Professional Code ([chapter C-26](#)), who may act as a health professional for the purposes of this Act;

(d) establishing the deductions for the purpose of computing the weighted net income of the worker and specifying the family situations and the income brackets necessary for such computation;

(e) determining the cases where a person performing non-remunerated work in an industry may be considered as a worker and specifying the terms and conditions therefor;

(f) determining the cases or circumstances and the terms and conditions whereby a skilled tradesman is a worker within the meaning of subparagraph i of paragraph q of subsection 1 of section 2 and prescribing the content of the notice that a skilled tradesman must send to the Commission under section 13 and setting out the terms and conditions thereof;

(g) defining, for the purposes of subsection 4 of section 35, and section 37, the words “could have been considered as dependent on the worker had the latter survived” ;

(h) determining the cases where the costs of transportation of the body of a worker may be granted and in what amount;

(i) determining the cases, the amount and the terms and conditions for the reimbursement of the amounts contemplated in section 42.1;

(j) specifying, for the purposes of subsection 13 of section 53, the terms and conditions of reimbursement, by an employer listed in Schedule B, of the expenses and disbursements incurred by the Commission for medical aid;

(k) determining, for the purposes of paragraph *j* of section 56.1, the cases where financial assistance is granted to a worker and specifying the amounts and the terms and conditions thereof, and providing for the revalorization of the assistance or of any of the elements used in computing the amount of such assistance;

(l) (*paragraph repealed*);

(m) establishing, with a view to evaluating the reduction in a worker's capacity to work, a scale of anatomical and physiological deficiencies and determining the criteria and methods for evaluating a worker's fitness to return to the work in the course of which he was injured and for his adaptation to some other appropriate occupation;

(n) defining the words and expressions: "sector of economic activity", "class of units" and "unit" ;

(o) establishing sectors of economic activity, units and classes of units;

(p) determining the unit or class of units to which an industry belongs;

(q) determining the cases where an employer may belong to more than one unit;

(r) establishing a system to review periodically the classification of employers and industries;

(s) defining the procedure of review of a decision of the Commission dealing with assessment and classification;

(t) defining, for the purposes of section 104, the meaning of the expression "a percentage upon the amount unpaid" ;

(u) defining the content of the notice required under section 108;

(v) specifying the cases where the Commission may require the periodic medical examination provided for under subsection 4 of section 114;

(w) requiring that a certificate attesting that a worker is fit to hold an employment that may expose him to the inhalation of siliceous dust;

(x) (*paragraph repealed*);

(y) recognizing an occupational disease other than those listed in Schedule D as a characteristic of certain work or as being directly related to the specific risks of certain work;

(z) generally prescribing any other measure required for the implementation of this Act.

Where the Commission determines a professional under subparagraph *c.1* of the first paragraph, it may adapt the rules and standards set out in this Act concerning the roles and responsibilities of that professional, or exclude some of those rules and standards.

1978, c. 57, s. 69; 1979, c. 63, s. 269; 1988, c. 66, s. 3; 1991, c. 35, s. 2; 1992, c. 61, s. 34; 2020, c. 6, s. 8.

125. A regulation made by the Commission under section 124 is subject to the approval of the Government with the exception of a regulation made under paragraph *d* of that section.

1978, c. 57, s. 69; 2006, c. 53, s. 30.

DIVISION XVII
FINAL PROVISIONS

1979, c. 63, s. 270.

126. The Government shall designate a minister to be responsible for the application of this Act.

1979, c. 63, s. 270.

127. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE A

TABLE OF INCREASES PROVIDED FOR IN SECTION 40

Year of accident	Rate of increase	Year of accident	Rate of increase
1931	40 %	1949	12.5 %
1932	40 %	1950	12.5 %
1933	40 %	1951	12.5 %
1934	40 %	1952	7.14 %
1935	40 %	1953	7.14 %
1936	40 %	1954	7.14 %
1937	40 %	1955	10 %
1938	40 %	1956	9 %
1939	40 %	1957	5 %
1940	34 %	1958	2.2 %
1941	26 %	1959	1.1 %
1942	21 %	1960	10 %
1943	19 %	1961	9 %
1944	18 %	1962	8 %
1945	17 %	1963	6 %
1946	14 %	1964	4 %
1947	12.5 %	1965	2 %
1948	12.5 %		

1966-67, c. 52, s. 11.

SCHEDULE B

(Sections 4, 32, 53, 56.2, 79, 84, 95, 99, 117, 124)

INDUSTRIES THE EMPLOYERS IN WHICH ARE INDIVIDUALLY LIABLE TO PAY THE
COMPENSATION

- (1) The industry or business contemplated in paragraph e of subsection 2 of section 2.
- (2) The construction or operation of railways operated by steam, electric or other motive power, street railways and incline railways, but not their construction when constructed by any person other than the company which owns or operates the railway.
- (3) The construction or operation of car shops, machine shops, steam and power plants and other works for the purposes of any such railway or used or to be used in connection with it when constructed or operated by the company which owns or operates the railway.
- (4) The construction or operation of telephone lines and works within the legislative authority of the Parliament of Canada, for the purposes of the business of a telephone company or used or to be used in connection with its business when constructed or operated by the company.
- (5) The construction or operation of telegraph lines and works for the purposes of the business of a telegraph company or used or to be used in connection with its business when constructed or operated by the company.
- (6) The construction or operation of steam vessels and works for the purposes of the business of a navigation company or used or to be used in connection with its business when constructed or operated by the company, and all other navigation, towing, operation of vessels, and marine wrecking.
- (7) The operation of the business of an express company which operates on or in conjunction with a railway, or of sleeping, parlor or dining cars, whether operated by the railway company, or by an express, sleeping, parlor or dining car company.
- (8) The construction or operation of a bridge connecting Québec with an adjacent province or state, but not its construction when constructed by any person or company other than the person or company owning or operating the bridge.

R. S. 1964, c. 159, Schedule II; 1977, c. 5, s. 14; 1978, c. 57, s. 1; 1979, c. 63, s. 271.

SCHEDULE C

(Section 35 subs. 10, 41)

TABLE OF MINIMUM AMOUNTS PAYABLE IN 1978

Consort alone	\$227.24
Consort and one child	\$286.34
Consort and more than one child	\$345.44

1978, c. 57, s. 71.

SCHEDULE D

(Section 124)

OCCUPATIONAL DISEASES	
DESCRIPTION OF DISEASES	DESCRIPTION OF PROCESS
(1) Infected blisters:	Any process involving continuous friction, rubbing or vibration.
(2) Anthrax:	Handling of wool, hair, bristles, hides and skins.
(3) Brucellosis:	Care, slaughtering, cutting, transport of slaughter-house animals. Laboratory work of an employer subject to the Act.
(4) Bursitis:	Any process involving continuous rubbing, pressure, irritation or vibration of the parts affected.
(5) Dermatitis:	
(6) Poisoning or its sequelae:	
(a) Arsenic:	Any process involving the use of arsenic or its preparations or compounds.
(b) Benzol:	Any process involving the use of benzol.
(c) Cadmium:	Any process involving the use of cadmium or its preparations or compounds.
(d) Chrome:	Any process involving the use of chromium or its compounds.
(e) Brass, nickel, zinc:	Any process involving the use of nickel or brass, or melting or smelting of zinc.
(f) Chlorinated hydrocarbons, Carbon tetrachloride, Trichlorethylene, Tetrachlorethane, Trichloronaphtalene and others:	Any process in the manufacture or involving the use of these substances.
(g) Mercury:	Any process involving the use of

	mercury or its preparations or compounds.
(h) Nitro- and amino-derivatives of benzene, phenol and their homologues (trinitrotoluene, dinitrophenol, anilin and others):	Handling any nitro- or amino-derivates of benzene or phenol or any of their homologues, or any process in the manufacture or involving the use thereof.
(i) Carbon monoxide:	Any process involving the emanation of carbon monoxide.
(j) Phosphorus:	Any process involving the use of phosphorus or its preparations or compounds.
(k) Lead:	Any process involving the use of lead or its preparations or compounds.
(l) Nitrous fumes:	Any process in which nitrous fumes are evolved.
(7) Compressed air illness or caisson disease:	Any work carried on in compressed air.
(8) Diseases caused by exposure to X-Rays or radium or other radio-active substances:	
(9) Pneumoconiosis (Silicosis and asbestosis):	Mining, quarrying, cutting, crushing, grinding or polishing of stone. Smelting, grinding or polishing of metal. Pottery.
(10) Retinitis:	Electro-welding or acetylene welding.
(11) Tenosynovitis:	
(12) Deafness:	Any process involving exposure to levels of excessive noise.

R. S. 1964, c. 159, Schedule III; 1978, c. 57, s. 72.

SCHEDULE E

(Section 38)

TABLE OF ACTUARIAL VALUES FOR CAPITALIZATION

OF MONTHLY AMOUNT OF \$1.00

Age	Value	Age	Value	Age	Value
15	168.45	44	137.42	73	65.22
16	168.00	45	135.45	74	62.47
17	167.55	46	133.43	75	59.74
18	167.08	47	131.34	76	57.04
19	166.60	48	129.20	77	54.36
20	166.09	49	127.00	78	51.71
21	165.54	50	124.75	79	49.11
22	164.95	51	122.47	80	46.56
23	164.31	52	120.15	81	44.08
24	163.61	53	117.81	82	41.66
25	162.86	54	115.44	83	39.31
26	162.06	55	113.04	84	37.03
27	161.20	56	110.62	85	34.84
28	160.27	57	108.16	86	32.73
29	159.29	58	105.68	87	30.71
30	158.25	59	103.16	88	28.77
31	157.16	60	100.61	89	26.91
32	156.00	61	98.02	90	25.15
33	154.80	62	95.39	91	23.47
34	153.54	63	92.71	92	21.88
35	152.22	64	89.98	93	20.36
36	150.83	65	87.24	94	18.92
37	149.38	66	84.48	95	17.57
38	147.87	67	81.72	96	16.28
39	146.29	68	78.96	97	15.07
40	144.64	69	76.20	98	13.90
41	142.93	70	73.46	99	12.76
42	141.16	71	70.72	100	11.54
43	139.32	72	67.98	101	9.92

1978, c. 57, s. 73; 1979, c. 63, s. 272.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 159 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter A-3 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 39a of chapter 159 of the Revised Statutes, 1964, in force on 31 December 1981, is repealed effective from the coming into force of the updating to 31 December 1981 of chapter A-3 of the Revised Statutes.