

JUNE 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Hazard Assessment

Apr 25: Legislation ([Bill 19](#)) amending the *OHS Act* to require employers to specifically account for workers ages 16 and under when performing hazard assessment and implementing prevention programs or action plans required by OHS laws and regulations has been reported out of committee.

Young Workers

Apr 25: The Québec Assembly is getting closer to passing [Bill 19](#) which would: i. ban employment of children under age 14 except in extraordinary cases; ii. limit children subject to compulsory school attendance to 10 hours of work from Monday to Friday and 17 hours per week; and iii. double maximum fines to \$1,200 for a first offence and \$12,000 for a repeat offence.

Action Point: Find out how to protect [young and vulnerable workers](#)

Transportation Safety

Apr 30: New rules requiring operators of heavy vehicles to install an electronic logging device (ELD) officially took effect. Data from the ELD enables employers and inspectors to verify whether drivers are complying with mandatory hours of work and rest regulations.

Workplace Harassment

May 5: The government-appointed Expert Committee published its nearly 350-page final [report](#) on preventing violence and harassment in the workplace. The Québec

MOL will now read through the recommendations and decide on a strategy.

Action Point: Implement a [workplace violence and harassment compliance game plan](#) at your site

Drugs & Alcohol

Apr 19: Québec implemented new measures to restrict vaping, especially by young people, including a ban on the sale of vaping products with a non-tobacco flavors and aromas and a new 20 mg/ml limit on nicotine concentration in all vaping products.

Action Point: Use the [OHSI Substance Abuse Compliance Game Plan](#) to curb drugs and alcohol at your workplace

CASES

Due Diligence: Court Dismisses Asbestos Charges against Demolition Contractor

A CNESST inspector issued an order completely shutting down work at a demolition site after discovering 3 piles of scrap containing terracotta covered with plaster that she was sure contained asbestos. The Court of Québec dismissed the OHS charges against the demolition company. The prosecution didn't prove that the materials the inspector found were likely to emit asbestos dust, the Court reasoned. And even if it had, the company had a legitimate "reasonable mistake of fact" due diligence defence to the extent it reasonably believed there was no asbestos in the materials. A reasonable person would have come to the same conclusion given that neither the specifications nor laboratory analysis of the materials mentioned anything about their containing asbestos [*CNESST c. Nordmec Construction inc.*, 2023 QCCQ 2057 (CanLII), April 24, 2023].

Action Point: Use the [OHSI Due Diligence Scorecard](#) to assess the adequacy of your own OHS program

Fire & Explosions: City Must Add "Thermal Phenomena" to Firefighting Safety Training

A labour arbitrator upheld the union's grievance against the City of Montréal for failing to add a practical component covering backdraft, flashover and fire gas ignition to the refresher training it provides to firefighters. The City claimed that the arbitrator overstepped her legal authority while also failing to consider the existing training provided to firefighters. The Court of Québec found the arbitrator's ruling

valid and reasonable and dismissed the City's appeal [[*City of Montreal c. Administrative Labor Tribunal \(Occupational Health and Safety Division\)*](#), 2023 QCCS 938 (CanLII), March 27, 2023].

Action Point: Go to the [**OHSI Fire Safety Compliance centre**](#) for resources you can use to prevent fires and explosions at your workplace