

## MARCH 2023 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Confined Spaces

Jan 25: CNESST published [draft changes to OHS regulations](#) to bolster the safety of those who work inside confined spaces. In addition to updating the definition of “confined space,” the regulations would impose new requirements for entry into confined spaces used to store free-flowing solids or liquids posing a risk of drowning.

**Action Point:** Use the [OHSI Confined Spaces Compliance Game Plan](#) to avoid confined space fatalities and violations

#### WHMIS

Jan 10: CNESST published proposed [annual revisions](#) to permissible exposure levels for 80 different contaminants listed in Schedule I of the OHS Regulation based on revised ACGIH Threshold Limit Values (TLVs) for those substances.

**Action Point:** Implement a [WHMIS Training Compliance Game Plan](#) at your workplace

#### Industry Challenges

Feb 1: CNESST issued [proposed revisions](#) to the Regulation respecting occupational health and safety in mines, including updated standards for fall protection PPE and a new requirement for development of a ground control program. The draft also modifies requirements for safe access to a vehicle and use of remote-controlled drilling equipment for cleaning floors.

## Drugs & Alcohol

Feb 8: Québec announced that it's raising the tax on tobacco products by \$8.00 per carton of 200 cigarettes as a public health measure to encourage residents to quit smoking. More than 13,000 people in the province die of smoking-related illnesses each year, according to the government.

## New Laws

Jan 27: Québec government ministers completed a mission to Senegal and the Ivory Coast attempting to attract French-speaking students, graduates and foreign workers willing to emigrate to the province and work in key sectors where labour is in short supply.

## Workers Comp

Mar 15: That's the deadline by which Québec employers must submit their actual 2022 workers comp data payroll reports to CNESST without risk of potential late fees, interest and penalties.

## CASES

### COVID-19: OK to Suspend Teacher During Investigation of Classroom Face Mask Complaint

The written warning that the school issued to a first-grade teacher for not enforcing the face mask rules in the classroom during the COVID-19 pandemic was a bitter pill to swallow. But what really angered the union is that the school suspended the teacher for 4 weeks while it investigated the matter. The union claimed this was a double penalty but the Québec arbitrator disagreed, noting that the suspension in connection with the investigation was an administrative rather than a disciplinary action, the school needed time to get to the bottom of what happened and the teacher was paid for her time while on suspension [*Syndicat de l'enseignement de la région de Québec (FAE) v Center de services scolaire de la Capitale*, 2023 CanLII 5471 (QC SAT), January 31, 2023].

**Action Point:** Use the [OHSI face mask policy template](#) to enforce mask restrictions in your workplace

### Workplace Violence: No Reinstatement for Worker Who Threatens His Boss

"You're going to pay for this." Those are the words that a journeyman cable-fitter

assembler uttered to his boss at least 4 times right after receiving a negative performance review. The company took the phrase as a death threat and fired the cable-fitter. While the employer couldn't prove that "you're going to pay" was a death threat, the words were clearly threatening and designed to intimidate, the Québec arbitrator concluded, noting that the employee also took over the conversation and wouldn't allow anybody else in the meeting to speak. Accordingly, it rejected the union's request for reinstatement [[\*International Association of Machinists and Aerospace Workers \(IAMAW\), Local 1660 c ABB INC.\*](#), 2023 CanLII 2082 (QC SAT), January 12, 2023].

**Action Point:** Use the extensive resources on the OHSI [Workplace Violence Compliance Center](#) to protect your workers from violence and harassment