

## MAY 2023 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Hazard Assessment

Mar 28: Newly proposed legislation ([Bill 19](#)) would amend 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.

**Action Point:** Implement a [new and young workers safety and compliance game plan](#)

#### Young Workers

Mar 28: Newly tabled [Bill 19](#) 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](#)

#### JHSC

Mar 8: CNESST published [draft regulations](#) governing reimbursement of registration, travel and living expenses incurred by workers in receiving certification training that new OHS laws require for persons serving as health and safety coordinators, health and safety representatives or JHSC members at construction sites. To be eligible for living expenses, the home of the person required to attend a mandatory training program must be more than 120 km (one way) from the training site. If the training site is more than 320 km (one way) from the home, trainees get one day additional to the number of days required for face-to-face training.

## PPE

Apr 6: Québec eased COVID-19 face mask restrictions in healthcare settings. From now on, establishments must establish their own requirements and protocols on the basis of the circumstances and situation at their own particular site. Hand hygiene, cough etiquette and mask wearing by those experiencing respiratory infection symptoms remain mandatory at all workplaces.

## Airborne Contaminants

Apr 6: With power outages raging across much of the province, CNESST reminded employers and workers to be extra careful around carbon monoxide, including tools or heaters that may release the gas. Ensure the area is well ventilated and be alert to the signs of carbon monoxide inhalation, including headache, nausea, vomiting, dizziness, impaired vision, sleepiness and convulsions.

**Action Point:** Take [measures](#) to protect your workers against carbon monoxide poisoning at work and at home

## CASES

### Due Diligence: Worker's Failure to Follow Conveyor Safety Procedures Was Foreseeable

A worker cleaning a dumpster who was pressed for time decided to take a short cut by jumping on a moving conveyor. He lost his balance and fell to his knees causing his shoes to get stuck between the conveyor and the flap at the back of the trailer. He cried out for help but it took over an hour for anybody to hear him. By then, he had suffered injuries requiring amputation of both legs from the knee down. Charged with an OHS violation, the employer claimed that it exercised due diligence and that the victim's decision to disobey conveyor safety rules was totally unforeseeable. But the Québec court disagreed and upheld conviction. For one thing, the safety procedures didn't follow manufacturer's instructions. More damning, the employer was aware that other workers were regularly ignoring the rules and leaving the conveyor running while cleaning dumpsters from the trailer [[Claude Chagnon Enterprises Inc. vs. CNESST](#), 2023 QCCS 972 (CanLII), March 27, 2023].

**Action Point:** Implement a [conveyor safety and compliance game plan](#) at your site

## Drugs & Alcohol: Violating Last Chance Agreement Is Just Cause to Fire

## Alcoholic Worker

A train operator with an alcohol addiction suffered a short-term relapse. As a result, the mining company fired him for violating his last chance agreement. The union claimed the company violated its duty to accommodate the engineer. We **have too** accommodated him on several occasions but now he was out of chances, the company argued. The Québec arbitrator sided with the company, citing the support it provided during 2 unsuccessful rehab attempts. The operator didn't demonstrate any extraordinary reason for not being able to comply with the last chance agreement or exhibit any "real desire" to recover. In light of these circumstances, the company was reasonable in concluding that allowing him to continue doing this safety-sensitive job was undue hardship [*United Workers Transport (1843) v Rio Tinto (IOC Mining Company)*, 2023 CanLII 13793 (QC SAT), February 27, 2023].

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