

OCTOBER 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Workplace Harassment

Sep 11: CNESST announced that the Mauricie and Nord-du-Québec regions have implemented most of the measures to support victims of workplace sexual harassment and sexual assault recommended by an expert committee report published on May 5.

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

Workplace Harassment

Aug 15: Québec employers can now go to CNESST to [get](#) free information, sources and tools for promoting psychologically healthy and safe workplaces provided by 18 newly hired full-time psychological health counselors who will also offer support to victims of workplace harassment and assault.

Young Workers

Sep 1: Effective today, children required to attend school may work no more than 17 hours per week, and just 10 hours from Monday to Friday. It's also illegal to hire a child under age 14, except in very limited cases. Maximum fines: \$1,200 for a first offence and from \$6,000 to \$12,000 for a repeat offence.

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

COVID-19

Aug 23: With autumn approaching, Québec is recommending a COVID booster vaccine for residents deemed vulnerable or at risk, including those who are 60 or older, living in a nursing or other long-term care facility, live in remote or isolated areas, have compromised immune systems or are pregnant.

Environmental

Aug 31: Québec will receive \$15 million from the federal Zero-Emission Trucking Program to establish a Zero-Emission Trucking Testbed in the Montréal area. The facility will collect performance data to help speed up the reduction of pollution from medium- and heavy-duty on-road transportation.

Environmental

Sep 5: Québec said it plans to publish a draft regulation under the *Mining Act* designed to overhaul the current regulatory system and promote “more harmonious development” in the mining sector. If and when the regulation takes effect, companies will need authorization to use hydraulic powered heavy machinery or engage in other exploration work likely to impact host communities.

CASES

C-45: Top Court Upholds Criminal Negligence Against Employer for Driver's Death

While descending a steep gravelly slope, the veteran driver of a heavy container truck lost control of the vehicle and plunged headlong into a ditch with fatal results. The Crown blamed the employer for failing to maintain the truck's braking system and laid criminal charges under the law once called C-45. After a 3-month trial, the Court of Québec found the employer guilty of criminal negligence resulting in a worker's death. The employer appealed to the province's top court, the Court of Appeal, which ruled that the verdict was reasonable and the trial fair [[CFG Construction inc. vs. R.](#), 2023 QCCA 1032 (CanLII), August 11, 2023].

Action Point: Find out how to [prevent criminal liability under C-45](#)

Workplace Violence: Employer Didn't Protect Worker from Psychological Harassment

It was just one incident, but it was enough to make the employer guilty of failing to

protect an employee against psychological harassment. It occurred when a cafeteria worker at a detention center was physically attacked by a co-worker who placed his hands around her neck and choked her, in retaliation for supposedly barring the bathroom door to prevent the aggressor from using the space to say his daily prayers. In addition to being extremely scary, the attack, which occurred in the presence of the victim's daughter, left visible red markings on her neck. The attacker claimed it was all a joke. And when management took no action, the union sued. The Quebec arbitrator agreed that the employer trivialized the incident and upheld the psychological harassment grievance [[*Union of Public and Parapublic Employees of Quebec v Government of Quebec - Ministry of Public Security*](#), 2023 CanLII 73712 (QC SAT), August 7, 2023].

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