

FEBRUARY 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Young Workers

Dec 14: A government advisory committee formed to deal with child labour in Québec issued its report recommending, among other things, establishing a 17 hour per week limit on work hours during the school year and adding child labour and safety requirements to OHS laws.

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

New Laws

Dec 28: To beef up francophone immigration, Québec suspended applications for non-French speaking candidates in component 1 of the Entrepreneur and Self-Employed Worker Programs. Candidates declaring a French speaking proficiency level of 7 or higher will still be allowed to apply with no cap imposed on the number of applicants.

Environmental

Jan 1: Use of the Traces Québec government system for contaminated soil is now mandatory across the province. The system makes it possible to track movement of contaminated soil for purposes of preventing and cracking down on illegal spills and soil contamination.

Workers Comp

Mar 15: That's the deadline for Québec employers to submit their actual 2022

workers comp data payroll reports to CNESST without risk of late fees, interest and penalties.

CASES

Excavations: Contractor Didn't Use Due Diligence to Prevent Excavation Violation

CNESST inspectors cited a contractor for failing to keep machines from coming any closer than 3 metres of the top of an excavation with unshored walls. The prosecution proved that a spreader backfilling an excavation was parked less than 3 meters from the top of the trench's unpropped wall. So, the contractor claimed it used due diligence to prevent the violation. The Québec court rejected the defence. True, the contractor had installed a fence around the excavation; the problem is that fence was only 1.5 metres from the excavation, which allowed vehicles free to operate and park within the 3-metre forbidden zone [[*CNESST c. SM Construction inc.*](#), 2022 QCCQ 9611 (CanLII), December 14, 2022].

Action Point: Use the [OHSI Excavations Compliance Game Plan](#) to avoid excavation and trenching violations at your site

Confined Spaces: Confined Spaces Dispute Is an OHS Case, Not a Labour Grievance

A union filed a labour grievance against a packaging company for allegedly failing to provide workers the safety precautions for confined space work required by OHS laws. This is an OHS issue, not a labour grievance, the company argued; it's a labour grievance because the OHS violations also violate the collective agreement, the union countered. The Québec arbitrator sided with the employer, finding that it had no jurisdiction to hear what was essentially a case about what the OHS confined space rules did and didn't require [[*Union of Service Employees, Local 800 c Westrock Company of Canada Corp.*](#), 2022 CanLII 118602 (QC SAT), December 14, 2022].

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