

JULY 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Hazard Assessment

Jun 1: Newly passed legislation ([Bill 19](#)) amends 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](#)

Airborne Contaminants

May 24: CNESST proposed new *Construction Safety Code* [regulations](#) to beef up protections against workers exposed to crystalline silica dust at construction sites, including via use of source exhaust ventilation systems, isolating workers from emission sources and containment of and/or moistening of dusts containing crystalline silica.

Fall Protection

May 24: Proposed *Construction Safety Code* [regulations](#) update the minimum dimensions for lumber planks used to provide flooring for scaffolding.

Action Point: Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site

Industry Challenges

May 24: Highlights of CNESST's [proposed changes](#) to OHS arboriculture regulations:

- New requirement that arboriculture work must be done by a pruner with EmploiQuébec competency card
- Mandatory development of rescue procedures
- New list of minimum PPE
- New fall protection and harness requirements
- New minimum content training requirements for arboriculture training.

Young Workers

Jun 1: Newly passed [Bill 19](#): i. bans employment of children under age 14 except in extraordinary cases; ii. limits children subject to compulsory school attendance to 10 hours of work from Monday to Friday and 17 hours per week; and iii. doubles 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](#)

Privacy

May 25: The Québec Information Access and Privacy Commission will join its federal, Alberta and BC counterparts in jointly investigating OpenAI, the artificial intelligence company that operates ChatGPT, to ensure that it's secured "valid and meaningful consent" to collect, use and disclose personal information of individuals in Canada via the new app, which has gained over 100 million worldwide users since its release last November.

Workers Comp

May 18: Good news for Québec employers: CNEST has reduced the 2024 average contribution rate for the Occupational Health and Safety Fund (FSST) by 2 cents to an all-time low of \$1.48 per \$100 of payroll. The reduction is possible because despite the lousy economy, the Occupational Health and Safety Plan has an effective capitalization rate of 121.6%.

Environmental

Jun 12: The Statistical Institute of Québec estimates that the province's carbon footprint for 2018 was at least 95 million tonnes of CO₂, equivalent to 11.3 tonnes per inhabitant. Household expenditures accounted for the largest share at 72%, or 8.1 tonnes per inhabitant. The largest emitter was the manufacturing sector, at 35%.

CASES

Discipline: Worker Fired for Unauthorized Machine Alteration Gets to Keep His Job

After unsuccessfully trying to plug a floor polisher mean into the wall socket, the team leader at a wind turbine blade manufacturing company decided to alter the equipment to make the plug fit, causing an electrical short circuit that permanently damaged the machine's electrical panel. As a result, he got fired. The union claimed the penalty was too harsh. The Québec arbitrator agreed and reduced it to a one-year suspension. True, the leader committed a serious safety violation and deliberately violated an order to not mess with the machine. But he also accepted full responsibility for his actions without offering any excuses, expressed sincere regret for his mistake and had a clean disciplinary record before the incident. So, the arbitrator said the company was off base in concluding that he could no longer be trusted and incapable of redemption [[*Union of LM Wind Power Workers - CSN v Pales d'éolienne LM \(Canada\) Inc. and its foreign version LM Wind Power Blades \(Canada\) Inc.*](#), 2023 CanLII 37591 (QC SAT), May 3, 2023].

Action Point: Learn how to use [progressive discipline](#) effectively to enforce your workplace health and safety rules