

## AUGUST 2024 MONTH IN REVIEW

# Québec

### **LAWS & ANNOUNCEMENTS**

#### **Powered Mobile Equipment**

Aug 6: CNESST called on employers and construction workers to exercise increased caution, especially on road construction sites. The warning comes in response to a series of serious and fatal injuries that have taken place on Québec construction sites in recent weeks, especially during work involving movement of trucks, loaders, and other vehicles and mobile equipment.

**Action Point:** Find out how to implement a [Powered Mobile Equipment Compliance Game Plan](#) to prevent forklift incidents and injuries at your workplace.

#### **Fire Safety**

Aug 10: The Ministry of Natural Resources and Forests officially lifted the ban on open-air fires in or near forests in Québec, effective today.

**Action Point:** Find out how to implement a [Wildfire Smoke Protection Game Plan](#) at your outdoor workplace.

#### **Privacy**

Aug 7: The Ministère de la Cybersécurité et du Numérique detected a confidentiality breach that apparently occurred when an employee transferred documents containing personal information about approximately 3,500 public service employees to a third party outside the workplace. The MCN reports that it immediately took the necessary measures in response to the breach, including requiring the destruction of all documents.

**Action Point:** Find out how [privacy laws affect workplace safety](#).

## CASES

### Termination: Injured Worker Fired for Abusing His Special Break Privileges

To accommodate his work-related back injury, a company allowed a night-shift order fulfiller to take extra breaks, provided that he follow certain rules while doing so, including not using his cell phone. After a series of suspensions, the company fired the worker for abusing his break privileges and deliberately refusing to obey the required conditions. The Québec arbitrator upheld termination, noting that in addition to defiantly using his cell phone while on the breaks, the worker had left his workstation for almost 29 hours in 3 weeks. His total lack of remorse did little to help his case [[\*United Food and Commercial Workers, Local 501 v. Métro Richelieu Inc. \(Division Épicerie – Centre Mérite 1\)\*](#), 2024 CanLII 73529 (QC SAT), August 5, 2024].

### Workplace Violence: Rejecting Qualified Applicant Due to Criminal Record Costs Company \$7,000

A senior home rejected a janitor job applicant it had invited for a second interview after learning that he had pled guilty to one charge of domestic violence more than 20 years earlier for which he served a sentence and received a conditional discharge. A criminal record is grounds for rejection to the extent it bears directly on the position. But the employer didn't make this argument. Instead, it claimed that the rejection was based solely on the applicant's lack of skills and that his criminal record didn't factor into the decision. After hearing both sides of the story, the Québec Human Rights Tribunal found the employer liable for criminal record discrimination and awarded the applicant \$7,000 in damages. The applicant did have the necessary skills and experience—that's why he was called back for the second interview, according to the tribunal. The only reason he was rejected was due to his criminal record [[\*Charruau v. Domaine Lanaudière \(9218-7707 Québec inc.\)\*](#), 2024 QCTDP 12 (CanLII), July 9, 2024].

**Action Point:** Find out how to implement an effective [Workplace Violence and Harassment Compliance Game Plan](#) at your site.