

APRIL 2024 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Workplace Harassment

Mar 27: [Bill 42](#), adding new OHS workplace harassment and violence protections finally received Royal Assent and took effect. Highlights: i. Mandatory sexual violence training for psychological harassment claims arbitrators; ii. Extended deadline for workers to file sexual violence claims; iii. Ban on reprisals for reporting psychological harassment; and iv. Higher fines and punitive damages for psychological harassment.

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

Industry Challenges

Mar 28: Health care facilities in Québec reported 461,905 medical errors (“adverse events”) between April 1, 2022 and March 31, 2023, according to a new government [report](#). Among these, 99.74% didn’t result in any serious or permanent consequences. However, there were 634 incidents that did cause serious or permanent injury and 592 (0.13%) associated with a death.

Fire Safety

Apr 10: The Québec Minister of Public Security released a revised fire safety guidelines for municipalities to consider in creating their own fire safety codes. This is the first official revision of the guidelines since 2001.

Action Point: Use the resources on the [OHSI Fire Safety Compliance centre](#) to prevent fires and explosions at your workplace

Industry Challenges

Mar 27: As the commercial fishing season began, CNESST reminded captains and crew members of taking measures to identify, assess and prevent risks of falls overboard on vessels before going to sea.

Action Point: Find out how to implement a legally sound [Drowning Protection Compliance Game Plan](#) at your workplace

Transportation Safety

Apr 9: Legislation ([Bill 48](#)) authorizing the government to impose administrative monetary penalties for traffic offences observed via use of an electronic detection system edged closer to passage in the Québec Assembly with the tabling of the Committee Report. Regulations setting the ground rules for deployment of detection systems and listing the kinds of offences subject to penalties will be necessary to implement the Bill when and if it passes.

Transportation Safety

Mar 19: The Québec Assembly tabled legislation ([Bill 694](#)) to lower the legal blood alcohol limit for driving from 0.08 to 0.05 mg/100 ml. But because it was introduced by the opposition party, the bill's ultimate passage remains very much in doubt.

Action Point: Find out how far you can go in [disciplining workers for distracted driving](#)

Discipline/Work Refusals/Retaliation

Apr 9: [Bill 53](#), which establishes new legal processes and protections for whistleblower employees who disclose wrongdoing by their companies, including the potential for criminal penalties against employers who engage in illegal reprisals, has been reported out of committee in the Québec Assembly.

Action Point: Find out how to [avoid reprisals liability](#) when disciplining workers for safety violations

CASES

Workers Comp: Unfair to Charge Employer for Costs of Incident Caused by Third Party

A train conductor riding as a passenger in a taxi carrying her to the home terminal between shifts got injured when the cab driver failed to brake when the vehicle in front of him stopped. While acknowledging that the injury was work-related, the employer blamed it on a third party and asked CNESST to transfer the costs to employers of all units. CNESST denied the request and the employer appealed. It turned out to be a wise move. The Québec Labour Administrative Tribunal (QTAT) agreed that it would be unfair for CNESST to charge the costs to the employer's financial file. Neither the employer nor the worker had any blame for what happened; and a passenger suffering injuries in a cab between shifts wasn't part of the risks inherent to all of the employer's activities [[*Bombardier Transport Canada Inc.*, 2024 QCTAT 1111 \(CanLII\), March 28, 2024](#)].

Drugs & Alcohol: Drug Addict Fired for Violating Last Chance Agreement Wins Reinstatement

A medical resident with a drug addiction signed a last chance agreement promising not to consume or be under the influence of alcohol or other psychotoxic substances in the workplace. Ten months later, he got fired for engaging in erratic behaviour at work, including allegedly walking around the hospital in his socks after "lending" his shoes to a colleague. After hearing from the witnesses and reviewing the evidence, the Québec arbitrator concluded that the hospital's accounts of the resident's erratic behaviour were exaggerated and implausible. Even if the resident had violated the last chance agreement, the hospital should have engaged in a process to accommodate his addiction and mental disorders and not simply have terminated him automatically [[*Association of Resident Physicians of Quebec \(AMREQ\) c Integrated University Health and Social Services Center of the National Capital \(CIUSSS-CN\)*, 2024 CanLII 24520 \(QC SAT\), March 25, 2024](#)].

Action Point: Find out how to create a legally sound [**Drugs and Alcohol Testing Policy**](#) for your workplace