

## SEPTEMBER 2024 MONTH IN REVIEW

# Québec

### **LAWS & ANNOUNCEMENTS**

#### **Drugs & Alcohol**

Aug 30: In recognition of International Overdose Awareness Day, Québec announced that it's increasing funding to the Addictions Fund by \$1.6 million to \$7.7 million. The money will be used to develop and deliver services to residents struggling with addiction in 10 regions across the province.

**Action Point:** Use the [OHS Insider Substance Abuse Compliance Game Plan](#) to curb drug and alcohol use at your workplace.

#### **New Laws**

Sep 3: With federal government approval, Québec temporarily suspended processing of new Labour Market Impact Assessment (LMIA) applications for the Temporary Foreign Worker Program low-wage stream in the Montréal economic region for 6 months. Exemptions apply for health, education, construction, agriculture, food processing, and other strategic sectors.

**Action Point:** Find out more about your [OHS duties to protect temporary workers](#).

#### **Environmental**

Sep 5: The St. Lawrence River remains in a fragile environmental condition. That's the conclusion of a new government report monitoring the state of the river's water quality, biological conditions, and banks. Of the 18 indicators, only a little over one third showed a good or intermediate-good status, including water contamination by toxins, healthiness of shellfish waters, monitoring of toxic algae and the state of phytoplankton communities, and striped bass and great blue heron populations.

### **CASES**

**Material Handling: Employer Didn't Use Due Diligence to Prevent Deadly Forklift Tire Explosion**

A warehouse worker suffered serious injuries after the forklift tire he was repairing unexpectedly exploded. He died of those injuries a few days later. CNESST charged the employer with violating Section 237 of the *OHS Act* which bans any action or omission that “directly and seriously” compromises a worker’s safety. The case went to trial and the employer was found guilty. The Québec court then rejected the employer’s appeal and due diligence defence, finding that forklift tire inflation is a dangerous operation and the company took no measures to ensure it was carried out safely, other than requiring workers to use an inflation cage. Nor did the company provide specific training for this type of wheel, relying instead on the experience of its workers [[9033-5878 Québec inc. v. CNESST](#), 2024 QCCS 3161 (CanLII), August 28, 2024].

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

### **Airborne Contaminants: Are Workers Entitled to Pay for Time Spent in Mandatory Decontamination?**

Does a company have to pay recycling plant workers who are exposed to beryllium for the time they spend in decontamination and showering after their shift when the collective agreement is silent on the issue? The union insisted that this should be paid time because decontamination and showering are required by both the plant and OHS laws and the workers have no choice but to undergo it. The Québec arbitrator didn’t buy it and cited other cases rejecting union claims for pay for the time workers spend getting dressed and undressed before and after their shift. This is the work the workers chose, the arbitrator explained, and if they wanted to be paid for decontamination, they should have negotiated it into the collective agreement [[Unifor, section Locale 2004-Q c Scepter Aluminum Company](#), 2024 CanLII 78816 (QC SAT), August 21, 2024].

**Action Point:** Find how to implement a legally sound [Emergency Showers & Eyewash Stations Compliance Game Plan](#) at your workplace.