



## **LAWS & ANNOUNCEMENTS**

### **JHSCs**

Oct 15: CNESST launched a digital advertising campaign calling on employers to comply with new [safety committee](#), [safety representative](#), and [safety liaison officer](#) requirements contained in the *Act to modernize the occupational health and safety regime* scheduled to take effect next year by the on October 1, 2025 effective date.

**Action Point:** Find out about the [16 steps](#) required to comply with OHS JHSC requirements.

### **Industry Challenges**

Nov 7: The Québec Assembly is 2 steps from passing [Bill 76](#) requiring contractors or owner-builders to: i. implement a site monitoring plan providing for inspection of construction work at 3 or more key stages in the construction process; ii. obtain a certificate of work compliance with the *Construction Code* or municipal construction standards; and iii. enter into a contract for these purposes before starting construction work.

### **New Laws**

Nov 8: From now through April 2025, the Québec Ministry of Labour will hold public consultations on the future of workplace regulation in the digital age. Key issues to be addressed include employment standards protections for digital platform and gig workers and potential restrictions on workers' use of AI for employment purposes.

### **Privacy**

Nov 6: Legislation ([Bill 73](#)) establishing mechanisms that individuals can use to prevent the publication of their intimate images without consent is through Committee in the Assembly. The bill would allow individuals to go to the Court of Québec and obtain an order barring publication. Those who disobey orders not to publish would then be subject to stiff penalties.

**Action Point:** Find out how to implement an effective [cyberbullying prevention policy](#) at your workplace.

### **Workers' Comp**

Oct 30: CNESST [proposed](#) adding 6 new cancers to the list of occupational diseases presumed to be work related under workers' comp when detected in firefighters: brain cancer, testicular cancer, esophageal cancer, breast cancer, colon cancer, and

leukemia.

## Environmental

Nov 7: Newly tabled [Bill 794](#) would amend the *Environment Quality Act* to declare that Québec's target for anthropogenic greenhouse gas emissions is achieving net-zero emissions by 2050 and to specify that the Government is committed to taking the necessary emission reduction measures to reach that target.

## CASES

### Drugs & Alcohol: OK to Fire Alcoholic Worker on Last Chance Agreement for Refusing Drug Test

A tank operator with a safety-sensitive job and history of alcohol use and attendance issues avoided termination by agreeing to a last chance agreement requiring him to complete rehab and submit to random drug testing for 5 years after he returned. After getting off to a good start, the operator came to work one morning with “a shifty look in his eyes and sweat on his forehead.” Coupled with his suddenly negative attitude, the company asked him to undergo drug testing. When he refused, they fired him for violating the last chance agreement. The union cried foul, contending that the agreement violated the operator's Charter rights by singling him out for differential treatment because of his alcohol-related disability. The Québec arbitrator rejected the grievance. Last chance agreements discriminate to the extent they punish workers because for engaging in **behaviour directly due to being an alcoholic**. But the operator in this case didn't refuse testing because he was an alcoholic; in fact, he admitted he was totally sober when he made the decision. The reason he refused was that he feared he would test positive because he had drank a couple of glasses of wine the previous night [[Aluminerie de Bécancour v. Syndicat des Métallos, section locale 9700](#), 2024 CanLII 105846 (QC SAT), November 1, 2024].

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

### Airborne Contaminant: Court Second Guesses Denying Preventive Withdrawal to COVID-Exposed Worker

Under Section 32 of the *OHS Act*, workers exposed to a contaminant that endangers them and who signs of deteriorating health may get a CNESST certificate requesting “preventive withdrawal” and assignment to tasks not involving such exposure. At the height of the COVID pandemic, a paramedic with a compromised immune system asked for a preventive withdrawal certificate but CNESST said no on the grounds that COVID isn't a “contaminant” under the regulations. The appeals tribunal upheld the decision, and the case eventually ended up in the Québec Court of Appeal, which ruled that the determination that the virus isn't a contaminant was unreasonable and inconsistent with the protective purposes of preventive

withdrawal. It was clear that exposure to COVID put the paramedic in danger. So, the case had to go back down for a new determination [[\*Piché v. Entreprises Y. Bouchard & Fils inc.\*](#), 2024 QCCA 1374 (CanLII), October 17, 2024].

**Action Point:** Find out how to implement a legally sound [Airborne Contaminant Exposure Control Plan](#) at your workplace.