



## **LAWS & ANNOUNCEMENTS**

### **Confined Spaces**

Dec 26: CNESST published revised [OHS regulations](#) changing the concentration of oxygen required in a confined space in an industrial establishment with those required for confined spaces at construction sites and outside of a confined space. The changes will become final on February 10.

**Action Point:** Use the [OHS Insider Confined Spaces Compliance Game Plan](#) to avoid confined space fatalities and violations.

### **Respiratory Protection**

Dec 26: Newly posted CNESST [Draft OHS Regulations](#) specify that compressed breathing air for supplied-air respirators or self-contained respiratory protective apparatuses must meet CSA Standard CSA Z180.1, which is the latest version of the standard. The revised compressed breathing air requirement applies to all sectors, including mining.

**Action Point:** Find out how to implement a compliant [Respiratory Protection Policy](#) at your workplace.

### **WHMIS**

Dec 26 CNESST posted for 45 days [Draft OHS Regulations](#) that harmonize the hazard classes of "dangerous substance" listed in Section 70 with recent changes to federal *Hazardous Products Regulations* that are currently being phased in across the country.

### **Discipline/Work Refusal/Retaliation**

Nov 30: The Québec Ombudsman implemented new measures to protect whistleblowers in the public service from reprisals, including requiring all agencies to create a new ethics and integrity management officer to which government employees may submit confidential reports of serious public abuse or wrongdoing without suffering retaliation.

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

## Transportation Safety

Mar 12: March 12, 2025 is the scheduled end of Bureau de normalisation du Québec public consultations on a draft standard (BNQ 1030-100) establishing a methodology for determining the safety index of heavy vehicles that travel in urban areas. Heavy vehicles are particularly dangerous when driven in a crowded urban environment due to their poor visibility, large size, weight, and blind spots. The draft standard addresses several safety elements, including the driver's field of vision, indirect vision, and the use of other safety equipment (alarms, lights, indirect vision systems, side bars, or any other system intended to improve the safety of road users).

## Workers' Comp

Mar 15: March 15, 2025 is the deadline for Québec employers to submit their workers' comp data payroll reports to CNESST listing actual 2024 payroll expenses and estimated expenses for 2025 to avoid the risk of potential late fees, interest, and penalties.

## Environmental

Jan 1: Québec officially launched its new Extended Product Responsibility-based waste collection and recycling system entrusting collection to producers who sell, market, or distribute containers, packaging, or printed matter. As a result, from now on, all non-returnable containers, packaging and short-life printed matter can be placed in the recycling bin without having to check the number on the recycling symbol or even its presence in the product.

## CASES

### Due Diligence: Employer Can't Blame OHS Offence on Worker's Safety Violation

The stabilizer of a concrete pump weighing 110,000 pounds suddenly sank into the ground, forcing the machine to tilt dangerously to its left. Although nobody was injured, CNESST charged the employer with failing to ensure that the machine's stabilizers had affixed support plates meeting CSA standards. The Court of Québec acknowledged that the machine operator deliberately decided to begin the work without having plates of sufficient dimensions affixed under the stabilizers, contenting himself with placing small wooden plates of small dimensions. In so doing, the operator went against not only the employer's safety policies but also his many years of experience with the machine. But that didn't mean the employer was without blame, said the court, faulting the company for thinking it could give the operator "carte blanche" to work without supervision and control [[CNESST v. Pompage Élite inc.](#), 2024 QCCQ 7447 (CanLII), December 12, 2024].

**Action Point:** Does your company's OHS program meet the standards of due diligence? You can make a better informed judgment on that crucial question by checking out the OHS Insider's [Annual Due Diligence Scorecard for 2024](#), which breaks down all of the year's OHS court rulings, explaining what employers who won did right and employers who lost did wrong and how to apply these real-life lessons

to your own OHS program

### **Transportation Safety: Truck Driver, Not Truck Company Must Pay Cargo Weight Fine**

A truck driver sued his employer for the fines and legal fees he had to pay at the border for trying to enter the U.S. with a load exceeding the weight allowed under trucking regulations. The employer blamed the driver for the entire mess, noting that he wouldn't have gotten into trouble had he stuck to the conventional route where the border cross weight limit was much higher. The Court of Québec sided with the employer and dismissed the case. "As a road professional," the driver was responsible for ensuring that he complied with the regulations regarding loads and dimensions on the roads he drove [[Deschamps v. Transport Norvinic inc.](#), 2024 QCCQ 7776 (CanLII), December 20, 2024].

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

### **Return to Work: Employer Gets Second Shot to Justify Firing Worker for Lying about Her Injury**

HR at an aluminum smelting plant gets word that a quality inspector on medical leave has been seen working out and lifting weights at a gym. So, it fires her for lying and telling the company she couldn't return to work. Citing the lack of evidence showing that the inspector engaged in deliberate fraud, the Québec arbitrator finds the company liable for wrongful dismissal. But the company gets the last laugh when the court reverses the ruling and finds just cause to terminate. The gym employee's testimony about the inspector's physical capabilities was convincing and totally out of line with the inspector's own claims about her abilities during the return-to-work process, the court notes. So, it sends the case back down to be heard by a different arbitrator [[Rio Tinto Alcan Inc. v. Administrative Labour Tribunal](#), 2024 QCCS 4477 (CanLII), December 2, 2024].