



## **LAWS & ANNOUNCEMENTS**

### **New Laws**

Apr 22: [Bill 84](#) proposing to establish a model for integrating immigrants and cultural minorities into Québec society and French language culture continues to work its way through Committee. The Bill also outlines what's expected of the Québec State and Québécois, especially immigrants.

### **JHSCs**

Apr 24: Newly introduced [Bill 101](#) would establish special rules governing the establishment of safety committees and appointment of safety representatives at education and health and social services sectors establishments, including with regard to committee/representative functions and the minimum amount of time members/representatives may devote to those functions.

**Action Point:** Find out about the [16 steps](#) you must take to comply with the OHS JHSC requirements of your province.

### **Emergency Response**

Apr 24: Newly tabled [Bill 101](#) provides a new unpaid leave for employees who miss work due to a public health emergency government order or disaster. Employees would have to notify the employer of the absence as soon as possible and take reasonable steps to limit how long it lasts. The employer may also request documentation of the reasons for the absence if warranted by its duration.

### **Training**

Apr 24: Québec announced that it will invest \$6 million over 2 years to support work-study training in the construction sector. The goal is to increase the pool of trained labour in construction by funding short-term vocational training projects carried out in work-study programs implemented, in part, on construction sites focusing on certain trades to be determined based on needs.

### **New Laws**

Apr 24: If and when it passes, [Bill 101](#) will allow Québec employers to file a claim with CNESST to recover part of the salary paid to a pregnant or breast-feeding worker that the employer assigned to other duties in accordance with *OHS Act* requirements.

**Action Point:** Find out about [OHS law protections for pregnant and breastfeeding workers](#) across Canada.

### **Material Handling**

May 12: CNESST launched a campaign to raise awareness of the risks of being struck or bumped by a vehicle during a backing maneuver. Such incidents happen frequently at construction sites, resulting in at least one death per year. Dump trucks are involved in 50% of these fatal incidents and earthmoving equipment in 40%.

**Action Point:** Find out how to implement an effective [Powered Mobile Equipment Operation Policy](#) at your workplace to prevent these kind of backing injuries.

### **Workers' Comp**

Apr 24: Recently introduced labour and employment reform legislation ([Bill 101](#)) would revise the formula CNESST uses to calculate income replacement compensation in the event of an occupational injury to ensure fairness to workers, especially workers earning the minimum wage.

### **Workers' Comp**

Apr 16: CNESST proposed [new regulations](#) adding 6 items to the list of cancers that are presumed to be work-related when suffered by firefighters: brain cancer, testicular cancer, esophageal cancer, breast cancer, colon cancer, and leukemia. The agency will likely finalize the new coverage rules in 60 days.

### **Workers' Comp**

Apr 24: The Québec government introduced important new legislation ([Bill 101](#)) proposing 20 changes to employment and labour laws, including enhanced benefits for work injuries to falsely incorporated workers, particularly in response to the phenomenon of "Drivers Inc." in the trucking industry.

## **CASES**

### **C-45: Ordinary Negligence Not Enough to Convict Execs of Criminal Negligence**

Prosecutors charged a mining company with criminal negligence resulting in serious injuries to an operator who got hit by a chain that broke free from a shuttle conveyor. The law, often referred to by its bill name, Bill C-45, requires a person who controls work to take necessary measures to protect those who do or affected by the work from bodily harm and makes them criminally liable when they fail to do so to the extent the failure is the result of "wanton and reckless disregard" for safety. The company claimed that the prosecution didn't meet its burden to prove "wanton and reckless disregard" beyond a reasonable doubt. The Québec court agreed and dismissed the case. While the company's executives were negligent, the evidence didn't prove that they "deviated markedly **and significantly** from what a reasonable person in the same circumstances would have done." Ordinary negligence isn't enough to convict for criminal negligence under C-45 [[R. v. ArcelorMittal Mining Canada](#), 2025 QCCQ 1178 (CanLII), April 7, 2025].

**Action Point:** Find out what you can do to [manage criminal liability risks under C-45](#).

### **Workers' Comp: Contract Driver Is a "Worker" Covered by Workers' Comp**

Workers' comp awarded benefits to a taxi driver working for a firm called Taxi Rive-Nord (Taxi) who injured his finger when a customer attacked him. Taxi appealed, claiming that the driver was an independent contractor and not a "worker" under workers' comp because he was paid directly by customers. The Québec court disagreed. A "worker" is somebody who receives remuneration for his work. And that's what the driver was doing, regardless of whether he was remunerated directly

by Taxi. In addition, while the driver had some control over his hours, he had no stake in Taxi's profitability. Taxi also possessed control over the work, authority to discipline and ownership of the tools [[9029-2814 Québec inc. \(Taxi Rive-Nord\) v. Administrative Labour Tribunal](#), 2025 QCCS 1433 (CanLII), May 5, 2025].