



## LAWS & ANNOUNCEMENTS

### First Aid

Jun 4: Important new [OHS regulations](#) clarify that employers should exclude telecommuters when calculating total workers to determine the number of first aiders required at an establishment and to recognize regular *Ordre des infirmières et infirmiers du Québec* members as first aiders. The regulations also say first aid training and kits must meet CSA Z1210 and Z1220.

**Action Point:** Find out how to implement an effective [First Aid Compliance Game Plan](#) at your workplace.

### JHSCs

May 29: [Bill 101](#), which has been reported out of Committee, would amend the *OHS Act* to add special rules governing the creation 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.

### Respiratory Protection

May 21: CNESST posted changes to [OHS and other regulations](#) requiring compressed breathing air and systems to meet the updated version of the CSA Z180.1 standard and to ban the removal of statements referring to the presence of asbestos in fire-retardant clothing, electrical insulation and other equipment.

**Action Point:** Find out how to implement an effective [Respiratory Protection Equipment Compliance Game Plan](#) at your site.

### Confined Spaces

May 21: CNESST published [new OHS regulations](#) that align the concentration of oxygen required in a confined space in industrial establishments with the oxygen concentration required for confined spaces at construction sites and outside of a confined space.

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

### New Laws

May 29: Legislation ([Bill 101](#)) is working its way through the Assembly that would allow 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.

## Emergency Response

May 29: [Bill 101](#) proposing new unpaid leave for employees who miss work due to a public health emergency government order or disaster has been reported out of Committee. Under the bill, employees would have to notify employers as soon as possible and take reasonable steps to limit how long the absence lasts. Employers may also require documentation of the reasons for absence if warranted by its duration.

## Young Workers

May 26: With schools letting out for the summer, CNESST launched a new campaign to remind employers of their OHS duties to train, supervise and protect young workers, including with regard to psychological harassment.

**Action Point:** Planning to hire students this summer? Find out how to implement a legally sound and effective [New and Young Workers Safety and Compliance Game Plan](#).

## Heat Stress

May 22: CNESST advised Québec employers to start making plans to protect workers against heat stress hazards. The agency has recorded 3 deaths and 358 occupational injuries attributable to working in heat since 2015, with men ages 20 to 54 accounting for over 80% of the injuries.

**Action Point:** Find out how to implement an effective [Heat Stress Safety & Compliance Game Plan](#) at your workplace.

## New Laws

May 28: [Bill 84](#) establishing a model for integrating immigrants and cultural minorities into Québec society and French language culture received Royal Assent. The Bill also outlines what's expected of the Québec State and Québécois, especially immigrants.

## Privacy

Jun 4: Legislation ([Bill 73](#)) passed in December to establish mechanisms that individuals can use to prevent the publication of their intimate images without consent officially took effect. Result: Victims may now go to the Court of Québec to obtain an order barring publication. Those who disobey orders not to publish will be subject to stiff penalties.

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

## Accessibility

May 12: Revenu Québec published [new guidance](#) to help businesses make proper income tax deductions for the costs of renovations and alterations designed to make their buildings and facilities more accessible to persons with disabilities.

## Workers' Comp

May 15: CNESST announced that average workers' comp rates in 2026 will increase 6 cents to \$1.54 per \$100 assessable payroll, even though the FSST's finances are

running a 120% surplus.

### **Workers' Comp**

May 29: Labour and employment reform legislation ([Bill 101](#)) that revises 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, has been reported out of Committee.

## **CASES**

### **Due Diligence: Operator Error Is No Defence against OHS Crane Violation**

A crane rental company charged with using unsafe loading methods leading to a mobile crane tip-over blamed the operator for the accident. The operator himself admitted that he was entirely at fault and made a “bad call” by choosing to bypass the crane's limitation system to unload concrete blocks. But the Québec court still rejected the company's due diligence defence. While the operator clearly made a mistake, the company could and should have foreseen his negligence and taken steps to prevent it. Instead, it deferred to his senior status and gave him “carte blanche” to do what he wanted. “It would be illogical and contrary to the objectives the Act if the presumption of liability did not apply because of the wrongful act of a worker,” the court reasoned. It also found the company guilty of resuming the work in violation of a CNESST stop work order [[CNESST v. Location de grues Gaétan Roy Itée](#), 2025 QCCQ 1852 (CanLII), May 23, 2025].

**Action Point:** It's important to point out that the crane operator in this case was a highly experienced veteran. The moral is that due diligence defences that seek to shift blame to workers almost never work. Use the [OHSI Due Diligence Scorecard](#) and accompanying Case Summaries to draw other important lessons that you can use to assess whether your own OHS program meets the standards of due diligence.

### **Return To Work: Employer Must Pay Worker for Needlessly Dragging Out Reinstatement Process**

After 30 months of leave for work-related ankle injuries, a youth services intervention officer was ready to return to her new position. At least that's what her doctors and representatives believed. But the employer had misgivings and wanted to do its own medical assessment. The employer's doctors eventually gave the green light but only after weeks of delay, during which time the officer was receiving no income. The union insisted that the employer reimburse the officer for needlessly prolonging the return-to-work process and the Québec arbitrator agreed. While the employer had a legitimate right to verify the officer's fitness to return, it also had a duty to act fast and avoid delays, especially given the controller's precarious financial situation. This wasn't a complex medical case and the employer exercised total control over the examination process [[Union of Workers of the CISSS de Laval - CSN v. Santé Québec – Integrated Health and Social Services Centre of Laval](#), 2025 CanLII 50796 (QC SAT), June 3 2025].

**Action Point:** Find out how to implement a legally sound [Return to Work Compliance Game Plan](#) for injured workers.