

JANUARY 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Labour Standards

Dec 14: A government advisory committee formed to deal with child labour in Québec issued its report recommending, among other things, establishing a 17 hour per week limit on work hours during the school year and adding child labour and safety requirements to OHS laws.

Action Point: Find out about the [minimum work age requirements](#) across Canada

New Laws

Dec 14: According to a new government report, in 2021, the proportion of people using French most often at work in Québec decreased to 79.2% while the proportion of people using English most often increased to 13.9% and the proportion of those using both equally dropped to 5.4%.

Action Point: Take [7 steps to comply](#) with Quebec's strict new French language law

Labour Standards

Dec 21: The parliamentary leader of Québec solidaire called on the government to enact legislation giving employees the right to disconnect in 2023. Ontario is the only province that has revised its employment standards laws to give employees the right to disconnect.

Action Point: Find out how to create a written [right to disconnect policy](#) for your workplace

Immigration

Dec 28: To beef up francophone immigration, Québec suspended applications for non-French speaking candidates in component 1 of the Entrepreneur and Self-Employed Worker Programs. Candidates declaring a French speaking proficiency level of 7 or higher will still be allowed to apply with no cap imposed on the number of applicants.

Health & Safety

Jan 1: New [OHS rules](#) clarifying how health professionals must issue certification of a pregnant or breastfeeding worker's need for protective reassignment officially took effect.

Action Point: Find out about [pregnancy and human rights](#) in the workplace

Health & Safety

Jan 1: [New OHS rules](#) took effect requiring project managers at any construction site where at least 20 construction workers will be present at the same time to form a site committee consisting of a: i. OHS coordinator or representative of the main contractor (for sites with over 100 workers or over \$12 million in value); ii. a representative for each employer; iii. a health and safety representative; and iv. a representative of each representative association of which at least one affiliated construction worker is present at the site.

Workplace Violence

Dec 5: Victims of domestic violence who don't want to file a complaint with the police can now talk directly to a prosecution lawyer about their case via the Director of Criminal and Penal Prosecutions new free and confidential sexual violence information line, 1 877-547-DPCP.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

New Laws

Dec 1: Effective April 6, there will be a 60-day deadline for employers to contest a CNESST decision to the Administrative Labour Tribunal for administrative review.

CASES

Telecommuting: Arbitrator Refuses to Bar Enforcement of Restrictive Telecommuting Policy

After allowing remote work during the pandemic, an employer unilaterally adopted a new policy restricting the types of employees that could telecommute and limiting the counting of telework hours toward overtime and other entitlements. The union cried foul and asked the Québec labour board to bar the employer from enforcing the new policy until the underlying grievance was resolved. The board refused, finding that letting the company implement the policy wouldn't cause the union any damage that couldn't be repaired later. The arbitrator agreed and tossed the union's appeal [*Syndicate of Professionals of the Government of Quebec v Autorité des marchés financiers*, 2022 CanLII 119892 (QC SAT), December 16, 2022].

Action Point: Implement a [legally sound telecommuting policy](#) at your workplace

Drugs & Alcohol: Employer Not Obligated to Cover Medical Marijuana in Prescription Drug Plan

A part-time professor filed a grievance against the university after learning that his employer-provided prescription drug coverage plan didn't cover the medical marijuana he needed to treat his sleep disorder. The university contended that the collective agreement required it to provide a plan covering "prescription drugs," defined as those that have a Health Canada Drug Identification Number (DIN). And since medical cannabis doesn't have a DIN, the university had no obligation to cover it. The Québec arbitrator agreed and tossed the grievance [*Association of Part-Time Professors of Concordia University v Concordia University*, 2022 CanLII 116822 (QC SAT), December 8, 2022].

Action Point: Find out how to [effectively control substance abuse](#) at your workplace