

## MAY 2023 MONTH IN REVIEW

# Québec

## LAWS & ANNOUNCEMENTS

### COVID-19

Apr 6: Québec eased COVID-19 face mask restrictions in healthcare settings. From now one, establishments must establish their own requirements and protocols based on the circumstances of their own particular site. Hand hygiene, cough etiquette and mask wearing by those experiencing respiratory infection symptoms remain mandatory at all workplaces.

### Minimum Wage

May 1: Québec increased its minimum wage by \$1.00 to \$15.25 per hour. Increases to separate minimum wages also took effect, including: \$12.20 per hour for tip earners, \$4.53 per kg for raspberry pickers and \$1.21 per kg for strawberry pickers.

**Action Point:** Find out more about the latest round of [minimum wage increases](#) taking effect across Canada

### Labour Standards

Apr 25: Bill 19 is now just 2 steps from passage. Highlights: i. ban employment of children under age 14 except in extraordinary cases; ii. limit children subject to compulsory school attendance to 10 hours of work from Monday to Friday and 17 hours per week; and iii. double maximum fines to \$1,200 for a first offence and \$12,000 for a repeat offence.

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

## **Health & Safety**

Apr 25: Legislation (Bill 19) amending the *OHS Act* to require employers to specifically account for workers ages 16 and under when performing hazard assessment and implementing prevention programs or action plans required by OHS laws and regulations has been reported out of committee.

## **Labour Relations**

Apr 20: [Bill 10](#), which restricts the use of personnel placement agencies' services and independent labour in the health and social services sector to percentages and under specific conditions set out in the regulations, received Royal Assent. The Ministry of Health will carry out inspections and fine employers that fail to comply.

## **Payroll**

Mar 21: The 2023 Québec provincial budget calls for raising the minimum pension eligibility age so that workers 65 and over can continue to work part-time or under gradual retirement plans without putting their QPP benefits in jeopardy.

## **Employment Benefits**

Mar 21: The new provincial budget includes changes to the QPP to allow older employees to retire gradually. Among other things, workers age 65 and older or who are receiving a retirement pension would have the option to discontinue their QPP contributions.

## **Drugs & Alcohol**

Apr 19: Québec implemented new measures to restrict vaping, especially by young people, including a ban on the sale of vaping products with a non-tobacco flavors and aromas and a new 20 mg/ml limit on nicotine concentration in all vaping products.

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

## **Health & Safety**

Mar 8: CNESST published [draft regulations](#) governing reimbursement of registration, travel and living expenses incurred by workers in receiving certification training that new OHS laws require for persons serving as health and safety coordinators, health

and safety representatives or JHSC members at construction sites. To be eligible for living expenses, the home of the person required to attend a mandatory training program must be more than 120 km (one way) from the training site. If the training site is more than 320 km (one way) from the home, trainees get one day additional to the number of days required for face-to-face training.

## CASES

### **Workplace Harassment: Employee Who Sent Porn to Co-Workers Gets to Keep His Job**

Did an employer have just cause to terminate an employee for sending pornographic and sexually explicit materials to his co-workers, even after they asked him not to? The Québec arbitrator said no and knocked the penalty down to a 6-month suspension without pay. The fact that the employee trivialized and refused to express remorse for his actions didn't do much to help his case. But the arbitrator cited mitigating factors, including the employee's otherwise clean 10-year disciplinary record, his selectivity in recipients and the fact that none of those recipients were subordinates or expressed any outrage or shock [[CUPE, Local Section 4795 c Saint-Augustin-de-Desmaures \(Ville\)](#), 2023 CanLII 30403 (QC SAT), April 17, 2023].

**Action Point:** Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

### **Health & Safety: Worker's Failure to Follow Conveyor Safety Procedures Was Foreseeable**

A worker cleaning a dumpster who was pressed for time decided to take a short cut by jumping on a moving conveyor. He lost his balance and fell to his knees causing his shoes to get stuck between the conveyor and the flap at the back of the trailer. He cried out for help but it took over an hour for anybody to hear him. By then, he had suffered injuries requiring amputation of both legs from the knee down. Charged with an OHS violation, the employer claimed that it exercised due diligence and that the victim's decision to disobey conveyor safety rules was totally unforeseeable. But the Québec court disagreed and upheld conviction. For one thing, the safety procedures didn't follow manufacturer's instructions. More damning, the employer was aware that other workers were regularly ignoring the rules and leaving the conveyor running while cleaning dumpsters from the trailer [[Claude Chagnon Enterprises Inc. vs. CNESST](#), 2023 QCCS 972 (CanLII), March 27, 2023].