

SEPTEMBER 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Labour Standards

Sep 1: Effective today, children required to attend school may work no more than 17 hours per week, and just 10 hours from Monday to Friday. It's also illegal to hire a child under age 14, except in very limited cases. Maximum fines: \$1,200 for a first offence and from \$6,000 to \$12,000 for a repeat offence.

Action Point: Look up the [youth employment laws of your province](#)

Immigration

Aug 24: Quebec is investing \$675,000 in a program to enable parents who don't speak French to entrust their children to drop-in daycare centers across the province that offer or are located near facilities offering French language courses.

Health & Safety

Jul 3: Québec proposed a 3-year [action plan](#) listing 22 measures to improve the safety of workers or roadwork sites via training, signage, traffic and restraint devices, monitoring of vehicle speeds and reducing exposure of traffic flaggers.

Action Point: [How to create a vibrant safety culture](#) at your organization

COVID-19

Aug 23: With autumn approaching, Quebec is recommending a COVID booster vaccine for residents deemed vulnerable or at risk, including those who are 60 or older, living in a nursing or other long-term care facility, live in remote or isolated

areas, have compromised immune systems or are pregnant.

Health & Safety

Jul 12: CNESST proposed draft [changes to OHS regulations](#) governing the safe design, manufacture, modification, use, maintenance and repair of machinery at industrial establishments and construction projects to align Québec rules with Canadian and international standards and clarify the roles of employers, supervisors, workers and other stakeholders.

Drugs & Alcohol

Aug 2: New *Tobacco Control Act* regulations tightening restrictions on vaping products take effect in Québec on October 31. Highlights:

- Ban on sale of non-tobacco flavored or aroma vaping products
- Maximum nicotine concentration limit of 20 mg/ml
- New obligation to display certain information on vaping products and packaging.

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

CASES

Absenteeism/Attendance: 64% Absence Rate Over 5 Years Is Just Cause to Terminate

At what point does it become unreasonable to expect an employer to wait for an employee to return from a nonculpable absence related to a medical disability? The employer in this case contended that a signaling operator's absenteeism rate of 64% over a 5-year period was excessive and justified termination. The Quebec arbitrator found the employer's case and the detailed statistical analysis of absentee rates of blue collar workers in commensurate positions, coupled with the lack of evidence suggesting that the employee's situation was likely to improve any time soon, convincing and dismissed the employee's grievance [[CUPE, Local 307 c Boucherville \(Ville\)](#), 2023 CanLII 77872 (QC SAT), August 28, 2023].

Action Point: Go to the HRI [Attendance & Absenteeism centre](#) for help cracking down on absenteeism at your workplace

Workplace Violence: Employer Didn't Protect Worker from Psychological

Harassment

It was just one incident, but it was enough to make the employer guilty of failing to protect an employee against psychological harassment. It occurred when a cafeteria worker at a detention center was physically attacked by a co-worker who placed his hands around her neck and choked her, in retaliation for supposedly barring the bathroom door to prevent the aggressor from using the space to say his daily prayers. In addition to being extremely scary, the attack, which occurred in the presence of the victim's daughter, left visible red markings on her neck. The attacker claimed it was all a joke. And when management took no action, the union sued. The Quebec arbitrator agreed that the employer trivialized the incident and upheld the psychological harassment grievance [[*Union of Public and Parapublic Employees of Quebec v Government of Quebec - Ministry of Public Security*](#), 2023 CanLII 73712 (QC SAT), August 7, 2023].

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

Termination: Refusal to Wear COVID-19 Facemask Not Grounds for Terminating Food Worker

Did an agri-food plant have just cause to fire a worker for repeatedly refusing to wear a facemask during the COVID pandemic? The Québec arbitrator said no. Deliberate defiance of the mandatory facemask policy was a serious offence warranting a severe penalty, especially at a public health-sensitive workplace like a food plant. The worker's arrogance and disdain for authority did little to help the union's case. However, the arbitrator concluded that termination was a "disproportional" and reduced the penalty to a one-year suspension [[*Union of Agri-Food Employees of Ste-Claire v \(CSD\) Kerry \(Canada\) Inc.*](#), 2023 CanLII 72157 (QC SAT), August 10, 2023].