

## OCTOBER 2024 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Employment Benefits

Sep 10: Retraite Québec revised form RCR-129, [Application for Registration of an Amendment to a Pension Plan Exempt from the Application of Funding Rules](#), to account for recent regulatory changes affecting the pension plans of Québec emergency medical technicians, accredited early childhood centres (CPEs), and private daycares, as well as member-funded pension plans.

#### Workplace Harassment

Sep 16: As part of its most recent workplace harassment awareness campaign, CNESST published new [guidance](#) to help employers and workers identify behaviours that constitute psychological harassment and sexual violence. In the first 6 months of 2024, the agency conducted 598 workshops with 2,801 employers and 7,601 workers.

**Action Point:** Use the HR Insider [template](#) to create your own workplace harassment and violence policy.

#### Drugs & Alcohol

Aug 30: In recognition of International Overdose Awareness Day, Québec announced that it's increasing funding to the Addictions Fund by \$1.6 million to \$7.7 million. The money will be used to develop and deliver services to residents struggling with addictions in 10 regions across the province.

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

## CASES

### Attendance & Absenteeism: Lateness Is Just Cause to Terminate Employee on Last Chance Agreement

A cashier with a history of coming to work late and over-extending work breaks signed a last chance agreement promising to clean up his act and commit no further violations for 12 months or face automatic and immediate termination. Four violations later, the company decided it had had enough and ended his employment. The union cried foul, contending that the infractions had minimal to no real impact on the productivity of the cashier or his coworkers. But the Québec arbitrator was less forgiving and held that violating the last chance agreement was just cause to terminate [*Société des alcools du Québec v. Union of Store and Office Employees of the Société alcools du Québec (CSN)*, 2024 CanLII 90911 (QC SAT), September 20, 2024].

**Action Point:** Find out how to create a [legally sound employee lateness and punctuality policy](#) for your workplace.

### Health & Safety: Employer Didn't Use Due Diligence to Prevent Deadly Forklift Tire Explosion

A warehouse worker suffered serious injuries after the forklift tire he was repairing unexpectedly exploded. He died of those injuries a few days later. CNESST charged the employer with violating Section 237 of the *OHS Act*, which bans any action or omission that “directly and seriously” compromises a worker’s safety. The case went to trial and the employer was found guilty. The Québec court then rejected the employer’s appeal and due diligence defence, finding that forklift tire inflation is a dangerous operation and the company took no measures to ensure it was carried out safely, other than requiring workers to use an inflation cage. Nor did the company provide specific training for this type of wheel, relying instead on the experience of its workers [*9033-5878 Québec inc. v. CNESST*, 2024 QCCS 3161 (CanLII), August 28, 2024].

**Action Point:** Find out [how to create a vibrant safety culture](#) at your company.