

Month In Review – Québec



LAWS & ANNOUNCEMENTS

Fall Protection

Oct 1: [New requirements](#) for lifting devices at construction sites take effect in Québec. Highlights: i. Restrictions on using lifting devices as an anchorage point to prevent falls; ii. Requirement that mobile personnel platforms and mast platforms meet CSA standards; iii. Updates to the versions of CSA standards that apply to aerial work platforms, construction lifts, material hoists, and auger cranes.

Action Point: Use the OHS Insider [Cranes/Hoists/Lifting Device Compliance Game Plan](#) to prevent crane violations at your workplace.

Power Tools

Jul 16: CNESST proposed [changes](#) to OHS safety regulations for forestry work. Highlights: i. Carrying out forest inventory, clearing vegetation under electric power lines and forest hammering added to definition of “forest management work” covered by the Reg.; ii. Revised versions of CSA standards that chainsaw chains and safety shoes must meet; iii. Modifying brush cutting equipment OK if the manufacturer allows it; and iv. Addition of paramedics to the list of people who can be contacted when there are fewer than 9

workers.

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

CASES

Due Diligence: Worker's Fatal Electrocution Was Reasonably Foreseeable

An electric shock of nearly 600 V from a high-velocity portable pump killed one food plant worker and seriously injured the co-worker who came to his rescue. CNESST charged the employer with an OHS violation. The employer claimed that it exercised due diligence and moved to get the case dismissed. The judge denied the motion finding that, while not expressly required by law, “simple common sense dictated that [the 600-volt connector] be disassembled and examined at least once a year.” The Québec court rejected the employer’s appeal. The judge’s finding of no due diligence was based not just on “simple common sense” but ample evidence demonstrating that the pump was old and not properly maintained, all of which made the electrocution hazard reasonably foreseeable [[Margarine Thibault Inc. v. CNESST](#), 2025 QCCS 2650 (CanLII), July 23, 2025].

Action Point: Don’t let this happen to you! Find out how to implement a legally sound [Electrical Safety Compliance Game Plan](#) at your workplace.

Discipline: OK to Suspend Warehouse Worker for Wearing Distracting Personal Earpiece

A warehouse suspended a worker one day after a foreman saw him wearing a personal earphone in violation of its safety policy

banning the use of potentially distracting electronic devices at work. The worker vehemently denied the charge, setting up a classic he said/he said dispute in which the employer had the burden of proving the allegation by “a preponderance of evidence.” While acknowledging that the foreman was more credible, the union insisted that he must have been mistaken because the worker didn’t own the kind of earpiece the foreman described and ii. even if he did, he wouldn’t have been so stupid as to wear it in the foreman’s presence. But the Québec arbitrator refused to bite. The foreman’s story and demeanor were credible and he had no motive to lie. The possibility that he was mistaken couldn’t be 100% ruled out; but the employer didn’t have to do this to meet its burden of proof, especially since this was just a suspension and not a termination [[*United Food and Commercial Workers, Local 501 v. Metro Richelieu Inc. \(Grocery Division – Centre Mérite 1\)*](#)], 2025 CanLII 69711 (QC SAT), July 18, 2025].

Action Point: One big reason the company won this case is that it had clear written rules banning workers from using cell phones, headsets and other personal devices that could interfere with communication or cause distractions that lead to accidents and injuries. Find out how to implement an effective [*Mobile Devices in the Workplace Policy*](#) at your workplace.

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