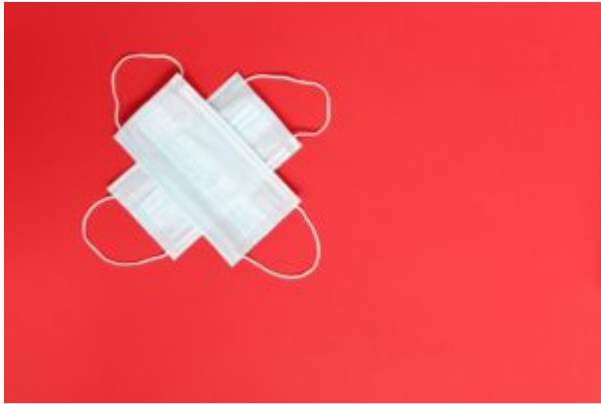


# Violating Workplace COVID Rules Is Also an OHS Violation



An important new case from the Court of Québec is the first to officially confirm what had previously been taken for granted: An employer's noncompliance with the workplace health measures mandated by government emergency decrees constitutes a violation of the OHS laws. The case began when a CNESST inspector discovered multiple COVID violations at a construction site, including failure to clean and disinfect toilets, surfaces and door knobs at least twice a shift and provide trash cans for disposing of used disinfectant towels and charged the employer with violating Article 51(5) of the *OHS Act*, which requires employers to 'use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker.' The court agreed that the employer had failed to comply with the COVID orders and, in so doing, committed an OHS violation [*CNESST c. 8653631 Canada inc.*, 2020 QCCQ 6684 (CanLII), November 12, 2020].