

Modernization of Quebec's occupational health and safety regime – Bill 59

Association of Workers'
Compensation Boards of Canada

May 11, 2021



Table of Contents

1. Context of modernization
2. Main compensation changes proposed
3. Future provisions





Context

- Prevention regime governed by the *Act respecting occupational health and safety*
- Compensation regime governed by the *Act respecting industrial accidents and occupational diseases*
- Two laws that have not been substantially modified since their adoption more than 35 years ago
- January 27, 2019: The Minister of Labour, Employment and Social Solidarity, Mr. Jean Boulet, announces the modernization of these laws





Modernization targeting four themes

- **Prevention** of risks in the workplace
- **Support** for workers and their employers
- **Access** to the compensation regime
- **Other modalities** of the regime





Stages

1. Preparation of the bill (April 2019 to November 2020)
2. Introduction (November 2020)
3. Detailed study by the National Assembly (ongoing)
4. Adoption (target June 2021)
5. Entry into force of provisions (in three stages):
 - Date of assent
 - One year after assent
 - Three years after assent



Theme - Support

Ensure better support for employers and workers to promote timely and sustainable return to work



Adopted

Return to work

- Granting of rehabilitation measures before consolidation of the injury
- Improved temporary assignment by financially supporting the employer and using a standardized form
- Job search and support services, with mandatory participation, for all workers during their job search period
- Framework for the employer's obligation of reasonable accommodation (broadened measures for workers' reinstatement to maintain the employment relationship)
- Support for experienced workers in their reintegration into the labour market
- Adaptation of recreational equipment



Theme - Access

Facilitate access to the compensation regime in the event of an employment injury



Access themes

- Student trainees
- Domestic workers
- Regulation on occupational diseases
- Creation of a scientific committee
- Creation of a committee on occupational oncological diseases
- Time limits for filing occupational disease claims





Adopted

Student trainees

- Full coverage provided, including for those undergoing job shadowing
- All trainees receive appropriate compensation in the event of an employment injury in the workplace





Adopted

Domestic workers

- Definition expanded to include a larger number of people
- Automatic coverage under certain conditions
- Employer responsible for registering workers with the CNESST
- The CNESST may order reinstatement and the employer may demonstrate undue hardship
- Employer must keep a register of industrial accidents





Occupational diseases: Proposals

- Creation of a regulation
- Addition of new presumptive occupational diseases and specific conditions
- Creation of an independent scientific committee
- Creation of an independent committee on occupational oncological diseases
- Setting time limits for filing claims and retroactivity of benefits





Regulation on occupational diseases

Adopted

- Addition of Parkinson's disease
- Addition of Lyme disease in the infectious or parasitic diseases section





Firefighters

The following cancers with their specific conditions are added:

- Kidney
- Bladder
- Larynx
- Lung
- Prostate
- Skin (melanoma)
- Non-pulmonary mesothelioma
- Multiple myeloma
- Non-Hodgkin's lymphoma

Adopted





OD presumption – post-traumatic stress disorder

- The CNESST first analyzes the claim according to industrial accident criteria
- If the claim does not meet these criteria, the analysis continues according to the criteria of presumption of an occupational disease, as set out in the Regulation on occupational diseases

Under review





Hearing loss

The Regulation recognizes noise-induced hearing loss according to the following eligibility criteria:

- Minimum hearing loss threshold
- Including a correction threshold for presbycusis

Under review





Creation of a scientific committee

Adopted

- To ensure that the regulations evolve in line with scientific advances
- To advise the Minister of Labour, Employment and Social Solidarity and the CNESST on occupational diseases that may benefit from a presumption, and the specific conditions associated with them, to be added to the list





Creation of committees on occupational oncological diseases

- To give an opinion on the claims of workers alleging to be suffering from an occupational cancer that is not on the list of presumed occupational diseases

Adopted





Setting time limits

Adopted

- Maintaining the notion of “been made aware” (notification)
- Retroactivity of benefits
- Prescribing death benefits after 5 years

Under review



Theme - Other modalities

Improve other modalities of the occupational health and safety regime



Medical aid

Under review

- Introduce regulatory powers to specify the insurance limit for reimbursement of care, treatments and adapted equipment
- Health services are provided regardless of the date of consolidation of the injury
- Create a system of accreditation and verification of care and treatment providers (enshrined in a new regulation)

Adopted





Optimization of recourse

Under review

- Revise the process for contesting CNESST decisions and reduce processing delays by limiting levels of contestation for certain types of disputes
- New decision with prospective effect
- Extension of the reconsideration period (6 months)





Next steps...

1. Completion of the detailed study by the National Assembly (ongoing)
2. Adoption of the bill (target June 2021)
3. Entry into force of provisions (in three stages):
 - Date of assent
 - One year after assent
 - Three years after assent



Questions ?