

Act respecting occupational health and safety: *New provisions in force as of Oct. 1, 2025*

On Sept.30, 2021, the National Assembly of Québec passed Bill 59, *An Act to modernise the occupational health and safety system* (Bill 59), marking the first major reform in occupational health and safety in nearly 40 years. This major reform, which namely amends the *Act respecting occupational health and safety* (AOHS), provided for the gradual implementation of new obligations.

Four years later, this regulatory transformation reaches a final milestone:

on Oct. 1, 2025, certain permanent provisions of Bill 59 will come into full force, in accordance with the Order in council 1154-2025 (the Order). Despite the introduction of Bill 101 last Spring, which suggested a postponement until 2026, the government has confirmed that this initial key deadline of Oct. 1, 2025, remains.

The Order also provides for **the repeal**, on the same date, of *the Regulation respecting safety representatives in establishments* and the *Regulation respecting health and safety committees*. A **new regulation**, the *Regulation respecting prevention and participation mechanisms in an establishment*, will then come into force. This regulation includes the following chapters:

- Chapter II: Prevention Program and Action Plan
- Chapter III: Health and Safety Committee
- Chapter IV: Health and Safety Representative

In continuation of the [Insight we published on the subject in 2022](#), the current Insight highlights **the main obligations that will come into force this fall**, in order to help you anticipate their impact on your workplace.

In force as of Oct. 1, 2025

Requirements	Description
Rules governing the obligation to develop a prevention program (sections 58, 59, 60 and AOHS)	<ul style="list-style-type: none"> • A prevention program must be developed and implemented in all establishments with 20 or more workers in a year. • The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), if it deems appropriate to protect the health or ensure the physical or psychological safety and integrity of workers, may require an employer to develop and implement a prevention program within a determined timeframe, regardless of the number of workers in the establishment. • A prevention program must be developed in an establishment with fewer than 20 workers in the cases and under the conditions prescribed by regulation. • The program must be updated annually. • For the purposes of determining the number of workers in the establishment, the employer must include full-time, part-time, and casual workers. Volunteer workers with an apprenticeship contract and those doing work on the road or in another workplace should also be included. Finally, the employer must also consider workers whose services are lent or hired out (for example, workers from a personnel placement agency, or temporary foreign workers). • When the number of workers in an establishment falls below 20 in a given year, the employer must keep the prevention program in effect until Dec. 31 of the following year. • The purpose of the prevention program is to eliminate, at the source, dangers to the health, safety, and physical and mental well-being of workers. In developing its prevention program, the employer must consider occupational health programs. These will be developed by the CNESST, in collaboration with the ministre de la Santé et des Services Sociaux, and published on its website. The prevention program must include: <ul style="list-style-type: none"> - the identification and analysis of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, as well as risks that may affect the workers' safety; - the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the scheduling to accomplish the measures and priorities; - the supervision, evaluation, maintenance and follow-up measures ensuring that the identified risks are eliminated or controlled; - the identification of personal protective equipment and devices, both in compliance with the regulations and best adapted to meet the needs of the establishment's workers; - the occupational health and safety training and information programs; - the required medical examinations, both before employment and during the course of employment, as outlined by regulation; - the establishment and updating of a list of any dangerous substances used in the establishment, and any contaminants that may be emitted there; and - the maintenance of an adequate first aid service to respond to emergencies. • Every three (3) years, the employer must submit to the CNESST, using the required form, an update on the action priorities of their prevention program, the progress made on planned measures, and the follow-up completed to eliminate and control the identified risks. • The CNESST may order an employer to send them their prevention program or to amend the content of their program.

<p>Introduction of multi-establishment prevention program (section 58.1 AOHS)</p>	<ul style="list-style-type: none"> • An employer who employs workers in more than one establishment where activities of the same nature are carried on may prepare and implement a single prevention program for all or part of these establishments (“multi-establishment prevention program”). • Such a program must take into account all the activities carried on in these establishments, and apply for at least three (3) years. • The CNESST, if it deems appropriate, may require the preparation and implementation of a prevention program specific to each establishment it designates.
<p>Rules governing the obligation to set up a health and safety committee (sections 68, 68.1, 68.2, 70, 74, 78 and 78.1 AOHS)</p>	<ul style="list-style-type: none"> • A health and safety committee (“OHS committee”) must be formed in all establishments that have 20 or more workers for at least 21 days during the year. • This includes workers whose services are lent or hired out. • When the number of workers in an establishment falls below 20 in a given year, the employer must maintain the OHS committee until Dec. 31 of the following year. • The CNESST, if it deems appropriate, may require the formation of an OHS committee regardless of the number of workers in the establishment. • The number of workers forming the OHS committee is determined by agreement between the employer and the establishment’s workers. If no agreement is reached, this number will be determined in accordance with the rules set out by regulation. In a unionized workplace, the workers’ consent to this agreement is provided by the certified associations and by any workers not represented by a certified association, according to the method they have agreed upon. • The employer must designate at least one representative on the OHS committee and may designate as many members as there are workers’ representatives. • The rules of operation, including in particular the minimum frequency of meetings, are established by agreement among the members of the OHS committee. Until such an agreement is reached, the committee must meet at least once every three (3) months. In the absence of an agreement on the rules of operation, the provisions set out by regulation will apply. • The OHS committee’s meetings are held during regular working hours, subject to an agreement between its members. • An expert may participate, by invitation only and without vote, to the OHS committee’s meetings. • Members of the OHS committee must, within the time prescribed by regulation, participate in a training program whose content and duration are determined by regulation. They may, without loss of pay, take time off as necessary to participate in such programs. • The functions of the OHS committee remain generally the same as under the previous regime, but with expanded responsibilities, including: <ul style="list-style-type: none"> - the OHS committee now does more than simply consider the prevention program: it also cooperates in its preparation, updating, and follow-up; - it actively participates in the identification and analysis of risks that may affect the health and safety of the establishment’s workers, and in the identification of the contaminants and dangerous substances present in the workplace; - it receives and takes into consideration the health and safety representative’s recommendations; - it may consult an occupational health provider or request their collaboration, in particular to assess the appropriateness of their involvement in the prevention program; - it receives and studies statistical data, or any other data produced by the CNESST or by any other relevant body. • When a multi-establishment prevention program is implemented, the employer must form an OHS committee spanning all the establishments covered by it (“multi-establishment OHS committee”).

Designation of a health and safety representative (sections 87, 87.1, 88, 88.1, 90, 91 and 92 AOHS)

- Where an OHS committee exists in an establishment, at least one health and safety representative (“OHS representative”) must be designated from among the workers in that establishment. The OHS representative is, by virtue of office, a member of the OHS committee.
- The CNESST may also require the designation of an OHS representative in an establishment with no OHS committee when it deems it appropriate to protect the workers’ health, or ensure their safety and physical or mental well-being.
- When a multi-establishment OHS committee is formed to act for the establishments covered by a multi-establishment prevention program, at least one OHS representative is designated for those establishments.
- In certain cases, and under the conditions set out by regulation, an OHS representative must be appointed in an establishment with fewer than 20 workers. The functions of the OHS representative remain similar to those of the safety representative under the previous regime, but with an enhanced and expanded role. In particular, the person must:
 - cooperate in the preparation and implementation of the prevention program or action plan;
 - present recommendations in writing to the employer;
 - participate in the identification and analysis of risks that may affect the health and safety of the establishment’s workers, and in the identification of the contaminants and dangerous substances present in the workplace;
 - inspect workplaces;
 - identify situations that may be a source of danger to workers;
 - receive accident reports;
 - conduct investigations into actual or potential incidents, and report the results to the OHS committee (where one exists);
 - make recommendations they consider appropriate, including those related to psychosocial risks, to the OHS committee or, if there is no such committee, to the workers, their certified association, and the employer;
 - accompany CNESST inspectors during their visits;
 - assist workers in exercising their rights (complaint, right of refusal, etc.).
- The OHS representative may take time off work for the period necessary to carry out the inspection of workplaces, to accompany the CNESST inspector during his visits, and to intervene in cases where a worker exercises his right of refusal. The amount of time the safety representative may devote to the exercise of his other function shall be determined by agreement between the members of the OHS committee. If the committee fails to agree, the representative may devote the minimum time fixed by regulation to these functions. An OHS representative is deemed to be at work when performing his functions.
- The OHS representative must participate in a mandatory training program of such content and duration, as determined by regulation. They may, without loss of pay, take the required time off work to participate in these programs.
- Here are the CNESST training programs for OHS representatives:
 - Part-time: <https://www.cnesst.gouv.qc.ca/fr/service-clientele/formations-webinaires/formations-chantiers-construction/formation-pour-representants-en-sante-en-securite> (in French only)
 - Full-time: <https://www.cnesst.gouv.qc.ca/fr/service-clientele/formations-webinaires/formations-chantiers-construction/formation-representants-sante-securite-temps-plein> (in French only)

<p>Designation of a liaison officer (sections 97.1, 97.2, 97.3, 97.4 and 97.5 AOHS)</p>	<ul style="list-style-type: none"> • A liaison officer must be trained in all establishments with fewer than 20 workers. • The liaison officer must be designated by agreement between the certified association and the workers not represented by a certified association, according to the method of appointment they determine among themselves. • The function of the liaison officer is to facilitate the communication of health and safety information between the employer and the workers. The officer cooperates in the preparation and implementation of the prevention program or action plan by presenting recommendations in writing to the employer, notably regarding the identification of risks in the work environment. The employer is required to reply to a recommendation within 30 days. If, at the expiry of that period, the employer has not followed up, the liaison officer may submit a complaint to the CNESST. • The health and safety liaison officer may take time off work as necessary to perform his functions and shall be deemed to be at work when performing the duties assigned to him. • The liaison officer must participate in a training program whose content and duration are determined by the CNESST. The officer may, without loss of pay, take time off as necessary to participate in this program.
<p>Development of a prevention action plan (sections 61.1 and 61.2 AOHS)</p>	<ul style="list-style-type: none"> • In all establishments with fewer than 20 workers, the employer must develop and implement an action plan to reduce or eliminate risks at source. • This plan has the same objectives as the prevention program for establishments with 20 or more workers, including: <ul style="list-style-type: none"> - the identification of risks that may affect the health (chemical, biological, physical, ergonomic, and psychosocial) or safety of workers; - the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the scheduling to accomplish the measures and priorities; - the supervision and maintenance measures to ensure continued risk control; - the identification of personal protective equipment and devices that, in addition to being in compliance with the regulations, are best adapted to meet the needs of the establishment's workers; - the occupational health and safety training and information. <p>If there is an occupational health program applicable to the employer's establishment, the employer has an obligation to include health components in the action plan.</p>
<p>Creation of a contaminants and hazardous materials register (section 52 AOHS)</p>	<ul style="list-style-type: none"> • The register of job risks provided for in section 52 of the AOHS will be replaced by a register of contaminants and dangerous substances. The content of the register, which may include, among other things, a list of the workers exposed to those contaminants or dangerous substances, and the manner in which the register is to be sent to the CNESST, are prescribed by regulation. • The employer must provide the workers, the OHS committee, the certified association, and the Public Health Director the list of dangerous substances used in the establishment, and of contaminants that may be emitted.

It should be noted that specific obligations have applied to construction sites since Jan. 1, 2023, under the *Regulation respecting prevention mechanisms specific to construction sites*.

Contact us

Montréal professionals among BLG's Labour & Employment Law Group are available to answer any questions you may have regarding the implementation of these new provisions and how they apply. Do not hesitate to reach out to the authors or key contacts below for further assistance.

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