A New Québec Regulation on the Use of Ladders and Stepladders

November 01, 2016

The CNESST published a notice of a draft regulation in the *Gazette officielle* concerning the use of ladders and stepladders on worksites.

The *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (the "CNESST"), on September 28, 2016, published a notice of a draft regulation in the *Gazette officielle* concerning the use of ladders and stepladders on worksites. That may seem quite mundane. Nevertheless, according to a regulatory impact assessment by the CNESST, dated August 12, 2016:

[TRANSLATION]

Industrial accidents attributable to inappropriate use of ladders or stepladders are leading to serious consequences, and even to deaths, every year. Over the last five years, 35% of work accidents have occurred as a result of falls from ladders and stepladders. It is recognized that these accidents are often attributable to an unstable surface, inappropriate use, poor installation, an inadequate choice or the defective condition of the equipment. [...] Hence, although their use is simple, preventive measures must be applied in order to avoid what may often turn out to be a tragic accident.

The CNESST is therefore dusting off the *Regulation respecting occupational health and safety* with respect to these tools. In some respects, that is just a matter of common sense, but we would remind you that a non-conforming use may entail penal complaints, resulting in fines of between $1,613 and $3,255, and of up to $12,899 for repeat offences.

The draft regulation clarifies the conditions governing the use, installation and manufacture of these tools and promotes the adoption of best practices. If the draft as published is adopted, it will be prohibited:

(1) to use a portable ladder or a stepladder near an exposed electrical circuit, if it is made of metal or is metal-reinforced;

(2) to use a portable ladder or a stepladder as a horizontal support;

(3) to stand up on

(a) the last 2 rungs of a portable ladder;

(b) the top rung, on the pail shelf, on the rear section or on the top of a stepladder, except if it was so designed by the manufacturer;

(4) to use the intermediate or upper section of a multiple-section ladder or of an extension ladder as the lower section, unless such use is authorized by the manufacturer.

The safety precautions applicable to the use of these tools are also clarified. The worker shall:

(1) be facing the portable ladder or stepladder at all times;

(2) remain in the centre of the steps or rungs of the portable ladder or stepladder and comply at all times with the maximum height indicated by the manufacturer;

(3) maintain 3 points of contact while climbing or descending the portable ladder or stepladder, unless a means of protection against falls is used.

That latter standard, the three-points-of-contact rule, clearly illustrates how such a regulation can subtly complicate the performance of certain tasks. Imagine climbing up a stepladder to reach three boxes of a product stored high up (shoe boxes, for example), and you will quickly conclude that it will be practically impossible to climb back down the stepladder with your hands full while still complying with the three-points-of-contact rule. It may perhaps be necessary to make three trips or to develop another tool to gain access to the stock.

At the very least, a revision and updating of the training program on the use of portable ladders and stepladders would be indicated.

The CNESST foresees implementing a public relations plan to inform employers of the new provisions governing the manufacture, verification, selection and use of ladders and stepladders when the final version of the regulation is published, and it also plans to publish an informational guideline on the safe use of portable ladders and stepladders in 2017, in order to facilitate gaining further knowledge, as well as the adoption and observance of best practices.

By

François Longpré

Expertise

Labour & Employment

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.