Occupational health and safety: Three new provisions to the AIAOD, effective April 6, 2023

April 03, 2023

April 6, 2023, marks the coming into force of three major amendments to the *Act respecting industrial accidents and occupational diseases* (the AIAOD) regarding contestations to decisions of the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (the CNESST).

This article summarizes the changes resulting from the *Act to modernize the occupational health and safety system* (the AMOHS), which was adopted in September 2021 and constitutes a major reform of the Québec occupational health and safety system.

1. Extension of the time limit for challenging an administrative review decision

The period for challenging a decision made by the CNESST's *Direction de la révision administrative* (the DRA) before the Administrative Labour Tribunal (the Tribunal) will be increased from 45 to 60 days.[1]

2. Contestation of a CNESST decision directly before the Tribunal

In some cases,[2] a person may be able to apply directly to the Tribunal for review of a CNESST decision within **60 days** of the decision, without going through an application for review with the DRA.[3] This contestation can be made following a decision on:

i. an opinion given by the *Bureau d'évaluation médicale*;[4]
ii. an opinion of the special committee, which analyzes occupational lung diseases;
iii. a report made by a committee on occupational oncological diseases;
iv. a financing decision;
v. a decision regarding special provisions for employers held personally responsible for the payment of benefits.

It should be noted that when a person directly contests one of these decisions before the Tribunal, the possibility of requesting a reconsideration of the decision by the CNESST is waived.[5]

3. New maximum processing time for administrative review

A person may contest before the Tribunal a decision regarding which the person applied for a review if the DRA did not render a decision within 90 days of receiving the application. If the person has requested more time to present observations or produce documents, the 90-day period runs from the time observations are presented or documents are produced.[6]

Contact us

For any questions you may have about the legal framework governing the occupational health and safety regime in Québec, please reach out to your BLG lawyer or one of the key contacts below from our Labour and Employment Group.

[1] Section 101 of the AMOHS which amends section 359 of the AIAOD.

[2] If a decision that is the subject of an application for review is also contested before the Tribunal, the latter shall refer the matter to the CNESST for a review decision.

[3] Section 103 of the AMOHS, which amends section 360 of the AIAOD.

[4] In the cases referred to in subparagraphs i) ii) and iii) of this article, the Tribunal may, where applicable, decide any other question that is the subject of the decision.

[5] Section 107 of the AMOHS, which amends section 365 of the AIAOD.

[6] *Idem*, note 2.

By

Stéphanie Desjardins

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.