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CANADIAN HEALTH AND SAFETY LAW

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What's New in This Update:

This release contains updates to the overview chart in Chapter 13 (Workplace Smoking Restrictions), as well as to the Selected Legal Literature and Words and Phrases sections. The New Developments section has been updated with civil, criminal and board/tribunal decisions from July 2017 - July 2018 that discuss occupational health and safety issues and law.

Highlights:

The Words and Phrases section of the publication adds new judicial interpretations to several Words and Phrases, including:

- **Employment Injury** — ... an employment injury within the meaning of s. 2 of the [*Act Respecting Industrial Accidents and Occupational Diseases*, C.Q.L.R., c. A-3.001], which states: “employment injury” means an

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injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation: *Quebec (Commission des normes, de l'équité de la santé et de la sécurité du travail) v. Caron*, 2018 SCC 3, 2018 CarswellQue 142 (S.C.C.) at para. 5, *per* Abella J. (McLachlin C.J.C., Karakatsanis, Wagner and Gascon JJ. concurring).

● **Equivalent Employment** — “‘Equivalent employment’ is defined in s. 2 as an ‘employment of a similar nature to the employment held by the worker when he suffered the employment injury, from the standpoint of vocational qualifications required, wages, social benefits, duration and working conditions’. This arises in circumstances where a worker is technically able to do his pre-injury employment but cannot return to it for reasons unrelated to the injury, such as the elimination of the position [...]”: *Quebec (Commission des normes, de l'équité de la santé et de la sécurité du travail) v. Caron*, 2018 SCC 3, 2018 CarswellQue 142 (S.C.C.) at para. 40 Abella J. (McLachlin C.J.C., Karakatsanis, Wagner, Gascon JJ. concurring).

The Selected Legal Literature section includes several new articles pertaining to occupational health and safety.