

ARE BETTER WORKING CONDITIONS FOR YOUR QUEBEC EMPLOYEES ON THE HORIZON?

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Following the significant amendments to labour standards which recently came into effect in other Canadian provinces, it is not surprising that Quebec is thinking of following suit. On March 20, 2018, Bill 176: *An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance* (the “**Bill**”) was presented by the Minister responsible for Labour to the Quebec National Assembly.

If the Bill is enacted, employers can expect the following major changes:

- An increase in the number of weeks of absence authorized in certain situations. Specifically, an employee may now be absent from work for up to:
 - 10 days per year to carry out obligations relating to the care, health or education of the employee’s child or the child of a relative or of a person for whom the employee is a caregiver. The first two days of this absence will be remunerated.
 - 27 weeks over a period of 12 months due to a relative’s serious and potentially mortal illness;
 - 36 weeks over a period of 12 months due to a minor child’s serious illness or accident;
 - 16 weeks over a period of 12 months due to a relative’s serious illness or accident;
 - 104 weeks due to the death of the employee’s minor child; and
 - 104 weeks due to the suicide of the employee’s spouse, father, mother or child of full age.
- A clarification of the definition of “relative” by expanding it and providing that certain days of absence may also be taken for the benefit of persons, other than relatives, for whom an employee acts as a caregiver.
- An employee would no longer be required to have at least three months of continuous service with the employer to qualify for leave of up to 26 weeks over a 12-month period for sickness, an organ or tissue donation for transplant or an accident. However, if an employee has three months or more of continuous service, the first two days of the sick leave shall be remunerated. Furthermore, this leave has been expanded to include leave for an employee who been the victim of domestic violence.
- Different wage rates based solely on employees’ employment status are prohibited. In relation to pension plans or other employee benefits, differential treatment based solely on the employees’ hiring date is also

prohibited.

- Under certain conditions, an employer and an employee can agree to stagger working hours on a basis other than a weekly basis, without the authorization of the CNESST, for a maximum period of six months.
- Employees may refuse to work more than two hours after their regular daily working hours (instead of four). Furthermore, employees may refuse to work beyond their regular daily working hours if not notified of their work schedule at least five days in advance.
- An employee with three years of continuous service (instead of five) would be entitled to at least three weeks of vacation per year.
- Conduct, verbal comments, actions or gestures of a sexual nature may be a form of psychological harassment.
- Employers must adopt and make available to their employees a psychological harassment prevention and complaint processing policy.
- Personnel placement agencies and recruitment agencies for temporary foreign workers must hold a licence and implement regulations. Enterprises that retain the services of such an agency that does not hold a licence will be liable for a penal sanction. In addition, personnel placement agencies and the client enterprises that retain their services will from now on be solidarily liable to an employee for the pecuniary obligations under the *Act respecting labour standards*.
- Athletes whose membership in a sports team is conditional on their continued participation in an academic program are excluded from the application of the *Act respecting Labour Standards*.

While this Bill is still at its very early stages, it will be interesting to see whether Quebec decides to amend its legislation to provide a better work-life balance for Quebec employees. Stay tuned...

by Shari Munk-Manel and Geneviève Lavoie, Articling Student

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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