

Proposed Changes to the Quebec Act Respecting Labour Standards

Over the last several months, the Liberal government in Quebec has reiterated that reform to the *Act respecting labour standards* (the “Act”) was coming.

On March 20, 2018, Quebec’s Minister responsible for Labour, Dominique Vien, presented Bill 176: *An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance* (“Bill”) in the Quebec National Assembly.

Significant proposed changes employers can expect if the Bill is passed include:

Work Schedule

The Bill introduces the possibility of staggering working hours without obtaining the authorization of the Commission, which is usually required other than on a weekly basis. However, the employer and employee must agree on such staggering, subject to some specific conditions. This proposed change will provide employers more flexibility in managing the overtime hours worked in their organization.

In addition, the Bill proposes that the number of extra hours that employees must accept to work beyond their regular daily working hours will be reduced to two (2) and will allow an employee to refuse to work extra hours if not notified of their work schedule at least five (5) days in advance, in certain circumstances.

Personnel Placement and Recruitment Agencies

The Bill provides that these agencies must obtain a license issued by the Commission pursuant to a Regulation to be adopted.

The Bill would prevent personnel placement agencies from paying their employees less than the rate their clients pay at the same establishment solely because of their temporary employment status.

Equal Pay for Equal Work

The Bill provides that an employer will no longer be able to remunerate an employee at a lower wage rate than that granted to its other employees who perform similar tasks in the same establishment solely because of the employee’s employment status or because the employee typically works fewer

hours per week, even if the employee makes more than twice the minimum wage.

Psychological Harassment

The Bill provides that all employers must adopt and make available to their employees a psychological harassment policy which must provide a commitment to prevent psychological harassment and a complaint process. In addition, the Bill clarifies that verbal comments, actions or gestures of a sexual nature are included in the notion of psychological harassment.

Vacation

Employees who, at the end of a reference year, have three (3) years of continuous service with the same employer, will be entitled to three (3) consecutive weeks of vacation instead of two (2) weeks.

Bereavement Leave

The legislation currently provides that an employee may be absent from work for five (5) days by reason of the death or funeral of certain relatives, and that one of those days is to be remunerated. The Bill provides two (2) of those five (5) days be remunerated.

Leaves of Absence due to Sickness, Organ, Tissue Donations, Accidents or Criminal Offences

The Bill provides that after three (3) months of completed service, any employee who takes advantage of these leaves is entitled to be paid for the first two (2) days.

In addition to these changes, other proposed changes include difference in treatment, pension plans, domestic violence leave and public holiday pay for employees on vacation.

Please keep in mind that these amendments (if the Bill is passed) will only apply to **provincially regulated employers in Quebec**.

Stay tuned for future e2r® Alerts that will provide further information on the changes to the Act.

In the meantime, please feel free to contact e2r® to speak with an Advisor if you have any questions regarding how these changes will impact your workplace.