



## Employment Law Solutions for the Canadian Workplace

RELEASE 164 – NOVEMBER 2021

### new and noteworthy

- **Quebec Employment Law:** The entire content of Tab III, Quebec Labour and Employment Law, has been reviewed to ensure that the content is current. Updates have been provided as needed and many minor clarifications and details have been added throughout.

### highlights of this release

- **Tab III-1.A Wages and the Payment of Wages:**
  - Section III.1.A.1, Minimum Wage, has been updated to reflect the current minimum wage of \$13.50 per hour, or \$10.80 per hour for employees who usually receive gratuities or tips.
- **Tab III-1.B Duration of Work:**
  - Section III.1.B.5.2, Overtime—Staggering of Working Hours, has been expanded to include conditions for a valid agreement between the employer and employees for staggering of working hours that does not need the approval of the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (the CNESST).
- **Tab III-1.D Annual Vacation:**
  - Several clarifications have been added regarding vacation entitlement for employees who have been on sick leave, entitlements of part-time employees, and when annual vacation must be taken.
- **Tab III-1.E Special Leaves:**
  - Section III.1.E.2, Bereavement Leave, has been updated to note that the leave entitlement is now a total of 5 days, including 2 days without reduction of wages, if the deceased person is the spouse, father, mother, brother, sister, or child of the employee, or the child of the employee's spouse.
  - Section III.1.E.5, Maternity Leave, has been updated to note that maternity leave can end as late as 20 weeks after the week of delivery of the child.

# release notes

*please review*

- Section III.1.E.6, Paternity Leave, has been updated to note that paternity leave can end as late as 78 weeks after the week of the birth of the child.
- Section III.1.E.7, Parental Leave, has been updated to note that the maximum parental leave without pay has increased to 65 consecutive weeks, in addition to maternity and paternity leave entitlements. Also, details regarding shareable adoption benefits under the *Parental Insurance Act* have been added.
- **Tab III-1.H Civil Recourses:**
  - The new Section III.1.H.2, Civil Proceedings, has been inserted to summarize the role of the CNESST in intervening on behalf of an employee claiming to have been deprived of money owed due to application of a standard under the *Labour Standards Act*.
  - Section III.1.H.7, Prescription, has been expanded with further information on prescription periods for a variety of complaints under the *Labour Standards Act*.
- **Tab III-1.I Recourse Contesting a Prohibited Practice:**
  - Section III.1.I.1, Prohibited Grounds of Sanction, has been reviewed updated with a significantly expanded list of prohibited reasons for taking action against an employee.
- **Tab III-2.A Other Statutory Recourses:**
  - Section III.2.A.3, Section 45 of the *Charter of the French Language* (the “Charter”), has been updated to note the filing of a bill aiming to reform the *Charter* and employer obligations regarding the French language in the context of work.
- **Tab III-4.A Prohibited Grounds of Discrimination:**
  - New Section III.4.A.3, Prohibited Discrimination in the Hiring Process, has been added to explain and emphasize that employers must not only act in a non-discriminatory manner during the employment relationship but also during the hiring process. The case of *Kerdougli v. La Vie en Rose Inc.* is provided as an example.
- **Tab III-4.B Hiring:**
  - Section III.4.B.1, Application Forms and the Interview Process, has been updated with additional details and considerations in relation to questions about a candidate’s criminal record.
- **Tab III-4.C The Employer’s Right to Impose Job Requirements:**
  - Section III.4.C.1, Introduction, has been updated with a discussion of a recent Quebec Court of Appeal case confirming that students cannot be paid a lower wage than other employees, as this constitutes discrimination on the basis of social condition, in violation of the *Charter of Human Rights and Freedoms*.
- **Tab III-4.E The Quebec Human Rights and Youth Protection Commission:**
  - Section III.4.E.2, Investigative Powers, has been reviewed and revised to clarify the role and objectives of the Human Rights Commission in conducting investigations.

## did you know?

- **BLG's COVID-19 Resource Centre:** To keep businesses informed on emerging issues related to COVID-19, the law firm authoring this guide continues to provide regularly updated resources online at <https://www.blg.com/en/insights/covid-19>. The website includes articles addressing labour and employment law.



### related STP products

- **Directors' Liability in Canada** offers an extensive, thoroughly researched, authoritative analysis of the pertinent laws and precedents, so that the risk of personal liability for directors and officers in Canada can be minimized. *Directors' Liability in Canada* is written for Directors/Trustees, Officers, Corporate Counsel, Secretaries/Treasurers, Accountants/Controllers, Risk Managers and Consultants of all private and public organizations in Canada and for those external organizations needing to do business in Canada. Available format: online.

For more information or to purchase any STP product, visit [www.stpub.com](http://www.stpub.com), email [info@stpub.com](mailto:info@stpub.com), or call **1.800.251.0381**.



### industry insight

For insight into current industry developments, subscribe to the STP blog at <https://blog.stpub.com/>.