

Office Edition

- Act respecting labour standards and its regulations
- National Holiday Act

ERRATUM

OFFICE EDITION

Section 81.13 of the Act respecting labour standards should read as follow :

Notice of return **81.13.** An employee may return to work before the date stated in the notice given pursuant to section 81.2.1, 81.6 or 81.12, provided he has given the employer written notice of not less than three weeks of the new date on which he will return to work.

Return to work If the employer consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave.

1990, c. 73, s. 34; 2002, c. 80, s. 42; 2008, c. 30, s. 4.



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NOTE TO THE READER

This latest Office Edition contains an updated version of the Act respecting labour standards, its regulations and the National Holiday Act.

As far as possible, the presentation used in the Revised Statutes of Québec has been respected. Every section of the legislative texts is followed by a reference, which indicates whether or not that section has been amended. For example, reference “1978, c. 5, s. 5; 1979, c. 45, s. 166” means that section 5 of chapter 5 of Statutes of 1978 (s. 5 of the National Holiday Act) has been amended by section 166 of chapter 45 of the Statutes of 1979 (s. 166 of the Act respecting labour standards). Furthermore, as in the Revised Statutes of Québec, the notes “section omitted” and “this provision amends c. ...” replace the texts of sections that were of no help in understanding our legislation.

However, as this is an Office Edition, “editor’s notes” have been inserted in the legislative texts, when we deemed it relevant.

Official documents have been consulted for the preparation of this edition: the Revised Statutes and Regulations of Québec, the *Gazette officielle*, the Répertoire législatif de l’Assemblée nationale, etc. However, this Office Edition has no legal value on which decisions of a legal nature can be based. For such decisions, the official texts of the laws and regulations concerned must be used.

Commission des normes du travail

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An Act respecting labour standards

Part I

- **Presentation**
- **Act respecting labour standards**

PRESENTATION

The Act respecting labour standards was assented to on June 22, 1979. It was then amended several times and occasionally with the sole purpose of ensuring some concordance with various pieces of legislation.

The Act respecting labour standards entered into force on April 16, 1980 with the exception of section 75, which entered into force on April 1, 1981, and a few provisions mentioned as “not in force” in this document. These provisions will enter into force on the date or dates that will be determined by government proclamation.

The Act respecting labour standards was amended by the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80) assented to on December 19, 2002. The version that we are presenting takes into account the amendments that were made to the Act.

CHAPTER N-1.1

ACT RESPECTING LABOUR STANDARDS

CHAPTER 1
DEFINITIONS

Interpretation	1. In this Act, unless the context indicates a different meaning,
“ <i>delivery</i> ”	(1) “ delivery ” means the natural or the lawfully, medically induced end of a pregnancy by child-birth, whether or not the child is viable;
“ <i>Commission</i> ”	(2) “ Commission ” means the Commission des normes du travail established under section 4;
“ <i>spouse</i> ”	(3) “ spouse ” means either of two persons who <ol style="list-style-type: none"> a) are married or in a civil union and cohabiting; b) being of opposite sex or the same sex, are living together in a de facto union and are the father and mother of the same child; c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;
“ <i>agreement</i> ”	(4) “ agreement ” means an individual contract of employment, a collective agreement within the meaning of paragraph <i>e</i> of section 1 of the Labour Code (chapter C-27) or any other agreement relating to conditions of employment, including a Government regulation giving effect thereto;
“ <i>decree</i> ”	(5) “ decree ” means a decree adopted under the Act respecting collective agreement decrees (chapter D-2);
“ <i>domestic</i> ”	(6) “ domestic ” means an employee in the employ of a natural person whose main function is the performance of domestic duties in the dwelling of that person, including an employee whose main function is to take care of or provide care to a child or to a sick, handicapped or aged person and to perform domestic duties in the dwelling that are not directly related to the immediate needs of the person in question;
“ <i>employer</i> ”	(7) “ employer ” means any person who has work done by an employee;
“ <i>Minister</i> ”	(8) “ Minister ” means the Minister of Labour;
“ <i>wages</i> ”	(9) “ wages ” means a remuneration in currency and benefits having a pecuniary value due for the work or services performed by an employee;
“ <i>employee</i> ”	(10) “ employee ” means a person who works for an employer and who is entitled to a wage; this word also includes a worker who is a party to a contract, under which he or she <ol style="list-style-type: none"> i. undertakes to perform specified work for a person within the scope and in accordance with the methods and means determined by that person; ii. undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and iii. keeps, as remuneration, the amount remaining to him or her from the sum he or she has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract;
“ <i>week</i> ”	(11) “ week ” means a period of seven consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day;
“ <i>uninterrupted service</i> ”	(12) “ uninterrupted service ” means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed.
Temporary or permanently absence	Persons to whom subparagraph 3 of the first paragraph applies are considered to be cohabiting despite the temporary absence of one of them. The same rule applies if one of the persons is required to live permanently in another place for health reasons or because of imprisonment, unless the other person is cohabiting with another spouse within the meaning of that subparagraph.

1979, c. 45, s. 1; 1981, c. 9, s. 34; 1990, c. 73, s. 1; 1992, c. 44, s. 81; 1994, c. 12, s. 49; 1996, c. 29, s. 43; 1999, c. 14, s. 15; 2002, c. 6, s. 144; 2008, c. 30, s. 1.

CHAPTER II

SCOPE

- Applicability **2.** This Act applies to the employee regardless of where he works. It also applies:
- (1) to the employee who performs work both in Québec and outside Québec for an employer whose residence, domicile, undertaking, head office or office is in Québec;
 - (2) to the employee domiciled or resident in Québec who performs work outside Québec for an employer contemplated in paragraph 1;
 - (3) *(Paragraph repealed)*.
- Act binding This Act is binding on the state.

1979, c. 45, s. 2; 1990, c. 73, s. 2; 1999, c. 40, s. 196; 2002, c. 80, s. 1.

- Applicability **3.** This act does not apply:
- (1) *(Paragraph repealed)*.
 - (2) to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if the employee's duty is performed on an occasional basis, unless the work serves to procure profit to the employer, or if the employee's duty is performed solely within the context of assistance to family or community help;
 - (3) to an employee governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), except the standards prescribed by the second paragraph of section 79.1, sections 79.7 to 79.16, sections 81.1 to 81.20 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII;
 - (4) to the employee contemplated in subparagraphs i, ii and iii of paragraph 10 of section 1 if the Government, by regulation pursuant to another act, establishes the remuneration of that employee or the tarif that is applicable to him;
 - (5) to a student who works during the school year in an establishment selected by an educational institution pursuant to a job induction programme approved by the ministère de l'Éducation, du Loisir et du Sport;
 - (6) to senior managerial personnel, except the standards prescribed by the second paragraph of section 79.1, sections 79.7 to 79.16, sections 81.1 to 81.20 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII.

1979, c. 45, s. 3; 1980, c. 5, s. 1; 1985, c. 21, s. 74; 1986, c. 89, s. 50; 1988, c. 41, s. 88; 1990, c. 73, s. 3; 1992, c. 68, s. 157; 1993, c. 51, s. 43; 1994, c. 16, s. 50; 2002, c. 80, s. 2; 2005, c. 28, s. 195; 2007, c. 36, s. 1.

- Provisions applicable **3.1.** Notwithstanding section 3, Divisions V.2 and VI.1 of Chapter IV, sections 122.1 and 123.1 and Division II.1 of Chapter V apply to all employees and to all employers.

1982, c. 12, s. 1; 1990, c. 73, s. 4; 2002, c. 80, s. 3.

CHAPTER III
THE COMMISSION

- Establishment **4.** A body is established under the name of “Commission des normes du travail”.
- 1979, c. 45, s. 4.
- Functions **5.** The Commission shall supervise the implementation and application of labour standards. It shall, in particular, exercise the following functions:
- (1) inform the population on matters dealing with labour standards;
 - (1.1) inform employees and employers of their rights and obligations under this Act;
 - (2) supervise the application of labour standards and, where necessary, transmit its recommendations to the Minister;
 - (3) receive complaints from employees and indemnify them to the extent provided in this act and the regulations;
 - (4) *(Paragraph repealed)*.
 - (5) endeavour to bring about agreement between employers and employees as to their disagreements in relation to the application of this Act and the regulations.
- 1979, c. 45, s. 5; 1990, c. 73, s. 5; 2002, c. 80, s. 4.
- Legal person **6.** The Commission is a legal person.
- 1979, c. 45, s. 6; 1999, c. 40, s. 196.
- Agreements **6.1.** The Commission may enter into agreements, according to law, with a government department or body for the purposes of the Acts and regulations under its administration.
- 1994, c. 46, s. 1.
- 6.2.** *(Section repealed)*.
- 1997, c. 2, s. 1; 2000, c. 15, a. 138; 2001, c. 26, s. 138; O.C. 1314-2002.
- Head office **7.** The Commission has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.
- Sittings The Commission may hold its sittings at any place in Québec.
- 1979, c. 45, s. 7.
- Composition **8.** The Commission is composed of not more than 13 members, appointed by the Government, including a chairman and at least one person from each of the following groups:
- (1) non-unionized employees;
 - (2) unionized employees;
 - (3) employers from the big business sector;
 - (4) employers from the small and medium-sized business sector;
 - (5) employers from the cooperative sector;
 - (6) women;
 - (7) young people;
 - (8) family;
 - (9) cultural communities.

SECTION 9

- Appointment These nine members shall be appointed after consultation with associations or bodies representative of their respective groups.
- Equal representation Members, excluding the chairman, must be drawn equally from the employee sector and the employer sector.

1979, c. 45, s. 8; 1990, c. 73, s. 6.

- Term of office **9.** The chairman of the Commission is appointed for a term of not over five years. The other members are appointed for a term of not over three years.

1979, c. 45, s. 9.

- Chairman **10.** The chairman holds office on a full-time basis. He presides at meetings of the Commission.
- Administration He is also the director general of the Commission and, in that capacity, is responsible for the administration and direction of the Commission within the scope of its regulations.

1979, c. 45, s. 10.

- Vice-chairman **10.1.** The chairman is assisted by two vice-chairmen in the performance of his duties under the second paragraph of section 10.

1992, c. 26, s. 1; 1999, c. 52, s. 1.

- Terms of office **10.2.** The vice-chairmen are appointed for not more than five years by the Government. They hold office on a full-time basis.

- Replacement of chairman The chairman or, failing the chairman, the Minister shall appoint one of the vice-chairmen to replace the chairman in the performance of all of the chairman's duties where the latter is absent or unable to act.

1992, c. 26, s. 1; 1999, c. 52, s. 2.

- Delegation **11.** The Commission may generally or specially authorize a person to exercise the powers conferred upon it by this act.

1979, c. 45, s. 11.

- End of term **12.** A member of the Commission or a vice-chairman remains in office at the expiry of his term until he is replaced or reappointed.

1979, c. 45, s. 12; 1992, c. 26, s. 2; 1999, c. 52, s. 3.

- Member replaced **13.** If a member of the Commission or a vice-chairman does not complete his term of office, the Government shall appoint a person to replace him for the remainder of his term.

1979, c. 45, s. 13; 1992, c. 26, s. 3; 1999, c. 52, s. 4.

14. *(Section repealed).*

1979, c. 45, s. 14; 1992, c. 26, s. 4.

- Meetings **15.** The Commission shall meet at least once every three months.

 1979, c. 45, s. 15.
- Quorum **16.** The majority of the members including the chairman are a quorum of the Commission.
 Decisions _____
 Decisions are taken by the majority of votes; in the case of a tie-vote, the chairman has a casting vote.

 1979, c. 45, s. 16.
- Decisions signed **17.** A decision signed by all the members has the same value as if it had been taken at a regular meeting.

 1979, c. 45, s. 17.
- Authenticity of the minutes **18.** Minutes of the sittings of the Commission approved by the latter are authentic, as are copies or extracts certified true by the chairman, a vice-chairman or the secretary of the Commission.

 1979, c. 45, s. 18; 1992, c. 26, s. 5; 1999, c. 52, s. 5.
- Conditions of employment **19.** The Government shall determine, as the case may be, the conditions of employment, salaries, additional salaries, allowances and indemnities or social benefits to which the chairman, the other members and the vice-chairmen of the Commission are entitled.

 1979, c. 45, s. 19; 1992, c. 26, s. 6; 1999, c. 52, s. 6.
- Secretary and personnel **20.** The secretary and the members of the personnel of the Commission are appointed in accordance with the Public Service Act (chapter F-3.1.1).

 1979, c. 45, s. 20; 1983, c. 55, s. 161; 2000, c. 8, s. 242.
- Expenses **21.** The expenses of the Commission, including the salaries, allowances and indemnities or social benefits of the vice-chairmen of the Commission, of its secretary, of its members and of its personnel, are paid out of its revenues.

 1979, c. 45, s. 21; 1992, c. 26, s. 7; 1999, c. 52, s. 7.
- Immunity **22.** A member of the Commission or a vice-chairman may not be prosecuted by reason of an act done in good faith in the performance of his duties.
 Recourse _____
 Except on a question of jurisdiction, no recourse provided for in articles 33 and 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised nor any injunction granted against the Commission or against a member or a vice-chairman of the Commission acting in their official capacity.

 1979, c. 45, s. 22; 1992, c. 26, s. 8; 1999, c. 52, s. 8.
- Writ annulled **23.** A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 22.

 1979, c. 45, s. 23; 1979, c. 37, s. 43.

SECTION 24

- Conflict of interest** **24.** The chairman and the vice-chairmen shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting their personal interest in conflict with that of the Commission. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with all possible dispatch.
- Interest disclosed** Any member of the Commission, other than the chairman, who has a direct or indirect interest in an undertaking must, on pain of forfeiture of office, disclose it in writing to the other members of the Commission and refrain from participating in any decision in connection with the undertaking in which he has that interest.
-
- 1979, c. 45, s. 24; 1994, c. 26, s. 9; 1999, c. 52, s. 9.
- Fiscal period** **25.** The fiscal period of the Commission ends on 31 March each year.
-
- 1979, c. 45, s. 25.
- Annual report** **26.** Not later than six months after the end of its fiscal period, the Commission must remit to the Minister a report of its activities for that fiscal period; this report must contain all the information the Minister may require.
- Information to Minister** The Commission must furnish to the Minister any other information he may require on its operations.
-
- 1979, c. 45, s. 26, 1990, c. 73, s. 7.
- Tabling** **27.** The Minister shall table the report of the Commission before the National Assembly, if it is in session, within thirty days of receiving it; if he receives it while it is not sitting, he shall table it within thirty days of the opening of the next session or resumption, as the case may be.
-
- 1979, c. 45, s. 27.
- Audit** **28.** The books and accounts of the Commission shall be audited each year by the Auditor General and, in addition, every time the Government so orders.
- Report** The report of the Auditor General must accompany the annual report of the Commission.
-
- 1979, c. 45, s. 28.
- Contribution** **28.1.** The Commission des normes du travail shall contribute to the fund of the Commission des relations du travail referred to in section 137.62 of the Labour Code (chapter C-27) to provide for expenses incurred by the Commission in relation to proceedings brought before the Commission under Divisions II to III of Chapter V of this Act.
- Payment** The amount and terms and conditions of payment of the contribution of the Commission des normes du travail shall be determined by the Government after consultation with the Commission by the Minister.
-
- 2001, c. 26, s. 139; O.C. 1262-2002; 2006, c. 58, s. 66.
- Regulations** **29.** The Commission may, by regulation:
- (1) adopt rules of internal management;
 - (2) establish committees to examine such matters as it may determine;
 - (3) require an employer or a category of employers it indicates to have a system for the registration of all work governed by the Commission or to keep a register for the entry of the name, residence and employment of each of his employees, the time at

which the work was begun, interrupted, resumed and finished every day, the nature of the work, the wage paid for it and the mode and time of payment, and any other information deemed useful in the application of this act or the regulations;

(3.1) require an employer or every employer of a category of clothing industry employers it indicates who would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, to transmit to the Commission, in accordance with the procedure and frequency and during the period it determines, a report containing the particulars required under paragraph 3 it indicates and any other information deemed useful in the application of this Act or the regulations;

(4) *(Paragraph repealed).*

(5) *(Paragraph repealed).*

(6) determine the nature of the claims that give entitlement to the payments it is authorized to make under section 112, the conditions of eligibility for these payments, the amount of these payments and the terms and conditions of payment of such amounts to the employee; **(NOT IN FORCE)***

(7) fix the rates, not exceeding 1%, of the contribution provided for in section 39.0.2.

1979, c. 45, s. 29; 1983, c. 43, s. 9; 1990, c. 73, s. 8; 1994, c. 46, s. 2; 1999, c. 57, s. 1; 2002, c. 80, s. 5.

** Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).*

29.1. *(Section repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

29.2. *(Section repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

30. *(Section repealed).*

1979, c. 45, s. 30; 1986, c. 89, s. 50; 1988, c. 84, s. 700; 1990, c. 73, s. 10; 1992, c. 21, s. 192; 1992, c. 68, a. 157; 1994, c. 23, s. 23; 1994, c. 46, s. 3.

Coming into force **31.** The regulations contemplated in paragraphs 1 and 2 of section 29 shall be transmitted to the Minister and come into force on the approval of the Government.

1979, c. 45, s. 31.

Approval **32.** The regulations contemplated in paragraphs 3 to 7 of section 29 are transmitted to the Minister and submitted to the approval of the Government.

1979, c. 45, s. 32; 1994, c. 46, s. 4.

33. *(Section repealed).*

1979, c. 45, s. 33; 1997, c. 72, s. 1.

34. *(Section repealed).*

1979, c. 45, s. 34; 1997, c. 72, s. 1.

SECTION 35

Approval of regulation **35.** The Government may approve a regulation made under paragraphs 3 to 7 of section 29 with or without amendment.

1979, c. 45, s. 35; 1997, c. 72, s. 2.

36. *(Section repealed).*

1979, c. 45, s. 36; 1997, c. 72, s. 3.

37. *(Section repealed).*

1979, c. 45, s. 37; 1997, c. 72, s. 3.

38. *(Section repealed).*

1979, c. 45, s. 38; 1997, c. 72, s. 3.

Powers of the Commission

39. The Commission may

- (1) ascertain the wage paid to an employee by his employer;
- (2) establish forms to be used by employers and employees;
- (3) establish or fill out the certificate of employment provided for in section 84 when the employer refuses or neglects to do so;
- (4) collect or receive the amounts owing to an employee under this act or a regulation and remit them to him;
- (5) accept on behalf of an employee, with his consent, or on behalf of a group of employees who are parties to a claim, with the consent of the majority of them, partial payment of the amounts owed to the employee or group of employees by the employer;
- (6) pay the amount it considers to be due by an employer to an employee under this Act or a regulation up to the minimum wage, taking into account, where such is the case, the increases provided for therein; **(NOT IN FORCE)***
- (7) *(Paragraph repealed).*
- (8) institute in its own name and on behalf of an employee, where such is the case, proceedings to recover amounts due by the employer under this act or a regulation, notwithstanding any act to the contrary, any opposition or any express or implied waiver by the employee and without having to justify an assignment of debt of the employee;
- (9) intervene in its own name and on behalf of an employee, where such is the case, in proceedings relating to the insolvency of the employer;
- (10) intervene at any time in an action relating to the application of this Act, except Chapter III.1, or a regulation;
- (11) authorize a mode of payment of wages other than that provided for in section 42;
- (12) authorize staggered working hours on a basis other than a weekly basis on the conditions provided for in section 53.
- (13) prepare and disseminate information documents on labour standards and make the documents available to any interested person or body, in particular employers and employees;
- (14) require an employer to transmit to employees any information document concerning labour standards furnished to the employer by the Commission and to post the document in a prominent place easily accessible to all employees or to disseminate the contents of the document;
- (15) where it considers it necessary, indicate to the employer the manner in which the employer is required to transmit, post or disseminate an information document it furnishes to the employer.

1979, c. 45, s. 39; 1990, c. 73, s. 11; 1994, c. 46, s. 5; 2002, c. 80, s. 6.

** Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).*

CHAPTER III.1
CONTRIBUTIONS

DIVISION 1
INTERPRETATION

Interpretation **39.0.1.** In this chapter, unless the context indicates otherwise,

“Employer subject to contribution” **“employer subject to contribution”** means any person who pays a remuneration subject to contribution, except the following entities:

- (1) metropolitan communities;
- (2) municipalities;
- (3) public transit authorities mentioned in section 1 of the Act respecting public transit authorities (chapter S-30.01);
- (4) school boards;
- (5) the Comité de gestion de la taxe scolaire de l’Île de Montréal;
- (6) *fabriques*;
- (7) corporations of trustees for the erection of churches;
- (8) charitable institutions or bodies whose object is to assist, gratuitously and directly, natural persons in need;
- (9) religious institutions;
- (10) educational institutions;
- (11) day care centres;
- (12) the Commission de la construction du Québec;
- (13) parity committees constituted under the Act respecting collective agreement decrees (chapter D-2);
- (14) the Government and its departments and the bodies and persons whose personnel must, by law, be appointed in accordance with the Public Service Act (chapter F-3.1.1) or the capital stock of which belongs entirely to the Government;
- (15) any body established by an Act of the National Assembly or by a decision of the Government, the Conseil du trésor or a minister and whose operating appropriations are taken out of the consolidated revenue fund, appear in whole or in part in the budgetary estimates tabled before the National Assembly or are wholly financed by way of a transfer from one of the government departments;
- (16) the Lieutenant-Governor, the National Assembly and any person appointed by the National Assembly to an office which is under the jurisdiction of the National Assembly;

“Remuneration” **“remuneration”** means, if the employee is an employee within the meaning of section 1 of the Taxation Act (chapter I-3), the employee’s base wages, within the meaning of section 1159.1 of that Act, and, if the employee is not such an employee, the employee’s wages. The expression also includes amounts paid as indemnity in lieu of notice and upon termination of a contract of employment;

“Remuneration subject to contribution” **“remuneration subject to contribution”** means remuneration paid to an employee except

- (1) remuneration paid to an employee under the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);
- (2) remuneration paid to a domestic;
 - (2.1) remuneration paid to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person’s dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer;

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(3) remuneration paid by an employer governed by a decree in respect of remuneration subject to contribution by a parity committee;

(4) remuneration paid by an institution, a regional council or a foster family respectively referred to in subparagraphs *a*, *f* and *o* of the first paragraph of section 1 of the Act respecting health services and social services for Cree Native persons (chapter S-5), proportionately to the amounts of money they receive under that Act;

(5) remuneration paid by an institution, an agency or a family-type resource referred to in the Act respecting health services and social services (chapter S-4.2), proportionately to the amounts of money they receive under that Act;

(6) 50% of the remuneration earned by an employee with the help of a truck, tractor, loader, skidder or other heavy equipment of the same nature, furnished by the employee and at his own expense;

(7) the amount by which the total remuneration paid to an employee for the year or the amount determined under paragraph 6 where it applies in respect of the employee exceeds an amount equal to the Maximum Yearly Insurable Earnings determined for the year under section 66 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(8) remuneration paid to an employee wholly exempt from the application of this Act under section 3.

Rules applicable

For the purposes of this chapter, the following rules apply:

(1) any reference in this chapter to wages, remuneration or remuneration subject to contribution that an employer pays or has paid is a reference to wages, remuneration or remuneration subject to contribution that the employer pays, allocates, grants or awards or has paid, allocated, granted or awarded;

(2) an employee is deemed to work in Québec when the establishment of the employer where the employee reports for work is situated in Québec or, if the employee is not required to report for work at an establishment of his employer, when the establishment of the employer from which he receives his remuneration is situated in Québec. The word “establishment” includes an establishment within the meaning of Chapter III of Title II of Book I of Part I of the Taxation Act;

(3) an employee who reports for work at an establishment of his employer,

(a) in respect of remuneration subject to contribution that is not described in subparagraph *b*, means an employee who reports for work at that establishment for his regular pay period to which the remuneration subject to contribution relates; and

(b) in respect of remuneration subject to contribution that is paid as a premium, an increase with retroactive effect or a vacation pay, that is paid to a trustee or custodian in respect of the employee or that does not relate to a regular pay period of the employee, means an employee who ordinarily reports for work at that establishment;

(4) where, during a regular pay period of an employee, the employee reports for work at an establishment of his employer situated in Québec and at an establishment of his employer situated outside Québec, the employee is deemed for that period, in respect of remuneration subject to contribution that is not described in subparagraph *b* of subparagraph 3,

(a) except where subparagraph *b* applies, to report for work only at the establishment situated in Québec;

(b) to report for work only at the establishment situated outside Québec where, during that period, he reports for work mainly at such an establishment of his employer;

(5) where an employee ordinarily reports for work at an establishment of his employer situated in Québec and at an establishment of his employer situated outside Québec, the employee is deemed, in respect of remuneration subject to contribution described in subparagraph *b* of subparagraph 3, to ordinarily report for work only at the establishment situated in Québec;

(6) where an employee is not required to report for work at an establishment of his employer and where his remuneration is not paid from such an establishment situated in Québec, that employee is deemed to report for work at an establishment of his employer situated in Québec for a pay period if, in reference to the place where he mainly reports for work, the place where he mainly performs his duties, the employee’s principal place

of residence, the establishment from where the employee is supervised, the nature of the duties performed by the employee or any other similar criterion, it may reasonably be considered that the employee for that pay period is an employee of that establishment;

(7) where an employee of an establishment, situated elsewhere than in Québec, of an employer supplies a service in Québec to another employer that is not the employer of the employee, or for the benefit of such other employer, an amount that may reasonably be considered to be the remuneration earned by the employee to supply the service is deemed to be remuneration paid by the other employer, in the pay period during which the remuneration is paid to the employee, to an employee of the other employer who reports for work at an establishment of that other employer situated in Québec where

- (a) at the time the service is supplied, the other employer has an establishment situated in Québec;
- (b) the service supplied by the employee
 - i. is performed by the employee in the ordinary performance of his duties with his employer,
 - ii. is supplied to or for the benefit of the other employer in the course of regular and ongoing activities of an enterprise carried on by that other employer, and
 - iii. is in the nature of the services supplied by employees of employers carrying on the same type of enterprise as the enterprise referred to in subparagraph ii; and
- (c) the amount is not otherwise included in remuneration subject to contribution paid by the other employer that is determined for the purposes of this chapter;

(8) subparagraph 7 does not apply in respect of a pay period of any other employer referred to therein if the Minister of Revenue is of the opinion that a reduction in the contribution payable under this chapter by the employers referred to in that subparagraph 7 is not one of the objectives or anticipated results arising from the making or maintaining in force of

- (a) the agreement pursuant to which the service is supplied by the employee referred to in that subparagraph 7 to or for the benefit of the other employer; or
- (b) any other agreement affecting the amount of remuneration subject to contribution paid by the other employer in the pay period for the purposes of this chapter and where the Minister of Revenue considers the agreement to be related to the agreement for the supply of services referred to in subparagraph *a*.

1994, c. 46, s. 6; 1995, c. 63, s. 280; 1996, c. 2, s. 744; 1997, c. 85, s. 362; 1999, c. 40, s. 196; 2000, c. 8, s. 242; 2000, c. 56, s. 218; 2002, c. 9, s. 144; 2002, c. 75, s. 33; 2002, c. 80, s. 7; 2003, c. 2, s. 303; 2005, c. 32, s. 308; 2005, c. 38, s. 347; 2007, c. 3, s. 72.

DIVISION II CONTRIBUTIONS AND PAYMENTS

Employer's contribution **39.0.2.** Every employer subject to contribution shall, in respect of a calendar year, pay to the Minister of Revenue a contribution equal to the product obtained by multiplying by the rate fixed by regulation made under paragraph 7 of section 29 the remuneration subject to contribution paid by the employer in the year and the remuneration the employer is deemed to pay in respect of the year to or in respect of the employer's employee working in Québec.

Supplementary contribution Every employer subject to contribution who would be governed by a decree referred to in the third paragraph, had the decree not expired, shall, in respect of a calendar year, pay to the Minister of Revenue a supplementary contribution equal to the product obtained by multiplying, by the rate fixed for that purpose by a regulation under paragraph 7 of section 29, that portion of any amount referred to in the first paragraph on which the employer is required to pay the contribution provided for therein and which, had the decree not expired, would come under paragraph 3 of the definition of "remuneration subject to contribution" in the first paragraph of section 39.0.1.

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Decrees	<p>The decrees referred to in the second paragraph are</p> <ol style="list-style-type: none">(1) the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r.11);(2) the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26);(3) the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27);(4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).
Interpretation	<p>For the purposes of this chapter, the contribution of an employer subject to contribution means the contribution payable under the first paragraph and, where applicable, the contribution payable under the second paragraph.</p> <hr/> <p>1994, c. 46, s. 6; 1995, c. 63, s. 281; 1997, c. 85, s. 363; 1999, c. 57, s. 2; 2005, c. 38, s. 348.</p>
Time of payment	<p>39.0.3. Payment to the Minister of Revenue of the contribution provided for in section 39.0.2 in respect of a calendar year shall be made on or before the day on which the employer subject to contribution must file the return provided for in Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r. 1) in respect of the payments required under section 1015 of the Taxation Act (chapter I-3) in relation to the wages paid by him in that year.</p>
Prescribed form	<p>The employer shall forward his payment to the Minister of Revenue, together with the prescribed form.</p> <hr/> <p>1994, c. 46, s. 6; 1997, c. 14, s. 313.</p>
Statement by employer	<p>39.0.4. An employer subject to contribution shall file each year a statement in prescribed form in respect of all remuneration subject to contribution on which he is required to pay a contribution under section 39.0.2. Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r. 1), with the necessary modifications, applies to the statement.</p> <hr/> <p>1994, c. 46, s. 6; 1995, c. 63, s. 282.</p>
<p>DIVISION III MISCELLANEOUS PROVISIONS</p>	
Sums remitted to the Commission	<p>39.0.5. The Minister of Revenue shall remit, each year, to the Commission the sums he is required to collect as contribution under section 39.0.2, after deduction of the refunds and collection expenses agreed upon.</p> <hr/> <p>1994, c. 46, s. 6.</p>
Fiscal law	<p>39.0.6. This chapter constitutes a fiscal law within the meaning of the Act respecting the Ministère du Revenu (chapter M-31).</p>
Precedence	<p>The provisions applicable under this section take precedence over the provisions of sections 115 and 144 of this Act.</p> <hr/> <p>1994, c. 46, s. 6.</p>

CHAPTER IV
LABOUR STANDARDS

DIVISION I
WAGES

39.1. *(Section repealed).*

1990, c. 73, s. 12; 1999, c. 40, s. 196; 2002, c. 80, s. 8.

Minimum wage **40.** The minimum wage payable to an employee shall be determined by regulation of the Government.

Wage An employee is entitled to be paid a wage that is at least equivalent to the minimum wage.

1979, c. 45, s. 40; 2002, c. 80, s. 9.

40.1. *(Section repealed).*

1997, c. 20, s. 15; O.C. 128-98; 2007, c. 3, s. 64.

Benefit having pecuniary value **41.** No benefit having pecuniary value may be taken into account in computing the minimum wage.

1979, c. 45, s. 41.

Equal rate **41.1.** No employer may remunerate an employee at a lower rate of wage than that granted to other employees performing the same tasks in the same establishment for the sole reason that the employee usually works less hours each week.

Exception The first paragraph does not apply to an employee remunerated at a rate of pay which is more than twice the rate of the minimum wage.

1990, c. 73, s. 13.

Payment in cash **42.** Wages must be paid in cash in a sealed envelope or by cheque. The payment may be made by bank transfer if so provided in a written agreement or a decree.

Presumption An employee is deemed not to have received payment of the wages due to him if the cheque delivered to him is not cashable within the two working days following its issue.

1979, c. 45, s. 42; 1980, c. 5, s. 2.

Payment at regular intervals **43.** Wages must be paid at regular intervals of not over sixteen days, or one month in the case of managerial personnel or of workers contemplated in subparagraphs i, ii, and iii of paragraph 10 of section 1. However, any amount in excess of the regular wages, such as a bonus or premium for overtime, earned during the week preceding payment of the wages may be paid with the subsequent regular payment or, where that is the case, at the time prescribed by a particular provision of a collective agreement or decree.

Exception Notwithstanding the first paragraph, an employer may pay an employee within one month following the commencement of his employment.

1979, c. 45, s. 43; 1990, c. 73, s. 14.

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- Direct payment **44.** The wages of an employee must be paid directly to him, at his place of employment and on a working day, except where the payment is made by bank transfer or is sent by mail.
- Payment to a third person The wages of an employee may also, at his written request, be remitted to a third person.

1979, c. 45, s. 44.
- Statutory holiday **45.** If the usual day of payment of wages falls on a general statutory holiday, the wages are paid to the employee on the working day preceding that day.

1979, c. 45, s. 45.
- Pay sheet **46.** The employer must remit to the employee, together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. That pay sheet must include, in particular, the following information, where applicable:
- (1) the name of the employer;
 - (2) the name of the employee;
 - (3) the identification of the employee's occupation;
 - (4) the date of the payment and the work period corresponding to the payment;
 - (5) the number of hours paid at the prevailing rate;
 - (6) the number of hours of overtime paid or replaced by a leave with the applicable premium;
 - (7) the nature and amount of the bonuses, indemnities, allowances or commissions that are being paid;
 - (8) the wage rate;
 - (9) the amount of wages before deductions;
 - (10) the nature and amount of the deductions effected;
 - (11) the amount of the net wages paid to the employee;
 - (12) the amount of the tips reported by the employee pursuant to section 1019.4 of the Taxation Act (chapter I-3);
 - (13) the amount of the tips he has attributed to the employee under section 42.11 of the Taxation Act.
- Exemption The Government, by regulation, may require any other particular it deems pertinent. It may also exempt a category of employers from the application of any of the above particulars.

1979, c. 45, s. 46; 1983, c. 43, s. 10; 1990, c. 73, s. 15; 1997, c. 85, s. 364.
- Signing formality **47.** No signing formality other than that establishing that the sum remitted to the employee corresponds to the amount of net wages indicated on the pay sheet may be required upon payment of the wages.

1979, c. 45, s. 47.
- Acceptance of a pay sheet **48.** Acceptance of a pay sheet by an employee does not entail his renunciation of the payment of all or part of the wages that are due to him.

1979, c. 45, s. 48.
- Deductions from wages **49.** No employer may make deductions from wages unless he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.
- Deductions The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

- Deduction revoked** The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.
- _____
1979, c. 45, s. 49; 1989, c. 38, s. 274, 2002, c. 80, s. 10.
- Gratuity or tip** **50.** Any gratuity or tip paid directly or indirectly by a patron to an employee who provided the service belongs to the employee of right and must not be mingled with the wages that are otherwise due to the employee. The employer must pay at least the prescribed minimum wage to the employee without taking into account any gratuities or tips the employee receives.
- Gratuity or tip** Any gratuity or tip collected by the employer shall be remitted in full to the employee who rendered the service. The words gratuity and tip include service charges added to the patron's bill but do not include any administrative costs added to the bill.
- Arrangement to share** The employer may not impose an arrangement to share gratuities or a tipsharing arrangement. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tipsharing arrangement. Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips.
- Computation of indemnity** However, an indemnity provided for in any of sections 58, 62, 74, 76, 80, 81, 81.1 and 83 is computed, in the case of an employee who is an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.
- _____
1979, c. 45, s. 50; 1983, c. 43, s. 11; 1997, c. 85, s. 365; 2002, c. 80, s. 11.
- Credit card costs** **50.1.** No employer may require an employee to pay credit card costs.
- _____
1997, c. 85, s. 366; 2002, c. 80, s. 12.
- Prohibition** **50.2.** No employer may refuse to receive a written report made pursuant to section 1019.4 of the Taxation Act (chapter I-3).
- _____
1997, c. 85, s. 366.
- Room and board** **51.** The maximum amount that an employer may require for room and board from one of his employees is that which is fixed by regulation of the Government.
- _____
1979, c. 45, s. 51.
- Domestic** **51.0.1.** Notwithstanding section 51, an employer may not require an amount for room and board from a domestic who is housed or takes meals in the employer's residence.
- _____
1997, c. 72, s. 4.
- Prohibition** **51.1.** No employer may, directly or indirectly, be reimbursed by an employer for the contribution provided for in Chapter III.1.
- _____
1994, c. 46, s. 7.

DIVISION II
HOURS OF WORK

- Workweek **52.** For the purposes of computing overtime, the regular workweek is 40 hours except in the cases where it is fixed by regulation of the Government.
(Paragraph repealed).
-
- 1979, c. 45, s. 52; 1997, c. 45, s. 1; 2002, c. 80, s. 13.
- Staggering of working-hours **53.** An employer may, with the authorization of the Commission, stagger the working-hours of his employees on a basis other than a weekly basis, provided that the average of the working-hours is equivalent to the norm provided in the Act or the regulations.
- Staggering of working-hours A collective agreement or a decree may provide, on the same conditions, without the authorization provided for under the first paragraph being necessary, for the staggering of working hours on a basis other than a weekly basis.
-
- 1979, c. 45, s. 53.
- Application of workweek **54.** The number of hours of the regular workweek determined in section 52 does not apply, as regards the computing of overtime hours for the purpose of the increase in the usual hourly wage, to the following employees:
- (1) *(Paragraph repealed).*
 - (2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization;
 - (3) the managerial personnel of an undertaking;
 - (4) an employee who works outside an establishment whose working-hours cannot be controlled;
 - (5) an employee assigned to canning, packaging and freezing fruit and vegetables during the harvesting period;
 - (6) an employee of a fishing, fish processing or fish canning industry;
 - (7) a farm worker;
 - (8) *(Paragraph repealed).*
 - (9) an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer.
- Regular workweek However, the Government may, by regulation, prescribe the number of hours it determines as the regular workweek for the categories of employees mentioned in subparagraphs 2, 5 to 7 and 9 of the first paragraph.
-
- 1979, c. 45, s. 54; 1986, c. 95, s. 202; 1990, c. 73, s. 16; 1999, c. 40, s. 196; 2002, c. 80, s. 14.
- Overtime work **55.** Any work performed in addition to the regular work-week entails a premium of 50% of the prevailing hourly wage paid to the employee except premiums computed on an hourly basis.
- Paid leave to compensate overtime Notwithstanding the first paragraph, the employer may, at the request of the employee or in the cases provided for by a collective agreement or decree, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50%.
- Time limit Subject to a provision of a collective agreement or decree, the leave must be taken during the 12 months following the overtime at a date agreed between the employer and the employee; otherwise the overtime must be paid. However, where the contract of employment is terminated before the employee is able to benefit from the leave, the overtime must be paid at the same time as the last payment of wages.
-
- 1979, c. 45, s. 55; 1990, c. 73, s. 17.

Annual leave and statutory general holidays **56.** For the purposes of computing overtime, annual leave and statutory general holidays with pay are counted as days of work.

1979, c. 45, s. 56.

Working periods **57.** An employee is deemed to be at work

- (1) while available to the employer at the place of employment and required to wait for work to be assigned;
- (2) subject to section 79, during the break periods granted by the employer;
- (3) when travel is required by the employer;
- (4) during any trial period or training required by the employer.

1979, c. 45, s. 57; 2002, c. 80, s. 15.

Indemnity **58.** An employee who reports for work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than three consecutive hours, except in the case of superior force, is entitled, to an indemnity equal to three hours' wages at the prevailing hourly rate except where the application of section 55 entitles him to a greater amount.

Exception This provision does not apply in the case where the nature of the work or the conditions of its execution require the employee to be present several times in the same day, for less than three hours each time, such as that of a school crossing guard or a bus driver.

Exception Neither does it apply where the nature of the work or the conditions of execution are such that it is ordinarily completed within a three hour period, such as the work of a school-crossing guard or usher.

1979, c. 45, s. 58.

59. *(Section repealed).*

1979, c. 45, s. 59; 2002, c. 80, s. 16.

Maximum working hours **59.0.1.** An employee may refuse to work

- (1) more than four hours after regular daily working hours or more than fourteen working hours per twenty-four hour period, whichever period is the shortest or, for an employee whose daily working hours are flexible or noncontinuous, more than twelve working hours per twenty-four hour period;
- (2) subject to section 53, more than fifty working hours per week or, for an employee working in an isolated area or carrying out work in the James Bay territory, more than sixty working hours per week.

Exceptions This section does not apply where there is a danger to the life, health or safety of employees or the population, where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force, or if the refusal is inconsistent with the employee's professional code of ethics.

2002, c. 80, s. 17.

DIVISION III

STATUTORY GENERAL HOLIDAYS AND NON-WORKING DAYS WITH PAY

Exception **59.1.** This division does not apply to an employee who, under a collective agreement or decree, is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number of days to which employees to whom this division applies are entitled, nor to an employee in the same establishment who is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number stated in the collective agreement or decree.

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Calculation of indemnity However, notwithstanding any provision contrary to the collective agreement or decree, the indemnity for a non-working day with pay shall be computed, in the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1990, c. 73, s. 18; 2002, c. 80, s. 18.

Statutory general holidays **60.** The following days are statutory general holidays:

- (1) 1 January;
- (2) Good Friday or Easter Monday, at the option of the employer;
- (3) the Monday preceding 25 May;
- (4) 1 July, or 2 July where the 1st falls on a Sunday;
- (5) the first Monday in September;
- (6) the second Monday in October;
- (7) 25 December.

1979, c. 45, s. 60; 1990, c. 73, s. 18; 1992, c. 26, s. 10; 1995, c. 16, s. 1; 2002, c. 80, s. 19.

Editor's note: For the National Holiday leave, please refer to part III dealing with the National Holiday Act.

61. (Section repealed).

1979, c. 45, s. 61; 1990, c. 73, s. 19.

Calculation of indemnity **62.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday.

1979, c. 45, s. 62; 1990, c. 73, s. 20; 2002, c. 80, s. 20.

Compensatory holiday **63.** If an employee must work on one of the days indicated in section 60, the employer, in addition to paying to the employee working on that general holiday the wages for the work done, must pay to such employee the indemnity provided for in section 62, or grant him a compensatory holiday of one day. In this case, the holiday must be taken within three weeks before or after that day, unless a collective agreement or a decree provides for a longer period.

1979, c. 45, s. 63; 1981, c. 23, s. 55.

Compensatory holiday **64.** If an employee is on annual leave on one of the holidays contemplated in section 60, the employer shall pay him the indemnity provided for in section 62 or grant him a compensatory holiday of one day on a date agreed upon between the employer and the employee or fixed by a collective agreement or a decree.

1979, c. 45, s. 64.

Condition **65.** To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday.

1979, c. 45, s. 65; 1990, c. 73, s. 21; 2002, c. 80, s. 21.

DIVISION IV
ANNUAL LEAVE WITH PAY

Entitlement to annual leave Reference year	<p>66. The reference year is a period of twelve consecutive months during which an employee progressively acquires entitlement to an annual leave. That period extends from 1 May of the preceding year to 30 April of the current year unless an agreement or decree fixes a different starting date for that period.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 66.</p>
Less than one year of uninterrupted service	<p>67. An employee who, at the end of a reference year, is credited with less than one year of uninterrupted service with the same employer during that period, is entitled to an uninterrupted leave for a duration determined at the rate of one working day for each month of uninterrupted service, for a total leave not exceeding two weeks.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 67.</p>
One year of uninterrupted service	<p>68. An employee who, at the end of a reference year, is credited with one year of uninterrupted service with the same employer during that period is entitled to an annual leave of a minimum duration of two consecutive weeks.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 68; 1990, c. 73, s. 22.</p>
Additional annual leave Additional annual leave	<p>68.1. An employee to whom section 68 applies is also entitled, if he applies therefor, to an additional annual leave without pay equal to the number of days required to increase his annual leave to three weeks. Such additional leave need not follow immediately a leave under section 68 and, notwithstanding sections 71 and 73, it may not be divided, or be replaced by a compensatory indemnity.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1997, c. 10, s. 1</p>
Five years of uninterrupted service	<p>69. An employee who, at the end of a reference year, is credited with five years of uninterrupted service with the same employer, is entitled to an annual leave for a minimum duration of three consecutive weeks.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 69; 1990, c. 73, s. 23.</p>
Annual leave Exception Deferment or indemnity	<p>70. The annual leave must be taken within twelve months following the end of the reference year, except where a collective agreement or a decree allows it to be deferred until the following year. Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year. In addition, if at the end of the twelve months following the end of a reference year, the employee is absent owing to sickness, accident or a criminal offence or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.</p>
Insurance period continued	<p>Notwithstanding any contrary clause of a collective agreement, decree or contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.</p>
Reservist of the Canadian Forces	<p>Similarly, if the employee is a reservist of the Canadian Forces and at the end of the 12 months following the end of a reference year, the employee is absent for one of the</p>

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reasons set out in section 81.17.1, the employer may either defer the annual leave until the following year or pay the indemnity for that leave.

1979, c. 45, s. 70; 1980, c. 5, s. 4; 2002, c. 80, s. 22; 2007, c. 36, s. 2; 2008, c. 30, s. 2.

Annual leave	71. The annual leave may be divided into two periods where so requested by the employee. However, the employer may refuse the request if he closes his establishment for a period equal to or greater than that of the employee's annual leave.
Division of annual leave	Notwithstanding section 69, any employer who, before 29 March 1995, closed his establishment for the period of annual leave, may divide the annual leave of an employee referred to in that section into two periods, one being the closing period. One of those periods must, however, last for a minimum of two consecutive weeks.
Division of leave	The annual leave may also be divided into more than two periods where so requested by the employee, provided the employer consents thereto.
Exception	A leave not exceeding one week shall not be divided.
	1979, c. 45, s. 71; 1982, c. 58, s. 57; 1990, c. 73, s. 24; 1995, c. 16, s. 2.
Clause in collective agreement	71.1. Notwithstanding sections 68, 69 and 71, a collective agreement or a decree may include a clause providing for, or prohibiting, the division of an annual leave into two or more periods.
	1995, c. 16, s. 3.
Date of leave known	72. An employee is entitled to know the date of his annual leave at least four weeks in advance.
	1979, c. 45, s. 72.
Prohibition	73. Employers are prohibited from replacing a leave contemplated in section 67, 68 or 69 by a compensatory indemnity, unless a special provision is contained in a collective agreement or decree.
Compensatory indemnity	At the request of the employee, the third week of leave may, however, be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave.
	1979, c. 45, s. 73; 1982, c. 58, s. 58.
Annual leave indemnity	74. The indemnity relating to annual leave of the employee contemplated in sections 67 and 68 is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee contemplated in section 69, the indemnity is equal to 6% of the gross wages of the employee during the reference year.
Days of absence	Should an employee be absent owing to sickness or accident under the first paragraph of section 79.1, or on maternity or paternity leave during the reference year and should that absence result in the reduction of that employee's annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to twice or three times the weekly average of the wage earned during the period of work. An employee contemplated in section 67 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account.
Higher indemnity	The Government may, by regulation, determine a higher indemnity than that provided for in this section for an employee on maternity or paternity leave.
Maximum indemnity	Notwithstanding the second and third paragraphs, the annual leave indemnity shall not exceed the indemnity to which the employee would have been entitled if he had not been absent or on leave owing to a reason mentioned in the second paragraph.
	1979, c. 45, s. 74; 1980, c. 5, s. 5; 1983, c. 22, s. 103; 1990, c. 73, s. 25, s. 71; 2002, c. 80, s. 23; O.C. 984-2005; 2007, c. 36, s. 3.

Equal indemnity	<p>74.1. No employer may reduce the annual leave of an employee referred to in section 41.1, or change the way in which the indemnity pertaining to it is computed, in comparison with what is granted to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week.</p> <hr/> <p>1990, c. 73, s. 26.</p>
Payment of the indemnity	<p>75. Subject to a provision of a collective agreement or decree, the indemnity pertaining to the annual leave of an employee must be paid to him in a lump sum before the beginning of the leave.</p>
Farm worker	<p>However, in the case of a farm worker hired on a daily basis, the indemnity may be added to his wages and be paid in the same manner.</p> <hr/> <p>1979, c. 45, s. 75; 1990, c. 73, s. 27; 2002, c. 80, s. 24.</p>
Contract of employment cancelled	<p>76. If a contract of employment is cancelled before the employee is able to benefit by all the days of leave to which he is entitled, the employee shall receive, in addition to the compensatory indemnity determined in accordance with section 74 and attaching to the fraction of the leave that he did not enjoy, an indemnity equal to 4% or 6%, as the case may be, of the gross wages earned during the current reference year.</p> <hr/> <p>1979, c. 45, s. 76.</p>
Persons exempted from leave	<p>77. Sections 66 to 76 do not apply to the following persons:</p> <ol style="list-style-type: none"> (1) <i>(Paragraph repealed)</i>. (2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization; (3) a real estate agent within the meaning of the Real Estate Brokerage Act (chapter C-73.1), entirely remunerated on commission; (4) a representative of a dealer or adviser within the meaning of section 149 of the Securities Act (chapter V-1.1), entirely remunerated by commission; (5) a representative within the meaning of the Act respecting the distribution of financial products and services (chapter D-9.2) remunerated entirely by commission; (6) <i>(subparagraph repealed)</i>. (7) a trainee within the framework of a vocational training programme recognized by law.
Regulation of the Government	<p>However, the Government may, by regulation, render all or some of the provisions of sections 66 to 76 applicable to the employees described in subparagraph 2 of the first paragraph.</p> <hr/> <p>1979, c. 45, s. 77; 1980, c. 5, s. 6; 1982, c. 58, s. 59; 1986, c. 95, s. 203; 1990, c. 73, s. 28; 1989, c. 48, s. 251; 1991, c. 37, s. 173; 1998, c. 37, s. 529; 2002, c. 80, s. 25.</p>

DIVISION V

REST PERIODS

Weekly rest	<p>78. Subject to the application of paragraph 12 of section 39 or of section 53, an employee is entitled to a weekly minimum rest period of 32 consecutive hours.</p>
Farm worker	<p>In the case of a farm worker, that day of rest may be postponed to the following week if the employee consents thereto.</p> <hr/> <p>1979, c. 45, s. 78; 2002, c. 80, s. 26.</p>

SECTION 79

Rest period	79. Unless otherwise provided in a collective agreement or a decree, the employer must grant to an employee a rest period of thirty minutes, without pay, for meals, for a period of five consecutive hours of work.
Remunerated period	That period shall be remunerated if the employee is not authorized to leave his work station. <hr/> 1979, c. 45, s. 79.
DIVISION V.0.1 ABSENCES OWING TO SICKNESS, ACCIDENT OR A CRIMINAL OFFENCE	
Maximum period	79.1. An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.
Criminal offence	However, an employee may be absent from work for a period of not more than 104 weeks if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold his regular position. In that case, the period of absence shall not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and shall not end later than 104 weeks after the commission of the criminal offence.
Employment injury	However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). <hr/> 2002, c. 80, s. 27; 2007, c. 36, s. 5.
Probable cause	79.1.1. The second paragraph of section 79.1 applies if it may be inferred from the circumstances of the event that the employee's serious bodily injury is probably the result of a criminal offence.
Exclusion	However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault. <hr/> 2007, c. 36, s. 6.
Applicability	79.1.2. The second paragraph of section 79.1 applies if the employee suffered the injury (1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or (2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence. <hr/> 2007, c. 36, s. 6.
Notice to employer	79.2. An employee must be credited with three months of uninterrupted service to take advantage of section 79.1, and the absence shall be without pay. In addition, the employee must advise the employer as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee furnish a document attesting to those reasons.
Return to work	During a period of absence under the second paragraph of section 79.1, the employee may return to work intermittently or on a part-time basis if the employer consents to it. <hr/> 2002, c. 80, s. 27; 2007, c. 36, s. 7.

Group insurance and pension plans	79.3. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.
Advantages	The Government shall determine, by regulation, the other advantages available to an employee during a period of absence. 2002, c. 80, s. 27; 2007, c. 36, s. 8.
Reinstatement of employee	79.4. At the end of the period of absence, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.
Dismissal, suspension, transfer	Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause. 2002, c. 80, s. 27; 2007, c. 36, s. 9.
Dismissals or layoffs	79.5. If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off. 2002, c. 80, s. 27.
Benefit	79.6. This division shall not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work. 2002, c. 80, s. 27.

DIVISION V.1 FAMILY OR PARENTAL LEAVE AND ABSENCES

Family responsibilities	79.7. An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.
Divided leave	The leave may be divided into days. A day may also be divided if the employer consents thereto.
Notice to employer	The employee must advise the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave. 2002, c. 80, s. 29.
Illness or accident	79.8. An employee may be absent from work for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, his mother, the spouse of his father or mother, his brother, his sister or one of his grandparents because of a serious illness or a serious accident.
Extension	However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof. 2002, c. 80, s. 29; 2005, c. 13, s. 82; O.C. 984-2005; 2007, c. 36, s. 10.

SECTION 79.9

- Extension **79.9.** An employee is entitled to an extension of the period of absence under the first paragraph of section 79.8, which shall end not later than 104 weeks after the beginning of that period, if the employee must stay with his minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.
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- 2007, c. 36, s. 11.
- Disappearance of minor child **79.10.** An employee may be absent from work for a period of not more than 52 weeks if the employee's minor child has disappeared. If the child is found before the expiry of the period of absence, that period shall end on the eleventh day that follows the day on which the child is found.
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- 2007, c. 36, s. 11.
- Suicide **79.11.** An employee may be absent from work for a period of not more than 52 weeks if the employee's spouse or child commits suicide.
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- 2007, c. 36, s. 11.
- Criminal offence **79.12.** An employee may be absent from work for a period of not more than 104 weeks if the death of the employee's spouse or child occurs during or results directly from a criminal offence.
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- 2007, c. 36, s. 11.
- Serious bodily harm **79.13.** Sections 79.9 to 79.12 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.
- Exclusion However, an employee may not take advantage of these provisions if it may be inferred from the circumstances that the employee or, in the case of section 79.12, the deceased person, if that person is the spouse or a child of full age, was probably a party to the criminal offence or probably contributed to the injury by a gross fault.
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- 2007, c. 36, s. 11.
- Provisions applicable **79.14.** Sections 79.9 and 79.12 apply if the injury or death occurs in one of the situations described in section 79.1.2.
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- 2007, c. 36, s. 11.
- Return to work **79.15.** A period of absence under sections 79.9 to 79.12 shall not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and shall not end later than 52 or 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.
- New event If, during the same 52 or 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, it is the longer period that applies, from the date of the first event.
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- 2007, c. 36, s. 11.

Provisions applicable	<p>79.16. Section 79.2, the first paragraph of section 79.3 and sections 79.4, 79.5 and 79.6 apply to periods of absence under sections 79.8 to 79.12, with the necessary modifications.</p> <hr/> <p>2007, c. 36, s. 11.</p>
Absence from work	<p>80. An employee may be absent from work for one day without reduction of wages by reason of the death or the funeral of his consort, his child or the child of his consort, or of his father, mother, brother or sister. He may also be absent from work, without pay, for four more days on such occasion.</p> <hr/> <p>1979, c. 45, s. 80; 1990, c. 73, s. 31; 2002, c. 80, s. 30.</p>
Absence for death or funeral	<p>80.1. An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren, or of the father, mother, brother or sister of his consort.</p> <hr/> <p>1990, c. 73, s. 32.</p>
Notification	<p>80.2. In the circumstances referred to in section 80 or 80.1, the employee must advise his employer of his absence as soon as possible.</p> <hr/> <p>1990, c. 73, s. 32.</p>
Absence from work	<p>81. An employee may be absent from work for one day without reduction of wages, on the day of his or her wedding or civil union.</p>
Absence from work	<p>An employee may also be absent from work, without pay, on the day of the wedding or civil union of his or her child, father, mother, brother or sister or of a child of his or her spouse.</p>
Notification	<p>The employee must advise his or her employer of his or her absence not less than one week in advance.</p> <hr/> <p>1979, c. 45, s. 81; 1990, c. 73, s. 33; 2002, c. 6, s. 145.</p>
Absence for birth or adoption	<p>81.1. An employee may be absent from work for five days at the birth of his child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence shall be remunerated if the employee is credited with sixty days of uninterrupted service.</p>
Division of leave	<p>This leave may be divided into days at the request of the employee. It may not be taken more than fifteen days after the child arrives at the residence of its father or mother or after the termination of pregnancy.</p>
Notification	<p>The employee must advise his employer of his absence as soon as possible.</p> <hr/> <p>1990, c. 73, s. 34; 2002, c. 80, s. 31; 2005, c. 13, s. 83; O.C. 984-2005.</p>
Paternity leave	<p>81.2. An employee is entitled to a paternity leave of not more than five consecutive weeks, without pay, on the birth of his child.</p>
Period	<p>The paternity leave shall not begin before the week of the birth of the child and shall not end later than 52 weeks after the week of the birth.</p> <hr/> <p>1990, c. 73, s. 34; 2002, c. 80, s. 32; O.C. 984-2005.</p>

SECTION 81.2.1

- Written notice **81.2.1.** A paternity leave may be taken after giving written notice of not less than three weeks to the employer, stating the expected date of the leave and that of the return to work.
- Exception However, the notice may be shorter if the birth of the child occurs before the expected date.
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- 2008, c. 30, s. 3.
- Examination related to pregnancy **81.3.** An employee may be absent from work without pay for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a midwife.
- Notification She shall advise her employer as soon as possible of the time at which she will be absent.
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- 1990, c. 73, s. 34; 1999, c. 24, s. 21.
- Maternity leave **81.4.** A pregnant employee is entitled to a maternity leave without pay of not more than 18 consecutive weeks unless, at her request, the employer consents to a longer maternity leave.
- Period The employee may spread the maternity leave as she wishes before or after the expected date of delivery. However, where the maternity leave begins on the week of delivery, that week shall not be taken into account in calculating the maximum period of 18 consecutive weeks.
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- 1990, c. 73, s. 34; 2002, c. 80, s. 33.
- Late delivery **81.4.1.** If the delivery takes place after the expected date, the employee is entitled to at least two weeks of maternity leave after the delivery.
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- 2002, c. 80, s. 34.
- Beginning of leave **81.5.** The maternity leave shall not begin before the sixteenth week preceding the expected date of delivery and shall not end later than 18 weeks after the week of delivery.
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- 1990, c. 73, s. 34; 2002, c. 80, s. 35; 2005, c. 13, s. 84; O.C. 984-2005.
- Special maternity leave **81.5.1.** Where there is a risk of termination of pregnancy or a risk to the health of the mother or the unborn child, caused by the pregnancy and requiring a work stoppage, the employee is entitled to a special maternity leave, without pay, for the duration indicated in the medical certificate attesting the existing risk and indicating the expected date of delivery.
- Presumption The leave is, where applicable, deemed to be the maternity leave provided for in section 81.4 from the beginning of the fourth week preceding the expected date of delivery.
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- 2002, c. 80, s. 36.
- Termination of pregnancy **81.5.2.** Where there is termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the employee is entitled to a special maternity leave, without pay, for a period of no longer than three weeks, unless a medical certificate attests that the employee needs an extended leave.
- Maximum period If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to a maternity leave without pay of a maximum duration of 18 consecutive weeks beginning from the week of the event.
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- 2002, c. 80, s. 36.

- Notice to employer **81.5.3.** In the case of a termination of pregnancy or a premature birth, the employee must, as soon as possible, give written notice to the employer informing the employer of the event and the expected date of her return to work, accompanied with a medical certificate attesting to the event.
- 2002, c. 80, s. 36.
- Written notice of leave **81.6.** The maternity leave may be taken after giving written notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. The notice must be accompanied with a medical certificate attesting to the pregnancy and the expected date of delivery. Where applicable, the medical certificate may be replaced by a written report signed by a midwife.
- Shorter notice The notice may be of less than three weeks if the medical certificate attests that the employee needs to stop working within a shorter time.
- 1990, c. 73, s. 34; 1999, c. 24, s. 22.
- 81.7.** *(Section repealed).*
- 1990, c. 73, s. 34; 2002, c. 80, s. 37.
- Medical certificate **81.8.** From the sixth week preceding the expected date of delivery, the employer may, in writing, require a pregnant employee who is still at work to produce a medical certificate attesting that she is fit to work.
- Immediate leave If the employee refuses or neglects to produce the certificate within eight days, the employer may oblige her to take her maternity leave immediately by sending her a written notice to that effect giving reasons.
- 1990, c. 73, s. 34.
- Medical certificate **81.9.** Notwithstanding the notice provided for in section 81.6, the employee may return to work before the expiry of her maternity leave. However, the employer may require a medical certificate from an employee who returns to work within the two weeks following delivery, attesting to the fact that she is fit to work.
- 1990, c. 73, s. 34; 2002, c. 80, s. 38.
- Parental leave **81.10.** The father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave without pay of not more than 52 consecutive weeks.
- 1990, c. 73, s. 34; 1997, c. 10, s. 2; 2002, c. 80, s. 39; 2005, c. 13, s. 85; O.C. 984-2005.
- Duration of leave **81.11.** Parental leave may not begin before the week the child is born or, in the case of adoption, the week the child is entrusted to the employee within the framework of an adoption procedure or the week the employee leaves his work to go to a place outside Québec in order that the child be entrusted to him. It shall end not later than 70 weeks after the birth or, in the case of adoption, 70 weeks after the child was entrusted to the employee.
- End of parental leave However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee.
- 1990, c. 73, s. 34; 1997, c. 10, s. 3; 2002, c. 80, s. 40.

SECTION 81.12

- Notice of leave **81.12.** Parental leave may be taken after giving notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. However, the notice may be shorter if the employee must stay with the newborn child or newly adopted child, or with the mother, because of the state of health of the child or of the mother.
-
- 1990, c. 73, s. 34; 2002, c. 80, s. 41.
- Notice of return **81.13.** An employee may return to work before the date stated in the notice given pursuant to section 82.2.1, 81.6 or 81.12, provided he has given the employer written notice of not less than three weeks of the new date on which he will return to work.
- Return to work If the employer consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave.
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- 1990, c. 73, s. 34; 2002, c. 80, s. 42; 2008, c. 30, s. 4.
- Failure to report to work **81.14.** An employee who does not report to work on the date stated in the notice given to the employer is presumed to have resigned.
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- 1990, c. 73, s. 34; 2002, c. 80, s. 43.
- Division of leave **81.14.1.** At the request of the employee, a maternity, paternity or parental leave may be divided into weeks if the child is hospitalized or if the employee may be absent under section 79.1 or any of sections 79.8 to 79.12, and in the cases, on the conditions, for the duration and within the time prescribed in the by-law.
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- 2005, c. 13, s. 86; O.C. 984-2005; 2007, c. 36, s. 12.
- Suspension of leave **81.14.2.** If the child is hospitalized during the maternity, paternity or parental leave, the leave may be suspended, following an agreement with the employer, to allow the employee to return to work during the hospitalization.
- Extension of leave In addition, an employee who, before the expiry date of the leave, sends the employer a notice accompanied by a medical certificate attesting that the state of health of the child or, in the case of a maternity leave, that the state of health of the employee requires it, is entitled to an extension of the leave for the duration indicated in the medical certificate.
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- 2005, c. 13, s. 86; O.C. 984-2005.
- Group insurance and pension plans **81.15** An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.
- Advantages The Government shall determine, by regulation, the other advantages available to an employee during maternity, paternity or parental leave.
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- 1990, c. 73, s. 34; 2002, c. 80, s. 44.
- Reinstatement of employee **81.15.1.** At the end of a maternity, paternity or parental leave, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work.

Abolished position	<p>If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.</p> <hr style="width: 20%; margin-left: 0;"/> <p>2002, c. 80, s. 44.</p>
	<p>81.16. <i>(Section repealed).</i></p> <hr style="width: 20%; margin-left: 0;"/> <p>1990, c. 73, s. 34; 2002, c. 80, s. 45.</p>
Provisions applicable	<p>81.17. Sections 79.5 and 79.6 apply to a maternity, paternity or parental leave, with the necessary modifications.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1990, c. 73, s. 34; 2002, c. 80, s. 46.</p>
<p>DIVISION V.1.1 ABSENCES OF RESERVISTS EMPLOYEES</p>	
Absence from work	<p>81.17.1. An employee who is also a reservist of the Canadian Forces may be absent from work, without pay, for one of the following reasons:</p> <p>(1) if the employee is credited with 12 months of uninterrupted service, to take part in an operation of the Canadian Forces outside Canada, including preparation, training, rest and transportation from the reservist's place of residence and back, for a maximum period of 18 months;</p> <p>(2) to take part in an operation of the Canadian Forces in Canada whose purpose is to</p> <p style="padding-left: 20px;">(a) provide assistance in the case of a major disaster within the meaning of the Civil Protection Act (chapter S-2.3);</p> <p style="padding-left: 20px;">(b) aid the civil power, on request of the Attorney General of Québec under the National Defence Act (Revised Statutes of Canada, 1985, chapter N-5);</p> <p style="padding-left: 20px;">or</p> <p style="padding-left: 20px;">(c) intervene in any other emergency situation designated by the Government;</p> <p>(3) to take part in the annual training for the period prescribed by regulation or, if no such period is prescribed, for a period of not more than 15 days; or</p> <p>(4) to take part in any other operation of the Canadian Forces, in the cases, on the conditions and for the period prescribed by regulation.</p>
Emergency situation	<p>The designation of an emergency situation under subparagraph <i>c</i> of subparagraph 2 of the first paragraph comes into force on the date set by the Government, which date may be earlier than the date of the designation, and is published in the <i>Gazette officielle du Québec</i>.</p> <hr style="width: 20%; margin-left: 0;"/> <p>2008, c. 30, s. 5.</p>
Exceptions	<p>81.17.2. Section 81.17.1 does not apply if the absence of an employee could endanger the life, health or security of other employees or the population or cause the destruction or serious deterioration of certain property or in a case of superior force, or if the absence is inconsistent with the employee's professional code of ethics.</p> <hr style="width: 20%; margin-left: 0;"/> <p>2008, c. 30, s. 5.</p>
Written notice	<p>81.17.3. To take advantage of the right provided for in section 81.17.1, an employee must give to the employer advance written notice of not less than four weeks of the date on which the absence is to begin, the reason for it and its duration. However, the notice may be shorter for serious cause, in which case the employee must notify the employer as soon as possible.</p>

SECTION 81.17.4

Return to work	<p>The employee may return to work before the expected date after giving the employer written notice of not less than three weeks.</p> <hr/> <p>2008, c. 30, s. 5.</p>
Documents	<p>81.17.4. On request, an employee must provide the employer with any document justifying the employee's absence.</p> <hr/> <p>2008, c. 30, s. 5.</p>
Absence	<p>81.17.5. An employee who is absent for one of the reasons set out in section 81.17.1 for a period greater than 12 weeks may not be absent again for one of those reasons before the expiry of a period of 12 months from the date of the return to work.</p> <hr/> <p>2008, c. 30, s. 5.</p>
Provisions applicable	<p>81.17.6. Sections 79.4, 79.5 and 79.6 apply to an employee who is absent for one of the reasons set out in section 81.17.1.</p> <hr/> <p>2008, c. 30, s. 5.</p>

DIVISION V.2 PSYCHOLOGICAL HARASSMENT

Interpretation	<p>81.18. For the purposes of this Act, "psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.</p>
Vexatious behaviour	<p>A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.</p> <hr/> <p>2002, c. 80, s. 47.</p>
Right of the employee	<p>81.19. Every employee has a right to a work environment free from psychological harassment.</p>
Duty of employers	<p>Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.</p> <hr/> <p>2002, c. 80, s. 47.</p>
Collective agreement	<p>81.20. The provisions of sections 81.18, 81.19, 123.7, 123.15 and 123.16, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees under the agreement.</p>
Mediation	<p>At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator.</p>
Employees not governed by a collective agreement	<p>The provisions referred to in the first paragraph are deemed to form part of the conditions of employment of every employee appointed under the Public Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The Commission de la fonction publique exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act.</p>

Members and officers of bodies The third paragraph also applies to the members and officers of bodies.

2002, c. 80, s. 47.

DIVISION VI

NOTICE OF TERMINATION OF EMPLOYMENT OR LAYOFF, AND WORK CERTIFICATE

Written notice	82. The employer must give written notice to an employee before terminating his contract of employment or laying him off for six months or more.
Length of notice	The notice shall be of one week if the employee is credited with less than one year of uninterrupted service, two weeks if he is credited with one year to five years of uninterrupted service, four weeks if he is credited with five years to ten years of uninterrupted service and eight weeks if he is credited with ten years or more of uninterrupted service.
Notice during layoff	A notice of termination of employment given to an employee during the period when he is laid off is absolutely null, except in the case of employment that usually lasts for not more than six months each year due to the influence of the seasons.
Restriction	This section does not deprive an employee of a right granted to him under another Act.
	1979, c. 45, s. 82; 1980, c. 5, s. 7; 1990, c. 73, s. 36; 1999, c. 40, s. 196.
Exceptions	82.1. Section 82 does not apply to an employee <ol style="list-style-type: none"> (1) who has less than three months of uninterrupted service; (2) whose contract for a fixed term or for a specific undertaking expires; (3) who has committed a serious fault; (4) for whom the end of the contract of employment or the layoff is a result of superior force.
	1990, c. 73, s. 36.
Compensatory indemnity	83. An employer who does not give the notice prescribed by section 82, or who gives insufficient notice, must pay the employee a compensatory indemnity equal to his regular wage excluding overtime for a period equal to the period or remaining period of notice to which he was entitled.
Payment	The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than six months, or at the end of a period of six months after a layoff of indeterminate length, or a layoff expected to last less than six months but which exceeds that period.
Computation	The indemnity to be paid to an employee remunerated in whole or in part by commission is established from the average of his weekly wage, calculated from the complete periods of pay in the three months preceding the termination of his employment or his layoff.
	1979, c. 45, s. 83; 1990, c. 73, s. 36; 2002, c. 80, s. 48.
Recall privileges	83.1. In the case of an employee who, under a collective agreement, is entitled to recall privileges for more than six months, the employer is bound to pay the compensatory indemnity only from the first of the following dates: <ol style="list-style-type: none"> (1) the expiry of the recall privileges of the employee; (2) one year after layoff.
Exceptions	An employee referred to in the first paragraph shall not be entitled to the compensatory indemnity <ol style="list-style-type: none"> (1) if he is recalled before the date on which his employer is bound to pay the indemnity and if subsequently he works for a period equal to or longer than that of the notice prescribed by section 82;

SECTION 83.2

(2) if he is not recalled owing to superior force.

1990, c. 73, s. 36.

Standards for certain public employees **83.2.** The Government may, by regulation, determine standards which vary from those provided for in sections 82 to 83.1 in respect of employees governed by the Public Service Act (chapter F-3.1.1) who, without being permanent employees, are entitled to recall privileges by virtue of their conditions of employment.

1990, c. 73, s. 36.

Work certificate **84.** At the expiry of the contract of employment, an employee may require his employer to issue to him a work certificate in which the following information, and only the following information, is set forth: the nature and the duration of his employment, the dates on which his employment began and terminated, and the name and address of the employer. The certificate shall not carry any mention of the quality of the work or the conduct of the employee.

1979, c. 45, s. 84.

DIVISION VI.0.1 NOTICE OF COLLECTIVE DISMISSAL

Interpretation **84.0.1.** The termination of employment by the employer, including a layoff for a period of six months or more, involving not fewer than 10 employees of the same establishment in the course of two consecutive months constitutes a collective dismissal governed by this division.

2002, c. 80, s. 49.

Employees not affected by dismissal **84.0.2.** The following employees are not considered to be employees affected by a collective dismissal:

- (1) an employee who has less than three months of uninterrupted service;
- (2) an employee whose contract for a fixed term or for a specific undertaking expires;
- (3) an employee to whom section 83 of the Public Service Act (chapter F-3.1.1) applies;
- (4) an employee who has committed a serious fault;
- (5) an employee referred to in section 3.

2002, c. 80, s. 49.

Exceptions **84.0.3.** This division does not apply

- (1) to the layoff of employees for an indeterminate period, but in fact less than six months;
- (2) in respect of an establishment whose activities are seasonal or intermittent;
- (3) in respect of an establishment affected by a strike or lock-out within the meaning of the Labour Code (chapter C-27).

2002, c. 80, s. 49.

Notice **84.0.4.** Every employer shall, before making a collective dismissal for technological or economic reasons, give notice to the Minister of Employment and Social Solidarity within the following minimum periods:

- (1) 8 weeks, where the number of employees affected by the dismissal is at least equal to 10 and less than 100;

	(2) 12 weeks, where the number of employees affected by the dismissal is at least equal to 100 and less than 300;
	(3) 16 weeks, where the number of employees affected by the dismissal is at least equal to 300.
Notice	An employer that gives the notice referred to in the first paragraph is not exempted from giving the notice required by section 82. 2002, c. 80, s. 49.
Superior force or unforeseeable event	84.0.5. In the case of a superior force or where an unforeseeable event prevents an employer from respecting the time periods for giving notice set out in section 84.0.4, the employer shall give the Minister a notice of collective dismissal as soon as the employer is in a position to do so. 2002, c. 80, s. 49.
Transmission and posting of notice	84.0.6. An employer must transmit a copy of the notice of collective dismissal to the Commission and the certified association representing the employees affected by the dismissal. The employer must post the notice in a conspicuous and readily accessible place in the establishment concerned. 2002, c. 80, s. 49.
Requirements	84.0.7. The notice of collective dismissal must be transmitted to the Minister at the place determined by regulation and contain the prescribed information. 2002, c. 80, s. 49.
Consent	84.0.8. During the time period set out in section 84.0.4, an employer may not change the wages of an employee affected by the collective dismissal or, where applicable, the group insurance and pension plans recognized in the employee's place of employment without the written consent of that employee or the certified association representing the employee. 2002, c. 80, s. 49.
Reclassification assistance committee	84.0.9. At the request of the Minister, the employer and the certified association or, in the absence of such an association, the representatives chosen by the employees affected by the collective dismissal, must, without delay, participate in the establishment of a reclassification assistance committee and collaborate in carrying out the committee's mission.
Composition	The committee shall consist of an equal number of representatives of each party or of the number of representatives agreed on by the parties. Each party has one vote only. 2002, c. 80, s. 49.
Mission	84.0.10. The mission of the reclassification assistance committee is to provide the employees affected by the collective dismissal with any form of assistance agreed on by the parties to minimize the impact of the dismissal and facilitate the maintenance or re-entry on the labour market of those employees.

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Responsibilities The committee is responsible, in particular, for evaluating the situation and needs of the employees affected by the dismissal, developing a reclassification plan to facilitate the maintenance or re-entry on the labour market of those employees and seeing to the implementation of the plan.

2002, c. 80, s. 49.

Financial contribution of employer **84.0.11.** The financial contribution of the employer to the operating costs of the reclassification assistance committee and to the reclassification activities shall be agreed on by the employer and the Minister.

Amount Failing an agreement, the financial contribution of the employer shall be an amount determined by regulation of the Government, per employee affected by the collective dismissal.

Claim If the employer fails to make the financial contribution, it may be claimed by the Minister before the competent court.

2002, c. 80, s. 49.

Exemption **84.0.12.** On request, the Minister may, on the conditions the Minister determines, after giving the interested parties an opportunity to present observations, exempt an employer from the application of all or part of the provisions of sections 84.0.9 to 84.0.11, if the employer, in the establishment concerned by the collective dismissal, offers reclassification assistance measures to the employees affected by the dismissal that are equivalent or surpass the measures provided for in this division.

2002, c. 80, s. 49.

Indemnity **84.0.13.** An employer who does not give the notice prescribed by section 84.0.4 or who gives insufficient notice must pay to each dismissed employee an indemnity equal to the employee's regular wages, excluding overtime, for a period equal to the time period or remainder of the time period within which the employer was required to give notice.

Time of payment The indemnity must be paid at the time of the dismissal or at the end of a period of six months after a layoff of indeterminate length or a layoff expected to last less than six months but which exceeds that period.

Exception An employer who is in one of the situations described in section 84.0.5 is, however, not required to pay an indemnity.

2002, c. 80, s. 49.

Indemnities **84.0.14.** No employee may cumulate the indemnities provided for in sections 83 and 84.0.13. However, an employee shall receive the greater of the indemnities to which the employee is entitled.

2002, c. 80, s. 49.

Exception **84.0.15.** Sections 84.0.9 to 84.0.12 do not apply where the number of employees affected by the dismissal is less than 50.

2002, c. 80, s. 49.

DIVISION VI.1 RETIREMENT

Voluntary retirement **84.1.** An employee is entitled to continue to work notwithstanding the fact that he has reached or passed the age or number of years of service at which he should retire pursuant to a general law or special act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer.

Dismissal, suspension, transfer However, and subject to section 122.1, such right does not prevent an employer or his agent from dismissing, suspending or transferring such an employee for good and sufficient cause.

1982, c. 12, s. 2.

DIVISION VI.2 WORK PERFORMED BY CHILDREN

Prohibition **84.2.** No employer may have work performed by a child that is disproportionate to the child's capacity, or that is likely to be detrimental to the child's education, health or physical or moral development.

1997, c. 72, s. 5; 1999, c. 52, s. 11.

Prohibition **84.3.** No employer may have work performed by a child under the age of 14 years without first obtaining the written consent of the holder of parental authority or the tutor.

Employer obligation The employer must preserve the written consent as if it were an entry required to be made in the registration system or register referred to in paragraph 3 of section 29.

1997, c. 72, s. 5; 1999, c. 52, s. 11.

Prohibition **84.4.** No employer may have work performed during school hours by a child subject to compulsory school attendance.

1999, c. 52, s. 11.

Employer obligation **84.5.** An employer who has work performed by a child subject to compulsory school attendance must ensure that the child's work is scheduled so that the child is able to attend school during school hours.

1999, c. 52, s. 11.

Prohibition **84.6.** No employer may have work performed by a child between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance, in the case of newspaper deliveries, or in any other case determined by regulation of the Government.

1999, c. 52, s. 11; O.C. 814-2000.

SECTION 84.7

Employer obligation **84.7.** An employer who has work performed by a child must schedule the work so that, having regard to the location of the child's family residence, the child may be at the family residence between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance or in the cases, circumstances or periods or under the conditions determined by regulation of the Government.

1999, c. 52, s. 11; O.C. 814-2000.

DIVISION VII MISCELLANEOUS OTHER LABOUR STANDARDS

Special clothing **85.** An employer that requires the wearing of special clothing must supply it free of charge to an employee who is paid the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and must at least be equivalent to the minimum wage that does not apply to a particular class of employees.

Special clothing The employer cannot require an amount of money from an employee for the purchase, use or upkeep of special clothing if that would cause the employee to receive less than the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act, the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and the amount of money required from the employer cannot be such that the employee receives less than the minimum wage that does not apply to a particular class of employees.

Special clothing The employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer's establishment. In addition, the employer cannot require an employee to purchase clothing or accessories that are items in the employer's trade.

1979, c. 45, s. 85; 1990, c. 73, s. 37; 2002, c. 80, s. 50.

Required material **85.1.** Where an employer requires the use of material, equipment, raw materials or merchandise in the performance of a contract, the employer must furnish them free of charge to an employee who is paid the minimum wage.

Required material The employer cannot require an amount of money from an employee for the purchase, use or maintenance of material, equipment, raw materials or merchandise if the payment would cause the employee to receive less than the minimum wage.

Expenses The employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.

2002, c. 80, s. 51.

Travel or training expenses **85.2.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.

2002, c. 80, s. 51.

86. (*Section repealed*).

1979, c. 45, s. 86; 2002, c. 80, s. 52.

Status of employee	86.1. An employee is entitled to retain the status of employee where the changes made by the employer to the mode of operation of the enterprise do not change that status into that of a contractor without employee status.
Complaint	Where the employee is in disagreement with the employer regarding the consequences of the changes on the status of the employee, the employee may file a complaint in writing with the Commission des normes du travail. On receipt of the complaint, the Commission shall make an inquiry and the first paragraph of section 102 and sections 103, 104 and 106 to 110 shall apply, with the necessary modifications.
Commission's refusal	If the Commission refuses to take action following a complaint, the employee may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.
Commission des relations du travail	At the end of the inquiry, if the Commission agrees to take action, it shall refer the complaint without delay to the Commission des relations du travail for it to rule on the consequences of the changes on the status of the employee.
Decision	The Commission des relations du travail shall render its decision within 60 days of the filing of the complaint at its offices.
	<hr style="width: 20%; margin-left: 0;"/> 1979, c. 45, s. 86; 2002, c. 80, s. 53.
Document	87. The employer must transmit to the employee any information document concerning labour standards furnished by the Commission.
Document	The employer must also, at the request of the Commission and according to its directions, transmit to the employee, post or disseminate any document the Commission furnishes to the employer concerning labour standards.
	<hr style="width: 20%; margin-left: 0;"/> 1979, c. 45, s. 87; 1990, c. 73, s. 38; 2002, c. 80, s. 54.

DIVISION VII.1 DIFFERENCES IN TREATMENT

Prohibition	87.1. No agreement or decree may, with respect to a matter covered by a labour standard that is prescribed by Divisions I to V.1, VI and VII of this chapter and is applicable to an employee, operate to apply to the employee, solely on the basis of the employee's hiring date, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.
Prohibition	The same applies in respect of a matter corresponding to any of the matters referred to in the first paragraph where a labour standard pertaining to that matter has been fixed by regulation.
	<hr style="width: 20%; margin-left: 0;"/> 1999, c. 85, s. 2; 2002, c. 80, s. 55.
Exception	87.2. A condition of employment based on seniority or years of service does not contravene section 87.1.
	<hr style="width: 20%; margin-left: 0;"/> 1999, c. 85, s. 2.
Exception	87.3. The conditions of employment applied to an employee pursuant to a special arrangement for the handicapped and the conditions of employment applied temporarily to an employee following a reclassification or demotion, an amalgamation of enterprises or an internal reorganization in an enterprise shall be disregarded for the purposes of section 87.1.
Exception	The wages and wage rules temporarily applied to an employee to prevent the employee from being disadvantaged owing to the employee's integration into a new wage rate, a wage scale whose range has been modified or a new wage scale shall also be disregarded, provided that

(1) the wage rate or wage scale is established to be applicable, subject to the situations referred to in the first paragraph, to all employees performing the same tasks in the same establishment; and

(2) the difference between the wage applied to the employee and the rate or scale established to be applicable to all such employees is progressively eliminated within a reasonable period of time.

1999, c. 85, s. 2.

Transitional provisions of the Act respecting labour standards as regards differences in treatment

5. In the case of a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or an arbitration award in lieu thereof, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force, after 29 February 2000, of a first collective agreement for a certified group of employees, of a new collective agreement or of an arbitration award in lieu thereof.

6. In the case of an agreement within the meaning of the Act respecting labour standards, other than agreements referred to in section 5 of this Act, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act has effect from 1 July 2000, unless the agreement is binding on an employee in a group of employees certified under the Labour Code and for which a first collective agreement within the meaning of that Code has not been made and is therefore not in force; in the latter case, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force of the first collective agreement or of an arbitration award in lieu thereof.

7. In the case of a decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from 1 January 2001.

8. For the purposes of sections 5 and 6 of this Act, the date of coming into force of a collective agreement is the date determined pursuant to section 72 of the Labour Code.

1999, c. 85, s. 5 to 8.

**DIVISION VIII
REGULATIONS**

Regulations **88.** The Government may make regulations exempting such category or categories of employees as it may designate from the whole or a part of the application of Division I of Chapter IV, for such time and on such conditions as it may fix, namely, managerial personnel, employees on commission, employees engaged in logging operations, saw mills and public works, caretakers, employees who receive gratuities or tips, employees contemplated by subparagraphs i, ii and iii of paragraph 10 of section 1, students employed in a vacation camp or in a social or community non-profit organization, such as a recreational organization, and trainees under a programme of vocational training or induction recognized by law.

Different standards The Government may also, as the case may be, fix standards different from those provided in Division I of Chapter IV for the employees contemplated in the first paragraph.

1979, c. 45, s. 88; 1990, c. 73, s. 39; 2002, c. 80, s. 56.

Regulations **89.** The Government, by regulation, may fix labour standards respecting the following matters:

- (1) the minimum wage, which may be established on a time basis, a production basis or any other basis;
- (2) pay sheets;
- (3) the maximum amount that may be required of an employee for bed and board;
- (4) the standard workweek of employees, particularly that of:
 - a) *(Subparagraph repealed)*.
 - b) various classes of caretakers;
 - c) employees engaged in the retail food trade;
 - d) employees engaged in logging operations;
 - e) employees working in saw mills;
 - f) employees working at public works;
 - g) employees working in an isolated area that is inaccessible by motor road and not connected up to the road network of Québec by any regular transport system;
 - h) various categories of workers carrying out work in the James Bay territory under the authority of Hydro-Québec, the Société d'énergie de la Baie James or the Société de développement de la Baie James;
 - i) the categories of employees listed in subparagraphs 2, 6 and 7 of the first paragraph of section 54;
- (5) *(Paragraph repealed)*.
- (6) the other benefits an employee may receive during an absence owing to sickness, accident or a criminal offence, a maternity, paternity or parental leave, which may vary according to the nature of the leave or, where applicable, its length;
 - (6.1) the cases in which and conditions on which a parental leave may terminate at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee;
 - (6.1.1) the other cases, conditions, times and durations prescribed for the division of a maternity, paternity or parental leave into weeks;
 - (6.2) the procedure for transmission of the notice of collective dismissal and the information it must contain;
 - (6.3) the amount of the employer's financial contribution to the operating costs of the reclassification assistance committee and to the reclassification activities;
- (7) *(Paragraph repealed)*.
- (8) *(Paragraph repealed)*.

1979, c. 45, s. 89; 1980, c. 11, s. 127; 1981, c. 23, s. 56; 1983, c. 15, s. 1; 1990, c. 73, s. 40; 2002, c. 80, s. 57; 2005, c. 13, s. 87; O.C. 984-2005; 2007, c. 36, s. 13.

Regulations **89.1.** The Government may, by regulation, determine cases in which a prohibition under section 84.6 is not applicable.

Regulations It may also, in the same manner, determine cases, circumstances, periods or conditions in or under which the obligation imposed by section 84.7 is not applicable.

1997, c. 72, s. 6; 1999, c. 52, s. 12; O.C. 814-2000.

Regulations **90.** The Government may, by regulation, wholly or partly exempt certain establishments or categories of establishments for physical, mental or social re-education from this Act and the regulations and, as the case may be, fix labour standards applicable to the persons working in them.

1979, c. 45, s. 90; 1990, c. 73, s. 41; 2002, c. 80, s. 58.

SECTION 90.1

- Exceptions **90.1.** The Government may, by regulation, exempt certain categories of employees or employers from the application of Division VI.1 and section 122.1.
- Regulation A regulation made under the first paragraph may be made to have effect on a date not over six months prior to the date on which it is made.

1982, c. 12, s. 3.

- Different standards **91.** The standards contemplated in sections 88 to 90 may vary according to the field of activity and the type of work.
- Residence They may also vary according to whether or not an employee resides with his employer.

1979, c. 45, s. 91; 1980, c. 5, s. 8; 1981, c. 23, s. 57; 1990, c. 73, s. 42.

92. (*Section repealed*).

1979, c. 45, s. 92; 1997, c. 72, s. 7.

DIVISION VIII.1

LABOUR STANDARDS IN THE CLOTHING INDUSTRY

- Regulations **92.1.** After consulting with the most representative employees' and employers' associations in the clothing industry, the Government may, by regulation, in respect of all employers and employees in the clothing industry that would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, fix labour standards respecting the following matters:

- (1) the minimum wage, which may be established on a time basis, a production basis or any other basis;
- (2) the standard workweek;
- (3) paid statutory general holidays and the indemnity relating to such holidays, which may be established on a production basis or any other basis;
- (4) the duration of an employee's annual leave, established according to the employee's uninterrupted service with the same employer, and the division of an indemnity relating to the leave;
- (5) the duration of the meal period, with or without pay;
- (6) the number of days during which an employee may be absent, with or without pay, for family events referred to in section 80 and 80.1.

- Provisions The regulation may also include any provision similar to the provisions appearing in Divisions I to V.I of Chapter IV in respect of any matter covered by the regulation.

- Reference For the purposes of this Act, sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

1999, c. 57, s. 3; 2001, c. 47, s. 1.

92.2. (*Section repealed*).

1999, c. 57, s. 3; 2001, c. 47, s. 2.

- Monitoring of compliance with standards **92.3.** The Commission shall establish a specific program for the monitoring of compliance with the labour standards applicable in the clothing industry.

1999, c. 57, s. 3; 2001, c. 47, s. 3.

92.4. *(Section repealed).*

1999, c. 57, s. 3; 2001, c. 47, s. 4.

DIVISION IX
EFFECT OF LABOUR STANDARDS

- | | |
|---|---|
| Standards of public order
Provision null | <p>93. Subject to any exception allowed by this Act, the labour standards contained in this Act and the regulations are of public order.</p> <p>In an agreement or decree, any provision that contravenes a labour standard or that is inferior thereto is absolutely null.</p> <hr/> <p>1979, c. 45, s. 93; 1999, c. 40, s. 196.</p> |
| More advantageous condition of employment | <p>94. Notwithstanding section 93, an agreement or a decree may grant an employee a more advantageous condition of employment than required in a standard prescribed by this Act or the regulations.</p> <hr/> <p>1979, c. 45, s. 94; 1980, c. 5, s. 9.</p> |
| Subcontractor | <p>95. An employer who enters into a contract with a subcontractor, directly or through an intermediary, is responsible jointly and severally with that subcontractor and that intermediary for the pecuniary obligations fixed by this Act or the regulations.</p> <hr/> <p>1979, c. 45, s. 95; 1994, c. 46, s. 8.</p> |
| Alienation of an undertaking | <p>96. The alienation or concession of the whole or a part of an undertaking does not invalidate any civil claim arising from the application of this Act or a regulation which is not paid at the time of such alienation or concession. The former employer and the new employer are bound solidarily in respect of that claim.</p> <hr/> <p>1979, c. 45, s. 96; 2002, c. 80, s. 59.</p> |
| Alienation of an undertaking | <p>97. The alienation or concession in whole or in part of the undertaking, or the modification of its juridical structure, namely by amalgamation, division or otherwise, does not affect the continuity of the application of the labour standards.</p> <hr/> <p>1979, c. 45, s. 97.</p> |

CHAPTER V
RECOURSES

DIVISION I
CIVIL RECOURSES

- Claim of wages **98.** Where the employer fails to pay to an employee the wage owing to him, the Commission, on behalf of that employee, may claim the unpaid wage from that employer.
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- 1979, c. 45, s. 98; 1990, c. 73, s. 43.
- Claim of other benefits **99.** Where the employer fails to pay the other pecuniary benefits resulting from the application of this Act or a regulation, the Commission may claim these benefits on the basis of the usual hourly wage of the employee and his gratuities or tips declared and attributed under sections 42.11 and 1019.4 of the Taxation Act (chapter I-3).
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- 1979, c. 45, s. 99; 1983, c. 43, s. 12; 2002, c. 80, s. 60.
- 100.** *(Section repealed).*
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- 1979, c. 45, s.100; 1990, c. 73, s. 44.
- Settlement of a claim null **101.** Any settlement of a claim between an employer and an employee which involves a reduction of the amount claimed is absolutely null.
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- 1979, c. 45, s. 101; 1999, c. 40, s. 196.
- Complaint **102.** Subject to sections 123 and 123.1, an employee who believes that one of his rights under this Act or a regulation has been violated may file a complaint in writing with the Commission. Such a complaint may also be filed on behalf of an employee who consents thereto in writing by a non-profit organization dedicated to the defence of employees' rights.
- Employee subject to collective agreement or decree If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that he has exhausted his recourses arising out of that agreement or that decree, unless the complaint concerns a condition of employment prohibited by section 87.1; in the latter case, the complainant must prove to the Commission that he has not exercised such recourses or that, having exercised them, he discontinued proceedings before a final decision was rendered.
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- 1979, c. 45, s. 102; 1982, c. 12, s. 4; 1990, c. 73, s. 45; 1999, c. 85, s. 3.
- Identity of an employee **103.** The Commission shall not, during the inquiry, disclose the identity of an employee by or on behalf of whom a complaint has been filed, unless the latter consents to it.
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- 1979, c. 45, s. 103; 1990, c. 73, s. 46.
- Inquiry **104.** On receipt of a complaint, the Commission shall make an inquiry with due dispatch.
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- 1979, c. 45, s. 104.
- Inquiry **105.** The Commission may also make an inquiry of its own initiative.
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- 1979, c. 45, s. 105.

- Frivolous complaint **106.** The Commission may refuse to proceed with an inquiry if it finds that the complaint is frivolous or made in bad faith.
- 1979, c. 45, s. 106.
- Refusal to inquire **107.** Where the Commission refuses to proceed with an inquiry under section 106 or where it finds that the complaint is groundless, it shall give notice of its decision to the complainant by registered or certified mail, giving the reasons therefor and informing him of his right to apply for a review of the decision.
- 1979, c. 45, s. 107; 1990, c. 73, s. 47; 1992, c. 26, s. 11.
- Application for review **107.1.** The complainant may, within 30 days of receiving the decision referred to in section 107, apply in writing for a review thereof.
- Final decision The Commission must render a final decision by registered or certified mail within 30 days of receiving the application from the complainant.
- 1990, c. 73, s. 48; 1992, c. 26, s. 12.
- Powers of inquiry **108.** The Commission, or any person it may designate generally or specially for that purpose, is vested, for the purposes of an inquiry contemplated in sections 104 and 105, with the powers and immunity granted to commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.
- Person authorized to inquire The Commission may authorize a person generally or specially to inquire into a matter relating to this act or a regulation. Such person must, upon request, present a certificate of his authority signed by the chairman.
- 1979, c. 45, s. 108.
- Inquiry **109.** In proceeding with an inquiry, the Commission or any person designated by it for such purpose may:
- (1) enter at any reasonable time any place of work or establishment of an employer and make an inspection thereof; such inspection may include the examination of registers, books, accounts, vouchers and other documents;
 - (2) require any information regarding the application of this Act or a regulation, and the production of any document related thereto.
- 1979, c. 45, s. 109.
- Probative value **110.** A document contemplated in section 109 which has been examined by the Commission or a person designated by it, or which has been produced to either of them, may be copied or photocopied. Any copy or photocopy of such document certified true to the original by the chairman or that person is admissible as evidence and has the same probative value as the original.
- 1979, c. 45, s. 110.
- Putting in default **111.** Where, following an inquiry, the Commission considers that an amount of money is due to an employee in accordance with this Act or the regulations, it shall demand, by notice in writing, that the employer pay such amount to the Commission within 20 days of the sending of the demand notice.
- Copy to employee The Commission shall at the same time send a notice to the employee indicating the amount claimed on his behalf.
- 1979, c. 45, s. 111; 1990, c. 73, s. 49; 1992, c. 26, s. 13; 2008, c. 30, s. 6.

SECTION 112

- Amount paid to employee **112.** If the employer fails to pay such amount within the time fixed in section 111, the Commission may, of its own authority in the cases provided by regulation made under paragraph 6 of section 29, pay the amount to the employee to the extent provided for in paragraph 6 of section 39.
- Subrogation The Commission is thereupon substituted in all the rights of the employee up to the amount thus paid.
(NOT IN FORCE)*
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- 1979, c. 45, s. 112.
- * Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).*
- Recourse exercised by Commission **113.** The Commission may take the appropriate action on behalf of the employee at the expiry of the time provided for in section 111.
- Recourses exercised by the Commission The Commission may also exercise the recourses available to an employee against the directors of a legal person.
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- 1979, c. 45, s. 113; 1990, c. 73, s. 50; 1992, c. 26, s. 14.
- Lump sum **114.** Where it exercises the recourses provided for in sections 112 and 113, the Commission may claim, in addition to the amount due under this act or a regulation, an amount equal to 20% of such amount. This additional amount of 20% belongs entirely to the Commission.
- Rate of interest The amount due to the employee bears interest at the rate fixed under section 28 of the Act respecting the ministère du Revenu (chapter M-31), from the sending of the demand notice under section 111.
-
- 1979, c. 45, s. 114; 1990, c. 73, s. 51; 2008, c. 30, s. 7.
- Prescription **115.** A civil action brought under this Act or a regulation is prescribed by one year from each due date.
- Logging operations This prescription runs only from 1 May following the date of execution of the work in respect of employees engaged in logging operations.
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- 1979, c. 45, s. 115.
- Prescription interrupted **116.** A notice of inquiry sent by the Commission to the employer by registered or certified mail suspends prescription in respect of all his employees for six months from the date of mailing.
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- 1979, c. 45, s. 116; 1990, c. 73, s. 52; 1992, c. 26, s. 15.
- 117.** *(Section repealed).*
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- 1979, c. 45, s. 117; 1994, c. 46, s. 9.
- Fraud **118.** In the case of a false entry in the required register, or in the system of registration, or of a secret rebate or any other fraud, prescription runs against the Commission's recourses only from the date on which the Commission becomes aware of the fraud.
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- 1979, c. 45, s. 118.

- Recourses joined **119.** The recourses of several employees against the same employer or against the directors of the same legal person may be joined in the same suit, whether it is instituted by the employees or by the Commission, and the total amount claimed determines the jurisdiction of the court, both in first instance and in appeal.
- 1979, c. 45, s. 119; 1992, c. 26, s. 16.
- Preference **119.1.** All proceedings brought before the civil courts under this Act constitute matters which must be heard and decided by preference.
- 1990, c. 73, s. 53.
- Amount remitted to the Commission **120.** After being put in default by the Commission, an employer cannot validly discharge the amounts forming the object of the claim except by remitting them to the Commission. This provision does not apply in the case of an action brought by the employee himself.
- 1979, c. 45, s. 120.
- Amount remitted to the employee Deduction **121.** Subject to the section 112 and to the first paragraph of section 114, the Commission shall remit to the employee the amount it collects by exercising his recourse.
- At the request of the Minister of Employment and Social Solidarity, the Commission shall deduct from that amount the amount repayable under section 90 of the Individual and Family Assistance Act (chapter A-13.1.1). The Commission shall remit the amount thus deducted to the Minister of Employment and Social Solidarity.
- 1979, c. 45, s. 121; 1988, c. 51, s. 120; 1992, c. 44, s. 81; 1994, c. 12, s. 50; 1997, c. 63, s. 128, subp. 14; 1998, c. 36, s. 184; 2001, c. 44, s. 30; 2005, c. 15, s. 165.

DIVISION II

RECOURSE AGAINST PROHIBITED PRACTICES

- Dismissal prohibited **122.** No employer or his agent may dismiss, suspend or transfer an employee, practise discrimination or take reprisals against him, or impose any other sanction upon him:
- (1) on the ground that such employee has exercised one of his rights, other than the right contemplated in section 84.1, under this act or a regulation;
 - (1.1) on the ground that an inquiry is being conducted by the Commission in an establishment of the employer;
 - (2) on the ground that such employee has given information to the Commission or one of its representatives on the application of the labour standards or that he has given evidence in a proceeding related thereto;
 - (3) on the ground that a seizure by garnishment has been or may be effected against such employee;
 - (3.1) on the ground that such employee is a debtor of support subject to the Act to facilitate the payment of support (chapter P-2.2);
 - (4) on the ground that such employee is pregnant;
 - (5) for the purpose of evading the application of this act or a regulation;
 - (6) on the ground that the employee has refused to work beyond his regular hours of work because his presence was required to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents, even though he had taken the reasonable steps within his power to assume those obligations otherwise.

SECTION 122.1

Pregnant employee transferred An employer must of his own initiative transfer a pregnant employee if her conditions of employment are physically dangerous to her or her unborn child. The employee may refuse the transfer by presenting a medical certificate attesting that her conditions of employment are not dangerous as alleged.

1979, c. 45, s. 122; 1980, c. 5, s. 10; 1982, c. 12, s. 5; 1990, c. 73, s. 55; 1995, c. 18, s. 95; 2002, c. 80, s. 61.

Prohibited practices **122.1.** No employer or his agent may dismiss, suspend or retire an employee, practice discrimination or take reprisals against him on the ground that he has reached or passed the age or the number of years of service at which he should retire pursuant to a general law or special act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer.

1982, c. 12, s. 6; 2002, c. 80, s. 62.

122.2. (*Section repealed*).

1990, c. 73, s. 56; 2002, c. 80, s. 63.

Complaint to Commission **123.** An employee who believes he has been the victim of a practice prohibited by section 122 and who wishes to assert his rights must do so before the Commission des normes du travail within 45 days of the occurrence of the practice complained of.

Complaint to Commission des relations du travail If the complaint is filed within that time to the Commission des relations du travail, failure to file the complaint with the Commission des normes du travail cannot be invoked against the complainant.

1979, c. 45, s. 123; 1990, c. 73, s. 57; 1999, c. 40, s. 196; 2001, c. 26, s. 140; O.C. 1314-2002; 2002, c. 80, s. 64.

Complaint Filing **123.1.** Section 123 applies to every employee who believes that he has been dismissed, suspended or retired on the ground set forth in section 122.1.

However, the time limit to file such a complaint is then increased to ninety days.

1982, c. 12, s. 7; 2001, c. 26, s. 141; O.C. 1314-2002; 2002, c. 80, s. 65.

Presumption **123.2.** The presumption resulting from the application of the second paragraph of section 123.4 shall continue to apply for not less than 20 weeks after the employee has returned to work at the end of a maternity or paternity leave or parental leave.

1990, c. 73, s. 58; 2002, c. 80, s. 66; O.C. 984-2005.

Settlement **123.3.** The Commission, with the agreement of the parties, may appoint a person who shall endeavour to settle the complaint to the satisfaction to the parties.

Restriction Only a person who has not already acted in the matter in question in another capacity may be appointed for this purpose by the Commission.

Confidentiality Any verbal or written information gathered by the person appointed under the first paragraph must remain confidential. He may not be compelled to divulge anything that has been revealed to him or that has come to his knowledge in the performance of his duties, or to produce before a court or before any body or person fulfilling a judicial or quasi-judicial function any document made or obtained in the performance of his duties, except in penal matters, where the court considers that such proof is necessary for a full and complete defence. Notwithstanding section 9 of the Act respecting Access to

documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have a right of access to any such document.

1990, c. 73, s. 58; 1992, c. 61, s. 416.

Commission des relations du travail	123.4. If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail shall, without delay, refer the complaint to the Commission des relations du travail.
Provisions applicable	The provisions of the Labour Code (chapter C-27) applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.
Exception	The Commission des relations du travail may not, however, order the reinstatement of a domestic or person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in the employer's dwelling.
	2002, c. 80, s. 67.
Employees not covered by a certification	123.5. The Commission may, in any proceeding relating to this division, represent an employee who is not a member of a group of employees covered by a certification pursuant to the Labour Code (chapter C-27).
	2002, c. 80, s. 67.

DIVISION II.1 **RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT**

Complaint to Commission	123.6. An employee who believes he has been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees' rights on behalf of one or more employees who consent thereto in writing.
	2002, c. 80, s. 68.
Time limit	123.7. Any complaint concerning psychological harassment must be filed within 90 days of the last incidence of the offending behaviour.
	2002, c. 80, s. 68.
Inquiry	123.8. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.
Provisions applicable	Sections 103 to 110 shall apply to the inquiry, with the necessary modifications.
	2002, c. 80, s. 68.
Commission's refusal	123.9. If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization with the employee's written consent, may within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.
	2002, c. 80, s. 68.

SECTION 123.10

- Mediation **123.10.** The Commission may, at any time, during the inquiry and with the agreement of the parties, request the Minister to appoint a person to act as a mediator. The Commission may, at the request of the employee, assist and advise the employee during mediation.
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- 2002, c. 80, s. 68.
- Contract of employment **123.11.** If the employee is still bound to the employer by a contract of employment, the employee is deemed to be at work during mediation sessions.
-
- 2002, c. 80, s. 68.
- Commission des relations du travail **123.12.** At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Commission des relations du travail.
-
- 2002, c. 80, s. 68.
- Representation **123.13.** The Commission des normes du travail may represent an employee in a proceeding under this division before the Commission des relations du travail.
-
- 2002, c. 80, s. 68.
- Provisions applicable **123.14.** The provisions of the Labour Code (chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, except sections 15 to 19, as well as section 100.12 of that Code apply, with the necessary modifications.
-
- 2002, c. 80, s. 68.
- Decisions **123.15.** If the Commission des relations du travail considers that the employee has been the victim of psychological harassment and that the employer has failed to fulfil the obligations imposed on employers under section 81.19, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including
- (1) ordering the employer to reinstate the employee;
 - (2) ordering the employer to pay the employee an indemnity up to a maximum equivalent to wages lost;
 - (3) ordering the employer to take reasonable action to put a stop to the harassment;
 - (4) ordering the employer to pay punitive and moral damages to the employee;
 - (5) ordering the employer to pay the employee an indemnity for loss of employment;
 - (6) ordering the employer to pay for the psychological support needed by the employee for a reasonable period of time determined by the Commission;
 - (7) ordering the modification of the disciplinary record of the employee.
-
- 2002, c. 80, s. 68.
- Employment injury **123.16.** Paragraphs 2, 4 and 6 of section 123.15 do not apply to a period during which the employee is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.
- Employment injury Where the Commission des relations du travail considers it probable that, pursuant to section 123.15, the psychological harassment entailed an employment injury for the employee, it shall reserve its decision with regard to paragraphs 2, 4 and 6.
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- 2002, c. 80, s. 68.

DIVISION III
RECOURSE AGAINST DISMISSALS NOT MADE FOR GOOD
AND SUFFICIENT CAUSE

Complaint of dismissal	<p>124. An employee credited with two years of uninterrupted service in the same enterprise who believes that he has not been dismissed for a good and sufficient cause may present his complaint in writing to the Commission des normes du travail or mail it to the address of the Commission des normes du travail within 45 days of his dismissal, except where a remedial procedure, other than a recourse in damages, is provided elsewhere in this act, in another act or in an agreement.</p>
Exception	<p>If the complaint is filed with the Commission des relations du travail within this period, failure to have presented it to the Commission des normes du travail cannot be set up against the complainant.</p>
	<p>1979, c. 45, s. 124; 1990, c. 73, s. 59; 2001, c. 26, s. 142; O.C. 1314-2002; 2002, c. 80, s. 69.</p>
Mediation	<p>125. Upon receiving the complaint, the Commission des normes du travail may, with the agreement of the parties, appoint a person who shall endeavour to settle the complaint to the satisfaction of the interested parties. The second and third paragraphs of section 123.3 apply for the purposes of this section.</p>
Reasons for dismissal	<p>The Commission des normes du travail may require from the employer a writing containing the reasons for dismissing the employee. It must provide a copy of this writing to the employee, on demand.</p>
	<p>1979, c. 45, s. 125; 1990, c. 73, s. 60; 2001, c. 26, s. 143; O.C. 1314-2002.</p>
Commission des relations du travail	<p>126. If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail shall, without delay, refer the complaint to the Commission des relations du travail.</p>
	<p>1979, c. 45, s. 126; 1983, c. 22, s. 104; 1990, c. 73, s. 61; 2001, c. 26, s. 144; O.C. 1314-2002; 2002, c. 80, s. 70.</p>
Representation	<p>126.1. The Commission des normes du travail may, in a proceeding under this division, represent an employee who does not belong to a group of employees to which certification has been granted under the Labour Code (chapter C-27).</p>
	<p>1997, c. 2, s. 2; 2001, c. 26, s. 145; O.C. 1314-2002.</p>
Provisions applicable	<p>127. The provisions of the Labour Code (chapter CV-27) respecting the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, and section 100.12 of the said Code apply, adapted as required, except sections 15 to 19.</p>
	<p>1979, c. 45, s. 127; 1990, c. 73, s. 61; 2001, c. 26, s. 146; O.C. 1314-2002.</p>
Powers of the Commission des relations du travail	<p>128. Where the Commission des relations du travail considers that the employee has been dismissed without good and sufficient cause, the Commission may:</p> <ol style="list-style-type: none"> (1) order the employer to reinstate the employee; (2) order the employer to pay to the employee an indemnity up to a maximum equivalent to the wage he would normally have earned had he not been dismissed; (3) render any other decision the Commission believes fair and reasonable, taking into account all the circumstances of the matter.

Domestic However, in the case of a domestic or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, the Commission des relations du travail may only order the payment to the employee of an indemnity corresponding to the wage and other benefits of which he was deprived due to dismissal.

1979, c. 45, s. 128; 1981, c. 23, s. 58; 1983, c. 22, s. 104; 1990, c. 73, s. 62; 2001, c. 26, s. 147; O.C. 1314-2002; 2002, c. 80, s. 71.

129. *(Section repealed).*

1979, c. 45, s. 129; 1990, c. 73, s. 63; 2001, c. 26, s. 148; O.C. 1314-2002.

Final and binding decision **130.** The decision of the Commission des relations du travail under this division is without appeal. It shall bind both the employer and the employee.

1979, c. 45, s. 130; 1990, c. 73, s. 64; 2001, c. 26, s. 148; O.C. 1314-2002.

True copy **131.** The Commission des relations du travail shall send forthwith a true copy of its decision to the Commission.

1979, c. 45, s. 131; 1990, c. 73, s. 64; 2001, c. 26, s. 150; O.C. 1314-2002.

132. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 132; 1990, c. 73, s. 64.

133. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 133; 1990, c. 73, s. 64.

134. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 134; 1990, c. 73, s. 64.

135. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 135; 1990, c. 73, s. 64.

CHAPTER VI
BANKRUPTCY

136. *(Section repealed).*

1979, c. 45, s. 136; 2002, c. 80, s. 72.

137. *(Section repealed).*

1979, c. 45, s. 137; 1999, c. 40, s. 196; 2002, c. 80, s. 72.

138. *(Section repealed).*

1979, c. 45, s. 138; 2002, c. 80, s. 72.

CHAPTER VII
PENAL PROVISIONS

- Offence and penalty **139.** Every employer is guilty of an offence and liable to a fine of \$600 to \$1,200 and, for any subsequent conviction, to a fine of \$1,200 to \$6,000, who:
- (1) knowingly destroys, alters or falsifies:
 - a) a register;
 - b) the registration system;
 - c) a document dealing with the carrying out of this act or a regulation;
 - (2) fails, neglects or refuses to keep a document contemplated in paragraph 1.

1979, c. 45, s. 139; 1986, c. 58, s. 65; 1990, c. 4, s. 609; 1991, c. 33, s. 87; 1997, c. 85, s. 367.

- Offence and penalty **140.** Every employer* is guilty of an offence and liable to a fine of \$600 to \$1,200 and, for any subsequent conviction, to a fine of \$1,200 to \$6,000, who:
- (1) hinders in any way the Commission or any person authorized by it in the discharge of their duties;
 - (2) deceives them by concealment or false declaration;
 - (3) refuses to give them any information or document they are entitled to obtain under this Act;
 - (4) conceals a document or anything related to an inquiry;
 - (5) is a party to an agreement stipulating conditions of employment inferior to labour standards determined under this act or the regulations; or
 - (6) contravenes any other provision of this act or the regulations.

1979, c. 45, s. 140; 1986, c. 58, s. 66; 1990, c. 4, s. 610; 1991, c. 33, s. 88; 1997, c. 85, s. 368.

* *Editor's note: However, the first paragraph of the French version of this section indicates:*

« **140.** Commet une infraction et est passible d'une amende de 600 \$ à 1 200 \$ et, pour toute récidive, d'une amende de 1 200 \$ à 6 000 \$, quiconque : »

- Complicity **141.** Every person who attempts to commit an offence contemplated in sections 139 and 140, or aids or incites another person to commit an offence against this act or a regulation, is guilty of an offence and liable to the penalties provided for such offence.

1979, c. 45, s. 141.

- Offence and fine **141.1.** Every employer who does not give the notice required by section 84.0.4, or who gives insufficient notice, is guilty of an offence and is liable to a fine of \$1,500 for each week or part of a week of failure to comply or late compliance.

Fines The fines collected pursuant to the first paragraph shall be paid into the labour market development fund established under section 58 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (chapter M-15.001).

2002, c. 80, s. 73.

- Legal person **142.** Where a legal person commits an offence, every officer, director, employee or agent of that legal person who has prescribed or authorized the perpetration of the offence or agreed or was a party thereto, is deemed to be a party to the offence.

1979, c. 45, s. 142; 1999, c. 40, s. 196.

143. *(Section repealed).*

1979, c. 45, s. 143; 1990, c. 4, s. 611; 1992, c. 61, s. 418.

Prescription **144.** Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

1979, c. 45, s. 144; 1992, c. 61, s. 419.

145. *(Section repealed).*

1979, c. 45, s. 145; 1992, c. 61, s. 420.

Evidence permitted **146.** No evidence shall be permitted in view of establishing that any action or suit contemplated by this act was brought following upon the complaint of an informer, or of discovering the identity of an informer.

1979, c. 45, s. 146.

Designation **147.** The Commission may designate from among the members of its personnel the persons who shall be entrusted with the carrying out of this Act.

1979, c. 45, s. 147; 1990, c. 4 s. 612; 1992, c. 61, s. 421.

CHAPTER VIII
MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

148. *(Section omitted).*

1979, c. 45, s. 148.

Interpretation **149.** In any act, regulation, ordinance or proclamation and in any order in council, contract or other document, any reference to the Minimum Wage Act is deemed to be a reference to this Act or to the equivalent provision of this Act.

1979, c. 45, s. 149.

150. *(Section omitted).*

1979, c. 45, s. 150.

Regulation continued in force **151.** Every regulation made and every resolution adopted by the Commission du salaire minimum remains in force, except where it is inconsistent with this Act, until it is repealed, amended or replaced by a regulation or resolution of the Commission des normes du travail.

1979, c. 45, s. 151.

Ordinances continued in force **152.** Ordinances adopted by the Commission du salaire minimum concerning matters which may be the object of a regulation under sections 88 and 89 remain in force, in respect of matters that can be regulated, until they are repealed, amended or replaced by a regulation made under the said sections. Such ordinances have, for the purposes of this Act, the same value and effect as a regulation made under this Act.

Exception Notwithstanding section 52, an employee contemplated in subparagraph *b* of paragraph 4 of section 89 shall have a standard workweek only from the coming into force of the regulation fixing it.

1979, c. 45, s. 152.

Succession **153.** The Commission des normes du travail succeeds the Commission du salaire minimum and, for that purpose, acquires the rights and assumes the liabilities of that body.

1979, c. 45, s. 153.

Matters continued **154.** Every matter pending before the Commission du salaire minimum and every case not yet prescribed under the Minimum Wage Act (chapter S-1) at the time the latter is replaced, is continued and decided without continuance of suit, in accordance with this Act, by the Commission des normes du travail.

1979, c. 45, s. 154.

Secretary and personnel of the Commission **155.** The secretary and the members of the personnel of the Commission du salaire minimum in office on 15 April 1980 become, without other formality, the secretary and the members of the personnel of the Commission des normes du travail.

1979, c. 45, s. 155.

Part-time commissioner	<p>156. Notwithstanding section 8, a commissioner of the Commission du salaire minimum who becomes a part-time member of the Commission des normes du travail may, by giving notice to the Commission administrative des régimes de retraite et d'assurances, continue to contribute to the pension plan applicable to him on the basis of the salary he would receive if he held office on a full-time basis.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 156; 1983, c. 24, s. 88.</p>
Effect of a collective agreement	<p>157. Except in respect of what concerns minimum wage and maternity leave, which applies from 16 April 1980, a collective agreement in force pursuant to the Labour Code (chapter C-27) on 16 April 1980 continues to have effect until the date of its expiry, even where it fails to include one or another of the labour standards adopted under this Act or where any of its provisions is contrary to any of such standards.</p>
Effect of a collective agreement	<p>The same rule applies to a collective agreement negotiated in accordance with the Labour Code and signed within ninety days after 16 April 1980 and to a decree passed, prolonged or renewed within the same period of time.</p>
Decree	<p>The first paragraph applies, <i>mutatis mutandis</i>, to a decree in force on 16 April 1980 until the date of its expiry, prolongation or renewal.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 157; 1980, c. 5, s. 11.</p>
Applicability	<p>158. This Act applies to employees who exercise functions that were not subject to an order adopted pursuant to the Minimum Wage Act (chapter S-1) from the coming into force of the regulations made under the second paragraph of section 88 and paragraph 4 of section 89 respecting them.</p>
Maternity leave	<p>However, the provisions relating to maternity leave apply from 16 April 1980.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1979, c. 45, s. 158.</p>
Minimum conditions of employment	<p>158.1. The Government may, by regulation, determine minimum conditions of employment respecting the matters listed in section 92.1 applicable, until the coming into force of a regulation made under that section but for a period not exceeding 42 months beginning on 1 July 2000, to employees who perform work which, had it been performed before that date, would have been within the fields of activity covered by one of the decrees listed in the third paragraph of section 39.0.2. The minimum conditions of employment respecting the matters listed in subparagraphs 1, 2 and 4 of the first paragraph of section 92.1 may vary according to the factors specified for those matters in any of such decrees. In addition, the hours of the standard workweek may be distributed as provided for in any of such decrees.</p>
Harmonization of the conditions	<p>The Government may also, by regulation, prescribe any provision it considers expedient in order to harmonize the minimum conditions of employment applicable to the employees where such conditions vary from one decree to another, in particular a variation in the duration of the reference year provided for in section 66, as well as any provision similar to the provisions appearing in Divisions I to V.1 of Chapter IV in respect of any matter covered by the regulation.</p>
Minimum conditions deemed labour standards	<p>For the purposes of this Act, the minimum conditions of employment determined under this section are deemed to be labour standards, and sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1999, c. 57, s. 4; 2001, c. 47, s. 5.</p>
Arbitration, provisions applicable	<p>158.2. Where the nature of the work performed by an employee gives rise to a difficulty in the application of the minimum conditions of employment determined under section 158.1, the Commission may refer the difficulty to a single arbitrator as if it were a case of double coverage under the Act respecting collective agreement decrees (chapter D-2), and the provisions of sections 11.4 to 11.9 of that Act apply, with the necessary modifications.</p> <hr style="width: 20%; margin-left: 0;"/> <p>1999, c. 57, s. 4.</p>

Care provided in a person's dwelling	158.3. Subject to paragraph 2 of section 3 and unless the work serves to procure profit to the employer, the provisions of this Act, in respect of an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, apply from 1 June 2004.
Minimum wage	Notwithstanding the first paragraph, the Government may, before 1 June 2004, fix by regulation the minimum wage payable to that employee, which may vary according to the situation of the employee or of the employer, or according to the nature of the care. The regulation may also, where applicable, provide for a gradual increase of that minimum wage, which must attain the minimum wage payable to the other employees to whom this Act applies not later than 30 June 2006.
Indemnities	The Government may also, by regulation, prescribe rules that apply to payment to that employee of indemnities relating to statutory general holidays with pay and annual leave.

2002, c. 80, s. 74.

159. *(This provision amends c. C-25, s. 294.1).*

1979, c. 45, s. 159.

160. *(This provision amends c. D-2, s. 16).*

1979, c. 45, s. 160.

161. *(This provision amends c. D-2, s. 26).*

1979, c. 45, s. 161.

162. *(Section omitted).*

1979, c. 45, s. 162.

163. *(Section omitted).*

1979, c. 45, s. 163.

164. *(Section omitted).*

1979, c. 45, s. 164.

165. *(This provision amends c. E-15, ss. 13, 16).*

1979, c. 45, s. 165.

166. *(This provision amends c. F-1.1, ss. 4-6, 9, 17.1-17.2).*

1979, c. 45, s. 166.

167. *(This provision amends c. M-33, ss. 5.1-5.2).*

1979, c. 45, s. 167.

168. *(This provision amends c. M-33, schedule I).*

1979, c. 45, s. 168.

Amounts required **169.** The Government may authorize the minister of Finance to pay or advance to the Commission the sums necessary to pay the salaries, allowances and indemnities or social benefits of the secretary of the Commission and of its members and personnel and the other expenses necessary for the application of this Act. To repay these sums, the Commission must pay the minister of Finance out of its revenue.

1979, c. 45, s. 169.

Ministers responsible **170.** The Minister is responsible for the administration of this Act, except Chapter III.1 which is under the administration of the Minister of Revenue and sections 84.0.1 to 84.0.7 and 84.0.9 to 84.0.12, which are under the administration of the Minister of Employment and Social Solidarity.

1979, c. 45, s. 170; 1994, c. 46, s. 10; 2002, c. 80, s. 75.

Effect **170.1.** Sections 33 to 38 and 88 to 92 have effect from 20 March 1980.

1980, c. 5, s. 14.

171. *(Section omitted).*

1979, c. 45, s. 171.

172. *(This section ceased to be in force on April 17, 1987).*

1982, c. 21, s. 1; U.K., 1982, c. 11, schedule B, part I, s. 33.

Miscellaneous
provisions

Miscellaneous, transitional and final provisions of an Act to amend the Act respecting labour standards and other legislative provisions (2002, chapter 80)

86. The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) remains in force until it is replaced by a regulation made under section 89 of the Act respecting labour standards (R.S.Q., chapter N-1.1).

2002, c. 80, s. 86.

87. In any other Act, in any regulation, order in council, order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications, any reference to the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) as regards a collective dismissal is a reference to the corresponding provision of Division VI.0.1 of Chapter IV of the Act respecting labour standards (R.S.Q., chapter N-1.1).

2002, c. 80, s. 87.



Part II

Regulations adopted under the Act respecting labour standards

- Regulation respecting labour standards
- Regulation exempting certain categories of employees and employers from division VI.1 and from section 122.1 of the Act respecting labour standards
- Order respecting the retail food trade
- Regulation excluding the establishments subject to section 90 of the Act respecting labour standards
- Regulation respecting a registration system or the keeping of a register
- Regulation respecting contribution rates
- Regulation respecting labour standards specific to certain sectors of the clothing industry

REGULATION RESPECTING LABOUR STANDARDS

Act respecting labour standards
(S.Q., 1979, c. 45, s. 88, 89 and 91; after revision: R.S.Q., c. N-1.1)

This Regulation was passed by the government under Order in council 873-81, on March 11, 1981. It came into force on April 1, 1981. A revised version then came into force on August 1, 1982 and on June 26, 2003. To increase the minimum wage rates, this version of the Regulation was amended on several occasions by various decrees.

DIVISION I DEFINITIONS AND INTERPRETATION

1. In this Regulation, unless the context requires otherwise, the following mean:

“**remote area**”: an area that is inaccessible by a passable road and where no regular transport system connects it to the Québec road network;

“**forestry operation**”:

- (1) an enterprise engaged in felling, stripping, cutting into lengths, transporting and loading wood on trucks, boats or railroad cars; mills or establishments where sawing or hewing are carried out exclusively for forestry operations, save for work involved in the transformation of wood once it leaves the forest;
- (2) an enterprise carrying out in the forest the construction and maintenance of roads, camps, locks, pillars, loading and floating facilities;
- (3) an enterprise carrying out works to enhance, clear, reforest, drain and irrigate forest land;
- (4) an enterprise to float logs;
- (5) an enterprise to protect forests;
- (6) an enterprise engaged in clearing for the purpose of constructing roads, highways, dams, transmission lines or any similar work in the forest;
- (7) an enterprise of a jobber, contractor, subcontractor or an intermediary who carries out his activities in the forest for the benefit of one of the enterprises mentioned above;
- (8) an enterprise of a lessee who leased the exclusive rights to hunt and fish part of the territory in the public land;
- (9) an enterprise of an association mandated by the minister of Recreation, Fish and Game in order to manage the wildlife on public land;
- (10) an enterprise of a hunting and fishing outfitter;

“**employee who receives gratuities or tips**”: an employee who ordinarily receives gratuities or tips and who works

- (a) in an establishment that offers lodging to tourists in return for payment, including a campground;
- (b) in a place where alcoholic beverages are sold for consumption on the premises;
- (c) for an enterprise that sells, delivers or serves meals to be eaten off the premises; or
- (d) in a restaurant, except if it is a place where the main activity consists in the providing of food services to customers who order or choose the items at a service counter and who pay before eating.

“**sawmill**”: establishment where one of the following operations is carried out: sawing, cutting up, planing and all related operations such as drying, piling and delivery, but not including assembly;

“**public works**”: construction or engineering works of all types not governed by the Act respecting labour relations in the construction industry (R.S.Q., c. R-20), carried out on behalf of one or several government departments, or on the behalf of any commission or corporation directly under the authority of one of these departments;

“works on the territory of the James Bay region”: works carried out on the territory of the James Bay region and realized under the charge of Hydro-Québec, the Société d’énergie de la Baie James or the Société de développement de la Baie James.

R.R.Q., 1981, c. N-1.1, r.3, s. 1; S.Q. 1986, c. 89, s. 50; O.C. 1288-90, s. 1; O.C. 638-2003, s. 1.

DIVISION II MINIMUM WAGE

2. The minimum wage established in this Division does not apply to the following employees:

- (1) student employed in a non-profit organization having social or community purposes, such as a vacation camp or a recreational organization;
- (2) trainee under a programme of vocational training recognized by law;
- (3) trainee under a programme of vocational integration under section 61 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1)*;
- (4) employee entirely on commission who works in a commercial undertaking outside the establishment and whose working hours cannot be controlled;
- (5) *(Paragraph repealed).*
- (6) an employee assigned mainly to non-mechanized operations relating to the picking of processing vegetables.

R.R.Q., 1981, c. N-1.1, r.3, s. 2; O.C. 638-2003, s. 2; O.C. 525-2004, s. 1.

** Editor’s note: This subsection became inoperative on December 17, 2004 following the entry into force of section 38 of the Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions (2004, c. 31, s. 38).*

3. Subject to section 4 and except to the extent provided for in section 4.1, the minimum wage* payable to an employee is \$9.00 per hour.

R.R.Q., 1981, c. N-1.1, r.3, s. 3; O.C. 1394-86, s. 1; O.C. 1340-87, s. 1; O.C. 1316-88, s. 2; O.C. 1468-89, s. 2; O.C. 1288-90, s. 2; O.C. 1201-91, s. 1; O.C. 1292-92, s. 1; O.C. 1237-93, s. 1; O.C. 1375-94, s. 1; O.C. 1209-95, s. 1; O.C. 1150-96, s. 1; O.C. 1224-96, s. 1; O.C. 1193-97, s. 1; O.C. 1148-98, s. 1; O.C. 1457-2000, s. 1; O.C. 959-2002, s. 1; O.C. 638-2003, s. 3; O.C. 327-2004, s. 1; O.C. 525-2004, s. 2; O.C. 306-2006, s. 1; O.C. 283-2007, s. 1; O.C. 311-2008, s. 1; O.C. 449-2009, s. 1.

** Editor’s note: The minimum wage rates are subject to change. You can check their validity by contacting the Commission des normes du travail.*

4. The minimum wage* payable to an employee who receives gratuities or tips is \$8.00 per hour.

R.R.Q., 1981, c. N-1.1, r.3, s. 4; O.C. 1394-86, s. 1; O.C. 1340-87, s. 2; O.C. 1316-88, s. 2; O.C. 1468-89, s. 2; O.C. 1288-90, s. 3; O.C. 1201-91, s. 2; O.C. 1292-92, s. 2; O.C. 1237-93, s. 2; O.C. 1375-94, s. 2; O.C. 1209-95, s. 2; O.C. 1150-96, s. 2; O.C. 1224-96, s. 2; O.C. 1193-97, s. 2; O.C. 1148-98, s. 2; O.C. 1457-2000, s. 2; O.C. 959-2002, s. 2; O.C. 638-2003, s. 4; O.C. 327-2004, s. 2; O.C. 306-2006, s. 1; O.C. 283-2007, s. 1; O.C. 311-2008, s. 2; O.C. 449-2009, s. 2.

** Editor’s note: The minimum wage rates are subject to change. You can check their validity by contacting the Commission des normes du travail.*

4.1. The minimum wage* payable to an employee assigned mainly to non-mechanized operations relating to the picking of raspberries, strawberries or apples is established on the basis of yield according to the following rules:

- (1) for an employee assigned to the picking of raspberries: \$0.553 per 250 ml container;
- (2) for an employee assigned to the picking of strawberries: \$0.251 per 551 ml container;
- (3) for an employee assigned to the picking of apples:
 - (a) for dwarf apple trees: \$1.33 per bushel;
 - (b) for semi-dwarf apple trees: \$1.65 per bushel; and
 - (c) for standard apple trees: \$1.89 per bushel.

However, an employee may not, on an hourly basis and for reasons beyond the employee's control and linked to the state of the fields or fruit, earn less than the minimum wage rate prescribed in section 3.

For the purposes of subparagraph 3 of the first paragraph, "bushel" means a unit of measurement of produce equal to 19.05 kilograms.

O.C. 525-2004, s. 3; O.C. 306-2006, s. 2; O.C. 283-2007, s. 2; O.C. 311-2008, s. 3; O.C. 449-2009, s. 3.

** Editor's note: The minimum wage rates are subject to change. You can check their validity by contacting the Commission des normes du travail.*

5. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 5; O.C. 1394-86, s. 1; O.C. 1340-87, s. 3; O.C. 1316-88, s. 3; O.C. 1468-89, s. 3; O.C. 1288-90, s. 4; O.C. 1201-91, s. 3; O.C. 1292-92, s. 3; O.C. 1237-93, s. 3; O.C. 1375-94, s.3; O.C. 1209-95, s. 3; O.C. 1150-96, s. 3; O.C. 1224-96, s. 3; O.C. 1193-97, s. 3; O.C. 1148-98, s. 3; O.C. 1457-2000, s. 3; O.C. 959-2002, s. 3; O.C. 638-2003, s. 5.

DIVISION III

**MAXIMUM AMOUNT TO BE PAID BY EMPLOYEES
FOR ROOM AND MEALS**

6. When working conditions oblige the employee to reside or to take his meals in the employer's establishment or residence, the maximum amount* he can charge an employee for a room and meals or the one or the other is:

- (1) \$1.50 per meal up to \$20.00 per week;
- (2) \$20.00 per week for the room;
- (3) \$40.00 per week for a room and meals.

R.R.Q., 1981, c. N-1.1, r.3, s. 6; O.C. 1292-92, s. 4; O.C. 1892-96, s. 1; O.C. 1224-96, s. 1.

** Editor's note: These rates are effective November 1, 1996 and are subject to change. You can check their validity by calling the Commission des normes du travail.*

This provision does not apply to a domestic who resides with his employer under section 51.0.1 of the Act respecting labour standards.

7. Section 6 does not apply to an employee who works in an establishment subject to subparagraph a of the first paragraph of section 1 of the Act respecting health services and social services (R.S.Q., c. S-5).

R.R.Q., 1981, c. N-1.1, r.3, s. 7.

DIVISION IV
STANDARD WORKWEEK

8. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 8; O.C. 1209-95, s. 4; O.C. 1193-97, s. 4; O.C. 638-2003, s. 5.

9. The standard workweek of the watchman who guards a property for an enterprise supplying a surveillance service is 44 hours.

The standard workweek for any other watchman is 60 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 9.

10. The standard workweek for an employee working in a forestry operation is 47 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 10.

11. The standard workweek for an employee working in a sawmill is 47 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 11.

12. The standard workweek for an employee working in a remote area is 55 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 12.

13. The standard workweek of the employee who works on the James Bay territory is 55 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 13.

DIVISION V
PAID STATUTORY HOLIDAYS

14. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 14; O.C. 638-2003, s. 5.

DIVISION VI
MATERNITY LEAVE

Subsection 1. Eligibility

15. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 15; O.C. 638-2003, s. 5.

16. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 16; O.C. 638-2003, s. 5.

Subsection 2. Term of leave

17. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 17; O.C. 638-2003, s. 5.

18. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 18; O.C. 638-2003, s. 5.

19. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 19; O.C. 638-2003, s. 5.

20. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 20; O.C. 638-2003, s. 5.

21. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 21; O.C. 638-2003, s. 5.

22. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 22; O.C. 959-2002, s. 4; O.C. 638-2003, s. 5.

23. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 23; O.C. 638-2003, s. 5.

Subsection 3. Notice

24. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 24; O.C. 638-2003, s. 5.

25. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 25; O.C. 638-2003, s. 5.

26. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 26; O.C. 638-2003, s. 5.

27. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 27; O.C. 638-2003, s. 5.

28. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 28; O.C. 638-2003, s. 5.

Subsection 4. Return to work

29. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 29; O.C. 638-2003, s. 5.

30. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 30; O.C. 638-2003, s. 5.

31. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 31; O.C. 638-2003, s. 5.

32. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 32; O.C. 638-2003, s. 5.

33. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 33; O.C. 638-2003, s. 5.

34. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 34; O.C. 638-2003, s. 5.

35. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 35; O.C. 638-2003, s. 5.

DIVISION VI.0.1

NOTICE OF COLLECTIVE DISMISSAL

35.0.1. The notice of collective dismissal that must be given by the employer to the Minister in accordance with section 84.0.4 of the Act respecting labour standards must be sent by mail to the Ministère de l'Emploi, de la Solidarité sociale et de la Famille, Direction générale des opérations d'Emploi-Québec.

The notice of collective dismissal has effect from the date on which it is mailed.

O.C. 638-2003, s. 6.

35.0.2. The notice of collective dismissal must contain

- (1) the name and address of the employer or establishment concerned;
- (2) the sector of activity;
- (3) the names and addresses of the associations of employees, where applicable;
- (4) the reason for the collective dismissal;
- (5) the date anticipated for the collective dismissal; and
- (6) the number of employees likely to be affected by the collective dismissal.

O.C. 638-2003, s. 6.

**REGULATION EXEMPTING CERTAIN CATEGORIES OF EMPLOYEES AND
EMPLOYERS FROM DIVISION VI.1 AND FROM SECTION 122.1
OF THE ACT RESPECTING LABOUR STANDARDS**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 90.1; after revision: R.S.Q., c. N-1.1)

This Regulation was approved on December 6, 1983, under Order in council 2566-83. It came into force on December 28, 1983.

1. Is exempt from Division VI.1 of the Act respecting labour standards (R.S.Q., c. N-1.1):
 - (1) an employee who works exclusively as a fireman;
 - (2) an employee who is a member of the Sûreté du Québec;
 - (3) an employee who takes an early retirement because of health reasons, accumulated holidays or for any other reason before the date on which division VI.1 of the act comes into force in his case.

2. The employer of an employee governed by section 1 is exempt from section 122.1 of the Act respecting labour standards with respect to the said employee.

3. This regulation will come into effect on the date of its publication in the *Gazette officielle du Québec*. (In force on December 28, 1983)

ORDER RESPECTING THE RETAIL FOOD TRADE

Act respecting labour standards
(S.Q., 1979, c. 45; after revision: R.S.Q., c. N-1.1)

Ordinance n° 14, 1973, was approved on March 7, 1973, under Order in council 783-73. It came into force on March 14, 1973. It was further amended by Orders in council 2202-73, 4221-76, 1802-77, 4255-77, 1957-78, 3041-78, 349-80, 755-80 and 873-81. The following is the consolidated version which came into force on August 1, 1982.

DIVISION I INTERPRETATION

1. Definitions: In this order, the following words mean:

(a) “**retail food trade establishment**”: any establishment whose main activity, according to the Commission des normes du travail is the retail sale of food stuffs for consumption off the premises.

However, the words “retail food trade establishment” do not mean establishments restricted to the sale of dairy products, pastry, biscuits, candy and chocolate, and coldcuts;

(b) “**Region I**”: the Island of Montréal, Île Jésus, Île Perrot, Île Bizard, Île Saint-Paul, Île Bigras, Île des Soeurs and the municipalities located within a 10 mile radius of the limits of the Island of Montréal.

L'Assomption, l'Épiphanie, Saint-Paul-l'Ermitte, Repentigny, Charlemagne, Saint-Charles-de-Lachenaie, Saint-Maurice, Bois-des-Filion, Rosemère, Lorraine, Saint-Eustache, Dorion, Vaudreuil, Pointe-des-Cascades, the Indian Reservation, Verchères, Varennes, Boucherville, Longueuil, Saint-Lambert, Greenfield Park, Brossard, Sainte-Catherine-d'Alexandrie-de-Laprairie, Saint-Hubert, Saint-Bruno, Chambly, Lemoyne, La Prairie, Candiac, Châteauguay, Châteauguay-Centre, Saint-Isidore, Saint-Constant, Léry, Maple Grove, Beauharnois, Melocheville, Terrebonne, Sainte-Thérèse, Sainte-Thérèse-Ouest, Mercier, Deux-Montagnes, Delson, Mascouche, Pincourt, Oka, Saint-Joseph-du-Lac, Pointe-Calumet and Sainte-Marthe-sur-le-Lac; and the electoral districts of Jean-Talon, Louis-Hébert, Limoilou, Saint-Sauveur, Chauveau, Lévis and Montmorency, as also the town of Bélair and the municipalities of Val Saint-Michel, Saint-Charles, Saint-Étienne-de-Beaumont and Saint-Augustin-de-Desmaures;

(c) “**Region II**”: the cities and towns of Chicoutimi, Chicoutimi-Nord, Saint-Jean-Eudes, Rivière-du-Moulin, Port-Alfred, Bagotville and the area within a 10 mile radius of their limits; and the cities and towns of Jonquière, Kénogami, Arvida and a 5 mile radius of their limits.

R.R.Q., 1981, c. N-1.1, r.1, s. 1.

DIVISION II JURISDICTION

2. Employee governed: This order governs employees subject to the Act respecting labour standards (S.Q., 1979, c. 45; after revision: R.S.Q. N-1.1) and their employers in all retail food trade establishments in Regions I and II.

R.R.Q., 1981, c. N-1.1, r.1, s. 2.

3. Exclusion: Section 4 does not apply to watchmen.

R.R.Q., 1981, c. N-1.1, r.1, s. 3.

DIVISION III
GENERAL PROVISION

4. Standard workweek: The standard workweek of the employees governed by this order consists of 40 hours.

R.R.Q., 1981, c. N-1.1, r.1, s. 4, c. N-1.1, r.2.

**REGULATION EXCLUDING THE INSTITUTIONS SUBJECT TO SECTION 90
OF THE ACT RESPECTING LABOUR STANDARDS**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 90; after revision: R.S.Q., c. N-1.1)

This Regulation was adopted on March 20, 1980, under Order in council 756-80. It came into force on April 16, 1980. The following is the consolidated version which came into force on August 1, 1982.

1. The institutions within the meaning of subparagraph *a* of the first paragraph of section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) are wholly exempted of the application of the Act respecting labour standards and its regulations with respect to the recipients within the meaning of subparagraph *p* of the first paragraph of section 1 of the Act respecting health services and social services for Cree Native persons, who work in them for their physical, mental or social re-education.

R.R.Q., 1981, c. N-1.1, r.2, s. 1, c. N-1.1, r.3.

**REGULATION RESPECTING A REGISTRATION SYSTEM
OR THE KEEPING OF A REGISTER**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 29, par. 3; after revision R.S.Q., c. N-1.1)

This Regulation was approved on June 19, 1980, under Order in council 1915-80. It came into force on July 9, 1980. A revised version then came into force on August 1, 1982. This Regulation was amended by Order in council 901-99, which came into force on August 14, 1999, and by Order in council 679-2000, which came into force on July 1, 2000.

1. An employer shall establish a registration system or keep a register in which are shown for each employee, his complete name, residence and social insurance number, his employment and the date the employee begins to work for the employer as well as the following particulars, as the case may be, for each pay period:

- (a) the number of hours of work per day;
- (b) the total number of hours of work per week;
- (c) the number of overtime hours paid or compensated for by a day off with the applicable premium;
- (d) the number of days of work per week;
- (e) the wage rate;
- (f) the nature and amount of premiums, indemnities, allowances or commissions paid;
- (g) the amount of gross wages;
- (h) the nature and amount of deductions made;
- (i) the amount of net wages paid to the employee;
- (j) the work period corresponding to payment;
- (k) the date of payment;
- (l) the reference year;
- (m) the duration of the annual vacation;
- (n) the departure date of the annual vacation with pay;
- (o) the date on which the employee was entitled to a general holiday with pay or to another day of holiday, including the compensatory holidays for general holidays with pay;
- (p) the amount of the tips reported by the employee in accordance with section 1019.4 of the Taxation Act (R.S.Q., c. I-3) enacted by section 242 of Chapter 85 of the Statutes of 1997;
- (q) the amount of the tips attributed to the employee by the employer under section 42.11 of the Taxation Act enacted by section 44 of Chapter 85 of the Statutes of 1997;
- (r) in the case of an employee under 18 years of age, his date of birth.

R.R.Q., 1981, c. N-1.1, r.6, s. 1; O.C. 901-99, s. 1; O.C. 679-2000, s. 2.

1.1. *(Section repealed).*

O.C. 679-2000, s. 3; O.C. 524-2004, s. 2.

2. The system of registration or register for a given year shall be kept during a 3-year period.

R.R.Q., 1981, c. N-1.1, r.6, s. 2.

3. *(Section repealed).*

O.C. 679-2000, s. 4; O.C. 693-2002, s. 1; O.C. 524-2004, s. 3.

REGULATION RESPECTING CONTRIBUTION RATES

Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, par. 7, s. 39.0.2; 1999, c. 57, s. 1 and 2)

This Regulation was approved by the government, by virtue of Order in council 680-2000, on June 1, 2000. It entered into force on July 1, 2000.

1. The contribution rate provided for in the first paragraph of section 39.0.2 of the Act respecting labour standards (R.S.Q., c. N-1.1) is 0.08%.

2. *(Section repealed).*

O.C. 1334-2003, s. 1.

3. This Regulation replaces the Regulation respecting the levy under the Act respecting labour standards (R.R.Q., 1981, c. N-1.1, r.4).

**REGULATION RESPECTING LABOUR STANDARDS SPECIFIC
TO CERTAIN SECTORS OF THE CLOTHING INDUSTRY**

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 92.1)

This Regulation was approved by the government, by virtue of Order in council 680-2000, on December 3, 2003. It entered into force on January 1, 2004.

**DIVISION I
GENERAL**

1. This Regulation applies to the employers and employees in the clothing industry who would be subject to one of the following decrees, had they not expired:

- (1) the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r.11);
- (2) the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26);
- (3) the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27);
- (4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

2. Any provision of Divisions I to V.I of Chapter IV of the Act respecting labour standards (R.S.Q., c. N-1.1) that is not inconsistent with a provision of this Regulation applies to the employers and employees referred to in section 1.

**DIVISION II
MINIMUM WAGE**

3. The minimum wage payable to an employee is \$9.00 per hour.

O.C. 1288-2003; O.C. 247-2005, s. 1; O.C. 307-2006, s. 1; O.C. 312-2008, s. 1; O.C. 450-2009, s. 1.

**DIVISION III
STANDARD WORKWEEK**

4. For the purpose of computing overtime, the standard workweek of an employee is 39 hours.

**DIVISION IV
STATUTORY GENERAL HOLIDAYS WITH PAY**

5. The following are statutory general holidays with pay:

- (1) 1 January;
- (2) 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday preceding 25 May;
- (6) 1 July, or 2 July where the 1st falls on a Sunday;
- (7) the first Monday in September;
- (8) the second Monday in October;
- (9) 25 December.

O.C. 1288-2003, s. 5.

DIVISION V
ANNUAL LEAVE WITH PAY

6. An employee who, at the end of a reference year, is credited with less than one year of uninterrupted service with the same employer during that period is entitled to an uninterrupted annual leave for a duration determined at the rate of one working day for each month of uninterrupted service, for a total leave not exceeding two weeks.
7. An employee who, at the end of a reference year, is credited with one year of uninterrupted service with the same employer during that period is entitled to an annual leave of a minimum duration of three weeks, two of which are consecutive weeks.
8. An employee who, at the end of a reference year, is credited with three years of uninterrupted service with the same employer during that period is entitled to an annual leave of a minimum duration of four weeks, three of which are consecutive weeks.
9. The indemnity relating to the annual leave is equal to 4%, 6% or 8% of the employee's gross wages during the reference year, according to whether the employee is entitled to not more than two weeks, at least three weeks or at least four weeks of annual leave.

DIVISION VI
LEAVE FOR FAMILY EVENTS

10. An employee may be absent from work for three days, without reduction of wages, by reason of the death or funeral of the employee's spouse, child or the child of the employee's spouse, or of the employee's father, mother, brother or sister. The employee may also be absent from work, without pay, for two additional days on such occasion.
11. An employee may be absent from work for one day, without reduction of wages, by reason of the death or funeral of one of the employee's grandparents, or of the father or mother of the employee's spouse.
12. An employee may be absent from work for one day, without pay, by reason of the death or funeral of a son-in-law, daughter-in-law, one of the employee's grand-children, or of the brother or sister of the employee's spouse.

DIVISION VII
FINAL

13. This Regulation comes into force on 1 January 2004.

National Holiday Act

Part III

- Presentation
- National Holiday Act

PRESENTATION

The National Holiday Act was assented to and came into force on June 8, 1978. It was subsequently amended on various occasions. Sometimes, the sole purpose of the amendments was to ensure a certain conformity with the various pieces of legislation.

The National Holiday Act was amended by the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80) assented to on December 19, 2002. The version that we are presenting takes into account the amendments that were made to the Act.

CHAPTER F-1.1
NATIONAL HOLIDAY ACT

- National Holiday **1.** The 24th of June, St. John the Baptist Day, is the National Holiday.

1978, c. 5, s. 1.
- Statutory public holiday
The 25th of June,
public holiday **2.** The 24th of June is a statutory public holiday.
Where the date specified in the first paragraph falls on a Sunday and Sunday is not a regular working day for the employee, the 25th of June is a public holiday for the employee for the purposes of sections 4 to 6, which must then be read as though that day were substituted for the 24th of June.

1978, c. 5, s. 2; 1984, c. 27, s. 64; 1990, c. 73, s. 67; 2007, c. 4, s. 1.
- 3.** *(Section repealed).*

1978, c. 5, s. 3; 1990, c. 73, s. 68.
- Indemnity **4.** The employer must pay to the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of 24 June, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part by commission must be equal to 1/60 of the wages earned during the 12 complete weeks of pay preceding the week of 24 June.
However, in the case of an employee who is an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the indemnity is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1978, c. 5, s. 4; 1979, c. 45, s. 166; 1983, c. 43, s. 6; 1990, c. 73, s. 69; 1997, c. 85, s. 29; 2002, c. 80, s. 79.
- Compensatory holiday **5.** In any establishment or service where, by reason of the nature of its activities, work is not interrupted on the 24th of June, the employer, in addition to paying to the employee working on the 24th of June the wages for the work done, must pay to such employee an indemnity provided for in section 4, or grant him a compensatory holiday of one day. In the latter case, the holiday must be taken on the working day preceding or following the 24th of June.

1978, c. 5, s. 5; 1979, c. 45, s. 166.
- Compensatory holiday **6.** Every employer must grant a compensatory holiday of a duration equivalent to a holiday regular day of work where the 24th of June falls on a day that is not a regular working day for the employee.
Where the employee is remunerated on a time basis or on the basis of production or on any other basis, the employer must grant him a compensatory holiday or pay him the indemnity provided for in section 4.
The compensatory holiday must, in all cases, be taken the working day preceding or following the 24th of June. However, if, at that time, the employee is on annual leave, the holiday is taken at a date agreed upon by the employer and the employee.

1978, c. 5, s. 6; 1979, c. 45, s. 166; 1984, c. 27, s. 65.

Exception	<p>7. <i>(Section repealed).</i></p> <hr/> <p>1978, c. 5, s. 7; 2002, c. 80, s. 80.</p>
Public statute Interpretation	<p>8. This Act is a public statute. However, it shall not be construed in such a manner as to prohibit an agreement involving, for the employee,</p> <p style="padding-left: 20px;">(a) an indemnity greater than those provided for in sections 4, 5 and 6, or a compensatory holiday longer than those provided for in sections 5 and 6; or</p> <p style="padding-left: 20px;">(b) <i>(Subparagraph repealed).</i></p> <hr/> <p>1978, c. 5, s. 8; 2002, c. 80, s. 81.</p>
Offence and penalty Provisions applicable	<p>9. Any person who fails to comply with any provision of this Act is guilty of an offence and is liable to a fine of \$325 to \$700. Sections 139 to 147 of the Act respecting labour standards (R.S.Q., chapter N-1.1) apply, <i>mutatis mutandis</i>.</p> <hr/> <p>1978, c. 5, s. 9; 1979, c. 45, s. 166; 1986, c. 58, s. 37; 1990, c. 4, s. 421; 1992, c. 26, s. 17.</p>
	<p>10. <i>(Section omitted).</i></p> <hr/> <p>1978, c. 5, s. 10.</p>
	<p>11. <i>(This provision amends c. C-25, s. 6).</i></p> <hr/> <p>1978, c. 5, s. 11.</p>
	<p>12. <i>(This provision amends c. I-16, s. 61).</i></p> <hr/> <p>1978, c. 5, s. 12.</p>
	<p>13. <i>(This provision amends c. E-3, s. 2).</i></p> <hr/> <p>1978, c. 5, s. 13.</p>
	<p>14. <i>(This provision amends c. C-27, s. 151.1).</i></p> <hr/> <p>1978, c. 5, s. 14.</p>
	<p>15. <i>(This provision amends c. H-2, s. 2).</i></p> <hr/> <p>1978, c. 5, s. 15.</p>

Collective agreement	16. Any provision respecting 24 June contained in a collective agreement in force under the Labour Code at 8 June 1978 continues to have effect until the expiry of that collective agreement.
Decree	The same rule applies in the case of a decree in force under the Act respecting collective agreement decrees or the Act respecting labour relations in the construction industry at 8 June 1978. 1978, c. 5, s. 16.
Applicability	17. This Act applies to the Government and to the Government departments and agencies. 1978, c. 5, s. 17.
Provisions applicable	17.1. For the application of this Act, section 5 and sections 98 to 123 of the Act respecting labour standards apply, <i>mutatis mutandis</i> . 1979, c. 45, s. 166.
Minister responsible	17.2. The Minister of Labour is responsible for the application of this Act. 1979, c. 45, s. 166; 1981, c. 9, s. 34; 1982, c. 53, s. 57; 1994, c. 12, s. 42; 1996, c. 29, s. 43.
Coming into force	18. This Act comes into force on the day of its sanction. 1978, c. 5, s. 18.
Exception	19. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom). 1982, c. 21, s. 1.

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Part IV

- Legend

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LEGEND

NHA: National Holiday Act

ORR: Order respecting the retail food trade

RCI: Regulation respecting labour standards specific to certain sectors of the clothing industry

RCR: Regulation respecting contribution rates

REC: Regulation exempting certain categories of employees and employers from Division VI.I and from section 122.1 of the Act respecting labour standards

REE: Regulation excluding the establishments subject to section 90 of the Act respecting labour standards

RLS: Regulation respecting labour standards

RRS: Regulation respecting a registration system or the keeping of a register and report transmittal

Where there is no specific mention to the contrary, reference is made to the Act respecting labour standards.

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This Office Edition combines in a single document the legislation and regulations administered by the Commission des normes du travail including the Human Resource Management Guide. If you have interpretation problems or need further explanations, get in touch with the Service des renseignements or consult the web site at the Commission des normes du travail.

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