

To whom are the notices sent?

- The notice of collective dismissal must be sent by mail. It becomes effective from the date of its mailing.
The original must be sent to the Minister of Employment and Social Solidarity. A copy of the notice must be addressed to the Commission des normes du travail. In both cases, you will find the exact addresses in the “Useful addresses” section. Another copy must be sent to the accredited association that represents the employees referred to in the dismissal and, finally, a copy must be posted in a conspicuous and readily accessible location in the establishment concerned.
- The notice of termination of employment must be sent in writing to each of the employees concerned within the period stipulated in the Act.

When is the indemnity paid?

The indemnity, where applicable, must be paid at the time of the dismissal or, in the case of a layoff for a period of six months or more, it must be paid not later than at the expiry of a six-month time period starting from the date of the layoff.

Other obligations

In the case of a collective dismissal, when the number of employees concerned is equal to or greater than 50, the Minister of Employment and Social Solidarity may ask you to participate in the formation of a reclassification assistance committee.

The Minister may also agree with you on a contribution to finance the operating costs of the reclassification assistance committee and the reclassification activities. Failing agreement, the government may determine this contribution by regulation.

Exceptions

Certain employees are not concerned by the provisions relating to the notice of collective dismissal and by the provisions relating to the notice of termination of employment. This is the case, in particular, of employees who are not credited with at least three months of uninterrupted service, employees laid off for less than six months, employees of an establishment whose activities are seasonal or intermittent, employees concerned by a strike or a lock-out, etc.

We suggest that you check with the Commission des normes du travail to find out if the employees concerned are among these exceptions.

Useful addresses

The original notice of collective dismissal must be sent to the Minister of Employment and Social Solidarity at the following address:

Direction générale des opérations d'Emploi-Québec
Ministère de l'Emploi et de la Solidarité sociale
Édifice Tour de la Place Victoria
28^e étage
800, rue du Square Victoria
Case postale 100
Montréal (Québec) H4Z 1B7

A copy of this notice must be sent to the Commission des normes du travail at the following address:

Secrétaire général
Commission des normes du travail
Hall Est, 7^e étage
400, boul. Jean-Lesage
Québec (Québec) G1K 8W1

For more information, visit our web site or get in touch with the Commission des normes du travail

Have any questions?

Visit our web site or get in touch with the Service des renseignements at the Commission des normes du travail.


Internet
www.cnt.gouv.qc.ca

Montréal area
514 873-7061

Elsewhere in Québec, dial toll free
1 800 265-1414

In this document, the masculine gender designates both women and men.
No discrimination is intended.

Version française disponible sur demande.



**Notice of
collective dismissal
and notice of
termination of
employment**

**Commission
des normes
du travail**

Québec

Québec

Notice of collective dismissal and notice of termination of employment

Do you have to dismiss 10 employees or more in the same establishment or lay them over for a period of six months or more for a technological or economic reason (e.g.: modernization of equipment, restructuring of the undertaking, etc.)?

If you do this all at once or if you do this over the course of a period of two consecutive months, this action constitutes a collective dismissal* under the Act respecting labour standards. The Act stipulates the steps you must follow and the periods you must respect when issuing a notice of collective dismissal. These periods depend on the number of employees concerned.

You will also have to give each employee concerned by the collective dismissal a notice of termination of employment, as stipulated in the Act respecting labour standards. Here once again, there are periods that you must respect when giving the employee this notice. These periods are established according to the employee's length of uninterrupted service in the undertaking.

Notice of collective dismissal

Number of employees	Periods
10 to fewer than 100	8 weeks
100 to fewer than 300	12 weeks
300 employees or more	16 weeks

Notice of termination of employment

Employee's uninterrupted service	Periods
3 months to 1 year	1 week
1 year to 5 years	2 weeks
5 years to 10 years	4 weeks
10 years and over	8 weeks

The importance of the periods

It is important that you respect each of the aforementioned periods. If you do not give the notice of collective dismissal or the notice of termination of employment in the stipulated periods, you will be required to pay an indemnity to each of the employees concerned.

The same is true if the notice given is of insufficient length in relation to the period required by law. You will then have to pay the employee an indemnity for the remaining time so that the period stipulated in the Act is respected.

However, the two indemnities are not cumulative: you will only have to pay the employee the greater of the two indemnities in the case that concerns him. Moreover, if you do not give the notice of collective dismissal in the period stipulated in the Act, you could be liable to a fine of \$1,500 per week.

For example, Mr. Laroche, who is the owner of a furniture manufacturing business, must close his undertaking for economic reasons. He founded this undertaking 8 years ago and at the time hired 12 people who are still working for him.

Four weeks prior to the planned date of closing, Mr. Laroche issues a notice of collective dismissal and posts a copy in his undertaking. He believes that having informed his personnel in this way, he is not required to issue a notice of termination of employment to each of his employees. Informed of his error, he corrects it and gives the notice of termination of employment to each employee 2 weeks prior to closing.

In this example, the notice of collective dismissal should have been issued 8 weeks prior to closing. As for the notice of termination of employment, it should have been given to the employees 4 weeks before the dismissal. As the duration of the two notices is insufficient (4 weeks are missing from the notice of collective dismissal and 2 weeks from the notice of termination of employment), the employees are entitled to the greater indemnity. In this specific case, it is the indemnity corresponding to the four weeks missing from the notice of collective dismissal.

Let's look at the consequences: assuming that each employee is paid \$12.50 an hour and the workweek is 40 hours, Mr. Laroche will have to pay each of his employees the sum of \$2,000 ($\$12.50 \times 40 \text{ hours} \times 4 \text{ weeks}$). Accordingly, \$24,000 will have to be paid to the 12 employees of the undertaking because the notification periods were not respected.

In addition, as 4 weeks are missing from the period for giving the notice of collective dismissal, Mr. Laroche could also be called upon to pay a fine totaling \$6,000.

Calculation of the indemnities

If you are required to pay your employees an indemnity because the length of the notice given was insufficient in relation to the period required by law, here is how you must calculate the amount of the indemnity.

Notice of collective dismissal: the indemnity is equal to the usual wages to which the employee would have been entitled for a period equal to that of the stipulated length of the notice, or for the remaining time so that the notification period is respected, without taking overtime into account.

Notice of termination of employment: the indemnity is equal to the usual wages to which the employee would have been entitled for a period equal to that of the stipulated length of the notice, or for the remaining time so that the notification period is respected. The employee's wages must be increased by the tips reported or attributed, but overtime is not taken into account.

Content of the notice

The notice of collective dismissal must contain the following information:

- the name and address of the employer or of the establishment concerned;
- the activity sector;
- the name and address of the employees' associations (where applicable);
- the reason for the collective dismissal;
- the planned date of the collective dismissal;
- the number of employees who may be affected by the collective dismissal.

* A collective dismissal within the meaning of the Act respecting labour standards is "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".