

## AUGUST 2024 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Immigration

Sep 3: With federal government approval, Québec temporarily suspended processing of new Labour Market Impact Assessment (LMIA) applications for the Temporary Foreign Worker Program low-wage stream in the Montréal economic region for 6 months. Exemptions apply for health, education, construction, agriculture, food processing and other strategic sectors.

**Action Point:** Find out about the 10 things employers [need to know about hiring temporary foreign workers](#)

#### Employment Benefits

Aug 8: The Québec government announced that it's reducing contributions to the Pension Plan of Elected Municipal Officers (PPEMO), retroactive to January 1, 2024, including decreases from 5.26% to 4.81% for elected municipal officials, and from 17.73% to 16.21% for municipalities.

#### Privacy

Aug 7: The Ministère de la Cybersécurité et du Numérique detected a confidentiality breach that apparently occurred when an employee transferred documents containing personal information about approximately 3,500 public service employees to a third party outside the workplace. The MCN reports that it immediately took the necessary measures in response to the breach, including requiring the destruction of all documents.

**Action Point:** Make sure you have the [12 data security policies you need](#) to prevent breaches at your company

## CASES

### Labour Relations: Are Workers Entitled to Pay for Time Spent in Mandatory Decontamination?

Does a company have to pay recycling plant workers who are exposed to beryllium for the time they spend in decontamination and showering after their shift when the collective agreement is silent on the issue? The union insisted that this should be paid time because decontamination and showering are required by both the plant and OHS laws and the workers have no choice but to undergo it. The Québec arbitrator didn't buy it and cited other cases rejecting union claims for pay for the time workers spend getting dressed and undressed before and after their shift. This is the work the workers chose, the arbitrator explained, and if they wanted to be paid for decontamination, they should have negotiated it into the collective agreement [[\*Unifor, section Locale 2004-Q c Scepter Aluminum Company\*](#), 2024 CanLII 78816 (QC SAT), August 21, 2024].

### Termination: Stealing Co-Worker's Coat Is Just Cause to Terminate

A hospital fired an employee for stealing a co-worker's coat. The employee said she was just borrowing it and intended to return it. The Québec arbitrator ruled that the hospital had just cause to terminate for theft. Since the employee admitted to taking the coat, the only question was whether she intended to steal it or just made a mistake in forgetting to give it back. While acknowledging that the employee had certain psychological difficulties, including a tendency "to see bugs everywhere," the arbitrator concluded that she was capable of and did, in fact, understand what she was doing and that taking the coat violated the hospital's anti-theft policy [[\*CHUM Employees' Union \(CSN\) v. University of Montreal Hospital Center\*](#), 2024 CanLII 73368 (QC SAT), July 29, 2024].

**Action Point:** Find out how to implement a [legally sound anti-theft policy](#) at your workplace

### Termination: OK to Fire Injured Worker for Abusing His Special Break Privileges

To accommodate his work-related back injury, a company allowed a night-shift order fulfiller to take extra breaks, provided that he follow certain rules while doing so, including not using his cell phone. After a series of suspensions, the company fired the worker for abusing his break privileges and deliberately refusing to obey the required conditions. The Québec arbitrator upheld termination, noting that in addition to defiantly using his cell phone while in the break, the worker had left his workstation for almost 29 hours in 3 weeks. His total lack of remorse did little to help his case [[\*United Food and Commercial Workers, Local 501 v. Métro Richelieu Inc. \(Division Épicerie – Centre Mérite 1\)\*](#), 2024 CanLII 73529 (QC SAT), August 5, 2024].