

## DECEMBER 2023 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Payroll

Nov 21: QPP rates and benefits will increase by 4.4% in 2024 to keep up with inflation, the Régie des rentes announced. Yearly Maximum Pensionable Earnings will increase from \$66,600 to \$68,500 with the basic exemption to remain at \$3,500. The base contribution rate will also remain unchanged at 10.8%.

#### Telecommuting

Nov 14: Revenu Québec announced [new source deduction rules](#) for determining the province of employment. Effective Jan. 1, 2024, telecommuters and other employees that don't physically report for work at an establishment of an employer are considered "attached" to the establishment and thus subject to source deductions if both: i. A work agreement allows the employee to work from a location that's not an establishment of the employer; AND ii. The employee is reasonably considered to be attached to the establishment on the basis of factors listed in [MRQ Guidance](#).

**Action Point:** Find out which [source deductions are permitted](#) in your province

#### Employment Benefits

Nov 23: Newly tabled [Private Member Bill 690](#) would rectify an inequity toward disabled retirees in the *QPP Act* by eliminating the mandatory reduction of retirement pensions of persons who receive a disability pension between ages 60 and 65 thereby allowing disabled retirees to receive the standard monthly retirement pension amount.

## Immigration

Dec 11: Employers may now use the Ministry of Immigration, Francisation and Integration's new electronic transmission of applications (TED) service to validate job offers from the Regular Skilled Worker Program (PRTQ) and applications from the Temporary Foreign Worker Program (PTET). Implementation of the TED will enable employers to benefit from the denormalized labour market impact assessment (LMIA) in recruiting abroad.

## Workplace Harassment

Nov 23: The government tabled [Bill 42](#) adding new workplace harassment and violence protections to the *Labour Code* and *OHS Act*. Highlights: i. Mandatory sexual violence training for psychological harassment claims arbitrators; ii. Extended deadline for sexual violence claims; iii. Ban on reprisals for reporting psychological harassment; and iv. Higher fines and punitive damages for psychological harassment.

**Action Point:** Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

## Drugs & Alcohol

Nov 30: [Bill 35](#) giving the provincial government the right to sue manufacturers and distributors of opioid drugs liable for the costs of health care and related damages incurred as a result of those products is in Committee and moving closer to passage. While patterned on similar legislation in other jurisdictions, the bill is tailored to Québec's civil liability system.

**Action Point:** Find out how to [effectively control substance abuse](#) at your workplace

## CASES

### Drugs & Alcohol: OK to Fire Safety-Sensitive Worker for Smoking Pot While On Duty

Citizens reported to the city that they observed members of a snow removal crew smoking cannabis while on duty. After investigating, the city suspended and then fired all 3 crew members. A month later, it notified the union. The union filed a grievance on behalf of one of the workers, the flagger, claiming the witnesses saw him smoking only a cigarette and that termination was too harsh even if the worker had actually used cannabis given that this was a first offence. The Québec arbitrator was unimpressed and tossed the grievance, finding the citizens' testimony that the

crew was smoking a joint credible, especially since they had no personal involvement in the case and went out of their way to tell their story. And while progressive discipline is all well and good, smoking pot while on duty carrying out safety-sensitive flagging duties knowing he was violating city safety and anti-drug policies was grounds for immediate termination [[\*Syndicat des cols bleus de Ville de Laval inc., CUPE, local section 4545 c Ville de Laval\*](#), 2023 CanLII 110987 (QC SAT), November 23, 2023].

**Action Point:** Find out how to [effectively control substance abuse](#) at your workplace

### **Termination: Arbitrator Reinstates Worker Fired for Secretly Working While on Disability**

The City of Longueuil fired a roads worker for carrying out a personal landscaping business while on disability leave for depression. You lied to us—and your doctor—when you said that you were incapable of carrying out regular road work and lifting heavy objects, the City concluded. But the Québec arbitrator found the evidence demonstrated “a completely different reality.” The doctor stood by her diagnosis and prescription of 6 weeks’ rest. And the activity the worker engaged in while on leave wasn’t necessarily inconsistent with that diagnosis, especially given the evidence of improvement in the worker’s condition after leave began. But while the City’s conclusion that the worker lied about his condition was unjustified, his failure to tell the whole truth and attempts to conceal the landscaping work he was doing were grounds for a 4-week suspension, the arbitrator concluded [[\*Longueuil \(City\) v CUPE, local section 307\*](#), 2023 CanLII 88152 (QC SAT), September 26, 2023].