

JANUARY 2024 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Employment Benefits

Jan 1: New rules allow for individuals who are continue at work and are already receiving their retirement pension to stop making QPP contributions upon reaching age 65. The maximum age for eligibility to apply for a retirement pension also increases from 70 to 72 years.

Payroll

Jan 1: As of today, contributions to the additional QPP plan will be added to the portion of earnings between the maximum pensionable earnings (MPE) and the new eligible earnings cap on which contributions are made, which for 2024 will be \$73,200, i.e., 107% of the MPE and 114% of the MPE as of 2025.

Payroll

Jan 1: Newly effective tax rules require individuals, corporations, partnerships and trusts to make payments of over \$10,000 to Revenu Québec electronically unless electronic payment is impossible due to special circumstances. The rule covers payments of income, source deductions (including employer contributions) and installment payments.

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

Immigration

Dec 6: Québec announced that the Ministry of Immigration, Francisation and

Integration will carry out a single indexation of agricultural salaries for purposes of the temporary foreign worker program, starting next year. Previously, the Ministry could index agricultural wages twice a year—on Jan. 1 and May 1—if minimum wages increased. From now on, indexation will be done just once, on May 1.

Workplace Violence

Nov 24: Québec officially agreed to implement the National Action Plan to End Gender-Based Violence. To support the effort, the government will receive at least \$97.3 million in federal funding over 4 years, in addition to \$462.4 million the province is spending of its own money to implement its Integrated Violence Strategy.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

Workplace Harassment

Dec 7: Québec passed [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

Dec 7: [Bill 36](#) 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 has passed the Assembly and received Royal Assent. 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

Health & Safety

Jan 1: Newly effective OHS rules require that a member of a construction site JHSC receive a theoretical training certificate from CNESST or an organization recognized

by the agency. Committee members or safety representatives that already have JHSC certification training are exempt from the new requirements. OHS coordinators must get a training certificate of at least 240 hours.

Health & Safety

Jan 1: Effective today, CNESST will provide reimbursement for the travel, registration and accommodation costs for persons on construction site required to receive mandatory participation training, including the OHS coordinator, health and safety representative members of the site JHSC.

CASES

Time Theft: OK to Fire Employee for Deliberately Inflating Overtime Pay

Did a university have just cause to terminate a maintenance worker for time theft? The Québec arbitrator said it did. The evidence showed that the worker abused the trust the university placed in the department's workers to keep their own timesheets by claiming overtime that he didn't work and inflating his call-back hours to maximize overtime payments. The quality of the worker's work and discipline-free history weren't enough to save his job, the arbitrator concluded [*Union of paratechnical personnel, auxiliary services and trades of Centre-du-Québec — CSN v CIUSS de la Mauricie-et-du-Centre-du-Québec*, 2023 CanLII 115766 (QC SAT), December 6, 2023].

Action Point: Take [6 steps](#) to prevent your employees from committing time theft

Progressive Discipline: OK to Suspend Delivery Driver for Unsafe Driving

McGill University suspended a delivery driver 10 days without pay for driving his vehicle too fast on and around campus. The union claimed the penalty was too harsh given that it was the driver's first speeding offence and no actual harm resulted. But the Québec arbitrator upheld the penalty, noting that the driver was a safety-sensitive employee who had already been suspended 5 days for driving the wrong way on a one-way street [*McGill University v Union of Service Employees, local section 800*, 2023 CanLII 120793 (QC SAT), December 18, 2023].

Action Point: Implement a legally sound [progressive discipline policy](#) at your workplace

Termination: OK to Fire Employee for Carrying Out Unauthorized Work for Personal Interests

Hydro-Québec first indefinitely suspended and then fired a chief fitter for engaging in unauthorized work to move a transformer, a significant project, to enable a private customer to benefit from services it didn't pay for. The arbitrator dismissed the grievances, finding that the fitter's explanations were a disingenuous attempt to downplay what was a serious conflict of interest and that HQ was justified in concluding that the breach in trust permanently and irreparably damaged the employment relationship [[*Hydro-Québec c Union of Hydro-Québec Trades Employees, local section 1500 \(SCFQ-FTQ\)*](#), 2023 CanLII 115024 (QC SAT), December 4, 2023]