

MARCH 2023 MONTH IN REVIEW

Québec

LAWS & ANNOUNCEMENTS

Labour Relations

Feb 15: Newly tabled [Bill 10](#) would restrict the use of personnel placement agencies' services and independent labour in the health and social services sector to percentages and under specific conditions set out in the regulations. The Ministry of Health would carry out inspections and fine employers that fail to comply.

New Laws

Apr 1: New laws take effect that give injured workers the right to appeal unfavourable CNESST decisions to the Québec Administrative Labour Tribunal within 60 days of the decision.

Employment Benefits

Feb 23: The rate of investment return for the QPP base plan was -3.9% in 2022; the QPP supplementary plan had an even lower return of -5.7%. However, Retraite Québec added that the QPP is "in good financial health," with the base plan posting average returns of 6.7% over 5 years and 9.1% over 10 years.

Payroll

Feb 21: Reminder: Beginning with the 2022 tax year, taxpayers who provide paid childcare services in Québec in the year must file an RL-24 slip to claim the tax credit for childcare expenses in their income tax return and provide a copy to the payer.

Drugs & Alcohol

Feb 8: Québec announced that it's raising the tax on tobacco products by \$8.00 per carton of 200 cigarettes as a public health measure to encourage residents to quit smoking. More than 13,000 people in the province die of smoking-related illnesses each year, according to the government.

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

Workers Comp

Mar 15: That's the last day for Québec employers to submit their actual 2022 workers comp data payroll reports to CNESST without risk of late fees, interest and penalties.

CASES

Attendance: Requiring Employee to Follow Her Treatment Plan Isn't Psychological Harassment

An employer with a self-insured health plan learned that an employee on medical leave due to depression and anxiety wasn't taking the antipsychotic drug prescribed by her physician. Unless and until you send us proof of your intent to take the medications, we're treating your leave as an unauthorized absence, the employer told her. The employee refused and the union claimed psychological harassment. The Québec arbitrator dismissed the grievance. While the wording and timing of the demand was a bit clunky, the employer's insistence that the employee follow her treatment plan wasn't psychological harassment but a legitimate exercise of management authority [*Union of Public and Parapublic Employees of Quebec v Quebec Revenue Agency*, 2023 CanLII 10885 (QC SAT), February 10, 2023].

Action Point: Go to the HRI [Attendance & Absenteeism centre](#) for help cracking down on absenteeism at your workplace

COVID-19: OK to Suspend Teacher During Investigation of Classroom Face Mask Complaint

The written warning that the school issued to a first-grade teacher for not enforcing the face mask rules in the classroom during the COVID-19 pandemic was a bitter pill to swallow. But what really angered the union is that the school suspended the teacher for 4 weeks while it investigated the matter. The union claimed this was a double penalty but the Québec arbitrator disagreed, noting that the suspension in connection with the investigation was an administrative rather than a disciplinary

action, the school needed time to get to the bottom of what happened and the teacher was paid for her time while on suspension [*Syndicat de l'enseignement de la région de Québec (FAE) v Center de services scolaire de la Capitale*, 2023 CanLII 5471 (QC SAT), January 31, 2023].

Action Point: Implement a legally sound face masks policy at your workplace