

## December 2024 MONTH IN REVIEW

# Québec

### LAWS & ANNOUNCEMENTS

#### Payroll

MRQ implemented new measures to make source deductions easier, including rolling out a simplified notice of assessment, adding the payment code directly to the RL-1 summary allowing for faster payment of online balances at financial institutions and modernizing online services for filing RL-1 slips and RL-1 summaries.

#### Employment Benefits

QPP rates and benefits will increase by 2.6% in 2025 to keep up with inflation, the Régie des rentes announced. Yearly Maximum Pensionable Earnings will rise from \$68,500 to \$71,300 and Yearly Additional Maximum Pensionable Earnings will increase to \$81,200. The basic exemption and base contribution rate will remain unchanged at \$3,500 and 10.8%, respectively.

#### Employment Benefits

Newly tabled [Bill 80](#) would establish new rules regulating pensions paid into a variable payment life pension (VLP) fund and the distribution of payable benefits in the event the beneficiary of a VLP dies.

#### Employment Benefits

[Bill 77](#) amending the teacher pensions laws to allow employees to participate in a pension until the end of the year that they turn 71 received Royal Assent. The bill also allows for extending phased retirement agreements that allow older employees who work past retirement age to continue to accrue pension benefits.

#### New Laws

From now through April 2025, the Québec Ministry of Labour will hold public consultations on the future of workplace regulation in the digital age. Key issues to be addressed include employment standards protections for digital platform and gig workers and potential restrictions on workers' use of AI for employment purposes.

**Action Point:** Find out about current [employment law protections for gig workers](#).

## Privacy

Legislation ([Bill 73](#)) establishing mechanisms that individuals can use to prevent the publication of their intimate images without consent is working its way through the Assembly. If and when it passes, the Bill will allow individuals to go to the Court of Québec and obtain an order barring publication. Those who disobey orders not to publish would then be subject to stiff penalties.

**Action Point:** Find out how to protect your organization from [revenge porn and cyberbullying liability](#) risks.

## CASES

### Labour Relations: Holiday Season Plant Closure Doesn't Violate Collective Agreement

A company that shut down its factory for 2 weeks in July decided to close the plant for another 2 weeks during the holiday season. The union objected, claiming that the collective agreement banned the company from closing the factory for more than 3 weeks in a year. The company insisted that nothing in the agreement banned it from closing the plant for as long as it wants. While finding that the collective agreement did, in fact, limit closure to 3 weeks per year, the Québec arbitrator ruled that the company didn't violate the provision since the closure period included public holidays that didn't count in calculating the period's maximum permissible duration [[Trans-Canada Sign Workers Union \(CSN\) v. Enseignes Transworld Inc.](#), 2024 CanLII 107214 (QC SAT), October 30, 2024].

### Drugs & Alcohol: OK to Fire Alcoholic Worker on Last Chance Agreement for Refusing Drug Test

A tank operator with a safety-sensitive job and history of alcohol use and attendance issues avoided termination by agreeing to a last chance agreement requiring him to complete rehab and submit to random drug testing for 5 years after he returned. After getting off to a good start, the operator came to work one morning with "a shifty look in his eyes and sweat on his forehead." Coupled with his suddenly negative attitude, the company asked him to undergo drug testing. When he refused, they fired him for violating the last chance agreement. The union cried foul, contending that the agreement violated the operator's Charter rights by singling him out for differential treatment because of his alcohol-related disability. The Québec arbitrator rejected the grievance. Last chance agreements discriminate to the extent they punish workers because for engaging in **behaviour directly due to being an alcoholic**. But the operator in this case didn't refuse testing because he was an alcoholic; in fact, he admitted he was totally sober when he made the decision. The reason he refused was that he feared he would test positive because he had drank a couple of glasses of wine the previous night [[Aluminerie de Bécancour v. Syndicat des Métallos, section locale 9700](#), 2024 CanLII 105846 (QC SAT), November 1, 2024].

**Action Point:** Find out [how to create a legally sound drug testing policy](#) at your

workplace.

### **Health & Safety: Court Second Guesses Denying Preventive Withdrawal to COVID-Exposed Worker**

Under Section 32 of the *OHS Act*, workers exposed to a contaminant that endangers them and who signs of deteriorating health may get a CNESST certificate requesting “preventive withdrawal” and assignment to tasks not involving such exposure. At the height of the COVID pandemic, a paramedic with a compromised immune system asked for a preventive withdrawal certificate but CNESST said no on the grounds that COVID isn’t a “contaminant” under the regulations. The appeals tribunal upheld the decision, and the case eventually ended up in the Québec Court of Appeal, which ruled that the determination that the virus isn’t a contaminant was unreasonable and inconsistent with the protective purposes of preventive withdrawal. It was clear that exposure to COVID put the paramedic in danger. So, the case had to go back down for a new determination [[Piché v. Entreprises Y. Bouchard & Fils inc.](#), 2024 QCCA 1374 (CanLII), October 17, 2024].