

# Québec

## LAWS & ANNOUNCEMENTS

### Labour Standards

May 29: The Québec Assembly continues to debate important new legislation ([Bill 101](#)) proposing 20 changes to employment and labour laws, including increasing fines for *Labour Standards* Act violations from \$600 to \$6,000 to \$1,000 to \$25,000 for violations by a natural person and \$2,000 to \$50,000 for violations by a company. There would also be higher fines for failing to provide timely notice of group terminations for technological and economic reasons.

### Leaves of Absence

May 29: [Bill 101](#) proposing new unpaid leave for employees who miss work due to a public health emergency government order or disaster has been reported out of Committee. Under the bill, employees would have to notify employers as soon as possible and take reasonable steps to limit how long the absence lasts. Employers may also require documentation of the reasons for absence if warranted by its duration.

**Action Point:** Find out about the [COVID-19 and public health emergency leave rights](#) of employees in each part of Canada.

### Leaves of Absence

May 29: The Québec Assembly is making progress in passing [Bill 101](#) proposing, among other things, to reduce the amount of uninterrupted service employees need to qualify for reservist leave from 12 to 3 months. The Bill would also expand the grounds for reservist leave and clarify that it includes “preparation, training, rest, and transportation from the reservist’s place of residence and back.”

**Action Point:** Use the HR Insider [template](#) to create a legally sound military reservist leave policy for your company.

### Labour Relations

May 29: [Bill 101](#), which has been reported out of Committee, would promote transparency for union members by requiring trade union associations to present their audited financial statements at an annual general meeting and transmit those financial statements to members who request them. It also proposes to speed up the grievance arbitration process by requiring the parties to appoint an arbitrator within 6 months and ensure that hearings start within one year while also increasing the fines for *Labour Code* violations.

### Labour Relations

May 29: Québec passed [Bill 89](#) standardizing rules for lock outs and strikes in a public service that’s not subject to an Administrative Labour Tribunal to decision to maintain essential services. Lockouts may now be triggered under the same conditions as strikes, that is, following prior written notice of at least 7 clear working days.

## **Immigration**

May 28: [Bill 84](#) establishing a model for integrating immigrants and cultural minorities into Québec society and French language culture received Royal Assent. The Bill also outlines what's expected of the Québec State and Québécois, especially immigrants.

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

## **Employment Benefits**

May 28: Retraite Québec published new supplemental pension plans [draft regulations](#) governing the establishment of variable payment life pension funds in a pension plan and the payment of pensions into such funds. They also propose to increase the fees for locating untraceable persons from \$20 to \$30. Deadline to comment: July 12.

## **Pay Equity**

May 28: The wage gap between mothers and fathers in Québec is less pronounced than it is in other provinces, according to a [new government report](#). In 2023, Québec mothers whose youngest child was under 6 years old earned on average about \$34.17 per hour, up 59% from 2008 (\$21.50). Fathers' earnings reached about \$38.13, an increase of about 53% between 2008 and 2023. The 2023, hourly pay ratio for mothers/fathers of parents of young children was higher in Québec (90%) than in Ontario (82%), Alberta (83%), and BC (80%).

## **Discrimination**

May 20: The Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission) reports that despite the progress made over the past 50 years, disabled people in the province are still facing barriers in getting and keeping jobs, integration, and retention. In addition to historical prejudices by employers, 83% of those surveyed reported experiencing at least one form of disability-related harassment in their professional career. The [study](#) also raises significant concerns about work platforms, which primarily target people with intellectual disabilities or autism spectrum disorders.

## **Accessibility**

May 12: Revenu Québec published [new guidance](#) to help businesses make proper income tax deductions for the costs of renovations and alterations designed to make their buildings and facilities more accessible to persons with disabilities.

**Action Point:** Find out more about [accessibility laws across Canada](#).

## **Training**

Apr 24: Québec announced that it will invest \$6 million over 2 years to support work-study training in the construction sector. The goal is to increase the pool of trained labour in construction by funding short-term vocational training projects carried out in work-study programs implemented, in part, on construction sites focusing on certain trades to be determined based on needs.

## **Health & Safety**

May 29: Legislation ([Bill 101](#)) is working its way through the Assembly that would allow employers to file a claim with CNESST to recover part of the salary paid to a pregnant or breast-feeding worker that the employer assigned to other duties in accordance with OHS Act requirements.

## **Health & Safety**

May 29: [Bill 101](#), which has been reported out of Committee, would amend the OHS Act to incorporate special rules governing the establishment of safety committees and appointment of safety representatives at education and health and social services sectors establishments, including with regard to committee/representative functions and the minimum amount of time members/representatives may devote to those functions.

## **Young Workers**

May 26: With schools about to let out for the summer, CNESST launched a new campaign to remind employers of their OHS duties to train, supervise and protect young workers, including with regard to psychological harassment.

**Action Point:** Find out how to implement a [Game Plan](#) to comply with special OHS and employment standards rules protecting young employees.

## **Workers' Comp**

May 15: CNESST announced that average workers' comp rates in 2026 will increase 6 cents to \$1.54 per \$100 assessable payroll, even though the FSST's finances are running a 120% surplus.

## **Workers' Comp**

May 29: Recently introduced labour and employment reform legislation ([Bill 101](#)) would revise the formula CNESST uses to calculate income replacement compensation in the event of an occupational injury to ensure fairness to workers, especially workers earning the minimum wage.

## **CASES**

### **Employment Standards: Top Court Leaves Placement Agency Licensing Regulations Issue Unresolved**

Trade associations representing personnel agencies filed a lawsuit claiming that the regulations CNESST created to implement new LSA licensing requirements for "personnel placement agencies" went far beyond what the Act allowed. The lower court agreed and struck down the regulations. But now the Québec Court of Appeal has weighed in, finding the lower court's ruling unreasonable. Bottom Line: The question of whether the LSA personnel placement agencies licensing regulations are valid remains unsettled [[CNESST v. Association of Specialized Industrial Process Contractors of Quebec](#), 2025 QCCA 587 (CanLII), May 12, 2025].

### **Labour Relations: Arbitrator Orders Employer to Stop Paying Bonuses Behind**

### **the Union's Back**

You'd expect a union to be delighted when the employer pays employees an unexpected bonus. The problem was that the company paid the "hiring" bonus paid to new driving instructors who completed their training without the union's knowledge. The Québec arbitrator upheld the grievance, finding that the company violated its collective agreement duty to notify the union of matters affecting the compensation of its members. However, it refused to order the company to pay the bonus to other union employees since it wasn't expressly required under the collective agreement [[Association of Automobile Driving Instructors of Quebec \(AFCAQ\) \(CSD\) v. Tecnic Rive-sud Driving School Inc.](#), 2025 CanLII 41123 (QC SAT), April 30, 2025].

### **Health & Safety: Ordinary Negligence Not Enough to Convict Execs of Criminal Negligence**

Prosecutors charged a mining company with criminal negligence resulting in serious injuries to an operator who got hit by a chain that broke free from a shuttle conveyor. The law, often referred to by its bill name, Bill C-45, requires a person who controls work to take necessary measures to protect those who do or are affected by the work from bodily harm and makes them criminally liable when they fail to do so to the extent the failure is the result of "wanton and reckless disregard" for safety. The company claimed that the prosecution didn't meet its burden to prove "wanton and reckless disregard" beyond a reasonable doubt. The Québec court agreed and dismissed the case. While the company's executives were negligent, the evidence didn't prove that they "deviated markedly **and significantly** from what a reasonable person in the same circumstances would have done." Ordinary negligence isn't enough to convict for criminal negligence under C-45 [[R. v. ArcelorMittal Mining Canada](#), 2025 QCCQ 1178 (CanLII), April 7, 2025].

**Action Point:** The C-45 criminal negligence standard (Section 217.1 of the *Criminal Code*) requires the prosecutor to prove that a person with control over how work is failed to take reasonable steps to prevent bodily harm to persons carrying out the work and that such failure was due to "wanton or reckless disregard for safety." Find out what you can do to [manage criminal liability risks under C-45](#).

### **Workers' Comp: Contract Driver Is a "Worker" Covered by Workers' Comp**

Workers' comp awarded benefits to a taxi driver working for a firm called Taxi Rive-Nord (Taxi) who injured his finger when a customer attacked him. Taxi appealed, claiming that the driver was an independent contractor and not a "worker" under workers' comp because he was paid directly by customers. The Québec court disagreed. A "worker" is somebody who receives remuneration for his work. And that's what the driver was doing, regardless of whether he was remunerated directly by Taxi. In addition, while the driver had some control over his hours, he had no stake in Taxi's profitability. Taxi also possessed control over the work, authority to discipline and ownership of the tools [[9029-2814 Québec inc. \(Taxi Rive-Nord\) v. Administrative Labour Tribunal](#), 2025 QCCS 1433 (CanLII), May 5, 2025].