

# Québec

## LAWS & ANNOUNCEMENTS

### Leaves of Absence

Jun 5: [Bill 101](#) proposing new unpaid leave for employees who miss work due to a public health emergency government order or disaster has been adopted in principle. 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.

### Employment Benefits

Jul 12: Comments close on Retraite Québec's 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. The regulations also increase the fees for locating untraceable persons from \$20 to \$30.

### Payroll

Jun 12: Good news for employers. Québec announced that it's cutting QPIP contribution rates by 8% in 2026. The new rates will be: 0.455% for employees; 0.636% for employers; and 0.808% for self-employed workers and intermediate and family-type resources.

### Discrimination

Jun 9: The Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission) published a [new guide](#) to help employers recognize and avoid the discrimination risks associated with deploying artificial intelligence systems to perform HR functions.

**Action Point:** Use the HR Insider [AI Bias Audit Template](#) to uncover and rectify potential discrimination risks in your current artificial intelligence applications.

### Discrimination

Jun 4: A new Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission) [report](#) finds that women are still facing serious obstacles in the construction industry and that 96% of the construction workforce is male. Although increasing numbers of women are choosing careers in the industry, their dropout rate is significantly higher than that of men.

### Health & Safety

Jun 4: CNEST published important new [OHS regulations](#) clarifying that employers should exclude telecommuters when calculating total workers at the establishment for purposes of determining the number of first aiders required and should recognize

regular members of the Ordre des infirmières et infirmiers du Québec (OIIQ) as first aiders. The regulations also require first aid training and kits to meet CSA Z1210 and Z1220, respectively.

## Health & Safety

May 22: CNESST advised employers to start making plans to protect workers against heat stress hazards. The agency has recorded 3 deaths and 358 occupational injuries attributable to working in heat since 2015, with men ages 20 to 54 accounting for over 80% of the injuries.

**Action Point:** Find out how to implement a legally sound [Heat Stress Compliance Game Plan](#) at your workplace.

## Privacy

Jun 4: Legislation ([Bill 73](#)) passed in December to establish mechanisms that individuals can use to prevent the publication of their intimate images without consent officially took effect. **Result:** Victims may now go to the Court of Québec to obtain an order barring publication. Those who disobey orders not to publish will be subject to stiff penalties.

## CASES

### Employment Contract: Uber Drivers Can't File Class Action Lawsuit

Uber drivers filed a class action lawsuit against the company for allegedly violating their minimum wage, overtime pay, vacation pay and public holiday pay rights as “employees” under the *Labour Standards Code*. The Québec court agreed that although their contract described them as “independent contractors,” the drivers had many of the attributes of the Code definition of an “employee” as one who provides work for remuneration under a relationship of subordination. Unfortunately for the drivers, being an “employee” under the Code also meant being subject to the law’s statute of limitations of one year. And because the lead plaintiff didn’t file the lawsuit until more than a year after leaving Uber, the court had to dismiss the case. The court also went on to say that it wouldn’t have allowed the case to go forward as a class action even if the suit had been timely because there wasn’t enough commonality among the purported class members [[Yeretzian v. Uber Portier Canada inc.](#), 2025 QCCS 1768 (CanLII), May 27, 2025].

**Action Point:** The *Uber Portier Canada* case is part of a growing wave of class action employment lawsuits by drivers, couriers, delivery persons and other gig workers. Find out about current [employment law protections for gig workers](#).

### Workplace Violence: Physical Assault of Coworker Is Just Cause to Terminate

Based on the testimony of 6 witnesses and video footage, the Québec arbitrator concluded that a departing chemical plant night-shift worker did indeed physically assault and threaten an arriving day-shift colleague and that the company had just cause to fire him. Although the attack wasn’t premeditated, there were aggravating factors like the night-shifter’s lack of remorse, refusal to apologize and unwillingness to acknowledge responsibility for his actions—all of which increased the risks of his engaging in future violence [[Teamsters Quebec Local 1999 v. Delmar Chemical](#)

[Products Inc.](#), 2025 CanLII 55586 (QC SAT), June 10, 2025].

**Action Point:** Find out about the 10 things you must do to [prevent workplace violence](#).

### **Return To Work: Employer Must Pay Worker for Needlessly Dragging Out Reinstatement Process**

After 30 months of leave for work-related ankle injuries, a youth services intervention officer was ready to return to her new position. At least that's what her doctors and representatives believed. But the employer had misgivings and wanted to do its own medical assessment. The employer's doctors eventually gave the green light but only after weeks of delay, during which time the officer was receiving no income. The union insisted that the employer reimburse the officer for needlessly prolonging the return-to-work process and the Québec arbitrator agreed. While the employer had a legitimate right to verify the officer's fitness to return, it also had a duty to act fast and avoid delays, especially given the controller's precarious financial situation. This wasn't a complex medical case and the employer exercised total control over the examination process [[Union of Workers of the CISSS de Laval - CSN v. Santé Québec - Integrated Health and Social Services Centre of Laval](#), 2025 CanLII 50796 (QC SAT), June 3 2025].

### **Health & Safety: Operator Error Is No Defence against OHS Crane Violation**

A crane rental company charged with using unsafe loading methods leading to a mobile crane tip-over blamed the operator for the accident. The operator himself admitted that he was entirely at fault and made a "bad call" by choosing to bypass the crane's limitation system to unload concrete blocks. But the Québec court still rejected the company's due diligence defence. While the operator clearly made a mistake, the company could and should have foreseen his negligence and taken steps to prevent it. Instead, it deferred to his senior status and gave him "carte blanche" to do what he wanted. "It would be illogical and contrary to the objectives of the Act if the presumption of liability did not apply because of the wrongful act of a worker," the court reasoned. It also found the company guilty of resuming the work in violation of a CNESST stop work order [[CNESST v. Location de grues Gaétan Roy Ltée](#), 2025 QCCQ 1852 (CanLII), May 23, 2025].

**Action Point:** Find out what [due diligence](#) is and how it helps you avoid liability for OHS violations.