



LAWS & ANNOUNCEMENTS

Payroll

Oct 28: Newly passed [Bill 4](#) amends the *Québec Pension Plan Act* to specify that the presumption according to which work is deemed performed in Québec applies only if the work is performed in Canada. The Bill also changes the calculation of QPP base plan benefits by providing for the exclusion of the months for which a person receives a reduced income replacement indemnity from CNESST.

Leaves of Absence

Oct 28: Québec passed [Bill 101](#) providing unpaid leave for employees who miss work due to a public health emergency government order or disaster. Employees must notify employers as soon as possible and take reasonable steps to limit the duration of the absence. Employers may also require documentation of 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.

Labour Relations

Oct 28: Newly passed legislation ([Bill 101](#)) promotes 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.

Pay Equity

Oct 6: Despite the province's new pay equity laws, pay gaps between men and women remain, CNESST reports. In 2024, women's average wages were 9% lower than men's. The gap was even wider for immigrant women and non-unionized women, who earned approximately 14% less per hour than their male colleagues.

Action Point: Find out more about [pay equity laws](#) and their practical impact on operations.

New Laws

Sep 26: To support the auto industry, Quebec announced that it will lift the ban on the sale of new gasoline vehicles in 2035. It also pared back the previous target of 100% zero-emission vehicles by 2035 with a target of 90%, combining electric vehicles and plug-in hybrid vehicles (PHEVs) while relaxing annual sales targets for electric vehicles.

New Laws

Oct 8: The Québec Assembly tabled but will unlikely pass [Private Member Bill 190](#) requiring companies with 50 or more employees to establish workplace "parity

committees” with at least half of its members representing workers to help advance the business’s “just transition towards an environmentally sustainable economy.” Such committees would be the environmental/social justice equivalent of JHSCs with authority to recommend green jobs, equitable requalification, social dialog and climate justice.

Health & Safety

Oct 28: Newly passed employment reform legislation ([Bill 101](#)) allows 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.

Action Point: Find out how to implement a legally sound [policy for treating pregnant employees](#).

Health & Safety

Oct 28: Royal Assent for [Bill 101](#), which amends 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.

Health & Safety

Oct 1: CNESST’s newly published [draft OHS regulations](#) require employers to provide workers exposed to non-infectious bioaerosols respiratory protective equipment that meets CSA Z94.4, Selection, Use and Care of Respirators and prevent or limit the presence of visible mould contamination at workstations. The agency will take comments on the proposal for 45 days.

Workers’ Comp

Oct 28: New labour and employment reform legislation ([Bill 101](#)) revises 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

Pay Equity: Extra Pay Incentive for Willingness to Work More Hours Violates LSA

Facing a labour shortage during the pandemic, a home healthcare agency began offering certain key employees an extra “\$80 per pay period [every 2 weeks] starting June 7, 2020, pro rata to hours worked,” to workers who committed to be available at least 30 hours per week, even if they actually worked less than 30 hours. Based on a standard 40-hour work week, the extra pay amount was \$1 per hour, which increased to \$160 per pay period or \$2 per hour a few months later. CNESST fined the agency nearly \$60,000 for violating the *Labour Standards Act* ban on paying employees who perform the same work in the same establishment a lower rate just because they work fewer hours per week. The agency argued that the \$2 per hour wasn’t a higher rate of pay but a “bonus” not covered by the ban but the Québec

court disagreed and sided with CNESST. The Court of Appeal upheld the ruling, reasoning that a bonus added to the amount set to measure wages by time constitutes an increase in the wage rate [[Répit-Ressource de l'Est de Montréal v. CNESST](#), 2025 QCCA 1306 (CanLII), October 21, 2025].

Action Point: This case is an excellent illustration of how pay equity provisions in labour standards laws can expose companies to liability. Find out more about [pay equity laws](#) and their practical impact on operations.

Labour Relations: High Court Dismisses Employee Class Action Lawsuit Against Air Canada

Air Canada employees filed a class action against the airline for violating its contractual obligation to give retired employees free and reduced-rate transportation plan flight passes. Air Canada argued that the dispute should be heard by the labour arbitrator, and not in a class action lawsuit. The lower court disagreed, and Air Canada appealed to the Québec Court of Appeal. **Result:** The airline won. This was a union matter over which the courts had no jurisdiction, reasoned the high court, noting that the passes were governed by the collective agreement and the employees filing the case all belonged to the union [[Air Canada v. Davies](#), 2025 QCCA 1344 (CanLII), October 27, 2025].

Drugs & Alcohol: Firing Alcoholic Employee for Absenteeism Is Failure to Accommodate

A paper plant suspended and eventually fired a veteran machine operator for a repeated pattern of not showing up for work. The union contended that the unexcused absences were the result of mental health problems related to alcoholism and sued the plant for not reasonably accommodating the operator's disability. After hearing from all of the witnesses, the Québec arbitrator handed down a mixed ruling: The 5-day suspension was justified but dismissal was not. The plant knew about the operator's mental and alcohol issues having offered him treatment once before. But in concluding that the operator was irredeemable and that further treatment would be useless, the plant violated its duty to accommodate. The plant should have at least sought to do a medical assessment before firing the operator, the arbitrator reasoned in reducing the penalty to a 30-day suspension [[Unifor, Section Locale 905 c SEC FF Soucy WB](#), 2025 CanLII 97802 (QC SAT), September 16, 2025].

Action Point: Drug and alcohol addictions are recognized as disabilities that employers must accommodate but only to the point of undue hardship. Find out [how far employers must go to accommodate an employee's drug addiction](#).