Updated to April 1 2024
This document has official status.

chapter N-1.1

ACT RESPECTING LABOUR STANDARDS

TABLE OF CONTENTS

CHAPTER I

DEFINITIONS

1. In this Act, unless the context indicates a different meaning,

(1) "delivery" means the natural or the lawfully, medically induced end of a pregnancy by childbirth, whether or not the child is viable;

(2) "Commission" means the Commission des normes, de l'équité, de la santé et de la sécurité du travail;

(3) "spouse" means either of two persons who

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother or the parents of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;

(4) "agreement" means an individual contract of employment, a collective agreement within the meaning of paragraph *e* of section 1 of the Labour Code (chapter C-27) or any other agreement relating to conditions of employment, including a Government regulation giving effect thereto;

(5) "decree" means a decree adopted under the Act respecting collective agreement decrees (chapter D-2);

(6) "domestic" means an employee in the employ of a natural person whose main function is the performance of domestic duties in the dwelling of that person, including an employee whose main function is to take care of or provide care to a child or to a sick, handicapped or aged person and to perform domestic duties in the dwelling that are not directly related to the immediate needs of the person in question;

(7) "employer" means any person who has work done by an employee;

(8) "Minister" means the Minister of Labour;

(9) "wages" means a remuneration in currency and benefits having a pecuniary value due for the work or services performed by an employee;

(10) "employee" means a person who works for an employer and who is entitled to a wage; this word also includes a worker who is a party to a contract, under which the employee

i. undertakes to perform specified work for a person within the scope and in accordance with the methods and means determined by that person;

ii. undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and

iii. keeps, as remuneration, the amount remaining to the employee from the sum the employee has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract;

(11) "week" means a period of seven consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day;

(12) "uninterrupted service" means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed.

Persons to whom subparagraph 3 of the first paragraph applies are considered to be cohabiting despite the temporary absence of one of them. The same rule applies if one of the persons is required to live permanently in another place for health reasons or because of imprisonment, unless the employee is cohabiting with another spouse within the meaning of that subparagraph.

1979, c. 45, s. 1; 1981, c. 9, s. 34; 1982, c. 53, s. 57; 1990, c. 73, s. 1; 1992, c. 44, s. 81; 1994, c. 12, s. 49; 1996, c. 29, s. 43; 1999, c. 14, s. 15; 2002, c. 6, s. 144; 2008, c. 30, s. 1; 2015, c. 15, s. 173; 2022, c. 22, ss. 152 and 179.

CHAPTER II

SCOPE

2. This Act applies to the employee regardless of where the employee works. It also applies

(1) to the employee who performs work both in Québec and outside Québec for an employer whose residence, domicile, undertaking, head office or office is in Québec;

(2) to the employee domiciled or resident in Québec who performs work outside Québec for an employer contemplated in subparagraph 1;

(3) *(subparagraph repealed).*

This Act is binding on the State.

1979, c. 45, s. 2; 1990, c. 73, s. 2; 1999, c. 40, s. 196; 2002, c. 80, s. 1; 2022, c. 22, s. 179.

3. This Act does not apply

(1) *(paragraph repealed)*;

(2) to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if the employee's duty is performed on an occasional basis, unless the work serves to procure profit to the employer, or if the employee's duty is performed solely within the context of assistance to family or community help;

(3) to an employee governed by the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), except the standards prescribed by the second paragraph of section 79.1, section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16, sections 81.1 to 81.20 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII;

(4) to the employee contemplated in subparagraphs i, ii and iii of paragraph 10 of section 1 if the Government, by regulation pursuant to another Act, establishes the remuneration of that employee or the tariff that is applicable to the employee;

(5) to a student who works during the school year in an establishment selected by an educational institution pursuant to a job induction program approved by the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie;

(5.1) to an athlete whose membership in a sports team is conditional on their continued participation in an academic program; or

(6) to senior managerial personnel, except the standards prescribed by the second paragraph of section 79.1, section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16, sections 81.1 to 81.20 and, where they relate to any of those standards, the second, third and

fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII.

1979, c. 45, s. 3; 1980, c. 5, s. 1; 1985, c. 21, s. 74; 1986, c. 89, s. 50; 1988, c. 41, s. 88; 1990, c. 73, s. 3; 1993, c. 51, s. 43; 1994, c. 16, s. 50; 2002, c. 80, s. 2; 2005, c. 28, s. 195; 2007, c. 3, s. 72; 2007, c. 36, s. 1; 2013, c. 28, s. 203; 2018, c. 21, s. 1; 2022, c. 22, s. 179.

3.1. Notwithstanding section 3, Divisions V.2 and VI.1 of Chapter IV, section 97.1 of Chapter IV.1, sections 122.1 and 123.1 and Division II.1 of Chapter V apply to all employees and to all employers.

Subparagraphs 7 and 10 to 20 of the first paragraph of section 122 and, where they relate to a recourse under those subparagraphs, the other sections of Division II of Chapter V also apply to all employees and to all employers.

1982, c. 12, s. 1; 1990, c. 73, s. 4; 2002, c. 80, s. 3; 2011, c. 17, s. 55; 2014, c. 3, s. 2; I.N. 2014-07-01; 2016, c. 34, s. 43; 2017, c. 10, s. 27; 2017, c. 11, s. 147; 2018, c. 12, s. 1; I.N. 2018-06-30; 2018, c. 13, s. 40; 2018, c. 8, s. 193; 2017, c. 27, s. 201; 2020, c. 12, s. 155 ; 2022, c. 17, s. 93; 2024, c. 4, s. 17.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

2015, c. 15, s. 174.

4. *(Repealed).*

1979, c. 45, s. 4; 2015, c. 15, s. 175.

5. The Commission shall supervise the implementation and application of labour standards. It shall, in particular, exercise the following functions:

(1) inform the population on matters dealing with labour standards;

(1.1) inform employees and employers of their rights and obligations under this Act;

(2) supervise the application of labour standards and, where necessary, transmit its recommendations to the Minister;

(3) receive complaints from employees and indemnify them to the extent provided in this Act and the regulations;

(4) *(paragraph repealed)*;

(5) endeavour to bring about agreement between employers and employees as to their disagreements in relation to the application of this Act and the regulations.

The Commission shall also supervise compliance with the obligations described in the second paragraph of section 45, section 47 when the second paragraph of section 45 applies and section 48 of the Voluntary Retirement Savings Plans Act (chapter R-17.0.1).

1979, c. 45, s. 5; 1990, c. 73, s. 5; 2002, c. 80, s. 4; 2013, c. 26, s. 133.

6. *(Repealed).*

1979, c. 45, s. 6; 1999, c. 40, s. 196; 2015, c. 15, s. 175.

6.1. *(Repealed).*

1994, c. 46, s. 1; 2010, c. 21, s. 1; 2015, c. 15, s. 175.

6.2. *(Repealed).*

1997, c. 2, s. 1; 2000, c. 15, s. 138; 2001, c. 26, s. 138.

7. *(Repealed).*

1979, c. 45, s. 7; 2015, c. 15, s. 175.

8. *(Repealed).*

1979, c. 45, s. 8; 1990, c. 73, s. 6; 2015, c. 15, s. 175.

9. *(Repealed).*

1979, c. 45, s. 9; 2015, c. 15, s. 175.

10. *(Repealed).*

1979, c. 45, s. 10; 2015, c. 15, s. 175.

10.1. *(Repealed).*

1992, c. 26, s. 1; 1999, c. 52, s. 1; 2015, c. 15, s. 175.

10.2. *(Repealed).*

1992, c. 26, s. 1; 1999, c. 52, s. 2; 2015, c. 15, s. 175.

11. *(Repealed).*

1979, c. 45, s. 11; 2015, c. 15, s. 175.

12. *(Repealed).*

1979, c. 45, s. 12; 1992, c. 26, s. 2; 1999, c. 52, s. 3; 2015, c. 15, s. 175.

13. *(Repealed).*

1979, c. 45, s. 13; 1992, c. 26, s. 3; 1999, c. 52, s. 4; 2015, c. 15, s. 175.

14. *(Repealed).*

1979, c. 45, s. 14; 1992, c. 26, s. 4.

15. *(Repealed).*

1979, c. 45, s. 15; 2015, c. 15, s. 175.

16. *(Repealed).*

1979, c. 45, s. 16; 2015, c. 15, s. 175.

17. *(Repealed).*

1979, c. 45, s. 17; 2015, c. 15, s. 175.

18. *(Repealed).*

1979, c. 45, s. 18; 1992, c. 26, s. 5; 1999, c. 52, s. 5; 2015, c. 15, s. 175.

19. *(Repealed).*

1979, c. 45, s. 19; 1992, c. 26, s. 6; 1999, c. 52, s. 6; 2015, c. 15, s. 175.

20. *(Repealed).*

1979, c. 45, s. 20; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2015, c. 15, s. 175.

21. *(Repealed).*

1979, c. 45, s. 21; 1992, c. 26, s. 7; 1999, c. 52, s. 7; 2015, c. 15, s. 175.

22. *(Repealed).*

1979, c. 45, s. 22; 1992, c. 26, s. 8; 1999, c. 52, s. 8; 2015, c. 15, s. 175.

23. *(Repealed).*

1979, c. 45, s. 23; 1979, c. 37, s. 43; 2015, c. 15, s. 175.

24. *(Repealed).*

1979, c. 45, s. 24; 1992, c. 26, s. 9; 1999, c. 52, s. 9; 2015, c. 15, s. 175.

25. *(Repealed).*

1979, c. 45, s. 25; 2015, c. 15, s. 175.

26. *(Repealed).*

1979, c. 45, s. 26; 1990, c. 73, s. 7; 2015, c. 15, s. 175.

27. *(Repealed).*

1979, c. 45, s. 27; 2015, c. 15, s. 175.

28. *(Repealed).*

1979, c. 45, s. 28; 2015, c. 15, s. 175.

28.1. The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under Division VIII.2 of Chapter IV and Divisions I.1 to III of Chapter V of this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister.

2001, c. 26, s. 139; 2006, c. 58, s. 66; 2015, c. 15, s. 176; 2018, c. 21, s. 2.

29. The Commission may, by regulation,

(1) *(paragraph repealed)*;

(2) establish committees to examine such matters as it may determine;

(3) require an employer or a category of employers it indicates to have a system for the registration of all work governed by the Commission or to keep a register for the entry of the name, residence and employment of each of their employees, the time at which the work was begun, interrupted, resumed and finished every day, the nature of the work, the wage paid for it and the mode and time of payment, and any other information deemed useful in the application of this Act or the regulations;

(3.1) require an employer or every employer of a category of clothing industry employers it indicates who would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, to transmit to the Commission, in accordance with the procedure and frequency and during the period it determines, a report containing the particulars required under paragraph 3 it indicates and any other information deemed useful in the application of this Act or the regulations;

(4) *(paragraph repealed)*;

(5) *(paragraph repealed)*;

Not in force

(6) determine the nature of the claims that give entitlement to the payments it is authorized to make under section 112, the conditions of eligibility for these payments, the amount of these payments and the terms and conditions of payment of such amounts to the employee;

(7) fix the rates, not exceeding 1%, of the contribution provided for in section 39.0.2.

1979, c. 45, s. 29; 1983, c. 43, s. 9; 1990, c. 73, s. 8; 1994, c. 46, s. 2; 1999, c. 57, s. 1; 2002, c. 80, s. 5; 2015, c. 15, s. 177; 2022, c. 22, s. 179.

29.1. *(Repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

29.2. *(Repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

30. *(Repealed).*

1979, c. 45, s. 30; 1986, c. 89, s. 50; 1988, c. 84, s. 700; 1990, c. 73, s. 10; 1992, c. 21, s. 192, s. 375; 1994, c. 46, s. 3.

31. *(Repealed).*

1979, c. 45, s. 31; 2015, c. 15, s. 178.

32. The regulations contemplated in paragraphs 3 to 7 of section 29 are transmitted to the Minister and submitted to the approval of the Government.

1979, c. 45, s. 32; 1994, c. 46, s. 4.

33. *(Repealed).*

1979, c. 45, s. 33; 1997, c. 72, s. 1.

34. *(Repealed).*

1979, c. 45, s. 34; 1997, c. 72, s. 1.

35. The Government may approve a regulation made under paragraphs 3 to 7 of section 29 with or without amendment.

1979, c. 45, s. 35; 1997, c. 72, s. 2.

36. *(Repealed).*

1979, c. 45, s. 36; 1997, c. 72, s. 3.

37. *(Repealed).*

1979, c. 45, s. 37; 1997, c. 72, s. 3.

38. *(Repealed).*

1979, c. 45, s. 38; 1997, c. 72, s. 3.

39. The Commission may

(1) ascertain the wage paid to an employee by their employer;

(2) establish forms to be used by employers and employees;

(3) establish or fill out the certificate of employment provided for in section 84 when the employer refuses or neglects to do so;

(4) collect or receive the amounts owing to an employee under this Act or a regulation and remit them to the employee;

(5) accept on behalf of an employee, with the employee's consent, or on behalf of a group of employees who are parties to a claim, with the consent of the majority of them, partial payment of the amounts owed to the employee or group of employees by the employer;

Not in force

(6) pay the amounts it considers to be due by an employer to an employee under this Act or a regulation up to the minimum wage, taking into account, where such is the case, the increases provided for therein;

(7) *(paragraph repealed)*;

(8) institute in its own name and on behalf of an employee, where such is the case, proceedings to recover amounts due by the employer under this Act or a regulation, notwithstanding any Act to the contrary, any opposition or any express or implied waiver by the employee and without having to justify an assignment of debt of the employee;

(9) intervene in its own name and on behalf of an employee, where such is the case, in proceedings relating to the insolvency of the employer;

(10) intervene at any time in an action relating to the application of this Act, except Chapter III.1, or a regulation;

(11) authorize a mode of payment of wages other than that provided for in section 42;

(12) authorize staggered working hours on a basis other than a weekly basis on the conditions provided for in section 53;

(13) prepare and disseminate information documents on labour standards and make the documents available to any interested person or body, in particular employers and employees;

(14) require an employer to transmit to employees any information document concerning labour standards furnished to the employer by the Commission and to post the document in a prominent place easily accessible to all employees or to disseminate the contents of the document;

(15) where it considers it necessary, indicate to the employer the manner in which the employer is required to transmit, post or disseminate an information document it furnishes to the employer;

(16) send to the competent authority of a State a request for the enforcement of a decision ordering the payment of a sum of money under this Act;

(17) enter into an agreement, in accordance with the applicable legislative provisions, with a government department or body, with another government or an international organization, or with a body of such a government or organization, for the application of this Act and the regulations;

(18) grant financial assistance to support informational, awareness-raising or training initiatives concerning labour standards.

1979, c. 45, s. 39; 1990, c. 73, s. 11; 1994, c. 46, s. 5; 2002, c. 80, s. 6; 2010, c. 21, s. 2; 2018, c. 21, s. 3; 2023, c. 11, s. 1; 2022, c. 22, s. 179.

39.0.0.1. The Commission ensures that decisions rendered outside Québec under an Act having similar objectives to those of this Act are enforced in Québec, provided all of the following conditions are met:

(1) the State in which the decision was rendered is recognized by a government order, on the recommendation of the Minister of Labour and, as applicable, the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, as having legislation substantially similar to this Act and as offering reciprocity in the enforcement of decisions concerning employment standards;

(2) a request to that effect is made to the Commission by the competent authority of the State concerned, accompanied by a certified copy of the decision and a certificate attesting that the decision is no longer subject to ordinary redress and is final or enforceable, and by the address and other contact information for the Québec residence, domicile, business establishment, head office or office of the employer concerned and, if applicable, of the other debtors subject to the decision;

(3) the decision orders the payment of a sum of money and is, in the opinion of the Commission, consistent with public order.

2010, c. 21, s. 3.

39.0.0.2. On receipt of a request that meets the requirements of section 39.0.0.1, the Commission files the certified copy of the decision, together with the certificate, with the office of the Superior Court in the district where the residence, domicile, business establishment, head office or office of the employer or another debtor concerned is situated.

As of the date of its filing with the office of the Superior Court, the decision is equivalent to a judgment rendered by that court and has all the effects of such a judgment.

2010, c. 21, s. 3.

39.0.0.3. The employer or another debtor concerned may, in accordance with the Code of Civil Procedure (chapter C-25.01), oppose enforcement of the decision on any ground set out in that Code or in paragraphs 1 to 5 of article 3155 of the Civil Code.

2010, c. 21, s. 3; I.N. 2016-01-01 (NCCP).

CHAPTER III.0.1

LABOUR STANDARDS ADVISORY COMMITTEE

2015, c. 15, s. 179.

39.0.0.4. The Minister shall, by an order published in the *Gazette officielle du Québec*, create a labour standards advisory committee whose role is to provide its opinion on any matter that the Minister or the Commission submits to it concerning the carrying out of this Act.

The advisory committee is composed of the number of members determined by the ministerial order, including at least one person from each of the following groups:

(1) non-unionized employees;

(2) unionized employees;

(3) employers from the big business sector;

(4) employers from the small and medium-sized business sector;

(5) employers from the cooperative sector;

(6) women;

(7) young people;

(8) families; and

(9) cultural communities.

The members are appointed after consultation with bodies that, in the Minister's view, are representative of those groups.

The ministerial order may specify how the advisory committee is to carry out its consultations and set out the committee's operating rules.

2015, c. 15, s. 179.

39.0.0.5. Meetings of the advisory committee are called and chaired by the vice-chairman who is responsible for matters relating to this Act. The Commission shall assume the secretarial work for the committee. The secretary designated by the Commission shall see to the preparation and conservation of the minutes and opinions of the committee.

2015, c. 15, s. 179.

39.0.0.6. The members of the committee receive no remuneration except in the cases, on the conditions and to the extent determined in the ministerial order. However, they are entitled to be reimbursed for expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the ministerial order.

2015, c. 15, s. 179.

39.0.0.7. The Commission shall seek the advisory committee's opinion

(1) on any regulation it intends to make under this Act;

(2) on any tools it intends to propose in order to facilitate the application of this Act;

(3) on any problems encountered in the application of this Act that it identifies; and

(4) on any other matter that it sees fit to submit to the committee or that the Minister determines.

The advisory committee's opinions are not binding on the Commission.

2015, c. 15, s. 179.

CHAPTER III.1

CONTRIBUTIONS

1994, c. 46, s. 6.

DIVISION I

INTERPRETATION

1994, c. 46, s. 6.

39.0.1. In this chapter, unless the context indicates otherwise,

"employer subject to contribution" means any person who pays a remuneration subject to contribution, except the following entities:

(1) *(paragraph repealed);*

(2) *(paragraph repealed);*

(3) *(paragraph repealed);*

(3.1) *(paragraph repealed);*

(4) *(paragraph repealed);*

(5) *(paragraph repealed);*

(6) *fabriques*;

(7) corporations of trustees for the erection of churches;

(8) charitable institutions or bodies whose object is to assist, gratuitously and directly, natural persons in need;

(9) religious institutions;

(10) *(paragraph repealed);*

(11) *(paragraph repealed);*

(12) *(paragraph repealed);*

(13) *(paragraph repealed);*

(14) *(paragraph repealed);*

(15) *(paragraph repealed);*

(15.1) *(paragraph repealed);*

(16) *(paragraph repealed);*

(17) an international governmental organization whose head office is in Québec;

"remuneration" means, if the employee is an employee within the meaning of section 1 of the Taxation Act (chapter I-3), the employee's base wages, within the meaning of section 1159.1 of that Act, and, if the

employee is not such an employee, the employee's wages. The expression also includes amounts paid as indemnity in lieu of notice and upon termination of a contract of employment;

"remuneration subject to contribution" means remuneration paid to an employee except

(1) remuneration paid to an employee under the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

(2) remuneration paid to a domestic;

(2.1) remuneration paid to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer;

(3) remuneration paid by an employer governed by a decree in respect of remuneration subject to contribution by a parity committee;

(4) remuneration paid by an institution, a regional council or a foster family respectively referred to in subparagraphs *a*, *f* and *o* of the first paragraph of section 1 of the Act respecting health services and social services for Cree Native persons (chapter S-5), proportionately to the amounts of money they receive under that Act;

(5) remuneration paid by an institution, an agency or a family-type resource referred to in the Act respecting health services and social services (chapter S-4.2), proportionately to the amounts of money they receive under that Act;

(6) 50% of the remuneration earned by an employee with the help of a truck, tractor, loader, skidder or other heavy equipment of the same nature, furnished by the employee and at the employee's own expense;

(7) the amount by which the total remuneration paid to an employee for the year or the amount determined under paragraph 6 where it applies in respect of the employee exceeds an amount equal to the Maximum Yearly Insurable Earnings determined for the year under section 66 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(8) remuneration paid to an employee wholly exempt from the application of this Act under section 3.

For the purposes of this chapter, the following rules apply:

(1) any reference in this chapter to wages, remuneration or remuneration subject to contribution that an employer pays or has paid is a reference to wages, remuneration or remuneration subject to contribution that the employer pays, allocates, grants or awards or has paid, allocated, granted or awarded;

(2) an employee is deemed to work in Québec when the establishment of the employer where the employee reports for work is situated in Québec or, if the employee is not required to report for work at an establishment of the employer, when the establishment of the employer from which the employee receives their remuneration is situated in Québec. The word "establishment" includes an establishment within the meaning of Chapter III of Title II of Book I of Part I of the Taxation Act;

(3) an employee who reports for work at an establishment of the employer,

(a) in respect of remuneration subject to contribution that is not described in subparagraph *b*, means an employee who reports for work at that establishment for their regular pay period to which the remuneration subject to contribution relates; and

(b) in respect of remuneration subject to contribution that is paid as a premium, an increase with retroactive effect or a vacation pay, that is paid to a trustee or custodian in respect of the employee or that does not relate to a regular pay period of the employee, means an employee who ordinarily reports for work at that establishment;

(4) where, during a regular pay period of an employee, the employee reports for work at an establishment of the employer situated in Québec and at an establishment of the employer situated outside Québec, the employee is deemed for that period, in respect of remuneration subject to contribution that is not described in subparagraph *b* of subparagraph 3,

(a) except where subparagraph *b* applies, to report for work only at the establishment situated in Québec;

(b) to report for work only at the establishment situated outside Québec where, during that period, the employee reports for work mainly at such an establishment of the employer;

(5) where an employee ordinarily reports for work at an establishment of the employer situated in Québec and at an establishment of the employer situated outside Québec, the employee is deemed, in respect of remuneration subject to contribution described in subparagraph *b* of subparagraph 3, to ordinarily report for work only at the establishment situated in Québec;

(6) where an employee is not required to report for work at an establishment of the employer and where the employee's remuneration is not paid from such an establishment situated in Québec, that employee is deemed to report for work at an establishment of the employer situated in Québec for a pay period if, in reference to the place where the employee mainly reports for work, the place where the employee mainly performs their duties, the employee's principal place of residence, the establishment from which the employee is supervised, the nature of the duties performed by the employee or any other similar criterion, it may reasonably be considered that the employee for that pay period is an employee of that establishment;

(7) where an employee of an establishment, situated elsewhere than in Québec, of an employer supplies a service in Québec to another employer that is not the employer of the employee, or for the benefit of such other employer, an amount that may reasonably be considered to be the remuneration earned by the employee to supply the service is deemed to be remuneration paid by the other employer, in the pay period during which the remuneration is paid to the employee, to an employee of the other employer who reports for work at an establishment of that other employer situated in Québec where

(a) at the time the service is supplied, the other employer has an establishment situated in Québec;

(b) the service supplied by the employee

i. is performed by the employee in the ordinary performance of their duties with the employer,

ii. is supplied to or for the benefit of the other employer in the course of regular and ongoing activities of an enterprise carried on by that other employer, and

iii. is in the nature of the services supplied by employees of employers carrying on the same type of enterprise as the enterprise referred to in subparagraph ii; and

(c) the amount is not otherwise included in remuneration subject to contribution paid by the other employer that is determined for the purposes of this chapter;

(8) subparagraph 7 does not apply in respect of a pay period of any other employer referred to therein if the Minister of Revenue is of the opinion that a reduction in the contribution payable under this chapter by the employers referred to in that subparagraph 7 is not one of the objectives or anticipated results arising from the making or maintaining in force of

(a) the agreement pursuant to which the service is supplied by the employee referred to in that subparagraph 7 to or for the benefit of the other employer; or

(b) any other agreement affecting the amount of remuneration subject to contribution paid by the other employer in the pay period for the purposes of this chapter and where the Minister of Revenue considers the agreement to be related to the agreement for the supply of services referred to in subparagraph *a*.

1994, c. 46, s. 6; 1995, c. 63, s. 280; 1996, c. 2, s. 744; 1997, c. 85, s. 362; 1999, c. 40, s. 196; 2000, c. 8, s. 242; 2000, c. 56, s. 218; 2002, c. 9, s. 144; 2002, c. 75, s. 33; 2002, c. 80, s. 7; 2003, c. 2, s. 303; 2002, c. 80, s. 7; 2005, c. 32, s. 308; 2005, c. 38, s. 347; 2007, c. 3, s. 72; 2010, c. 31, s. 148; 2017, c. 29, s. 225; 2020, c. 1, s. 290; 2021, c. 27, s. 235; 2022, c. 22, s. 179.

DIVISION II

CONTRIBUTIONS AND PAYMENTS

1994, c. 46, s. 6.

39.0.2. Every employer subject to contribution shall, in respect of a calendar year, pay to the Minister of Revenue a contribution equal to the product obtained by multiplying by the rate fixed by regulation made under paragraph 7 of section 29 the remuneration subject to contribution paid by the employer in the year and the remuneration the employer is deemed to pay in respect of the year to or in respect of the employer's employee working in Québec.

Every employer subject to contribution who would be governed by a decree referred to in the third paragraph, had the decree not expired, shall, in respect of a calendar year, pay to the Minister of Revenue a supplementary contribution equal to the product obtained by multiplying, by the rate fixed for that purpose by a regulation under paragraph 7 of section 29, that portion of any amount referred to in the first paragraph on which the employer is required to pay the contribution provided for therein and which, had the decree not expired, would come under paragraph 3 of the definition of "remuneration subject to contribution" in the first paragraph of section 39.0.1.

The decrees referred to in the second paragraph are

(1) the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r.11);

(2) the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26);

(3) the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27);

(4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

For the purposes of this chapter, the contribution of an employer subject to contribution means the contribution payable under the first paragraph and, where applicable, the contribution payable under the second paragraph.

1994, c. 46, s. 6; 1997, c. 85, s. 363; 1999, c. 57, s. 2; 2005, c. 38, s. 348.

39.0.3. Payment to the Minister of Revenue of the contribution provided for in section 39.0.2 in respect of a calendar year shall be made on or before the day on which the employer subject to contribution must file the return provided for in Title XL of the Regulation respecting the Taxation Act (chapter I-3, r. 1) in respect of the payments required under section 1015 of the Taxation Act (chapter I-3) in relation to the wages paid by him in that year.

The employer shall forward his payment to the Minister of Revenue, together with the prescribed form.

1994, c. 46, s. 6; 1997, c. 14, s. 313; 2009, c. 15, s. 474.

39.0.4. An employer subject to contribution shall file each year a statement in prescribed form in respect of all remuneration subject to contribution on which he is required to pay a contribution under section 39.0.2.

Title XL of the Regulation respecting the Taxation Act (chapter I-3, r. 1), with the necessary modifications, applies to the statement.

1994, c. 46, s. 6; 1995, c. 63, s. 282; 2009, c. 15, s. 475.

DIVISION III

MISCELLANEOUS PROVISIONS

1994, c. 46, s. 6.

39.0.5. The Minister of Revenue shall remit, each year, to the Commission the sums he is required to collect as contribution under section 39.0.2, after deduction of the refunds and collection expenses agreed upon.

1994, c. 46, s. 6.

39.0.6. This chapter constitutes a fiscal law within the meaning of the Tax Administration Act (chapter A-6.002).

The provisions applicable under this section take precedence over the provisions of sections 115 and 144 of this Act.

1994, c. 46, s. 6; 2010, c. 31, s. 175.

CHAPTER IV

LABOUR STANDARDS

DIVISION I

WAGES

39.1. *(Repealed).*

1990, c. 73, s. 12; 1999, c. 40, s. 196; 2002, c. 6, s. 236; 2002, c. 80, s. 8.

40. The minimum wage payable to an employee shall be determined by regulation of the Government.

An employee is entitled to be paid a wage that is at least equivalent to the minimum wage.

1979, c. 45, s. 40; 2002, c. 80, s. 9.

40.1. *(Repealed).*

1997, c. 20, s. 15; 2007, c. 3, s. 64.

41. No benefit having pecuniary value may be taken into account in computing the minimum wage.

1979, c. 45, s. 41.

41.1. No employer may remunerate an employee at a lower rate of wage than that granted to his other employees performing the same tasks in the same establishment solely because of the employee's employment status, and in particular because the employee usually works fewer hours each week.

1990, c. 73, s. 13; 2018, c. 21, s. 4.

41.2. No personnel placement agency may remunerate an employee at a lower rate of wage than that granted to the employees of the client enterprise who perform the same tasks in the same establishment solely because of the employee's employment status, and in particular because the employee is remunerated by such an agency or usually works fewer hours each week.

2018, c. 21, s. 5.

42. Wages must be paid in cash in a sealed envelope, by cheque or by bank transfer.

An employee is deemed not to have received payment of the wages due to the employee if the cheque delivered to the employee is not cashable within the two working days following its issue.

1979, c. 45, s. 42; 1980, c. 5, s. 2; 2018, c. 21, s. 6; 2022, c. 22, s. 179.

43. Wages must be paid at regular intervals of not over sixteen days, or one month in the case of managerial personnel or of workers contemplated in subparagraphs i, ii, and iii of paragraph 10 of section 1. However, any amount in excess of the regular wages, such as a bonus or premium for overtime, earned during the week preceding payment of the wages may be paid with the subsequent regular payment or, where that is the case, at the time prescribed by a particular provision of a collective agreement or decree.

Notwithstanding the first paragraph, an employer may pay an employee within one month following the commencement of their employment.

1979, c. 45, s. 43; 1990, c. 73, s. 14, s. 66; 2022, c. 22, s. 179.

44. The wages of an employee must be paid directly to the employee, at the employee's place of employment and on a working day, except where the payment is made by bank transfer or is sent by mail.

The wages of an employee may also, at the employee's written request, be remitted to a third person.

1979, c. 45, s. 44; 2022, c. 22, s. 179.

45. If the usual day of payment of wages falls on a general statutory holiday, the wages are paid to the employee on the working day preceding that day.

1979, c. 45, s. 45.

46. The employer must remit to the employee, together with their wages, a pay sheet containing sufficient information to enable the employee to verify the computation of their wages. That pay sheet must include, in particular, the following information, where applicable:

(1) the name of the employer;

(2) the name of the employee;

(3) the identification of the employee's occupation;

(4) the date of the payment and the work period corresponding to the payment;

(5) the number of hours paid at the prevailing rate;

(6) the number of hours of overtime paid or replaced by a leave with the applicable premium;

(7) the nature and amount of the bonuses, indemnities, allowances or commissions that are being paid;

(8) the wage rate;

(9) the amount of wages before deductions;

(10) the nature and amount of the deductions effected;

(11) the amount of the net wages paid to the employee;

(12) the amount of the tips reported by the employee pursuant to section 1019.4 of the Taxation Act (chapter I-3);

(13) the amount of the tips he has attributed to the employee under section 42.11 of the Taxation Act.

The Government, by regulation, may require any other particular it deems pertinent. It may also exempt a category of employers from the application of any of the above particulars.

1979, c. 45, s. 46; 1983, c. 43, s. 10; 1990, c. 73, s. 15; 1997, c. 85, s. 364; 2022, c. 22, s. 179.

47. No signing formality other than that establishing that the sum remitted to the employee corresponds to the amount of net wages indicated on the pay sheet may be required upon payment of the wages.

1979, c. 45, s. 47.

48. Acceptance of a pay sheet by an employee does not entail the employee's renunciation of the payment of all or part of the wages that are due to the employee.

1979, c. 45, s. 48; 2022, c. 22, s. 179.

49. No employer may make deductions from wages unless he is required to do so pursuant to an Act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.

1979, c. 45, s. 49; 1989, c. 38, s. 274; 2002, c. 80, s. 10.

50. Any gratuity or tip paid directly or indirectly by a patron to an employee who provided the service belongs to the employee of right and must not be mingled with the wages that are otherwise due to the employee. The employer must pay at least the prescribed minimum wage to the employee without taking into account any gratuities or tips the employee receives.

Any gratuity or tip collected by the employer shall be remitted in full to the employee who rendered the service. The words gratuity and tip include service charges added to the patron’s bill but do not include any administrative costs added to the bill.

The employer may not impose an arrangement to share gratuities or a tip-sharing arrangement. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tip-sharing arrangement. Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips.

However, an indemnity provided for in any of sections 58, 62, 74, 76, 79.7, 79.16, 80, 81, 81.1, 83 and 84.0.13 is computed, in the case of an employee who is an employee referred to in section 42.11 or 1019.4 of

the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1979, c. 45, s. 50; 1983, c. 43, s. 11; 1997, c. 85, s. 365; 2002, c. 80, s. 11; 2018, c. 21, s. 7.

50.1. No employer may require an employee to pay credit card costs.

1997, c. 85, s. 366; 2002, c. 80, s. 12.

50.2. No employer may refuse to receive a written report made pursuant to section 1019.4 of the Taxation Act (chapter I-3).

1997, c. 85, s. 366.

51. The maximum amount that an employer may require for room and board from one of his employees is that which is fixed by regulation of the Government.

1979, c. 45, s. 51.

51.0.1. Notwithstanding section 51, an employer may not require an amount for room and board from a domestic who is housed or takes meals in the employer's residence.

1997, c. 72, s. 4.

51.1. No employer may, directly or indirectly, be reimbursed by an employee for the contribution provided for in Chapter III.1.

1994, c. 46, s. 7.

DIVISION II

HOURS OF WORK

52. For the purposes of computing overtime, the regular workweek is 40 hours except in the cases where it is fixed by regulation of the Government.

1979, c. 45, s. 52; 1997, c. 45, s. 1; 2002, c. 80, s. 13.

53. An employer may, with the authorization of the Commission, stagger the working-hours of his employees on a basis other than a weekly basis, provided that the average of the working-hours is equivalent to the standard provided for in the law or the regulations.

A collective agreement or a decree may provide, on the same conditions, without the authorization provided for under the first paragraph being necessary, for the staggering of working hours on a basis other than a weekly basis.

The employer and the employee may also agree, on the same conditions, on the staggering of working hours on a basis other than a weekly basis, without the authorization provided for in the first paragraph being necessary. In such a case, the following conditions also apply:

(1) the agreement must be evidenced in writing and provide for the staggering of working hours over a maximum period of four weeks;

(2) a work week may not exceed the standard provided for in the law or the regulations by more than 10 hours; and

(3) either the employee or the employer may resiliate the agreement with notice of at least two weeks before the expected end of the staggering period agreed upon.

1979, c. 45, s. 53; 2018, c. 21, s. 8.

54. The number of hours of the regular workweek determined in section 52 does not apply, as regards the computing of overtime hours for the purpose of the increase in the usual hourly wage, to the following employees:

(1) *(subparagraph repealed)*;

(2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization;

(3) the managerial personnel of an undertaking;

(4) an employee who works outside an establishment whose working-hours cannot be controlled;

(5) an employee assigned to canning, packaging and freezing fruit and vegetables during the harvesting period;

(6) an employee of a fishing, fish processing or fish canning industry;

(7) a farm worker;

(8) *(subparagraph repealed)*;

(9) an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer.

However, the Government may, by regulation, prescribe the number of hours it determines as the regular workweek for the categories of employees mentioned in subparagraphs 2, 5 to 7 and 9 of the first paragraph.

1979, c. 45, s. 54; 1986, c. 95, s. 202; 1990, c. 73, s. 16, s. 66; 1999, c. 40, s. 196; 2002, c. 6, s. 236; 2002, c. 80, s. 14.

55. Any work performed in addition to the regular work-week entails a premium of 50% of the prevailing hourly wage paid to the employee except premiums computed on an hourly basis.

Notwithstanding the first paragraph, the employer may, at the request of the employee or in the cases provided for by a collective agreement or decree, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50%.

Subject to a provision of a collective agreement or decree, the leave must be taken during the 12 months following the overtime at a date agreed between the employer and the employee; otherwise the overtime must be paid. However, where the contract of employment is terminated before the employee is able to benefit from the leave, the overtime must be paid at the same time as the last payment of wages.

1979, c. 45, s. 55; 1990, c. 73, s. 17.

56. For the purposes of computing overtime, annual leave and statutory general holidays with pay are counted as days of work.

1979, c. 45, s. 56.

57. An employee is deemed to be at work

(1) while available to the employer at the place of employment and required to wait for work to be assigned;

(2) subject to section 79, during the break periods granted by the employer;

(3) when travel is required by the employer;

(4) during any trial period or training required by the employer.

1979, c. 45, s. 57; 2002, c. 80, s. 15.

58. An employee who reports for work at their place of employment at the express demand of their employer or in the regular course of their employment and who works fewer than three consecutive hours, except in the case of superior force, is entitled, to an indemnity equal to three hours' wages at the prevailing hourly rate except where the application of section 55 entitles the employee to a greater amount.

This provision does not apply in the case where the nature of the work or the conditions of its execution require the employee to be present several times in the same day, for less than three hours each time, such as that of a school crossing guard or a bus driver.

Neither does it apply where the nature of the work or the conditions of execution are such that it is ordinarily completed within a three hour period, such as the work of a school-crossing guard or usher.

1979, c. 45, s. 58; 2022, c. 22, s. 179.

59. *(Repealed).*

1979, c. 45, s. 59; 2002, c. 80, s. 16.

59.0.1. An employee may refuse to work

(1) more than two hours after regular daily working hours or more than 14 working hours per 24 hour period, whichever period is the shortest or, for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24 hour period;

(2) subject to section 53, more than 50 working hours per week or, for an employee working in an isolated area or carrying out work in the James Bay territory, more than 60 working hours per week;

(3) if the employee was not informed at least five days in advance that the employee would be required to work, unless the nature of their duties requires the employee to remain available, the employee is a farm worker, or the employee's services are required within the limits set out in subparagraph 1.

This section does not apply where there is a danger to the life, health or safety of employees or the population, where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force, or if the refusal is inconsistent with the employee's professional code of ethics.

2002, c. 80, s. 17; 2018, c. 21, s. 9; 2022, c. 22, s. 179.

DIVISION III

STATUTORY GENERAL HOLIDAYS AND NON-WORKING DAYS WITH PAY

59.1. This division does not apply to an employee who, under a collective agreement or decree, is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number of days to which employees to whom this division applies are entitled, nor to an employee in the

same establishment who is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number stated in the collective agreement or decree.

However, notwithstanding any provision contrary to the collective agreement or decree, the indemnity for a non-working day with pay shall be computed, in the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1990, c. 73, s. 18; 2002, c. 80, s. 18.

60. The following days are statutory general holidays:

(1) 1 January;

(2) Good Friday or Easter Monday, at the option of the employer;

(3) the Monday preceding 25 May;

(4) 1 July, or 2 July where the 1st falls on a Sunday;

(5) the first Monday in September;

(6) the second Monday in October;

(7) 25 December.

1979, c. 45, s. 60; 1980, c. 5, s. 3; 1990, c. 73, s. 18; 1992, c. 26, s. 10; 1995, c. 16, s. 1; 2002, c. 80, s. 19.

61. *(Repealed).*

1979, c. 45, s. 61; 1990, c. 73, s. 19.

62. For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the 12 complete weeks of pay preceding the week of the holiday.

1979, c. 45, s. 62; 1990, c. 73, s. 20; 2002, c. 80, s. 20.

63. If an employee must work on one of the days indicated in section 60, the employer, in addition to paying to the employee working on that general holiday the wages for the work done, must pay to such employee the indemnity provided for in section 62, or grant the employee a compensatory holiday of one day. In this case, the holiday must be taken within three weeks before or after that day, unless a collective agreement or a decree provides for a longer period.

1979, c. 45, s. 63; 1981, c. 23, s. 55; 2022, c. 22, s. 179.

64. If an employee is on annual leave on one of the holidays contemplated in section 60 or if such a holiday does not coincide with the employee's regular work schedule, the employer shall pay the employee the indemnity provided for in section 62 or grant the employee a compensatory holiday of one day on a date agreed upon between the employer and the employee or fixed by a collective agreement or a decree.

1979, c. 45, s. 64; 2018, c. 21, s. 10; 2022, c. 22, s. 179.

65. To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday.

1979, c. 45, s. 65; 1990, c. 73, s. 21; 2002, c. 80, s. 21.

DIVISION IV

ANNUAL LEAVE WITH PAY

66. The reference year is a period of twelve consecutive months during which an employee progressively acquires entitlement to an annual leave.

That period extends from 1 May of the preceding year to 30 April of the current year unless an agreement or decree fixes a different starting date for that period.

1979, c. 45, s. 66.

67. An employee who, at the end of a reference year, is credited with less than one year of uninterrupted service with the same employer during that period, is entitled to an uninterrupted leave for a duration determined at the rate of one working day for each month of uninterrupted service, for a total leave not exceeding two weeks.

1979, c. 45, s. 67.

68. An employee who, at the end of a reference year, is credited with one year of uninterrupted service with the same employer during that period is entitled to an annual leave of a minimum duration of two consecutive weeks.

1979, c. 45, s. 68; 1990, c. 73, s. 22.

68.1. An employee to whom section 68 applies is also entitled, if the employee applies therefor, to an additional annual leave without pay equal to the number of days required to increase the employee's annual leave to three weeks.

Such additional leave need not follow immediately a leave under section 68 and, notwithstanding sections 71 and 73, it may not be divided, or be replaced by a compensatory indemnity.

1997, c. 10, s. 1; 2022, c. 22, s. 179.

69. An employee who, at the end of a reference year, is credited with three years of uninterrupted service with the same employer is entitled to an annual leave for a minimum duration of three consecutive weeks.

1979, c. 45, s. 69; 1990, c. 73, s. 23; 2018, c. 21, s. 11.

70. The annual leave must be taken within 12 months following the end of the reference year, except where a collective agreement or a decree allows it to be deferred until the following year.

Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the 12 months following the end of a reference year, the employee is absent for any of the reasons set out in section 79.1 or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Similarly, if the employee is a reservist of the Canadian Forces and at the end of the 12 months following the end of a reference year, the employee is absent for one of the reasons set out in section 81.17.1, the employer may either defer the annual leave until the following year or pay the indemnity for that leave.

Notwithstanding any contrary clause of a collective agreement, decree or contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.

1979, c. 45, s. 70; 1980, c. 5, s. 4; 2002, c. 80, s. 22; 2007, c. 36, s. 2; 2008, c. 30, s. 2; 2010, c. 38, s. 4; 2018, c. 21, s. 12.

71. The annual leave may be divided into two periods where so requested by the employee. However, the employer may refuse the request if he closes his establishment for a period equal to or greater than that of the employee's annual leave.

Notwithstanding section 69, any employer who, before 29 March 1995, closed his establishment for the period of annual leave, may divide the annual leave of an employee referred to in that section into two periods, one being the closing period. One of those periods must, however, last for a minimum of two consecutive weeks.

The annual leave may also be divided into more than two periods where so requested by the employee, provided the employer consents thereto.

A leave not exceeding one week shall not be divided.

1979, c. 45, s. 71; 1982, c. 58, s. 57; 1990, c. 73, s. 24; 1995, c. 16, s. 2.

71.1. Notwithstanding sections 68, 69 and 71, a collective agreement or a decree may include a clause providing for, or prohibiting, the division of an annual leave into two or more periods.

1995, c. 16, s. 3.

72. An employee is entitled to know the date of their annual leave at least four weeks in advance.

1979, c. 45, s. 72; 2022, c. 22, s. 179.

73. Employers are prohibited from replacing a leave contemplated in section 67, 68 or 69 by a compensatory indemnity, unless a special provision is contained in a collective agreement or decree.

At the request of the employee, the third week of leave may, however, be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave.

1979, c. 45, s. 73; 1982, c. 58, s. 58.

74. The indemnity relating to the annual leave of the employee contemplated in sections 67 and 68 is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee contemplated in section 69, the indemnity is equal to 6% of the gross wages of the employee during the reference year.

Should an employee be absent for any of the reasons listed in the first paragraph of section 79.1 or if the employee took the leave provided for in section 81.2 or 81.4 during the reference year and should that absence result in the reduction of that employee's annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to twice or three times the weekly average of the wage earned during the period of work. An employee contemplated in section 67 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to the employee's account.

The Government may, by regulation, determine a higher indemnity than that provided for in this section for an employee who took the leave provided for in section 81.2 or 81.4.

Notwithstanding the second and third paragraphs, the annual leave indemnity shall not exceed the indemnity to which the employee would have been entitled if the employee had not been absent or on leave owing to a reason mentioned in the second paragraph.

1979, c. 45, s. 74; 1980, c. 5, s. 5; 1983, c. 22, s. 103; 1990, c. 73, s. 25, s. 71; 2002, c. 80, s. 23; 2007, c. 36, s. 3; 2010, c. 38, s. 5; 2018, c. 21, s. 13; 2022, c. 22, s. 153.

74.1. No employer may reduce the annual leave of an employee referred to in section 41.1, or change the way in which the indemnity pertaining to it is computed, in comparison with what is granted to his other employees performing the same tasks in the same establishment, solely because of the employee's employment status, and in particular because the employee usually works fewer hours each week.

1990, c. 73, s. 26; 2018, c. 21, s. 14.

75. Subject to a provision of a collective agreement or decree, the indemnity pertaining to the annual leave of an employee must be paid to the employee in a lump sum before the beginning of the leave or in the manner applicable for the regular payment of the employee's wages.

However, where it is warranted by the seasonal or otherwise intermittent activities of an employer, the indemnity may be added to the employee's wages and be paid in the same manner.

1979, c. 45, s. 75; 1990, c. 73, s. 27; 2002, c. 80, s. 24; 2018, c. 21, s. 15; 2022, c. 22, s. 179.

76. If a contract of employment is cancelled before the employee is able to benefit by all the days of leave to which the employee is entitled, the employee shall receive, in addition to the compensatory indemnity determined in accordance with section 74 and attaching to the fraction of the leave that the employee did not enjoy, an indemnity equal to 4% or 6%, as the case may be, of the gross wages earned during the current reference year.

1979, c. 45, s. 76; 2022, c. 22, s. 179.

77. Sections 66 to 76 do not apply to the following persons:

(1) *(subparagraph repealed);*

(2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization;

(3) the holder of a broker's licence issued under the Real Estate Brokerage Act (chapter C-73.2), remunerated entirely by commission;

(4) a representative of a dealer or adviser within the meaning of section 56 of the Derivatives Act (chapter I-14.01) or of section 149 of the Securities Act (chapter V-1.1), entirely remunerated by commission;

(5) a representative within the meaning of the Act respecting the distribution of financial products and services (chapter D-9.2) remunerated entirely by commission;

(6) *(subparagraph repealed)*;

(7) a trainee within the framework of a vocational training program recognized by law.

However, the Government may, by regulation, render all or some of the provisions of sections 66 to 76 applicable to the employees described in subparagraph 2 of the first paragraph.

1979, c. 45, s. 77; 1980, c. 5, s. 6; 1982, c. 58, s. 59; 1986, c. 95, s. 203; 1990, c. 73, s. 28; 1989, c. 48, s. 251; 1991, c. 37, s. 173; 1998, c. 37, s. 529; 2002, c. 80, s. 25; 2009, c. 58, s. 89; 2018, c. 23, s. 778.

DIVISION V

REST PERIODS

1990, c. 73, s. 29.

78. Subject to the application of paragraph 12 of section 39 or of section 53, an employee is entitled to a weekly minimum rest period of 32 consecutive hours.

In the case of a farm worker, that day of rest may be postponed to the following week if the employee consents thereto.

1979, c. 45, s. 78; 2002, c. 80, s. 26.

79. Unless otherwise provided in a collective agreement or a decree, the employer must grant to an employee a rest period of thirty minutes, without pay, for meals, for a period of five consecutive hours of work.

That period shall be remunerated if the employee is not authorized to leave their work station.

1979, c. 45, s. 79; 2022, c. 22, s. 179.

DIVISION V.0.1

ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION, AN ACCIDENT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE OR A CRIMINAL OFFENCE

2002, c. 80, s. 27; 2007, c. 36, s. 4; 2010, c. 38, s. 6; 2018, c. 21, s. 16.

79.1. An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months, owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

However, an employee may be absent from work for a period of not more than 104 weeks if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold their regular position. In that case, the period of absence shall not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and shall not end later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

2002, c. 80, s. 27; 2007, c. 36, s. 5; 2010, c. 38, s. 7; 2018, c. 21, s. 17; 2022, c. 22, s. 179.

79.1.1. The second paragraph of section 79.1 applies if it may be inferred from the circumstances of the event that the employee's serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

2007, c. 36, s. 6.

79.1.2. The second paragraph of section 79.1 applies if the employee suffered the injury

(1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence.

2007, c. 36, s. 6.

79.2. An employee must advise the employer as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee furnish a document attesting to those reasons.

During a period of absence under the second paragraph of section 79.1, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

2002, c. 80, s. 27; 2007, c. 36, s. 7; 2018, c. 21, s. 18.

79.3. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during a period of absence.

2002, c. 80, s. 27; 2007, c. 36, s. 8.

79.4. At the end of the period of absence, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause.

2002, c. 80, s. 27; 2007, c. 36, s. 9; 2018, c. 21, s. 19.

79.5. If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

2002, c. 80, s. 27.

79.6. This division shall not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

2002, c. 80, s. 27.

DIVISION V.1

FAMILY OR PARENTAL LEAVE AND ABSENCES

1990, c. 73, s. 30; 2002, c. 80, s. 28.

79.6.1. For the purposes of sections 79.7 to 79.8.1, "relative" means, in addition to the employee's spouse, the child, father, mother, or one of the parents, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children and their children's spouses.

The following are also considered to be an employee's relative for the purposes of those sections:

(1) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(2) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(3) a tutor of the employee or the employee's spouse or a person under the tutorship of the employee or the employee's spouse;

(4) an incapable person having designated the employee or the employee's spouse as mandatary; and

(5) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health.

2018, c. 21, s. 20; 2020, c. 11, s. 254; 2022, c. 22, s. 154.

79.7. An employee may be absent from work for 10 days per year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

The leave may be divided into days. A day may also be divided if the employer consents thereto.

If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.

The employee must advise the employer of the employee's absence as soon as possible and take the reasonable steps within the employee's power to limit the leave and the duration of the leave.

The first two days taken annually shall be remunerated according to the calculation formula described in section 62, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even if the employee was absent previously.

2002, c. 80, s. 29; 2018, c. 21, s. 21; 2022, c. 22, s. 155.

79.8. An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof.

2002, c. 80, s. 29; 2005, c. 13, s. 82; 2007, c. 36, s. 10; 2018, c. 21, s. 22; 2022, c. 22, s. 156.

79.8.1. An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than the employee's minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.

2018, c. 21, s. 23; 2022, c. 22, s. 157.

79.9. An employee is entitled to an extension of the period of absence under the first paragraph of section 79.8, which shall end not later than 104 weeks after the beginning of that period, if the employee must stay with their minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.

2007, c. 36, s. 11; 2022, c. 22, s. 179.

79.10. An employee may be absent from work for a period of not more than 104 weeks if the employee's minor child has disappeared. If the child is found before the expiry of the period of absence, that period shall end on the eleventh day that follows the day on which the child is found.

2007, c. 36, s. 11; 2018, c. 21, s. 24.

79.10.1. An employee may be absent from work for a period of not more than 104 weeks by reason of the death of the employee's minor child.

2018, c. 21, s. 25.

79.11. An employee may be absent from work for a period of not more than 104 weeks if the employee's spouse, child of full age, father, mother or one of the employee's parents commits suicide.

2007, c. 36, s. 11; 2018, c. 21, s. 26; 2022, c. 22, s. 158.

79.12. An employee may be absent from work for a period of not more than 104 weeks if the death of the employee's spouse or child of full age occurs during or results directly from a criminal offence.

2007, c. 36, s. 11; 2018, c. 21, s. 27.

79.13. Sections 79.9, 79.10, 79.11 and 79.12 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of these provisions if it may be inferred from the circumstances that the employee or, in the case of section 79.12, the deceased person was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

2007, c. 36, s. 11; 2018, c. 21, s. 28.

79.14. Sections 79.9 and 79.12 apply if the injury or death occurs in one of the situations described in section 79.1.2.

2007, c. 36, s. 11.

79.15. A period of absence under sections 79.9 to 79.12 shall not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and shall not end later than 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

If, during the same 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, the maximum period of absence for those two events may not exceed 104 weeks from the date of the first event.

2007, c. 36, s. 11; 2018, c. 21, s. 29.

79.16. Section 79.2, the first paragraph of section 79.3 and sections 79.4, 79.5 and 79.6 apply to periods of absence under sections 79.8 to 79.12, with the necessary modifications.

The right provided for in the fifth paragraph of section 79.7 applies in the same manner to absences authorized under section 79.1. However, the employer is not required to pay remuneration for more than two days of absence during the same year, when the employee is absent from work for any of the reasons set out in those sections.

2007, c. 36, s. 11; 2018, c. 21, s. 30.

80. An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of the employee's spouse or child, the child of the employee's spouse, the employee's brother, sister, father, mother or one of the employee's parents. The employee may also be absent from work, without pay, for three more days on such occasion.

1979, c. 45, s. 80; 1990, c. 73, s. 31; 2002, c. 6, s. 236; 2002, c. 80, s. 30; 2018, c. 21, s. 31; 2022, c. 22, s. 159.

80.1. An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law, daughter-in-law, one of the employee's grandparents or grandchildren, or of a brother, a sister, the father, the mother or one of the parents of the employee's spouse.

1990, c. 73, s. 32; 2002, c. 6, s. 236; 2022, c. 22, s. 160.

80.2. In the circumstances referred to in section 80 or 80.1, the employee must advise the employer of their absence as soon as possible.

1990, c. 73, s. 32; 2022, c. 22, s. 179.

81. An employee may be absent from work for one day without reduction of wages, on the day of the employee's wedding or civil union.

An employee may also be absent from work, without pay, on the day of the wedding or civil union of the employee's child, brother, sister, father, mother, or of one of the employee's parents, or of a child of the employee's spouse.

The employee must advise the employer of such an absence not less than one week in advance.

1979, c. 45, s. 81; 1990, c. 73, s. 33; 2002, c. 6, s. 145; 2022, c. 22, s. 161.

81.1. An employee may be absent from work for five days at the birth of the employee's child, including a child born in the context of a surrogacy project, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence shall be remunerated.

The employee who gave birth to a child in the context of a surrogacy project is entitled to the leave provided for in the first paragraph.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother or of one of his parents or, if applicable, after the termination of pregnancy. In the case of a surrogacy project, the 15-day period applies, for the employee who gave birth to the child, from the birth of the child and, for the employee who is a party to the parental project involving surrogacy, from the moment the child was entrusted to the employee.

The employee must advise the employer of such an absence as soon as possible.

1990, c. 73, s. 34; 2002, c. 6, s. 236; 2002, c. 80, s. 31; 2005, c. 13, s. 83; 2018, c. 21, s. 32; 2023, c. 13, s. 56.

81.2. An employee is entitled to a paternity leave or leave for the non-birthing parent of not more than five consecutive weeks, without pay, on the birth of the employee's child, including a child born in the context of a parental project involving surrogacy.

An employee who adopts a child is entitled to the leave provided for in the first paragraph in connection with that adoption.

The leave shall not begin before the week of the birth of the child or, in the case of a parental project involving surrogacy or of an adoption procedure, the week the child is entrusted to the employee or the week the employee leaves work to travel outside Québec to be entrusted with the child. The leave shall not end later than 78 weeks after the week of the birth or, in the case of an adoption or a parental project involving surrogacy, 78 weeks after the week the child is entrusted to the employee.

1990, c. 73, s. 34; 2002, c. 80, s. 32; 2020, c. 23, s. 26; 2023, c. 13, s. 57.

81.2.1. A leave provided for in section 81.2 may be taken after giving written notice of not less than three weeks to the employer, stating the expected date of the leave and that of the return to work.

However, the notice may be shorter if the birth of the child or the moment the child is entrusted to the employee occurs before the expected date of birth or of that moment.

2008, c. 30, s. 3; 2023, c. 13, s. 58.

81.3. An employee may be absent from work without pay for a medical examination related to the employee's pregnancy or for an examination related to the employee's pregnancy carried out by a health professional authorized for that purpose.

The employee shall advise the employer as soon as possible of the time at which the employee will be absent.

1990, c. 73, s. 34; 1999, c. 24, s. 21; 2022, c. 2, s. 38; 2022, c. 22, s. 179.

81.4. A pregnant employee is entitled to a maternity leave or personal leave in connection with pregnancy or delivery without pay of not more than 18 consecutive weeks unless, at the employee's request, the employer consents to a longer leave.

The employee may spread the leave as the employee wishes before or after the expected date of delivery. However, where the leave begins on the week of delivery, that week shall not be taken into account in calculating the maximum period of 18 consecutive weeks.

1990, c. 73, s. 34; 2002, c. 80, s. 33; 2022, c. 22, s. 162.

81.4.1. If the delivery takes place after the expected date, the employee is entitled, after the delivery, to at least two weeks of maternity leave or personal leave in connection with pregnancy or delivery.

2002, c. 80, s. 34; 2022, c. 22, s. 163.

81.5. The leave provided for in section 81.4 shall not begin before the sixteenth week preceding the expected date of delivery and shall not end later than 20 weeks after the week of delivery.

1990, c. 73, s. 34; 2002, c. 80, s. 35; 2005, c. 13, s. 84; 2020, c. 23, s. 27; 2022, c. 22, s. 164.

81.5.1. Where there is a risk of termination of pregnancy or a risk to the health of the mother or the pregnant person or the unborn child, caused by the pregnancy and requiring a work stoppage, the employee is entitled to a special leave, without pay, for the duration indicated in the medical certificate attesting the existing risk and indicating the expected date of delivery.

The leave is, where applicable, deemed to be the leave provided for in section 81.4 from the beginning of the fourth week preceding the expected date of delivery.

2002, c. 80, s. 36; 2022, c. 22, s. 165.

81.5.2. Where there is termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the employee is entitled to a special leave, without pay, for a period of no longer than three weeks, unless a medical certificate attests that the employee needs an extended leave.

If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to the leave provided for in section 81.4. Section 81.5 applies to that leave, with the necessary modifications.

2002, c. 80, s. 36; 2020, c. 23, s. 28; 2022, c. 22, s. 166.

81.5.3. In the case of a termination of pregnancy or a premature birth, the employee must, as soon as possible, give written notice to the employer informing the employer of the event and the expected date of the employee's return to work, accompanied with a medical certificate attesting to the event.

2002, c. 80, s. 36; 2022, c. 22, s. 179.

81.6. The leave provided for in section 81.4 may be taken after giving written notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. The notice must be accompanied with a medical certificate attesting to the pregnancy and the expected date of delivery. Where applicable, the medical certificate may be replaced by a written report signed by a health professional authorized to provide pregnancy care.

The notice may be of less than three weeks if the medical certificate attests that the employee needs to stop working within a shorter time.

1990, c. 73, s. 34; 1999, c. 24, s. 22; 2022, c. 2, s. 39; 2022, c. 22, s. 167.

81.7. *(Repealed).*

1990, c. 73, s. 34; 2002, c. 80, s. 37.

81.8. From the sixth week preceding the expected date of delivery, the employer may, in writing, require a pregnant employee who is still at work to produce a medical certificate attesting that the employee is fit to work.

If the employee refuses or neglects to produce the certificate within eight days, the employer may oblige the employee to take the leave provided for in section 81.4 immediately by sending the employee a written notice to that effect giving reasons.

1990, c. 73, s. 34; 2022, c. 22, s. 168.

81.9. Notwithstanding the notice provided for in section 81.6, the employee may return to work before the expiry of the leave provided for in section 81.4. However, the employer may require a medical certificate

from an employee who returns to work within the two weeks following delivery, attesting to the fact that the employee is fit to work.

1990, c. 73, s. 34; 2002, c. 80, s. 38; 2022, c. 22, s. 169.

81.10. The father and the mother or the parents of a newborn child, including a child born in the context of a parental project involving surrogacy, and a person who adopts a child, are entitled to parental leave without pay of not more than 65 consecutive weeks.

1990, c. 73, s. 34; 1997, c. 10, s. 2; 2002, c. 6, s. 236; 2002, c. 80, s. 39; 2005, c. 13, s. 85; 2020, c. 23, s. 29; 2023, c. 13, s. 59.

81.11. Parental leave may not begin before,

(1) in the case of a birth, the week of the newborn's birth or, if the birth occurs in the context of a parental project involving surrogacy, the week the child is entrusted to the employee who is a party to the project or the week the employee leaves work to travel outside Québec to be entrusted with the child; or

(2) in the case of an adoption, the week the child is entrusted to the employee in accordance with the adoption procedure or the week the employee leaves work to travel outside Québec to be entrusted with the child.

It shall end not later than 85 weeks after the week of the birth or, in the case of an adoption or of a parental project involving surrogacy, 85 weeks after the week the child was entrusted to the employee.

However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of an adoption or of a parental project involving surrogacy, 104 weeks after the week the child was entrusted to the employee.

1990, c. 73, s. 34; 1997, c. 10, s. 3; 2002, c. 80, s. 40; 2020, c. 23, s. 30; 2023, c. 13, s. 60.

81.12. Parental leave may be taken after giving notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. However, the notice may be shorter if the employee must stay with the newborn child, including a child born in the context of a parental project involving surrogacy if the child has been entrusted to the employee, with the newly adopted child or, if applicable, with the mother or the person who gave birth, because of their state of health.

1990, c. 73, s. 34; 2002, c. 80, s. 41; 2023, c. 13, s. 61.

81.13. An employee may return to work before the date stated in the notice given pursuant to section 81.2.1, 81.6 or 81.12, provided the employee has given the employer written notice of not less than three weeks of the new date on which the employee will return to work.

If the employer consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave.

1990, c. 73, s. 34; 2002, c. 80, s. 42; 2008, c. 30, s. 4; 2022, c. 22, s. 179.

81.14. An employee who does not report to work on the date stated in the notice given to the employer is presumed to have resigned.

1990, c. 73, s. 34; 2002, c. 80, s. 43.

81.14.1. At the request of the employee, a leave provided for in section 81.2, 81.4 or 81.10 shall be divided into weeks if the child is hospitalized or if the employee may be absent under section 79.1 or any of sections 79.8 to 79.12, and in the cases, on the conditions, for the duration and within the time prescribed in the by-law.

At the request of the employee and provided the employer consents thereto, the leave provided for in section 81.2 or 81.10 shall be divided into weeks.

2005, c. 13, s. 86; 2007, c. 36, s. 12; 2020, c. 23, s. 31; 2022, c. 22, s. 170.

81.14.2. If the child is hospitalized during the leave taken under section 81.2, 81.4 or 81.10, the leave may be suspended, following an agreement with the employer, to allow the employee to return to work during the hospitalization.

In addition, an employee who, before the expiry date of the leave, sends the employer a notice accompanied by a medical certificate attesting that the state of health of the child or, in the case of the leave taken under section 81.4, that the state of health of the employee requires it, is entitled to an extension of the leave for the duration indicated in the medical certificate.

2005, c. 13, s. 86; 2022, c. 22, s. 171.

81.15. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during a leave provided for in section 81.2, 81.4 or 81.10.

1990, c. 73, s. 34; 2002, c. 80, s. 44; 2022, c. 22, s. 172.

81.15.1. At the end of a leave taken under section 81.2, 81.4 or 81.10, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work.

If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

2002, c. 80, s. 44; 2022, c. 22, s. 173.

81.16. *(Repealed).*

1990, c. 73, s. 34; 2002, c. 80, s. 45.

81.17. Sections 79.5 and 79.6 apply to leaves provided for in sections 81.2, 81.4 and 81.10, with the necessary modifications.

1990, c. 73, s. 34; 2002, c. 80, s. 46; 2022, c. 22, s. 174.

DIVISION V.1.1

ABSENCES OF RESERVISTS EMPLOYEES

2008, c. 30, s. 5.

81.17.1. An employee who is also a reservist of the Canadian Forces may be absent from work, without pay, for one of the following reasons:

(1) if the employee is credited with 12 months of uninterrupted service, to take part in an operation of the Canadian Forces outside Canada, including preparation, training, rest and transportation from the reservist's place of residence and back, for a maximum period of 18 months;

(2) to take part in an operation of the Canadian Forces in Canada whose purpose is to

(a) provide assistance in the case of a major disaster within the meaning of the Civil Protection Act (chapter S-2.3);

(b) aid the civil power, on request of the Attorney General of Québec under the National Defence Act (R.S.C. 1985, c. N-5); or

(c) intervene in any other emergency situation designated by the Government;

(3) to take part in the annual training for the period prescribed by regulation or, if no such period is prescribed, for a period of not more than 15 days; or

(4) to take part in any other operation of the Canadian Forces, in the cases, on the conditions and for the period prescribed by regulation.

The designation of an emergency situation under subparagraph *c* of subparagraph 2 of the first paragraph comes into force on the date set by the Government, which date may be earlier than the date of the designation, and is published in the *Gazette officielle du Québec*.

2008, c. 30, s. 5.

81.17.2. Section 81.17.1 does not apply if the absence of an employee could endanger the life, health or security of other employees or the population or cause the destruction or serious deterioration of certain property or in a case of superior force, or if the absence is inconsistent with the employee's professional code of ethics.

2008, c. 30, s. 5.

81.17.3. To take advantage of the right provided for in section 81.17.1, an employee must give to the employer advance written notice of not less than four weeks of the date on which the absence is to begin, the reason for it and its duration. However, the notice may be shorter for serious cause, in which case the employee must notify the employer as soon as possible.

The employee may return to work before the expected date after giving the employer written notice of not less than three weeks.

2008, c. 30, s. 5.

81.17.4. On request, an employee must provide the employer with any document justifying the employee's absence.

2008, c. 30, s. 5.

81.17.5. An employee who is absent for one of the reasons set out in section 81.17.1 for a period greater than 12 weeks may not be absent again for one of those reasons before the expiry of a period of 12 months from the date of the return to work.

2008, c. 30, s. 5.

81.17.6. Sections 79.4, 79.5 and 79.6 apply to an employee who is absent for one of the reasons set out in section 81.17.1.

2008, c. 30, s. 5.

DIVISION V.2

PSYCHOLOGICAL HARASSMENT

2002, c. 80, s. 47.

81.18. For the purposes of this Act, "psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

2002, c. 80, s. 47; 2018, c. 21, s. 33.

81.19. Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment from any person and, whenever they become aware of such behaviour, to put a stop to it. They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.

2002, c. 80, s. 47; 2018, c. 21, s. 34; 2024, c. 4, s. 18.

81.20. The provisions of sections 81.18, 81.19, 123.15, 123.16 and 123.17, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees under the agreement. The time limit referred to in section 123.7 applies to the recourses and the parties are required to indicate the time limit in the collective agreement.

At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator.

The provisions referred to in the first paragraph, including the provisions of section 123.7, are deemed to form part of the conditions of employment of every employee appointed under the Public Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The Commission de la fonction publique exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act.

The third paragraph also applies to the members and officers of bodies.

2002, c. 80, s. 47; 2024, c. 4, s. 19.

DIVISION VI

NOTICE OF TERMINATION OF EMPLOYMENT OR LAYOFF, AND WORK CERTIFICATE

1990, c. 73, s. 35.

82. The employer must give written notice to an employee before terminating the employee's contract of employment or laying the employee off for six months or more.

The notice shall be of one week if the employee is credited with less than one year of uninterrupted service, two weeks if the employee is credited with one year to five years of uninterrupted service, four weeks if the employee is credited with five years to ten years of uninterrupted service and eight weeks if the employee is credited with ten years or more of uninterrupted service.

A notice of termination of employment given to an employee during the period when the employee is laid off is absolutely null, except in the case of employment that usually lasts for not more than six months each year due to the influence of the seasons.

This section does not deprive an employee of a right granted to the employee under another Act.

1979, c. 45, s. 82; 1980, c. 5, s. 7; 1990, c. 73, s. 36; 1999, c. 40, s. 196; 2022, c. 22, s. 179.

82.1. Section 82 does not apply to an employee

(1) who has less than three months of uninterrupted service;

(2) whose contract for a fixed term or for a specific undertaking expires;

(3) who has committed a serious fault;

(4) for whom the end of the contract of employment or the layoff is a result of superior force.

1990, c. 73, s. 36.

83. An employer who does not give the notice prescribed by section 82, or who gives insufficient notice, must pay the employee a compensatory indemnity equal to the employee's regular wage excluding overtime for a period equal to the period or remaining period of notice to which the employee was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than six months, or at the end of a period of six months after a layoff of indeterminate length, or a layoff expected to last less than six months but which exceeds that period.

The indemnity to be paid to an employee remunerated in whole or in part by commission is established from the average of the employee's weekly wage, calculated from the complete periods of pay in the three months preceding the termination of the employment or the layoff.

1979, c. 45, s. 83; 1990, c. 73, s. 36; 2002, c. 80, s. 48; 2022, c. 22, s. 179.

83.1. In the case of an employee who, under a collective agreement, is entitled to recall privileges for more than six months, the employer is bound to pay the compensatory indemnity only from the first of the following dates:

(1) the expiry of the recall privileges of the employee;

(2) one year after layoff.

An employee referred to in the first paragraph shall not be entitled to the compensatory indemnity

(1) if the employee is recalled before the date on which the employer is bound to pay the indemnity and if subsequently the employee works for a period equal to or longer than that of the notice prescribed by section 82;

(2) if the employee is not recalled owing to superior force.

1990, c. 73, s. 36; 2022, c. 22, s. 179.

83.2. The Government may, by regulation, determine standards which vary from those provided for in sections 82 to 83.1 in respect of employees governed by the Public Service Act (chapter F-3.1.1) who, without being permanent employees, are entitled to recall privileges by virtue of their conditions of employment.

1990, c. 73, s. 36.

84. At the expiry of the contract of employment, an employee may require the employer to issue to the employee a work certificate in which the following information, and only the following information, is set forth: the nature and the duration of their employment, the dates on which the employment began and terminated, and the name and address of the employer. The certificate shall not carry any mention of the quality of the work or the conduct of the employee.

1979, c. 45, s. 84; 2022, c. 22, s. 179.

DIVISION VI.0.1

NOTICE OF COLLECTIVE DISMISSAL

2002, c. 80, s. 49.

84.0.1. The termination of employment by the employer, including a layoff for a period of six months or more, involving not fewer than 10 employees of the same establishment in the course of two consecutive months constitutes a collective dismissal governed by this division.

2002, c. 80, s. 49.

84.0.2. The following employees are not considered to be employees affected by a collective dismissal:

(1) an employee who has less than three months of uninterrupted service;

(2) an employee whose contract for a fixed term or for a specific undertaking expires;

(3) an employee to whom section 83 of the Public Service Act (chapter F-3.1.1) applies;

(4) an employee who has committed a serious fault;

(5) an employee referred to in section 3.

2002, c. 80, s. 49.

84.0.3. This division does not apply

(1) to the layoff of employees for an indeterminate period, but in fact less than six months;

(2) in respect of an establishment whose activities are seasonal or intermittent;

(3) in respect of an establishment affected by a strike or lock-out within the meaning of the Labour Code (chapter C-27).

2002, c. 80, s. 49.

84.0.4. Every employer shall, before making a collective dismissal for technological or economic reasons, give notice to the Minister of Employment and Social Solidarity within the following minimum periods:

(1) Eight weeks, where the number of employees affected by the dismissal is at least equal to 10 and less than 100;

(2) 12 weeks, where the number of employees affected by the dismissal is at least equal to 100 and less than 300;

(3) 16 weeks, where the number of employees affected by the dismissal is at least equal to 300.

An employer that gives the notice referred to in the first paragraph is not exempted from giving the notice required by section 82.

2002, c. 80, s. 49.

84.0.5. In the case of a superior force or where an unforeseeable event prevents an employer from respecting the time periods for giving notice set out in section 84.0.4, the employer shall give the Minister a notice of collective dismissal as soon as the employer is in a position to do so.

2002, c. 80, s. 49.

84.0.6. An employer must transmit a copy of the notice of collective dismissal to the Commission and the certified association representing the employees affected by the dismissal. The employer must post the notice in a conspicuous and readily accessible place in the establishment concerned.

2002, c. 80, s. 49.

84.0.7. The notice of collective dismissal must be transmitted to the Minister at the place determined by regulation and contain the prescribed information.

2002, c. 80, s. 49.

84.0.8. During the time period set out in section 84.0.4, an employer may not change the wages of an employee affected by the collective dismissal or, where applicable, the group insurance and pension plans recognized in the employee's place of employment without the written consent of that employee or the certified association representing the employee.

2002, c. 80, s. 49.

84.0.9. At the request of the Minister, the employer and the certified association or, in the absence of such an association, the representatives chosen by the employees affected by the collective dismissal, must, without delay, participate in the establishment of a reclassification assistance committee and collaborate in carrying out the committee's mission.

The committee shall consist of an equal number of representatives of each party or of the number of representatives agreed on by the parties. Each party has one vote only.

2002, c. 80, s. 49.

84.0.10. The mission of the reclassification assistance committee is to provide the employees affected by the collective dismissal with any form of assistance agreed on by the parties to minimize the impact of the dismissal and facilitate the maintenance or re-entry on the labour market of those employees.

The committee is responsible, in particular, for evaluating the situation and needs of the employees affected by the dismissal, developing a reclassification plan to facilitate the maintenance or re-entry on the labour market of those employees and seeing to the implementation of the plan.

2002, c. 80, s. 49.

84.0.11. The financial contribution of the employer to the operating costs of the reclassification assistance committee and to the reclassification activities shall be agreed on by the employer and the Minister.

Failing an agreement, the financial contribution of the employer shall be an amount determined by regulation of the Government, per employee affected by the collective dismissal.

If the employer fails to make the financial contribution, it may be claimed by the Minister before the competent court.

2002, c. 80, s. 49.

84.0.12. On request, the Minister may, on the conditions the Minister determines, after giving the interested parties an opportunity to present observations, exempt an employer from the application of all or part of the provisions of sections 84.0.9 to 84.0.11, if the employer, in the establishment concerned by the collective dismissal, offers reclassification assistance measures to the employees affected by the dismissal that are equivalent or surpass the measures provided for in this division.

2002, c. 80, s. 49.

84.0.13. An employer who does not give the notice prescribed by section 84.0.4 or who gives insufficient notice must pay to each dismissed employee an indemnity equal to the employee's regular wages, excluding overtime, for a period equal to the time period or remainder of the time period within which the employer was required to give notice.

The indemnity must be paid at the time of the dismissal or at the end of a period of six months after a layoff of indeterminate length or a layoff expected to last less than six months but which exceeds that period.

An employer who is in one of the situations described in section 84.0.5 is, however, not required to pay an indemnity.

2002, c. 80, s. 49.

84.0.14. No employee may cumulate the indemnities provided for in sections 83 and 84.0.13. However, an employee shall receive the greater of the indemnities to which the employee is entitled.

2002, c. 80, s. 49.

84.0.15. Sections 84.0.9 to 84.0.12 do not apply where the number of employees affected by the dismissal is less than 50.

2002, c. 80, s. 49.

DIVISION VI.1

RETIREMENT

1982, c. 12, s. 2.

84.1. An employee is entitled to continue to work notwithstanding the fact that the employee has reached or passed the age or number of years of service at which the employee should retire pursuant to a general law or special Act applicable to the employee, pursuant to the retirement plan to which the employee contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing the employee, or pursuant to the common practice of the employer.

However, and subject to section 122.1, such right does not prevent an employer or his agent from dismissing, suspending or transferring such an employee for good and sufficient cause.

1982, c. 12, s. 2; 2022, c. 22, s. 179.

DIVISION VI.2

WORK PERFORMED BY CHILDREN

1997, c. 72, s. 5; 1999, c. 52, s. 11.

84.2. No employer may have work performed by a child that is disproportionate to the child's capacity, or that is likely to be detrimental to the child's education, health or physical or moral development.

1997, c. 72, s. 5; 1999, c. 52, s. 11.

84.3. No employer may have work performed by a child under the age of 14 years, except in the cases and on the conditions determined by regulation of the Government. In such cases, the employer must obtain the written consent of the holder of parental authority over the child or of the child's tutor using the form established by the Commission.

The form specifies the child's principal tasks, maximum number of hours of work per week and periods of availability. Any modification made to any of those elements must be the subject of new written consent.

The employer must preserve any consent form as if it were an entry required to be made in the registration system or register referred to in paragraph 3 of section 29.

1997, c. 72, s. 5; 1999, c. 52, s. 11; 2023, c. 11, s. 2.

84.4. No employer may have work performed during school hours by a child subject to compulsory school attendance.

In addition, no employer may have work performed by such a child for more than 17 hours per week or for more than 10 hours from Monday to Friday. However, these prohibitions do not apply to any period of more than seven consecutive days during which no educational service is offered to the child.

1999, c. 52, s. 11; 2023, c. 11, s. 3.

84.5. An employer who has work performed by a child subject to compulsory school attendance must ensure that the child's work is scheduled so that the child is able to attend school during school hours.

1999, c. 52, s. 11.

84.6. No employer may have work performed by a child between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance, in the case of newspaper deliveries, or in any other case determined by regulation of the Government.

1999, c. 52, s. 11.

84.7. An employer who has work performed by a child must schedule the work so that, having regard to the location of the child's family residence, the child may be at the family residence between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance or in the cases, circumstances or periods or under the conditions determined by regulation of the Government.

1999, c. 52, s. 11.

DIVISION VII

MISCELLANEOUS OTHER LABOUR STANDARDS

1999, c. 85, s. 1.

85. An employer that requires the wearing of special clothing must supply it free of charge to an employee who is paid the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and must at least be equivalent to the minimum wage that does not apply to a particular class of employees.

The employer cannot require an amount of money from an employee for the purchase, use or upkeep of special clothing if that would cause the employee to receive less than the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act, the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and the amount of money required from the employer cannot be such that the employee receives less than the minimum wage that does not apply to a particular class of employees.

The employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer's establishment. In addition, the employer cannot require an employee to purchase clothing or accessories that are items in the employer's trade.

1979, c. 45, s. 85; 1990, c. 73, s. 37; 2002, c. 80, s. 50.

85.1. Where an employer requires the use of material, equipment, raw materials or merchandise in the performance of a contract, the employer must furnish them free of charge to an employee who is paid the minimum wage.

The employer cannot require an amount of money from an employee for the purchase, use or maintenance of material, equipment, raw materials or merchandise if the payment would cause the employee to receive less than the minimum wage.

The employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.

2002, c. 80, s. 51.

85.2. An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.

2002, c. 80, s. 51.

86. *(Repealed).*

1979, c. 45, s. 86; 2002, c. 80, s. 52.

86.1. An employee is entitled to retain the status of employee where the changes made by the employer to the mode of operation of the enterprise do not change that status into that of a contractor without employee status.

Where the employee is in disagreement with the employer regarding the consequences of the changes on the status of the employee, the employee may file a complaint in writing with the Commission des normes, de l'équité, de la santé et de la sécurité du travail. On receipt of the complaint, the Commission shall make an inquiry and the first paragraph of section 102 and sections 103, 104 and 106 to 110 shall apply, with the necessary modifications.

If the Commission refuses to take action following a complaint, the employee may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

At the end of the inquiry, if the Commission agrees to take action, it shall refer the complaint without delay to the Administrative Labour Tribunal for it to rule on the consequences of the changes on the status of the employee.

The Administrative Labour Tribunal shall render its decision within 60 days of the filing of the complaint at its offices.

2002, c. 80, s. 53; 2015, c. 15, s. 237.

87. The employer must transmit to the employee any information document concerning labour standards furnished by the Commission.

The employer must also, at the request of the Commission and according to its directions, transmit to the employee, post or disseminate any document the Commission furnishes to the employer concerning labour standards.

1979, c. 45, s. 87; 1990, c. 73, s. 38; 2002, c. 80, s. 54.

DIVISION VII.1

DIFFERENCES IN TREATMENT

1999, c. 85, s. 2.

87.1. No agreement or decree may, with respect to a matter covered by a labour standard that is prescribed by Divisions I to V.1, VI and VII of this chapter and is applicable to an employee, operate to apply to the employee, solely on the basis of the employee's hiring date, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.

The same applies in respect of a matter corresponding to any of the matters referred to in the first paragraph where a labour standard pertaining to that matter has been fixed by regulation.

Any distinction made solely on the basis of a hiring date, in relation to pension plans or other employee benefits, that affects employees performing the same tasks in the same establishment is also prohibited.

1999, c. 85, s. 2; 2002, c. 80, s. 55; 2018, c. 21, s. 35.

87.2. A condition of employment based on seniority or years of service does not contravene section 87.1.

1999, c. 85, s. 2.

87.3. The conditions of employment applied to an employee pursuant to a special arrangement for the handicapped and the conditions of employment applied temporarily to an employee following a reclassification or demotion, an amalgamation of enterprises or an internal reorganization in an enterprise shall be disregarded for the purposes of section 87.1.

The wages and wage rules temporarily applied to an employee to prevent the employee from being disadvantaged owing to the employee's integration into a new wage rate, a wage scale whose range has been modified or a new wage scale shall also be disregarded, provided that

(1) the wage rate or wage scale is established to be applicable, subject to the situations referred to in the first paragraph, to all employees performing the same tasks in the same establishment; and

(2) the difference between the wage applied to the employee and the rate or scale established to be applicable to all such employees is progressively eliminated within a reasonable period of time.

1999, c. 85, s. 2.

DIVISION VIII

REGULATIONS

88. The Government may make regulations exempting such category or categories of employees as it may designate from the whole or a part of the application of Division I of Chapter IV, for such time and on such conditions as it may fix, namely, managerial personnel, employees on commission, employees engaged in logging operations, saw mills and public works, caretakers, employees who receive gratuities or tips, employees contemplated by subparagraphs i, ii and iii of paragraph 10 of section 1, students employed in a vacation camp or in a social or community non-profit organization, such as a recreational organization, and trainees under a program of vocational training or induction recognized by law.

The Government may also, as the case may be, fix standards different from those provided in Division I of Chapter IV for the employees contemplated in the first paragraph.

1979, c. 45, s. 88; 1990, c. 73, s. 39, s. 66; 2002, c. 80, s. 56.

89. The Government, by regulation, may fix labour standards respecting the following matters:

(1) the minimum wage, which may be established on a time basis, a production basis or any other basis;

(2) pay sheets;

(3) the maximum amount that may be required of an employee for bed and board;

(4) the standard workweek of employees, particularly that of

(a) (subparagraph repealed);

(b) various classes of caretakers;

(c) employees engaged in the retail food trade;

(d) employees engaged in logging operations;

(e) employees working in saw mills;

(f) employees working at public works;

(g) employees working in an isolated area that is inaccessible by motor road and not connected up to the road network of Québec by any regular transport system;

(h) various categories of employees carrying out work in the James Bay territory under the authority of Hydro-Québec, the Société d'énergie de la Baie James or the Société de développement de la Baie James;

(i) the categories of employees listed in subparagraphs 2, 6 and 7 of the first paragraph of section 54;

(5) *(paragraph repealed);*

(6) the other benefits an employee may receive during an absence for any of the reasons provided for in section 79.1 or in connection with a leave provided for in section 81.2, 81.4 or 81.10, which may vary according to the nature of the leave or, where applicable, its length;

(6.1) the cases in which and conditions on which a parental leave may terminate at the latest 104 weeks after the birth or, in the case of an adoption or a parental project involving surrogacy, 104 weeks after the child was entrusted to the employee;

(6.1.1) the other cases, conditions, times and durations prescribed for the division of a leave provided for in section 81.2, 81.4 or 81.10 into weeks;

(6.2) the procedure for transmission of the notice of collective dismissal and the information it must contain;

(6.3) the amount of the employer's financial contribution to the operating costs of the reclassification assistance committee and to the reclassification activities;

(7) *(paragraph repealed)*;

(8) *(paragraph repealed).*

1979, c. 45, s. 89; 1980, c. 11, s. 127; 1981, c. 23, s. 56; 1990, c. 73, s. 40; 2002, c. 80, s. 57; 2005, c. 13, s. 87; 2007, c. 36, s. 13; 2010, c. 38, s. 8; 2018, c. 21, s. 36; 2023, c. 13, s. 62.

89.1. The Government may, by regulation, after consultation with the Commission, determine the cases in which and conditions on which the prohibitions set out in the first paragraph of section 84.3 and in section 84.6 are not applicable.

It may also, in the same manner, determine cases, circumstances, periods or conditions in or under which the obligation imposed by section 84.7 is not applicable.

1997, c. 72, s. 6; 1999, c. 52, s. 12; 2023, c. 11, s. 4.

90. The Government may, by regulation, wholly or partly exempt certain institutions or categories of institutions for physical, mental or social re-education from this Act and the regulations and, as the case may be, fix labour standards applicable to the persons working in them.

1979, c. 45, s. 90; 1990, c. 73, s. 41; 1992, c. 21, s. 375; 2002, c. 80, s. 58.

90.1. The Government may, by regulation, exempt certain categories of employees or employers from the application of Division VI.1 and section 122.1.

A regulation made under the first paragraph may be made to have effect on a date not over six months prior to the date on which it is made.

1982, c. 12, s. 3.

91. The standards contemplated in sections 88 to 90 may vary according to the field of activity and the type of work.

They may also vary according to whether or not an employee resides with the employer.

1979, c. 45, s. 91; 1980, c. 5, s. 8; 1981, c. 23, s. 57; 1990, c. 73, s. 42; 2022, c. 22, s. 179.

92. *(Repealed).*

1979, c. 45, s. 92; 1997, c. 72, s. 7.

DIVISION VIII.1

LABOUR STANDARDS IN THE CLOTHING INDUSTRY

1999, c. 57, s. 3.

92.1. After consulting with the most representative employees' and employers' associations in the clothing industry, the Government may, by regulation, in respect of all employers and employees in the clothing industry that would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, fix labour standards respecting the following matters:

(1) the minimum wage, which may be established on a time basis, a production basis or any other basis;

(2) the standard workweek;

(3) paid statutory general holidays and the indemnity relating to such holidays, which may be established on a production basis or any other basis;

(4) the duration of an employee's annual leave, established according to the employee's uninterrupted service with the same employer, and the division of and indemnity relating to the leave;

(5) the duration of the meal period, with or without pay;

(6) the number of days during which an employee may be absent, with or without pay, for family events referred to in sections 80 and 80.1.

The regulation may also include any provision similar to the provisions appearing in Divisions I to V.1 of Chapter IV in respect of any matter covered by the regulation.

For the purposes of this Act, sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

1999, c. 57, s. 3; 2001, c. 47, s. 1.

92.2. *(Repealed).*

1999, c. 57, s. 3; 2001, c. 47, s. 2.

92.3. The Commission shall establish a specific program for the monitoring of compliance with the labour standards applicable in the clothing industry.

1999, c. 57, s. 3; 2001, c. 47, s. 3.

92.4. *(Repealed).*

1999, c. 57, s. 3; 2001, c. 47, s. 4.

DIVISION VIII.2

PERSONNEL PLACEMENT AND TEMPORARY FOREIGN WORKERS

2018, c. 21, s. 37.

§ 1. — *Placement agencies and recruitment agencies*

2018, c. 21, s. 37.

92.5. No one may operate a personnel placement agency or a recruitment agency for temporary foreign workers unless they hold a licence issued by the Commission, in accordance with a regulation of the Government.

2018, c. 21, s. 37.

92.6. No client enterprise may retain the services of a personnel placement agency or a recruitment agency for temporary foreign workers that does not hold a licence issued by the Commission, in accordance with a regulation of the Government.

The Commission shall make available to the public a list of holders of such licences that it draws up and keeps up to date.

2018, c. 21, s. 37.

92.7. The Government may, by regulation,

(1) define, for the purposes of this Act, what constitutes a personnel placement agency, a recruitment agency for temporary foreign workers, a client enterprise and a temporary foreign worker;

(2) establish categories of licences and determine, for each category, the activities that may be carried on by an agency;

(3) determine any condition of validity of a licence and any restriction or prohibition relating to its issue or maintenance;

(4) prescribe the administrative measures that apply to a licence holder if the obligations under this Act or the regulations are not complied with;

(5) determine the obligations of a personnel placement agency or a recruitment agency for temporary foreign workers and those of a client enterprise that retains the services of such an agency; and

(6) prescribe any other measure to protect the rights of employees to whom this division applies.

2018, c. 21, s. 37; 2023, c. 24, s. 172.

92.7.1. To obtain or maintain a licence, a personnel placement agency or a recruitment agency for temporary foreign workers must hold a valid certificate issued by the Agence du revenu du Québec.

The certificate shows that the agency has filed the returns and reports required under fiscal laws and that it has no overdue amount payable to the Minister of Revenue, in particular where recovery of such an amount has been legally suspended or arrangements have been made to ensure payment of the amount and the agency has not defaulted on the payment arrangements.

The certificate is valid until the end of the three-month period following the month in which it was issued.

An application for a certificate must be made in the manner provided for in section 1079.8.19 of the Taxation Act (chapter I-3).

2021, c. 15, s. 6; 2023, c. 24, s. 173.

92.7.2. The Agence du revenu du Québec shall send the Commission any information required for the purposes of this subdivision.

2021, c. 15, s. 6.

92.8. An agency whose licence application is denied, whose licence is suspended or revoked or on which an administrative measure is imposed under paragraph 4 of section 92.7 may contest the Commission's decision before the Administrative Labour Tribunal within 30 days of notification of the decision.

2018, c. 21, s. 37; 2023, c. 24, s. 174.

§ 2. — *Obligations of a temporary foreign worker's employer*

2018, c. 21, s. 37.

92.9. An employer who hires a temporary foreign worker must, without delay, inform the Commission of the worker's date of arrival, of the term of the contract and, if the departure date does not coincide with the end of the contract, of the departure date and the reasons for the departure.

The employer must in addition record that information in the registration system or register kept by the employer in accordance with the regulation made under section 29.

2018, c. 21, s. 37; 2022, c. 22, s. 179.

92.10. If, following an inquiry, the Commission has grounds to believe that one of the rights of a temporary foreign worker under this Act or a regulation has been violated, the Commission may, even if no complaint is filed and if no settlement is reached, exercise any recourse on behalf of the worker.

2018, c. 21, s. 37.

92.11. No employer may require a temporary foreign worker to entrust custody of personal documents or property to the employer.

2018, c. 21, s. 37.

92.12. No employer may charge a temporary foreign worker fees related to their recruitment, other than fees authorized under a Canadian government program.

2018, c. 21, s. 37; 2022, c. 22, s. 179.

DIVISION IX

EFFECT OF LABOUR STANDARDS

93. Subject to any exception allowed by this Act, the labour standards contained in this Act and the regulations are of public order.

In an agreement or decree, any provision that contravenes a labour standard or that is inferior thereto is absolutely null.

1979, c. 45, s. 93; 1999, c. 40, s. 196.

94. Notwithstanding section 93, an agreement or a decree may grant an employee a more advantageous condition of employment than required in a standard prescribed by this Act or the regulations.

1979, c. 45, s. 94; 1980, c. 5, s. 9.

95. An employer who enters into a contract with a subcontractor, directly or through an intermediary, is solidarily liable with that subcontractor and that intermediary for the pecuniary obligations fixed by this Act or the regulations.

A personnel placement agency and a client enterprise that, within the framework of a contract with the agency, uses an employee's services are solidarily liable for the pecuniary obligations fixed by this Act or the regulations.

1979, c. 45, s. 95; 1994, c. 46, s. 8; 2018, c. 21, s. 38.

96. The alienation or concession of the whole or a part of an undertaking does not invalidate any civil claim arising from the application of this Act or a regulation which is not paid at the time of such alienation or concession. The former employer and the new employer are bound solidarily in respect of that claim.

1979, c. 45, s. 96; 2002, c. 80, s. 59.

97. The alienation or concession in whole or in part of the undertaking, or the modification of its juridical structure, namely by amalgamation, division or otherwise, does not affect the continuity of the application of the labour standards.

1979, c. 45, s. 97.

CHAPTER IV.1

SPECIAL PROVISION APPLICABLE TO VIOLENCE IN THE WORK ENVIRONMENT

2024, c. 4, s. 20.

97.1. To ensure the protection of every person in the work environment, no provision in an agreement or decree may operate to prevent an employer, where the employer imposes a disciplinary measure on an employee for misconduct relating to physical or psychological violence, including sexual violence within the meaning of section 1 of the Act respecting occupational health and safety (chapter S-2.1), from taking into account a disciplinary measure that was previously imposed on the employee for misconduct relating to one of those forms of violence.

2024, c. 4, s. 20.

CHAPTER V

RECOURSES

DIVISION I

CIVIL RECOURSES

98. Where the employer fails to pay to an employee the wage owing to the employee, the Commission, on behalf of that employee, may claim the unpaid wage from that employer.

1979, c. 45, s. 98; 1990, c. 73, s. 43; 2022, c. 22, s. 179.

99. Where the employer fails to pay the other pecuniary benefits resulting from the application of this Act or a regulation, the Commission may claim these benefits on the basis of the usual hourly wage of the

employee and the employee's gratuities or tips declared and attributed under sections 42.11 and 1019.4 of the Taxation Act (chapter I-3).

1979, c. 45, s. 99; 1983, c. 43, s. 12; 2002, c. 80, s. 60; 2022, c. 22, s. 179.

100. *(Repealed).*

1979, c. 45, s. 100; 1990, c. 73, s. 44.

101. Any settlement of a claim between an employer and an employee which involves a reduction of the amount claimed is absolutely null.

1979, c. 45, s. 101; 1999, c. 40, s. 196.

102. Subject to sections 123 and 123.1, an employee who believes that a right conferred on the employee by this Act or a regulation has been violated may file a complaint in writing with the Commission. Such a complaint may also be filed on behalf of an employee who consents thereto in writing by a non-profit organization dedicated to the defence of employees' rights.

If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that the employee has exhausted their recourses arising out of that agreement or that decree, unless the complaint concerns a condition of employment prohibited by section 87.1; in the latter case, the complainant must prove to the Commission that the employee has not exercised such recourses or that, having exercised them, the employee discontinued proceedings before a final decision was rendered.

1979, c. 45, s. 102; 1982, c. 12, s. 4; 1990, c. 73, s. 45; 1999, c. 85, s. 3; 2022, c. 22, ss. 175 and 179.

103. The Commission shall not, during the inquiry, disclose the identity of an employee by or on behalf of whom a complaint has been filed, unless the latter consents to it.

1979, c. 45, s. 103; 1990, c. 73, s. 46.

104. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

1979, c. 45, s. 104.

105. The Commission may also make an inquiry of its own initiative.

1979, c. 45, s. 105.

106. The Commission may refuse to proceed with an inquiry if it finds that the complaint is frivolous or made in bad faith.

1979, c. 45, s. 106.

107. Where the Commission refuses to proceed with an inquiry under section 106 or where it finds that the complaint is groundless, it shall give notice of its decision to the complainant by registered mail, giving the reasons therefor and informing the employee of their right to apply for a review of the decision.

1979, c. 45, s. 107; 1990, c. 73, s. 47; 1992, c. 26, s. 11; I.N. 2016-01-01 (NCCP); 2022, c. 22, s. 179.

107.1. The complainant may, within 30 days of receiving the decision referred to in section 107, apply in writing for a review thereof.

The Commission must render a final decision by registered mail within 30 days of receiving the application from the complainant.

1990, c. 73, s. 48; 1992, c. 26, s. 12; I.N. 2016-01-01 (NCCP).

108. The Commission, or any person it may designate generally or specially for that purpose, is vested, for the purposes of an inquiry contemplated in sections 104 and 105, with the powers and immunity granted to commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

The Commission may authorize a person generally or specially to inquire into a matter relating to this Act or a regulation. Such person must, upon request, present a certificate of his authority signed by the chairman.

1979, c. 45, s. 108.

109. In proceeding with an inquiry, the Commission or any person designated by it for such purpose may

(1) enter at any reasonable time any place of work or establishment of an employer and make an inspection thereof; such inspection may include the examination of registers, books, accounts, vouchers and other documents;

(2) require any information regarding the application of this Act or a regulation, and the production of any document related thereto.

1979, c. 45, s. 109.

110. A document contemplated in section 109 which has been examined by the Commission or a person designated by it, or which has been produced to either of them, may be copied or photocopied. Any copy or photocopy of such document certified true to the original by the chairman or that person is admissible as evidence and has the same probative value as the original.

1979, c. 45, s. 110.

111. Where, following an inquiry, the Commission considers that an amount of money is due to an employee in accordance with this Act or the regulations, it shall demand, by notice in writing, that the employer pay such amount to the Commission within 20 days of the sending of the demand notice.

The Commission shall at the same time send a notice to the employee indicating the amount claimed on their behalf.

1979, c. 45, s. 111; 1990, c. 73, s. 49; 1992, c. 26, s. 13; 2008, c. 30, s. 6; 2022, c. 22, s. 179.

Not in force

112. If the employer fails to pay such amount within the time fixed in section 111, the Commission may, of its own authority in the cases provided by regulation made under paragraph 6 of section 29, pay the amount to the employee to the extent provided for in paragraph 6 of section 39.

The Commission is thereupon substituted in all the rights of the employee up to the amount thus paid.

1979, c. 45, s. 112.

113. The Commission may take the appropriate action on behalf of the employee at the expiry of the time provided for in section 111.

The Commission may also exercise the recourses available to an employee against the directors of a legal person.

1979, c. 45, s. 113; 1990, c. 73, s. 50; 1992, c. 26, s. 14.

114. Where it exercises the recourses provided for in sections 112 and 113, the Commission may claim, in addition to the amount due under this Act or a regulation, an amount equal to 20% of such amount. This additional amount of 20% belongs entirely to the Commission.

The amount due to the employee bears interest at the rate fixed under section 28 of the Tax Administration Act (chapter A-6.002), from the sending of the demand notice under section 111.

1979, c. 45, s. 114; 1990, c. 73, s. 51; 2008, c. 30, s. 7; 2010, c. 31, s. 175.

115. A civil action brought under this Act or a regulation is prescribed by one year from each due date.

This prescription runs only from 1 May following the date of execution of the work in respect of employees engaged in logging operations.

1979, c. 45, s. 115.

116. A notice of inquiry sent by the Commission to the employer by registered mail suspends prescription in respect of all his employees for six months from the date of mailing.

1979, c. 45, s. 116; 1990, c. 73, s. 52; 1992, c. 26, s. 15; I.N. 2016-01-01 (NCCP).

117. *(Repealed).*

1979, c. 45, s. 117; 1994, c. 46, s. 9.

118. In the case of a false entry in the required register, or in the system of registration, or of a secret rebate or any other fraud, prescription runs against the Commission's recourses only from the date on which the Commission becomes aware of the fraud.

1979, c. 45, s. 118.

119. The recourses of several employees against the same employer or against the directors of the same legal person may be joined in the same suit, whether it is instituted by the employees or by the Commission, and the total amount claimed determines the jurisdiction of the court, both in first instance and in appeal.

1979, c. 45, s. 119; 1992, c. 26, s. 16.

119.1. All proceedings brought before the civil courts under this Act constitute matters which must be heard and decided by preference.

1990, c. 73, s. 53.

120. After being put in default by the Commission, an employer cannot validly discharge the amounts forming the object of the claim except by remitting them to the Commission. This provision does not apply in the case of an action brought by the employee themself.

1979, c. 45, s. 120; 2022, c. 22, s. 179.

121. Subject to section 112 and to the first paragraph of section 114, the Commission shall remit to the employee the amount it collects by exercising the employee's recourse.

At the request of the Minister of Employment and Social Solidarity, the Commission shall deduct from that amount the amount repayable under section 90 of the Individual and Family Assistance Act (chapter A-13.1.1). The Commission shall remit the amount thus deducted to the Minister of Employment and Social Solidarity.

1979, c. 45, s. 121; 1988, c. 51, s. 120; 1992, c. 44, s. 81; 1994, c. 12, s. 50; 1997, c. 63, s. 128; 1998, c. 36, s. 184; 2001, c. 44, s. 30; 2005, c. 15, s. 165; 2022, c. 22, s. 179.

DIVISION I.1

RECOURSE AGAINST CERTAIN DIFFERENCES IN TREATMENT

2018, c. 21, s. 39.

121.1. An employee who believes they have been the victim of a distinction referred to in the third paragraph of section 87.1 may file a complaint in writing with the Commission. Such a complaint must be filed within 12 months of the distinction becoming known to the employee. It may also be filed, on behalf of an employee who consents to it in writing, by a non-profit organization dedicated to the defence of employees' rights.

If the complaint is filed within that time with the Administrative Labour Tribunal, failure to file the complaint with the Commission cannot be invoked against the complainant.

2018, c. 21, s. 39; 2022, c. 22, s. 179.

121.2. If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that the employee has not exercised their recourses arising out of that agreement or decree, or that, having exercised them, the employee discontinued proceedings before a final decision was rendered.

2018, c. 21, s. 39; 2022, c. 22, s. 179.

121.3. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 and 123.3 apply to the inquiry, with the necessary modifications.

2018, c. 21, s. 39.

121.4. If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization, with the employee's written consent, may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

2018, c. 21, s. 39.

121.5. At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Administrative Labour Tribunal.

2018, c. 21, s. 39.

121.6. The Commission may represent an employee in a proceeding under this division before the Administrative Labour Tribunal.

2018, c. 21, s. 39.

121.7. The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

2018, c. 21, s. 39.

121.8. If the Administrative Labour Tribunal considers that the employee has been the victim of a prohibited distinction, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including

(1) order that the distinction no longer be made;

(2) order that an employee be made a member of a pension plan, or make other employee benefits applicable to the employee; and

(3) order the employer to pay the employee an indemnity for the loss resulting from the distinction.

2018, c. 21, s. 39.

DIVISION II

RECOURSE AGAINST PROHIBITED PRACTICES

1990, c. 73, s. 54.

122. No employer or his agent may dismiss, suspend or transfer an employee, practise discrimination or take reprisals against the employee, or impose any other sanction upon the employee

(1) on the ground that such employee has exercised a right, other than the right contemplated in section 84.1, conferred on the employee by this Act or a regulation;

(1.1) on the ground that an inquiry is being conducted by the Commission in an establishment of the employer;

(2) on the ground that such employee has given information to the Commission or one of its representatives on the application of the labour standards or that the employee has given evidence in a proceeding related thereto;

(2.1) on the ground that the employee has made a report to the employer or his agent concerning psychological harassment behaviour targeting another person or has cooperated in the processing of a report or complaint regarding such behaviour;

(3) on the ground that a seizure of property in the hands of a third person has been or may be effected against such employee;

(3.1) on the ground that such employee is a debtor of support subject to the Act to facilitate the payment of support (chapter P-2.2);

(4) on the ground that such employee is pregnant;

(5) for the purpose of evading the application of this Act or a regulation;

(6) on the ground that the employee has refused to work beyond the employee's regular hours of work because the employee's presence was required to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative within the meaning of section 79.6.1 or a person for whom the employee acts as a caregiver, even though the employee had taken the reasonable steps within the employee's power to assume those obligations otherwise;

(7) on the ground of a disclosure by an employee of a wrongdoing within the meaning of the Anti-Corruption Act (chapter L-6.1), on the ground of a non-compliance with an Act referred to in section 7 of the Act respecting the regulation of the financial sector (chapter E-6.1) or on the ground of an employee's cooperation in an audit or an investigation regarding such a wrongdoing or non-compliance;

(8) on the ground that such employee has exercised a right arising from the Voluntary Retirement Savings Plans Act (chapter R-17.0.1);

(9) for the purpose of evading the application of the Voluntary Retirement Savings Plans Act;

(10) on the ground of a communication by an employee to the inspector general of Ville de Montréal or the employee's cooperation in an investigation conducted by the inspector general under Division VI.0.1 of Chapter II of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(11) on the ground that the employee has, in good faith, disclosed a wrongdoing or that the employee has cooperated in an audit or investigation regarding such a wrongdoing in accordance with the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) or Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1);

(12) on the ground of a report of maltreatment made by an employee or of the employee's cooperation in the examination of a report or complaint of maltreatment under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3);

(13) on the ground that the employee has sent information to the syndic of a professional order to the effect that a professional has committed an offence referred to in section 116 of the Professional Code (chapter C-26);

(14) on the ground of a communication of information made in good faith by the employee under section 56 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) or of the employee's cooperation in an audit or investigation conducted on the ground of such a communication;

(15) on the ground of a communication of information in good faith by the employee under section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) or the employee's cooperation in a search for information or an inquiry conducted by the Commission municipale du Québec under Division I of Chapter III of that Act;

(16) on the ground that the employee has, in good faith, communicated information referred to in section 123.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) to the Commission de la construction du Québec or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication;

(17) on the ground that the employee has, in good faith, communicated information to the Régie du bâtiment du Québec under section 129.2.1 of the Building Act (chapter B-1.1) or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication;

(18) on the ground that the employee has been summoned as a prospective juror under the Jurors Act (chapter J-2) or that the employee has acted as a juror;

(19) on the ground that the employee has been called to attend at court or that the employee has acted as a witness before a court of justice; or

(20) on the ground that the employee has made a report or filed a complaint, cooperated in the processing of a report or complaint or accompanied a person who has made a report or filed a complaint under the Act respecting the National Student Ombudsman (chapter P-32.01).

An employer must of his own initiative transfer a pregnant employee if the conditions of employment are physically dangerous to the employee or the employee's unborn child. The employee may refuse the transfer by presenting a medical certificate attesting that the conditions of employment are not dangerous as alleged.

1979, c. 45, s. 122; 1980, c. 5, s. 10; 1982, c. 12, s. 5; 1990, c. 73, s. 55; 1995, c. 18, s. 95; 2002, c. 80, s. 61; 2011, c. 17, s. 56; 2014, c. 3, s. 3; 2013, c. 26, s. 134; I.N. 2014-07-01; I.N. 2016-01-01 (NCCP); 2016, c. 34, s. 44; 2017, c. 10, s. 28; 2017, c. 11, s. 148; 2018, c. 21, s. 40; 2018, c. 23, s. 779; 2018, c. 12, s. 2; I.N. 2018-06-30; 2018, c. 23, s. 811; 2018, c. 13, s. 41; 2018, c. 8, s. 194; 2017, c. 27, s. 202; 2020, c. 12, s. 156; 2022, c. 22, s. 176; 2022, c. 17, s. 94; 2024, c. 4, s. 21.

122.1. No employer or his agent may dismiss, suspend or retire an employee, practice discrimination or take reprisals against the employee on the ground that the employee has reached or passed the age or the number of years of service at which the employee should retire pursuant to a general law or special Act

applicable to the employee, pursuant to the retirement plan to which the employee contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing the employee, or pursuant to the common practice of the employer.

1982, c. 12, s. 6; 2002, c. 80, s. 62; 2022, c. 22, s. 179.

122.2. *(Repealed).*

1990, c. 73, s. 56; 2002, c. 80, s. 63.

123. An employee who believes they have been the victim of a practice prohibited by section 122 and who wishes to assert the rights must do so before the Commission des normes, de l'équité, de la santé et de la sécurité du travail within 45 days of the occurrence of the practice complained of.

If the complaint is filed within that time to the Administrative Labour Tribunal, failure to file the complaint with the Commission des normes, de l'équité, de la santé et de la sécurité du travail cannot be invoked against the complainant.

1979, c. 45, s. 123; 1990, c. 73, s. 57; 1999, c. 40, s. 196; 2001, c. 26, s. 140; 2002, c. 80, s. 64; 2015, c. 15, s. 237; 2022, c. 22, s. 179.

123.1. Section 123 applies to every employee who believes they have been dismissed, suspended or retired on the ground set forth in section 122.1.

However, the time limit to file such a complaint is then increased to 90 days.

1982, c. 12, s. 7; 2001, c. 26, s. 141; 2002, c. 80, s. 65; 2022, c. 22, s. 179.

123.2. The presumption resulting from the application of the second paragraph of section 123.4 shall continue to apply for not less than 20 weeks after the employee has returned to work at the end of a leave provided for in section 81.2, 81.4 or 81.10.

1990, c. 73, s. 58; 2002, c. 80, s. 66; 2022, c. 22, s. 177.

123.3. The Commission, with the agreement of the parties, may appoint a person who shall endeavour to settle the complaint to the satisfaction of the parties.

Only a person who has not already acted in the matter in question in another capacity may be appointed for this purpose by the Commission.

Any verbal or written information gathered by the person appointed under the first paragraph must remain confidential. He may not be compelled to divulge anything that has been revealed to him or that has come to his knowledge in the performance of his duties, or to produce before a court or before any body or person fulfilling a judicial or quasi judicial function any document made or obtained in the performance of his duties, except in penal matters, where the court considers that such proof is necessary for a full and complete defence. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have a right of access to any such document.

1990, c. 73, s. 58; 1992, c. 61, s. 416.

123.4. If no settlement is reached following receipt of the complaint by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the latter shall, without delay, refer the complaint to the Administrative Labour Tribunal.

The provisions of the Labour Code (chapter C-27) and of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.

The Administrative Labour Tribunal may not, however, order the reinstatement of a domestic or person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in the employer's dwelling.

2002, c. 80, s. 67; 2015, c. 15, ss. 180 and 237.

123.5. The Commission may, in any proceeding relating to this division, represent an employee who is not a member of a group of employees covered by a certification pursuant to the Labour Code (chapter C-27).

2002, c. 80, s. 67.

DIVISION II.1

RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT

2002, c. 80, s. 68.

123.6. An employee who believes they have been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees' rights on behalf of one or more employees who consent thereto in writing.

With the employee's consent, the Commission shall send to the Commission des droits de la personne et des droits de la jeunesse, under the terms of an agreement entered into by those organizations and approved by the Minister, any complaint that concerns discriminatory behaviour filed in accordance with this division. The agreement must also stipulate cooperative arrangements between those two organizations, in particular to ensure any delay in sending the complaint is not prejudicial to the employee.

2002, c. 80, s. 68; 2018, c. 21, s. 41; 2022, c. 22, s. 179.

123.7. Any complaint concerning psychological harassment must be filed within two years of the last incidence of the offending behaviour.

2002, c. 80, s. 68; 2018, c. 21, s. 42.

123.8. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 and 123.3 shall apply to the inquiry, with the necessary modifications.

2002, c. 80, s. 68; 2018, c. 21, s. 43.

123.9. If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization with the employee's written consent, may within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

2002, c. 80, s. 68; 2015, c. 15, s. 237.

123.10. The Commission may, at any time, during the inquiry and with the agreement of the parties, request the Minister to appoint a person to act as a mediator. The Commission may, at the request of the employee, assist and advise the employee during mediation.

The third paragraph of section 123.3 applies to the mediation provided for in the first paragraph.

2002, c. 80, s. 68; 2018, c. 21, s. 44.

123.11. If the employee is still bound to the employer by a contract of employment, the employee is deemed to be at work during mediation sessions.

2002, c. 80, s. 68.

123.12. At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Administrative Labour Tribunal.

2002, c. 80, s. 68; 2015, c. 15, s. 237.

123.13. The Commission des normes, de l'équité, de la santé et de la sécurité du travail may represent an employee in a proceeding under this division before the Administrative Labour Tribunal.

2002, c. 80, s. 68; 2015, c. 15, s. 237.

123.14. The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

2002, c. 80, s. 68; 2015, c. 15, s. 181.

123.15. If the Administrative Labour Tribunal considers that the employee has been the victim of psychological harassment and that the employer has failed to fulfil the obligations imposed on employers under section 81.19, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including the discriminatory nature of the behaviour, such as

(1) ordering the employer to reinstate the employee;

(2) ordering the employer to pay the employee an indemnity up to a maximum equivalent to wages lost;

(3) ordering the employer to take reasonable action to put a stop to the harassment;

(4) ordering the employer to pay moral damages to the employee;

(4.1) ordering the employer to pay punitive damages to the employee;

(5) ordering the employer to pay the employee an indemnity for loss of employment;

(6) ordering the employer to pay for the psychological support needed by the employee for a reasonable period of time determined by the Tribunal;

(7) ordering the modification of the disciplinary record of the employee.

2002, c. 80, s. 68; 2015, c. 15, s. 237; 2018, c. 21, s. 45; 2024, c. 4, s. 24.

123.16. Paragraphs 2, 4 and 6 of section 123.15 do not apply to a period during which the employee is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.

Where the Administrative Labour Tribunal considers it probable that, pursuant to section 123.15, the psychological harassment entailed an employment injury for the employee, it shall reserve its decision with regard to paragraphs 2, 4 and 6.

2002, c. 80, s. 68; 2015, c. 15, s. 237.

DIVISION III

RECOURSE AGAINST DISMISSALS NOT MADE FOR GOOD AND SUFFICIENT CAUSE

124. An employee credited with two years of uninterrupted service in the same enterprise who believes they have not been dismissed for a good and sufficient cause may present a complaint in writing to the Commission des normes, de l'équité, de la santé et de la sécurité du travail or mail it to the address of the Commission des normes, de l'équité, de la santé et de la sécurité du travail within 45 days of the dismissal, except where a remedial procedure, other than a recourse in damages, is provided elsewhere in this Act, in another Act or in an agreement.

If the complaint is filed with the Administrative Labour Tribunal within this period, failure to have presented it to the Commission des normes, de l'équité, de la santé et de la sécurité du travail cannot be set up against the complainant.

1979, c. 45, s. 124; 1990, c. 73, s. 59; 2001, c. 26, s. 142; 2002, c. 80, s. 69; 2015, c. 15, s. 237; 2022, c. 22, s. 178.

125. Upon receiving the complaint, the Commission des normes, de l'équité, de la santé et de la sécurité du travail may, with the agreement of the parties, appoint a person who shall endeavour to settle the complaint to the satisfaction of the interested parties. The second and third paragraphs of section 123.3 apply for the purposes of this section.

The Commission des normes, de l'équité, de la santé et de la sécurité du travail may require from the employer a writing containing the reasons for dismissing the employee. It must provide a copy of this writing to the employee, on demand.

1979, c. 45, s. 125; 1990, c. 73, s. 60; 2001, c. 26, s. 143; 2015, c. 15, s. 237.

126. If no settlement is reached following receipt of the complaint by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Commission des normes, de l'équité, de la santé et de la sécurité du travail shall, without delay, refer the complaint to the Administrative Labour Tribunal.

1979, c. 45, s. 126; 1983, c. 22, s. 104; 1990, c. 73, s. 61; 2001, c. 26, s. 144; 2002, c. 80, s. 70; 2015, c. 15, s. 237.

126.1. The Commission des normes, de l'équité, de la santé et de la sécurité du travail may, in a proceeding under this division, represent an employee who does not belong to a group of employees to which certification has been granted under the Labour Code (chapter C-27).

1997, c. 2, s. 2; 2001, c. 26, s. 145; 2015, c. 15, s. 237.

127. The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

1979, c. 45, s. 127; 1990, c. 73, s. 61; 2001, c. 26, s. 146; 2015, c. 15, s. 182.

128. Where the Administrative Labour Tribunal considers that the employee has been dismissed without good and sufficient cause, the Tribunal may

(1) order the employer to reinstate the employee;

(2) order the employer to pay to the employee an indemnity up to a maximum equivalent to the wage the employee would normally have earned had the employee not been dismissed;

(3) render any other decision the Tribunal believes fair and reasonable, taking into account all the circumstances of the matter.

However, in the case of a domestic or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, the Administrative Labour Tribunal may only order the payment to the employee of an indemnity corresponding to the wage and other benefits of which the employee was deprived due to dismissal.

1979, c. 45, s. 128; 1990, c. 73, s. 62; 2001, c. 26, s. 147; 2002, c. 80, s. 71; 2015, c. 15, s. 237; 2022, c. 22, s. 179.

129. *(Repealed).*

1979, c. 45, s. 129; 1990, c. 73, s. 63; 2001, c. 26, s. 148.

130. The decision of the Administrative Labour Tribunal under this division is without appeal. It shall bind both the employer and the employee.

1979, c. 45, s. 130; 1990, c. 73, s. 64; 2001, c. 26, s. 149; 2015, c. 15, s. 237.

131. The Administrative Labour Tribunal shall send forthwith a true copy of its decision to the Commission.

1979, c. 45, s. 131; 1990, c. 73, s. 64; 2001, c. 26, s. 150; 2015, c. 15, s. 237.

132. *(Replaced).*

1979, c. 45, s. 132; 1990, c. 73, s. 64.

133. *(Replaced).*

1979, c. 45, s. 133; 1990, c. 73, s. 64.

134. *(Replaced).*

1979, c. 45, s. 134; 1990, c. 73, s. 64.

135. *(Replaced).*

1979, c. 45, s. 135; 1990, c. 73, s. 64.

CHAPTER VI

Repealed, 2002, c. 80, s. 72

2002, c. 80, s. 72.

136. *(Repealed).*

1979, c. 45, s. 136; 2002, c. 80, s. 72.

137. *(Repealed).*

1979, c. 45, s. 137; 1999, c. 40, s. 196; 2002, c. 80, s. 72.

138. *(Repealed).*

1979, c. 45, s. 138; 2002, c. 80, s. 72.

CHAPTER VII

PENAL PROVISIONS

1992, c. 61, s. 417.

139. Every employer is guilty of an offence and is liable to a fine of $600 to $1,200 and, for any subsequent conviction, to a fine of $1,200 to $6,000, who

(1) knowingly destroys, alters or falsifies

(a) a register;

(b) the registration system;

(c) a document dealing with the carrying out of this Act or a regulation;

(2) fails, neglects or refuses to keep a document contemplated in paragraph 1.

1979, c. 45, s. 139; 1986, c. 58, s. 65; 1990, c. 4, s. 609; 1991, c. 33, s. 87; 1997, c. 85, s. 367.

140. Every person is guilty of an offence and is liable to a fine of $600 to $1,200 and, for any subsequent conviction, to a fine of $1,200 to $6,000, who

(1) hinders in any way the Commission or any person authorized by it in the discharge of their duties;

(2) deceives them by concealment or false declaration;

(3) refuses to give them any information or document they are entitled to obtain under this Act;

(4) conceals a document or anything related to an inquiry;

(5) is a party to an agreement stipulating conditions of employment inferior to labour standards determined under this Act or the regulations; or

(6) contravenes any other provision of this Act or the regulations except sections 81.19, 81.20, 84.2 to 84.7, 92.5 and 92.6 and subparagraphs 7, 10, 11 and 13 to 20 of the first paragraph of section 122.

1979, c. 45, s. 140; 1986, c. 58, s. 66; 1990, c. 4, s. 610; 1991, c. 33, s. 88; 1997, c. 85, s. 368; 2011, c. 17, s. 57; 2014, c. 3, s. 4; I.N. 2014-07-01; 2016, c. 34, s. 45; 2017, c. 11, s. 149; 2018, c. 21, s. 46; 2018, c. 12, s. 3; I.N. 2018-06-30; 2018, c. 13, s. 42; 2018, c. 8, s. 195; 2017, c. 27, s. 203; 2020, c. 12, s. 157; 2023, c. 11, s. 5; 2022, c. 17, s. 95; 2024, c. 4, s. 27.

140.1. Every person who contravenes any of sections 81.19, 81.20, 84.2 to 84.7, 92.5 and 92.6 is guilty of an offence and is liable to a fine of $600 to $6,000 and, for any subsequent conviction, to a fine of $1,200 to $12,000.

2018, c. 21, s. 47; 2023, c. 11, s. 6; 2024, c. 4, s. 28.

141. Every person who attempts to commit an offence contemplated in sections 139 to 140.1, or aids or incites another person to commit an offence against this Act or a regulation, is guilty of an offence and liable to the penalties provided for such offence.

1979, c. 45, s. 141; 2018, c. 21, s. 48.

141.1. Every employer who does not give the notice required by section 84.0.4, or who gives insufficient notice, is guilty of an offence and is liable to a fine of $1,500 for each week or part of a week of failure to comply or late compliance.

The fines collected pursuant to the first paragraph shall be credited to the Labour Market Development Fund established under section 58 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001).

2002, c. 80, s. 73; 2007, c. 3, s. 69; 2011, c. 18, s. 260.

142. If a legal person or a representative, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or its regulations, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

1979, c. 45, s. 142; 1999, c. 40, s. 196; 2018, c. 21, s. 49.

143. *(Repealed).*

1979, c. 45, s. 143; 1990, c. 4, s. 611; 1992, c. 61, s. 418.

144. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

1979, c. 45, s. 144; 1992, c. 61, s. 419.

145. *(Repealed).*

1979, c. 45, s. 145; 1992, c. 61, s. 420.

145.1. Penal proceedings for an offence under this Act may be instituted by the Commission.

2015, c. 15, s. 183.

146. No evidence shall be permitted in view of establishing that any action or suit contemplated by this Act was brought following upon the complaint of an informer, or of discovering the identity of an informer.

1979, c. 45, s. 146.

147. The Commission may designate from among the members of its personnel the persons who shall be entrusted with the carrying out of this Act.

1979, c. 45, s. 147; 1990, c. 4, s. 612; 1992, c. 61, s. 421.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

148. *(Omitted).*

1979, c. 45, s. 148.

149. In any Act, regulation, ordinance or proclamation and in any order in council, contract or other document, any reference to the Minimum Wage Act is deemed to be a reference to this Act or to the equivalent provision of this Act.

1979, c. 45, s. 149.

150. *(Omitted).*

1979, c. 45, s. 150.

151. Every regulation made and every resolution adopted by the Commission du salaire minimum remains in force, except where it is inconsistent with this Act, until it is repealed, amended or replaced by a regulation or resolution of the Commission des normes du travail.

1979, c. 45, s. 151.

152. Ordinances adopted by the Commission du salaire minimum concerning matters which may be the object of a regulation under sections 88 and 89 remain in force, in respect of matters that can be regulated, until they are repealed, amended or replaced by a regulation made under the said sections. Such ordinances have, for the purposes of this Act, the same value and effect as a regulation made under this Act.

Notwithstanding section 52, an employee contemplated in subparagraph *b* of paragraph 4 of section 89 shall have a standard workweek only from the coming into force of the regulation fixing it.

1979, c. 45, s. 152.

153. The Commission des normes du travail succeeds the Commission du salaire minimum and, for that purpose, acquires the rights and assumes the liabilities of that body.

1979, c. 45, s. 153.

154. Every matter pending before the Commission du salaire minimum and every case not yet prescribed under the Minimum Wage Act (chapter S-1) at the time the latter is replaced, is continued and decided without continuance of suit, in accordance with this Act, by the Commission des normes du travail.

1979, c. 45, s. 154.

155. The secretary and the members of the personnel of the Commission du salaire minimum in office on 15 April 1980 become, without other formality, the secretary and the members of the personnel of the Commission des normes du travail.

1979, c. 45, s. 155.

156. Notwithstanding section 8, a commissioner of the Commission du salaire minimum who becomes a part-time member of the Commission des normes du travail may, by giving notice to the Commission administrative des régimes de retraite et d'assurances, continue to contribute to the pension plan applicable to him on the basis of the salary he would receive if he held office on a full-time basis.

1979, c. 45, s. 156; 1983, c. 24, s. 88.

157. Except in respect of what concerns minimum wage and maternity leave, which applies from 16 April 1980, a collective agreement in force pursuant to the Labour Code (chapter C-27) on 16 April 1980 continues to have effect until the date of its expiry, even where it fails to include one or another of the labour standards adopted under this Act or where any of its provisions is contrary to any of such standards.

The same rule applies to a collective agreement negotiated in accordance with the Labour Code and signed within ninety days after 16 April 1980 and to a decree passed, prolonged or renewed within the same period of time.

The first paragraph applies, with the necessary modifications, to a decree in force on 16 April 1980 until the date of its expiry, prolongation or renewal.

1979, c. 45, s. 157; 1980, c. 5, s. 11.

158. This Act applies to employees who exercise functions that were not subject to an order adopted pursuant to the Minimum Wage Act (chapter S-1) from the coming into force of the regulations made under the second paragraph of section 88 and paragraph 4 of section 89 respecting them.

However, the provisions relating to maternity leave apply from 16 April 1980.

1979, c. 45, s. 158.

158.1. The Government may, by regulation, determine minimum conditions of employment respecting the matters listed in section 92.1 applicable, until the coming into force of a regulation made under that section but for a period not exceeding 42 months beginning on 1 July 2000, to employees who perform work which, had it been performed before that date, would have been within the fields of activity covered by one of the decrees listed in the third paragraph of section 39.0.2. The minimum conditions of employment respecting the matters listed in subparagraphs 1, 2 and 4 of the first paragraph of section 92.1 may vary according to the factors specified for those matters in any of such decrees. In addition, the hours of the standard workweek may be distributed as provided for in any of such decrees.

The Government may also, by regulation, prescribe any provision it considers expedient in order to harmonize the minimum conditions of employment applicable to the employees where such conditions vary from one decree to another, in particular a variation in the duration of the reference year provided for in section 66, as well as any provision similar to the provisions appearing in Divisions I to V.1 of Chapter IV in respect of any matter covered by the regulation.

For the purposes of this Act, the minimum conditions of employment determined under this section are deemed to be labour standards, and sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

1999, c. 57, s. 4; 2001, c. 47, s. 5.

158.2. Where the nature of the work performed by an employee gives rise to a difficulty in the application of the minimum conditions of employment determined under section 158.1, the Commission may refer the difficulty to a single arbitrator as if it were a case of double coverage under the Act respecting collective agreement decrees (chapter D-2), and the provisions of sections 11.4 to 11.9 of that Act apply, with the necessary modifications.

1999, c. 57, s. 4.

158.3. Subject to paragraph 2 of section 3 and unless the work serves to procure profit to the employer, the provisions of this Act, in respect of an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, apply from 1 June 2004.

Notwithstanding the first paragraph, the Government may, before 1 June 2004, fix by regulation the minimum wage payable to that employee, which may vary according to the situation of the employee or of the employer, or according to the nature of the care. The regulation may also, where applicable, provide for a gradual increase of that minimum wage, which must attain the minimum wage payable to the other employees to whom this Act applies not later than 30 June 2006.

The Government may also, by regulation, prescribe rules that apply to payment to that employee of indemnities relating to statutory general holidays with pay and annual leave.

2002, c. 80, s. 74.

159. *(Amendment integrated into c. C-25, a. 294.1).*

1979, c. 45, s. 159.

160. *(Amendment integrated into c. D-2, s. 16).*

1979, c. 45, s. 160.

161. *(Amendment integrated into c. D-2, s. 26).*

1979, c. 45, s. 161.

162. *(Omitted).*

1979, c. 45, s. 162.

163. *(Omitted).*

1979, c. 45, s. 163.

164. *(Omitted).*

1979, c. 45, s. 164.

165. *(Amendment integrated into c. E-15, ss. 13, 16).*

1979, c. 45, s. 165.

166. *(Amendment integrated into c. F-1.1, ss. 4-6, 9, 17.1-17.2).*

1979, c. 45, s. 166.

167. *(Amendment integrated into c. M-33, ss. 5.1-5.2).*

1979, c. 45, s. 167.

168. *(Amendment integrated into c. M-33, schedule I).*

1979, c. 45, s. 168.

169. The Government may authorize the Minister of Finance to pay or advance to the Commission the sums necessary to pay the salaries, allowances and indemnities or social benefits of the secretary of the Commission and of its members and personnel and the other expenses necessary for the application of this Act. To repay these sums, the Commission must pay the Minister of Finance out of its revenue.

1979, c. 45, s. 169.

169.1. The Minister shall, every seven years, report to the Government on the carrying out of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly shall examine the report.

2018, c. 21, s. 50.

170. The Minister is responsible for the application of this Act, except Chapter III.1 which is under the administration of the Minister of Revenue and sections 84.0.1 to 84.0.7 and 84.0.9 to 84.0.12, which are under the administration of the Minister of Employment and Social Solidarity.

1979, c. 45, s. 170; 1994, c. 46, s. 10; 2002, c. 80, s. 75.

The Minister of Finance exercises the functions of the Minister of Revenue provided for in this Act. Order in Council 1689-2022 dated 26 October 2022, (2022) 154 G.O. 2 (French), 6581.

170.1. Sections 33 to 38 and 88 to 92 have effect from 20 March 1980.

1980, c. 5, s. 14.

171. *(Omitted).*

1979, c. 45, s. 171.

172. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE I

(Repealed).

1979, c. 45, Schedule I; 1982, c. 8, s. 38; 1982, c. 9, s. 38; 1986, c. 81, s. 1; 1990, c. 73, s. 65.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 45 of the statutes of 1979, in force on 1 November 1980, is repealed, except sections 150 and 171, effective from the coming into force of chapter N-1.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 75 of chapter 45 of the statutes of 1979, in force on 31 December 1981, is repealed effective from the coming into force of the updating to 31 December 1981 of chapter N-1.1 of the Revised Statutes.