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# Newsletter

## Labour and Employment Law

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### Quebec restructures the province's labour and employment institutions



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In our newsletter last May, we provided an outline of the salient aspects of the Quebec government's Bill-42: the *Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal* (the "**Act**"). As the title suggests, the bill proposes a substantive overhaul of labour law institutions. The bill was assented to on June 12, 2015 and will come into force on January 1, 2016.

The following courts and bodies will no longer exist as such: the Commission des lésions professionnelles (CLP), the Commission des relations du travail (CRT), the Commission des normes du travail (CNT), the Commission de la santé et sécurité du travail (CSST) and the Commission de l'équité salariale (CÉS). The current two administrative courts in place (i.e. the CLP and the CRT) will be replaced by the **Tribunal Administratif du travail** (TAT) and the three bodies mentioned hereinabove will be regrouped into a single body called the Commission des normes, de l'équité, de la santé et de la sécurité du travail (the "**Commission**").

In addition to these organisational changes, the Act provides for certain substantive changes to labour and employment legislation that may be of interest to employers or that may have an impact on certain ongoing files, as detailed below:

- The Act makes a significant change to section 329 of the *Act Respecting Industrial Accidents and Occupational Diseases* by allowing a worker, whose claim of an occupational injury is the object of a request for imputation of costs on the part of the employer due to a pre-existing handicap, to intervene before the TAT in a proceeding under that section;
- The Act adds a new provision to the Labour Code that stipulates that all complaints brought before the TAT in connection with section 12 (interference with an association of employees), section 13 (intimidation or threats inducing membership to an association) or section 14 (prohibited practices) of the Labour Code must be filed within 30 days of the knowledge of the alleged infringement;
- The Act also gives the TAT the power to order the dissolution of a union where it is shown that it contravened section 12 of the Labour Code;
- The Act broadens the scope of section 98 of the *Pay Equity Act* by allowing an employer or a union to submit a dispute to the Commission in relation to the joint pay equity audit and not only with regards to the establishment of a pay equity plan;
- The TAT will now have the power to suspend a case heard by the occupational health and safety section where it considers that the Commission has not taken a position on a question that is under its authority;

- The union and employer members who currently sit on the CLP will be abolished and will not sit on the TAT;
- The government will not consult the Conseil consultatif du travail de la main d'oeuvre prior to naming the members of the TAT, as is currently required by the *Act Respecting Industrial Accidents and Occupational Diseases*;
- Starting January 1, 2017, employers will see their contributions to the Commission des normes de travail reduced by 0.01% from 0.08% to 0.07%.

The Act also contains certain transitional provisions, namely, for matters pending before the CLP and the CRT, which will be continued before the TAT. There are, however, a few questions left unanswered such as where the TAT's or the Commission's offices will be located. It is unlikely, though, that the current bodies will move as of January 1, 2016.

If you would like to know more about the Act and the amendments to the labour and employment legislation, please feel free to contact any one of the following members of our labour and employment team.

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**The content of this newsletter is intended to provide general commentary only and should not be relied upon as legal advice.**

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