

ARE YOU READY FOR THE MAJOR **CHANGES MADE TO THE WORKING** **CONDITIONS OF QUEBECERS?**

When Bill 176 passed this past June 12th, the working conditions of Quebec employees were improved on several fronts. Here's a summary of the changes made to the Employment Standards Act that will soon be taking effect:

Enhancement of annual vacations

From now on, employees will be entitled to three weeks of paid vacation after three years of continuous service, a measure that reduces the number of years of service required to obtain this number of weeks of vacation. Previously, employees were only entitled to this third week of paid vacation when they had five years of continuous service.

Paid days of absence

Employees with three months of continuous service will be entitled to two paid days of absence due to sickness or family obligations. These days aren't added to the ten days already set forth in the event of family obligations. It should be noted that the Bill stipulates that the employer has the right to ask employees for proof attesting to the reasons for their absence. These aren't days off but rather non-cumulative sick days recorded annually. In a similar vein, on the occasion of the birth or adoption of a child or if a pregnancy is terminated as of the 20th week, all employees, regardless of their seniority, can be paid for the first two days of absence.

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Prohibition of the “orphan” clause

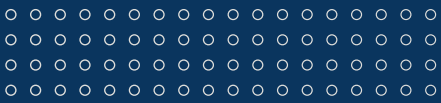
“Orphan” clauses, which, in function of the hiring date, grant a different treatment to some employees with respect to benefits such as group insurance, will be prohibited if the disparity did not exist on June 11, 2018. It will be important to carefully review the application of this clause because its implementation will be challenging for many employers. We will stay on top of additional information, as well as the effective dates and modalities of this change.

Additional category for an absence due to sickness

Section 79 that deals with the ability to avail oneself of a period of 26 weeks of unpaid leave due to sickness, organ donation or accident, will now be available to employees who are victims of domestic violence.

Modification of bereavement leave

In the event of the death or funeral of a spouse, child, father, mother, brother or sister, employees will now benefit from two paid days off, as well as three unpaid days off. In the event of the death or disappearance of a minor child, a two-year leave can now be granted. This measure will also be accessible in the event of the suicide of a spouse, child (regardless of their age) or parent.



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Other modifications will also be made, such as:

- Sexual harassment will now be specifically mentioned in the Employment Standards Act as constituting a form of psychological harassment.
- Employees will be able to refuse to work in the following two situations:
 - If they are asked to work more than four hours of overtime; they can now only be asked to work two hours of overtime; or
 - If they were not informed at least five days in advance that they have to work, except if the nature of their duties requires them to be available at all times or there is an agreement between the employer and the employee.
- A new section will be added regarding the personal responsibility of corporate administrators and leaders who violate the Act: they will now be presumed to have committed the violation unless they can prove that they showed reasonable diligence.
- A new section will be added to the Employment Standards Act specifically targeting temporary placement agencies



Should you have any questions regarding how the Bill will affect your company, do not hesitate to contact us. Our team will be pleased to guide you.

