

I have filed a complaint for a dismissal not made for good and sufficient cause

What happens now?

You have filed a complaint against your employer pursuant to the Act respecting labour standards following a dismissal not made for good and sufficient cause. Here is how your file will be processed by the Commission des normes du travail.

Admissibility of the complaint

The Commission first determines whether or not your complaint is admissible.

Inadmissible

If your complaint is considered inadmissible, the Commission notifies you in writing that it is putting an end to its intervention and informs you of the reasons for its decision. However, you have the right to apply to the Director of the Commission's Direction générale des affaires juridiques in writing for a review of this decision in the 30 days following notification. If no application in writing is received, the Commission closes your file.

Admissible

If your complaint is considered admissible, the Commission notifies you that it will follow up on your complaint as soon as possible. Your employer is informed that a complaint for dismissal has been filed. The Commission designates a person who will offer you the mediation service.

Mediation service

With your agreement and that of your employer, the Commission arranges a meeting to attempt to settle the dispute to the satisfaction of the parties. In a climate that is conducive to discussions, the mediator helps you to establish a dialogue with your employer. In the presence of each other, you have the opportunity to express your point of view, examine the possibilities for a solution and negotiate the terms of an agreement freely consented to.

A large number of cases are settled at this stage. Indeed, over 85% of the employees and employers agree to avail themselves of this approach, and in 7 out of 10 cases a satisfactory agreement is reached, putting an end to their dispute.

Before the Commission des relations du travail

If no agreement is reached, the Commission des normes du travail forwards without delay your file to the Commission des relations du travail and also sends your file to the Direction générale des affaires juridiques which will offer you the opportunity to be represented free of charge before the Commission des relations du travail, where applicable.

Indeed, the Commission offers you the services of one of its lawyers free of charge, except if you are part of a group of unionized employees accredited under the Labour Code or if you prefer to be represented by your own lawyer. The lawyer appointed to represent you will contact you.

Moreover, if you wish, the Commission can obtain from your employer a written document containing the reasons for your dismissal.

A hearing before the Commission des relations du travail resembles court proceedings. For example, you are asked to give your version of the facts. You can also have witnesses testify. The employer enjoys the same rights.

Depending on the case, approximately eight months may pass between the time when the Commission des relations du travail receives your file, the hearing and the decision.

The Commission des relations du travail makes its decision

The Commission des relations du travail can accept or reject your complaint.

If the Commission des relations du travail accepts your complaint, namely if it decides that you were dismissed without good and sufficient cause, it can:

- 1 order your employer to reinstate you in the job that you held before your dismissal;
- 2 order your employer to pay you the sums lost since your dismissal;
- 3 make any other decision that it considers fair and reasonable.

However, if you work as a domestic, the Commission des relations du travail can only order your employer to pay you an indemnity corresponding to the wages and other benefits that you lost as a result of your dismissal.

