

I have filed a complaint for a prohibited practice

What happens now?

You have filed a complaint for a prohibited practice against your employer for one of the reasons stipulated in the Act respecting labour standards. Here is how your file will be processed by the Commission des normes du travail.

Admissibility of the complaint

The Commission first determines the admissibility of your complaint.

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 Commission's Director of Legal Affairs in writing for a review of this decision in the 15 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 a prohibited practice 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.

This meeting usually takes place in the 60 days following receipt of the complaint. A large number of cases are settled at this stage. Thus, 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.

When there is no mediation, the Commission des relations du travail takes charge of the file.

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 Legal Affairs Department 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.

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 the victim of a prohibited practice, it can:

- 1 order your employer to reinstate you in the job that you held before your employer took the measure against you and to pay you, as an indemnity, the equivalent of the wages and the other benefits that you lost as a result of the dismissal, suspension or transfer;
- 2 order your employer to cancel a sanction or to stop exercising discriminatory measures or reprisals and to pay you an indemnity, where applicable.

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 the result of your dismissal.

Regional offices of the Commission des normes du travail

Abitibi-Témiscamingue et Nord-du-Québec

33, rue Gamble Ouest, bureau 09
Rouyn-Noranda (Québec) J9X 2R3

Bas-Saint-Laurent et Gaspésie—Îles-de-la-Madeleine

235, avenue Saint-Jérôme, bureau 301
Matane (Québec) G4W 3A7

Capitale-Nationale

Hall Est, 4^e étage
400, boulevard Jean-Lesage
Québec (Québec) G1K 8W1

Chaudière-Appalaches

Bureau 100
1112, boulevard de la Rive-Sud
Saint-Romuald (Québec) G6W 5M6

Côte-Nord

975, rue Nouvel
Baie-Comeau (Québec) G5C 2C9

Estrie

200, rue Belvédère Nord, bureau 1.01
Sherbrooke (Québec) J1H 4A9

Lanaudière

1679, chemin Gascon
Terrebonne (Québec) J6X 3Z6

Laurentides

10, rue Saint-Joseph, bureau 305
Saint-Jérôme (Québec) J7Z 7G7

Laval

Bureau 810
1200, boulevard Chomedey
Laval (Québec) H7V 3Z3

Mauricie et Centre-du-Québec

100, rue Lavolette, bureau 310
Trois-Rivières (Québec) G9A 5S9

Montréal

Place Montérégie
Bureau 300
101, boulevard Roland-Therrien
Longueuil (Québec) J4H 4B9

Montréal

26^e étage
500, boulevard René-Lévesque Ouest
Montréal (Québec) H2Z 2A5

Outaouais

Bureau 7.350
170, rue de l'Hôtel-de-Ville
Gatineau (Québec) J8X 4C2

Saguenay—Lac-Saint-Jean

Faubourg Sagamie
Bureau 101
2655, boulevard du Royaume
Jonquière (Québec) G7S 4S9

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Commission
des normes
du travail

Québec



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Follow-up on my complaint

Here are some useful details that you might want to jot down when they are sent to you and as your complaint is being processed by the Commission.

File number:

Employer's name:

Commission des normes du travail

Resource-person:

Telephone number:

Mediation service

Resource-person:

Telephone number:

Legal Affairs Department

Resource-person:

Telephone number:

Commission des relations du travail

Resource-person:

Telephone number:

Are you moving?

Remember to notify us of your new address.

Questions

Do you have questions about labour standards in Québec? Contact customer services of the Commission des normes du travail.

Customer services

Montréal area (514) 873-7061

Elsewhere in Québec, dial toll free 1 800 265-1414

Internet www.cnt.gouv.qc.ca

In this document the masculine gender, when used, designates both women and men. No discrimination is intended.