

LABOUR STANDARDS IN AGRICULTURE IN QUÉBEC

Are you a farm worker?

Here's what you need to know about the main labour standards that apply to the agriculture sector.



An employment contract may not deviate from the labour standards. Working conditions may be superior to those provided for by law, but never inferior.

For more information about labour standards, visit the CNESST's website.

Commission des normes, de l'équité,
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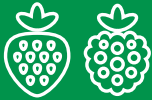
CNESST

WAGES AND PAY



All time worked must be paid, including:

- breaks granted by the employer;
- trial or training periods required by the employer;
- time spent waiting for the employer to assign you a task at the workplace;
- travel time required by the employer (for example, travel between fields).



Strawberry and raspberry pickers are paid on a piecework basis. The minimum rate per kilogram is determined by the government.

If output is affected by the state of the fields, pickers must be paid at least the minimum hourly wage rate.



An employer may not pay you less than the minimum wage set by the government even if they provide you with accommodation or other benefits under the terms of the employment contract.



At each pay, the employer must give you a pay slip. You can check the calculation of your wages and deductions.

An employer has one month after your first day of work to give you your first pay. After this, wages must be paid every sixteen days at the latest. If pay day falls on a statutory holiday, the wages must be paid on the previous working day.

DEDUCTIONS FROM PAY



Your employer may only make deductions from your pay that are authorized by law, such as deductions for taxes, employment insurance and the Québec Parental Insurance Plan.



The law allows your employer to deduct an amount from your pay if they provide meals and accommodation. The maximum amount of the deduction is determined by the government each year based on the type of accommodation provided. The applicable rate is posted on the CNESST's website.



You must authorize any other deductions from your wages in writing.

The authorization must specify the reason, amount, duration and frequency of the deduction and any other information needed. You may revoke this authorization at any time in writing.



Your employer does not have the right to deduct an amount from your pay for costs related to the operation of their business. For example, they may not require you to reimburse them for losses due to maintenance or accidental damage to equipment.

OVERTIME



In Québec, overtime is generally paid at time and a half (+50%) after 40 hours worked in the same week.



For **farm work**,* there is **no** overtime paid at time and a half. All hours worked are paid at the base wage rate.

* Working the soil or land to grow crops or raise livestock.



However, **non-farm work*** is paid at time and a half from the 41st hour of work.

* Maintaining machinery, selling products at market, etc.



During the **harvest period**,* compensation at time and a half does not apply to workers assigned to canning, packaging or freezing fruits and vegetables.

* The time when farm products are harvested, picked.

WEEKLY REST PERIOD, VACATION AND LEAVE



Each week, you must have a **rest period of at least 32 consecutive hours**. Your day of rest may be postponed to the following week if you agree to this. In this case, your employer must give you two 32-hour rest periods the following week.



You must be given a 30-minute meal period after 5 hours of work. This period is not paid unless you have to stay on duty.



Each year, you are entitled to paid vacation. For more information, visit the CNESST's website.



Statutory holidays and non-working days are determined by law and may not be moved. You are entitled to an indemnity or compensatory leave if you have to work on a statutory holiday.

RIGHTS AND PROTECTIONS



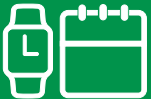
Your employment relationship is protected by law if you have to be absent from work due to illness or to fulfil family or parental obligations.



If you have worked for your employer for at least 3 months, your first 2 days of absence due to illness or to fulfil family or parental obligations are paid.



If your employer terminates your employment, they must give you written notice in accordance with the prescribed notice period. Otherwise, you are entitled to an indemnity.



You have the right to refuse to work more than 14 hours per 24-hour period or more than 50 hours per week. Visit the CNESST's website for more details.

PSYCHOLOGICAL OR SEXUAL HARASSMENT



You have the right to a healthy workplace that is free from psychological or sexual harassment.



Harassment is vexatious (abusive, humiliating, hurtful) behaviour in the form of conduct, gestures or comments that:

- are repeated (or constitute a single serious incident);
- are hostile (aggressive, threatening) or unwelcome;
- adversely affect your dignity (that is, self-respect, self-esteem) or well-being (physical, psychological or emotional balance);
- result in a harmful work environment.



Your employer has an obligation to take measures to prevent harassment. They must intervene if a situation of harassment is brought to their attention.



Employers are required to adopt a workplace harassment prevention policy and make it known to their employees.

WERE YOU ASSIGNED TO A COMPANY BY A PERSONNEL PLACEMENT AGENCY? PLEASE NOTE THAT:



To carry out its activities legally, a personnel placement agency must have a licence issued by the CNESST. See the [list of licence holders](#) on the CNESST's website.



An employer may not pay you a wage that is lower than the wage paid to other workers who perform the same tasks as you in the establishment solely because you are an agency worker.



A personnel placement agency may not require you to pay fees related to your assignment (placement) with an employer. For example, it may not charge fees for job search advice or job interview preparation.



The employer you are placed with may hire you after 6 months if they wish. The agency may not object.

ARE YOU A TEMPORARY FOREIGN WORKER? PLEASE NOTE THAT:



You have the same rights as all workers in Québec.
In addition:



If you are recruited by a temporary foreign worker recruitment agency, the agency must have a licence issued by the CNESST to carry on its activities. See the [list of licence holders](#) on the CNESST's website.



Your employer or the agency that recruited you may not:

- require you to give them your personal documents or property that belongs to you to hold;
- charge you fees for your recruitment, except those authorized by a Canadian government program.



The CNESST may exercise a recourse on your behalf even if you did not file a complaint if it has reason to believe that the labour standards have not been respected in your case.

RECOURSES WITH THE CNESST



You may file a complaint with the CNESST, including if you think that your employer:



Is not paying you the wages, overtime or other amounts provided for by law that are due to you.

Time limit for filing your complaint: 12 months.



Dismissed you without just cause.

Time limit: 45 days



Took reprisals against you after you exercised a right provided for by law.

Time limit: 45 days



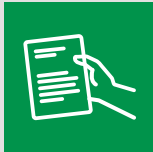
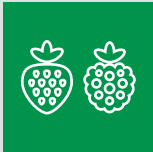
You may also file a complaint with the CNESST if you are experiencing psychological or sexual harassment in the workplace.

Time limit: 2 years after the last incident of harassment.



If you have questions, visit cnesst.gouv.qc.ca

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**If you think that your situation does not
comply with labour standards, you may
file a complaint with the CNESST.
Talk to your employer.**

This document is not exhaustive. If you have
questions, visit **cnesst.gouv.qc.ca**.

Original version in French

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