

Recourses

The Commission des normes du travail can exercise a recourse on your behalf against the administrators of a bankrupt company, but there are certain conditions:

- you must sign your complaint;
- you must sign and return to the Commission the proof of claim by the stipulated deadline;
- the administrators must not themselves have declared bankruptcy;
- the legal form of the undertaking must allow for proceedings to be instituted;
- the Commission must deem that there are grounds for instituting proceedings.

If these conditions are met, we will notify the administrators of the amounts claimed. The file will be forwarded to the Direction des affaires juridiques for examination and appropriate action if the administrators fail to follow up on the claim. However, it is possible that no legal proceedings can be instituted against the administrators. You will be informed accordingly.

Finally, if these conditions are not met or if you yourself decide to institute legal proceedings against the administrators, we will close your file, and you will be informed accordingly.

Service des renseignements

For information on the Act respecting labour standards, its regulations and the National Holiday Act, consult the Service des renseignements at the Commission des normes du travail.

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 designates both women and men.
No discrimination is intended.

Version française disponible sur demande.



C-0152-A (06-06)

Has your employer gone bankrupt?

**Commission
des normes
du travail**

Québec



Québec



Has your employer gone bankrupt?

What recourses can you exercise to collect wages, indemnities for your annual leave, for statutory holidays or for absences and leaves for family or parental matters as well as any other sum that might be due under the Act respecting labour standards?

You must file a complaint with the Commission des normes du travail.

Information needed and documents required

In order for the Commission des normes du travail to be able to process your complaint quickly and to establish your claim with the trustee* in bankruptcy, you must provide the Commission, wherever possible, with the following information and documents:

Information needed

- Precise name of the employer
- Address of the undertaking
- Name of the administrator(s)
- Home address of the administrators if you know it
- Nature of the undertaking's activities
- Date of the bankruptcy
- Name of the trustee
- Steps taken with the trustee, if any

Documents required

- Bankruptcy notice
- Pay sheets
- Booklet of the hours worked
- NSF cheques returned
- Copy of contract of employment, where applicable
- Copy of record of employment issued by the employer under the Employment Insurance Act
- Income tax slips (T4 or Relevé 1)
- Letters from the employer concerning the closure of the company

When the claim is founded, the Commission fills out on your behalf the *proof of claim* and the *details of claim* forms that must be filed with the trustee. These forms will be sent to you beforehand for signing and must be returned to us within 15 days.

*Trustee: Person designated to manage the assets of the bankrupt in the interest of the creditors. (Those employees who submit a proof of claim are among the creditors.)

Proof of claim

The proof of claim is used to claim a sum of money as a creditor of a bankrupt's estate. It may be obtained from the trustee in bankruptcy or the Commission des normes du travail.

Details of the claim

The details of the claim document takes the form of a statement of account indicating the nature of the amounts claimed. It must be appended to the proof of claim by adding thereto the vouchers and other documents in support of the claim.

If you yourself decide to file these forms with the trustee, you must send us:

- a copy of the proof of claim;
- a copy of the statement of account;
- proof that you have filed the requested documents with the trustee by the stipulated deadline. The attestation may, for example, take the form of an acknowledgment of receipt from the trustee or the notice of receipt if you sent the documents by registered mail.

Miscellaneous claims

If you have other claims, for example sick leave or travel expenses against the bankrupt company under other laws or your contract of employment, you must file a separate proof of claim with the trustee.

Deadlines

In order for the Commission des normes du travail to be able to institute on your behalf legal proceedings against the administrators of the bankrupt company, the Commission must file a proof of claim with the trustee by no later than:

- six months after the date of the bankruptcy for an undertaking incorporated under a federal law,
or
- 12 months following the payability of the debt for an undertaking incorporated under a Québec law.