

Employees and Employers

WHAT YOU NEED TO KNOW ABOUT EMPLOYMENT

Labour standards

Pay equity

Occupational health and safety



Commission des normes, de l'équité,
de la santé et de la sécurité du travail

cnesst.gouv.qc.ca

CNESST

The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)

promotes and ensures compliance with labour rights and obligations in Québec workplaces.

Its vision is to be an innovative organization, recognized for its commitment to provide its clients with a unique gateway and quality services related to labour standards, pay equity and occupational health and safety.



THE CNESST ENSURES COMPLIANCE WITH APPROXIMATELY TEN LAWS AND REGULATIONS

LABOUR STANDARDS

- *The Act respecting labour standards*
- *The National Holiday Act*

PAY EQUITY

- *The Pay Equity Act*

OCCUPATIONAL HEALTH AND SAFETY

- *The Act respecting occupational health and safety*
- *The Act respecting industrial accidents and occupational diseases*
- *The Workers' Compensation Act*
- *The Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries*
- *The Act to assist persons who are victims of criminal offences and to facilitate their recovery*
- *The Act to promote good citizenship*
- *The Government Employees Compensation Act*

WHAT YOU NEED TO KNOW ABOUT:



Employee responsibilities

- Respect the conditions agreed on with the employer by providing the expected work performance
- Record hours worked and keep pay stubs

Main employer obligations

- Pay for all hours worked and other monetary benefits (e.g., overtime, vacation pay and statutory holidays)
- Maintain a payroll record and produce a pay slip for each employee
- Complete, where applicable, the *Déclaration d'embauche de travailleurs étrangers temporaires* (in French only)
- Prevent harassment (psychological or sexual) at work or put an end to it if it is brought to its attention. Hold and disseminate a prevention and complaints policy to its staff
- Give, within the prescribed time limits, written notice to an employee who is terminated, dismissed or laid off for a period of six months or more
- Hold a licence from the CNESST to carry on personnel hiring activities or temporary foreign worker recruitment activities.

Labour standards: minimum compliance requirements

Labour standards set the minimal conditions that Québec employers must provide for their employees. Employers can offer better working conditions than the minimum standards set out in the *Act respecting labour standards*, but they can never offer less. The standards deal with salaries, pay slips, work schedules, holidays (statutory holidays, vacation, etc.), absences (sick days, family days, etc.) and employment termination.



Employee responsibilities

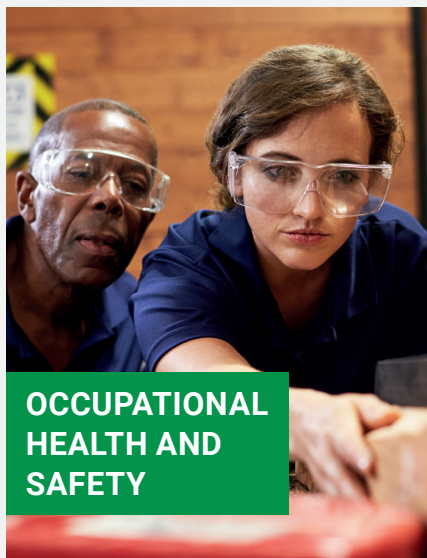
- Ensure that the characteristics of traditionally female jobs are evaluated at their fair value
- Be aware of posted results and, if appropriate, provide feedback

Main obligations of an employer whose enterprise has ten or more employees

- Conduct an initial pay equity exercise
- Maintain pay equity by conducting an audit every five years
- Complete the *Déclaration de l'employeur en matière d'équité salariale* (in French only)
- For smaller enterprises: calculate the number of employees in the enterprise every year. As soon as the enterprise reaches an average of ten employees, comply with the main obligations in the left column

Pay equity: recognizing female jobs at their fair value

Some characteristics of jobs predominantly or traditionally held by women are often underestimated or ignored, resulting in remuneration that does not reflect the fair value of these jobs. The *Pay Equity Act* requires that employers provide remuneration for traditionally female occupations that is equivalent to that given for traditionally male occupations, even when the jobs are different.



Main worker obligations

- Participate in identifying and eliminating risks that could affect health and safety in the workplace
- Take the necessary measures to protect their health, safety and physical and psychological integrity (for example by wearing the protective equipment provided by the employer, if applicable)
- Ensure that they do not endanger the health, safety and physical and psychological integrity of other people in or near the workplace

Main employer obligations

- Take the necessary measures to protect the health, safety and physical and psychological integrity of the workers, in particular:
 - adequately inform workers of any risks and provide them with appropriate supervision, training and instruction so that they can perform their duties safely
 - ensure that its facilities are equipped and fitted out in a safe manner
 - ensure that the organization of work and the methods and techniques for carrying out work are safe
 - use methods to identify, control and eliminate hazards
- provide all the necessary personal protective equipment free of charge and ensure that the workers use it
- take measures to protect workers against physical or psychological violence in the workplace, including domestic, family or sexual violence
- Register with the CNESST
- Pay the insurance premium to Revenu Québec in periodic instalments, where applicable
- Produce the *Déclaration des salaires* (in French only) annually and send it in before March 15

Occupational health and safety: toward accountability in the workplace

The occupational health and safety regime aims to prevent industrial accidents and occupational diseases by eliminating hazards to workers' health, safety and physical and psychological integrity. It is a responsibility shared by the employer and workers, in the workplace and when working at home. Under the system, workers who sustain a work-related injury or an occupational disease are entitled to income replacement benefits, medical support (e.g., care and treatment) and the necessary rehabilitation services, as well as employment protection. As the administrator of this system, the CNESST ensures its financing through premiums collected from employers. The CNESST therefore fulfils a public insurer's role.



OCCUPATIONAL HEALTH AND SAFETY

GOOD TO KNOW

The ***Act respecting occupational health and safety*** provides that all workers have the right to working conditions that respect their health, safety and physical and psychological integrity. It is intended to eliminate dangers at the source. Employees are entitled to services such as training, information and counselling regarding occupational health and safety, as well as to appropriate supervision. An employee may refuse to perform a task if there are reasonable grounds to believe that it represents a danger to themselves or to others.

Employees who sustain a work-related accident or an occupational disease must notify their employer or representative as soon as possible. In such situations, employers have the duty to provide first aid and emergency care in a timely manner. The injured employee can then submit a claim to the CNESST. The ***Act respecting occupational health and safety*** states that:

- employees who must take time off work because of a work-related injury or occupational disease must be paid by the employer for the day of the accident and compensated for the next 14 days of disability
- the worker chooses their health professional and the health facility where they will be treated
- the CNESST will reimburse the employer the compensation paid to the employee for the first 14 days of disability

Once a claim is accepted:

- starting on the 15th day, the CNESST will begin paying the employee income replacement benefits

OCCUPATIONAL HEALTH AND SAFETY

- employees who are not able to go back to work may be offered measures aimed at fostering their sociovocational reintegration as soon as their occupational injury claim has been accepted
- employees are entitled to return to work or an equivalent job, or to occupy a suitable position available with their employer as soon as they are found fit to return to work. This right is valid for one year (establishment with 20 workers or fewer), for two years (establishment with 21 workers or more), or for the amount of time provided for in their collective agreement if applicable. However, even if this period has expired, the employer must reinstate them, except in the case of undue hardship

Promoting greater responsibility for health and safety in the workplace has many proven benefits, including fewer work-related accidents and occupational diseases and lower costs in compensation payments to injured workers.

TOOLS YOU CAN USE

All the information employers and employees need to meet their occupational health and safety obligations can be found at cnesst.gouv.qc.ca.



KNOW YOUR RIGHTS AND MEET YOUR OBLIGATIONS AT WORK

- Fair and balanced labour relations
- Female jobs paid at their fair value
- A safe and healthy working environment

LABOUR STANDARDS

GOOD TO KNOW

Non-unionized employees have access to remedies under the **Act respecting labour standards**. Employees are urged to discuss the situation with their employer if, for instance, they are not paid the sums they are owed or they feel they have been subjected to a practice that is prohibited by law. The same applies to potential cases of psychological harassment. If the situation cannot be resolved in this manner, employees covered by the **Act respecting labour standards** can file a complaint with the CNESST. When filing a complaint, it is important to comply with the deadlines established by law.

TOOLS YOU CAN USE

Employers and employees can find practical information, various tools and videos on our website at cnesst.gouv.qc.ca/normes, including:

- e-learning and webinars to support workplaces in the application and enforcement of labour standards
- the **monCalcul** tool (in French only), which is specially designed to help employers and employees estimate the amounts payable for a given pay period, days off and paid holidays

Additional information is also available regarding the particular conditions that apply to agricultural workers, domestic workers and temporary foreign workers, as well as personnel placement.

PAY EQUITY

GOOD TO KNOW

Employees and certified associations have access to remedies under the **Pay Equity Act**. If it is believed that an employer has failed to duly fulfil its obligations (e.g., the exercise was not properly conducted or the results were not posted), a complaint can be filed with the CNESST. Deadlines for making complaints must, however, be respected.

TOOLS YOU CAN USE

Pay equity tools and training for workers and employers are available at cnesst.gouv.qc.ca/equite. These include:

- **online training** *Objectif : Équité salariale* (in French only), which provides an understanding of employers' obligations and the steps involved in completing pay equity work
- **webinars** (in French only) designed to update or enhance your knowledge of pay equity rights and obligations and
- the **Progiciel** (in French only), a calculation tool to facilitate the completion of the initial pay equity exercise and its maintenance



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