LABOUR STANDARDS, 2018-2019 REFORM

In June 2018 and, more recently, January 2019, the *Act respecting labour standards*, which governs and protects certain Québec workers who are not covered by a collective agreement, was amended and enhanced. It is important to note, however, that certain categories of persons, including self-employed workers, senior executives and members of the Canadian Armed Forces, are excluded.

It should also be noted that certain provisions of the Act may apply to part-time workers as well as full-time workers.

The following are the principal changes:

1. Vacation

As of January 1, 2019, employees who have three or more years of service at the end of a reference year will be entitled to three (3) consecutive weeks of vacation. Their vacation pay will be equal to 6% of the salary earned during the reference year. This period usually runs from May 1 of the preceding year to April 30 of the current year.

2. Work-life balance

- Employees with three (3) months of uninterrupted service will be entitled to a maximum of two (2) paid days of leave, during a given year, to care for a relative or a person for whom they act as caregiver.

- The notion of "relative" used for determining the right to family or parental leaves has been expanded.

- Employees may be absent for up to sixteen (16) weeks over a period of twelve (12) months to care for a relative or for a person for whom they act as caregiver, and up to thirty-six (36) weeks if the relative or person is a minor child. The relative or person must be suffering from a serious illness or serious accident.

Employees no longer need to have worked for their employer for sixty (60) consecutive days in order to be entitled to two (2) paid days of leave out of the five (5) days of leave to which they are entitled upon the birth or adoption of their child or upon a termination of pregnancy in or after the 20th week of pregnancy.

LABOUR STANDARDS, 2018-2019 REFORM (CONTINUED)

3. Psychological and sexual harassment

- The Act specifies that gestures of a sexual nature can be considered vexatious behaviour that is included in the definition of psychological harassment.

- Employees have a period of two years after the last incidence of psychological harassment within which to file a complaint with the CNESST.
  This deadline used to be 90 days.

- Employers will have the obligation to adopt and make available to their employees a psychological harassment prevention and complaint processing policy. This policy must include a section on harassment that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.

Consult the website of the Commission des normes, de l'équité, de la santé et de la sécurité du travail to make sure your rights are being respected and, if you have any doubts, don't hesitate to contact a legal aid lawyer at the legal aid office nearest you.

To find the contact information for your legal aid office, please visit our website at www.csj.qc.ca.

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