Employees and employers

WHAT YOU NEED TO KNOW ABOUT EMPLOYMENT

Labour standards
Pay equity
Occupational health and safety
The Commission des normes, de l’équité, de la santé et de la sécurité du travail (CNESST) promotes employment rights and obligations and ensures compliance among Québec employers and employees.

Our vision is to be an innovative organization recognized for our commitment to providing clients with a single information gateway and quality services on labour standards, pay equity and occupational health and safety.

THE CNESST ENSURES COMPLIANCE WITH APPROXIMATELY TEN LAWS AND RELATED 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 Crime Victims Compensation Act
• The Act to promote good citizenship
• The Government Employees Compensation Act
Employee responsibilities

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

Main employer obligations

- Pay all hours worked and other monetary benefits (e.g., overtime, vacation pay and holidays), even during trial periods or training
- Keep a payroll record and pay slip for each employee so the calculation of salary and deductions can be verified
- Prevent workplace harassment (psychological and sexual) and put an end to any harassment situation brought to the employer’s attention. For that purpose, establish a prevention and complaint-processing policy and distribute it to staff
- Within the prescribed deadlines, provide written notice to an employee who is dismissed, fired or laid off for six months or more
- Provide employees with all necessary measures and individual protective gear, free of charge, and ensure their use by employees
- Register with the CNESST for workplace health and safety
- Ensure that characteristics of traditionally female jobs are evaluated at their fair value
- Be aware of posted results and, if appropriate, provide feedback
- Respect the conditions agreed on with the employer by providing the expected work performance
- Record your hours worked and keep your pay stubs

Labour standards, minimum compliance requirements

The labour standards set the minimal conditions that Québec employers must provide 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.

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 equitable to that given for traditionally male occupations, even when the jobs are different.

OCCUPATIONAL HEALTH AND SAFETY

Main employee obligations

- Participate in identifying and eliminating risks that could affect health and safety in the workplace
- Take the necessary measures to protect your health, safety and physical well-being (e.g., by wearing the protective gear provided by your employer)
- Never put at risk the health and safety of people in your workplace or in your proximity

Main employer obligations

- Take necessary measures to protect the health and ensure the safety and physical well-being of employees. Employers must:
  - Clearly inform employees on work-related hazards and provide the supervision, training and instruction required for the safe performance of their duties
  - Ensure the safety of the equipment and facilities under their responsibility
  - Ensure the safety of work organization, methods and techniques
  - Use methods and techniques to detect, control and eliminate hazards
- Provide employees with all necessary measures and individual protective gear, free of charge, and ensure their use by employees
- Register with the CNESST for workplace health and safety
- Pay Revenu Québec the insurance premiums in periodic installments
- Issue a Déclaration des salaires once a year and submit it by March 15

The workplace health and safety system aims to prevent work-related accidents and occupational diseases by eliminating hazards in the workplace. The responsibility is shared by employers and employees. Under the system, employees who sustain a work-related injury or contract an occupational disease are entitled to income replacement benefits, other benefits, medical support (e.g., care and treatment) and rehabilitation services required by their occupational injury. The system also provides employment protection. As the administrator of this system, the CNESST ensures its financing through premiums collected from employers. The CNESST therefore fulfills a public insurer’s role.
The *Act respecting occupational health and safety* provides that all workers are entitled to working conditions that respect their health, safety and physical well-being. It is intended to eliminate dangers at the source. Workers are entitled to receive appropriate supervision and instruction as well as training, information and advisory services in occupational health and safety. They can refuse to perform work if they have reasonable grounds to believe that the work poses a danger to themselves or to someone else.

Employees who sustain a work-related accident or contract 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. Here is what the *Act respecting occupational health and safety* states:

- Employees who must take time off work due to 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.
- Employees are allowed to choose their physician and the healthcare facility where they will receive treatment.
- 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.
• Employees retain their right to return to work and can be reinstated in their job or an equivalent job as soon as they are found fit to return to work. However, this right is subject to a time limit.

• Employees who are not able to go back to work may be offered physical, professional and social rehabilitation services.

To learn more, read our pamphlet: *If you have a work-related accident or contract an occupational disease ... here’s what you need to know!*

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/sst](http://cnesst.gouv.qc.ca/sst).

**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
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

For employees

maPaye is a special application that lets employees track the number of hours worked for one or more employers and receive alerts on overtime, statutory holidays and more.

You can download it free at mapayecacompte.com.

For employers

MonCalcul is a special tool that lets employers and employees estimate the amounts owed for vacation days, statutory holidays and more.

You can find many other useful tools and information, including videos, at cnesst.gouv.qc.ca/normes.
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 done 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

For employees

A video clearly explaining what pay equity entails.

For employers

The Progiciel pour réaliser l’équité salariale et en évaluer le maintien, a special pay equity software package and calculation tool that makes it easier to apply and maintain pay equity.

This software package as well as other tools and information are available to help understand and apply the Pay Equity Act. To consult the tools, go to cnesst.gouv.qc.ca/equte.