

## Legal update

### The Quebec government tables its bill to reform Quebec's labour standards legislation

---

**March 2018**

#### **Employment and labour**

Quebec's labour minister, Dominique Vien, has just tabled [Bill 176](#) *An Act to amend the Act respecting labour standards (ALS) and other legislative provisions mainly to facilitate family-work balance*.

---

#### **Proposed measures**

As might be expected, measures in the bill include increasing the number of authorized weeks of absence for certain events associated with employees' parental responsibilities and providing that certain days of absence may be taken in order to act as a caregiver. In addition, employees will now be entitled to a third week of paid vacation after three years of continuous service.

The bill also explicitly states that conduct of a sexual nature may be a form of psychological harassment and that employers will henceforth be required to adopt a psychological harassment policy.

As for orphan clauses, the bill states that "any distinction made solely on the basis of a hiring date, in relation to pension plans or other employee benefits, that affects employees performing the same tasks in the same establishment is also prohibited."

Other provisions of the bill address the implementation of regulations respecting personnel placement agencies and recruitment agencies for temporary foreign workers.

Lastly, the bill reduces the number of overtime hours that employees are required to accept to two and allows them, subject to exceptions, to refuse to work if they have not been informed of their work schedule at least five days in advance.

#### **Takeaways**

Although tabled a little later than expected, the Liberal government's bill amending the ALS comes just before the elections scheduled for the fall of this year. Ending orphan clauses, reducing the years of continuous service required to receive a third week of paid vacation and the other provisions aimed at improving work-life balance are certainly in tune with the times.

Other Canadian provinces, including Ontario and Alberta, have already substantially overhauled their minimum labour standards. This time, Quebec, which often boasts about being a trendsetter, is following its neighbours' lead while taking on the role of trailblazer in eliminating orphan clauses.

It will be interesting to see what happens after orphan clauses are eliminated in Quebec because the situation could become costly for Quebec employers, not to mention complicated to manage for companies operating in more than one jurisdiction. Moreover, under the transitional provisions of the bill, orphan clauses existing prior to the coming into force of the new labour standards will not be affected and will continue to be valid.

Philippe Bélisle  
Andréane Giguère

---

For further information, please contact one of the following lawyers:

> Alexis-François Charette	Montréal	+1 514.847.4901	<a href="mailto:alexis.charette@nortonrosefulbright.com">alexis.charette@nortonrosefulbright.com</a>
> Andréane Giguère	Montréal	+1 514.847.4966	<a href="mailto:andreane.giguere@nortonrosefulbright.com">andreane.giguere@nortonrosefulbright.com</a>
> Gilles Rancourt	Québec	+1 418.640.5036	<a href="mailto:gilles.rancourt@nortonrosefulbright.com">gilles.rancourt@nortonrosefulbright.com</a>

Norton Rose Fulbright Canada LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients.

References to "Norton Rose Fulbright", "the law firm", and "legal practice" are to one or more of the Norton Rose Fulbright members or to one of their respective affiliates (together "Norton Rose Fulbright entity/entities"). No individual who is a member, partner, shareholder, director, employee or consultant of, in or to any Norton Rose Fulbright entity (whether or not such individual is described as a "partner") accepts or assumes responsibility, or has any liability, to any person in respect of this communication. Any reference to a partner or director is to a member, employee or consultant with equivalent standing and qualifications of the relevant Norton Rose Fulbright entity.

The purpose of this communication is to provide general information of a legal nature. It does not contain a full analysis of the law nor does it constitute an opinion of any Norton Rose Fulbright entity on the points of law discussed. You must take specific legal advice on any particular matter which concerns you. If you require any advice or further information, please speak to your usual contact at Norton Rose Fulbright.