

Capsule 12 – Rights and recourses

Goal

Knowing your rights and making sure they are respected

Introduction

When you accept a new job, you accept new responsibilities. But your worker status does not only bring you responsibilities, it also brings you rights. The right to be paid for your work, of course, but also other rights, defined by laws and regulations as well as your labour contract.

Do you know your rights? Do you know the steps to follow to make sure they are respected? Do you know who to go to if you need help?

The best thing would be to have all the information from the start, when you are hired, as we saw in Capsule 11. But it is never too late to do the right thing! Capsule 15 will allow you to review a few basic concepts and find resources that can help you when in need. It also answers some of Quebec workers' most frequently asked questions regarding their rights.

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- I. Resources to know your rights and have them respected**
- II. Quick links summarizing certain rights**

I. Resources to know your rights and have them respected

(Resources)	(Explanation/links)
<p>If you are part of a union:</p> <ul style="list-style-type: none"> - Your collective agreement - Your union representative - Laws and regulations 	<p>Is your position part of a union? If yes, your rights are defined in a collective labour contract called “collective agreement”. You probably received a copy. Read it.</p> <p>If you need help understanding your collective agreement or having your rights respected at work, talk to your union representative.</p> <p>Whether you are part of a union or not, you should know that collective agreements and labour contracts can never offer less than what is already defined by laws and regulations. See below for more info.</p>
<p>If you are not part of a union:</p> <ul style="list-style-type: none"> - Your labour contract - Your human resources team - Your immediate supervisor - Laws and regulations 	<p>Even if you are not part of a union, you still reached an agreement with your employer when you were hired. It is your labour contract.</p> <p>This contract can be in verbal or written form. To avoid misunderstandings, it is better, of course, to ask for a written contract.</p> <p>If you have a written contract, read it to know your rights. If you need an explanation on an item from your labour contract, whether it is in verbal or written form, talk to your human resources team or your immediate supervisor.</p> <p>Whether you are part of a union or not, you should know that collective agreements and labour contracts can never offer less than what is already defined by laws and regulations. See below for more info.</p>
<p>The Act respecting Labour Standards of Quebec</p> <p>(see also the <i>Canada Labour Code</i>)</p>	<p>Whether you are part of a union or not, you should know that collective agreements and labour contracts can never offer less than what is already defined by laws and regulations.</p> <p>In Quebec, the <i>Act respecting Labour Standards</i> sets minimal working conditions. These standards apply when no conditions have been defined in a collective agreement, labour contract or decree.</p>

	<p><u>Click here for answers to Quebec workers' most frequently asked questions regarding the Act respecting Labour Standards of Quebec.</u></p> <p>http://www.cnt.gouv.qc.ca/en/gen/faq/index.asp</p>
<p>The Commission des normes du travail (CNT)</p>	<p>The Commission des normes du travail is in charge of applying the <i>Act respecting Labour Standards</i> of Quebec.</p> <p>If your employer does not respect these standards, you can file a complaint at the Commission.</p> <p><u>Click here to know your recourses if your employer does not respect labour standards and how to proceed to file a complaint.</u></p> <p>http://www.cnt.gouv.qc.ca/en/recours/index.asp</p>
<p>The Canada Labour Code</p> <p>(see also the <i>Act respecting Labour standards</i> of Quebec)</p>	<p>A small percentage of workers in Quebec are not subject to the <i>Act respecting Labour Standards</i> but rather to the <i>Canada Labour Code</i>. It is the case if you work for an employer under federal regulation (examples: federal government corporations, banks, airports, etc.).</p> <p><u>Click here to know if you are subject to the Canada Labour Code or not.</u></p> <p>http://www.hrsdc.gc.ca/en/labour/employment_standards/regulated.shtml</p> <p><u>If you are subject to the Canada Labour Code, click here for information on the minimal employment standards that apply to you.</u></p> <p>http://www.hrsdc.gc.ca/en/labour/employment_standards/index.shtml</p>
<p>The Commission de la santé et de la sécurité du travail (CSST)</p>	<p>The Commission de la santé et de la sécurité du travail (CSST) is the organization to which the Government of Québec has entrusted the administration of the occupational health and safety plan.</p> <p>The CSST sees to the application of the following two Acts : the <i>Act respecting occupational health and safety</i> and the <i>Act respecting industrial accidents and occupational diseases</i>.</p>

	<p>The purpose of the <i>Act respecting occupational health and safety</i> is to eliminate at the source dangers to the health, safety and physical well-being of workers.</p> <p>The purpose of the <i>Act respecting industrial accidents and occupational diseases</i> is to compensate for work-related injuries and their consequences for workers, as well as the collection, from employers, of the sums necessary to fund the plan</p> <p><u>Click here for answers to workers' most frequently asked questions regarding the CSST.</u></p> <p>http://www.csst.qc.ca/portail/en/faq/en_faq.htm</p>
<p>Employment insurance</p>	<p>Employment Insurance (EI) provides temporary financial assistance for unemployed Canadians while they look for work or upgrade their skills. Canadians who are sick, pregnant or caring for a newborn or adopted child, as well as those who must care for a family member who is seriously ill with a significant risk of death, may also be assisted by Employment Insurance.</p> <p><u>Click here for answers to workers' most frequently asked questions regarding employment insurance.</u></p> <p>http://www1.servicecanada.gc.ca/en/ei/faq/faq_index_individuals.shtml</p>
<p>Mouvement Action Chômage de Montréal (MAC de Montréal)</p>	<p>The Mouvement Action Chômage de Montréal (MAC de Montréal) is a group which defends the rights of unemployed workers. It is a community group of popular information which informs and defends people while fighting for the improvement of the employment insurance plan. <u>Click here for more information</u>, or call 514-271-4099.</p> <p>http://www.macmtl.qc.ca/</p>
<p>Commission des droits de la personne et des droits de la jeunesse</p>	<p>The Commission des droits de la personne et des droits de la jeunesse was created to promote and uphold the rights in Quebec as defined in the principles enunciated in the <i>Charter of Human Rights and Freedoms</i>.</p> <p>What rights and freedoms are defined in the Charter? What is discrimination? Harassment? What are your recourses if your rights and freedoms are not respected at</p>

work?

[Click here to read the « Emploi et droits » virtual guide and get the answers to these questions.](http://www.cdpdj.qc.ca/fr/guides/emploi-droits.asp?noeud1=2&noeud2=19&cle=59)

<http://www.cdpdj.qc.ca/fr/guides/emploi-droits.asp?noeud1=2&noeud2=19&cle=59>

II. Quick links summarizing certain rights

As we saw in the first part of Capsule 15, your rights are defined by your collective agreement if you are part of a union, and by your labour contract (in verbal or written form) if you are not.

In either case, these rights can never offer less than the minimal standards established by a set of federal and provincial laws, the most important one in Quebec being the *Act respecting Labour Standards*.

The table below will give you quick access to a summary of some of the rights established by these laws. For more information, do not hesitate to ask for help from one of the resources listed in the first section, **Resources to know your rights and have them respected.**

(Rights)	(Links)
Minimum wage	http://www.cnt.gouv.qc.ca/en/normes/salaire.asp#taux
Payment	http://www.cnt.gouv.qc.ca/en/normes/salaire.asp#paye
Tips	http://www.cnt.gouv.qc.ca/en/normes/pourboire.asp
Part-time workers	http://www.cnt.gouv.qc.ca/en/normes/salaire.asp#partiel
Overtime	http://www.cnt.gouv.qc.ca/en/normes/duree.asp#supplementaires
Differences in treatment	http://www.cnt.gouv.qc.ca/en/normes/disparites.asp
Coffee break	http://www.cnt.gouv.qc.ca/en/normes/duree.asp#pause
Meals	http://www.cnt.gouv.qc.ca/en/normes/duree.asp#repas
Training period	http://www.cnt.gouv.qc.ca/en/gen/faq/entrainement.asp
Paid statutory holidays	http://www.cnt.gouv.qc.ca/en/normes/feries.asp
National holiday	http://www.cnt.gouv.qc.ca/en/normes/fete_nationale.asp
Vacations	http://www.cnt.gouv.qc.ca/en/normes/annuels.asp
Sick leaves	http://www.cnt.gouv.qc.ca/en/gen/faq/maladie.asp
Work-related accidents	http://www.csst.qc.ca/portail/en/faq/questions_travailleurs/en_faq_travailleurs.htm#2
Wedding	http://www.cnt.gouv.qc.ca/en/normes/familiaux.asp
Request for reassignment or preventive withdrawal for pregnant or breast-feeding women	http://www.csst.qc.ca/portail/en/faq/questions_travailleurs/en_faq_travailleurs.htm#9
Adoption	http://www.cnt.gouv.qc.ca/en/normes/familiaux.asp
Maternity leave	http://www.cnt.gouv.qc.ca/en/parents/conges_mere.asp
Paternity leave	http://www.cnt.gouv.qc.ca/en/parents/conge_paternite.asp
Parental insurance	http://www.cnt.gouv.qc.ca/en/parents/rqap.asp
Death	http://www.cnt.gouv.qc.ca/en/normes/familiaux.asp
The <i>Charter of Human Rights and Freedoms</i> , discrimination, harassment	http://www.cdpcj.qc.ca/fr/guides/emploi-droits.asp?noeud1=2&noeud2=19&cle=59
Psychological harassment at work	http://www.cnt.gouv.qc.ca/fr/site_hp/default.asp
Notice of termination of employment	http://www.cnt.gouv.qc.ca/en/normes/cessation.asp

Notice of collective dismissal	http://www.cnt.gouv.qc.ca/en/normes/collectif.asp
Employment insurance	http://www1.servicecanada.gc.ca/en/ei/menu/eihome.shtm 1