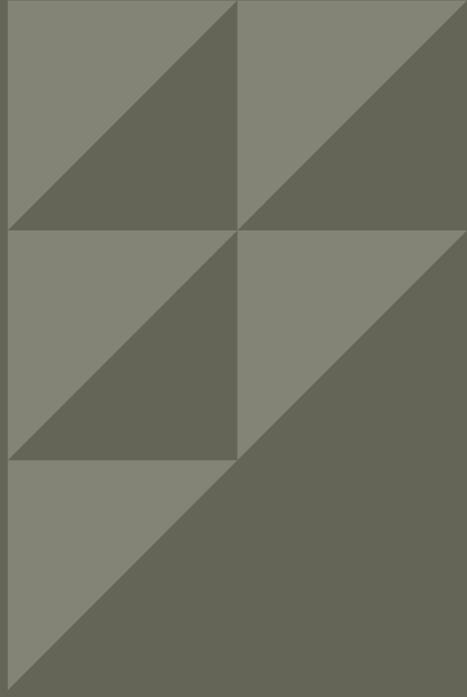




**TRIBUNAL
ADMINISTRATIF
DU TRAVAIL**

**JUSTICE
AT WORK
FOR US**

Québec 



This brochure contains general information only.
It has no legal value.

For more information, consult the Tribunal's
website at **www.tat.gouv.qc.ca**.

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MISSION

The Tribunal administratif du travail, the result of the merger of the Commission des lésions professionnelles and the Commission des relations du travail, is called upon to rule on numerous labour-related recourses, including in occupational health and safety matters, which makes it unique.

With offices located in every regions of the province, the Tribunal provides accessible services and facilitates the procedures for the parties.

There are four divisions within the Tribunal:

- labour relations;
- occupational health and safety;
- essential services;
- construction industry and occupational qualification.

The Tribunal encourages the amicable settlement of disputes in all its divisions and to that end, it offers its conciliation service to parties at any time. If a settlement is not reached, an administrative judge will hear the parties at a hearing and will render a decision based on the evidence and arguments submitted.

LABOUR RELATIONS

The labour relations division rules on recourses concerning employment protection, the right of association and of negotiation, and pay equity. Depending on the nature of the recourse, the Tribunal may, on request, hear the parties on an urgent basis.

Employment protection

The Tribunal decides on recourses in matters respecting employment protection and psychological harassment in the workplace. The recourses involve mainly non-unionized employees working for Québec companies and certain managers, including municipal managers. The most common recourses relate to the following situations:

- dismissal without just and sufficient cause;
- psychological harassment;
- reprisals for union activities or for exercising a right provided for in various laws;
- dismissal, suspension or reduction of salary of a municipal manager.

Right of association and of negotiation

The Tribunal is responsible for the union certification system under the *Labour Code* and it hears complaints from workers who consider that their association did not fulfill its duty of fair representation.

It must also interpret and see to the application of Québec laws on the status of artists. The main functions of the Tribunal consist in defining the negotiating sectors or fields of activities for which recognition may be granted, and in recognizing artists' associations and associations of producers qualified to negotiate collective agreements.

The Tribunal may hear parties on an urgent basis following an application for an order to safeguard a party's rights.

In addition, it is responsible for the recognition of associations of family-type resources and certain intermediate resources, which provide services to persons designated by the health and social services network. The Tribunal is also in charge of recognizing associations of home childcare providers.

Pay equity

The Tribunal hears and decides every application submitted to it in accordance with the *Pay Equity Act*. When a party is not satisfied with the measures determined by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), the party may refer the matter to the Tribunal, which may quash, modify or confirm the decision of the CNESST. Where the CNESST considers that the measures it determines are not applied to its satisfaction within the prescribed time, or it believes that a provision of the Act is not complied with, it may also refer the matter to the Tribunal, who will render the appropriate orders.



Contestations in
occupational health
and safety matters
may be filed online.

OCCUPATIONAL HEALTH AND SAFETY

The occupational health and safety division hears recourses from employers and workers who wish to contest a decision of the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

The Tribunal renders decisions pertaining to the following subjects, in particular:

Prevention

- the right to refuse dangerous work;
- the right to protective re-assignment;
- inspection in establishments.

Compensation

- existence of an employment injury;
- medical evaluation;
- the right to indemnities;
- medical aid;
- rehabilitation;
- the right to return to work.

Financing of the health and safety system

- classification of enterprises;
- fixing of assessments;
- assignment of cost.

The division also handles disciplinary measures and other sanctions imposed on a worker following the exercise of a right provided for in the *Act respecting industrial accidents and occupational diseases* or the *Act respecting occupational health and safety*.

Time limit for contesting

The time limit for most contestations is 45 days after receiving the CNESST's decision. It is 10 days for contesting an assignment to other duties, a right of refusal, protective re-assignment or an inspector's decision.

ESSENTIAL SERVICES

The mission of the essential services division is to maintain essential services to preserve the health or safety of the public during legal strikes, without impeding the right to strike. The Tribunal also intervenes to ensure that a service to which the public is entitled is available when pressure tactics are considered to be illegal. Three specific sectors are concerned:

- certain public services such as water, electricity and public transit;
- institutions in the health and social services network;
- Québec's public service.

The division has remedial powers allowing it to intervene, on its own initiative or at the request of an interested person, in any work stoppage, a slowdown or any other concerted action compromising or likely to compromise a service to which the public is entitled, or where agreements or lists of essential services are not complied with.

It can:

- intervene in and investigate conflicts in the public services and in the public and parapublic sectors;
- provide measures to compensate damages.

It must:

- brief the parties about the essential services to be maintained during a strike and provide information to the public about any matter involving the maintenance of essential services.



In the event of a strike,
essential services are
provided to ensure
the health and safety
of the population.

CONSTRUCTION INDUSTRY AND OCCUPATIONAL QUALIFICATION

The construction industry and occupational qualification division hears and decides on a number of recourses provided for in specific acts respecting the construction industry:

- the *Building Act*;
- the *Act respecting workforce vocational training and qualification*;
- the *Stationary Enginemen Act*;
- the *Act respecting labour relations, vocational training and workforce management in the construction industry* (chapter R-20).

It may hear and rule on recourses contesting certain decisions of:

- the Régie du bâtiment du Québec (RBQ);
- the Commission de la construction du Québec (CCQ);
- the Corporation des maîtres électriciens du Québec (CMEQ);
- the Corporation des maîtres mécaniciens en tuyauterie du Québec (CMMTQ);
- the ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS).

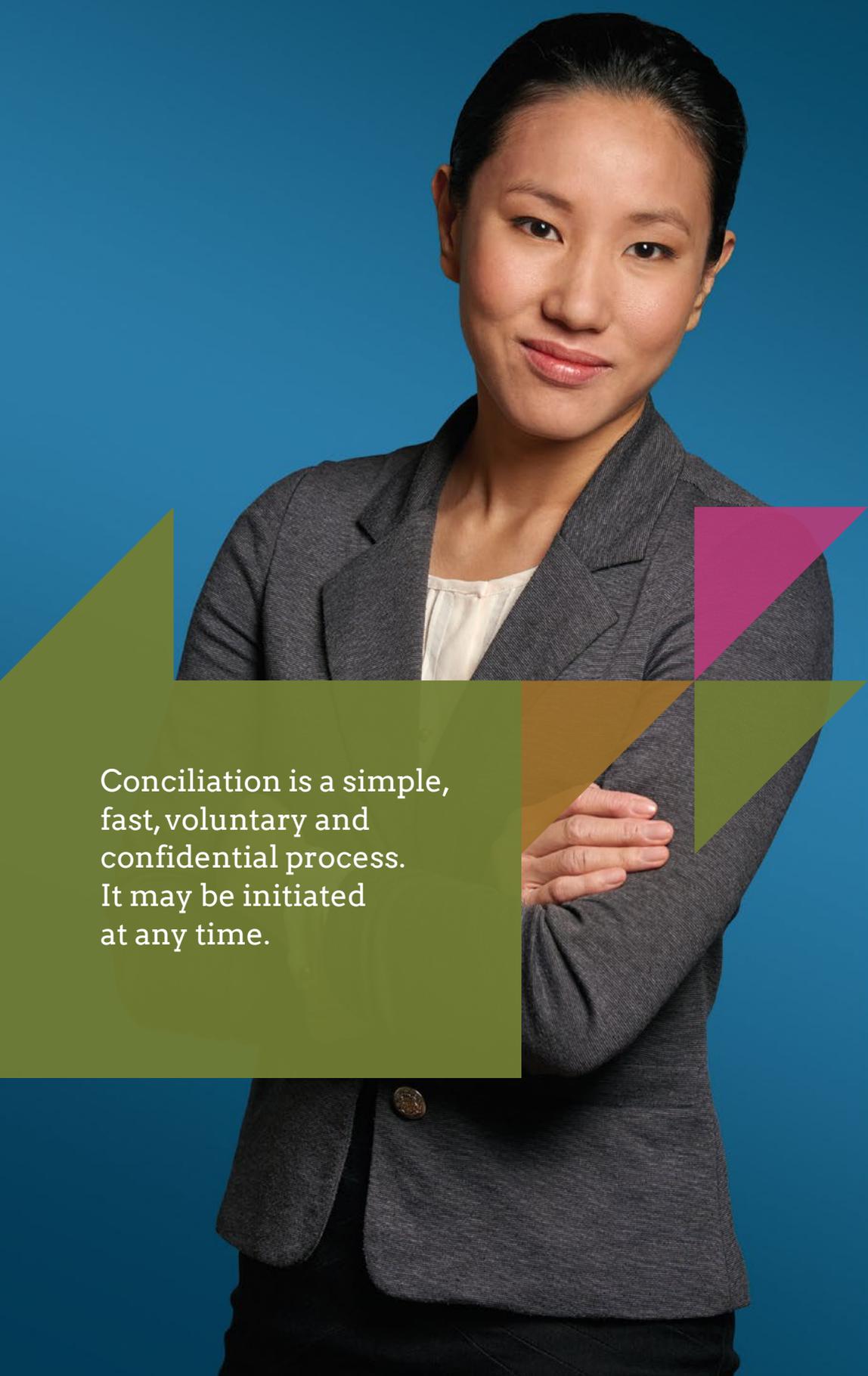
The contested decisions may pertain to various aspects, including:

- the qualification of a worker or the issue of a certificate of qualification or a competency certificate;
- the issue, modification, suspension or cancellation of a contractor's licence;
- the suspension of construction work.

The division is also responsible for:

- determining whether work is subject to chapter R-20;
- rendering a decision during jurisdictional conflicts between various construction trades or occupations;
- complaints from construction workers who consider that their association did not fulfill its duty of fair representation concerning them;
- complaints concerning discriminatory measures, reprisals or threats related to the freedom of association in the construction industry.

**Our website contains
information that may guide
you in exercising recourses
which are specific to the con-
struction industry.**

A woman with dark hair pulled back, wearing a grey blazer over a white top, stands with her arms crossed against a blue background. The image is decorated with several overlapping geometric shapes in shades of green, purple, and gold. A large green shape in the lower-left corner contains white text.

Conciliation is a simple,
fast, voluntary and
confidential process.
It may be initiated
at any time.

FILING AN APPLICATION OR EXERCISING A RECOURSE

To file an application or to exercise a recourse before the Tribunal, you may use the forms available on our website or in our various offices. Applications may be filed online, mailed or faxed to any of the Tribunal's offices. Certain recourses must be filed within a time limit that varies depending on the type of recourse and the applicable legislation.

For more information or to consult applicable rules of evidence and procedure, visit our website at **www.tat.gouv.qc.ca**.

Application for urgent intervention

An application for urgent intervention may be submitted at any time in the following three divisions:

- labour relations;
- essential services;
- construction industry and occupational qualification.

Simply contact the Tribunal by phone at **1 866 864-3646**.

CONCILIATION

The Tribunal encourages the amicable settlement of disputes in all its divisions. It provides the services of a neutral person, the conciliator, free of charge, to try to settle the dispute to everyone's satisfaction.

Conciliation is a simple, fast, voluntary and confidential process. It may be initiated at any time. If conciliation does not result in a settlement, the parties are summoned to a hearing.

If you are interested in conciliation, we invite you to contact the Tribunal as soon as possible.

HEARING

A hearing is a session during which the Tribunal hears the evidence submitted by the parties, as well as their arguments.

Appearance

You may appear alone or be accompanied by the representative of your choice:

- a (n attorney) lawyer;
- a union or an employer representative;
- any other person you believe to be qualified.

All the parties are summoned to the hearing. Although not mandatory, your presence is very important if you want to make sure that the administrative judge has all the relevant evidence and is aware of all your arguments. In your absence, the administrative judge can still hold a hearing and render a decision.

The Tribunal holds
hearing in all regions
of Québec.

Calling witnesses

If you feel that witnesses are necessary to help you establish certain facts, you must notify them yourself or send them an official summons using the *Summons to Appear* form available in all the offices of the Tribunal. Consult the website for more details on the summons and the method of transmission. In all cases, you must comply with the prescribed time limit. The Tribunal does not pay the costs related to the summons of witnesses or to their participation in the hearing.

Interpreter

Each participant in a hearing has a right to speak in French or in English. If you are unable to understand what the other intervening parties are saying, you may require the services of an interpreter, in which case you must pay for the costs.

If you wish to speak in a language other than French, you must so inform the Tribunal as soon as possible.

If you are hearing-impaired, the Tribunal will provide the assistance of a sign language interpreter free of charge.

Decision

After the hearing, the administrative judge renders a decision within three months after taking the matter under advisement or within a shorter period in certain cases. The decision is without appeal and must be complied with immediately by all persons concerned.

The decisions of the Tribunal may be consulted free of charge on the website of the Société québécoise d'information juridique at **citoyens.soquij.qc.ca**.



The Tribunal
administratif du travail
is called upon to rule on
the recourses provided
for in some 40 acts.

STATUTES

The Tribunal rules mainly on recourses exercised under:

- 1 the *Labour Code*
- 2 the *Act respecting industrial accidents and occupational diseases*, ss. 359, 359.1, 450, 451
- 3 the *Act respecting occupational health and safety*, ss. 37.3, 193
- 4 the *Act respecting labour standards*, ss. 86.1, 123.4, 123.9, 123.12, 126
- 5 the *Act respecting labour relations, vocational training and workforce management in the construction industry*, s. 7.7, 1st para., s. 21, s. 27, 3rd para., s. 58.1, s. 61.4, 1st para., s. 65, 1st para., s. 74, 2nd para., s. 75, 2nd para., s. 80.1, 1st para., s. 80.2, 1st para., s. 80.3, s. 93, 2nd and 3rd paras., s. 105, s. 123, 1st para., subpara. 8.7

It also rules on certain recourses provided for in the following Acts:

- 6 the *Building Act*, ss. 11.1, 164.1
- 7 the *Charter of the French language*, s. 45, 2nd para., s. 46, 2nd para., s. 137.1, 3rd para.
- 8 the *Cities and Towns Act*, s. 72, 2nd para.
- 9 the *Municipal Code of Québec*, s. 267.0.2, 2nd para., s. 678.0.2.6, para. 3
- 10 the *Act respecting the Commission municipale*, s. 48, para. g
- 11 the *Act respecting collective agreement decrees*, s. 30.1, 1st para.
- 12 the *Act respecting elections and referendums in municipalities*, s. 88.1, 2nd para., s. 356, 1st para.
- 13 the *Act respecting school elections*, s. 205
- 14 the *Election Act*, s. 144, 2nd para., s. 255, 1st para.
- 15 the *Pay Equity Act*, ss. 104 to 107, s. 109, 2nd para., s. 110, s. 111, 3rd para., ss. 112, 121
- 16 the *National Holiday Act*, s. 17.1
- 17 the *Act respecting municipal taxation*, s. 20, s. 200, 2nd para.
- 18 the *Public Service Act*, s. 65, 2nd para., s. 66, 4th para., s. 67, 3rd para.
- 19 the *Act respecting workforce vocational training and qualification*, s. 41.1
- 20 the *Jurors Act*, s. 47, 2nd para.

- 21** the *Stationary Enginemen Act*, s. 9.3
- 22** the *Act respecting municipal territorial organization*, ss. 176.1, 176.6, 176.7, 176.11
- 23** the *Civil Protection Act*, s. 129, 2nd para.
- 24** the *Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters*, ss. 15, 21, 23
- 25** the *Act respecting the professional status and conditions of engagement of performing, recording and film artists*, ss. 12, 20, 22, 42.5, 56, 57, 58, 59.1
- 26** the *Courts of Justice Act*, s. 5.2, 2nd para.
- 27** the *Act respecting bargaining units in the social affairs sector*, ss. 10, 17, s. 23, 2nd para., ss. 32, 76, s. 82, 2nd para.
- 28** the *Fire Safety Act*, s. 154, 2nd para.
- 29** the *Act respecting the Communauté métropolitaine de Montréal*, s. 73, 2nd para.
- 30** the *Act respecting the Communauté métropolitaine de Québec*, s. 64, 2nd para.
- 31** the *Act respecting public transit authorities*, s. 73, 2nd para.
- 32** the *Act to amend various legislative provisions concerning regional county municipalities*, s. 57, 6th para.
- 33** the *Act respecting pre-hospital emergency services*, s. 43, 3rd para.
- 34** the *Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan*, s. 19
- 35** the *Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements*, ss. 9, 10, 23, 26, 29, 31, s. 53, 3rd para., ss. 54, 127
- 36** the *Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements*, ss. 7, 8, 21, 24, 27, 29, 55, 104
- 37** the *Act respecting the Agence du revenu du Québec*, s. 50
- 38** the *Anti-Corruption Act*, s. 72
- 39** the *Act to amend the Sustainable Forest Development Act and other legislative provisions*, s. 75
- 40** the *Act respecting municipal courts*, s. 61

THE OFFICES

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TO CONTACT US

For more information, contact the office of the Tribunal administratif du travail in your region. Our staff will be pleased to answer your questions.

You may consult our website at www.tat.gouv.qc.ca at any time.

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**Tribunal
administratif
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Québec 

September 2016