

**HUMAN RESOURCE MANAGEMENT – 410-CP4-AS**

**PROJECT #1**

**INSTRUCTIONS:**

As a group project in teams of 2 or 3 people, you must answer questions in relation with labour standards, pay equity, occupational health and safety and different laws and regulations.

The objective of this project is to become familiar with the existing laws and regulations in Québec (in relation with the work environment), including the following:

* Labour standards on various subjects;
* Concept and application of pay equity;
* Regulations about occupational health and safety;
* Where to find relevant laws and regulations.

**DOCUMENTS TO BE SUBMITTED FOR THE PROJECT:**

* All pages in this document (except this Instructions page) need to be completed with your answers. Use the same font as the questions; you might use a different colour. Each group submits one document only, either paper (in person) or in PDF (through Léa).

**DEADLINE, WEIGHTING AND EVALUATION:**

* Deadline: October 6th, noon (right before class).
* Any delay will result in a 10% penalty per day.
* Weighting: 20% of your final grade.
* Evaluation: see marks attributed to each question.

**OTHER INSTRUCTIONS:**

* When a question refers to “an employee”, assume he/she is not covered under a specific exception mentioned in the relevant subject, unless something in the question seems to indicate that an exception is relevant to be explained.
* There are different places to find the answers. Make sure you get familiar with the different websites shown below.

CNESST Website: <http://www.cnt.gouv.qc.ca/en/home1/index.html>

*Civil Code of Québec*: <http://legisquebec.gouv.qc.ca/en/showdoc/cs/CCQ-1991>

*Act respecting labour standards*: <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/N-1.1>

*Act respecting occupational health and safety*: <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-2.1>

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**Labour Standards**

**1.** Most of the employees enjoy the statutory holidays because it gives them a *free* day. In which ways can an employee benefit from a statutory holiday? *2 marks*

In order to take a holiday, the employee has to leave 3 weeks before or after the holiday. The only exception is in the case of National Holidays.

**2.** In the labour standards, what is unique (what rules are different) about June 24th, compared to the other holidays? *1 mark*

On June 24th, it is St. John the Baptist Day. This is a national holiday so every worker in the province of Quebec is entitled to a leave according to the National Holiday Act.

**3.** Adam was working in a store for 11 months and got fired even before he could take any vacation. Briefly explain why he is still entitled to some compensation for his vacation and how it will be calculated. *3 marks*

Because Adam was working for less than one year he is entitled to 4% of his annual salary. This indemnity will be calculated by weighing in 4% of his annual salary that must be received in one single payment before he begins his vacation.

**4.** María is pregnant. Her expected due date is February 1st and her return to work is scheduled for December 1st. She has two questions: *3 marks*

* What would happen if the department she worked at does not exist anymore when she returns on December 1st? If her department no longer exists, she would return to work with the same rights and privileges as if she never left.
* If she has a miscarriage (if she loses the baby), can her employer demand that she comes back to work before December 1st? If she were to have a miscarriage before the 20th week, the employer is entitled to ask her to come back to work. After the 20th week Maria is entitled to a maternity leave without pay up to 18 continuous weeks.

**5.** How many days can an employee miss per year, without pay, to take care of a relative? *1 mark*

An employee can miss up to 10 days of work per year without pay to take care of a relative.

**6.** How many days can an employee miss, without pay, if his/her spouse was murdered? *1 mark*

An employee can miss up to 4 days without pay, but is entitled to one extra day with pay.

**7.** How many days can an employee miss, with pay, if his/her son gets married on a day that this employee usually works? *1 mark*

He is not entitled to any days payed, but is entitled to one day of absence without pay.

**8.** What is the current minimum wage in Québec, as of October 2017, for employees working in a clothing store like H&M? *1 mark*

The minimum wage for employees working in a clothing store is 11.25$ an hour.

**9.** Is it acceptable for an employee working part-time in a company to receive a lower hourly wage than the other employees who do the same job in full-time positions? Briefly explain. *2 marks*

An employer cannot pay a part-time employee less than a full time employee for the sole reason that he is working fewer hours per week. This law does not apply to a part-time employee who earns more than double the minimum wage.

**10.** If an employee of a bar earns generous tips that represent 10 times the minimum wage, does the employer still need to pay him/her the minimum wage? Your answer could be based on what section of the *Act respecting labour standards*? *2 marks*

It is imperative that the employer pays his employee at least the minimum wage regardless of tips earned.

**11.** After working for 5 hours in a row, is an employee entitled to be paid during his lunch break? Comment. *2 marks*

The employee is not entitled to a pay, but he is entitled to 30 minutes of lunch break.

**12.** Under what circumstances would it be acceptable for an employee not to receive any extra money for overtime even if he/she worked more than 60 hours a week? *1 mark*

These are the exceptions for not receiving overtime.

* a student employed in a vacation camp or a social or community non-profit organization such as a recreational organization
* the managerial personnel of an enterprise
* an employee who works outside the establishment and whose working hours cannot be controlled
* an employee assigned to canning, packaging and freezing fruit and vegetables during the harvest period
* an employee of a fishing, fish processing or fish canning industry
* a farm worker
* an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or elderly person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer.

**13.** A company is about to hire a 13-year-old boy. List two things that the employer needs to respect to be compliant. *2 marks*

Firstly the employer cannot let a child work at night past 11 pm and the day after before 6 am. Secondly, the employer cannot have a child do work that exceeds his capacity or that risks compromising his education or adversely affecting his health or physical or moral development.

**14.** Julia has been working at a telecom company as a customer service representative for 6 years. Unfortunately, she might lose her job. *3 marks*

* How many days in advance does she need to get a notice before she has to leave?

Julia must receive a 4 week notice.

* Are there any exceptions to your previous answer?

If she committed a serious offence or dismissed or laid off due to superior force, the employer does not have to give her a notice.

**15.** When Lowe’s (an American company) acquired Rona, a hardware store from Québec, in 2015, what was the impact on Rona’s workers in regard with labour standards? Your answer could be based on *what section* of the *Act respecting labour standards*? *2 marks*

Absolutely nothing affected the labour standards for Rona’s workers because according to section 2 of the act respecting labour standards, the act applies to any workers that work inside of Quebec.

**16.** What section and article of the Civil Code allows the employer to consider the contract of employment terminated if the employee passes away? *1 mark*

As soon as the employee passes away, his work contract is immediately terminated.

**Pay Equity**

**17.** True or false? *Pay Equity* and *Equal Pay* are synonyms. Briefly explain. *2 marks*

 False, pay equity refers to paying different jobs of equivalent value the same between men and woman for example a car mechanic and an administrative assistant. Equal pay refers to paying men and woman the same amount for the same job.

**18.** What factors are used to evaluate different jobs? *4 marks*

 Required qualifications, responsibilities, effort required and the conditions under which the work is performed are the four factors that need to be taken into account to determine the value of a job.

**19.** Briefly explain why the Pay Equity program can benefit both men and women. *2 marks*

 Not every company has more men than women. This programme allows the pays to be equal for both men and women.

**20.** How often does the employer need to audit the pay equity in the company? *1 mark*

 An audit must be conducted for five years to determine pay equity.

**21.** How often does the employer need to file a report on pay equity to the government? *1 mark*

 If the company has fewer than 50 employees, the employer must file a report for 60 days or before 28 may 2019.

**22.** In a company that has more than 99 employees, who will be taking decisions in regard with the pay equity program? *1 mark*

 If the union of the company requests so, the employer will establish a pay equity plan which is applicable to the employees.

**Occupational Health and Safety**

**23.** How is the Income Replacement Indemnity adjusted to account for inflation? *1 mark*

 There is an annual revalorisation every year of 1.2%.

**24.** John did not survive a terrible accident he had while he was working. You need to calculate how much his wife will receive through two types of indemnities (as a monthly amount and as a lump sum). List 3 things you need to know to calculate both indemnities. *3 marks*

 The monthly pension is equal to 55% of the income replacement benefit to which the worker was entitled on the date of his death or to which he would have been entitled on that date if he had been unable to work due to an employment injury. Depending on the age of the spouse the duration varies from 1 year to 3 years. The spouse is also entitled to a lump sum equal to the product obtained by multiplying the annual gross employment income of the worker determined by annexe 3 of the LATMP according to the age of the spouse on the date of the worker's death.

**25.** Jane had a work-related injury that will prevent her from working for a few weeks. She thinks she will be able to receive the same paycheque as when she was working. Comment. *2 marks*

 She will not receive the same paycheck, however she will receive compensation for the injury that shall take account of severity of disability, aesthetic damage and pain/ loss of enjoyment of life. The amount of compensation is always calculated according to the table of year of the accident. This table determines to amount per age. To calculate the amount it is the percentage of impairment times the amount in the table.

Or

For the actual day of the accident, your employer must pay you your full wages as if you had worked the whole day. For the first 14 days after your accident, your employer must pay you 90% of your net wages for every day or partial day that you would normally have worked. It must apply for reimbursement from the CNESST. From the 15th day, the CNESST will pay you an indemnity equal to 90% of your net income. If you’re a worker pursuing studies, special rules may apply.

**26.** If an employee thinks he is allowed to refuse working in some conditions because of health and safety reasons, but the employer disagrees, who will be responsible to decide which one is right? *1 mark*

 The Commission des norms, de l’equite, de sante de la securite de travail conducs and investigation. If the employee is in the right, according to the act, the Commission will ask the employer to correct the problem or if not corrected the Commission can institute legal proceedings.

**27.** Nine months ago, Erik had a work-related injury. As a recent immigrant to Montreal, he had no idea he could receive indemnities and reimbursements from the CNESST. Explain why it is too late to submit a Worker’s Claim form. *1 mark*

 The deadline for a Worker’s Claim form must be sent to the CNESST within 6 months of the date of the employment injury or date which Erik found out he was injured. Since it happened 9 months ago it is too late.

**28.** Erika lives in Montreal, but she had a work-related accident, last summer, when she was working for a small company in Ontario. Explain if she can be covered by the CNESST for this accident. *2 marks*

 No, she will not be covered by the CNESST if the employer is from Ontario. She will have to contact WISB Ontario. The CNESST is the government insurer for Québec’s workers and employers.

**29.** How is the CNESST financed? (Where is the money taken to pay the beneficiaries?) *1 mark*

 Employers fund the CNESST by paying premiums (assessments).

**Teacher’s comments:**

**Total /50**