New rights for trainees in the workplace – Passage of Bill 14

March 14, 2022

In line with the adoption of Bill 59, which integrated trainees into the prevention and compensation regimes provided under the *Act Respecting Occupational Health and Safety* and the *Act Respecting Industrial Accidents and Occupational Diseases* respectively, the Québec legislator recently adopted, on February 24, 2022, the *Act to Ensure the Protection of Trainees in the Workplace* (the Act). The following summarizes the contents of the Act.

From the outset, despite the absence of a specific provision to this effect, the Act implicitly allows employers to offer unpaid training, as long as the training falls within the definition included in the Act, namely:

> "Any job shadowing activity or activity for the acquisition or implementation of skills that is required to obtain a permit to practice issued by a professional order or that is part of a program of studies or training program at the secondary, vocational, college or university level offered by an educational institution and leading to a diploma, certificate or attestation of studies."

We note that the above definition does not include all types of training, but only those recognized by a professional order or an academic institution at either a secondary, professional, college or university level.

With respect to the new rights granted to trainees, the law provides them the right to be absent for short periods in certain situations, including:

- Statutory holidays;
- In the event of illness;
- For family or parental obligations or to care for a loved one;
- For the death or funeral of a family member;
- For a wedding or civil union;
- For the birth of their child, the adoption of a child or where there is a termination of pregnancy; and
- For a medical examination related to a pregnancy.

With respect to the requirements imposed on businesses, it bears mentioning that the Act requires employers to “take reasonable measures at their disposal to ensure that the success of the trainee’s studies or training […] is not compromised because of the exercise of a right arising from this Act”. This duty also applies to the academic institution and the professional order, if any, and all these parties must henceforth “inform every trainee of their rights under this Act”.

The Act grants certain recourses that were previously unavailable to trainees, notably the recourse in case of psychological harassment provided for in sections 81.18 to 81.20 and 123.6 of the *Act Respecting Labour Standards*, as well as the recourse in case of a prohibited practice provided for in section 122 of the same act.

Although the adopted Act is not yet available, the initial draft bill provided for an enactment date six (6) months after the assent date and no amendments seem to have occurred in the meantime. The bill was assented to on February 24, 2022, and should therefore come into force around August 24, 2022.

Should you have any questions, please contact one of the professionals listed below, from our Labour and Employment Group.

The authors acknowledge the contribution of students Alexie Hénault-Gagnon and Samuel Roy to this publication.

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