



# Labour Standards and Services for TFWs

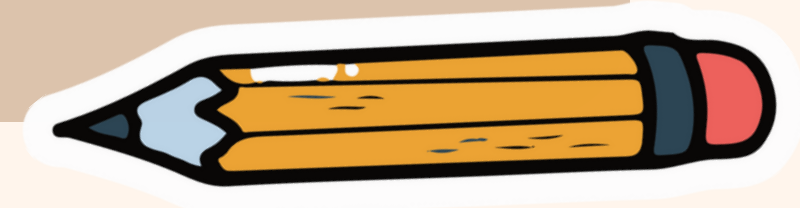


# What is CNESTT?



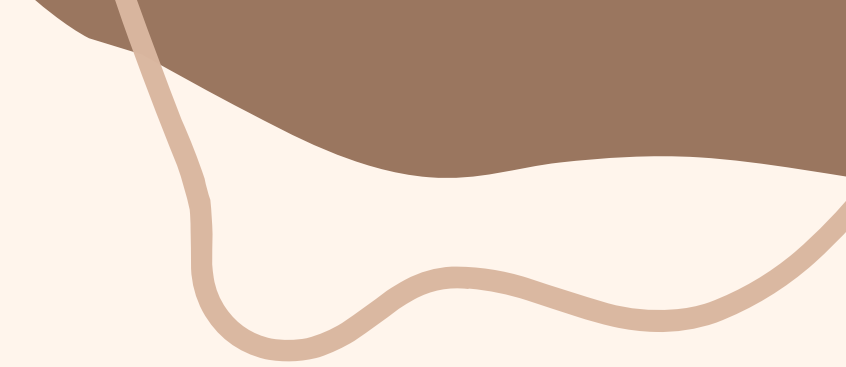

**In French:** “Commission des normes, de l'équité, de la santé et de la sécurité au travail (CNESTT)”

**In English:** The Quebec Government's organization supporting equity, health, and security, in the workplace.



# Legal History! 🧐

- Historically, all employment rights cases went to the Superior Court.
  - (Superior Court is one of Canada's many courts!)
- This requires lawyers and lots of money and energy
- To make justice more accessible, the government took away some of the Superior Court's powers and gave those powers to administrative tribunals, which are easier and cheaper to access!
  - (Reference re Code of Civil Procedure (Que.), art 35, 2021 SCC 27).
- **CNESST is an administrative body and decision maker, that specializes in your employment rights.**
- **If you have a problem with your employer, it is the 1st step. You file a complaint with CNESST (Section 5, Act Respecting Labour Standards).**
- The Tribunal administratif du travail is the tribunal that reviews CNESST decisions if you contest them.



**Do you think that your employer is violating your employment rights?**

**You can file a complaint through CNESST**



# Eligibility 🧐

You can file a complaint with CNESTT if:

- Your rights are not respected in the workplace
- You are not satisfied with the services of CNESTT
- You want to contest a CNESTT decision
- You want to contest a contracting process
- Your work has a hazardous health and safety situation

Don't worry - it won't let you click submit, unless you are eligible.

# **WARNING**

CNESST can either accept  
or deny your case.

You are not guaranteed to  
win your case.

# What can CNESST do?

## Here are the benefits.

- For cases involving **psychological harassment, prohibited practices, wrongful dismissal**:
  - CNESST can assign you a **free lawyer**
- For cases that are only an argument about money:
  - CNESST will not give you a free lawyer.
  - Instead, CNESST **will go after your employer, and get the money from them**, on your behalf - if it deems the case well founded (Source)

# Benefits of CNESST Continued

- You can call CNESST for information about your rights: 1 844 838-0808
- CNESST has a free mediation service, for certain complaints.
  - This process can be quite fast (for the legal system anyway); usually you can get a mediation date within a few months of filing the complaint, whereas it might take a year or more to get a date at the Administrative Labour Court for the ultimate hearing on the complaint.



# How do I use it?

1. You can call CNEST for information about your rights: 1 844 838-0808
2. PINAY can help you fill out your complaint form

# Telephone Operating hours

Telephone service operating hours

- Monday: 8:00 a.m. to 4:30 p.m.
- Tuesday: 8:00 a.m. to 4:30 p.m.
- Wednesday: 9:30 a.m. to 4:30 p.m.
- Thursday: 8:00 a.m. to 4:30 p.m.
- Friday: 8:00 a.m. to 4:30 p.m.

# Where do I file a complaint?

Here:

<https://servicesenligne.cnesst.gouv.qc.ca/plainteCNESS>  
[T?lang=en](#)



**STOP**

**The next section is just for your general information. It is not advice.**

**DO NOT rely on this for your personal situation. Your specific situation may have exceptions.**

**Come see PINAY's legal clinic!**

# **1. Retaliation Risks of filing a CNESST complaint**

1. **Your employer might retaliate.** Your employer will know you filed the complaint, and CNESST will call them to ask the employer their side of the story. This can make an employer angry, and they might retaliate somehow. In theory though, that can also be contested with a new complaint for a prohibited practice.

## 2. Immigration Risks

You may not have the resources to hire a lawyer to fight your employer for firing you. What happens to immigration status if you get fired?

If you are fired on a Closed work permit:

1. You can legally stay in Canada without employment (CIC News).
2. Then, you need to apply to a new work permit, through a new employer.
  - a. You cannot start working for a new employer until you have the new work permit.

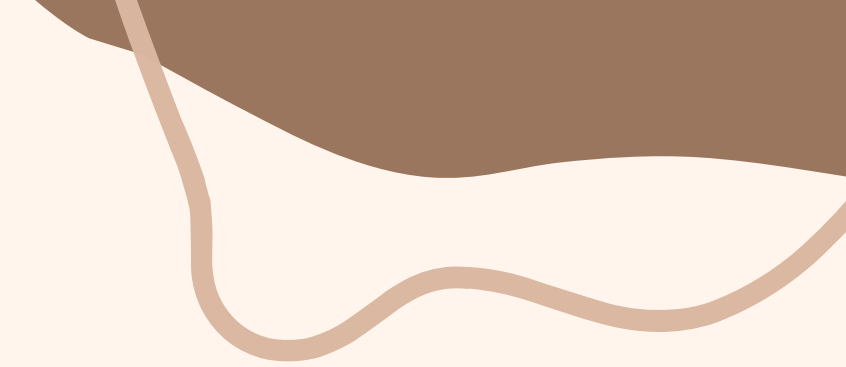
### Fun Fact:

If you've applied for permanent residence/are a temporary resident permit holder (and other scenarios), you can apply for an **open work permit**. An open work permit means your work permit is valid no matter who your employer is.

## **2. Immigration Risks Continued: Changing Employers when Victim of Violence**

In 2019, Ottawa amended the Immigration and Refugee Protection Regulations. Under the new provision, foreign workers who are victims of violence in their Canadian workplace can apply for a work permit for vulnerable workers — which allows them to change employers.

- 53% of these were accepted between June 1, 2019 and May 31, 2020 ([CBC News](#)).



# Bill 96



# What's Bill 96? 🧐

**A new (controversial) law, that aims to protect the French language.**

Canada has 2 official languages: English, and French.

Canada is mainly English. So, Quebec is scared people will stop speaking French. Quebec writes intense new laws to protect the French language.

# Why is Bill 96 Controversial? 🧐

People here either love it or hate it!

**Who usually loves it?** French people in Quebec typically love Bill 96, because it protects their language.

**Who usually hates it?** English speakers, and Indigenous peoples have rights to speak their languages in Canada.

Bill 96 currently exists, and is law. However, right now, lawyers are arguing that Bill 96 is language discrimination.

Keep your ears out for updates on Bill 96 in the news! **We do not know how Bill 96 will evolve.**

# 1. How does Bill 96 impact you right now?

**You have 6 months to learn French.** Beginning June 1, new immigrants must receive government services exclusively in French six months after their arrival in Quebec. Caregivers must therefore learn French within their first 6 months in Canada.

What are Quebec government services? CNESST, legal aid centers, the place you get your driver's license...et

Issue: You may not get a spot in a french class within 6 months.

## **2. How does Bill 96 impact you in the future?**

**Knowledge of French increases chances for Quebec permanent residency.** To go from a Temporary resident to a permanent resident, a French language test might be required. The tests will begin next year.

# **Exceptions to Bill 96 :**

## **When can I speak English to the Quebec Government?**

- If you have “historical anglophone” status, you can get Quebec government services in English
- If you are Indigenous, you can get get Quebec government services in English
- If you have spoken to a Quebec agency only in English before May 13, 2021, you can still speak in English to that particular agency.
- And as said - during your first 6 months of arriving to Canada, you can get Quebec government services in English

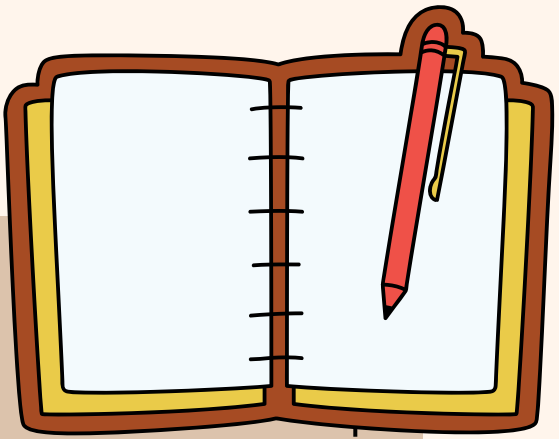
Fun Fact: Bill 96 says you can speak English when “health, public safety or the principles of natural justice so require (we do not yet know what this means! It will definitely be debated in court)

# **Another Exception:**

From now until June 1st 2025:

Let's say the Quebec government makes all reasonable efforts to speak in French. Well...

A Quebec services organization may use another language to avoid compromising their mission (to do their job)



**that's all folks!**

