The Commission des Relations du Travail has Exclusive Jurisdiction to Hear Complaints Made Under Section 124 of the Act Respecting Labour Standards

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On June 2, 2008, following the hearing of six cases at the same time, the Quebec Court of Appeal ruled that section 114 of the Labour Code grants exclusive jurisdiction to the Commission des relations du travail to hear complaints made under section 124 of the Act respecting Labour Standards.

Despite the fact that section 124 of the Act respecting Labour Standards is considered to be a puplic policy provision granting procedural and fundamental rights to employees, the Court rules that it was not implicitly incorporated into collective agreements.

In light of the recent teachings of the Supreme Court of Canada, certain arbitrators felt that they had jurisdiction to rule on employees' complaints under section 124 of the A.L.S. while others thought they did not. The motions for judicial review filed in the Quebec Superior Court also gave rise to conflicting rulings on the issue of whether the application of section 124 of the A.L.S. was within the jurisdiction of grievance arbitrators or that of the Commission des relations du travail.

A leave to appeal was recently requested before the Supreme Court of Canada. In order to keep you well informed, our team will keep track on all future developments in this file.

Should you require additional information, please don't hesitate to contact this bulletin's author or any other member of the Lavery, de Billy Labour and Employment team. You can find the coordinates on the last page of the current bulletin.

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