

Reprisals, discrimination and psychological harassment in the workplace (article 10-4.00)

1. Some background and context

In 2015, the notion of psychological harassment was introduced into the QPAT entente following amendments to the *Act respecting labour standards* that occurred in June 2004.

In compliance with the Act, we have made three adjustments, as further amendments to the *Act respecting labour standards* were made in June 2018.

2. Amendments

- Adjustment to the new definition imported and adapted from the *Act respecting labour standards* (10-4.05 a))
- Obligation for the employer to adopt and make available a policy for the prevention of psychological harassment and the handling of complaints [104.05 b)]
- Adjustment of the time limit for filing a grievance in accordance with the *Act respecting labour standards* [10-4.05 e)]

3. Content

<p>10-4.00 REPRISALS, DISCRIMINATION AND PSYCHOLOGICAL HARASSMENT IN THE WORKPLACE</p>	<p>The concept of psychological harassment was introduced into the <i>Act respecting labour standards</i> in June 2004. Since then, the courts have repeatedly ruled on the scope and limits of this definition. Over time, the courts have equated sexual harassment with psychological harassment. This therefore explains the legislature's decision, through the June 12, 2018, amendments to the <i>Act respecting labour standards</i>, to include conduct that is similar to sexual harassment in the definition of psychological harassment. In so doing, it took note of the principles recognized by the jurisprudence.</p>
<p>10-4.05 a)</p> <p>“For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.”</p>	<p>This new wording ensures that if there are subsequent amendments to the definition of the <i>Act respecting labour standards</i>, the agreement will never again be out of step.</p> <p>Clarification for the reader less familiar with the law.</p>
<p>10-4.05 b)</p> <p>(...) it must adopt and make available a policy for the prevention of psychological harassment and the handling of complaints, including, among other things, a component concerning conduct manifested by words, acts or gestures of a sexual nature.</p>	<p>New requirement (effective January 1, 2019) for employers to adopt a policy; the old version of the <i>Act respecting labour standards</i> made it only a suggestion to prevent psychological harassment.</p>
<p>10-4.05 e)</p> <p>Any complaint of psychological harassment that is submitted to arbitration must be filed within 90 days[†] two years after the most recent manifestation of such behaviour. The union and the board may agree to extend the time limit.</p>	<p>New time limit (effective June 12, 2018) from 90 days to 2 years.</p>

[†] ~~Read 40 school days if they cover more than 90 calendar days.~~