

# TRIBUNAL ADMINISTRATIF DU TRAVAIL ●



Period.

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With its offices throughout Québec, the Tribunal administratif du travail is an independent, accessible administrative tribunal that determines matters arising under about 40 statutes.

## The Tribunal sits in four divisions:

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**The labour relations division** makes determinations in matters of employment protection, the right of association and negotiation, and pay equity.

**The essential services division** protects public health and safety by ensuring that essential services are maintained during legal strikes and illegal pressure tactics.

**The occupational health and safety division** hears contestations, by workers or employers, of decisions by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

**The construction industry and occupational qualification division** hears proceedings pursuant to the legislation governing the construction industry.

# Stages of a proceeding with the Tribunal

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## Occupational health and safety

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The Tribunal administratif du travail is called upon to make determinations in matters usually brought under the Act respecting industrial accidents and occupational diseases (the AEALT) and the Act respecting occupational health and safety (the AOHS).

Workers and employers can apply to the Tribunal to contest administrative review decisions rendered by the Commission des normes, de la santé et de la sécurité du travail (the CNESST). Once the case record is open, the CNESST is informed that a contestation has been filed with the Tribunal.

The CNESST provides its record to the occupational health and safety division, which in turn forwards it to the parties or their representatives.



**The following decisions are contested directly before the Tribunal; they are not subject to administrative review by the CNESST:**

- > Joint decisions by the CNESST and Société de l'assurance automobile du Québec (the SAAQ);
- > Decisions on a dismissal, suspension or transfer, discriminatory measures, reprisals or any other penalty (section 32 of the AEALT or section 227 of the AOHS).

# Stages of a proceeding with the Tribunal

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## **Labour relations, essential services, construction and occupational qualification**

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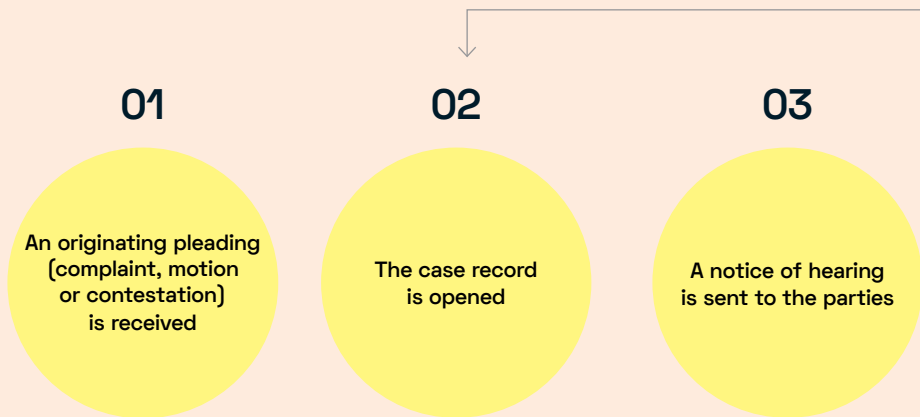
The documents filed by the parties comprise the record in matters brought before the labour relations, essential services, construction and occupational qualification divisions.

Complaints pursuant to the Act respecting labour standards must first be filed with the CNESST, which defers them to the Tribunal for a ruling on the merits.

In matters involving a complaint against a union or an association (sections 47.2 et seq. of the Labour Code), the Tribunal opens a case record and assigns it to a labour relations officer, who analyzes it and ensures that it is complete.

# Stages of a proceeding with the Tribunal

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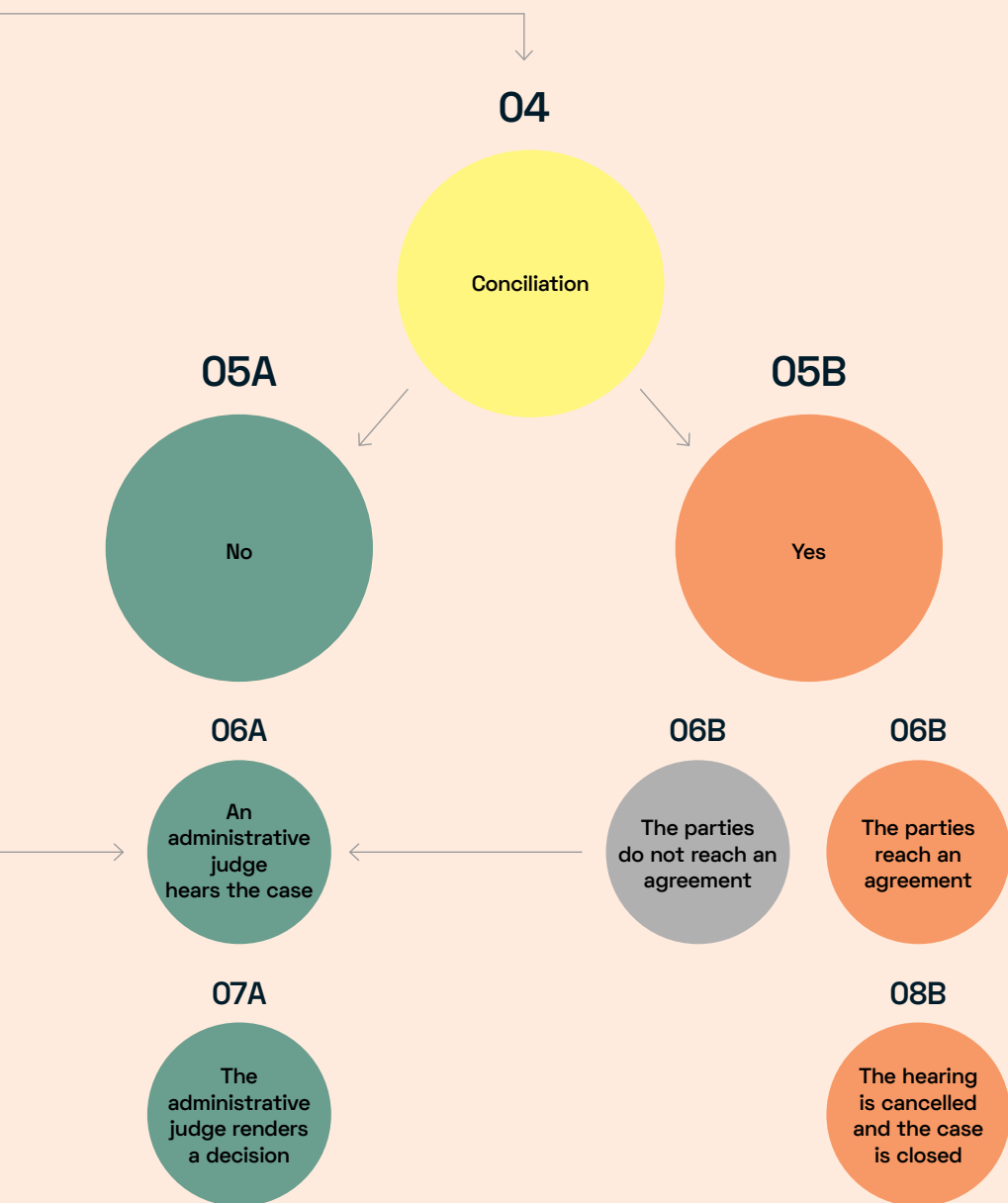
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## Did you know?

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Where proceedings are brought before more than one of our divisions, a **joinder application** may be submitted to the president of the Tribunal requesting that an administrative judge hear the matters in one sitting. The issues in dispute must be substantially the same or fittingly be combined.

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## Our online services

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Quick, simple and easy, our **online services** (only in French) help speed up the processing of your requests. They facilitate your dealings with the Tribunal and eliminate mailing time and costs. The services are also secure, thus keeping the information confidential.

### We invite you to take advantage of our online services to:

- file a complaint, a motion or a contestation (originating pleading) with any of the Tribunal's divisions;
- file a document in a **record that is already open** (application for postponement, written representations, discontinuance, etc.);
- check the status of your case (progress made, hearing date, etc.);
- check the hearing schedule;
- notify us of a change of contact information (worker or employee);
- elect to receive the documents the Tribunal sends you in relation to your case (notice of hearing, confirmation of receipt, decisions, etc.) by email or by mail.

Our online services  
are constantly evolving and  
new services will be added  
in the future.





# Application for an order

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The Tribunal can make a provisional order (a temporary decision pending the final decision) or a permanent order safeguarding the parties' rights during a labour dispute.

You must provide a description of the situation and explain in what way the Tribunal needs to intervene. The **Dépôt d'un acte introductif** online service can be used to file your application.

**All applications for orders are given priority treatment, and some circumstances are emergencies.**

The remedial powers granted to the essential services division allows it to intervene in disputes affecting public services, the public sector and the health and social services network.

The Tribunal can hold an urgent hearing and make an order where a lock-out, a strike, a slowdown or concerted action is likely to be prejudicial to a service to which the public is entitled.

It can also intervene when the essential services provided for in a list or agreement are not rendered during a strike.

**If you need an urgent order,** you can reach the Tribunal at all times at **1 800 361-9593** (toll-free).

# Conciliation

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The Tribunal administratif du travail's conciliation services help settle disputes to the parties' satisfaction (worker, employee, union or employer). The services are quick and simple to use, free of charge, voluntary and confidential.

Conciliation can take place at any stage of your case, provided it is before an administrative judge renders a decision. Conciliation can also be terminated at any time.

Our conciliators are neutral and impartial. Their role is to facilitate communication between the parties to assist them in reaching an agreement. Conciliators help the parties gain a better understanding of their dispute and consider their interests so they can make an informed decision.



You can attend the conciliation session alone, or you can be accompanied or represented by the person of your choice. Discussions are held by phone, by Zoom videoconference, or on Tribunal premises. Regardless of the means chosen, the conciliator can exchange with both parties together or separately.

**Your consent is essential.** If no amicable agreement is reached, your case will be heard by an administrative judge.



# Hearing

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Once a proceeding has been filed, the Tribunal sends, by email or by regular mail, a notice of hearing specifying the time, date and place the hearing will take place. If a remote videoconference hearing is planned, the notice will contain a link to the virtual room.

The hearing can be held in person or by Zoom videoconference, and the same rules apply regardless of the way it is held. **Your presence is essential**, as it is your opportunity to express your viewpoint.

You can be represented by a lawyer, a union representative or anyone else who may help you defend your case.

To establish your evidence, you can provide testimony on the facts that took place, call witnesses and submit documents. You can use jurisprudence that supports your case, that is, decisions or judgments that were rendered in cases similar to yours.



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## Did you know?

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Tribunal administratif du travail decisions are available free of charge on the website of Société québécoise d'information juridique: [citoyens.soquij.qc.ca/](https://citoyens.soquij.qc.ca/).

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# Decisions

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Once the hearing is over, cases are taken under advisement. This is the period during which the administrative judge analyzes the case and drafts the decision. Its duration varies according to the type of dispute, usually between 60 and 90 days.

**Decisions by the Tribunal administratif du travail are without appeal, and all persons concerned must comply immediately.**

**Exceptionally**, and under very limited circumstances, the Tribunal may review or revoke a decision it rendered or an order it made.

The mere fact that you disagree with the Tribunal's decision is not a ground for review.



## For further information

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See our website at [tat.gouv.qc.ca](http://tat.gouv.qc.ca) for information on the processing of the proceedings that may be brought before the Tribunal administratif du travail, and to consult our news section (Actualités heading, in French only).

**Videos** (in French) containing useful information on the topics listed below are available on our website:

- > conciliation services
- > preparing for a hearing
- > conduct of a hearing

You may also contact your regional office. Contact information can be found on the **[Nous joindre](#)** page of our website.

Follow us on **[Twitter](#)** for updates on decisions in matters of essential services and other issues related to our mission.

**Period.**

*Tribunal  
administratif  
du travail*

**Québec** 

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