



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 990

**An Act to amend the Act respecting
labour standards in order
to regulate telework**

Introduction

**Introduced by
Mr. Alexandre Leduc
Member for Hochelaga-Maisonneuve**

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EXPLANATORY NOTES

This bill makes certain amendments to the Act respecting labour standards with respect to telework.

The bill provides that an employee is entitled to perform telework for up to 40% of their working hours if the nature of the work so permits. It also provides that an employer may require telework under certain conditions. The bill also allows for the number of telework hours to exceed the threshold in certain cases.

The bill provides that the employee or certified association and the employer are to agree to a telework plan.

The bill allows an employee to work according to a schedule suitable to the employee, with some exceptions.

The bill provides that the employer must reimburse necessary expenses according to various terms.

The bill prohibits the employer from using remote monitoring software for management or control purposes.

The bill requires the employer to adopt and make available a telework policy.

The bill empowers the Government to specify elements or include other elements in the telework policy, according to, in particular, the size of the enterprise and its sector of activity.

Lastly, the bill provides for a remedy that may be exercised before the Commission des normes, de l'équité, de la santé et de la sécurité du travail where the employee is in disagreement with the employer regarding compliance with the provisions of this Act or the telework plan.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting labour standards (chapter N-1.1).

Bill 990

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS IN ORDER TO REGULATE TELEWORK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. The Act respecting labour standards (chapter N-1.1) is amended by inserting the following division after section 59.0.1:

“DIVISION II.1

“TELEWORK

“**59.0.2.** For the purposes of this Act, “telework” means work carried out by an employee using technology outside the establishment of the employer.

“**59.0.3.** An employee is entitled to perform telework for up to 40% of the employee’s working hours if the nature of the work enables telework.

“**59.0.4.** The employer may require an employee to perform telework for up to 40% of the employee’s working hours if the requirement is included in the conditions of employment at the time of hiring and if the employer uses that requirement within three months of the commencement of the employee’s employment.

The first paragraph does not apply to employees hired before the coming into force of this section.

“**59.0.5.** Telework may exceed 40% of the working hours where either of the following conditions is met:

(1) the employer wishing to require telework obtains the authorization of the Commission after having shown that the characteristics, in particular the historical characteristics, of the sector of activity enable telework; or

(2) the employee or certified association and the employer so agree.

“**59.0.6.** The employee or certified association and the employer shall agree on a telework plan.

“59.0.7. When an employee is performing telework, the work may be performed according to a schedule suitable to the employee, except where there are legitimate operational constraints, in which case the constraints must be specified in the telework plan.

“59.0.8. An employer must reimburse 50% of the necessary expenses where an employee claims the right to telework and 100% of the necessary expenses where the employer makes telework a requirement in the conditions of employment at the time of hiring, without prejudice to the provisions of the first paragraph of section 85.1.

Payment of reasonable fees related to internet connection, ergonomics or telework training is deemed to be a necessary expense.

Other necessary expenses may be specified in the telework plan.

“59.0.9. An employer may not use remote monitoring software for management or control purposes.

The employer may, however, visit the telework site between 9:00 a.m. and 5:00 p.m., provided that the employer obtains the employee’s consent and gives 24 hours’ notice.

“59.0.10. An employer must adopt and make available to his employees a telework policy that sets out, among other things, the following elements:

- (1) the terms of the telework plan;
- (2) the right to disconnect;
- (3) the use of work tools; and
- (4) the accommodations provided for an employee who is the victim of domestic violence.

The Government may, by regulation, specify the elements that are already provided for and provide for the inclusion of other elements in the telework policy according to, in particular, the size of the enterprise and its sector of activity.

“59.0.11. Where the employee is in disagreement with the employer regarding the provisions of this division or a telework plan, the employee may file a complaint in writing with the Commission des normes, de l’équité, de la santé et de la sécurité du travail. On receipt of the complaint, the Commission shall make an inquiry and the first paragraph of section 102 and sections 103, 104 and 106 to 110 shall apply, with the necessary modifications.

If the Commission refuses to take action following a complaint, the employee may, within 30 days of the Commission’s decision under section 107 or, if

applicable, section 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

At the end of the inquiry, if the Commission agrees to take action, it shall refer the complaint without delay to the Administrative Labour Tribunal for the latter to rule on the consequences of the changes on the status of the employee.

The Administrative Labour Tribunal shall render its decision within 60 days of the filing of the complaint at its offices.”

FINAL PROVISION

2. This Act comes into force on (*insert the date of assent to this Act*).

