

Dismissal, harassment, unpaid wages, workplace injury: which deadline for which recourse?

Labour law complaint deadlines in Quebec: the complete guide, or almost...

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Have you been dismissed, harassed, underpaid or injured at work? You may have rights. But be careful: every remedy has a deadline, and that deadline is often very short. Once the deadline has passed, your complaint may be dismissed, even if you were right on the merits.

Let's be honest: labour law is confusing. Depending on your situation, more than 36 pieces of legislation may apply (charters, codes, statutes, regulations and decrees), both in Quebec and federally. It's enough to make anyone's head spin!

This article helps you quickly find the deadline that applies to your situation, in plain language.

This article is part of a 5-article series:

1. **The essentials: understanding and calculating your deadlines** (you are here)
2. [Non-unionized or municipal employees in Quebec](#)
3. [Unionized employees](#)
4. [Workplace injury and occupational health and safety](#)
5. [Federal jurisdiction, employment insurance and bankruptcy](#)

First things first: three questions to ask yourself

- **Who is your employer?** Most businesses are governed by Quebec law. But if you work for a bank, a telecommunications company, an airline, Canada Post, a carrier that crosses provincial borders or the federal government, federal law often applies, with different deadlines. Note: a Desjardins caisse populaire is not a bank. It is governed by Quebec law, like most financial services cooperatives.
- **Are you unionized?** If you are covered by a collective agreement, you generally have to go through your union and file a grievance. The deadlines are then those set out in your collective agreement.
- **Do you work for a municipality?** Managers and certain non-unionized municipal employees have a special remedy, with a very short deadline.

Not sure whether your employer is governed by Quebec law or federal law? Contact us: we can help you figure it out quickly, before the deadlines run out.

The most common trap: 30 to 45 calendar days

If you are dismissed or are the victim of constructive dismissal in Quebec, the most important deadline is often only 45 calendar days, meaning that weekends and statutory holidays are counted. Some remedies are even shorter: 30 days, for example, for a penalty following a workplace accident or the exercise of an occupational health and safety right, for a municipal manager removed from office, for a Quebec public servant or for a measure related to your union activities. For example, for a dismissal that takes effect on October 1, the complaint must be filed no later than November 15. The deadline runs from the effective date of the dismissal, and that day is not counted. If the last day falls on a Saturday, a Sunday or a statutory holiday, the 45-day deadline is extended to the next business day; for other remedies, a Saturday does not always extend the deadline (see "How to calculate your deadline" below). Do not count on this extension: file before. Do not let this deadline pass while you wait for a letter, a negotiation or the end of your notice period. You can file the complaint and still continue discussions with the employer.

Understanding deadlines and possible exceptions

Each remedy must be exercised within a specific deadline, set by law or by your collective agreement. This deadline starts on a specific date (for example, the effective date of the dismissal, the last act of harassment or the receipt of a decision) and is calculated in calendar days. If you file your complaint late, the employer can ask that it be dismissed, even if your case is strong on the merits.

There are, however, exceptions. Depending on the remedy, the tribunal or agency may accept a late complaint if you show a reasonable cause or that you were unable to act. For example:

- a hospitalization or serious illness that prevented you from acting;
- a psychological incapacity confirmed by a health professional;
- incorrect information received from a public agency or from your employer;
- certain situations of harassment or violence that prevented you from filing a complaint sooner.

Caution: these exceptions are applied strictly. It is up to you to prove the reason for the delay, with the necessary supporting documents (medical certificate, hospital records, correspondence, etc.). Never count on an exception: act within the prescribed deadline. If your deadline has expired or is about to expire, contact us right away: we will assess whether an exception may apply in your situation and which supporting documents to gather.

How to calculate your deadline

- **In this guide, all deadlines expressed in days are calendar days** (weekends and statutory holidays included), unless "business days" is specified.
- **The day of the event is not counted; the last day is counted.** For a 45-day deadline starting October 1, you start counting on October 2; the 45th day is November 15.
- **Weekends and statutory holidays are counted** in the deadline, unless the law provides otherwise.
- **Complaint under the Act respecting labour standards:** according to the CNESST's interpretation guide and the majority of case law, the deadline is calculated under the rules of the *Labour Code* (see the next point). For dismissal without good and sufficient cause, the complaint may also be mailed to the CNESST's address within the 45 days.
- **Remedies under the Labour Code, labour standards complaints and other remedies that refer to it (decrees, French language, public transit authorities, etc.):** Saturday, January 2 and December 26 are treated as

statutory holidays. If the last day falls on a Saturday, a Sunday or a statutory holiday, the deadline is extended to the next business day. For a deadline of 10 days or less, statutory holidays are not counted at all.

- **Other statutes that do not provide a calculation rule (workplace accidents, occupational health and safety, etc.):** if the last day is a Sunday or a statutory holiday, the deadline is extended to the next business day. Saturday is not a holiday within the meaning of that Act: to be safe, if your deadline ends on a Saturday, file no later than the Friday.
- **The starting point varies depending on the remedy:** the date of the measure (dismissal, penalty), the moment you learn of it, the receipt of a decision, the service of a municipal resolution or each pay date for money owed. Check the starting point shown in the tables.
- **Sending your complaint:** before the Administrative Labour Tribunal, a document sent by mail is presumed to be filed on the date of the postmark, and an email on the date it is received by the Tribunal's server. Other deadlines require the complaint to be received before the deadline expires, for example a federal staffing complaint. In all cases, do not wait until the last day, and keep proof that you sent it (acknowledgment of receipt, email, postal receipt).

Find the deadlines for your situation

Depending on your situation, continue with the article that applies to you:

- **Non-unionized or municipal employees in Quebec:** dismissal, harassment, reprisals, unpaid wages, decrees, construction, managers, municipal and public transit employees, discrimination and civil action.
- **Unionized employees:** grievance, complaint against the union and complaint to the CNESST.
- **Workplace injury and occupational health and safety:** CNESST claim, request for review, challenge before the TAT, reprisal complaint, complaint to an inspector and right to refuse.
- **Federal jurisdiction, employment insurance and bankruptcy:** Canada Labour Code, federal public service, employment insurance and employer bankruptcy.

Our tips to avoid losing your rights

- Deadlines are generally counted in calendar days, weekends and statutory holidays included, and a deadline that ends on a Saturday is not always extended: aim for the Friday.
- Write down the exact date of each event: dismissal, last act of harassment, receipt of a decision.
- Do not wait for negotiations with the employer to end: file your complaint, as it does not prevent a settlement.
- If in doubt about the deadline, go with the shortest one.

Conclusion

Deadlines in labour law are short and vary depending on your employer, your status and the type of problem. A mistake of a few days can cost you a remedy. Please remember that this is not legal advice and that every case must be assessed individually.

Important notice: this article is provided for general information purposes only and does not constitute legal advice. Laws change and every situation is different: it is important to consult a lawyer before making a decision or letting a deadline pass. Online tools and artificial intelligence can also be wrong; do not rely solely on an answer obtained on the Internet or from a chatbot.

We strongly encourage you to contact us without delay, so that the applicable deadlines are met and your claims are not dismissed.