

About this guide

More and more people go to court without a lawyer. That's why the Québec Bar Foundation has prepared guides called How to prepare for court.

These guides offer information that helps people understand the main steps of the legal process. They also help the reader make informed decisions about the choices they will face.

The information in this guide is only for people who have a case with the Tribunal administratif du travail (TAT).

Since 1978, the Foundation has worked for the advancement of law and supported young legal professionals to help create a fairer society.

Primarily funded by private donations, the Foundation can count on the support of its Governors, its donors, its partners and successful fundraisers to accomplish its mission.

Working in a collective spirit, open to the community and attentive to its needs, the Québec Bar Foundation helps unite people and aspires to be at the heart of a legal community committed to the future of law.

To learn more about the Foundation and the free publications it offers, visit its website:

www.fondationdubarreau.qc.ca



This guide contains general information about current Québec law and is not meant to provide legal advice or a legal opinion.

To keep things simple, we will usually refer to the Tribunal administratif du travail simply as the Tribunal. For the same reason, we will usually use the word “judge”, even though a Tribunal judge’s official title is “administrative judge”.

This guide is for employees and employers who wish to file a claim with the Tribunal administratif du travail. Depending on the type of claim, the word “worker” or “employee” can refer to different groups of people. We’ll usually use the term “worker” to keep things simple.

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A guide that doesn't apply in all cases

Only for the Tribunal administratif du travail

This guide is only for cases with the Tribunal administratif du travail (TAT).

It applies to many situations. For example:

- Dismissal
- Psychological harassment
- Work accidents or occupational diseases
- Occupational health and safety
- Pay equity
- Union rights
- Jurisdictional conflicts related to construction trades and occupations

This guide is for both workers and employers.



Not for other tribunals

There are several administrative tribunals in Québec. Each one has its own rules and procedures.

If your case is with another tribunal, for example the *Tribunal administratif du logement* or the *Tribunal administratif du Québec*, you may find another guide more helpful:

fondationdubarreau.qc.ca/guides-juridiques

Not for civil matters

Many types of claims can be made in work-related conflicts.

If you wish to make a claim in civil court, for example at the Court of Québec or Superior Court, this guide is not for you. Instead, please read the guide called "[How to prepare for court—For civil matters](#)".



Are you a union member?

You must first discuss the matter with a union representative.
This step is mandatory.

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Options to settle your conflict

Did you know going to the Tribunal isn't the only way to settle a conflict?

Solving a conflict outside the Tribunal is often more satisfying than a judge's decision. It's also a good way to reconcile with the other party.

Feel free to get creative with possible solutions. Who knows? Maybe you can settle things with a letter of apology or a letter of reference. Sometimes, simply being able to feel heard and tell your side of the story can give you a sense of justice.

We'll explain three ways to settle a conflict:

- negotiation
- mediation
- conciliation

You can use any of these methods at any point before the hearing to try to solve things.

Negotiation: finding a compromise

What it is

Negotiation lets you look for an agreement with the other party by making concessions.

It's an informal process that only involves the parties to the conflict. You can negotiate however and whenever you want. You only need to contact the other party.

It's still possible to be represented by a lawyer when negotiating. The legal fees will probably be lower than for a case that goes to trial.

If negotiations succeed

Put your agreement in writing. The agreement must be:

- signed by everyone involved.
- include all the details and conditions.
- be written in clear terms that everyone understands.

If negotiations fail

Everything that was said or written during negotiations remains confidential. The judge can't be told what was discussed if the case is eventually heard.

Mediation: negotiating with help

What it is

Mediation means negotiating with the help of someone who is neutral and impartial. This person is called a "**mediator**". Their role is to help the parties find a solution to their conflict.

A mediator does not have the power to make any decisions for you. Their role is to help you discuss the issues so you can reach an agreement. They can also suggest solutions.

Mediation can take a single meeting or multiple sessions.

Finding a mediator

Mediation is offered free of charge by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) in many situations.

How can you get access?

- You must first file a complaint with the CNESST.
- A mediator will then get in touch to offer their services.
- You are free to accept or refuse. The other party must also agree to mediation.

Visit the "Mediation" section of the CNESST website at www.cnesst.gouv.qc.ca/en to learn more. You can also find it by typing "CNESST mediation" into a search engine like Google.

Your case does not involve the CNESST?

There are other ways to obtain mediation services:

- Free community mediation services are offered by Équijustice centers and ASSOJAQ members. These services are available across Québec.

To find one, visit the Équijustice website (equijustice.ca/en) and click on the “Find an Équijustice” tab. You’ll also find contact details for ASSOJAQ members.

- The Barreau du Québec can also help you find a mediator if necessary. In that case, services are not free, and the parties involved must pay the mediator.

To find a lawyer-mediator, consult the Directory of lawyers on the Barreau du Québec website (barreau.qc.ca/en).



Difference between mediation and conciliation

Mediation and conciliation both aim to settle a conflict without a hearing.

- In mediation, the person leading the meeting (the mediator) simply helps the parties talk and find their own solution.
- In conciliation, the person leading the meeting can also suggest an agreement that might suit both parties.

In other words, a mediator accompanies the parties, while a conciliator can also guide them.

Conciliation: offered by the Tribunal

What it is

Conciliation is similar to mediation. It allows the parties in a conflict to talk with the help of a neutral person, called a conciliator. The conciliator’s role is to make discussions go smoothly and help the parties in a conflict negotiate. They can also suggest possible solutions.

Conciliation is offered free of charge by the Tribunal. To get a conciliation session, you first have to make a request. In some cases, the Tribunal will contact the parties directly to propose conciliation, but you are free to do so yourself.

To find out how to request a conciliation session from the Tribunal, see page 38 and the following pages.



Before filing a claim

Before filing your application, you can take steps to better prepare.

Here are the steps to follow before filing your application:

- Make sure it's not too late (p.10).
- Look up the law (p.11).
- Asking a lawyer for help... or not (p.11).

Make sure it's not too late

The law specifies time limits to respect to file a claim. You might lose the right to do so if too much time passes. This is called "**prescription**".

Prescription deadlines vary depending on the type of case. In administrative matters, they are often very short and must be strictly respected.

These time limits are set out in different laws, such as:

- the [Act respecting labour standards](#).
- the [Act respecting industrial accidents and occupational diseases](#).

To find out the prescription deadline that applies to your situation, please read "Deadlines: don't be late", starting on page 31.

You can also:

- Visit the Tribunal website at tat.gouv.qc.ca/en, in the section "How to file a proceeding."
- Read the article called "Prescription" on the Éducaloi website at www.educaloi.qc.ca/en. To find it, type "prescription Éducaloi" in a search engine such as Google.

Look up the law

Before filing your application, it's important to learn about all the laws and regulations that apply to your situation. Not only will you discover your rights and obligations, but it will also help you prepare your case properly from the start.

Make sure the information you find is reliable, current and valid in Québec.

There are several free online legal research tools. To find them, read the guide "How to do your own legal research" on the Info Justice Montréal webpage. It's at the bottom of the page, in the "Guides and tools" section: info-justice.ca/en/centres/montreal-2

Asking a lawyer for help... or not

When dealing with the Tribunal administratif du travail, you have the choice. You can represent yourself, or ask someone else to represent you.

In fact, you can be represented by:

- a lawyer,
- a union representative,
- an employer representative,
- or any other person you trust to do so properly.

Keep in mind that if the other party is represented by a lawyer, you'll have to deal with a professional who knows the appropriate rules of law and procedure.

What if you don't know any lawyers? Groups and associations of lawyers provide referral services by area of law and by region. For more information, consult the "Referral Services" page on the Barreau du Québec website at www.barreau.qc.ca/en. You can find it by typing "referral services Barreau du Québec" in a search engine such as Google.

For some CNESST claims, a lawyer is provided to the worker free of charge.

Too expensive? Options to consider

You can act on your own at the Tribunal. But without a lawyer, you'll have to carry out all the tasks explained in this guide yourself.

Laws and rules of procedure can be hard to understand, and you can easily feel lost. It's important to know that they apply equally to everyone. Unfortunately, you won't get special treatment if you don't have a lawyer. You'll have to find out what rules to follow, understand these rules and respect them.

Before deciding that you can't afford a lawyer, consider the following options:

1. Free legal information

Did you know that you can get legal information specific to your situation, free of charge or at a low cost?

There are several resources available across Québec, including:

- Info Justice: info-justice.ca/en
- Clinique juridique du Barreau du Québec: www.cliniquejuridiquebarreau.ca/en
- Boussole juridique (a directory of free or low-cost legal resources): boussolejuridique.ca/en

To learn more about what's available, see the section "Resources to help you understand your situation" starting on page 74.

2. Legal aid

You might be entitled to legal aid, which lets you be represented by a lawyer paid for by the government.

To find out if you are eligible:

- contact your local legal aid office,
- or visit the Commission des services juridiques website at csj.qc.ca/commission-des-services-juridiques/lang/en

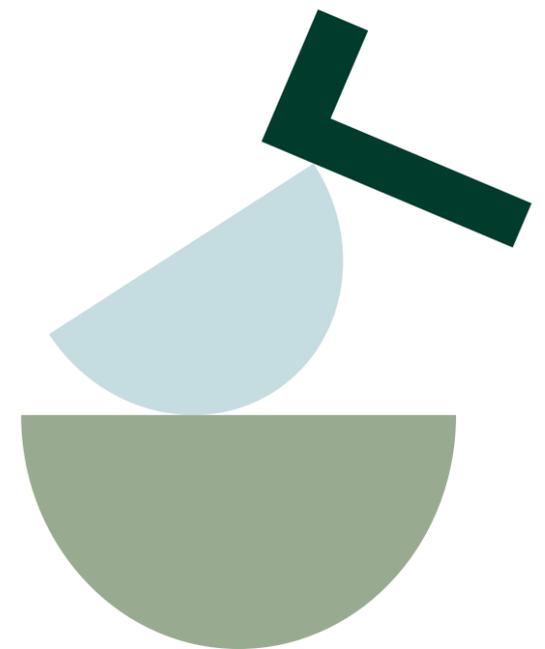
3. Legal assistance and legal expense insurance

Some home insurance and car insurance policies offer a form of coverage called legal expense insurance. In some circumstances, you can claim a portion of the fees for the lawyer of your choice.

Your defence costs could be covered. In addition, most insurers also offer legal assistance, which gives you access to a phone line where you can talk to lawyers working for your insurer.

Members of some groups or organizations, such as unions, are also sometimes eligible for legal assistance.

Consult the "[Legal Assistance and Legal Expense Insurance](#)" section on the Barreau du Québec website for more information. To find it, type "legal assistance and legal expense insurance" in a search engine such as Google.



4. A brief consultation or specific mandate with a lawyer

If you're working alone on your case, you can still consult a lawyer, even if only for a few hours.

This can be especially useful at the start of the process, but you can ask for this type of help at any time. If you have a limited budget, choose a moment that will give you the most value for your money.

You can also briefly consult a lawyer to find out how much it would cost for them to represent or assist you, either for the whole case or a portion.

Talk with a lawyer to find out if it's possible to negotiate their fees. In some cases, a lawyer might agree to work for a fixed fee or accept other terms that are helpful for you.

5. Referral services

Some referral services offer an initial consultation for free or at a low cost.

You can learn more about these services on the Barreau du Québec website (barreau.qc.ca/en). Click on "General Public" in the horizontal menu, then on "Need a Lawyer?" in the "Access to Justice" submenu.



The Tribunal's four divisions

The Tribunal administratif du travail, also known as the "TAT", is specialized in work-related cases and occupational health and safety.

Depending on the type of case, the Tribunal can review a decision made by:

- the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).
- an employer.
- a regulatory body for the construction industry (CCQ, RBQ, CMEQ, CMMTQ)

As for all administrative tribunals, the Tribunal is independent from the government.

Filing a claim with the right division

All cases with the Tribunal start when you file a document officially called "**application instituting a proceeding**". In this guide, we will call this "filing a claim" to keep things simple, though it can refer to many more specific requests.

Before filing a claim, make sure that the Tribunal administratif du travail is right for your case. The Tribunal has four divisions, each with its own area of expertise.

- Labour relations division (p.17).
- Occupational health and safety division (p.21).
- Essential services division (p. 25).
- Construction industry and occupational qualification division (p.26).

If you have questions, you can consult a lawyer for free from Info Justice: info-justice.ca/en

Labour relations division

The labour relations division deals with many types of cases, in particular those that are related to:

- employment protection.
- psychological or sexual harassment in the workplace.
- freedom of association and collective bargaining rights.
- pay equity.
- complaints made against a union.

These cases mostly concern employees working for Québec companies as well as certain management positions, including managers working for municipalities.

This division can hear workers, employers and unions.



Employment protection

Some claims must first be filed with the CNESST, while others must be made directly to the Tribunal.

Claims that must be filed with the CNESST

Here are some examples:

- Suspension, dismissal, transfer or other retaliatory measures related to the exercise of a right covered by the *Act respecting labour standards* (A.l.s) ([sec. 122 to 123.5 A.l.s.](#)).
- Dismissal without good and sufficient cause ([sec. 124 A.l.s.](#)).
- Psychological harassment ([sec. 123.6 A.l.s.](#)).

The CNESST will handle the case. If needed, they will refer it to the Tribunal. If this happens, the CNESST will provide you with a lawyer free of charge.

Claims that must be filed with the Tribunal

Here are some examples:

- Retaliatory measures related to freedom of association (such as joining a union, or choosing a specific union).
- Dismissal, suspension, or salary reduction of a civil servant or municipal employee.
- Retaliation, suspension or dismissal related to the exercise of a civic right or duty set out in specific laws.
- Claims based on the [Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts](#).

If you are not sure where to file your case, you can ask a lawyer from Info Justice for free:

info-justice.ca/en

Psychological or sexual harassment

Psychological or sexual harassment is defined in section 81.18 of the [Act respecting labour standards](#).

What it is

There is no room for harassment, whether sexual or psychological, in the workplace. Harassment can take the form of words, gestures, or abusive and hurtful behaviour.

To be considered harassment under the law, the actions in question generally must:

- be repeated.
- be hostile or undesired.
- affect the person's dignity or integrity.
- create a harmful work environment.

In some cases, a single action or gesture can be considered harassment, as long as it has an important and lasting negative effect on the targeted individual.

To find out more, you can read articles on the subject by [Éducaloi](#). To find them, type "psychological harassment Educaloi" or "sexual harassment Educaloi" in a search engine such as Google.

Filing a claim

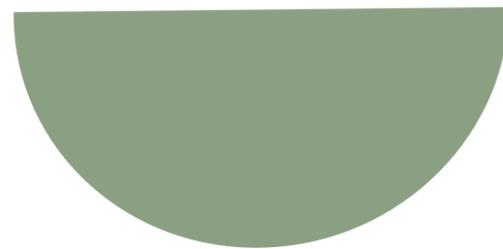
You have two years from the last action constituting harassment to file your complaint.

Depending on your specific situation, you must either file your claim with the CNESST, or directly with the Tribunal.

- **File with the CNESST if you are:**
 - A non-unionized salaried employee ([sec. 123.6 A.l.s.](#))
 - A trainee ([Act to ensure the protection of trainees in the workplace](#))

The CNESST will handle your claim and refer it to the Tribunal if needed. If your case is transferred to the Tribunal, the CNESST will generally provide a lawyer free of charge.

- **File directly with the Tribunal if you are:**
 - An artist (sec. 45 of the [Act respecting the professional status of artists](#))



Freedom of association and bargaining rights

The Tribunal handles claims related to freedom of association and collective bargaining rights.

It's responsible for the accreditation and official recognition of trade unions. It also makes sure the rights and obligations of employers and unions are respected.

The Labour Code governs collective labour relations. The Tribunal applies this law and deals with cases that arise from it.

Complaints made against a union

The Tribunal deals with complaints from workers who believe that their union has failed in their duty to fairly represent them.

A worker can file a complaint to force their union to fulfill this duty, set out in section [47.2 of the Labour Code](#).

Pay equity

Any employer with ten or more employees must implement a pay equity program that respects the [Pay Equity Act](#).

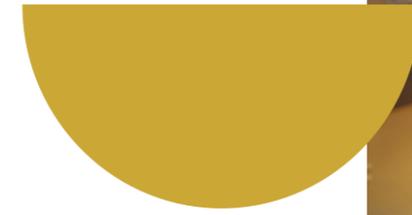
The CNESST is responsible for enforcing this law. It makes decisions on employer programs and other matters related to pay equity.

The CNESST can ask the Tribunal to act in the following cases:

- An employer fails to implement pay equity measures within the allotted time.
- A provision of the Pay Equity Act is not being respected.

A worker or employer who wishes to contest a CNESST decision can also bring the matter before the Tribunal. The Tribunal can then set aside, modify or uphold the decision.

To find out more, click on the "Relations du travail" tab in the horizontal menu on the Tribunal website: tat.gouv.qc.ca. Note that this section is only in French at the time of writing.



Occupational health and safety division

The Tribunal's occupational health and safety division handles claims related to:

- The [Act respecting industrial accidents and occupational diseases](#) (ARIAOD).
- The [Act respecting occupational health and safety](#) (AROHHS).

You can ask this division to intervene for different reasons. For example:

- Recognition of a work-related injury
- The date an injury is considered consolidated
- Medical evaluations (diagnosis, expected recovery date, treatments received or prescribed, etc.)
- Compensation
- The right to return to work
- The right to refuse to work and preventive withdrawal
- Rehabilitation and financial support
- Workplace inspections
- Disciplinary measures

The CNESST is the first recourse

In most cases, a worker who believes they are suffering from a work-related injury or an occupational disease must first submit a claim to the CNESST.

The CNESST will then evaluate the situation and issue a decision. If the worker or employer disagrees, depending on the situation, they can:

- ask the CNESST for administrative review (p.22).
- file a claim with the Tribunal directly (p.23).
- choose between the two methods (in some cases) (p. 24).

Administrative review

If you disagree with a decision issued by the CNESST, you can probably ask them for administrative review. In fact, this is the most common way to contest a CNESST decision.

Do you still disagree with the new decision?

In that case, you can take it to the Tribunal.

In summary:

1. You submit a claim to the CNESST.
↓
2. The CNESST makes a decision. You don't agree with this decision.
↓
3. You ask for administrative review.
↓
4. The CNESST makes a new decision. You still don't agree with this decision.
↓
5. You can appeal to the Tribunal.

What if the CNESST doesn't issue a new decision within 90 days?

The deadline has passed. You can now appeal to the Tribunal directly.

In summary:

1. You submit a claim to the CNESST.
↓
2. The CNESST makes a decision. You don't agree with this decision.
↓
3. You ask for administrative review.
↓
4. CNESST is late. The 90-day deadline to make a decision has passed.
↓
5. You can appeal to the Tribunal.

Filing a claim directly with the Tribunal

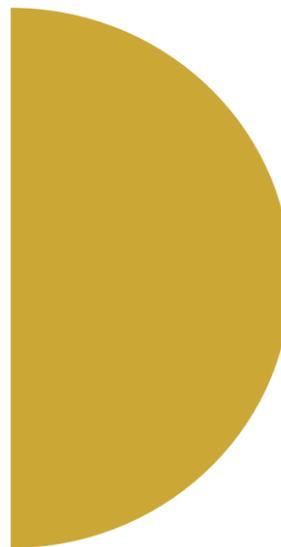
In some cases, a decision must be contested **without going through CNESST administrative review**.

This applies to the following types of decisions:

- Decisions taken by conciliator-adjudicators related to :
 - job dismissals,
 - suspensions,
 - discriminatory or retaliatory measures,
 - or any other unlawful sanction.
- Decisions jointly taken by the CNESST and the SAAQ, or the CNESST and the IVAC.
 - in such cases, a claim can be filed with the Tribunal administratif du Travail (TAT) or the Tribunal administratif du Québec (TAQ).

In summary:

1. You submit a claim to the CNESST.
↓
2. The CNESST makes a decision. This decision is made by:
 - a conciliator-adjudicator and concerns an unlawful sanction.
 - the CNESST, jointly with the SAAQ or IVAC.
3. You don't agree with this decision.
↓
4. You can appeal to the Tribunal.



Choosing between administrative review and the Tribunal

In some specific cases, the employer or worker has the right to either ask the CNESST for administrative review or appeal directly to the Tribunal.

Here are the types of decisions that let you choose:

- Decisions related to a medical opinion from the Bureau d'évaluation médicale
- Decisions related to a medical opinion from the Comité spécial des présidents, which evaluates occupational lung diseases
- Decisions related to a medical opinion from the Comité des maladies professionnelles oncologiques
- A decision made by the CNESST regarding cost allocation.

If an employer and worker both wish to contest the same decision but choose different options (one asking for administrative review, the other appealing to the Tribunal), the CNESST will deal with the case first.

In summary:

1. You submit a claim to the CNESST.
2. The CNESST makes one of the decisions listed above.
3. You don't agree with this decision.
4. You can either request an administrative review from the CNESST or appeal to the Tribunal directly.

CNESST involvement

The CNESST can intervene in a Tribunal case. When this happens, it becomes a party to the dispute and is represented by a lawyer.

For more information, read the "[Santé et sécurité du travail](#)" section of the Tribunal website. Note that this section is only in French at the time of writing.



Essential services division

This division makes sure essential services are provided during legal strikes and illegal work stoppages. Its goal is to protect public health and safety.

In the field of labour relations, the concept of essential services revolves around the balance between public safety and the right to strike.

This Tribunal division can act on its own initiative. It can also act at the request of the parties involved.

For more information, read the "[Services essentiels](#)" section on the Tribunal website. Note that this section is only in French at the time of writing.

Construction industry and occupational qualification division

This division deals with cases related to laws regulating the construction industry.

You can make a claim there if you wish to:

- contest a decision made by a regulatory body for the construction industry.
- file a complaint against your own union.
- make another type of claim related to the construction industry.

Contesting a decision made by a regulatory body

The Tribunal can hear your claim if you wish to contest a decision made by:

- the Commission de la construction du Québec (CCQ).
- the Régie du bâtiment du Québec (RBQ).
- the Corporation des maîtres électriciens du Québec (CMEQ).
- the Corporation des maîtres mécaniciens en tuyauterie du Québec (CMMTQ).
- Emploi-Québec.

Filing a complaint against your own union

If you work in the construction industry, you can file a complaint with the Tribunal in the following situations:

- You believe that your union failed to provide you with fair representation.
- You are taking part in a strike, lockout or work slowdown, and you believe that some provisions of the [*Act respecting labour relations, vocational training and workforce management in the construction industry*](#) are not being respected.
- You believe you were the victim of retaliation related to your freedom of association (joining a union, or choosing a specific union).

Other types of claims

This Tribunal division also deals with several other types of claims:

- It decides if construction work is subject to one of these laws:
 - [*Act respecting labour relations, vocational training and workforce management in the construction industry*](#)
 - [*Building Act*](#)
- It determines which collective agreement applies to each sector.
- It rules on the validity of collective agreement clauses according to the law.
- It settles disputes between construction trades claiming jurisdiction over the same work.

To find out more, click on the “Construction et qualification professionnelle” tab on the Tribunal website: tat.gouv.qc.ca. Note that this section is only in French at the time of writing.



Filing a claim with the Tribunal

Filing a claim with the TAT involves a few simple but important steps.

You must:

- Write the application (p. 28)
- File it (p. 31).
- Respect the deadline (p. 31).

If needed, you can get information from TAT staff (p. 33).

Remember: there are rules to respect when dealing with the Tribunal administratif du travail. This section explains the main rules that apply to the majority of claims. But it's important to note that special rules can apply to specific types of cases.

Write the application

All claims presented to the Tribunal start with a document called an "**Application instituting a proceeding**". This is the document where you explain to the Tribunal what you are asking for and why. Whether you wish to contest a decision or file a complaint, the starting point is the same.

The application must be completed by the person who files it, the claimant or complainant, also called the "**applicant**". The other party is the defendant, also called the "**respondent**".

Filing a claim with a specific division

The form you need to use depends on the type of claim you want to file. On the next page, you'll find clear instructions to help you choose the right form and submit your claim, either online or in Word format.

Occupational health and safety division: filing a contestation

You can fill out the [Contestation Form](#) to contest a decision taken by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

If you are sufficiently proficient in French, you can file the contestation form online by going to the "[Services en ligne](#)" section of the website.

Before you start, make sure you have your CNESST file number.

Other divisions: filing an application

An online form is also available for the following divisions:

- Labour relations¹
- Essential services
- Construction industry and occupational qualification

If you are sufficiently proficient in French, you can also use this online form by going to the "[Services en ligne](#)" section of the website.

In all cases: forms as Word documents

If you are not proficient in French or prefer to fill out the form as a Word document, many models are available, depending on the type of claim.

You can find these forms on the Tribunal website (tat.gouv.qc.ca) in the "Forms and Guidelines" section of the [English content page](#) (click on "English" in the top right corner).

Required information and documents

Your application must include:

- your name and contact information.
- the name and contact information of your representative, if applicable.
- the names and contact information of all other parties.
- a copy of the decision you wish to contest, if applicable.
- any other information required by the law on which your claim is based.

1

At the time of writing, this form cannot be completed directly on the website. You must fill out a Word document and file it online. An online form should be available soon in French only.

It must also include:

- A summary of the facts. No need to go into detail. The goal is simply to provide an overview to the Tribunal and the other party. Focus on the key facts.
- The conclusions you seek. This refers to what you hope the Tribunal decides (for example, setting aside or modifying a decision).

Before the hearing, you must also send all relevant documents, such as recent medical reports.

Here's a tip: keep a copy of all the documents you file with the Tribunal, including a copy of the original application. Keep these documents in a well-organized file that you can bring to the hearing.

Updating your contact information

If your contact information changes, quickly let the Tribunal know in writing.

A French-only form to let you change your contact information is available on the Tribunal website (tat.gouv.qc.ca) in the "Services en ligne" section.

File the application

Once you have filled out your application, you must send it to the Tribunal.

There are several options:

- Online (in French only): click on the "Services en ligne" tab on the Tribunal's homepage at tat.gouv.qc.ca
- In person, at a Tribunal office
- By fax
- By mail, to a Tribunal office
- By email

For the Tribunal's detailed contact information, visit the "Nous joindre" section on their website at www.tat.gouv.qc.ca. This section is only available in French.

If you have any questions, you can contact the Tribunal by phone at 1 800 361-9593, or by email at renseignements.tat@tat.gouv.qc.ca to obtain information in English.

Deadlines: don't miss them

The time limit to file a claim depends on the circumstances of your case and the Tribunal division. To find out which time limit applies to you, see the table on the next page.

If you send your application by mail, be sure to account for potential postal delays. The Tribunal will consider the date on the postmark as the filing date.

You must respect all applicable time limits. If you file your application late, the Tribunal can refuse to hear your claim. It might still choose to accept if:

- you have proof that you were late for valid reasons.
- the fact that you were late did not harm the other party.



Here are the time limits to file a claim:

Claim	Filing location	Time limit
Labour relations division		
Complaint concerning dismissal without just and sufficient cause	CNESST	45 days from the time of dismissal
Complaint for reprisals for exercising a right set out in the Act respecting labour standards	CNESST	45 days from the start of the measures in question
Complaint for reprisals for exercising a right set out in other laws.	CNESST or TAT	30 to 45 days, depending on the specific law
Appeal of a decision related to pay equity	TAT	90 days after the decision
Complaint for psychological harassment	CNESST	2 years from the date of the last instance of harassment.
Appeal of a CNESST decision related to psychological harassment	CNESST	30 days after receiving the decision
Complaint against a union	TAT	6 months after learning of the union's alleged violation.
Occupational health and safety division		
Appeal of a CNESST decision (for almost all claims).	CNESST or TAT	60 days after receiving the decision
Appeal of a CNESST decision related to: <ul style="list-style-type: none"> • reassignment. • the right to refuse to work. • preventive withdrawal. • a CNESST inspector's order. 	CNESST	10 days after receiving the decision
Failure by the CNESST to deliver a revised decision within the time limit	TAT	90 days from the latest: <ul style="list-style-type: none"> • Application for review. • Submission of comments. • Filing of documents.



Getting information from Tribunal staff members

The role of Tribunal staff members is limited to giving general information and accepting certain legal documents.

What staff members can do:

- They can inform you about the forms you might need, the correct way to fill them out, and how to file them with the Tribunal.

What staff members can't do:

- Recommend a lawyer.
- Advise you about applications you should file with the Tribunal.
- Advise you about what evidence to present or which witnesses should testify.
- Give you a legal opinion about your chances.
- Give you legal advice about your rights after a decision is issued by a Tribunal judge.

To get legal information, you can also consult a lawyer for free from Info Justice: (info-justice.ca/en).

Do you need advice about your situation? The team at the Barreau du Québec legal clinic can also help you for free (cliniquejuridiquebarreau.ca/en).

Other resources are available. To find out more, see the list of resources starting on page 74.

After filing a claim

The period that starts when you file an application and ends with the final decision is called the "proceeding" or the "case".

During this time, the Tribunal receives and processes your application (p. 34), and your case moves forward. For example:

- You can make a new request (p. 35).
- You can withdraw your claim (p. 37).
- The Tribunal may schedule a pre-hearing conference (p. 38).
- The Tribunal may offer conciliation (p. 38).
- You can settle the case amicably (p. 41).

Filing an appeal with the Tribunal doesn't automatically suspend the decision you are contesting.

The decision remains in effect while the Tribunal reviews your case.

For example, if you are receiving disability benefits from the CNESST, you will continue to receive them even if your employer appeals the decision to the Tribunal.

Specific rules of procedure can apply during the proceeding.

You must learn them so that you can understand your obligations.

You can consult:

- the [*Rules of evidence and procedure at the Tribunal administratif du travail*](#)
- a lawyer for free legal information from Info Justice: info-justice.ca/en



When the Tribunal receives the application

After receiving your application, depending on the situation, the Tribunal will send you by email or by mail:

- an acknowledgement of receipt
- or a notice of hearing

If your claim is related to labour standards, the CNESST will let you know that your claim has been transferred to the Tribunal.

Your file number

In any case, you will receive a Tribunal file number. This number will be different from your CNESST file number. Make sure you always refer to this file number when communicating with the Tribunal.

Cases with the Occupational health and safety division

If this division is handling your case, the tribunal will:

- inform the CNESST and the other parties that you are appealing the decision.
- send them a copy of your application.

The CNESST then has 20 days to send the Tribunal and all concerned parties a copy of their files for that decision.

These documents will automatically be added to your Tribunal file. You don't need to send them yourself.

New requests

During the proceeding, you can file a new request with the Tribunal in addition to the original application. The other party can also do so.

Examples of new requests:

- Ask for the case to be dealt with urgently.
- Ask for a postponement.
- Ask to change the hearing format.

Writing the request

Your new request must include the following:

- The name of the parties
- Your Tribunal file number
- The grounds for your request (why your request is justified)
- The conclusions you seek (what you wish to obtain)

You must sign the request. If you are being represented² by someone, they are the one who must sign it.

Filing the request

Once you have completed your request, you must send it to the Tribunal. There are several options:

- Online (in French only): click on the “Services en ligne” tab on the Tribunal’s homepage at tat.gouv.qc.ca
- In person, at a Tribunal office
- By fax
- By mail, to a Tribunal office
- By email

For the Tribunal’s detailed contact information, visit the “Nous joindre” section on their website at www.tat.gouv.qc.ca. This section is only available in French.

If you have any questions about the different filing methods, you can contact the Tribunal by phone at 1 800 361-9593, or by email at renseignements.tat@tat.gouv.qc.ca to obtain information in English.



Informing the other parties

- **If your case is with the Occupational health and safety division:**
The Tribunal will send a copy of your request to the other parties.
- **With any other division:**
You must send a copy of your request to the other parties yourself, and provide the Tribunal with proof that you have notified them. This proof of delivery can be:
 - An email read receipt or confirmation of delivery.
 - A postal receipt (Xpresspost, registered mail, etc.).
 - A fax transmission confirmation.
 - A signed acknowledgment of hand delivery by the person who received the document.

Discontinuance: closing the case

What it is

"Discontinuance" means that you drop your case or withdraw your claim.

If you choose to discontinue the proceeding, the Tribunal will permanently close your file. You can't change your mind later.

When

At any point before the final decision is made, even if the hearing has already taken place.

How

You will find a [discontinuance form](#) on the Tribunal’s website in the “Forms and Guidelines” section of the English content page (tat.gouv.qc.ca/menu-utilitaire/english-content).

To close your case, you can:

- send the completed form by mail, fax, email or in person to the Tribunal office handling your case.
- file the discontinuance form online using the document filing service, available in French only, by clicking on the “Services en ligne” tab on the Tribunal website at tat.gouv.qc.ca
- tell the judge directly at your hearing.

If you have a representative, they can discontinue the case on your behalf.

Pre-hearing conference

What it is

The goal of a pre-hearing conference is to simplify the process and make things go smoothly.

Led by an administrative judge, the parties and the judge will:

- define the issues to be discussed at the hearing.
- clarify each party's position and expectations.
- simplify the exchange of documents that will serve as evidence.
- plan out the hearing and the presentation of evidence.
- consider the possibility of admitting some facts to limit debate.

The pre-hearing conference can also be an opportunity for the parties to settle the case. If an agreement is reached, there is no need for a hearing and the case can be closed.

When

It can take place in advance, or on the day of the hearing.

How

The Tribunal calls the parties to a pre-hearing conference.

The conference can take place in person or remotely (by phone or by videoconference).

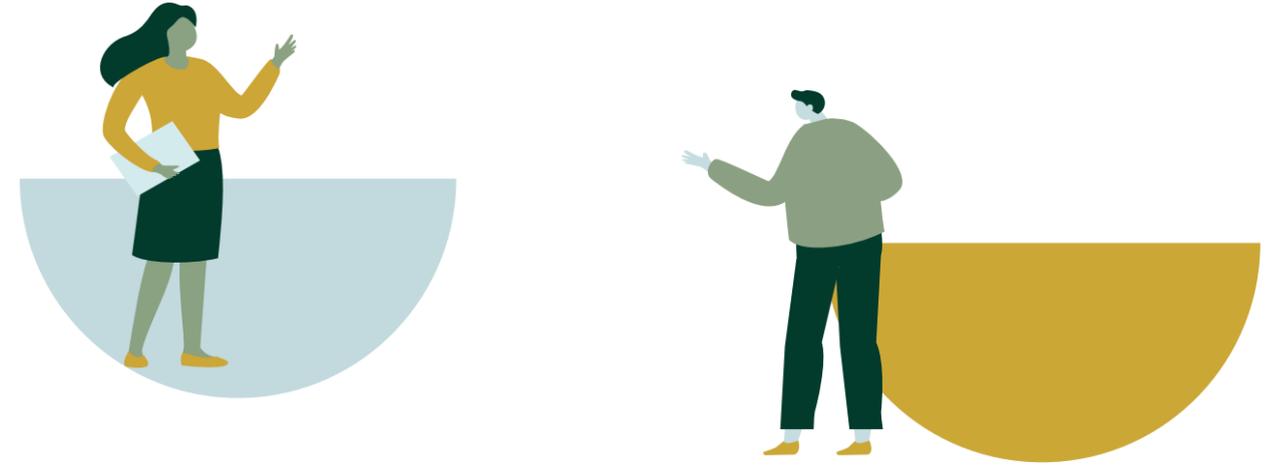
Conciliation

What it is

Conciliation is a way to settle your case before the hearing. It is conducted by a conciliator, who helps the parties find a solution.

What does this mean in practice? Conciliation can help you:

- communicate with the other party.
- negotiate.
- understand everyone's needs and position on the issues.
- explore solutions that can satisfy everyone.



If an agreement is reached, your case is settled and closed.

Even if no agreement can be found, conciliation can still help you better understand the situation and the rules that apply to your case.

A free video explaining conciliation is available here in French only: tat.gouv.qc.ca/videos

If you click "[Watch on YouTube](#)", you can activate automatically translated English subtitles in the settings (click on the gear icon and select the appropriate closed captioning option).

With whom

Conciliation takes place with a conciliator, who helps the parties find a solution.

What is the role of a conciliator? A conciliator works for the Tribunal. They are neutral and impartial. This means that they can't decide anything related to your case, nor can they evaluate your chances of success.

When

As soon as you have filed an application, you can request to take part in conciliation.

How

Conciliation is offered free of charge across Québec.

It can be done by phone, in person, or by videoconference.

You must tell the Tribunal that you want a conciliation session. They will then find out if the other parties also wish to take part.

How it works

The process usually starts with a simple phone call. The conciliator can then meet the parties together or separately, either at the Tribunal or by videoconference. Witnesses don't usually need to be present.

If you are being represented by someone, they will be in charge of communicating with the conciliator about your case.

Confidentiality

Conciliation takes place in private. Everything that is said or written during a conciliation session is confidential. This means that none of this information can be disclosed at the Tribunal hearing or before another tribunal, unless both parties agree otherwise.

This also means that the conciliator can't be forced to tell anyone what they heard during conciliation.

Preparing for conciliation

Even if the rules aren't as strict as for a hearing, it's important to properly prepare for a conciliation session. It will be easier to explain your point of view and negotiations can go smoother.

Here is how to prepare:

- Read all the documents in your files. If you are appealing a decision, go through it to make sure you understand why it was taken.
- Make sure your files are complete and that no document is missing, such as an invoice, a picture, etc.
- Ask yourself what you consider essential, what you wish for and why you believe you should get it.
- Decide how far you are willing to go to reach a compromise.
- Imagine what the other party's arguments might be so you can anticipate them.
- If you are only challenging part of a decision, be clear on what you accept and what you reject.
- Learn the main legal rules that apply to your situation.

On the day of the conciliation session, make sure to bring your case file and all relevant documents.

How conciliation ends

You can end a conciliation session at any time.

- **If no agreement is found**

If you can't come to an agreement, or if conciliation only helps settle some of the issues, the hearing will take place as scheduled.

- **If an agreement is found**

A "**conciliation agreement**" is drafted and signed by the parties and the conciliator. Make sure that this agreement includes all the elements you agreed upon, and that you understand all the terms used.

This agreement can be submitted to the Tribunal for approval. In legal terms, the agreement is then considered to have been "**ratified**". The ratified agreement has the same force as a Tribunal decision, and the case is closed.

For an agreement to be ratified, one of the parties must request it. If no such request is made within 12 months, the agreement automatically closes the case.

Exception for the Occupational health and safety division: Any agreement must be ratified by a Tribunal judge, who will make sure it complies with the law.

Settlement

You can reach an agreement with the other party, even without conciliation. How? You can simply negotiate informally.

At any point before the hearing, you can try to find a compromise or reach an agreement with the other party. This is true for the majority of cases.

An agreement closes the case and avoids the need for a hearing. If you settle your case, you must let the Tribunal know and file a "**notice of settlement**".

Preparing for the hearing

Make sure you are well prepared for your hearing. The quality of your preparation can have a direct impact on the outcome of your case.

The Tribunal offers a video explaining how to prepare for your hearing. You can watch it online on their website here: tat.gouv.qc.ca/videos (scroll down to find the right one).

If you click "[Watch on YouTube](#)", you can activate automatically translated English subtitles in the settings (click on the gear icon and select the appropriate closed captioning option).

Here are some steps to keep in mind before your hearing with the Tribunal administratif du travail.

Notice of hearing

The Tribunal will inform you of the date and place of your hearing by email or by mail. This is your "**notice of hearing**". As soon as you receive it, make sure that your case is ready to be heard.

How to ask for a postponement

What if you aren't available on the date set for your hearing? You can ask for the hearing to be postponed. This is called an "**application for postponement**".

Your reasons must be serious for the Tribunal to accept your request.

Even if all parties agree, there is no guarantee that a postponement request will be granted.



Making an application for postponement

Don't waste time: make your request as soon as you find out you won't be available on the date of the hearing.

You must submit a written postponement request. It must include the following:

- The reasons for your request and any supporting documents, such as a doctor's note. Don't forget that the reasons must be serious.
- If the other parties agree to the postponement, include that information.
- The estimated length of the hearing.
- Whether expert evidence and an expert witness are needed for the hearing, if this applies.
- The availability of the parties, of their representatives and of their witnesses, including expert witnesses.

You must send your postponement request to the other parties, including any supporting documents.

To learn about the detailed procedure for making a postponement request, read the document called "Policy on Postponement of Hearings", available by clicking on "The Tribunal" tab on the English content page of the Tribunal website:

tat.gouv.qc.ca/menu-utilitaire/english-content.

There is a more [user-friendly version](#) of this information available in French by clicking on "Le tribunal" in the horizontal menu and selecting "Fonctionnement du tribunal".

Understand the relevant law

You might be convinced you are right, but the law might say otherwise.

That's why you should take the time to fully understand the laws that apply to your situation. This helps you to:

- Understand the criteria the judge uses to decide.
- Check whether the facts in your case meet these criteria.

This way, you will know how to better prepare your arguments and your evidence.

Do more advanced legal research

To know what you need to prove to the judge, you must understand the law that applies to your situation. More advanced legal research helps you see how the rules of law are applied in cases similar to yours.

These three sources can help you understand legal issues related to labour law:

1. Laws and regulations

The most important laws and regulations to consult are those that served to justify the decision you are appealing.

For example:

- the [Act respecting industrial accidents and occupational diseases](#)
- the [Act respecting labour standards](#)

2. Case law (jurisprudence)

Case law refers to decisions made by tribunals or courts in cases similar to yours. It helps you understand how a tribunal applies the law in real situations.

At the Tribunal administratif du travail, judges aim to make fair and consistent decisions. They often look at case law when dealing with similar situations.

You can find these decisions on free websites such as:

- soquij.qc.ca/a/fr/english
- canlii.org/en

Even if a decision seems similar to your case, it doesn't guarantee that you'll get the same result. The Tribunal decides each case based on its own facts, the evidence, and the law that applies at that moment.

3. Legal commentary (doctrine)

These are theoretical texts by specialized authors. They can help you understand the relevant rules and legal principles for your case.



You can use case law or doctrine as an argument at the hearing.

To do so, you must have enough copies of the relevant text for:

- yourself,
- the judge,
- the other party.

It's not required to bring copies of laws, rules and regulations.

You have to set priorities

In law, evidence often makes the difference.

If you have to choose between researching case law or doctrine and gathering your evidence, focus on the evidence.



Not all sources are good

When you are doing legal research online, make sure you are on a website based in Québec. Different laws and rules apply in other provinces or countries.

You should also avoid discussion forums and be cautious with answers generated by artificial intelligence (AI). They often contain inaccurate or misleading information.

There are several free online legal research tools. To find them, read the guide “How to do your own legal research” on the Info Justice Montréal webpage. It’s at the bottom of the page, in the “Guides and tools” section: info-justice.ca/en/centres/montreal-2

You can also read “Resources to make things clearer” from page 74.

Identify what you need to prove

As you read the relevant law, case law and doctrine, try to identify the legal elements that must be proven in cases like yours.

It’s important to have sufficient evidence to prove each element.



Prepare your evidence

You may be convinced that you are right, but the other party may disagree. You will both try to convince the Tribunal judge that your position is correct.

At the hearing, you must prove the facts that support your position. You are in charge of showing that your evidence supports your case. No one will help you do so.

What makes for good evidence?

The answer depends on the type of case. It can consist of:

- testimony (your own, and sometimes that of others).
- an expert report.
- documents (called “**physical evidence**”).

Your witnesses

How to select them

You must first decide if you believe your own testimony will be enough to convince the Tribunal that you are right. It’s possible that your own testimony will be sufficient. But you might also believe that other witnesses could help you win your case. It all depends on the specific facts of your case.

To identify which witnesses could be useful, ask yourself the following questions:

- What facts do you need to prove to the Tribunal?
- Who knows these facts first-hand and can explain them?
 - If several people can, call only the most credible witness.
- Who could fully or partly contradict the other party’s witnesses?
 - For instance, if they call a doctor as an expert, you might need your own.
- Do you intend to present a document, such as a letter or a picture?
 - In that case, make sure the author of the document comes to the hearing (unless you are the author).

For example, if you want to prove a health problem, it’s often helpful to have an expert testify. To learn more, see the section “Experts” on page 53.

Prepare your witnesses to be present

Once you have chosen your witnesses, don't forget that you are responsible for making sure that they come to the hearing. Tell them the date of the hearing as soon as possible and send them a polite reminder a few days before.

Your witnesses might be coworkers or family members. They will probably agree to serve as witnesses simply to help you out, without any formalities required. But if a witness doesn't want to come to court, and you believe that their presence is essential, you might choose to force them to come to the hearing.

To force someone to come testify, you must send them a "**subpoena**". This will ensure they come to the hearing. You can also compel the witness to bring any relevant documents you might need.

Here is how to subpoena a witness:

- You must make a request to the Tribunal. Contact them by phone or by email.
 - If you have a lawyer, they are also authorized to issue a *subpoena*.
- The *subpoena* must be notified to the witness at least **10 days before the hearing**.
 - This means you must send it using the services of a bailiff, by registered mail, or by another method that lets you prove the witness received the *subpoena*.
- Don't wait until the last minute to subpoena a witness. You might get an unpleasant surprise or have to request a postponement.

Indemnity and expenses:

Unless your case is with the Occupational health and safety division, anyone summoned by *subpoena* to testify at a Tribunal hearing is entitled to:

- an indemnity.
- reimbursement of travel and accommodation expenses.

You must pay these amounts to the witness before the hearing.

For more information, read the page [Witness Indemnities](#) on the government of Québec website. To find it, you can type "witness indemnities quebec" in a search engine such as Google.



Be careful when forcing a witness to testify

Forcing a witness to testify might not be the best solution. They might be uncooperative or give unhelpful testimony.

Try to find another way to prove your claims if possible.

Witnesses who can't come to the hearing

If a witness absolutely cannot attend the hearing, you have three options:

1. Ask permission for the witness to testify remotely

The witness can testify virtually.

For this to be possible, you must request it in advance. To do so, fill out the form called [Application to change the mode of hearing](#). You can find it by clicking English on the Tribunal homepage at tat.gouv.qc.ca and selecting "Forms and Guidelines".

2. Ask for permission to file a written statement

You can ask the Tribunal for permission to file a "Statement in lieu of testimony".

- This must be signed before a person authorized to receive a sworn statement, such as a lawyer, a notary, or a Commissioner for Oaths.
- You must also inform the other party of your intentions, or send them the statement as soon as possible before the hearing.
- Important note: written testimony is rarely accepted, because the other party will often object. This type of testimony carries less weight than oral testimony.

3. Ask for a postponement

If your witness is unavailable on the date of the hearing, you can ask for a postponement.

- To find out how, see page 42.

Preparing witness testimony

At the hearing, you will have to explain your version of the facts. If you have witnesses, you will also have to ask them questions so they can describe what they saw or heard. This is called an "examination".

This means that it's very important to prepare properly before the hearing. Here are some tips:

1. Identify what each witness needs to prove

The testimony of each witness needs to establish specific facts. Ask yourself:

- Why is this witness important?
- What did they see, hear, or experience?

Don't forget that your witnesses can only describe what they personally saw, heard or observed, unless they are expert witnesses. For example, only someone who heard a conversation or saw something happen can talk about it at the hearing.

2. Prepare a list of questions for each witness

- Write down in advance the questions you want to ask each witness to help them explain what they know. This will let you structure their testimony and help you avoid forgetting important details.
- If a witness forgets to talk about a key detail at the hearing, you can help them remember by asking specific questions.

3. Ask open-ended questions

BE CAREFUL: You must ask open-ended questions.

- An open-ended question can't be answered with just "yes" or "no."
- Here's a tip: start your questions with **who, what, when, where, how or why**.
- You are not allowed to suggest an answer when questioning your own witnesses.

Don't ask...	Instead, ask...
Were you at the office on the morning of October 5?	Where were you on the morning of October 5?
Was the storage room cluttered with boxes?	How would you describe the state of the storage room?
Did Mr. X insult Mr. Y?	How did Mr. X behave towards Mr. Y?
Can you confirm that Mr. Y was often late for work?	At what time did Mr. Y usually arrive for work?

4. Schedule a practice session

Holding a practice session with your witnesses is a good way to prepare for the hearing.

A practice session can help you:

- find out their version of events.
- make sure they mention all the key details.
- write down their answers to let you structure things logically.

If you come to realize that their testimony won't be useful or could hurt your case, you are free to decide not to have a witness testify.

Don't forget, a witness must tell the truth. You must not try to influence their testimony in any way.

It's also best to make sure they don't memorize their answers. They will seem more credible to the judge if they speak naturally.

Tell your witnesses that they might be questioned:

- by the judge.
- by the other party.

If they know in advance, they won't be caught off guard if it happens at the hearing.

Cross-examining the other party's witnesses

"Cross-examination" is when you ask questions to the other party's witnesses. As opposed to when you question your own witnesses, you are allowed to ask leading questions that demand a yes or no answer.

Be very careful at this stage! If you ask questions to which you don't know the answer, you might help the other party fill in gaps in the testimony, which could hurt your case.

Prepare your own testimony too!

You must also prepare to testify. Note what you wish to say and take the time to properly organize your thoughts.

Don't forget, your testimony will be a key pillar of the hearing. You shouldn't take it lightly.



What happens when two witnesses contradict each other?

The judge will evaluate the credibility of each witness. Even though a witness claims something is true, the judge might not believe their version of the facts.



Experts

An expert is someone who can give their opinion because they have special knowledge or qualifications related to a specific subject. For example, a doctor can give their opinion about your health.

At the Tribunal administratif du travail, expert evidence usually takes the form of a written report.

Calling on an expert

If you wish to present expert evidence, you must:

- hire the expert yourself.
- pay their non-refundable fee.

You must then file the following documents with the Tribunal:

- the written expert report.
- your expert's qualifications, showing their relevant expertise in the field.

Deadlines

These documents must be filed no later than **30 days before the scheduled date of the hearing**, or by a date set by an administrative judge.

To learn about the different ways to send your report and your documents to the Tribunal, read the "How to file your documents" section next page.

Inform the other parties

If your case is with:

- **The Occupational health and safety division:**
The Tribunal will be responsible for sending your expert report to the other parties at least 15 days before the hearing.
- **Another division**
You are responsible for sending the expert report to the other parties.
 - You can use the services of a bailiff, registered mail, or another method that lets you prove it was received.
 - You must send this proof of notification to the Tribunal along with the document itself.

Your physical evidence

Physical evidence refers to the documents and objects you will present at the hearing to support your version of the facts. For example, these could be medical reports, bills, receipts, contracts, pictures, emails, etc.

Your file must include all the relevant documents needed for the Tribunal to properly understand your claim. You are therefore required to send them all the documents that support your case.

The Tribunal strongly encourages you to submit your documents before the hearing so that they can be added to your file. The judge will then be able to consult them in advance. However, some special documents, such as expert reports, must be filed 30 days before the hearing.

How to file your documents

There are four methods:

1. Online, using the filing service, available in French only in the “Services en ligne” section of the Tribunal website at tat.gouv.qc.ca
2. By email
3. By fax
4. By mail

To find out how to file your documents with the specific office in charge of your case, visit the “Nous joindre” page on the French version of the website at www.tat.gouv.qc.ca

You can also contact the Tribunal by email at renseignements.tat@tat.gouv.qc.ca or by phone at 1 800 361-9593.

Digital evidence

Are you planning to present digital evidence, such as video or sound recordings?

This material must be clear, informative and made at the time of the events.

Make sure that you will be able to play these recordings at the hearing. If necessary, you should bring any equipment you will need to present this evidence.

You must also bring copies of digital exhibits on an appropriate storage device (such as a USB key) so the judge and the other party can have a copy.

If necessary, you should contact the Tribunal in advance for tech support requests.

Prepare enough copies

On the day of the hearing, you must bring three copies of all your physical evidence:

- one for the judge,
- one for the other party,
- and one for yourself.

Prepare your closing argument

You will also have an opportunity to convince the judge at the hearing by presenting your arguments.

If you wish, you can also present:

- legal decisions (jurisprudence) from cases similar to yours.
- legal commentary (doctrine) that supports your position.

To find out how to conduct legal research, see page 11.

Is it necessary to present such documents? Not always, but it can be helpful in some situations. If time is limited, it's best to focus on preparing your evidence.

Organize your case file

Create a checklist

Info Justice have prepared a checklist you can fill out to help you organize your ideas by theme and with respect to the timeline of events. You can access it for free on the Info Justice Montréal webpage. You'll find it at the bottom of the page, in the “Guides and tools” section, under the title “Preparing my case”: info-justice.ca/en/centres/montreal-2

This checklist was created for the Tribunal administratif du logement, but it remains useful for the Tribunal administratif du travail. We suggest you take the time to fill it out. You can bring it with you to the hearing.

Make sure you have everything you need

Your case file must contain all the elements you will need to make your position clear.

Imagine that the judge knows nothing about your case. It's your job to explain the situation to them.

The judge won't simply take you at your word, so it's essential to use evidence to show that what you claim is true.

... and only what you need

One of the biggest challenges when representing yourself is to decide what you need to explain to the Tribunal... and which details are not worth telling.

In fact, it's important to find the right balance between giving the judge all the information about your case and being concise. The better you've studied your files, the easier it will be to see the situation as though you were a neutral, objective party. This will help you identify the key points that the Tribunal will want to focus on.

Put your documents in order

It's best to put your exhibits in the order you wish to present them.

Don't hesitate to tell the judge what you will talk about so that they can follow your thought process. For example: "First, I'll explain how I fell in the records room. Then, I'll explain the health problems I've suffered from since that fall."

Do you need an interpreter?

You can speak in French or English at the hearing. It's your choice.

The other party, the witnesses, the lawyers and the judge can also choose to speak in French or English.

But if you or a witness wish to talk in another language, you will have to provide an interpreter at your expense. As a rule, these must be professional interpreters, not friends or family members.

You might also need an interpreter if you are not comfortable in French or English and you know that the other party will speak that language at the hearing.

Are you deaf or hard-of-hearing?

The Tribunal can provide a sign-language interpreter free of charge at your request.

You must make a request to the Tribunal office responsible for your case.

To find out how to get in touch with that office, you can contact the Tribunal by email at renseignements.tat@tat.gouv.qc.ca, or by phone at 1 800 361-9593.



Rules of conduct to follow at the Tribunal

There are many rules of conduct to follow at a hearing. It's important to know and respect them.

These rules are mandatory. Breaking them can have significant consequences. Imagine being corrected by the judge during the hearing for breaking one of these rules. You don't want to have to deal with that kind of stress.

The rules apply at all times, even when it's not your turn to speak.

Here are the main rules:

Be on time

This is essential. To avoid being late, get to the Tribunal early. That way, you will be sure to have enough time to find the right room.

Dress properly

You must watch how you dress when you go to the Tribunal. If your clothes are inappropriate, the judge might even order you to get changed.

Your clothes must be neat and proper if possible. Do not wear a cap, hat, sandals, or inappropriately short clothing (shorts, skirts or tank tops).

Be quiet and discreet

When you enter the hearing room, you must avoid making noise or drawing attention.

That's why, among other things, you must turn off your phone before entering the hearing room and can't bring any food or beverages inside.

You should also know that it's forbidden to record sound or video inside a hearing room.

Stand when required

You must stand up when the judge enters or leaves the hearing room and remain standing until they sit down or leave the room.

You must also stand when it's time for you to speak.

Speak with respect

Disrespectful behaviour will not be tolerated. You must use polite forms of address for everyone in the hearing room.

You can ask the administrative judge how they prefer to be addressed. If lawyers are present at the hearing, the polite form of address is "Maître (Last name)".

Wait your turn to speak

During the hearing, listen carefully and don't interrupt.

You must wait your turn to speak. If you wish to say something, wait until the person has finished, then stand up and address the judge directly to ask for permission to speak.

Respect the judge's requests and decisions

The judge is in charge of the hearing. Respect their decisions and obey their instructions at all times.

The judge may ask you questions about the facts you are explaining. You may know your case very well, but remember that the judge is hearing your story for the first time. Some details might not seem important to you, but the judge might find them crucial. Listen carefully to their remarks and questions and try to answer as best you can.

The judge's comments do not indicate that they think you're right or wrong, nor do they mean that the judge favours either side.

Finally, don't forget that the only person you need to convince is the judge. Speak to them directly and not to the other party, except when you are questioning a witness.

The hearing

The hearing is usually the last stage of the process, unless the case has already been settled beforehand.

The Tribunal has produced a video explaining how a hearing takes place. You can find it on the Tribunal website here: www.tat.gouv.qc.ca/videos. If you click on “[Regarder sur YouTube](#)”, it’s possible to activate automatically translated subtitles in the video settings (gear icon).

Before going to the hearing

Don’t forget anything.

Here is a list of useful items. None are mandatory, but these documents can really help you.

- **Your case file**
 - A copy of the documents received from the CNESST if your case is with the Occupational health and safety division.
 - All the other documents that you or the other party have filed with the Tribunal.
- **Your plan for the hearing**
 - An outline of the order in which you want to call your witnesses and present your documents.
 - The list of questions you will ask your witnesses.
- **Documents you need to submit to the judge and the other party**
 - A brief summary of your legal arguments.
 - Copies of any jurisprudence or doctrine you wish to submit to the judge.

You must have enough copies for yourself, the judge, and each other party.

Don’t be late!

Get there early if you can.

This would be a good moment to:

- Attend another hearing (they are public in most cases).
- Reduce any anxiety you might feel.
- Better understand what the Tribunal expects from you.

The first moments at the Tribunal

If the hearing is at the Tribunal

- Go to the reception and tell them who you are and why you’re there.
- Take a seat in the room you were assigned.
- Be aware that several cases may be scheduled on the same day.
- Be patient and listen to the judge. They will tell you when your turn comes.

If the hearing is taking place remotely (by videoconference or by phone)

- The Tribunal will let you know in advance how to connect to the hearing.

Is one of the parties absent?

If one of the parties doesn’t show up to the hearing, the judge may:

- cancel the hearing.
- postpone it to a later date.
- issue a decision in that person’s absence.



What if you can’t make it for a serious reason?

You can ask the Tribunal to reschedule the hearing.
To find out how, see page 42.

Preliminary objections

Before the hearing, or right when it starts, you are allowed to make special requests to the judge. These are called “**preliminary objections**” or “**preliminary exceptions**”.

For example, you could request that:

- the decision you are contesting be put on hold.
- witnesses leave the room until their testimony.

These requests must normally be submitted in writing. However, you can present them orally with the Tribunal’s permission. In that case, your request will be heard when the hearing starts.

Presentation of evidence

The presentation of evidence is an important part of the hearing. This is when you explain your version of the facts and show the elements that support your point of view.

These elements often have a strong influence on the judge’s decision.

What it is

This is when you present the elements that support your claim. For example:

- Witnesses who explain what they have seen or heard
- Written documents, such as contracts, letters and emails
- Material evidence, such as objects, pictures and videos

To learn more about properly preparing your evidence, read the section starting on 47.

How it takes place

Each party presents their evidence in turn. Normally, the person who filed the appeal goes first.

Your evidence

Try to present your evidence following the timeline of events. This helps the judge follow your story.

Focus on what is directly related to your case. The judge may interrupt you to bring the discussion back to what’s relevant.

The other party’s evidence

Listen closely and respectfully while the other party presents their evidence. Even if you disagree with what is being said, don’t interrupt.

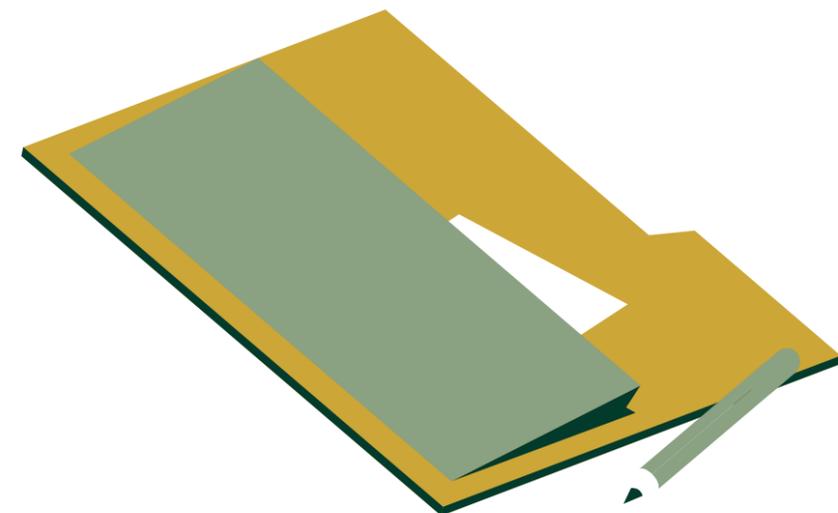
Instead, take notes and bring up your comments or disagreements during your closing argument.

The judge

It’s perfectly normal for the judge to intervene. It’s their job to ask questions and make sure the hearing goes smoothly. Listen closely and give your best answer.

Pay attention to the judge as much as you can. If you notice the judge is taking notes as you speak, slow down a touch. This will give them time to write things down and fully concentrate on listening.

The judge might also tell you that your evidence is not relevant. This means that the judge believes that what you wish to present isn’t clearly connected to the case, or that it won’t help them decide the case. If this happens, listen carefully to the judge’s explanations and adjust if needed. Otherwise, your evidence could be refused.



Testimony

Testimony often plays a vital role at trial. Before the hearing, the judge does not know the facts of your case. They will understand what happened by listening to the testimony.

The judge will evaluate all the testimony carefully. They will ask themselves: Is it credible? Logical? Relevant to the case? Testimony will be a key factor in their final decision.

Who testifies? In what order?

- The party who filed the appeal questions their witnesses first.
- You can be the only witness for your case, and the same is true for the other party. There is no obligation to have more than one witness.
- If you do have other witnesses, they will normally have to wait outside the hearing room until you call them to testify. You will call them one at a time, in the order you have previously chosen.

Warning: apart from experts, witnesses are not allowed to state their opinion. They must stick to the facts. They are only allowed to speak about events that they have seen, heard or experienced first-hand, not what someone else told them. They must not say what they think or believe, or try to guess another person's intentions.

For example:

- Avoid: "I think my boss wanted to get me fired."
- Instead say: "My boss told me: 'Your position will be eliminated in June.'"

It's always important to avoid making comments, giving your opinion or showing your disapproval when witnesses are testifying.

To find out how to prepare properly for this stage of the hearing see page 47 and the following pages.

Examination

The examination is when you question your own witnesses.

You will ask questions so that your witnesses can explain the facts they know about.

Some important rules for this stage:

- Questions must be open-ended. This means that they can't ask for a "yes" or "no" answer.
- Avoid leading questions that suggest a possible answer.
- Start your questions with "who", "what", "when", "where", "why", or "how".

Examples:

- Good question: "What did you see that day?"
- Question to avoid: "You were angry, isn't that right?"

The goal is to let the witness speak freely, without trying to influence their answers. If you believe that the other party has asked a leading question, you are allowed to object.

To learn how to prepare your questions for examining your witnesses, see pages 50 to 52.

Cross-examination

Cross-examination is when you question the other party's witnesses. This happens after the other party has questioned their witness.

At this point you are allowed to:

- ask yes-or-no questions.
- point out any inconsistencies or lack of clarity in the testimony.

Here are some tips:

- Only ask a question if you already know the answer.
- Stay calm, respectful, and go straight to the point.
- You don't always have to cross-examine a witness. Sometimes, it's better not to ask them any more questions.

Your own testimony

If you testify on your own behalf, the other party will get to ask you questions after you have explained your version of the facts. This is normal and to be expected.

Here are some tips:

- Answer calmly.
- Always tell the truth.
- If you don't know the answer, just say so. Don't make anything up.

Documents used as evidence

The documents, photographs and text messages you use to support your case are called “**exhibits**”.

If you plan to present exhibits, make sure you have enough copies for:

- yourself.
- the judge.
- the other party.

Format of exhibits

- If the information is on a digital storage device, such as your phone, make paper copies.
- If it’s a video or sound recording, make digital copies on USB keys.

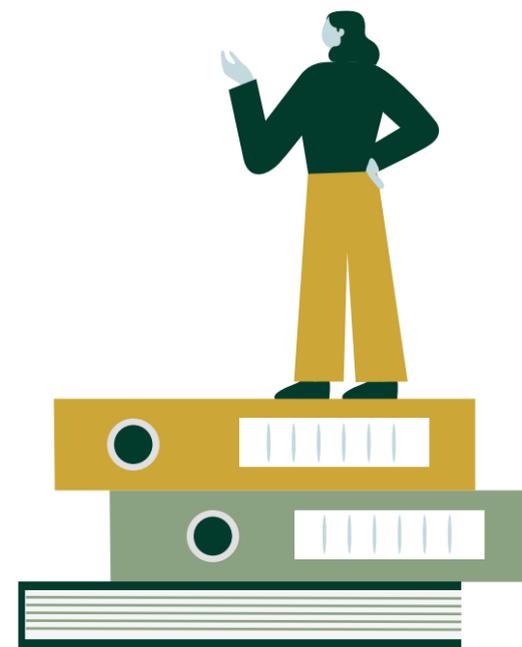
Presentation and explanation

- Once an exhibit is filed, a witness may come to explain a document. For example, they can confirm that they signed a contract, or clarify the context of an email exchange.
- Plan your testimony so that each important document is clearly explained.

During your closing argument

Later, during your closing argument, you can come back to these exhibits and explain how they support your version of events.

To learn how to prepare your exhibits, see page 54 and the following pages.



Closing arguments

After both parties have presented their evidence, it’s time for closing arguments. This will be your last chance to address the judge.

What they are

A closing argument is an oral presentation that lets you explain why the judge should rule in your favour.

During your closing argument, briefly sum up:

- the key facts.
- the exhibits.
- the testimony.
- the arguments that support your case.

Important

Don’t repeat everything that came before. The judge has already heard the evidence and taken notes.

Instead, use this time to:

- highlight the key facts that support your case.
- point out any weaknesses in the other party’s evidence (such as contradictory testimony or a blurry picture).

If you previously found decisions in cases similar to yours (jurisprudence) or legal texts (doctrine) that support your case, this is the right time to mention them.

Be careful: you are not allowed to bring up new facts at this stage. If you forgot something while presenting your evidence, it’s too late to do so now.

How they take place

Each party makes their closing argument in turn: the claimant goes first, then the respondent and any third parties.

The judge may ask questions. Listen carefully and answer clearly, calmly, and honestly.

When the other party speaks, let them finish. Do not interrupt.

Here are some tips to prepare

- Before the hearing: write down your key arguments so you don't forget them.
- During the hearing: take notes about what the other party claims so you can respond to it at the right time.

To better understand jurisprudence and doctrine, see page 44 and the following pages. To learn how to prepare your closing argument, see page 55.

The decision

The judge probably won't make their decision right after the hearing. In fact, the decision is usually issued some time later. In the meantime, the case is said to be "**under advisement**".

Here's what happens next:

- The judge writes out the decision and explains it in full.
- This usually takes two to three months, but the timeframe can vary depending on the Tribunal division.
- In some cases, the delay may be extended.
- While waiting, you are not allowed to contact the judge or send new documents, unless you were authorized to do so at the hearing.
- You will receive the decision by mail or by email.



After the decision

Once the decision is issued, you must normally comply with it. However, in some situations, you can ask the Tribunal to correct or review it.

You can:

1. Accept the decision and take no further legal action (p.70).
2. Ask the Tribunal to correct a mistake (p.70).
3. Ask the Tribunal to review or revoke their decision (p.71).
4. In rare cases, you can also make a request for judicial review in Superior Court (p.72).

Accepting the decision

A Tribunal decision must be obeyed as soon as the parties receive a copy. It is said to be “executed”.

If the other party does not comply with the decision, you can ask the Superior Court to enforce it.

Here’s how to proceed:

- File the decision with the Superior Court office.
- Once it’s filed, the other party must obey the decision.
- If they don’t, they may be found in contempt of court.

Correcting a mistake

If a Tribunal decision contains a typo, a calculation mistake, or any other clear and concrete error, it can be corrected.

Correction is done by the administrative judge who issued the decision. This means you don’t need to go to a new hearing.

To ask for correction, you must write to the Tribunal and explain the error you’ve noticed.

Asking for revision or revocation

There are two ways to challenge a Tribunal decision without filing an appeal:

- **Review:** the Tribunal re-examines all or part of its decision.
- **Revocation:** the Tribunal cancels its decision.

You cannot request a review or revocation simply because you disagree with the decision.

These remedies are available only in certain situations:

- An important new fact came to light after the hearing. This must be something you couldn’t know about beforehand, but which could have led to a different decision.
- You could not explain yourself or be heard for a valid reason. For example, you were absent at the hearing but had a serious justification.
- The decision contains a serious legal error or was not handled properly. For example, the Tribunal forgot to rule on some of the issues that were being challenged.

How to ask for revision

You must write your request and send it to the Tribunal and the other parties within a reasonable time, usually **30 days** from the moment you received the decision or learned of an important new fact.

Your request must state:

- which decision is in question.
- why revision should be granted.
- which division issued the decision.

The other parties normally have 30 days to respond in writing.

The Tribunal will analyze the request as submitted, unless one of the parties asks to be heard or the Tribunal believes a hearing is needed.

To file a request, use the form called "[Request for review or revocation](#)". You can access it by scanning the following QR code:



To learn more, you can consult the [Guidelines for application for review or revocation](#). You can access them by scanning the following QR code:



Judicial review: if there was a serious error

In some rare cases, it's possible to ask for judicial review in Superior Court. This type of request must generally be made within 30 days after you receive the Tribunal decision.

Filing for judicial review is very complex. It's highly recommended that you consult a lawyer before you start.



Resources to make things clearer

Many free or low-cost resources can help you prepare for your hearing.

To find legal information and forms

Tribunal administratif du travail

tat.gouv.qc.ca/menu-utilitaire/english-content

This website will be very important for your preparation, but note that a lot of the information is only available in French at the time of writing. It explains the laws and regulations that govern the Tribunal. You will also find many of the forms and guidelines you will need.

JuridiQC (French only)

juridiqc.gouv.qc.ca

This website is also a good source of information for workers who had an industrial accident or suffer from an occupational disease. The information is clear and well presented. Note that this website is only available in French at the time of writing.

Éducaloi

educaloi.qc.ca/en

This is a good starting point for your legal research. You will find reliable information that's easy to understand.

CNESST

cnesst.gouv.qc.ca/en

This website provides clear and accurate information on labour standards, pay equity, and occupational health and safety.

To find Tribunal decisions and the text of the laws

Centre d'accès à l'information juridique (CAIJ)

caij.qc.ca/en

You can use its UNIK search engine to easily find doctrine (legal commentary), court decisions (jurisprudence or case law), and the laws you need to prepare your case.

Institut canadien d'information juridique

canlii.org/en

This site lets you easily find Tribunal decisions and the text of any law you might need.

Here's how to use it:

- Use the search bar to find a specific law.
- Press Ctrl + F to locate a section by number.
- To the right of each section, you'll see a small dialog box with a number.
- Click on it and select "Citing documents" to see decisions that refer to that section.

This is an easy way to find case law related to the section of the law you're researching.

Société québécoise d'information juridique (SOQUIJ)

soquij.qc.ca/a/fr/english

This website also offers a search engine for court decisions.

To find it, click the link called "Looking for a court decision in English?" on the English homepage of the website.

To ask questions

Tribunal information officers

tat.gouv.qc.ca/menu-utilitaire/nous-joindre

You can ask your questions Monday to Friday, from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m.

- For general information: 1 800 361-9593 or renseignements.tat@tat.gouv.qc.ca
- For specific questions about your file: contact the office that handled it by email. Email addresses for each office can be found at the link above.

University legal clinics

List available at the bottom of this page:

barreau.qc.ca/en/general-public/access-justice/access-justice-resources

Most law faculties in Québec offer legal clinics. You can receive free legal information or advice there, provided by law students under the supervision of a lawyer or a notary.

On this page, you will also find other organizations that offer access-to-justice services.

Clinique juridique du Barreau du Québec

cliniquejuridiquebarreau.ca/en

École du Barreau students can help you for free, closely supervised by lawyers.

For example, they can:

- give you information and legal advice relevant to your situation.
- help you prepare your case.
- help you prepare for your hearing.

Meetings can be held in person in Montréal or online, everywhere in Québec.

Boussole juridique

boussolejuridique.ca/en

It's an easy-to-use search engine that helps you find legal resources near you (such as legal clinics).

All the resources you'll find there are free or low-cost.

Committees for injured workers

Several committees can help you, depending on where you live and the type of support you need.

Comité des travailleurs et travailleuses accidentés de l'Estrie (CTTAÉ)

www.cttae.com

819 563-8178

Union des travailleuses et travailleurs accidentés ou malades (UTTAM)

www.uttam.quebec

514 527-3661

Aide aux travailleurs accidentés

www.aideauxtravailleurs.com

1 855-598-9844

Association des travailleurs et travailleuses de Joli-Mont

www.attaj.ca

450 834-1220

Association des travailleuses et travailleurs accidentés de l'Abitibi-Témiscamingue (ATTAAT)

www.attaat.org

819 797-5004

Association des travailleurs et travailleuses accidentés du Matawin (ATTAM)

www.association-attam.com

450 833-1507

Comité d'appui aux travailleurs et travailleuses accidentés de la région des Appalaches (CATTAR)

www.cattara.org

418 338-8787

Info Justice

info-justice.ca/en

Info Justice is an essential resource.

Located throughout Québec, Info Justice let you consult a lawyer for free. During this meeting, you can ask for:

- legal information specific to your situation.
- help finding the correct forms and information on how to complete them.
- help finding the resources you need.

Please note that Info Justice lawyers can't tell you what you should do or evaluate your chances of winning. They also can't fill out forms for you or represent you in court.

Bas-Saint-Laurent

418 722-7770 • 1 855 345-7770

Centre-du-Québec

873 382-2262

Côte-Nord

581 826-0088 • 1 844 960-7483

Estrie

819 933-5540

Laval-Laurentides-Lanaudière

450 990-8071

Mauricie

819 415-5835 • 1 888 542-1822

Montérégie

1 844 723-3700

Nunavik

819 254-8567 • 1 833 844-8055

Outaouais

819 600-4600

Québec-Chaudière-Appalaches

581 741-8726

Grand-Montréal

514 227-3782 (option 4)

Saguenay-Lac-Saint-Jean

418 412-7722 • 1 844 412-7722

Gaspésie-Îles-de-la-Madeleine

1 844 689-1505



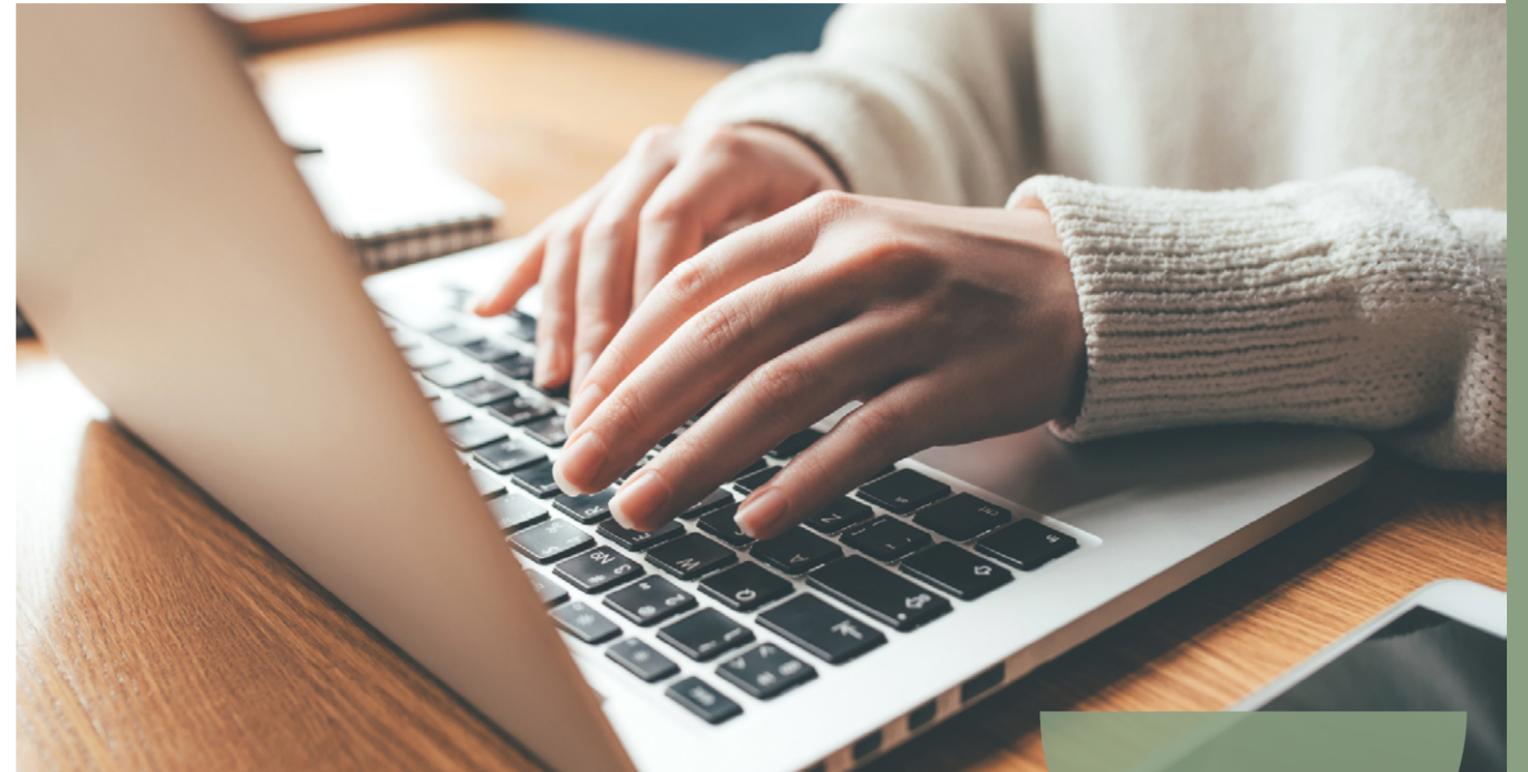
Index

Understanding legal jargon

The legal world has its own vocabulary which can be hard to understand.

To better understand one of the following words, go to the corresponding pages in this guide.

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Application for postponement	p. 42	Notice of hearing	p. 42
Application instituting a proceeding	p. 16, 28	Notice of settlement	p. 41
Conciliation agreement	p. 41	Physical evidence	p. 47, 54, 66
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DU QUÉBEC** 
Pour l'avenir du droit

Thank you

Barreau 
du Québec

The *How to prepare for court* guides owe their existence to the **Barreau du Québec's** support and commitment to our mission.

Their enduring devotion to quality and accessible justice drives us to continue working for the advancement of law and to support the diverse next generation of legal professionals.

Thank you!



Info Justice

Thanks to Info Justice!

The production of the *How to prepare for court* guides would not have been possible without the participation of Info Justice. Thanks to their expertise, the information contained in the guides is accurate and meets the needs of citizens.

Together, we are helping to make justice more accessible and to increase public confidence in the justice system.

