



Game Workers Unite, Syndicat Associatif des Travailleu.ses.rs  
Autonomes du Québec, and Pixelles present:

# Know Your Rights!

A legal guide for employees, contractors and freelancers  
in the Québec game industry



# Employee or Freelancer

**You are likely an employee if your employer:**

- Determines the conditions of your hiring and firing
- Sets your schedule and place of work
- Defines tasks and work methods
- Manages your activities



# Employee or Freelancer

You are likely an employee if your employer:

- Controls the execution of your work
- May take disciplinary action against you



# Employee or Freelancer

## Questions to ask:

- Subordinate to an employer?
- Financial liability?
- Ownership of the tools?
- You can make profits and losses?



# Employee or Freelancer

## Questions to ask:

- Is your work integral to the services of your work provider?
- Is your role to achieve a specific result?
- The agreement between you and your work provider?
- Do you control the work?



# CRUNCH

## Overtime and your rights

Overtime pay is due if you work more than your regular weekly hours.

Salaried employees **are** entitled to overtime pay

You are entitled to an additional **50%** of your hourly pay



# CRUNCH

Overtime and your rights

At the request of the employee, this can be replaced with the equivalent paid leave plus **50%**

Freelancers should include a **rush rate** in their contract



# CRUNCH

Overtime and your rights

You have the right to refuse work if:

1. It is more than **2 hours** over a regular working day.
2. No more than **14 hours** in a 24 hour period
3. You have worked more than **12 hours** in a **24 hour** period on a variable or non continuous schedule
4. You have worked more than **50 hours** in a week
5. You were not given at least **5 days** notice



# Harassment

- Vexatious behavior
- Repetitive in nature
- Affect the persons dignity
- Hostile or unwanted verbal comments, gestures or behaviors
- Create a harmful work environment



# Harassment

Race

Color

Gender expression

Sex

Pregnancy

Gender identity

Civil status

Political convictions

Age

Disabilities

Social condition

Ethnic origin

Language

Sexual orientation

Religion



# Bill 176

**New additions to Quebec's labor code regarding harassment**

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"They must, in particular, **adopt and make available to their employees** a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of **verbal comments, actions or gestures of a sexual nature.**" Bill 176 Section 81.19



# Where should I file a complaint?

***Non-unionized  
employee***

Commission  
des Normes

CNESST

***Unionized  
employee***

With your union

***Freelancers***

Quebec  
Human Rights  
Comission

CDPDJ

(Civil case)



# Standards and Benefits

Employers cannot give you worse working conditions or benefits than someone else doing the same tasks at the same company based **solely on hiring date.**



# Standards and Benefits

Wages

Hours of work

Paid annual leave

Rest periods

Absences for family reasons

Holidays and paid non-work days

Notice of termination

Miscellaneous (e.g. uniform)



# Termination

## What you need to know:

- You must be given written notice of termination.
- Unless you were hired for a specific task which has been completed.
- If you are not given sufficient notice, the employer must pay wages that would have been earned during the notice period.



# Termination

What you need to know:

- If a lay off is for more than six months it must be given in writing.
- If a fixed term contract has ended, the company cannot stop you working for a competitor.
- If you continue working 5 days after a fixed term contract has ended, the contract is tacitly renewed.



# Termination

How much notice  
should you be given?

Length of Uninterrupted Service	Notice Period
Below 3 Months	None
3 Months - 1 Year	1 Week
1 - 5 Years	2 Weeks
5 - 10 Years	4 Weeks
10 Years +	8 Weeks



# Termination

Can contractors and freelancers quit early?

- Yes and without your clients consent.
- Must have a serious reason:
  - Interference from client
  - Client refuses to cooperate
  - Client was abusive, disagreeable or impolite
  - Client tries to change the terms of your contract



# Termination

Can contractors and freelancers quit early?

- Serious reasons **do not** include:
  - If you did not charge a high enough price, unless it was due to misinformation by the client.
  - The client is too demanding about performance.
  - The client has not paid certain small costs.



# Termination

Can contractors and freelancers quit early?

- Can not be at a time that causes the client damage.
- For example, the day before a huge deadline.
- A last resort, client may begin a civil case.
- The burden of proof is on the contractor.



# Leave and Absences

Reason for absence	Leave - Typical
Sickness or family obligations	2 days paid
Illness or injury	26 weeks unpaid
Funerals for close relatives	2 days paid
Your wedding or civil union	1 day paid
Birth, adoption or pregnancy	Up to 52 weeks unpaid



# Leave and Absences

Your employer is not allowed to **fire you, take away benefits or reduce wages** if you are absent for any of these reasons for the allotted time.



# Statutory Holidays and Vacations

Employment length	Vacation
1 Year	1 Day per month of service
1 - 3 Years	2 Weeks
3 Years or more	3 Weeks



# Statutory Holidays and Vacations

New Years Day - Jan. 1st

Good Friday / Easter Monday

National Patriots Day

St. Jean Baptiste Day - June 24th

Canada Day - July 1st

Labour Day

Thanksgiving

Christmas Day - Dec. 25th



# Statutory Holidays and Vacations

- If you are entitled to 2 weeks leave, then you have the right to take an additional 1 week unpaid
- If a statutory holiday falls on a non-work day another day will be substituted
- Statutory holidays are not applicable to contractors



# Reprisals

No employer or manager can **dismiss, suspend or transfer** an employee, practice discrimination, or punish them for:

- Exercising any of the rights covered under the Labor Act
- For filing a complaint with the CNESST or providing information
- Because you are pregnant or paying child support



# Reprisals

No employer or manager can **dismiss, suspend or transfer** an employee, practice discrimination, or punish them for:

- Because you refused to do overtime in order to look after your child or close relative
- Because you have reached the age of retirement



# Reprisals

If your rights are violated, you have up to **45 days** to make a complaint to the Commission des normes du travail (CNESST).



# Intellectual Property

Who owns copyrights?

## Employees:

In absence of an agreement to the contrary, **your employer** owns copyright on the work you create

## Contractors & Freelancers:

In absence of an agreement to the contrary, **you** own copyright on the work you create



# Non-Competition

3 restrictive covenants in contracts:

## ***Non-hire***

Hiring or  
working with  
employees /  
contractors of  
client

## ***Non-Solicit***

Soliciting  
clients /  
suppliers

## ***Non-competition***

Working for  
another  
business that  
competes with  
the client



# Unionization

Your rights for  
collective action

- 1.** Every employee has the right to join, form or participate in a union of their choice
- 2.** No employer or association can try to stop you
- 3.** Employers cannot punish you for joining a union
- 4.** If they claim they are firing you for another reason, it's up to the employer to prove this



# Unionization

## Restrictions

- 1.** You are not allowed to ask people to join your union during work hours
  
- 2.** You cannot hold union meetings at the workplace, unless you have the employers permission



# Unionization

What are the benefits of collective action?

1. Stronger negotiating power to win improvements vs. individual action
2. Very few rights and protections for freelance workers in Labor Law



# Unionization

What are the benefits of collective action?

3. Can transform and improve the whole industry for every worker
4. Re-balance the employer / employee relationship



# Unionization

What are the benefits of collective action?

5. Democratize company politics and policies
6. Stop employee misclassification and loss of benefits



# Who Are We?



# Upcoming Events

**GWU Montreal**

**08.10** BBQ @ Park LaFontaine

**SATTAQ**

**07.31** Coworking session

**08.14** Coworking session

**TBA** US immigration for freelancers workshop

Events are open and free to everyone.

For more information visit [gwumtl.com](http://gwumtl.com), [sattaq.xyz](http://sattaq.xyz), or [pixelles.ca](http://pixelles.ca)

