



**NEWSLETTER / BEWARE... YOU ARE RECORDED!**  
**JANUARY 17, 2023**

Dear Members,

A recent decision handed down by the Administrative Labor Tribunal (TAT) obliges us to advise you to exercise the greatest caution as a manager during your formal meetings with your employees.

Indeed, in the Charron and CIUSSS du Centre-Sud-de-l'île-de-Montréal (CH Verdun) decision, 2022 QCTAT, 4663, the manager concerned met with an employee for an official meeting. At this meeting, in addition to the manager and the employee, a labor relations advisor and a union representative were also present.

During this meeting, the employee is informed of the shortcomings that have been observed regarding her attitude and her performance at work. She is warned and the employer's expectations of her for the future are clarified. Towards the end of the meeting, because of the tensions felt, the participants (employee and union representative) decide to take a break and they left the room for about fifteen minutes, leaving the manager and the labor relations advisor alone in the room.

Following this break, the participants return to the room and the discussion resumes. The meeting ends a little later. The employee, following this meeting, filed a claim with the CNESST (CSST), for adjustment disorder as an employment injury. Her claim having been refused by the CNESST, the file is before the TAT.

In support of her claim, the employee wishes to **file as evidence the recording she made with her telephone, without the knowledge of the other participants, of the conversation that took place during the meeting, both when she was present in the room only when she took a break, and the manager and the labor relations advisor found themselves alone discussing the file.**

The TAT allows the filing in evidence of the recording made without the knowledge of the manager, both during the meeting with the employee and when the latter has left the meeting room.

**CONSEQUENTLY, DURING MEETINGS (OFFICIAL OR NOT) WITH YOUR EMPLOYEES, PRUDENCE IS IN ORDER, ALWAYS TAKE IT FOR GRANTED THAT YOU ARE BEING RECORDED.**

[association@aper.qc.ca](mailto:association@aper.qc.ca)

(514) 933-4118