

Without prejudice

Certified mail

(date)

(name of the company)

(address of the company)

(name of the person in charge)

SUBJECT : (name of the employee) - VS - (name of the employer)
Decision from the Tribunal administratif du travail: formal notice and calculation of the indemnity

Sir, Madam,

Please find enclosed a copy of the decision from the Tribunal administratif du travail regarding the case above mentioned.

As stated in the decision you have to pay me an indemnity for the loss of salary and benefits I suffered following the (dismissal, suspension or transfer) imposed to me.

Consequently, you are formally asked to pay me an indemnity to the amount of \$_____, which represents the equivalent of the salary and benefits lost because of the (dismissal, suspension or transfer) you imposed me, as well as the interest and additional indemnity provided by the law.

The calculation is established as follows : *Example of calculation*

I was dismissed and I filed a complaint on May 31, 2002. The decision was delivered on January 10, 2003. Subsequently, I resigned. You must then pay me an indemnity for a period of 32 weeks (from May 31, 2002 to January 10, 2003)

Number of weeks from the date of the complaint to the date of the decision	ex. : 32 weeks
Multiplied by the average weekly salary	ex. : 35h at \$12,55/hour X \$439,25
	total : \$14 056

Benefits lost: (vacation pay 6% of \$14 056)	+ \$ 843
	Total : \$14 899

minus salary earned elsewhere during the period (ex. 12 weeks at \$325/week + 4% vacation pay) :	-\$ 4 056
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Total	\$ 10 843
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Interests	+ \$ 466
Total :	\$ 11 309

(Calculation of interests: multiply the total due(\$10 843) X 7% (legal rate and additional indemnity)*

Multiply the result (\$759) by the number of days between the filing of the claim and the date the decision was delivered, then divide by 365 (number of days in a year) Ex. : 32 weeks = 224 days/365 days, so \$759 X 224/365 = \$466).

If you do not comply with this demand within 10 days, I will have no other alternative than take the appropriate legal procedures required, without any other advice or delay.

Please act accordingly

(signature)

(Name in printed letters)

* Legal rate and additional indemnity up to date as of March 2003. Check with Ministère du revenu du Québec for the updating of the rate (<http://www.revenu.gouv.qc.ca/ENG/ministere/taux/creance.asp>)