

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 September 10, 2021. The decision was delivered on July 29, 2022. Subsequently, I resigned. You must then pay me an indemnity for a period of 46 weeks (from September 10, 2021 until July 29, 2022)

| | | | |
|---|---------------------------|----------|--------------------|
| Number of weeks from the date of the complaint to the date of the decision | ex. : | 46 weeks | |
| Multiplied by the average weekly salary | ex. : 35h at 19.47\$/hour | x | 681.45 \$ |
| | | total : | 31346.70 \$ |
| Benefits lost: (RRSP 35h X 46 X 0.45\$) | | + | 724.50 \$ |
| | | total: | 32071.20 \$ |
| Benefits lost: (vacation pay 6% of 32071.20\$) | | + | 1924.27 \$ |
| | | total : | 33995.47 \$ |
| minus salary earned elsewhere during the period: (ex: 20 weeks (30h X 19.18\$) + (30h X 0.45\$) = 588.90\$ | | - | 11778.00 \$ |
| Total | | | 22217.47 \$ |
| Interests | | + | 1176.01 \$ |
| Total to pay: | | | 23393.48 \$ |

(Calculation of interests: multiply the total due (22217.47 \$) X 6% (legal rate and additional indemnity *)
Multiply the result (1333.05 \$) 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: 46 weeks = 322 days/365 days, so 1333.05 \$ X 224/365 = 1176.01 \$).

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.

* Legal rates and additional indemnity up to date as of October 1, 2010. Check with Ministère du Revenu du Québec for the updating of the rate (<http://www.revenu.gouv.qc.ca/ENG/ministere/taux/creance.asp>).