

Citation: Bernstein, Stephanie & Mathilde Valentini, “Working Time and Family Life: Looking at the Intersection of Labour and Family Law in Quebec” (2018) 14 JL & Equality 145

Abstract: “Availability” is a key concept in both labour and family law. This article explores how labour and family law intersect and interact when there is a potential conflict between employers’ availability requirements and the availability requirements for parenting in shared custody arrangements. Through case law illustrations from Québec in both family and labour law, it looks at how tribunals have treated the conflict between employees’ work availability and the fulfillment of custody obligations. The article suggests that the two branches of law appear to be talking past each other on the question of working parents’ availability, particularly in relation to working-time arrangements. In addition, the disparities that are maintained by labour law in the treatment of precarious workers may also possibly be being reproduced in the family law forum. Although the article presents exploratory research and firm conclusions are premature, it appears clear that labour law will not be able to continue to perpetrate a strict family life/work divide for much longer and will have to take into consideration developments in family law and the evolution of family structures.