



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 89
(2025, chapter 14)

**An Act to give greater consideration
to the needs of the population in
the event of a strike or a lock-out**

**Introduced 19 February 2025
Passed in principle 3 April 2025
Passed 29 May 2025
Assented to 30 May 2025**

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EXPLANATORY NOTES

This Act amends the Labour Code and other provisions mainly to give greater consideration to the needs of the population in the event of a strike or a lock-out.

The Act therefore introduces provisions to maintain services ensuring the well-being of the population, that is, the services minimally required to prevent the population's social, economic or environmental security from being disproportionately affected, in particular that of persons in vulnerable situations. In that regard, it confers on the Government the power to designate, by order, a certified association and an employer in respect of which the Administrative Labour Tribunal may determine whether services ensuring the well-being of the population must be maintained in the event of a strike or a lock-out. The Tribunal is granted the power to order the maintenance of such services, at the request of one of the parties designated by order, but only for the negotiation stage in progress. The health and public service sectors are excluded from the application of those provisions.

The Act requires a certified association and an employer contemplated by a decision ordering the maintenance of services ensuring the well-being of the population in the event of a strike or a lock-out to negotiate such services within seven clear working days after the date of notification of the decision. The Tribunal is entrusted with, among other things, the function of assessing whether or not the services provided for in the agreement between the parties are sufficient and, failing agreement or if the Tribunal considers that the services provided for in the agreement are insufficient, the function of determining the services that must be maintained and the manner of maintaining them.

The Act specifies that a strike or a lock-out in progress continues despite a decision by the Tribunal ordering the maintenance of services ensuring the well-being of the population, unless the Tribunal considers that exceptional circumstances warrant suspension of the exercise of the right to strike or to a lock-out. The name of the Tribunal's essential services division is amended and the division is given the mandate of hearing matters relating to services ensuring the well-being of the population. The Act also includes penal provisions.

In addition, the Act allows the Minister of Labour, if the Minister considers that a strike or a lock-out causes or threatens to cause serious or irreparable injury to the population and the intervention of a conciliator or a mediator has not been successful, to refer the dispute to an arbitrator for the latter to determine the conditions of employment of the employees included in the bargaining unit on strike or locked out. It provides that such a decision by the Minister terminates the strike or lock-out in progress and establishes the applicable arbitration procedure. The public and parapublic sectors, among others, are excluded from the application of that power.

Lastly, the Act harmonizes certain provisions relating to the exercise of the right to strike in public services in order to make them applicable to the exercise of the right to a lock-out, and provides that matters arising from the chapter of the Labour Code concerning essential services and the new chapter of that Code concerning services ensuring the well-being of the population are to be heard and decided by the Tribunal as a matter of priority.

LEGISLATION AMENDED BY THIS ACT:

- Labour Code (chapter C-27);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6).

Bill 89

AN ACT TO GIVE GREATER CONSIDERATION TO THE NEEDS OF THE POPULATION IN THE EVENT OF A STRIKE OR A LOCK-OUT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

LABOUR CODE

1. Section 109.1 of the Labour Code (chapter C-27) is amended by replacing subparagraph iii of paragraph *c* by the following subparagraph:

“iii. a decision determining the services that must be maintained has been made by the Tribunal pursuant to Chapter V.1 or Chapter V.1.1.”

2. Section 111.0.23 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“Subject to sections 111.0.24 and 111.0.26, a strike or a lock-out may be declared in a public service provided that a party has acquired that right in accordance with section 58 and has given to the Minister and the other party, and to the Tribunal in the case of a public service contemplated by a decision rendered under section 111.0.17, a prior notice in writing of at least seven clear working days indicating the time when it intends to resort to a strike or a lock-out.”;

(2) in the second paragraph,

(a) by replacing “strike notice” by “notice of strike or lock-out”;

(b) by replacing “the certified association” by “the party”;

(c) by replacing “go on strike” at the end by “resort to a strike or a lock-out”.

3. Section 111.0.23.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing “A certified association” and “the employer” by “A certified association or an employer” and “the other party”, respectively;

(b) by inserting “or a lock-out” after “strike”;

(2) by inserting the following sentence after the first sentence of the third paragraph: “Similarly, the employees are not required to perform the work after the time indicated in the lock-out notice or, as the case may be, in the return-to-work notice, before the expiration of such a period.”

4. The Code is amended by inserting the following section after section 111.22:

“111.22.1. Matters arising from the enforcement of this chapter shall be heard and decided as a matter of priority.”

5. The Code is amended by inserting the following chapter before section 111.23:

“CHAPTER V.1.1

“SPECIAL PROVISIONS RESPECTING SERVICES THAT MUST BE MAINTAINED TO ENSURE THE WELL-BEING OF THE POPULATION

“111.22.2. The provisions of this chapter do not apply to labour relations in a government department or government agency or body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1) or to an institution contemplated in section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

“111.22.3. In this chapter, “services ensuring the well-being of the population” means the services minimally required to prevent the population’s social, economic or environmental security from being disproportionately affected, in particular that of persons in vulnerable situations.

“111.22.4. The Government may, by order, designate a certified association and an employer in respect of which the Tribunal may determine whether services ensuring the well-being of the population must be maintained in the event of a strike or a lock-out.

Such an order shall have effect until the filing of a collective agreement or the document in lieu thereof. The order may be made at any time before such filing. A copy shall be notified to the parties concerned and to the Tribunal.

“111.22.5. The Tribunal may, at the request of one of the parties designated by an order made under section 111.22.4, order the parties to maintain services ensuring the well-being of the population in the event of a strike or a lock-out.

Such a request may be made to the Tribunal from the time the right to strike or to a lock-out is acquired or, in the case of a school service centre, school board or college, once the Minister has received the notice provided for in section 50 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

Before rendering such a decision, the Tribunal shall give the parties the opportunity to submit their views.

“111.22.6. The Tribunal’s decision to require a certified association and an employer to maintain services ensuring the well-being of the population in the event of a strike or a lock-out applies to the negotiation stage in progress.

“111.22.7. Within seven clear working days after the date on which the decision referred to in section 111.22.6 is notified to the parties, the parties must negotiate the services ensuring the well-being of the population that must be maintained in the event of a strike or a lock-out.

A negotiation between a certified association and a school service centre, school board, college or childcare centre may be conducted according to the parameters agreed upon by that association or a group of associations it forms part of and the school service centre, school board, college or childcare centre or their representative.

The parties must forward without delay their agreement to the Tribunal for approval.

The Tribunal may, on its own initiative or at the request of either party, designate a person to help the parties to reach an agreement.

“111.22.8. On receiving an agreement, the Tribunal shall assess whether or not the services ensuring the well-being of the population provided for therein are sufficient.

The parties shall attend every meeting to which they are convened by the Tribunal.

If the Tribunal considers those services to be insufficient, it shall determine the services to be maintained in the event of a strike or a lock-out and the manner of maintaining them.

“111.22.9. Failing agreement within the time prescribed in section 111.22.7, the Tribunal shall determine the services ensuring the well-being of the population that must be maintained in the event of a strike or a lock-out and the manner of maintaining them.

The parties must forward without delay to the Tribunal any relevant information respecting the services ensuring the well-being of the population and attend any sitting of the Tribunal to which they are convened.

If an agreement is entered into between the parties before the Tribunal's decision, the agreement prevails and is submitted to the Tribunal so that the Tribunal may assess the agreement in accordance with section 111.22.8.

“111.22.10. The Tribunal may, at any time, on its own initiative or at either party's request, amend or revoke a decision it has rendered under this chapter. It shall then give the parties the opportunity to submit their views.

“111.22.11. The strike or lock-out in progress continues despite the Tribunal's decision to require the parties to maintain services ensuring the well-being of the population.

However, from the date the decision is notified to the parties, the Tribunal may, if it considers that exceptional circumstances so warrant, suspend the exercise of the right to strike or to a lock-out until it has rendered a decision in accordance with section 111.22.8 or 111.22.9.

“111.22.12. No person may derogate from the provisions of an agreement referred to in this chapter or of a decision rendered by the Tribunal under this chapter.

“111.22.13. Unless an agreement has been reached by the parties, no employer shall change the conditions of employment of the employees providing services ensuring the well-being of the population.

“111.22.14. The Tribunal may, on its own initiative or at the request of an interested person, inquire into a strike, a lock-out or a slowdown that is contrary to law or during which the services ensuring the well-being of the population provided for in an agreement or determined following a decision are not sufficient or are not rendered.

The Tribunal may also endeavour to bring the parties to an agreement or entrust a person it designates with attempting to bring them to an agreement and reporting on the situation.

“111.22.15. Sections 111.17 to 111.22.1 apply to this chapter, with the necessary modifications.

“111.22.16. The provisions of this chapter shall not be interpreted as limiting the application of the provisions of Chapter V.1.”

6. The Code is amended by inserting the following chapter after section 111.32:

“CHAPTER V.3.1

“SPECIAL POWER OF THE MINISTER

“111.32.1. This chapter does not apply to labour relations

(1) in the public and parapublic sectors within the meaning of paragraph 1 of section 111.2;

(2) in the government agencies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

(3) in the ambulance services and health communication centres governed by the Act respecting pre-hospital emergency services (chapter S-6.2); or

(4) in the childcare centres and home educational childcare coordinating offices governed by the Educational Childcare Act (chapter S-4.1.1).

“111.32.2. The Minister may, if he considers that a strike or a lock-out causes or threatens to cause serious or irreparable injury to the population and the intervention of a conciliator or a mediator has not been successful, refer the dispute to an arbitrator for the latter to determine the conditions of employment of the employees included in the bargaining unit on strike or locked out.

The Minister shall notify the parties that he is referring the dispute to arbitration.

The strike or lock-out in progress ends at the date and time stated in the notice. From that time, the conditions of employment applicable to the employees included in the bargaining unit shall be those the maintenance of which is provided for in section 59.

“111.32.3. Within 10 days of receiving the notice provided for in section 111.32.2, the parties must consult together as to the choice of an arbitrator; if they agree, the Minister shall appoint to such office the person they have chosen. Failing agreement, the Minister shall appoint the arbitrator *ex officio* in accordance with the second paragraph of section 77.

“111.32.4. At any time, the parties may agree upon one of the matters of the dispute.

The agreement shall be recorded in the arbitration award, which shall not amend it.

“111.32.5. Sections 76 and 78 to 91.1, section 92 subject to the second paragraph of this section, and sections 93, 139 and 140 apply to the arbitration provided for in this chapter.

Where the parties are subject to the Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector (chapter R-8.3), sections 16, 17 and 30 of the Act also apply to the arbitration, with the necessary modifications.”

7. Section 143.1 of the Code is amended by replacing “pursuant to Chapter V.1 or any person who” in the introductory clause by “, in the application of Chapter V.1 or Chapter V.1.1, or”.

8. Section 146.2 of the Code is replaced by the following section:

“146.2. Every association of employees and every employer that contravenes an agreement, list or decision contemplated in section 111.0.18, 111.10.1, 111.10.3, 111.10.5, 111.10.7, 111.15.3, 111.22.7, 111.22.8 or 111.22.9 and every association of employees that fails to take the appropriate means to induce the employees it represents to comply with the agreement, list or decision is liable to a fine of \$1,000 to \$10,000 for each day or part of a day during which the offence continues.”

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

9. Section 4 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “and services ensuring the well-being of the population” after “essential services”.

10. Section 7 of the Act is amended

(1) by inserting “and services ensuring the well-being of the population” after “essential services” in the introductory clause;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) matters arising from the enforcement of Chapter V.1.1 of the Labour Code;”.

11. Section 109 of the Act is amended by inserting “or Chapter V.1.1” after “Chapter V.1”.

REGULATION RESPECTING THE REMUNERATION OF ARBITRATORS

12. Section 19 of the Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6) is amended by inserting “or section 111.32.2” after “75” in the second paragraph.

FINAL PROVISION

- 13.** The provisions of this Act come into force on 30 November 2025.

