

Québec's Bold Proposal: Empowering Authorities to Safeguard Public Welfare During Work Stoppages

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On February 19, 2025, Québec Minister of Labour Jean Boulet introduced [Bill 89](#), which would amend the Québec Labour Code and related provisions to safeguard the well-being of the population by maintaining necessary services during strikes or lock-outs. According to the bill, the goal is to prevent “disproportionat[e]” impacts on “social, economic or environmental security,” especially for vulnerable populations.

The legislative changes would apply to all employers and unions under provincial jurisdiction in Québec, with the exception of the health and public service sectors, which already have specific provisions to maintain a wide range of services.

Quick Hits

- On February 19, 2025, Québec Minister of Labour Jean Boulet introduced legislation that would ensure necessary services are maintained during strikes or lock-outs to protect public well-being.
- The bill would empower the government and the Administrative Labour Tribunal to ensure necessary services are maintained during work stoppages, balancing the right to strike with public welfare.
- The bill would allow the minister of labour to refer disputes to arbitration if mediation has failed and a strike or lock-out poses or threatens serious harm to the population.

In recent years, work stoppages have significantly affected Québec citizens. Consequently, Bill 89 proposes solutions to balance the needs of the public with the respect to the right to strike or lock out.

Proposed Legislative Changes

The proposed changes would empower the government to “designate, by order, a certified association and an employer [for whom] 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 lock-out.” The order would remain valid “until the filing of a collective agreement or [a] document in lieu thereof” (e.g., an arbitration award).

Once designated by the government, and at the request of one of the parties (i.e., the employer or the union), the Tribunal would have the authority to determine whether necessary services must be maintained during a work stoppage. The parties would have the opportunity to submit their respective positions before the Tribunal makes a decision.

If the Tribunal renders a decision requiring that services be maintained, the designated parties would be required to negotiate which services would be maintained within fifteen days of receiving notification. The Tribunal would then assess whether the agreement was sufficient to protect the well-being of the population. In the event the parties cannot reach an agreement, the Tribunal would have the authority to determine which services are necessary.

The bill further specifies that if a strike or lock-out is in progress, despite a decision from the Tribunal ordering the maintenance of services, the strike or lock-out may continue unless otherwise ordered by the Tribunal.

Additionally, if a strike or lock-out causes or threatens to cause serious or irreparable harm to the population and mediation efforts fail, the minister of labour can refer the dispute to arbitration, effectively ending the ongoing strike or lock-out and establishing arbitration procedures.

Practical Considerations

The legal implications of Bill 89 are significant. The bill would enhance the roles of the government and the Tribunal in managing labour disputes, ensuring that necessary services are maintained to prevent “disproportionat[e]” impacts on “social, economic or environmental security.” The legislation seeks to balance the right to strike with the need to protect public welfare, particularly for vulnerable populations. The labour minister’s authority to refer disputes to arbitration emphasizes the importance of resolving disputes without prolonged strikes or lock-outs.

It is important to note that Bill 89 does not define the term “disproportionate impacts on social, economic, or environmental security.” This language can be interpreted broadly, which could have far-reaching implications. Unions are likely to oppose Bill 89 and will likely participate in consultation periods before the National Assembly.

The proposed changes also include the addition of penal provisions to ensure compliance with necessary service agreements and Tribunal decisions in Article 146.2 of the *Québec Labour Code*.

Bill 89 deserves close attention, as it may affect future negotiations. If adopted, it is anticipated that unions may challenge the constitutionality of the law on the grounds of freedom of association.

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