Upcoming: A New Framework for the Grievance Arbitration Process in Quebec

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On April 24, 2025, Labour Minister Jean Boulet tabled Bill 101, *An Act to improve certain labour laws*, in the National Assembly of Québec. This new omnibus bill proposes some 20 measures to amend legislative provisions, including those regarding the grievance arbitration process set out in the *Labour Code*.

The proposed measures that concern grievance arbitration include the following:

- Establishment of a maximum time limit of six months to appoint an arbitrator and of one year to hold a first hearing:
  - An arbitrator will have to be appointed within six months of the grievance being filed. If this does not occur, the party that filed the grievance will have to ask the Minister to appoint one within 10 days after the time limit has elapsed, failing which the party will be deemed to have withdrawn its grievance. However, it will be possible for the party to apply to the Administrative Labour Tribunal to have the time limit extended by 10 days if it can show that it was impossible to act.
  - The first day of a grievance hearing must take place no later than one year after the grievance is filed. It will be possible to extend this time limit once only and for a specific number of days if the parties so request and the arbitrator agrees.
  - Grievances filed before these new provisions come into force will not be subject to the new process. The provisions would also not apply to the public and parapublic sectors.
- Requirement that parties consider mediation before resorting to arbitration and introduction of measures specific to the process.
- Mandatory disclosure of evidence between the parties within the time limits set at the pre-hearing conference, or, failing that, at least 30 days before the hearing. Two exceptions are provided for: when an urgent situation arises or unless otherwise decided to ensure the proper administration of justice. Proof that a copy of the evidence was provided will have to be sent to the arbitrator.
- Requirement for the arbitrator to hold a pre-hearing conference when one of the parties requests one.

These are just a few of the changes proposed by Bill 101, which also includes several other measures, such as:

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Measures aimed at maintaining the employment relationship for an employee who is absent because of a public health rule, or because of a disaster, as defined in the *Act respecting civil protection to promote disaster resilience* (chapter S-2.4).
Heftier fines for criminal offences under the *Act respecting labour standards* and the *Labour Code.*
A requirement for associations to present their audited financial statements at annual general meetings and to make them available to members on request.
Measures concerning the health and safety of workers as well as the occupational health and safety compensation system.

Bill 101 must go through a number of stages, including special consultations and public hearings, before its provisions come into force. More articles to come on this subject!

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