Strikes and lockouts: new provisions adopted giving greater consideration to the needs of the population

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This bulletin addresses the same subject as a first bulletin we published on March 10, 2025, regarding Bill 89 tabled by the government. The bill was assented to on May 30, 2025, with a number of amendments and clarifications.

The bill provides for major amendments to the *Labour Code* (L.C.) to improve the way in which the needs of the population are taken into account during labour disputes by introducing two new mechanisms, in particular. Firstly, it grants the Minister of Labour the power to refer parties to binding arbitration when the Minister considers that a strike or lockout is causing or threatening to cause serious harm to the public after unsuccessful mediation or conciliation. Secondly, it creates a framework for a new category of services to be maintained, those “ensuring the well-being of the population,” under which critical services will be maintained during strikes or lockouts.

Having followed the parliamentary proceedings closely, we noted that a number of significant amendments were made to the bill since it was introduced. The time limit to negotiate services ensuring the well-being of the population was changed from fifteen to seven clear working days and the date of entry into force of the new provisions postponed to November 30, 2025.

During the parliamentary debates, the Minister gave a few examples of what could fall under the concept of “social, economic or environmental security” for the population. Social security could be at stake in situations affecting the development of a vulnerable person, or in cases linked to poverty, isolation or food insecurity, among others. Economic security could also be compromised in similar circumstances, particularly when they affect the ability to get to work or earn wages. The concept of environmental security may include natural disasters or a significant deterioration in environmental

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quality, in particular. Although it will ultimately be up to the courts to rule on the scope of these new provisions, we believe that the points raised in parliamentary committee will affect how they are interpreted.

The following table illustrates the main differences between the general essential services framework that apply to the public services covered by the Act and the new measures that can be put in place to protect the population:

	Essential services among public services	**Services ensuring the well-being of the population**	**Special powers granted to the Minister**
Scope of application (subject to exclusions)	Public or comparable services (ss. 111.0.16 and 111.0.17 L.C.)	Parties designated by the government by order (s. 111.22.4 L.C.)	Any dispute, but does not apply to certain sectors or organizations listed in s. 111.32.1 L.C.
Process by which dispute is rendered subject to mechanism	ALT decision (s. 111.0.17 L.C.)	ALT decision (s. 111.22.5 L.C.)	Notice from the Minister to the parties (s. 111.32.2 L.C.)
Application criteria	Possibility of endangering public health or safety (s. 111.0.17 L.C.)	Disproportionate impact on the social, economic or environmental security of the population, particularly that of persons in vulnerable situations (s. 111.22.3 L.C.)	Labour conflict that causes or threatens to cause serious or irreparable harm to the public and unsuccessful intervention of a conciliator or mediator (s. 111.32.2 L.C.)
Effect once subject to mechanism	Right to strike temporarily suspended until legal requirements are met (s 111.0.17 L.C.) Right to lockout prohibited in public services (s. 111.0.26 L.C.)	Continuation of strike or lockout after a decision making the dispute subject to the mechanism is rendered, unless exceptional circumstances warrant otherwise pending a decision by the ALT on whether	Right to strike and lockout ceasing at the time indicated on the Minister's notice (s. 111.32.2 L.C.)

Note that we summarized the information above to make it concise. Given the complexity of the provisions in question and the many nuances and clarifications that may apply, you should read the specific provisions of the *Labour Code* or contact your legal advisors before making any decisions.

We are available to answer any questions you may have about the impact of these new provisions on your business or to help you address such matters.

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		the minimum services to be maintained are sufficient (s. 111.22.11 L.C.)	
Procedure	1. Mandatory negotiation between the parties (s. 111.0.18 L.C.)	1. Mandatory negotiation between the parties within seven clear working days of an ALT decision (s. 111.22.7 L.C.)	Parties consulted for 10 days on choice of arbitrator. If this fails, appointment by the Minister (s. 111.32.3 L.C.)
			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 (s. 111.32.4 L.C.).
Procedure	2. Forwarding of the agreement to the ALT for sufficiency assessment. If no agreement is reached, the union must forward a list of which services must be maintained (s. 111.0.18 L.C.).	2. Forwarding of the agreement to the ALT for sufficiency assessment (s. 111.22.8 L.C.)	Dispute referred to arbitration, with necessary adaptations (ss. 111.32.2 and 111.32.5 L.C.)
Procedure	3. ALT can help the parties to reach an agreement	3. ALT can help the parties to reach an agreement	n/a

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	(s. 111.0.18 L.C.)	(s. 111.22.7 L.C.)	
ALT's main role	Sufficiency assessment, recommendations to parties in the event of insufficiency (s. 111.0.19 L.C.)	Sufficiency assessment, determination of services to be maintained in case of insufficiency or if no agreement is reached (ss. 111.22.8 and 111.22.9 L.C.)	Rule on the conditions of employment in dispute.
Term and amendment of decisions	The ALT's decision to require a certified association and an employer to maintain services applies to each negotiation stage. The ALT may also amend or revoke its decision at any time (s. 111.0.17.1 L.C.).	The ALT's decision to require a certified association and an employer to maintain services applies to the negotiation stage in progress. The ALT may also amend or revoke its decision at any time, after the parties have submitted their views (s. 111.22.10 L.C.).	Save for some exceptions, the award binds the parties for no less than one year or more than three years. The parties may, however, agree to amend the content, wholly or in part (s. 92 L.C.). The arbitrator may at any time correct an award containing a mistake in writing or calculation or any other clerical error (s. 91.1 L.C.).
Entry into force	October 30, 2019	November 30, 2025	November 30, 2025

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