

Gazette
officielle
DU Québec

Part

2

No. 12A

18 March 2020

Laws and Regulations

Volume 152

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Orders-in-Council

Gouvernement du Québec

O.C. 177-2020, 13 March 2020

CONCERNING the declaration of a public health emergency in accordance with section 118 of the Public Health Act

WHEREAS the World Health Organization declared a COVID-19 pandemic on 11 March 2020;

WHEREAS under section 118 of the Public Health Act (chapter S-2.2) the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the said Act to protect the health of the population;

WHEREAS the pandemic constitutes a serious threat to the health of the population and requires the immediate application of certain measures provided for in section 123 of the said Act;

WHEREAS under the first paragraph of section 119 of the said Act a public health emergency declared by the Government is effective for a maximum period of 10 days at the expiry of which it may be renewed or, with the consent of the National Assembly, for a maximum period of 30 days;

WHEREAS under section 120 of the said Act, upon a declaration of a public health emergency the nature of the threat, the area concerned and the effective period of the public health emergency must be specified, and the Minister of Health and Social Services may be authorized to exercise one or more of the powers specified in section 123 of the said Act;

WHEREAS under section 121 of the said Act, the public health emergency is effective as soon as it is declared or renewed;

WHEREAS under section 123 of the said Act, the Government may, without delay and without further formality, to protect the health of the population,

—order the closing of educational institutions or of any other place of assembly;

—require the assistance of any government department or body capable of assisting the personnel deployed;

—incur such expenses and enter into such contracts as are considered necessary;

—order any other measure necessary to protect the health of the population;

IT IS HEREBY ORDERED, on the recommendation of the Minister of Health and Social Services:

THAT, in accordance with section 118 of the Public Health Act (chapter S-2.2), a public health emergency is declared throughout Québec;

THAT the public health emergency is declared for a period of 10 days from the date of this order;

THAT, during the public health emergency and in accordance with section 123 of the Public Health Act (chapter S-2.2), the following measures are to be taken to protect the health of the population, notwithstanding any inconsistent provision:

—educational institutions must suspend their educational and instructional services;

—childcare centres, day care centres, home childcare services and school childcare services must suspend their activities; however, services must be organized and provided for a child if one of the child's parents is employed by, or exercises a profession in, a health and social services institution or is a police officer, firefighter, ambulance technician, correctional services officer or special constable;

—gatherings of more than 250 people are prohibited;

—services provided in connection with COVID-19 by a health professional using correspondence or a means of telecommunication are deemed to be insured services;

—the Minister of Health and Social Services and health and social services institutions may, without delay and without further formality, to protect the health of the population, incur such expenses as they consider necessary, in particular to purchase supplies, equipment or medication or to proceed with construction work;

— the Minister of Health and Social Services may order any other measure needed to ensure that the health and social services network has the necessary human resources;

THAT the Minister of Health and Social Services is empowered to order any other measure necessary to protect the health of the population, pursuant to subparagraph 8 of the first paragraph of section 123 of the said Act.

YVES OUELLET,
Clerk of the Conseil exécutif

104301

Ministerial Orders

M.O., 2020

Order number 2020-003 of the Minister of Health and Social Services dated 14 March 2020

Public Health Act
(chapter S-2.2)

CONCERNING the ordering of measures to protect the health of the population during the COVID-19 pandemic situation

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONCERNING section 118 of the Public Health Act (chapter S-2.2), which specifies that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the said Act to protect the health of the population;

CONCERNING order in council 177-2020 dated 13 March 2020, which declares a public health emergency throughout Québec for a period of 10 days;

CONCERNING that the said order in council authorizes the Minister of Health and Social Services to order any other measure necessary to protect the health of the population, pursuant to subparagraph 8 of the first paragraph of section 123 of the said Act;

CONCERNING that electoral polls and advance polls are scheduled for the period covered by the declaration of a public health emergency;

CONCERNING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

A returning officer must cancel any electoral poll and any advance poll connected to an electoral poll scheduled to be held during the period covered by the declaration of a public health emergency, as well as any advance poll held before the coming into force of this order that is connected to an electoral poll scheduled for a day included in that period; it being understood that such a cancellation does not affect the declaration of election of a person elected without opposition;

A returning officer must not publish a notice of election during the period covered by the declaration of a public health emergency.

Québec, 14 March 2020

DANIELLE MCCANN,
Minister of Health and Social Services

104302

M.O., 2020

Order number 2020-004 of the Minister of Health and Social Services dated 15 March 2020

Public Health Act
(chapter S-2.2)

CONCERNING the ordering of measures to protect the health of the population during the COVID-19 pandemic situation

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONCERNING section 118 of the Public Health Act (chapter S-2.2), which specifies that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the said Act to protect the health of the population;

CONCERNING order in council 177-2020 dated 13 March 2020, which declares a public health emergency throughout Québec for a period of 10 days;

CONCERNING that the said order provides that childcare centres, day care centres, home childcare services and school childcare services must suspend their activities, but that services must be organized and provided for a child if one of the child's parents is employed by, or exercises a profession in, a health and social services institution or is a police officer, firefighter, ambulance technician, correctional services officer or special constable;

CONCERNING that the said order provides that the Minister of Health and Social Services may order any other measure needed to ensure that the health and social services network has the necessary human resources;

CONCERNING that the said order empowers the Minister of Health and Social Services to order any other measure necessary to protect the health of the population, pursuant to subparagraph 8 of the first paragraph of section 123 of the said Act;

CONCERNING that the activities of certain courts of justice and administrative tribunals must be maintained to rule on certain cases deemed to be urgent and that, as a result, persons will be required to be present at hearings;

CONCERNING that an inmate in a detention facility is entitled to receive visits from family members and certain other persons pursuant to section 56 of the Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1);

CONCERNING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

All places to which the public has admittance for cultural, educational, sports, recreation or entertainment purposes, including spas, saunas, swimming pools, amusement parks and water parks, ski stations, ice rinks, fitness centres, sports centres, movie theatres, arcades, dance halls, zoos and aquariums, must suspend their activities;

All bars, discotheques, restaurants offering buffet service and sugar shacks must suspend their activities; however, restaurants that do not offer buffet services are authorized to continue to operate, provided they admit no more than one-half of the number of clients they can normally admit and provided they apply measures to distance clients from one another; they may also continue activities of the “drive-through” and “take-out” type;

In addition to the services specified in order in council 177-2020 dated 13 March 2020, childcare services must continue to be organized and provided for a child if one of the child’s parents is employed by or exercises a profession in the health and social services network, including in private professional practice, community pharmacies and pre-hospital emergency services;

The president or, in the president’s absence, the executive director or secretary of a professional order in the healthcare field may, with no charge, issue a special authorization during a public health emergency to a person who has not been a member of the order for 5 years or less and is aged under 70, allowing that person to practise an exclusive profession or use a title reserved

for the members of the order and to perform the same activities as those members; the president, executive director or secretary may, however, limit the professional activities, among those generally performed by members, which may be performed by a person holding special authorization, and the conditions governing the performance of those activities. Section 35 of the Charter of the French language (chapter C-11) does not apply when such a special authorization is issued. A person to whom a special authorization is issued does not become a member of the professional order, but is bound to respect the same rules of professional conduct and the same rules governing the practice of the profession as a member;

A person to whom a special authorization is issued is released from the requirement to contribute to the order’s insurance fund or join the group professional liability plan contracted by the order if the person practises the profession in an unamalgamated institution, an integrated health and social services centre within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), an institution or regional board referred to in Part IV.1 of the Act respecting health services and social services (chapter S-4.2), a public institution referred to in Part IV.2 or IV.3 of that Act, or a public institution within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5). An institution or regional board that employs a person to whom a special authorization is issued, or in which that person practises a profession, stands surety for, defends and accepts financial responsibility for any fault committed by the person in the practice of the person’s profession;

A copy of each special authorization issued by a professional order must be forwarded to the Minister of Health and Social Services;

Any hearing scheduled before a court of justice, administrative tribunal or other administrative body must be held behind closed doors unless the decision-making authority decides otherwise; article 13 of the Code of Civil Procedure (chapter C-25.01), adapted as required, applies;

A member of the public may have access to the premises made available to such a court, tribunal or body only if

(1) the person is granted access to the hearing in accordance with the preceding paragraph; or

(2) the person requires access to a service provided in such premises;

All visits are suspended in Québec detention facilities, except a visit from an inmate's lawyer;

The council and executive or administrative committee of any municipality, metropolitan community, public transit authority or intermunicipal board are authorized to sit behind closed doors and their members are authorized to participate, deliberate and vote during a meeting using any means of communication;

Notwithstanding the provisions of the collective agreements that apply to public service employees, a person may be reassigned to another function or another place, as needed, even if the person's level of employment is not respected;

Collective and other agreements at the provincial, local or regional level that are in effect between school boards, on the one hand, and all unions, on the other hand, are amended as follows:

(1) the articles on personnel movements, in particular as regards personnel substitution or replacement, assignment, reassignment or displacement, are amended to allow the employer to assign personnel members to the places and times where they are needed. Personnel members may therefore be assigned to tasks under another job title, under another union certification or with another employer;

(2) the articles on work schedules are amended to allow the employer to meet needs;

(3) the articles on the granting of remuneration or compensation that is additional to the remuneration or compensation paid for normal work hours and overtime when services must be maintained, in particular by reason of an act of God, do not apply.

Québec, 15 March 2020

DANIELLE McCANN,
Minister of Health and Social Services

104303

Order number 2020-4251 of the Chief Justice of Québec and the Minister of Justice dated 15 March 2020

Code of Civil Procedure
(chapter C -25.01)

CONCERNING the suspension of prescription and procedural periods and the use of another means of communication by reason of the public health emergency declared on 13 March 2020

THE CHIEF JUSTICE OF QUÉBEC AND THE MINISTER OF JUSTICE, JOINTLY,

CONSIDERING the first paragraph of article 27 of the Code of Civil Procedure (chapter C-25.01) which provides that, in a state of emergency declared by the Government, the Chief Justice of Québec and the Minister of Justice may jointly suspend or extend a prescription or procedural period or authorize the use of another means of communication in the manner they specify;

CONSIDERING the second paragraph of the said article, which provides for their decision to take effect immediately;

CONSIDERING section 85 of the Youth Protection Act (chapter P -34.1) which provides that the provisions of Book I of the Code of Civil Procedure apply to applications made under Chapter V of the said Act;

CONSIDERING order in council 177-2020 dated 13 March 2020 in which the government declares a public health emergency;

ORDER AS FOLLOWS:

Extinctive prescription and terms for forfeiture in civil matters are suspended until the expiry of the period of the declaration of public health emergency provided for in order in council 177-2020 dated 13 March 2020.

Similarly, procedural periods in civil matters are suspended during the same period, with the exception of cases deemed urgent by the courts.

During this period, a civil pleading served on the Attorney General of Québec may also be served on bernardroy@justice.gouv.qc.ca, for the judicial districts of Beauharnois, Bedford, Drummond, Gatineau, Iberville, Joliette, Labelle, Laval, Longueuil, Mégantic, Montréal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe and Terrebonne, or on lavoie-rousseau@justice.gouv.qc.ca for other districts.

If the public health emergency provided for in order in council 177-2020 dated 13 March 2020 is renewed, the measures provided for in this order are renewed for an equivalent period.

This order to take effect immediately.

Montréal, 15 March 2020

SONIA LEBEL,
Minister of Justice

NICOLE DUVAL HESLER,
Chief Justice of Québec

104304

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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