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Part

2

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Laws and Regulations

Volume 152

Summary

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Orders-in-Council

Gouvernement du Québec

O.C. 222-2020, 20 March 2020

CONCERNING renewal of the public health emergency under section 119 of Public Health Act and certain measures to protect the health of the population

WHEREAS the World Health Organization declared a coronavirus disease (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 that Act;

WHEREAS, under the first paragraph of section 119 of the said Act, the 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, as many times as necessary, for a maximum period of 10 days or, with the consent of the National Assembly, for a maximum period of 30 days;

WHEREAS under section 120 of that 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;

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

WHEREAS, by way of Order in Council No. 177-2020 dated 13 March 2020, the Government declared a health emergency and took certain measures to protect the population;

WHEREAS the Minister made order No. 2020-003 dated 14 March 2020, order No. 2020-004 dated 15 March 2020, order No. 2020-005 dated 17 March and order No. 2020-006 dated 19 March 2020;

WHEREAS it is expedient to renew the public health emergency for a period of ten days;

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

THAT the public health emergency be renewed until 29 March 2020;

THAT the measures provided for by the Order in Council and the orders continue to apply until 29 March 2020 or until the Government or the Minister of Health and Social Services amend or terminate them, except for the following measures:

(1) in the case of Order in Council No. 177-2020 dated 13 March 2020, the measure concerning assemblies of more than 250 people;

(2) in the case of order No. 2020-004 dated 15 March 2020, the measure concerning collective agreements that apply to public service employees and the measure modifying collective and other agreements that are in effect between school boards and all unions;

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

— all indoor and outdoor assemblies are prohibited, except:

(1) if required, in a workplace, for the exercise of an activity which is not covered by a suspension provided for by order or order in council, including those subsequently made;

(2) if required to obtain a service or good from an individual, institution or enterprise or other body whose activities are not suspended by an order or order in council, including those subsequently made, or to provide a service or good to one of them;

(3) in a means of transportation;

(4) in the case of an outdoor assembly, in one of the following situations:

(a) if the persons assembled are the occupants of a single private residence or of that which serves that purpose;

(b) if a person receives a service or support from another person;

(c) if a minimum distance of two metres is maintained between the persons assembled;

(5) in a private residence or that which serves that purpose, between the occupants and any other person who provides them with a service or whose support is required.

For the purpose of paragraphs 1 to 3, assembled persons must, as much as possible, maintain a minimum distance of two metres between them;

Furthermore, for the purposes of paragraph 5, persons providing a service or support must, to the extent possible, maintain a minimum distance of two metres with the occupants;

— any person on whom is imposed a prison sentence to be served intermittently under section 732 of the Criminal Code has authorization to be released for medical reasons for the purpose of protecting the health of the population, on the conditions determined by the director of the correctional facility where the person is serving their sentence;

— the time periods for bringing an action relating to matters heard by the Administrative Tribunal of Québec, the Administrative Labour Tribunal, the Financial Markets Administrative Tribunal, the Commission de la fonction publique and the jurisdictional section of the Commission d'accès à l'information are suspended until the period of the declaration of a public health emergency expires, except for the matters deemed urgent by the chair of one of those bodies or by a member the chair designates for that purpose. However, the suspension does not apply to an action relating to an application for certification under section 22 of the Labour Code (chapter C-27);

— the time period prescribed by section 150 of the Police Act (chapter P-13.1) to lodge a complaint regarding police ethics is suspended until the period of the declaration of a public health emergency expires;

— as regards matters within the jurisdiction of the Comité de déontologie policière, the Commission municipale du Québec, the Commission des transports du Québec, the Régie des alcools, des courses et des jeux and the Régie des marchés agricoles et alimentaires du Québec, the following are suspended for that period:

— the time period for filing an application to renew a licence or other authorization of a similar nature;

— the time period for paying costs or fees;

— the time period for submitting observations;

— the time period for filing an application for revision or review of a decision.

However, the suspension does not apply to the periodical review of a recognition provided for in section 243.19 of the Act respecting municipal taxation (chapter F-2.1);

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

104318

Gouvernement du Québec

O.C. 223-2020, 24 March 2020

Ordering of measures to protect the health of the population during the COVID-19 pandemic

WHEREAS the World Health Organization declared COVID-19 to be a 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 Act to protect the health of the population;

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

WHEREAS while the public health emergency is in effect, the Government or the Minister of Health and Social Services, if she has been so empowered, may, without delay and without further formality, take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of that section to protect the health of the population;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency throughout the territory of Québec;

WHEREAS, by Order in Council 222-2020 dated 20 March 2020, the Government renewed the public health emergency until 29 March 2020;

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

THAT, as of 25 March 2020, all activity carried on in work environments be suspended, except

(1) in work environments providing the priority services listed in the Schedule;

(2) as regards the minimum activity needed to ensure the future resumption of the activities of enterprises providing non-priority services, excluding commercial enterprises;

THAT the suspension not prevent teleworking in a private residence or its equivalent;

THAT the suspension not prevent e-commerce or any other form of remote trading;

THAT the Minister of Health and Social Services be authorized to amend the Schedule to add or delete priority services or to make clarifications;

THAT the Minister of Health and Social Services be empowered to take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act.

YVES OUELLET,
Clerk of the Conseil exécutif

SCHEDULE

Priority services maintained

1. Priority health services and social services, including

a. Institutions in the health and social services network, including 811 call centres

b. Pre-hospital emergency services, including the Corporation d'Urgences santé, first responders, ambulance service operators and healthcare communication centres

c. Private health consulting room of office, including dentists and optometrists (for emergency services only)

d. Pharmacies

e. Intermediate resources and family-type resources

f. Private seniors' residences

g. Individuals, enterprises and organizations providing services to the elderly, to the disabled and to the vulnerable, in particular as part of the direct allocation—service employment paycheque measure

h. Specialized resources offering accommodation for vulnerable groups (domestic violence, vagrancy, cancer, addicts housed in community or private resources, palliative and end-of-life care, the underprivileged, immigrants, the elderly, the mentally ill, mother and child, prenatal and postnatal groups, young people in difficulty and their families, people with an intellectual or physical deficiency or an autism spectrum disorder, victims of crime)

i. Héma-Québec

j. Transplant-Québec

k. Canadian Red Cross

l. Institut national de santé publique du Québec

m. Régie de l'assurance maladie du Québec

n. Commission des normes, de l'équité, de santé et de la sécurité du travail

o. Wholesalers and manufacturers of medication accredited by the Minister of Health and Social Services

p. Medical and pharmaceutical laboratories and research centres

q. Enterprises manufacturing vaccines or by-products to produce vaccines

r. Suppliers, distributors and co-contractors in the health and social services network

s. Independent placement agencies in the field of health services and social services

t. Private IV clinics

u. Joint procurement groups

2. Public security services, including

a. Police departments and police forces, including emergency call dispatch centres (operated by a municipality or the Sûreté du Québec)

b. Fire services

c. Correctional services

d. Special constables

e. Highway controllers

f. Wildlife protection officers

g. Security agencies

h. Ministère de la Sécurité publique (civil security and coroners)

i. Forest firefighters and all types of professionals providing support for civil security operations

j. Communication services

k. Enterprises involved in environmental emergencies

3. Government services and other priority activities, including

a. Québec government departments and bodies

b. Childcare workers and support staff for emergency childcare services

c. Online higher education

d. Suppliers of goods and services for underprivileged citizens

e. Food inspection and food quality

f. Waste collection and residual materials management

g. Government air services

h. Suicide prevention centres

i. Assistance services for victims of domestic violence

j. Services deemed essential by municipal organizations (administration, public works, etc.)

k. Food banks

l. Veterinarian clinics

m. Animal shelters

n. Courts of justice and administrative tribunals, for matters they deem urgent

o. Legal services (lawyers, notaries, bailiffs, translators and other workers)

p. Professional orders – public protection component

q. Priority union activities

4. Maintenance and operation of strategic infrastructures, including

a. Energy production, supply, transmission, transportation and distribution (hydroelectricity, fossil fuels, wind energy, biomass energy)

b. Maintenance of essential public infrastructures in proper working order (bridges, municipal buildings, etc.)

c. Construction, maintenance and upkeep of essential activities in connection, in particular, with public and private infrastructures that may create a risk for public health and safety (private dams, management of hazardous and radioactive waste, etc.)

d. Sanitary services and supply chains (for example water treatment plants)

e. Computer resources (security, maintenance, urgent needs in the current situation)

f. Data centres

5. Priority manufacturing activities, including

a. Food production (for example agricultural operations, food processing, drink production, slaughterhouses, market-garden vegetable production)

- b. Production of inputs necessary for priority sectors
- c. Pulp and paper sector
- d. Manufacture of medical instruments
- e. Manufacture of chemicals
- f. Manufacture of sanitary products
- g. Manufacture of micro-electronic components
- h. Industrial facilities (in particular in the aluminum sector) and mining facilities, which must reduce their activities to a minimum
- i. Manufacturing and maintenance in the defence sector

6. Priority commercial enterprises, including

- a. Grocery stores and other food retailers
- b. Pharmacies
- c. Convenience stores
- d. Stores not in a mall (offering grocery, pharmacy or hardware products)
- e. Businesses supplying agricultural operations (machinery, fertilizer, etc.)
- f. Société des alcools du Québec and Société québécoise du cannabis
- g. Furniture and household appliances (online or telephone sales only)
- h. Funeral services business and cemetery
- i. Restaurants (drive-through, take-out and delivery only)
- j. Hotels
- k. Cleaners, laundries and laundromats
- l. Medical and orthopaedic supply firms
- m. Suppliers of pet food and supplies
- n. Moving firms
- o. Work equipment (safety and protection)

7. Media and telecommunications services, including

- a. Telecommunications (network and equipment)
- b. Cable services
- c. Printing (newspaper printing only)
- d. National media
- e. Local media
- f. Communications agencies (advertising, production, feedback)

8. Banking, financial and other services, including

- a. Financial services (financial institutions, automatic teller machines and other payment methods)
- b. Insurance (telephone services)
- c. Payroll services
- d. Accounting services
- e. Financial market and stock exchange services
- f. Placement agencies

9. Construction sector services, including

- a. Construction firms, for emergency repairs or to ensure safety
- b. Electricians, plumbers and other trades (emergency services only)
- c. Equipment rental firms

10. Building maintenance and upkeep services, including

- a. Cleaning, upkeep and pest management
- b. Building maintenance (elevators, ventilation, alarm systems, etc.)
- c. Household appliance maintenance and repair

11. Priority services in the field of transportation and logistics

- a. Public transit services and passenger services
- b. Ports and airports

- c. Maintenance of locomotives, aircraft and boats and essential air operations (air transportation)
- d. Supply and distribution of foodstuffs, grocery stores and convenience stores
- e. Transportation, storage and distribution of goods
- f. Snow removal and road maintenance
- g. Service stations and mechanical repair of cars, tow truck and trucking services and specialized equipment for essential industries and roadside assistance
- h. Remunerated passenger transportation and para-transit services
- i. Postal, courier and parcel delivery services

104322

Ministerial Orders

M.O., 2020

Order number 2020-005 by the Minister of Health and Social Services dated 17 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,

CONSIDERING 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;

CONSIDERING Order in Council 177-2020 dated 13 March 2020, which declares a public health emergency throughout Québec for a period of 10 days;

CONSIDERING 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;

CONSIDERING 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;

CONSIDERING 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;

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

ORDERS AS FOLLOWS:

In addition to the services provided for in Order in Council 177-2020 dated 13 March 2020 and Ministerial Order 2020-004 dated 15 March 2020, childcare services must be organized and provided for a child where one of the child's parents

(1) is in charge of or employed by an intermediate resource, a family type resource, a social economy enterprise providing home assistance, a private seniors' residence, a childcare centre, a day care centre, a home childcare service or a school childcare service that is providing services while the declaration of public health emergency is in effect;

(2) provides services in the framework of the direct allowance home care mechanism - service employment paycheque;

(3) is an inspector, a veterinary surgeon, an analyst or another agent necessary for the carrying into effect of the Food Products Act (chapter P-29);

(4) is a coroner;

(5) is employed by one of the following agencies and has been identified by the highest authority at that agency as a supplier of services deemed to be essential in the context of the COVID-19 pandemic: the Red Cross, Héma-Québec, Transplant Québec, the Régie de l'assurance maladie du Québec, the Institut national de santé publique du Québec, or a drug wholesaler accredited by the Minister of Health and Social Services, a centre for the prevention of suicide, the government air service, a waste treatment or collection service or a water treatment service;

(6) is employed by the Ministère de la Sécurité publique du Québec, is assigned to public security and has been identified by the highest authority at that Ministère as a supplier of services deemed to be essential in the context of the COVID-19 pandemic;

(7) is employed by a 9-1-1 emergency centre or a dispatch centre for a fire safety service or a police force;

(8) is part of the personnel assigned to take calls made by the population to the Government of Québec telephone information line concerning COVID-19 or is part of the personnel assigned to oversee the provision of that service to the Ministère du Travail, de l'Emploi et de la Solidarité sociale;

The effects of any judgment by a tribunal or any decision by the Régie du logement authorizing the repossession of a dwelling or the eviction of the lessee of a dwelling are suspended, as are the effects of any judgment or any decision ordering the eviction of the lessee or occupant of a dwelling, unless the lessor rented the dwelling again before the coming into effect of this Ministerial Order and the suspension would prevent the new lessee from taking possession of the premises. Despite the foregoing, the tribunal or the Régie du logement may, when exceptional circumstances justify doing so, order the enforcement of one of its judgments or one of its decisions, as the case may be;

All sampling counters and booths that are located, in particular, in grocery stores and big box stores must suspend their activities.

Québec, 17 March 2020

DANIELLE McCANN,
Minister of Health and Social Services

104310

M.O., 2020

Order number 2020-006 of the Minister of Health and Social Services dated 19 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;

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

ORDERS AS FOLLOWS:

The conclusions of judgments or orders rendered by the Court of Québec ordering contacts in the physical presence of the child with his or her parents, grandparents or any other person are suspended, to the extent that the Director of Youth Protection considers, according to the public health recommendations, that those conclusions cannot be complied with in a way that protects the health of the population in the context of the COVID-19 pandemic. The Director of Youth Protection must, where possible, provide for other safe contact terms and conditions by any means deemed appropriate, in particular, by technological means. The Director of Youth Protection must allow for the execution of conclusions as soon as they may be applied without representing a danger for the health of the population.

Québec, 19 March 2020

DANIELLE McCANN,
Minister of Health and Social Services

104317

M.O., 2020

Order 2020-007 of the Minister of Health and Social Services dated 21 March 2020

Public Health Act
(chapter S-2.2)

Public health emergency order to protect the health of the population amid the COVID-19 pandemic situation

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) providing 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 Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING Order in Council 222-2020 dated 20 March 2020 renewing the public health emergency throughout the territory of Québec for a period of 10 days

and ordering in particular that the measures set out in Order in Council 177-2020, save exception, continue to apply until 29 March 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

CONSIDERING that Order in Council 177-2020 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;

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

ORDERS AS FOLLOWS:

THAT the national and local provisions of the collective agreements in force in the health and social services network and the employment conditions that apply to non-unionized salaried personnel be amended to enable the employer to meet the needs of the population, as per the following conditions:

— the sections relating to leaves for union business (union leaves) are amended to enable the employer to cancel union leaves that have already been granted or refuse to grant new leaves. Despite the foregoing, union leaves necessary to deal with the emergency health situation are granted insofar as the employer is able to ensure the continuity of the activities;

— the sections relating to leave of any nature, with or without pay, including vacation time, are amended to enable the employer to suspend or cancel leave already authorized, and to refuse to grant new leave. Following cancellation of vacation time, a salaried person currently on vacation or having a planned vacation period, will be automatically be paid 50% of the vacation time at the regular rate, without the possibility of deferral. As for the other 50% of the vacation being taken or planned, the salaried person will be offered either of the following options:

— defer the vacation period to a date after the date ending the public health emergency, which requires agreement with the employer; or

— receive payment for that vacation period at the regular rate.

For the purposes of this provision, if the number of remaining or planned vacation days is an odd number, one day is first removed for the sake of the calculation. At the choice of the salaried person, that day will be deferred to a later date that is after the date ending the public health emergency, that date requiring agreement with the employer or payment at the regular rate;

— the sections relating to movement of personnel that deal in particular with promotion, transfer, demotion, voluntary transfer, bumping procedures, temporarily vacant positions, replacement, assignment, re-assignment or personnel displacement are amended to enable the employer to assign personnel to the place, at the time or to duties of another position title, activity centre, certification service or unit, with the employer or another employer in the health and social service network or in any other designated place, to the extent that the employee concerned meets the normal requirements of the duties, without having regard to the notion of position, activity centre, service, shift or any other provision restricting personnel mobility.

No salaried person is to sustain a reduction in hourly wage as a result of temporary displacement;

— the salary insurance plan is amended to enable a salaried person on disability leave to serve a temporary period of assignment for the purpose of performing various functions corresponding to the person's residual capabilities, on the recommendation of the physician designated by the employer. The assignment may not operate to suspend the disability period or to extend the period during which benefits are paid;

— the sections relating to work schedules, shifts and positions are amended to enable the employer to have the necessary human resources available. The regular work day may be modified, but may not exceed 12 hours. For the purposes of overtime qualification, the regular work day is the work day under the new work schedule;

— the sections relating to work time arrangements are amended to enable the employer to suspend or cancel work time arrangements already granted or refuse to grant new work time arrangements;

— a part-time salaried person is deemed to have had weekly availability equal to the number of hours of a full-time salaried person in the employment position where he or she performs the greater part of duties. The additional standby availability required to achieve maximum availability may be apportioned equally between the employers in the health and social services network where the salaried person works;

— the deadlines for filing a grievance and those for the arbitration procedure are suspended;

— all grievance arbitration in progress or to come is postponed to a date after the date ending the public health emergency, unless the parties and the adjudicator agree on the adoption of alternative measures. In the event that such measures cannot be agreed on and the hearing is postponed, the hearing cancellation rules do not apply;

—the sections relating to fixed price contracts or contracts of enterprise are inoperative;

—the employer may hire additional personnel, granting the status of temporary salaried person to every person so hired. The hiring contract under that status is valid for the duration of the public health emergency. Despite the foregoing, the employer may terminate the contract of employment at any time on one week's prior notice.

The person hired under the status of temporary salaried person is entitled only to the provisions of the collective agreements in the health and social services network relating to remuneration, including bonuses, supplements and overtime. Despite the foregoing, the salaried person receives the fringe benefits available to part-time salaried persons not covered by life, prescription drug and salary insurance plans.

The employer is not bound by the requirements of the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux” for any hiring of additional personnel, except as regards the requirements of professional orders, as long as the hiring meets the normal requirements of the duties.

The additional personnel so hired is not entitled to vested rights regarding future hiring and must undergo the standard selection procedure according to the provisions in force in the institution concerned;

THAT the employment conditions of management personnel and personnel not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) be amended in the same manner for the matters concerned.

THAT a health and social services institution, before applying a measure set out in this Order, be required to consult the local unions or associations concerned, unless the urgency of the situation does not permit doing so. In such a case, the unions must be informed as soon as feasible.

THAT the implementation of the local measures pursuant to this Ministerial Order be subject to the prior approval of the assistant deputy minister of the Direction générale du personnel réseau et ministériel of the Ministère de la Santé et des Services sociaux.

Québec, 21 March 2020

DANIELLE McCANN,
Minister of Health and Social Services

104319

M.O., 2020

Order 2020-008 of the Minister of Health and Social Services dated 22 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,

CONSIDERING 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 Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that the Order in Council 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;

CONSIDERING that the Order in Council 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;

CONSIDERING Order 2020-004 dated 15 March 2020 providing that all bars, discotheques, restaurants offering buffet service and sugar shacks must suspend their activities and that 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;

CONSIDERING Order in Council 222-2020 dated 20 March 2020 renewing the public health emergency throughout the territory of Québec for a period of 10 days;

CONSIDERING that the Order in Council provides that the measures set out in Order in Council 177-2020 and the orders made pursuant to the Order in Council continue to apply until 29 March 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them, with the exception of, in particular, in the case of Order in Council 2020-004 dated 15 March 2020, the measure concerning the collective agreements applicable to the employees of the public service and the measure concerning the amendment of collective agreements or agreements in force between school boards and all unions;

CONSIDERING that the Order in Council 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 Act;

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

ORDERS AS FOLLOWS:

THAT, despite the collective agreements applicable to the personnel of the public service, any person may be redeployed to another function or to another location, according to need, including to another department or body, to the health and social services or education network or to a bargaining unit other than the person's own unit, even if the level of employment applicable to the person is not observed for the duties to be assigned;

THAT the conditions of employment of management personnel and non-unionized personnel of the public service be amended in the same manner to enable the redeployment of such persons to the same extent;

THAT a department or body must, before applying a measure set out in this Order, consult the unions or associations concerned, unless the urgency of the situation does not permit doing so, in which case the unions or associations must be informed as soon as feasible;

THAT national, local or regional collective agreements or agreements in force between school boards and all unions be amended as follows:

(1) the sections relating to the movement of personnel that deal in particular with the filling of absences or replacement, assignment, reassignment or personnel displacement are amended to enable the employer to assign personnel to the location and at the time where needs justify doing so. Personnel may thus be assigned to duties of another position title, to another bargaining unit or to another employer;

(2) the sections relating to work schedules are amended to enable the employer to meet needs;

(3) the sections relating to the granting of remuneration or compensation in addition to that paid for the remuneration of regular hours and overtime work when services must be maintained, in particular, because of superior force, do not apply;

THAT a school board must, before applying a measure set out in this Order, consult the unions concerned, unless the urgency of the situation does not permit doing so, in which case the unions must be informed as soon as feasible;

THAT any procedure involving the displacement or gathering of the public, including a referendum procedure, which is part of the decision-making process of a municipal body, be suspended, except where it is related to an action that is designated to be a priority by a majority vote of two-thirds of the votes cast by the members of the council; in the latter case, the procedure must be replaced by a written consultation announced 15 days beforehand by a public notice and any action taken following such a replacement procedure is not subject to approval by qualified voters;

THAT the days included in the public health emergency period not be taken into account in determining the duration of the freeze effect under section 114 or 117 of the Act respecting land use planning and development (chapter A-19.1); if the remaining duration is less than 60 days at the end of the public health emergency, it is extended to 60 days;

THAT, as of 23 March 2020, the activities taking place in the following locations be suspended:

(1) dining rooms and other locations where food may be consumed in restaurants;

(2) retail businesses located in shopping centres, except for:

(a) food stores, pharmacies and Société des alcools du Québec outlets;

(b) businesses with an exterior door that makes it possible to access the business directly without going through the common areas of the shopping centre; and

(3) beauty and personal care salons, including, in particular, hairdressing salons and manicure and pedicure salons;

THAT, as of 23 March 2020, the customers of a shopping centre not be able to be in the common areas of the shopping centre except to go directly to a food store, a pharmacy or a Société des alcools du Québec outlet, or to a location that offers services other than those offered by a retail business.

Québec, 22 March 2020

DANIELLE McCANN,
Minister of Health and Social Services

104320

M.O., 2020

Order 2020-009 of the Minister of Health and Social Services dated 23 March 2020

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health of the population during the COVID-19 pandemic

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING 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 that Act to protect the health of the population;

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

CONSIDERING order in council 222-2020 dated 20 March 2020, which renews the public health emergency throughout Québec for a period of 10 days;

CONSIDERING that the latter order specifies that the measures provided for in order in council 177-2020 and the orders made pursuant to it continue to apply until 29 March 2020 or until the government or the Minister of Health and Social Services amends or terminates them, with some exceptions;

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

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

ORDERS AS FOLLOWS:

THAT the following visits be suspended:

(1) any visit to a user housed in a facility of an institution in which a residential and long-term care centre is operated;

(2) any visit to a user taken in charge by an intermediate resource or a family-type resource where users with factors that make them vulnerable to COVID-19 live;

(3) any visit to a resident in a private seniors' residence;

THAT any outing by such persons be suspended;

THAT the following visits and outings be nevertheless authorized for such persons:

(1) any visits and outings that are necessary for humanitarian reasons or to obtain the care and services required by their state of health;

(2) any visits considered necessary to ensure the repairs and maintenance required for the safety of their living unit;

(3) supervised outings;

THAT the operators of private seniors' residences be required to establish a mechanism to ensure that products or goods from any source can be delivered to residents without being handed directly to them;

THAT the time limits provided for in sections 40.4 and 40.7 of the Tax Administration Act (chapter A-6.002) to retain a thing seized or the sale proceeds, or to extend the retention period, be suspended;

THAT, except in matters deemed urgent by the courts, the following time limits in the Code of Penal Procedure (chapter C-25.1) be suspended:

(1) to detain the thing seized or the proceeds of the sale thereof and apply for further detention (articles 132 and 133);

(2) to transmit a plea after service of a statement (article 160);

(3) to file an application for the revocation of a judgment by default (article 252);

(4) to bring an appeal before the Superior Court (article 271);

(5) to file a written appearance in the office of the Superior Court (article 274);

(6) to file an application for an appeal by way of a new hearing (article 282);

(7) to apply for leave to appeal to the Court of Appeal (article 296);

(8) to file a written appearance in the office of the Court of Appeal (article 303);

(9) to file a factum at the office of the Court of Appeal together with proof of its service (articles 304 et 305);

(10) to pay a sum due to a collector (article 322);

(11) to perform compensatory work (article 338);

THAT, notwithstanding articles 96 and 103 of the Code of Penal Procedure, any search may be authorized by telewarrant.

Québec, 23 March 2020

DANIELLE MCCANN,
Minister of Health and Social Services

104321

M.O., 2020

Order 2020-02 of the Minister of Transport dated 24 March 2020

Highway Safety Code
(chapter C-24.2, s. 633.2)

Suspension of the prohibition from driving a road vehicle on bridges P-15020 of autoroute 25 and P-10942 of autoroute 30 subject to a toll under the Act respecting transport infrastructure partnerships unless the amount of the toll and the fees are paid in accordance with that Act

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that that section provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.2;

CONSIDERING section 18 of the Regulations Act (chapter R-18.1) which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion the urgency of the situation requires it, and that the reason justifying such coming into force must be published with the regulation;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING Order in Council 222-2020 dated 20 March 2020 renewing the public health emergency throughout Québec for a period of 10 days;

CONSIDERING Order in Council 223-2020 dated 24 March 2020 ordering that, as of 25 March 2020, all activity carried on in work environments be suspended except as regards, in particular, work environments where the priority services listed in the Schedule to that Order in Council are offered;

CONSIDERING that toll collection is not a priority service maintained under the Schedule to that Order in Council;

CONSIDERING that it is appropriate to provide for the suspension of the prohibition from driving a road vehicle on bridges P-15020 of autoroute 25 and P-10942 of autoroute 30 subject to a toll under the Act respecting transport infrastructure partnerships (chapter P-9.001) unless the amount of the toll and the fees are paid in accordance with that Act;

CONSIDERING that the Minister of Transport considers that the suspension of the prohibition is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted and supports the suspension of the requirement;

CONSIDERING that, in the opinion of the Minister of Transport, there is an urgent situation owing to the following circumstances:

— The public health emergency throughout Québec; and

— All activity carried on in work environments is suspended.

ORDERS AS FOLLOWS:

1. The prohibition provided for in section 417.2 of the Highway Safety Code (chapter C-24.2) is suspended for a person driving on either bridge P-15020 of autoroute 25 or bridge P-10942 of autoroute 30 with a Class A, B or C road vehicle, within the meaning of the Regulation respecting toll road infrastructures operated under a public-private partnership agreement (chapter P-9.001, r. 3), during the period in which all activity carried on in work environments is suspended, as ordered by Order in Council 223-2020 dated 24 March 2020.

2. This Order comes into force on 25 March 2020.

Québec, 24 March 2020

FRANÇOIS BONNARDEL,
Minister of Transport

104323

M.O., 2020**Order 2020-03 of the Minister of Transport
dated 25 March 2020**

Highway Safety Code
(chapter C-24.2)

Suspension of the axle load and total loaded mass limits applicable during the thaw period to certain road vehicles or combinations of road vehicles

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), under which the Minister of Transport may, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister;

CONSIDERING that the said section also specifies that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that the said section specifies that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under the said section 633.2;

CONSIDERING section 18 of the Regulations Act, which specifies that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made or approved it is of the opinion that the urgency of the situation so requires, and considering that the reason justifying such coming into force must be published with the regulation;

CONSIDERING that it is expedient to suspend the axle load and total loaded mass limits applicable during the thaw period to road vehicles and combinations of road vehicles that are carrying only foodstuffs, sanitary and medical products, pharmaceutical products and products needed to produce foodstuffs, and that respect the axle load and total loaded mass limits prescribed for a normal period;

CONSIDERING that the Minister considers that it is in the interest of the public to suspend those limits, in a manner compliant with the conditions imposed, and that the suspension is not liable to compromise road safety;

CONSIDERING that in the Minister's opinion the rules prescribed for using the exemption ensure an equivalent level of safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted with respect to the suspension;

CONSIDERING that, in the opinion of the Minister of Transport, the urgent need to temporarily suspend the axle load and total loaded mass limits applicable during the thaw period to road vehicles and combinations of road vehicles that are carrying only foodstuffs, sanitary and medical products, pharmaceutical products and products needed to produce foodstuffs and that respect the axle load and total loaded mass limits prescribed for a normal period is due, in particular, to the following circumstances and justifies the coming into force of this regulation on the date of its publication in the *Gazette officielle du Québec*:

— The government declared a public health emergency throughout Québec in order in council 177-2020 dated 13 March 2020, for a period of 10 days and, in order in council 222-2020 dated 20 March 2020, renewed it until 29 March 2020 and implemented certain measures to protect the population;

— Following this declaration, the Minister of Health and Social Services, in orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-006 dated 19 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020 and 2020-009 dated 23 March 2020, ordered measures to protect the health of the population;

— This exceptional situation and the measures implemented raise fears in the population that lead to targeted purchasing behaviour, causing temporary stockouts of certain foodstuffs, sanitary and medical products and pharmaceutical products;

— These temporary stockouts increase the appearance of shortages, reinforcing the targeted purchasing behaviour and creating the risk of an actual shortage of certain products and foodstuffs;

— This exceptional situation and the measures implemented have led to a shortage of workers in transportation companies caused by the effort made to reduce the spread of COVID-19, including the suspension of school and day care services and the isolation of the persons the most at risk;

— It is difficult, for example, for milk transport companies to transport all the milk produced because of the extra axle load and total loaded mass limits imposed during the thaw period, combined with a reduction of around 15% to 20% in the number of available workers, leading to a major loss of efficiency in transportation that imperils the supply chain;

— Delivery problems in terms of time, quantity and quality are also present in the delivery of other foodstuffs, sanitary and medical products and pharmaceutical products;

— The same problems exist in the delivery of products to Québec's agricultural producers to allow them to continue the agricultural production process that maintain the supply of foodstuffs;

— The public health authorities have asked the population to reduce the number of trips between regions to slow the spread of COVID-19;

— The axle load and total loaded mass limits imposed during the thaw period are lower, meaning that more trips are completed for the same quantity of foodstuffs, sanitary and medical products, pharmaceutical products and products needed to produce foodstuffs;

— These measures are therefore necessary and urgent to ensure food security for the population and protect its health;

ORDERS AS FOLLOWS:

1. The provisions of Divisions III and IV of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31), which establish the maximum axle load and maximum total loaded mass applicable during a period of thaw or rain to road vehicles and combinations of road vehicles, are hereby suspended.

2. To benefit from the exemption set out in section 1, a road vehicle or combination of road vehicles must meet the two following conditions:

(1) it must carry only foodstuffs, sanitary and medical products, pharmaceutical products and products needed to produce foodstuffs; and

(2) it must comply with the maximum axle load and maximum total loaded mass applicable to the road vehicle or combination of road vehicles in a normal period, as set out in Divisions III and IV of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31).

3. This order in council comes into force at the time of its publication in the *Gazette officielle du Québec*. It is repealed on 20 June 2020.

FRANÇOIS BONNARDEL,
Minister of Transport

104324

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

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