

M.O., 2020**Order number 2020-015 by the Minister of Health and Social Services dated 4 April 2020**

Public Health Act
(chapter S-2.2)

Ordering of measures 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), which provides 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 subparagraph 4 of the first paragraph of section 123 of the Act, which provides that, despite any provision to the contrary, while the public health emergency is in effect, the Minister, if she has been so empowered, may, without delay and without further formality, to protect the health of the population, prohibit entry into all or part of the area concerned or allow access to an area only to certain persons and subject to certain conditions, or order, for the time necessary where there is no other means of protection, the evacuation of persons from all or any part of the area or their confinement and, if the persons affected have no other resources, provide for their lodging, feeding, clothing and security needs;

CONSIDERING that the territory of the health regions has been delimited pursuant to section 339 of the Act respecting health services and social services (chapter S-4.2) and section 43 of the Act respecting health services and social services for Cree Native persons (chapter S-5);

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 that 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 in Council 223-2020 dated 24 March 2020 which provides various measures to protect the health of the population;

CONSIDERING that that Order in Council authorizes the Minister of Health and Social Services to amend the Schedule to the Order in Council to add or delete priority services or to make clarifications;

CONSIDERING that the Minister of Health and Social Services amended the Schedule to that Order in Council by Order 2020-010 dated 27 March 2020, Ministerial Order 2020-011 dated 28 March 2020, Ministerial Order 2020-013 dated 1 April 2020 and Ministerial Order 2020-014 dated 2 April 2020;

CONSIDERING Ministerial Order 2020-013 dated 1 April 2020, which provides measures concerning access to certain health regions and certain territories;

CONSIDERING that the public health emergency was renewed to 29 March 2020 by Order in Council 222-2020 dated 20 March 2020 and to 7 April 2020 by Order in Council 388-2020 dated 29 March 2020;

CONSIDERING that the latter Order in Council provides that the measures provided for in Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020 and 223-2020 dated 24 March 2020 and in Ministerial 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, 2020-009 dated 23 March 2020, 2020-010 dated 27 March 2020 and 2020-011 dated 28 March 2020, except to the extent that they were amended by those Orders in Council or Orders, continue to apply to 7 April 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

CONSIDERING that the latter Order in Council also empowers the Minister of Health and Social Services to take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

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

ORDERS AS FOLLOWS:

THAT the special sector-based agreements concerning the measures related to the public health emergency resulting from the COVID-19 pandemic entered into between Comité patronal de négociation du secteur de la santé et des services sociaux and certain union organizations be amended by this Order only to add the more advantageous work conditions provided for in this Order;

THAT the national and local provisions of the collective agreements applicable in the health and social services network, and the employment conditions applicable to non-unionized salaried persons be amended as follows:

— a salaried person who is immunodepressed or 70 years of age and older whose health requires a re-assignment is removed from work if the employer has been unable to set up teleworking or offer re-assignment. A full-time salaried person continues to be remunerated as if the person were at work, except for inconvenience bonuses, and a part-time salaried person is remunerated in the same manner according to the work shifts provided for in the person's work schedule;

— a full-time salaried person who has received an isolation order from a public health authority continues to be remunerated as if the person were at work, except inconvenience bonuses, and a part-time salaried person is remunerated in the same manner according to the work shifts provided for in the person's work schedule, except a salaried person who travels after 16 March 2020 at 11:59 p.m. and who has received an isolation order from a public health authority, who may take early advantage, if applicable, of vacation days or sick leave during the isolation;

— a full-time salaried person who is waiting for the result of a COVID-19 screening test who has received an isolation order from a public health authority continues to be remunerated as if the person were at work, except inconvenience bonuses, and a part-time salaried person is remunerated in the same manner according to the work shifts provided for in the person's work schedule.

If the result of the test is positive, a salaried person who does not have the plan provided for in Act respecting industrial accidents and occupational diseases (chapter A-3.001) may be eligible for the salary insurance plan under the provisions in the collective agreements. The salaried person is presumed to have started the waiting period, if any, during the test waiting period and the isolation.

No amount may be recovered by the employer from a salaried person following the result of a test;

— a salaried person retains the same home base in the case of re-assignment for the purposes of calculating re-assignment allocations;

— a salaried person working overtime is offered, if a meal break is planned for the work shift, financial compensation of \$15.00, except for a salaried person who is teleworking and a person eligible for the meal allocation during re-assignments in accordance with the applicable collective agreements;

— a salaried person working a full overtime shift that is an evening, night or weekend shift may benefit from an allocation equal to a fixed amount of \$30.00 as compensation for childcare expenses for children 13 years of age and under, subject to vouchers being submitted;

— the timeframes for filing and proceeding relating to a workload complaint are suspended;

— in connection with a medical arbitration proceeding, if applicable, the employer will not be able to claim recovery of any amounts paid to the salaried person as salary insurance benefits for a period exceeding 60 days;

— a salaried person, an intermediate officer, as defined in section 3 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services (chapter S-4.2, r. 5.1), and an ambulance technician, as defined in section 63 of the Act respecting pre-hospital emergency (chapter S-6.2), benefit from a temporary bonus, not a contributory amount for the purposes of a pension plan, determined as follows:

— the salaried person who works in one of the work environments listed below receives an 8% bonus applicable to the salary provided for in the salary scale for the person's employment position for the hours worked in that environment:

(a) emergency units (except psychiatric emergencies);

(b) intensive care units, if at least one diagnosed case of COVID-19 has been confirmed (except psychiatric intensive care);

(c) clinics (screening and evaluation) specific to COVID-19;

(d) units identified by the institution as reserved for patients with a positive COVID-19 diagnosis;

(e) units in a residential and long-term care centre;

(f) other residential units, if at least one diagnosed case of COVID-19 has been confirmed;

(g) pneumology units;

— the salaried person does not work in any of those work environments and the ambulance technician receives a 4% bonus applicable to the salary provided for in the salary scale for the employment position for the hours worked;

— the intermediate officer receives a bonus of 4% of his or her salary for the hours worked;

–the salaried person, the intermediate officer and the ambulance technician is granted a lump-sum equal to the bonus the person would have received between 13 March 2020 and 4 April 2020;

–for the purposes of the salaried person’s remuneration, the temporary bonus is considered to be an inconvenience bonus;

THAT a salaried person who must be re-assigned to ensure continuation of health and social services in the context of the COVID-19 pandemic continue to benefit from the bonuses and supplements of the person’s position before the re-assignment, except inconvenience bonuses, in a case where the re-assignment takes place in an environment for which there is no bonus. For a salaried person who usually converts a night bonus into idle time, no remuneration may be paid in connection with the amount of bonus so converted. A salaried person who has floating holidays continues to accumulate them;

THAT the employment conditions of staff not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) in public and private institutions under agreement and the agreements entered into with Regroupement Les sages-femmes du Québec be amended in the same manner for the matters dealt with, with the necessary modifications;

THAT the employment conditions of staff not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) in public and private institutions under agreement and the agreements entered into with Regroupement Les sages-femmes du Québec be amended in the same manner for the matters dealt with in Ministerial Order 2020-007 dated 21 March 2020, with the necessary modifications;

THAT the Schedule to Order in Council 223-2020 dated 24 March 2020, amended by Ministerial Order 2020-010 dated 27 March 2020, Ministerial Order 2020-011 dated 28 March 2020, Ministerial Order 2020-013 dated 1 April 2020 and Ministerial Order 2020-014 dated 2 April 2020, be further amended by adding “and, to accommodate persons returning to Québec and not having a fixed residence, camping grounds (only recreational camping vehicles, motorized or not)” at the end of paragraph *j* of the heading “**6. Priority commercial enterprises**”;

THAT it be prohibited to operate any tourist accommodation establishment other than those referred to in that Schedule;

THAT access to the territory of the regional county municipalities of Charlevoix and Charlevoix-Est, for the Capitale-Nationale health region, be restricted to the

persons described in paragraphs 1 to 9 of the operative paragraph of Ministerial Order 2020-013 dated 1 April 2020 as regards the measure restricting access to certain health regions and certain territories;

THAT the other conditions for access to certain health regions and certain territories referred to in that Order apply for those territories;

THAT, despite that Order, access to the territory of Ville de Rouyn-Noranda be restricted to the persons described in paragraphs 1 to 6, 8 and 9 of the operative paragraph of Ministerial Order 2020-013 dated 1 April 2020 as regards the measure restricting access to certain health regions and certain territories;

THAT the residents of Ville de Rouyn-Noranda not be able to enter the other territories in the Abitibi-Témiscamingue health region nor the other regions or territories to which access is restricted by that Order, except if they are persons described in paragraphs 1 to 6, 8 and 9 of that paragraph;

THAT, in addition to what is provided in paragraph 7 of that paragraph, the residents of Ville de Gatineau and of the regional county municipality of Les Collines-de-L’Outaouais not be able to enter the other Outaouais regional county municipalities, except if they are persons described in the other paragraphs of that paragraph;

THAT the last paragraph in the operative part of Ministerial Order 2020-012 dated 30 March 2020, replaced by Ministerial Order 2020-014 dated 2 April 2020, be again replaced by the following:

“THAT all the commercial retail sale establishments be closed to the public on Sunday, except

- (1) pharmacies, convenience stores, service stations;
- (2) drive-through, take-out and delivery only restaurants;
- (3) grocery stores for on-line or telephone orders, pick-up and delivery;
- (4) pharmacies not in a mall, for on-line or telephone orders and for delivery of medications and pharmaceutical, hygienic and sanitary products.”;

THAT to avoid any risk of infection by COVID-19, the national public health director and any health director be authorized to order a person to self-isolate for a maximum period of 14 days without a court order if the person does not consent to voluntarily self-isolate and is in any of the following situations:

(1) the person shows COVID-19 related symptoms and there are serious reasons to believe the person has been in contact with a person who has that illness;

(2) the person is living or staying in an environment in which persons having COVID-19 related vulnerability factors are also living or staying or in an environment where there is a greater risk of COVID-19 transmission, and there are serious reasons to believe the person has been in contact with a person who has that illness;

(3) the person is living or staying in an environment in which persons having COVID-19 related vulnerability factors are also living or staying or in an environment where there is a greater risk of COVID-19 transmission, and the person shows COVID-19 related symptoms; or

(4) the person is waiting for the results of a priority COVID-19 screening test;

THAT section 108 of the Public Health Act apply to such an isolation order;

THAT a person who is under such an isolation order who requires it and agrees to it may, on a priority basis, undergo a COVID-19 screening test;

THAT the isolation of a person cease as soon as a negative COVID-19 screening test is obtained or the national director of public health, a public health director or the attending physician is of the opinion that the risks of contagion no longer exist;

THAT a judge of the Court of Québec or the municipal courts of Ville de Montréal, Ville de Laval or Ville de Québec having jurisdiction in the locality may terminate an isolation order or reduce the length if the judge is of the opinion that the risks of contagion no longer exist, or make any modification deemed reasonable in the circumstances.

Québec, 4 April 2020

DANIELLE McCANN,
Minister of Health and Social Services

104357

M.O., 2020

Order number 2020-016 by the Minister of Health and Social Services dated 7 April 2020

Public Health Act
(chapter S-2.2)

Ordering of measures 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), which provides 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 subparagraph 4 of the first paragraph of section 123 of the Act, which provides that, despite any provision to the contrary, while the public health emergency is in effect, the Minister, if she has been so empowered, may, without delay and without further formality, to protect the health of the population, prohibit entry into all or part of the area concerned or allow access to an area only to certain persons and subject to certain conditions, or order, for the time necessary where there is no other means of protection, the evacuation of persons from all or any part of the area or their confinement and, if the persons affected have no other resources, provide for their lodging, feeding, clothing and security needs;

CONSIDERING that the territory of the health regions has been delimited pursuant to section 339 of the Act respecting health services and social services (chapter S-4.2) and section 43 of the Act respecting health services and social services for Cree Native persons (chapter S-5);

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 177-2020 dated 13 March 2020, Ministerial Order 2020-004 dated 15 March 2020 and Ministerial Order 2020-005 dated 17 March 2020, which provide the organization and provision of emergency child care services;

CONSIDERING that that 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;