

Ministerial Orders

M.O., 2020

Order number 2020-044 of the Minister of Health and Social Services dated 12 June 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 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 orders in particular the suspension of the activities of childcare centres, day care centres and home childcare services and provides that the Minister of Health and Social Services may take any other measure required to ensure that the health and social services network has the necessary human resources;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020 and until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020;

CONSIDERING Order in Council 223-2020 dated 24 March 2020 ordering in particular the suspension of all activity carried on in work environments, except with respect to work environments providing the priority services listed in the Schedule to the Order in Council;

CONSIDERING that, by Orders in Council 500-2020 dated 1 May 2020, 505-2020 dated 6 May 2020, 530-2020 dated 19 May 2020, 539-2020 and 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020 and 615-2020 dated 10 June 2020, and by Ministerial Orders 2020-042 dated 4 June 2020 and 2020-043 dated 6 June 2020, the Government lifted the suspension applicable to certain activities carried on in work environments under Order in Council 223-2020 dated 24 March 2020;

CONSIDERING that, by Orders in Council 505-2020 dated 6 May 2020 and 566-2020 dated 27 May 2020, the suspension applicable to the activities of childcare centres, day care centres and home childcare services under Orders in Council 177-2020 dated 13 March 2020 and 223-2020 dated 24 March 2020 was lifted throughout Québec, provided that the activities are carried on in accordance with the conditions set out in the Schedule to Order in Council 505-2020 dated 6 May 2020, amended by Order in Council 566-2020 dated 27 May 2020, and by Ministerial Orders 2020-034 dated 9 May 2020, 2020-039 dated 22 May 2020 and 2020-042 dated 4 June 2020;

CONSIDERING that Order in Council 505-2020 dated 6 May 2020 empowers the Minister of Health and Social Services to order any modification or clarification of the measures provided for in the Order in Council;

CONSIDERING Order in Council 566-2020 dated 27 May 2020 providing that the Minister of Health and Social Services is authorized to lift the suspension applicable to any work environment under Order in Council 223-2020 dated 24 March 2020, as amended;

CONSIDERING that Order in Council 593-2020 dated 10 June 2020 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 the current situation of the COVID-19 pandemic allows for the easing of certain measures set in place to protect the health of the population, while maintaining some of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT the Schedule to Order in Council 505-2020 dated 6 May 2020, amended by Order in Council 566-2020 dated 27 May 2020, and by Ministerial Orders 2020-034 dated 9 May 2020, 2020-039 dated 22 May 2020 and 2020-042 dated 4 June 2020, be further amended by replacing the second paragraph of section 1 by the following:

“Despite the first paragraph, a childcare centre or a day care centre situated in the territory of the Communauté métropolitaine de Montréal, the territory of the regional county municipality of Joliette or the territory of Ville de L’Épiphanie may provide childcare to 50% of the maximum number of children indicated in its permit.”;

THAT the suspension applicable to the activities carried on in work environments under Order in Council 223-2020 dated 24 March 2020, amended by Orders in Council 500-2020 dated 1 May 2020, 505-2020 dated 6 May 2020, 530-2020 dated 19 May 2020, 539-2020 and 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020 and 615-2020 dated 10 June 2020, and by Ministerial Orders 2020-042 dated 4 June 2020 and 2020-043 dated 6 June 2020, be lifted with respect to

(1) personal and beauty care enterprises situated in the territory of the Communauté métropolitaine de Montréal, the territory of the regional county municipality of Joliette and the territory of Ville de L’Épiphanie;

(2) any community organization not covered under the Schedule to Order in Council 223-2020 dated 24 March 2020, amended by Orders in Council 500-2020 dated 1 May 2020, 539-2020 dated 20 May 2020 and 566-2020 dated 27 May 2020, and by Ministerial Orders 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April 2020, 2020-021 dated 14 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 April 2020 and 2020-027 dated 22 April 2020;

(3) the Institut national du sport du Québec;

(4) race tracks, provided the public is not admitted;

(5) institutions and enterprises whose mission is conducting research activities, and that are not covered under the Schedule to Order in Council 223-2020 dated 24 March 2020, as amended; and

(6) businesses providing direct services to enterprises or the population, and that are not covered under the Schedule to Order in Council 223-2020 dated 24 March 2020, as amended;

THAT subparagraphs 1 and 2 of the second paragraph of the operative part of Ministerial Order 2020-035 dated 10 May 2020 be replaced by the following:

“(1) for the purpose of calculating eligibility to the lump sums, the hours actually worked include regular hours and exclude overtime and any type of absence, remunerated or not, other than the following:

(a) vacation, public holidays, internal release for union activities, and the time during which a salaried person, holding a full-time position, normally converts a night bonus into idle time; and

(b) the period during which the salaried person is in isolation awaiting the results of a COVID-19 screening requested by the public health authorities or the person’s employer, or is in isolation as a result of a positive screening result;

(2) the lump sums are calculated and paid proportionately to the regular hours actually worked in the environments referred to in this Order, excluding the reasons for absence referred to in paragraph 1.”;

THAT the fourth paragraph of the operative part of Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council 566-2020 dated 27 May 2020 and by Ministerial Order 2020-033 dated 7 May 2020, be further amended by adding the following paragraph at the end:

“(4) for the purposes of the Health Care Facility Patient Service Support program, the sections relating to the regular work week are amended to enable the employer to meet needs.”;

THAT, in addition to the provisions of Ministerial Order 2020-008 dated 22 March 2020, as amended, the national, local or regional collective agreements or agreements in force between the school service centres or school boards and all unions concerned be amended as follows, for the purposes of the Health Care Facility Patient Service Support program:

(1) the rules relating to the formation of student groups do not apply to distance classes;

(2) the distance classes are not taken into account for the average number of students per group; and

(3) the instructor of a course in the Health Care Facility Patient Service Support program receives a temporary 10% bonus that is not a contributory amount for the purposes of a pension plan, applicable to the salary provided for in the salary scale for the instructor’s employment position or to the applicable hourly rate, whichever applies, for the hours actually worked for which he or she is paid in connection with the training;

THAT a school service centre and a school board be required, before applying a measure set out in this Ministerial Order, to 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 Order in Council 566-2020 dated 27 May 2020 and Order in Council 223-2020 dated 24 March 2020, amended by Orders in Council 500-2020 dated 1 May 2020, 505-2020 dated 6 May 2020, 530-2020 dated 19 May 2020, 539-2020 and 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020 and 615-2020 dated 10 June 2020, and Ministerial Orders 2020-042 dated 4 June 2020 and 2020-043 dated 6 June 2020, be amended accordingly;

THAT the first paragraph of the operative part of Ministerial Order 2020-020 dated 10 April 2020 be revoked;

THAT this Ministerial Order take effect on 15 June 2020.

Québec, 12 June 2020

DANIELLE McCANN,
Minister of Health and Social Services

104483