

Ministerial Orders

M.O., 2020

Ministerial Order 2020-049 of the Minister of Health and Social Services dated 4 July 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 provides in particular 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, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June

2020 by Order in Council 667-2020 dated 23 June 2020 and until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020;

CONSIDERING that Order in Council 690-2020 dated 30 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 the second paragraph in the operative part of Ministerial Order 2020-014 dated 2 April 2020 providing measures relating to the opening of tenders for any body subject to the rules governing the making of contracts applicable to the municipal sector;

CONSIDERING the first paragraph in the operative part of Ministerial Order 2020-033 dated 7 May 2020 providing that every procedure, other than a referendum procedure, that is part of the decision-making process of a municipal body and that involves the movement or gathering of citizens be suspended, save exceptions;

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 salary relating to the duties of a pensioner of the Pension Plan of Management Personnel who was hired under the status of temporary salaried person under Ministerial Order 2020-007 dated 21 March 2020 in a management or non-management position or who, without being appointed to a management position with the employer, temporarily carries out the duties of a management officer for the purposes of the COVID-19 pandemic, in accordance with section 2 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1), be excluded from the sum of the salaries defined in section 10.5 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1);

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 as per the following conditions:

(1) a lump sum of \$5.00 per work shift, which may be divided into half shifts, is paid to the salaried person designed by his or her immediate superior to be accompanied by the candidates enrolled in the training leading to an attestation of professional studies for health care facility patient service support and who holds one of the following job titles, appearing in the Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux:

- (a) nurse (2471);
- (b) nursing assistant (3455);
- (c) beneficiary attendant (3480);
- (d) beneficiary attendant ("A" certification) (3459);

(2) the lump sum provided for in subparagraph 1 is paid to the salaried person for the work shift or half shift for which he or she is actually accompanied by the candidates enrolled in the training, but only for the duration of their practical training, regardless of the number of accompanying candidates;

(3) for the purposes of the salaried person's remuneration, the lump sum provided for in subparagraph 1 is considered to be an inconvenience bonus; and

(4) the lump sum provided for in subparagraph 1 is not a contributory amount for the purposes of the pension plan and cannot be combined with any other bonus considered to be a bonus for responsibility or for training;

THAT the preceding paragraph apply, with the necessary modifications, to the staff of school service centres, school boards, colleges established under the General and Vocational Colleges Act (chapter C-29), the public service and government bodies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) redeployed to the health and social services network pursuant to Ministerial Orders 2020-008 dated 22 March 2020, 2020-019 dated 10 April 2020 and 2020-028 dated 25 April 2020, unless equivalent measures are available to staff in the education sector, in the public service or within a government body;

THAT if, at the holding of a meeting, session or assembly which, by law, must be public, it is necessary to refuse all or any portion of the public owing to the measures set out in Order in Council 689-2020 dated 25 June 2020, the meeting, session or assembly be publicized as soon as feasible using any means enabling the public to be informed of the content of the discussions between the participants and the outcome of the discussions;

THAT if a meeting, session or assembly must, by law, have a public question period, it be possible for the public to submit written questions at any time before the holding of the meeting, session or assembly;

THAT every procedure, other than a referendum procedure, that is part of the decision-making process of a municipal body and that involves the movement or gathering of citizens be accompanied by a written consultation, announced beforehand through a public notice, that ends at the same time as the accompanying procedure; the written consultation may also replace the procedure concerned, in which case it is of a 15-day duration;

THAT the following be revoked:

(1) the second paragraph in the operative part of Ministerial Order 2020-014 dated 2 April 2020;

(2) the first paragraph in the operative part of Ministerial Order 2020-033 dated 7 May 2020;

THAT the measures set out in the second and third paragraphs in the operative part of this Ministerial Order take effect on 6 July 2020.

Québec, 4 July 2020

CHRISTIAN DUBÉ,
Minister of Health and Social Services

104525

M.O., 2020

Ministerial Order 2020-050 of the Minister of Health and Social Services dated 7 July 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;