

M.O., 2021**Order 2021-080 of the Minister of Health and Social Services dated 14 November 2021**

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 the public health emergency has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 1276-2021 dated 24 September 2021, amended by Ministerial Order 2021-072 dated 16 October 2021, provides for, among other things, the requirement for certain health and social service providers to be adequately protected;

CONSIDERING that that Order in Council also empowers the Minister of Health and Social Services to order any modification or clarification of the measures provided for in the Order;

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 certain of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 1276-2021 dated 24 September 2021, amended by Ministerial Order 2021-072 dated 16 October 2021, be further amended

(1) by replacing the first paragraph by the following:

“THAT, for the purposes of this Order in Council, a person be considered “adequately protected against COVID-19” if the person

(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVIDSHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

(2) contracted COVID-19 and has received, at least seven days earlier, a dose of either vaccine described in subparagraph 1 after an interval of at least 21 days following the illness;

(3) has received the single-dose Janssen vaccine at least 14 days earlier; or

(4) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;”;

(2) by replacing the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth paragraphs by the following:

“THAT, for the purposes of this Order in Council, “health and social service provider” be taken to mean

(1) the persons hired by or who begin to practise for a health and social services institution;

(2) the following persons who are in direct physical contact with persons to whom health and social services are provided or who are in direct physical contact with persons who offer such services particularly because of common areas being shared:

(a) students and trainees;

(b) volunteers;

(c) subcontractors not providing care to users or residents in the environments concerned, except those performing duties in an emergency;

THAT the following health and social service providers be required to be adequately protected:

(1) the health and social service providers referred to in subparagraph 1 of the preceding paragraph;

(2) the health and social service providers referred to in subparagraph 2 of the preceding paragraph performing duties in the following environments:

(a) a facility maintained by a health and social services institution;

(b) an intermediate resource not covered by the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);

(c) a private seniors' residence, except such a residence with nine or fewer units;

THAT, for the purposes of subparagraph *a* of subparagraph 2 of the preceding paragraph, every place other than a facility maintained by a health and social services institution where services are provided by such an institution be considered to be such a maintained facility, but only as regards the providers of the health or social services;

THAT a health and social service provider referred to in the fourth paragraph be required to provide proof of being adequately protected against COVID-19 to the health and social services institution where the provider wishes to be hired or begin to practise, or to the operator of the environment where the provider practises, as applicable, or, in the case of a student or trainee, to the operator of the educational institution;

THAT the proof required under the preceding paragraph be provided as soon as possible after the time at which the proof becomes available;"

(3) by replacing "THAT the operator of an environment referred to in the fourth paragraph" in the thirteenth paragraph by "THAT a health and social services institution or the operator of an environment referred to in subparagraph 2 of the fourth paragraph";

(4) by inserting "enter or" after "not be able to" in the fourteenth paragraph;

(5) by striking out the sixteenth and seventeenth paragraphs;

(6) by replacing "or a family-type resource" in the eighteenth and nineteenth paragraphs by "referred to in this Ministerial Order";

(7) by striking out the twenty-first, twenty-second, twenty-third and twenty-fifth paragraphs;

THAT Ministerial Order 2021-070 dated 15 October 2021 be revoked.

Québec, 14 November 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services

105378

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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 the public health emergency has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021 and by Ministerial Orders 2021-067 dated 8 October 2021 and 2021-079 dated 14 October 2021, provides that a person must be adequately protected to enter certain places or participate in certain activities;

CONSIDERING that that Order in Council also empowers the Minister of Health and Social Services to order any modification or clarification of the measures provided for in the Order;