

M.O., 2022**Ministerial Order 2022-004 of the Minister of Health and Social Services dated 15 January 2022**

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 4-2022 dated 12 January 2022;

CONSIDERING that Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council 566-2000 dated 27 May 2020, and by Ministerial Orders 2020-033 dated 7 May 2020, 2020-044 dated 12 June 2020 and 2021-054 dated 16 July 2021, provides among other things for certain measures to apply to the collective agreements in the education sector;

CONSIDERING that Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021, 2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021, 2021-087 dated 14 December 2021, 2021-089 dated 19 December 2021, 2021-090 dated 20 December 2021,

2021-092 dated 22 December 2021, 2021-096 dated 31 December 2021 and 2022-001 dated 2 January 2022, provides among other things for certain special measures to apply throughout Québec;

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, 2021-079 and 2021-081 dated 14 November 2021, 2021-082 dated 17 November 2021 and 2021-089 dated 19 December 2021, provides that a person must be adequately protected to enter certain places or participate in certain activities;

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

CONSIDERING that Order in Council 4-2022 dated 12 January 2022 empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

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

ORDERS AS FOLLOWS:

THAT the operative part of Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council 566-2000 dated 27 May 2020, and by Ministerial Orders 2020-033 dated 7 May 2020, 2020-044 dated 12 June 2020 and 2021-054 dated 16 July 2021, be further amended by adding the following subparagraphs at the end of the fourth paragraph:

“(5) the sections relating to the rules for forming student groups, except the rules concerning compensation for exceeding the maximum number of students per group, are amended to allow the employer to meet needs;

(6) the sections relating to the annual teacher workload are amended to allow the employer to meet needs;”;

THAT the second paragraph of the operative part of Order in Council 885-2020 dated 19 August 2020, amended by Order in Council 943-2020 dated 9 September 2020, be further amended by adding the following subparagraph:

“(3) students in a class where at least 60% of students are required to obey the isolation directives established by a public health authority because of COVID-19, as of the second day of the school calendar year after which that percentage has been reached;”;

THAT the operative part of Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021, 2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021, 2021-087 dated 14 December 2021, 2021-089 dated 19 December 2021, 2021-090 dated 20 December 2021, 2021-092 dated 22 December 2021, 2021-096 dated 31 December 2021 and 2022-001 dated 2 January 2022, be further amended

(1) in the eleventh paragraph,

(a) by striking out subparagraphs 3.1 to 3.4;

(b) by replacing “any funeral service” in subparagraph 4 by “a funeral service being held indoors”;

(c) by striking out subparagraph 7;

(d) by adding the following after subparagraph 12:

“(13) subparagraph 6.1 does not apply in a cafeteria or the equivalent,

(a) in a school service centre, school board or private educational institution when it provides services to preschool children, students at the elementary level or secondary school level in general education for youth, students in vocational training or students in adult general education;

(b) in a university institution, college established under the General and Vocational Colleges Act (chapter C-29), private educational institution providing college instructional services and any other institution providing college or university instructional services or ongoing training services, only if

i. a distance of one metre is maintained between tables, unless a physical barrier able to limit contagion separates the tables; and

ii. no more than six persons are seated at the same table;

(c) used in connection with vacation camp or day camp activities, provided that a minimum distance of one metre is maintained between the children in different groups;”;

(e) by inserting the following after subparagraph *b* of subparagraph 21:

“(c) the activity is part of sport-study, art-study and sports concentration curriculums and other special school projects of the same nature provided to elementary and secondary students in general education for youth;”;

(f) by replacing subparagraph *b* of subparagraph 29 by the following:

“(b) the student may remove his or her procedural mask when receiving care or a service requiring the procedural mask be removed or playing a wind instrument;”;

(g) by replacing subparagraphs 31 to 38 by the following:

“(31) when a teacher of preschool children or students at the elementary level or secondary level in general education for youth in a school service centre, school board or private educational institution cannot be present at school because he or she is in isolation owing to COVID-19 but is able to work, at the request of the employer the teacher must provide the distance educational services from the place of isolation to the students present in the classroom who are supervised by an adult who also sees to technical support for the students;

(32) subparagraph 31 does not apply to teachers in a specialized school or class for handicapped students or students with social maladjustments or learning disabilities that is part of regional or supraregional schooling services;

(33) extracurricular activities at the preschool, elementary, secondary level in general education for youth, adult education and vocational training levels are suspended, except if they are provided remotely to students who are not in an educational institution;”;

(2) by inserting the following after the twelfth paragraph:

“THAT, despite subparagraph 4 of the preceding paragraph, a person may be present in such a place to carry on or take advantage of an activity that has not otherwise been suspended by an Order in Council or Ministerial Order;”;

(3) by striking out the Schedule;

THAT the third paragraph of the operative part of 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, 2021-079 and 2021-081 dated 14 November 2021, 2021-082 dated 17 November 2021 and 2021-089 dated 19 December 2021, be further amended

(1) by inserting the following after subparagraph 4:

“(4.1) a branch of the Société des alcools du Québec or the Société québécoise du cannabis;”;

(2) by striking out “taking place in a rented hall or community hall,” in subparagraph 14;

THAT the measures set out in this Order take effect on 17 January 2022 at 5:00 a.m., except those set out in subparagraph 1 of the fourth paragraph, which will take effect on 18 January 2022.

Québec, 15 January 2022

CHRISTIAN DUBÉ
Minister of Health and Social Services

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