

Ministerial Orders

M.O., 2022

Ministerial Order 2022-026 of the Minister of Health and Social Services dated 31 March 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 595-2022 dated 30 March 2022;

CONSIDERING that that Order in Council also 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 desirable to consolidate all the measures concerning the education sector into one Ministerial Order;

ORDERS AS FOLLOWS:

THAT the national, local or regional national collective agreements or agreements in force between the school service centres or school boards and all the unions be amended as follows:

(1) the sections relating to the movement of personnel that deal in particular with the filling of absences or replacement, assignment, reassignment or personnel displacement are amended to enable the employer to assign personnel to the location and at the time where needs

justify doing so. Personnel may thus be assigned to duties of another position title, to another bargaining unit or to another employer;

(2) the sections relating to work schedules are amended to enable the employer to meet needs;

(3) the sections relating to the granting of remuneration or compensation in addition to that paid for the remuneration of regular hours and overtime work when services must be maintained, in particular, because of superior force, do not apply;

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

(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 enable the employer to meet needs;

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

(7) any person holding a teaching licence who has retired from the education network and who returns to work to provide preschool education or teach at the elementary or secondary level is remunerated in accordance with, as the case may be, the scale or pay scale applicable to teaching personnel in the national collective agreements or agreements in force;

THAT, in addition to the provisions of the preceding paragraph, the national, local or regional national collective agreements or agreements in force between the school service centres or school boards and all the unions concerned be amended as follows, for the purposes of the Health Care Facility Patient Service Support program:

(1) the rules for forming student groups do not apply to distance learning courses;

(2) distance learning courses are not taken into account for the purposes of the number of students per group;

(3) a teacher providing a course in the Health Care Facility Patient Service Support program is entitled to a temporary 10% bonus, which is not a contributory amount for the purposes of the retirement plan, applicable to the pay scale for the teacher's employment position or to the

hourly rate applicable to the teacher, as applicable, for the hours actually worked for which the teacher is remunerated in connection with that training;

THAT a school service centre and a school board must, before applying a measure set out in subparagraphs 1 to 6 of the first paragraph and in the second paragraph, consult the unions concerned, unless the urgency of the situation does not allow doing so, in which case the unions must be informed as soon as possible;

THAT the salary relating to the duties of a pensioner of the Pension Plan of Management Personnel who has been hired in a management or non-management position by a school service centre, a school board or a private educational institution under agreement for the purposes of subsidies under the Act respecting private education (chapter E-9.1) and who is providing educational services listed in paragraphs 1 to 5 of section 1 of that Act for the purposes of the COVID-19 pandemic be excluded from the sum of the contributions referred to 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 private educational institutions providing educational services listed in paragraphs 4 to 9 of section 1 of the Act respecting private education be able to provide their educational services remotely;

THAT the educational services be provided remotely by the school service centres, school boards and private educational institutions to the following preschool children and students at the elementary and secondary levels in general education for youth:

(1) students whose state of health or that of a person with whom they reside would leave them at risk of serious complications if they contracted COVID-19, if a physician recommends the students do not attend a school facility;

(2) students whose class is the subject of a recommendation or isolation order from a public health authority because of a COVID-19 case being declared by an employee or a student at the educational institution concerned, not later than two days after the recommendation or the order;

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

THAT the remote educational services referred to in the preceding paragraph be provided as per the minimum provision of services appearing in the Schedule;

THAT, when a teacher of preschool children or of students at the elementary or secondary level in general education for youth in a school service centre, school board or private educational institution is unable to be present at school owing to isolation because of COVID-19 but it able to work, at the employer's request, the teacher must provide the educational services remotely, from the location of isolation, to the students present in class who are under the supervision of an adult who also ensures the students have the necessary technical support;

THAT the preceding paragraph 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;

THAT, for students in university institutions, colleges, private educational institutions providing college instructional services and other institutions providing college or university instructional services, adult general education or ongoing training services, a procedural mask must be wear at all times when the students are in a building or room used by the institution, subject to the following exceptions:

(1) the student states that the wearing of a face covering is not possible because of the student's medical condition;

(2) the student is receiving care, being provided a service or engaging in a physical or other activity requiring the face covering be removed, in which case the student may remove the face covering for the duration of the care, service or activity;

(3) the student momentarily removes the face covering to eat or drink, or for identification purposes;

(4) the student works or practises his or her profession there; or

(5) the student is consuming food or a beverage in a restaurant, a food court in a shopping centre or food store, in a bar or in any other room used for the purposes of restaurant services or the consumption of beverages;

THAT the students at the elementary and secondary levels in general education for youth who are present in any building or room used by a school service centre, school board or private educational institution situated must wear a procedural mask at all times, subject to the following exceptions:

(1) the student is seated in the classroom or in a room used by a school childcare service;

(2) the student has any of the following medical conditions:

(a) the student is incapable, alone, of putting on or removing a procedural mask because of a physical disability;

(b) the student has a facial deformation;

(c) as a result of a cognitive disorder, intellectual impairment, autism spectrum disorder or other mental health condition, the student is not capable of understanding the procedural mask requirement, or the wearing of such a mask causes disorganization or significant distress;

(d) any other medical condition forming grounds on which the wearing of the procedural mask is considered to be harmful or dangerous, for which a certificate from a professional qualified to make such a diagnosis may be required;

(3) the student may remove his or her procedural mask when receiving care or a service or engaging in a physical or other activity requiring the procedural mask be removed;

(4) the student momentarily removes the procedural mask to eat or drink, or for identification purposes;

(5) the student has special needs related to speech, language and communication or is receiving welcoming services and assistance in learning French as part of educational and instructional services;

(6) the student interacts with a person pursuant to the preceding subparagraph; or

(7) in the classroom, when the outdoor temperature determined by Environment Canada is 25°C or higher, unless the room is air conditioned;

THAT the following be revoked:

(1) Order in Council 651-2020 dated 17 June 2020, amended by Order in Council 885-2020 dated 19 August 2020;

(2) Order in Council 885-2020 dated 19 August 2020, amended by Orders in Council 943-2020 dated 9 September 2020 and 433-2021 dated 24 March 2021 and by Ministerial Order 2022-004 dated 15 January 2022;

(3) Order in Council 964-2020 dated 21 September 2020, amended by Ministerial Order 2022-011 dated 29 January 2022;

(4) subparagraphs 28, 29, 31 and 32 of the ninth paragraph 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, 2022-001 dated 2 January 2022, 2022-004 dated 15 January 2022, 2022-011 dated 29 January 2022, 2022-012 dated 4 February 2022, 2022-013 dated 5 February 2022, 2022-015 dated 11 February 2022, 2022-018 dated 19 February 2022, 2022-019 dated 25 February 2022, 2022-020 dated 4 March 2022 and 2022-021 dated 11 March 2022;

(5) Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council 566-2020 dated 27 May 2020 and by Ministerial Orders 2020-033 dated 7 May 2020, 2020-044 dated 12 June 2020, 2021-054 dated 16 July 2021, 2022-004 dated 15 January 2022 and 2022-024 dated 25 March 2022;

(6) the seventh paragraph of Ministerial Order 2020-035 dated 10 May 2020;

(7) the fifth and sixth paragraphs of Ministerial Order 2020-044 dated 12 June 2020, amended by Ministerial Order 2021-036 dated 15 May 2021;

(8) the third paragraph of Ministerial Order 2020-049 dated 4 July 2020, amended by Ministerial Orders 2021-054 dated 16 July 2021 and 2022-024 dated 25 March 2022;

(9) Ministerial Order 2020-102 dated 9 December 2020;

(10) the fifty-sixth and fifty-seventh paragraphs of Ministerial Order 2021-085 dated 13 December 2021, amended by Ministerial Orders 2021-093 dated 23 December 2021 and 2022-008 dated 23 January 2022;

(11) the nineteenth and twentieth paragraphs of Ministerial Order 2022-003 dated 15 January 2022, amended by Ministerial Order 2022-008 dated 23 January 2022.

SCHEDULE

MINIMUM PROVISION OF SERVICES

	Hours of instruction or learning and awareness activities per week	Hours of autonomous work provided by the teacher per week per student	Hours of availability of the teacher per day or per week to meet the needs of students
Preschool	11.5 hours of group learning and awareness activities 11.5 hours of personalized group learning and awareness activities	2 hours	N/A
Elementary, cycle one (grades 1 and 2)	10.5 hours of instruction	3 hours	2.5 hours per day
Elementary, cycle two (grades 3 and 4)	13 hours of instruction	5 hours	2 hours per day
Elementary, cycle three (grades 5 and 6)	13 hours of instruction	7.5 hours	2 hours per day
Secondary, cycle one (Secondary 1, 2 and 3)	15 hours of instruction	7.5 hours	5 hours per week
Secondary, cycle two (Secondary 4 and 5)	15 hours of instruction	7.5 hours	5 hours per week

Québec, 31 March 2022

CHRISTIAN DUBÉ
Minister of Health and Social Services

105655

M.O., 2022

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