

Ministerial Orders

M.O., 2022

Ministerial Order 2022-031 of the Minister of Health and Social Services dated 11 May 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 816-2022 dated 11 May 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 Ministerial Order 2022-026 dated 31 March 2022 provides for certain measures in education;

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 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 Ministerial Order 2022-026 dated 31 March 2022 be revoked;

THAT the measures set out in this Order take effect on 14 May 2022.

Québec, 11 May 2022

CHRISTIAN DUBÉ
Minister of Health and Social Services

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	2 hours	N/A
	11.5 hours of personalized group learning and awareness activities		
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

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M.O., 2022

Ministerial Order 2022-032 of the Minister of Health and Social Services dated 11 May 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 816-2022 dated 11 May 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 Ministerial Order 2022-027 dated 31 March 2022 provides for certain health measures;

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, for the purposes of this Order, “face covering” means a mask or tightly fitting cloth that covers the nose and the mouth;