

M.O., 2022**Ministerial Order 2022-033 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 that Order in Council provides that the Minister of Health and Social Services may order any measure needed to ensure that the health and social services network has the necessary human resources;

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 2022-030 dated 31 March 2022 provides for certain human resources 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 some of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT, for the purposes of this Order,

(1) “personnel placement agency” means a person, partnership or other entity that has at least one activity consisting in offering personnel leasing services;

(2) “body in the health and social services sector” means a health and social services institution, an intermediate resource, a family-type resource or a private seniors’ residence;

(3) “service provider” means a natural person who, pursuant to a contract for services, including a contract for personnel leasing services, supplies a body in the health and social services sector with a service provider;

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 personnel be amended to enable the employer to meet the needs of the population, as per the following conditions:

(1) the sections relating to annual leave are amended to enable any person to, at the person’s request, be paid for the vacation days at straight time, excluding those provided for in the Act respecting labour standards (chapter N-1.1);

(2) the sections relating to movement of personnel that deal in particular with promotion, transfer, demotion, voluntary transfer, bumping procedures, temporarily vacant positions, replacement, assignment, re-assignment or personnel displacement are amended to enable a person to agree to temporary displacement or temporary re-assignment (intra or inter facility);

(3) for the purposes of the preceding subparagraph,

(a) a person accepting such a displacement or assignment is entitled to the more advantageous salary, in addition to continuing to be entitled to the bonuses and supplements associated with the position or assignment before the displacement, other than inconvenience bonuses;

(b) despite the preceding subparagraph *a*, a person entitled to a bonus available in the environment in which the person usually works, and who must be displaced to an environment having a different bonus, the person is entitled to the more advantageous bonus;

(c) for the person who usually converts a night bonus into paid leave, not receive remuneration in connection with the amount of the bonus so converted;

(d) a person who is entitled to floating holidays continues to accumulate them;

(e) if displaced, the person retains the same home base for the purpose of calculating displacement allocations;

(4) the sections relating to fixed price contracts or contracts of enterprise are inoperative;

(5) the employer may hire additional personnel, granting the status of temporary salaried person to every person so hired. The hiring contract under that status is valid until 31 December 2022. Despite the foregoing, the employer may terminate the contract of employment at any time on one week's prior notice;

(6) for the purposes of subparagraph 5,

(a) the person hired under the status of temporary salaried person is entitled only to the provisions of the collective agreements in the health and social services network relating to remuneration, including bonuses, supplements and overtime. Despite the foregoing, the salaried person receives the fringe benefits available to part-time salaried persons not covered by life, prescription drug and salary insurance plans;

(b) the employer is not bound by the requirements of the document entitled "Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux" for any hiring of additional personnel, except as regards the requirements of professional orders, as long as the hiring meets the normal requirements of the duties;

(c) the additional personnel so hired is not entitled to vested rights regarding future hiring and must undergo the standard selection procedure according to the provisions in force in the institution concerned;

(7) a salaried person who is immunodepressed or 70 years of age and older whose health requires a re-assignment is removed from work if the employer has been unable to set up teleworking or offer re-assignment. A full-time salaried person continues to be remunerated as if the person were at work, except for inconvenience bonuses, and a part-time salaried person is remunerated in the same manner according to the work shifts provided for in the person's work schedule;

(8) a salaried person referred to in the eighty-fifth paragraph may be given a non-standard work schedule;

(9) the employer may assign a salaried person who has made an undertaking pursuant to the sixty-first to the one hundred and sixteenth paragraphs to an activity centre or service where the person will be able to fulfill the undertaking, as long as the person meets the normal requirements of the duties;

THAT subparagraphs 1 to 6 of the second paragraph apply, with the necessary modifications, to the employment conditions of management personnel and personnel not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) in public and private institutions under agreement and the agreements entered into with Regroupement Les sages-femmes du Québec;

THAT subparagraph 7 of the second paragraph apply, with the necessary modifications, to the employment conditions of personnel not covered by the Act respecting bargaining units in the social affairs sector in public and private institutions under agreement and the agreements entered into with Regroupement Les sages-femmes du Québec;

THAT a health and social services institution, before applying a measure set out in subparagraphs 4 to 6 of the second paragraph, be required to consult the local unions or associations concerned, unless the urgency of the situation does not permit doing so. In such a case, the unions must be informed as soon as feasible;

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 subparagraph 5 of the second paragraph 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 (S-4.2, r. 5.1), be excluded from the sum of the salaries described in section 10.5 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1);

THAT it be prohibited for any service provider who has been in contact with a person known to have or suspected of having COVID-19, or who is waiting on the results of a COVID-19 test, to work during the 14-day period following the last contact with such a person, in a service or unit in a body in the health and social services sector in which no user or resident is in such a situation;

THAT every service provider be required to complete the "Refresher Course on the Application of Infection Prevention and Control (IPC) Measures" training and any other additional infection prevention and control training required by a body in the health and social services sector before providing any service to the body;

THAT it be prohibited for any personnel placement agency to supply a body in the health and social services sector with the services of a service provider who, as applicable,

(1) has been in contact in the previous 14 days with a person known to have or suspected of having COVID-19, or who is waiting on the results of a COVID-19 test, and who is to be assigned to a service or unit in a body in the health and social services sector in which no user or resident is in such a situation; or

(2) has not completed the “Refresher Course on the Application of Infection Prevention and Control (IPC) Measures” training and any other additional infection prevention and control training required by the body in the health and social services sector in which he or she is to provide services;

THAT every service provider and every personnel placement agency be required to send the following information and documents to the body in the health and social services sector to which the services are to be provided and that so requests:

(1) a list of the places in which the service provider concerned has worked in the 14 days preceding the assignment, as well as, if applicable, the fact that he or she was in contact during that period with a person known to have or suspected of having COVID-19, or who is waiting on the results of a COVID-19 test; and

(2) proof that the service provider concerned has completed the training referred to in subparagraph 2 of the preceding paragraph;

THAT it be prohibited for any service provider and personnel placement agency whose contract has been entered into, amended or renewed since 13 March 2020, to provide to a body in the health and services sector, in exchange for payment or other compensation, in whatever form, the value of which exceeds the following hourly rate, any work day by a service provider whose services correspond to duties performed by personnel covered by the following job titles listed in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux”:

(1) \$74.36, for the following group of nurse clinician job titles;

- (a) nurse clinician (Institut Pinel) (1907);
- (b) nurse clinician (1911);

(c) nurse clinician assistant head nurse, nurse clinician assistant to the immediate superior (1912);

(d) care counsellor nurse (1913);

(e) specialty nurse practitioner (1915);

(f) nurse surgical first assistant (1916);

(g) clinical nurse specialist (1917);

(2) \$71.87, for the following group of nurse job titles:

(a) nurse team leader (2459);

(b) nurse educator (2462);

(c) nurse (2471);

(d) nurse (Institut Pinel) (2473);

(e) assistant head nurse or assistant to the immediate superior (2489);

(f) outpost/northern clinic nurse (2491);

(3) \$47.65, for the following group of assistant nurse job titles:

(a) nursing assistant team leader (3445);

(b) nursing assistant (3455);

(4) \$41.96, for the following group of beneficiary attendant job titles:

(a) beneficiary attendant (“A” certification) (3459);

(b) beneficiary attendant (3480);

(c) attendant in a northern institution (3505);

(5) \$32.08, for the job title of health and social services aide (3588);

(6) \$80.00, for the following group of respiratory therapist job titles:

(a) respiratory therapist (2244);

(b) technical coordinator (inhalation therapy) (2246);

(c) clinical teacher (inhalation therapy) (2247);

(d) assistant head respiratory therapist (2248);

THAT the hourly rates provided for in the preceding paragraph be increased by 20% if the place of the work of the service provider is situated in any of the following health regions:

- (1) Abitibi-Témiscamingue;
- (2) Bas-Saint-Laurent;
- (3) Côte-Nord;
- (4) Nord-du-Québec;
- (5) Gaspésie—Îles-de-la-Madeleine;
- (6) Nunavik;
- (7) Terres-Cries-de-la-Baie-James;

THAT any contract stipulation providing for payment or other compensation, in whatever form, the value of which exceeds the hourly rate set in the eleventh or twelfth paragraph, be without effect;

THAT, despite the eleventh paragraph, service providers assigned to home support service may receive maximum compensation of \$0.48 per kilometre travelled in connection with their travel for the purpose of providing services to users;

THAT, despite the eleventh paragraph, service providers assigned to a place of work situated in any of the regions listed in the twelfth paragraph may be reimbursed, on presentation of vouchers, for the following expenses, as applicable:

- (1) expenses for travel by automobile at the maximum rate of \$0.48 per kilometre travelled between the service provider's residence and the place of work;
- (2) travel expense by means of travel other than an automobile;
- (3) lodging expense;
- (4) meal expenses, including tips, at the rate of \$10.40 for breakfast, \$14.30 for lunch and \$21.55 for supper;

THAT, despite the eleventh paragraph, travel time for service providers whose place of work is situated in one of the regions listed in the twelfth paragraph be considered to be regular work hours;

THAT it be prohibited for every service provider and personnel placement agency to claim or receive, per workday of a service provider referred to in the eleventh paragraph, payment or other compensation, in whatever form, the value of which exceeds the hourly rate set in the eleventh and twelfth paragraphs;

THAT a service contract in force on 15 May 2020 entered into by a body in the health and social services sector to obtain the services of a service provider may not be amended to increase the rate set out in the contract if that rate is less than the maximum rate permitted under this Order;

THAT it be prohibited for anyone to hire a person who has an employment relationship with a body in the health and social services sector, a government department or agency of the gouvernement du Québec 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), a school service centre, a school board, a college established under the General and Vocational Colleges Act (chapter C-29) or a university so that the person may then act as a service provider pursuant to a service contract entered into with a body in the health and social services sector;

THAT it also be prohibited for anyone to hire a person who is a recipient of a subsidy from a health and social services institution, the Minister of Health and Social Services or a body under the Minister's responsibility, or a person who has an employment relationship with such a person so that the person may then act as a service provider pursuant to a service contract entered into with a body in the health and social services sector;

THAT a body in the health and social services sector may terminate a service contract entered into to obtain the services of a service provider during the public health emergency, so as to be able to hire the person concerned, including as a temporary salaried person, without penalty or other compensation or indemnity for the body and service provider;

THAT it be prohibited for every service provider and personnel placement agency,

(1) to provide a body in the health and social services sector with the services of a service provider who has or has had an employment relationship with such a body in the 90 days preceding the beginning of his or her assignment;

(2) to provide a body in the health and social services sector with the services of a service provider for an assignment of a duration of less than 14 days; and

(3) to provide a body in the health and social services sector with the services of a service provider who is already assigned to another body in the health and social services sector;

THAT subparagraphs 2 and 3 of the preceding paragraph not apply to service providers whose place of work is situated in one of the regions listed in the twelfth paragraph;

THAT every service provider whose services are not offered through a personnel placement agency and every personnel placement agency be required to provide any body in the health and social services sector with an affidavit signed by the provider or agency or, if applicable, by a director, attesting that the service provider whose services are being offered does not have or has not had an employment relationship with a body in the health and social services sector in the 90 days preceding the beginning of his or her assignment, and that the service provider is not concurrently assigned to another body in the health and social services sector. Such an affidavit may cover more than one person assigned to the same body;

THAT the twenty-second and twenty-fourth paragraphs of this Order not apply to the providing of services corresponding to duties performed by personnel covered by the establishment guard (6422) or guard (6438) job titles in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux”;

THAT it be prohibited for any public institution or private institution under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) to relocate a salaried person so as to open up a work shift to meet the availability of a service provider;

THAT it be prohibited for personnel placement agencies to set up any non-competition covenant or agreement having similar effects, in particular by claiming penalties, compensation or indemnities, or through any retaliatory measure, against any person wishing to be hired by a body in the health and social services sector;

THAT it be prohibited for anyone, except a body in the health and social services sector, to hire a nurse, a respiratory therapist or an assistant nurse who has or has had an employment relationship with such a body in the preceding 90 days, for the purpose of having such a person administer a COVID-19 vaccine;

THAT it be prohibited for every personnel placement agency to supply to anyone the services of a professional referred to in the preceding paragraph who has or has had an employment relationship with such a body in the preceding 90 days, for the purpose of having such a person administer a COVID-19 vaccine;

THAT the eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second, twenty-fourth and twenty-fifth paragraphs not apply in respect of a service provider assigned before 17 April 2021 to a body in the health and social services sector situated in one of the health regions listed in the twelfth paragraph;

THAT the eleventh, twelfth, thirteenth, fourteenth, fifteenth and seventeenth paragraphs not apply

(1) to contracts entered into before 13 March 2020 between a personnel placement agency and the Centre d’acquisitions gouvernementales that has acquired the rights and obligations of joint procurement groups recognized by the Minister of Health and Social Services, even if they have been amended or renewed since that date;

(2) to contracts by mutual agreement of the Centre d’acquisitions gouvernementales entered into on behalf of the Minister of Health and Social Services or a health and social services institution that provides for continued provision of services under contracts referred to in subparagraph 1, in keeping with the conditions set out in the third dash of the third paragraph of the operative part of Order in Council 177-2020 dated 13 March 2020, as it read before being revoked by Ministerial Order 2022-023 dated 23 March 2022, and on the condition that the contracts by mutual agreement

(a) have a maximum term of one year;

(b) be entered into with a personnel placement agency that, on the date the contract is entered into, holds an authorization to contract issued by the Autorité des marchés publics; and

(c) provide that the other terms and conditions, including rates, be identical to those provided for in the contract referred to in subparagraph 1;

THAT, for the purposes of the thirty-third to the forty-third paragraphs,

(1) a person be considered “adequately protected against COVID-19” if the person

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

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

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

(d) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs *a* and *c*, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine or of a recombinant protein vaccine with adjuvant (such as Novavax), with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

(2) a person also be considered adequately protected against COVID-19 if the person

(a) has a contraindication to vaccination against the illness certified by a health professional qualified to make such a diagnosis and entered in the vaccination registry maintained by the Minister of Health and Social Services; or

(b) has taken part in the Medicago inc. clinical trial seeking to validate the safety or efficacy of a COVID-19 vaccine candidate;

(3) “health and social service provider” means

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

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

- i. student and trainees;
- ii. voluntary workers;
- iii. subcontractors not providing care to users or residents in the environments concerned, except those acting in an emergency;

THAT the following be required to be adequately protected:

(1) the health and social service providers referred to in subparagraph *a* of subparagraph 3 of the preceding paragraph;

(2) the health and social service providers referred to in subparagraph *b* of subparagraph 3 of the preceding paragraph working or practising 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 thirty-third paragraph be required to provide proof of being adequately protected against COVID-19, as applicable, to the health and social services institution in which he or she wishes to be hired or practise, to the operator of the environment where the duties are performed or, for a student or trainee, to his or her educational institution;

THAT the proof required under the preceding paragraph be sent as expeditiously as possible as soon as the proof becomes available;

THAT a health and social services institution or the operator of an environment referred to in subparagraph 2 of the thirty-third paragraph be required to verify that every health and social service provider required to be adequately protected against COVID-19 is in fact so protected;

THAT a health and social service provider required to be adequately protected against COVID-19 who has not provided the operator of an environment referred to in the thirty-third paragraph with proof of protection not be able to enter or re-enter the environment;

THAT a health and social service provider who cannot re-enter an environment pursuant to the preceding paragraph not receive, as applicable, any remuneration, benefit, fee or other form of compensation unless, at the employer’s discretion, he or she has been reassigned to other duties within the provider’s job title, if applicable, that do not require the person be adequately protected against COVID-19;

THAT an operator of 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 send to the health and social services institution with which an agreement has been entered into an attestation stating that the health and social service providers required to be adequately protected against COVID-19 are in fact so protected;

THAT if an operator of 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 does not send the attestation required by the preceding paragraph, the health and social services institution with which an agreement has been entered into cease to compensate the resource and may move the users taken in charge to another living environment;

THAT a health and social services institution may send the Minister a list of health and social service providers performing duties in the facilities it maintains for the purpose of ensuring that they are adequately protected;

THAT no person, partnership or body may impose a penalty or claim an indemnity or other redress on grounds that a person, owing to the application of this Order, denied a person access to a place, terminated a contract or turned to another person, partnership or body to replace the person;

THAT, for the purposes of the forty-fifth to fifty-ninth paragraphs, “health and social service provider” means a person working or practising for

- (1) a health and social services institution;
- (2) 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;
- (3) a private seniors’ residence, except such a residence with nine or fewer units;
- (4) a palliative care hospice within the meaning of paragraph 2 of section 3 of the Act respecting end-of-life care (chapter S-32.0001);
- (5) a religious institution which maintains residential and long-term care facilities to receive its members or followers;

(6) a specialized medical centre within the meaning of section 333.1 of the Act respecting health services and social services;

(7) a medical imaging laboratory within the meaning of section 30.1 of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2);

(8) Corporation d’Urgences-santé;

(9) holders of ambulance service permits;

(10) Héma-Québec;

(11) Institut national de santé publique du Québec;

(12) the Ministère des Transports, but only for the Service aérien gouvernemental;

THAT a subcontractor providing care to users or residents of the environments referred to in the preceding paragraph be held to be a health and social service provider;

THAT, for the purposes of subparagraphs 8 to 12 of the forty-fourth paragraph, only the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh and fifty-eighth paragraphs apply to providers having direct physical contact with the persons to whom health and social services are provided;

THAT the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh and fifty-eighth paragraphs not apply to teachers working in a rehabilitation centre for young persons with adjustment problems operated by a health and social services institution;

THAT a health and social service provider be required to undergo COVID-19 screening, in accordance with the terms of the fifty-first, fifty-second, fifty-third and fifty-fourth paragraphs, except if the provider

(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVISHIELD vaccine or of a recombinant protein vaccine with adjuvant (such as Novavax), 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;

(4) has received a dose of a vaccine referred to in subparagraph 1 no fewer than seven days earlier and fewer than 60 days earlier;

(5) has a contraindication to vaccination against the illness certified by a health professional qualified to make such a diagnosis and entered in the vaccination registry maintained by the Minister of Health and Social Services;

(6) has taken part in the Medicago inc. clinical trial seeking to validate the safety or efficacy of a COVID-19 vaccine candidate;

(7) contracted COVID-19 fewer than 60 days earlier;

(8) 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 or a recombinant protein vaccine with adjuvant (such as Novavax), with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier; or

(9) works exclusively from home;

THAT a health and social service provider be required to provide the operator of the environment or the person responsible for its organization with proof, as applicable, that the vaccine or vaccines referred to in the preceding paragraph have been received or that the provider satisfies the conditions described in subparagraph 5, 6 or 7 of that paragraph;

THAT a health and social services institution may send the Minister a list of health and social service providers working or practising in the facilities it maintains for the purpose of ensuring that they are adequately protected;

THAT a health and social service provider required to undergo COVID-19 screening pursuant to the forty-eighth paragraph be required to undergo a minimum of three screening tests per week, administered by an authorized professional, and to provide the results to the operator of the environment or to the person responsible for its organization;

THAT, despite the preceding paragraph, a health and social service provider working fewer than three days per week be required to undergo a minimum number of COVID-19 screening tests equal to the number of days on which he or she is present in the environment or works for its organization;

THAT a health and social service provider referred to in the fifty-first or fifty-second paragraph be required to undergo the screening tests outside working hours, and receive no remuneration or reimbursement for costs related to the screening tests;

THAT a health and social service provider who refuses or neglects to provide the proof required by the forty-ninth paragraph, to undergo COVID-19 screening required pursuant to the forty-eighth paragraph or to provide the test results in accordance with the fifty-first paragraph not be able to be reassigned or work from home, and the provider's absence be an absence without authorization, without loss of seniority;

THAT the privileges of a physician, a pharmacist or a dentist who refuses or neglects to undergo COVID-19 screening required pursuant to the forty-eighth paragraph be suspended;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise be required to provide, at the request of the person to whom the services are provided, proof that the vaccine or vaccines referred to in the forty-eighth paragraph have been received or that the conditions described in subparagraph 5, 6 or 7 of that paragraph are satisfied, or provide the results of a COVID-19 screening test undergone fewer than 72 hours earlier;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise who does not provide the proof requested pursuant to the preceding paragraph not be able to provide services to the person who made the request;

THAT a health and social service provider required to undergo COVID-19 screening under the forty-eighth paragraph not be able to receive the bonuses, lump sums, allowances or financial compensations provided for in this Order;

THAT a health and social service provider who is not required to undergo COVID-19 screening only pursuant to subparagraph 9 of the forty-eighth paragraph not be able to receive the bonuses, lump sums, allocations or financial compensations referred to in the preceding paragraph;

THAT, for the purposes of the sixty-first to the one hundred sixteenth paragraphs,

(1) “institution” mean a public institution or a private institution under agreement within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons;

(2) “salaried person” mean a salaried person in an institution whose job title forms part of the class of nursing and cardio-respiratory care personnel, as set out in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux”, other than nursing externs and respiratory therapy externs;

(3) “officer” mean an officer within the meaning of section 3 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, having line, staff or advisory responsibilities in connection with salaried persons and who is in one of the following employment families:

(a) unit head, family medicine group or university family medicine group;

(b) coordinator or head of activities, professional services (bed management, continuum of care, stay management);

(c) coordinator, nursing care;

(d) service, program and unit head and head of activities, nursing care;

(e) sector head, nursing care;

(f) managerial advisor, nursing care;

(g) coordinator or head of activities, nursing care (evenings, nights, weekends and holidays/housing);

(h) ranking assistant, nursing care;

(i) coordinator, respiratory therapy services;

(j) head, respiratory therapy services;

(k) manager, residential and long-term care facility;

(l) unit head, lodging in a residential and long-term care facility;

(m) head, perinatal, neonatal or pediatric unit in a general and specialized hospital centre;

(n) Info-Santé program head;

(o) head, psychiatric hospital unit;

(p) coordinator, institutional activities;

THAT a salaried person receive, for each work shift effectively worked during a weekend in addition to the person’s scheduled work shifts, an amount of

(1) \$200 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$400 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT, to receive the lump sum provided for in the preceding paragraph, a salaried person be required to be present at work, in keeping with the person’s work schedule, during the seven days preceding and following the work shift effectively worked during the weekend;

THAT, for the purposes of eligibility for the lump sums provided for in the sixty-first paragraph, a salaried person entitled to a statutory holiday or union leave or, if applicable, to convert an evening or night bonus into paid leave be deemed to be present at work;

THAT every salaried person on a day schedule who undertakes to work full time evenings or nights for a period of four consecutive weeks receive a lump sum of \$2,000 at the end of the period;

THAT the preceding paragraph also apply to every salaried person who has a position or assignment with rotating shifts and who agrees to work only evenings or nights;

THAT, to receive the lump sum provided for in the sixty-fourth paragraph, a salaried person be required to be present at work, in keeping with the person’s work schedule, for the entire period concerned;

THAT, for the purposes of the preceding paragraph, a salaried person entitled to a statutory holiday be deemed to be present at work;

THAT every person who was not working for an institution on 23 September 2021 and who undertakes to work full time for an institution as a salaried person for a minimum period of one year receive, on assuming duties, a lump sum of

(1) \$2,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$5,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT every salaried person who was working for an institution on 23 September 2021 and who undertakes to work full time for the institution for a minimum period of one year receive, on signing the undertaking, a lump sum of

(1) \$5,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$8,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT a salaried person who was working for an institution on 23 September 2021 and moved before 31 March 2022 be able to be hired and work full time in another institution for a minimum period of one year and receive the lump sum provided for in the preceding paragraph;

THAT a person referred to in the sixty-eighth, sixty-ninth or seventieth paragraph receive a lump sum of \$10,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every salaried person with status as a full-time salaried person without working the number of hours set out in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux” because the person has a flexible work schedule with reduced working time, and who undertakes with an institution to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in the sixty-ninth, seventieth or seventy-first paragraphs;

THAT every salaried person who undertakes with an institution to perform part-time work in the institution for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in the sixty-eighth, sixty-ninth, seventieth or seventy-first paragraphs;

THAT every salaried person remain eligible for the lump sums provided for in the sixty-eighth, sixty-ninth, seventieth and seventy-first paragraphs if the person is on leave without pay to teach, provided that the person work for the institution for a minimum of 7 days per 14-day period, and in which case the person receive the maximum of the following percentages of lump sums:

- (1) 70% if the person works 7 days per 14-day period;
- (2) 80% if the person works 8 days per 14-day period;
- (3) 90% if the person works 9 days per 14-day period;

THAT the preceding paragraph apply only to a salaried person who complies with the following conditions:

(1) the teaching is directly related to the fields of practice of salaried persons in the class of nursing and cardio-respiratory care personnel, as set out in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux”;

(2) the person works a full-time equivalent if the person’s work in the institution is in addition to the person’s teaching load;

THAT, to be eligible to receive the lump sums provided for in the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second and seventy-third paragraphs, a salaried person must have signed the undertaking on or before 31 March 2022 and be available for work on that date according to the number of days per week set in the person’s undertaking;

THAT a salaried person on maternity, paternity, adoption or parental leave be able to sign an undertaking after 31 March 2022 for a duration not to exceed 31 March 2023, provided the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time salaried person, on the date the person returns to work, and receive, as applicable, the lump sums provided for in the sixty-eighth, sixty-ninth, seventy-first, seventy-second and seventy-third paragraphs in one payment, at the end of the undertaking, insofar as undertaking has been complied with;

THAT the salaried persons referred to in the sixty-eighth, sixty-ninth or seventieth paragraphs be able to convert the evening or night bonus into paid leave;

THAT the lump sums referred to in the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second and seventy-third paragraphs be paid in proportion to the number of regular working hours actually worked;

THAT, despite the provisions of the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second and seventy-third paragraphs, a retired person hired be eligible for the lump sums provided for in those paragraphs and that the sums be paid in proportion to the number of regular working hours actually worked in the year, if the person works part time or the employment relationship is severed before the end of the undertaking;

THAT, for the purposes of the seventy-ninth and eightieth paragraphs, annual leave, floating holidays and statutory holidays and, except for retired persons hired, a maximum of 10 days of any other authorized absence be considered to be regular working hours actually worked;

THAT a retired person who undertakes to work for an institution pursuant to the sixty-eighth, sixty-ninth, seventieth or seventy-first paragraphs be able to be reimbursed, at the end of the period specified in the undertaking, insofar as the undertaking has been complied with, up to the amount usually required for a one-year practice, for expenses incurred to obtain the right to perform the necessary professional activities according to the requirements of the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux”;

THAT every person working for an institution, other than a physician, who refers a salaried person not employed by an institution so that he or she may be hired by the institution as a salaried person receive a referral bonus of \$500 if the referred person passes the probation period and completes at least six months of service with the institution;

THAT for the purposes of the preceding paragraph, a trainee be deemed to be employed by an institution;

THAT every salaried person working in a facility maintained by an institution situated in a health region listed in Schedule I who undertakes to work full time for a facility maintained by an institution situated in a health region listed in Schedule II for a period of at least four consecutive months receive, on signing the undertaking, a lump sum of \$1,000;

THAT a salaried person referred to in the preceding paragraph receive a lump sum of \$3,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every salaried person with full-time status without working the number of hours set out in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux” because the person has a flexible work schedule with reduced working time, who works in a facility maintained by an institution situated in a health region listed in Schedule I and who undertakes, for a period of at least four consecutive months, to work according to the agreed work schedule in a facility maintained by an institution situated in a health region listed in Schedule II, receive a maximum of 60% of the lump sums provided for in the eighty-fifth and eighty-sixth paragraphs;

THAT every salaried person working in a facility maintained by an institution situated in a health region listed in Schedule I who undertakes, for a period of at least four consecutive months, to work part time for at least 9 days per 14-day period for a facility maintained by an institution situated in a health region listed in Schedule II, receive a maximum of 50% of the lump sums provided for in the eighty-fifth and eighty-sixth paragraphs;

THAT the lump sums referred to in the eighty-fifth, eighty-sixth, eighty-seventh and eighty-eighth paragraphs be paid in proportion to the number of regular working hours actually worked;

THAT, for the purposes of the preceding paragraph, annual leave, floating holidays and statutory holidays and, except for retired persons hired, a maximum of 4 days of any other authorized absence be considered to be regular working hours actually worked;

THAT the following terms and conditions apply with regard to the lump sums referred to in the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, eighty-fifth, eighty-sixth, eighty-seventh and eighty-eighth paragraphs:

(1) any overpayment received by the salaried person must be reimbursed to the institution or may be compensated by the institution;

(2) a salaried person becomes ineligible for the lump sums and must reimburse any payment received, without any proportional calculation being applied, if the person

(a) was absent without the absence being authorized;

(b) takes more than 10 days of authorized leave without pay or, for the lump sums provided for in the eighty-fifth, eighty-sixth, eighty-seventh and eighty-eighth paragraphs, more than 4 days of authorized leave without pay;

(c) does not comply with the agreed undertaking;

THAT, for the purpose of calculating the number of days referred to in subparagraph *b* of subparagraph 2 of the preceding paragraph, authorized absences in the case of an outing provided for in the collective agreement of a salaried person working in a facility maintained by an institution situated in a sector listed in Schedule III not be taken into consideration;

THAT the undertaking of a salaried person who has signed an undertaking to work full time for a minimum period of one year in a facility maintained by an institution situated in a health region listed in Schedule I and who voluntarily ceases to work for the institution to be able to work in a facility maintained by an institution situated in a health region listed in Schedule II be deemed to have undertaken with that latter institution, and the person receive the lump sums that apply to each of the regions in proportion to the time worked in each of them;

THAT a person who is not domiciled in a region listed in Schedule II, who settles in that region to work as a salaried person in a facility of an institution situated in the region, and who undertakes to work full time in the facility for a minimum period of two years receive a lump sum of \$24,000, paid as follows:

- (1) \$12,000 on the person's entry into service;
- (2) \$12,000 one year after the person's entry into service;

THAT the person referred to in the preceding paragraph be required to reimburse any amount received if the person does not comply with the undertaking;

THAT every salaried person with status as a full-time salaried person without working the number of hours set out in the document entitled "Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux" because the person has a flexible work schedule with reduced working time, and who undertakes with an institution to work according to the agreed work schedule for a minimum period of two years receive 60% of the lump sums provided for in the ninety-fourth paragraph;

THAT every salaried person who undertakes with an institution to work part time in the institution for at least 9 days per 14-day period for a minimum period of two years receive 50% of the lump sums provided for in the ninety-fourth paragraph;

THAT a salaried person referred to in the eighty-fifth paragraph be reimbursed, for each return trip between the person's residence and place of work, for the following expenses:

- (1) expenses for travel by automobile, at a maximum rate of \$0.48 per kilometre travelled between the residence and place of work;
- (2) actual expense for travel by a means of transportation other than an automobile;
- (3) lodging expense incurred;
- (4) travel time;
- (5) meal expense, including tips, at a rate of \$10.40 per breakfast, \$14.30 per lunch and \$21.55 per supper;

THAT the amounts set out in subparagraph 5 of the preceding paragraph be increased

(1) by 30% if the meals are provided in a commercial establishment in a municipality situated between the 49th and 50th parallels, other than the municipality of Baie-Comeau and municipalities on the Gaspé Peninsula;

(2) by 50% if the meals are provided in a commercial establishment in a municipality situated north of the 50th parallel, other than the municipalities of Port-Cartier and Sept-Îles;

THAT, owing to exceptional circumstances, meal expense exceeding the maximum amounts set in the preceding paragraphs may be reimbursed by the head of the public body or the person designated by the head if the explanations found to be valid so warrant;

THAT the lump sums provided for in the sixth-eighth, sixty-ninth and seventy-first paragraphs apply, with the necessary modifications, to a person working for a private institution not under agreement or a palliative care hospice within the meaning of paragraph 2 of section 3 of the Act respecting end-of-life care and performing duties equivalent to those of a salaried person;

THAT every person performing duties equivalent to those of a salaried person, with full-time status, who has a flexible work schedule with reduced working time and undertakes with an institution or a palliative care hospice referred to in the preceding paragraph to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in the sixty-ninth or seventy-first paragraphs;

THAT every person performing duties equivalent to those of a salaried person and who undertakes with an institution or a palliative care hospice referred to in the hundred and first paragraph to work part time for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in the sixty-eighth, sixty-ninth or seventy-first paragraphs;

THAT a person performing duties equivalent to those of a salaried person for an institution or a palliative care hospice referred to in the hundred and first paragraph and who is on maternity, paternity, adoption of parental leave be able to sign an undertaking after 31 March 2022 for a duration not to exceed 31 March 2023, insofar as the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time person, on the date the person returns to work and receive, as applicable, the lump sums provided for in the sixty-eighth, sixty-ninth or seventy-first paragraphs in one payment, at the end of the undertaking, insofar as the undertaking has been complied with;

THAT the terms set out in the seventy-sixth, seventy-eighth, seventy-ninth, eightieth, eighty-first and ninety-first paragraphs apply to a person referred to in the hundred and first, hundred and second, hundred and third or hundred and fourth paragraphs;

THAT every person working for a private seniors' residence or a religious institution that maintains residential and long-term care facilities to receive its members or followers, who is performing duties in the residence equivalent to those of a salaried person and who undertakes with the residence to work full time as such for the residence for a minimum period of one year receive a lump sum of

- (1) \$2,500 on signing the undertaking;
- (2) \$5,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every person performing duties equivalent to those of a salaried person, with full-time status, who has a flexible work schedule with reduced working time and undertakes with a private seniors' residence or a religious institution referred to in the preceding paragraph to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in that paragraph;

THAT every person performing duties equivalent to those of a salaried person and who undertakes with a private seniors' residence or a religious institution referred to in the hundred and sixth paragraph to work part time for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in that paragraph;

THAT a person performing duties equivalent to those of a salaried person for a private seniors' residence or a religious institution referred to in the hundred and sixth paragraph and who is on maternity, paternity, adoption or parental leave be able to sign an undertaking after 31 March 2022 for a period not to exceed 31 March 2023, provided the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time person, on the date the person returns to work and receive, as applicable, the lump sums provided for in the hundred and sixth paragraph in one payment, at the end of the undertaking, insofar as the undertaking has been complied with;

THAT the terms set out in the seventy-sixth, seventy-eighth, seventy-ninth, eightieth, eighty-first and ninety-first paragraphs apply to a person referred to in the hundred and sixth, hundred and seventh, hundred and eighth or hundred and ninth paragraphs;

THAT a person not become ineligible to receive the lump sums provided for in the sixty-first, sixty-fourth, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-seventh, eightieth, eighty-second, eighty-third, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, ninety-fourth, ninety-sixth, ninety-seventh, ninety-eighth, hundred and first, hundred and second, hundred and third, hundred and fourth, hundred and sixth, hundred and seventh, hundred and eighth and hundred and ninth paragraphs and that any proportional amount applicable to the sums not be affected if the person is absent for the purpose of taking a COVID-19 screening test, has received an isolation order from a public health authority or has contracted COVID-19 and for that reason is on disability leave;

THAT an officer be entitled to a temporary 14% allowance to apply to the officer's salary within the meaning of section 3 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions;

THAT the allowance referred to in the preceding paragraph be paid as a lump sum, in proportion to the time worked, including statutory holidays, floating holidays, annual leave and personal leave;

THAT an officer not be eligible for the temporary allowance if the officer

(1) has taken more than 10 days of leave without pay, excluding absences arising from the application of a progressive retirement agreement or leave for activities in the North; or

(2) has been absent without the absence being authorized;

THAT officers whose positions have been abolished in the two years preceding 13 December 2021 and who have received an end-of-employment indemnity pursuant to sections 119 and 122 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions be able to be rehired to hold an officer's position;

THAT the hundred and twelfth, hundred and thirteenth, hundred and fourteenth and hundred and fifteenth paragraphs apply to officers working for a palliative care hospice apply, with the necessary modifications;

THAT all bonuses, allowances and lump sums paid under this Ministerial Order not be contributory amounts for the purposes of the pension plan;

THAT Ministerial Order 2022-030 dated 31 March 2022 be revoked;

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

Schedule I

Bas-Saint-Laurent Health Region;
 Saguenay—Lac-Saint-Jean Health Region;
 Capitale-Nationale Health Region;
 Mauricie et Centre-du-Québec Health Region;
 Estrie Health Region;
 Montréal Health Region;
 Chaudière-Appalaches Health Region;
 Laval Health Region;
 Lanaudière Health Region;
 Laurentides Health Region;
 Montérégie Health Region.

Schedule II

Outaouais Health Region;
 Abitibi-Témiscamingue Health Region;
 Côte-Nord Health Region;
 Nord-du-Québec Health Region;
 Gaspésie — Îles-de-la-Madeleine Health Region;
 Nunavik Health Region;
 Terres-Cries-de-la-Baie-James Health Region.

Schedule III

Sector V, comprising the localities of Tasiujak, Ivujivik, Kangiqsualujjuaq, Aupaluk, Quaqtac, Akulivik, Kangiqsujuaq, Kangirsuk, Salluit, Tarpangajuk and Umiujaq;

Sector IV, comprising the localities of Wemindji, Eastmain, Fort Rupert (Waskaganish), Nemaska (Nemiscau), Inukjuak, Puvirnituc, Kuujjuak, Kuujjuarapik, Poste-de-la-Baleine (Whapmagoostui), Schefferville and Kawawachikamach;

Sector III, comprising the following localities:

—those situated in the territory north of the 51st degree of latitude including Mistissini, Chisasibi, Oujé-Bougoumou, Radisson, and Waswanipi, except Fermont and the localities specified in sectors IV and V;

—Parent, Sanmaur and Clova;

—those situated in the territory of Côte-Nord, extending east of Havre-St-Pierre, to the border of Labrador, including Île d'Anticosti;

Sector II, comprising the following localities:

—Municipalité de Fermont;

—those situated in the territory of Côte-Nord situated east of rivière Moisie and extending to Havre-St-Pierre inclusively;

—those of Îles-de-la-Madeleine.

Québec, 11 May 2022

CHRISTIAN DUBÉ

Minister of Health and Social Services

105723

M.O., 2022**Ministerial Order 2022-035 of the Minister of Health and Social Services dated 13 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;