

**Ministerial Order 2021-024 of the Minister of Health and Social Services
dated 9 April 2021**

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health
of the population amid the COVID-19 pandemic
situation

---ooo0ooo---

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 other measure needed to ensure that the health and social services network has the necessary human resources;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by

Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020, until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021, until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021, until 26 March 2021 by Order in Council 243-2021 dated 17 March

2021, until 2 April 2021 by Order in Council 291-2021 dated 24 March 2021, until 9 April 2021 by Order in Council 489-2021 dated 31 March 2021 and until 16 April 2021 by Order in Council 525-2021 dated 7 April 2021;

CONSIDERING that Ministerial Order 2020-022 dated 15 April 2020, amended by Ministerial Orders 2020-034 dated 9 May 2020, 2020-039 dated 22 May 2020, 2021-010 dated 5 March 2021 and 2021-022 dated 7 April 2021, provides in particular that certain professional orders may issue, without cost and to allow temporary practise of the profession governed by the order, a special public health emergency authorization;

CONSIDERING that Order in Council 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021-019 dated 28 March 2021, 2021-020 dated 1 April 2021 and 2021 023 dated 7 April 2021, provides for, among other things, certain special measures applicable in certain territories;

CONSIDERING that Order in Council 525-2021 dated 7 April 2021 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 expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT, for the purposes of this Order, "salaried person" means, except for salaried persons performing administrative service duties, every salaried person of a health and social services institution who in effect works in any of the following environments:

- (1) emergency units, except psychiatric emergency units;
- (2) intensive care units, except psychiatric intensive care units;
- (3) clinics specific to COVID-19, including screening, evaluation and vaccination clinics;
- (4) units identified by an institution as reserved for persons with a positive COVID-19 diagnosis;

(5) a residential and long-term care centres;

(6) other residential units;

(7) pneumology units;

THAT the national and local provisions of the collective agreements applicable in the health and social services network, and the employment conditions applicable to non-unionized salaried personnel be amended as follows:

(1) every salaried person must provide the employer with proof of having received a COVID-19 vaccine dose, if applicable;

(2) the following salaried persons must have no fewer than three COVID-19 screening tests per week and provide the test results to their employer:

(a) a salaried person who has received a COVID-19 vaccine dose less than 14 days previously;

(b) a salaried person who has not received a COVID-19 vaccine dose or who refuses to provide the employer with proof of such vaccination;

(3) any salaried person who refuses or neglects to have a mandatory screening test or to provide the results as required by subparagraph 2 must, when possible, be reassigned to duties within the person's job title in an environment different from any of those referred to in the first paragraph in which the person works;

(4) any salaried person who refuses reassignment pursuant to subparagraph 3 or for whom reassignment is not possible may not reintegrate the work environment and receives no remuneration;

(5) any salaried person removed from the work environment pursuant to subparagraph 3 or 4 may reintegrate the work environment if the person

(a) has had a COVID-19 screening test and provided the employer with a negative result; or

(b) has received a COVID-19 vaccine dose and has provided the employer with proof to that effect;

(6) despite the preceding subparagraphs, a salaried person who has contracted COVID-19 and who has not received a COVID-19 vaccine is not required to have a screening test in the 90 days following the date on which the first COVID-19-related symptom appeared or the date on which the positive COVID-19 screening test was administered, if the person was asymptomatic;

THAT the second paragraph also apply to the personnel of a public health and social services institution assigned to a residential and long-term care centre operated by a private health and social services institution not under agreement, a private seniors' residence or an intermediate or family-type resource;

THAT the second paragraph also apply, with the necessary modifications, to the following persons when they work, practise their profession or are assigned to an environment to which the first or third paragraph refers:

(1) management personnel of a health and social services institution having contact with the users in such an environment;

(2) personnel not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) working in public and private institutions under agreement;

(3) midwives covered by agreements entered into with the Regroupement Les sages-femmes du Québec;

(4) volunteer personnel having contact with the users in such an environment;

THAT subparagraphs 1, 2 and 6 of the second paragraph apply, with the necessary modifications, to the personnel of school boards, school service centres, colleges established under the General and Vocational Colleges Act (chapter C-29), the public service and government agencies 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) redeployed to an environment to which the first or third paragraph refers and having contact with the users in such an environment pursuant to Ministerial Orders 2020-008 dated 22 March 2020,

2020-019 dated 10 April 2020 and 2020-028 dated 25 April 2020, failing which the redeployment terminates;

THAT subparagraphs 1, 2 and 6 of the second paragraph apply, with the necessary modifications, to service providers within the meaning of Ministerial Order 2021-017 dated 26 March 2021 whose services are retained by a public health and social services institution for the purpose of providing services in an environment to which the first or third paragraph refers and having contact with the users in such an environment, failing which their services may not be provided to a health and social services institution;

THAT the operative part of Ministerial Order 2020-022 dated 15 April 2020, amended by Ministerial Orders 2020-034 dated 9 May 2020, 2020 039 dated 22 May 2020, 2021-010 dated 5 March 2021 and 2021-022 dated 7 April 2021, be further amended

(1) by inserting the following after the fourth paragraph:

"THAT, at the request of a director of youth protection, the president or, in the president's absence, the executive director or the secretary of the Ordre professionnel des criminologues du Québec, the Ordre des psychoéducateurs et psychoéducatrices du Québec or the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec may issue, without cost, to any person holding a diploma giving access to the permit of one of those orders, being employed by a health and social services institution and having worked under the authority of a director of youth protection in the last 5 years, a special public health emergency authorization enabling the person, under the supervision of a member of one of those orders, to evaluate a person in connection with a decision of the director of youth protection or the tribunal pursuant to the Youth Protection Act (chapter P-34.1);";

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

"THAT the president or, in the president's absence, the executive director or the secretary of the Ordre professionnel des criminologues du Québec, the Ordre des psychoéducateurs et psychoéducatrices du Québec or the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec may grant, without cost or requirement to complete an integration or training program, to a person less than 70 years of age who has not been a member of the order for

less than 5 years or is registered as a non-practising member or a member of a similar class, a special public health emergency authorization enabling the person to evaluate a person in connection with a decision of the director of youth protection or the tribunal pursuant to the Youth Protection Act. Section 35 of the Charter of the French language (chapter C-11) does not apply when such a special authorization is granted;"

THAT the operative part of Ministerial Order 2020-099 dated 3 December 2020, amended by Ministerial Orders 2021-005 dated 28 January 2021 and 2021-022 dated 7 April 2021, be further amended by inserting "at least" in subparagraph 26 of the second paragraph after "enrolled in".

THAT, in addition to the provisions of the sixth paragraph of Order in Council 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021 019 dated 28 March 2021, 2021-020 dated 1 April 2021 and 2021 023 dated 7 April 2021, and despite any provision to the contrary, the following measures apply to the territories of the Montréal Health Region and the Laval Health Region:

(1) the measures specific to the curfew set out in subparagraphs 4, 5 and 7 of that paragraph apply, but between 8:00 p.m. and 5:00 a.m.;

(2) the restaurants, retail sales businesses and premises in which cultural, sports, outdoor or recreational activities are permitted if the activities have not been suspended by an Order in Council or a Ministerial Order made under section 123 of the Public Health Act (chapter S-2.2) may not admit the public between 7:30 p.m. and 5:00 a.m., except in the case of a pharmacy or a service station;

THAT this Order take effect on 9 April 2021, except

(1) the measures provided for in the ninth paragraph that take effect on 11 April 2021 at 7:30 p.m.; and

(2) the measures provided for in the first, second, third, fourth, fifth and sixth paragraphs that take effect on 15 April 2021.

Québec, 9 April 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services