

**Ministerial Order 2021-017 of the Minister of Health and Social Services
dated 26 March 2021**

Public Health Act
(chapter S-2.2)

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

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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 and until 2 April 2021 by Order in Council 291-2021 dated 24 March 2021;

CONSIDERING that Ministerial Order 2020-038 dated 15 May 2020, amended by Ministerial Order 2020-104 dated 15 December 2021, provides for, among other things, certain measures to apply to certain service providers of a health and social services institution, an intermediate resource, a family-type resource or a private seniors' residence;

CONSIDERING that Order in Council 291-2021 dated 24 March 2021 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 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,

(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 service contract, including a contract for personnel leasing services, supplies a body in the health and social services sector with a service provider;

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 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) \$35.45, 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) \$22.85, 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 any contract stipulation providing for payment or other compensation, in whatever form, the value of which exceeds the hourly rate set in the preceding paragraph, be without effect;

THAT, despite the sixth 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 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 sixth paragraph, payment or other compensation, in whatever form, the value of which exceeds the hourly rate set in that paragraph;

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 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 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 fourteenth and fifteenth 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 Ministerial Orders 2020-038 dated 15 May 2020 and 2020-104 dated 15 December 2020 be revoked.

Québec, 26 March 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services