

**Ministerial Order 2021-071 of the Minister of Health and Social Services
dated 16 October 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1313-2021 dated 13 October 2021;

CONSIDERING that Ministerial Order 2020-035 dated 10 May 2020, amended by Ministerial Orders 2020-044 dated 12 June 2020, 2020-064 dated 17 September 2020, 2020-067 dated 19 September 2020, 2021-036 dated 15 May 2021 and 2021-055 dated 30 July 2021, provides for, among other things, amendments to the national and local provisions of the collective agreements applicable in the health and social services network as well as certain employment conditions applicable to non-unionized salaried personnel in the network;

CONSIDERING that Ministerial Order 2021-017 dated 26 March 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-036 dated 15 May 2021, 2021-039 dated 28 May 2021 and 2021-040 dated 5 June 2021, provides for, among other things, certain measures to apply to certain service providers of a health and social services institution, an intermediary resource, a family-type resource or a private seniors' residence, and to personnel placement agencies;

CONSIDERING that Order in Council 1313-2021 dated 13 October 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 it is advisable to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT, for the purposes of this Order,

(1) "institution" means a public institution or a 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);

(2) "salaried person" means 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" means 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 (chapter S-4.2, r. 5.1) in one of the following employment families:

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

(b) coordinator, nursing care;

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

(d) sector head, nursing care;

(e) managerial advisor, nursing care;

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

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 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 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 third and sixth paragraphs, a salaried person entitled to a statutory holiday or, if applicable, to convert a night bonus into paid leave, and who applied the benefit before 23 September 2021, 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 person referred to in the eighth or ninth 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, to be eligible to receive the lump sums provided for in the eighth, ninth and tenth paragraphs, a salaried person must have signed the undertaking on or before 15 December 2021 and be available for full-time work on that date;

THAT only the persons referred to in the ninth paragraph who converted the night bonus into paid leave before 23 September 2021 may continue that benefit;

THAT the lump sums referred to in the eighth, ninth and tenth paragraphs be paid in proportion to the number of hours actually worked, excluding overtime and converted night bonus hours, to which annual leave, floating holidays and statutory holidays are added;

THAT, despite the provisions of the eighth and ninth paragraphs, a retired person hired may, instead of undertaking to work full time for an institution, undertake to work at least 14 shifts over 28 days, in which case the lump sums in those paragraphs, as applicable, and in the tenth paragraph are paid in proportion to the number of hours actually worked, excluding overtime, during the year;

THAT a retired person who undertakes to work for an institution pursuant to the eighth, ninth or fourteenth paragraph may, at the end of the period specified in the undertaking, insofar as the undertaking has been complied with, be reimbursed 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 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 the lump sums referred to in the seventeenth and eighteenth paragraphs be paid in proportion to the number of hours actually worked, excluding overtime, to which annual leave, floating holidays and statutory holidays are added;

THAT the following terms and conditions apply with regard to the lump sums referred to in the eighth, ninth, tenth, seventeenth and eighteenth 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 who takes unpaid leave or who does not comply with the conditions of the undertaking entered into becomes ineligible for the lump sums and must reimburse any payment received, without any proportional calculation being applied;

THAT a salaried person referred to in the seventeenth paragraph may 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 national and local provisions of the collective agreements applicable in the health and social services network, and the employment conditions that apply to unionizable non-unionized employees and to non-unionizable employees in the health and social services network be amended so that

(1) a salaried person referred to in the seventeenth paragraph may be given a non-standard work schedule; and

(2) the employer may assign a salaried person who has made an undertaking pursuant to this Order 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 all the lump sums paid under this Order not be contributory amounts for the purposes of the retirement plan;

THAT a salaried person who would have been entitled to lump sums under the second, fourth, eighth or ninth paragraphs between 23 September 2021 and 16 October 2021 receive an equivalent lump sum;

THAT the lump sums provided for in the ninth and tenth paragraphs apply, with the necessary modifications, to a person working for a private institution not under agreement and performing duties equivalent to those of a salaried person, according to the terms set out in the eleventh, twelfth, thirteenth, twentieth, twenty-third and twenty-fourth paragraphs;

THAT every person who was working for a private seniors' residence on 23 September 2021, who is performing duties in the residence equivalent to those of a salaried person and who undertakes 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 the terms set out in the eleventh, twelfth, thirteenth, twentieth, twenty-third and twenty-fourth paragraphs apply to a person referred to in the preceding paragraph;

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

(1) be paid as a lump sum, in proportion to the time worked, including statutory holidays, floating holidays, annual leave and personal leave; and

(2) not be contributory amounts for the purposes of the retirement plan;

THAT officers whose positions have been abolished in the two years preceding the coming into force of this Order 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 may not be rehired to hold an officer's position;

THAT the second paragraph of Ministerial Order 2020-035 dated 10 May 2020, amended by Ministerial Orders 2020-044 dated 12 June 2020, 2020-064 dated 17 September 2020, 2020-067 dated 19 September 2020, 2021-036 dated 15 May 2021 and 2021-055 dated 30 July 2021, be further amended by inserting ", leave for pregnancy-related medical visits" in subparagraph a of subparagraph 1 after "floating holidays";

THAT Ministerial Order 2021-017 dated 26 March 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-036 dated 15 May 2021, 2021-039 dated 28 May 2021 and 2021-040 dated 5 June 2021, be further amended

(1) by adding the following at the end of the tenth paragraph:

"(4) meal expense, including tips, at a rate of \$10.40 per breakfast, \$14.30 per lunch and \$21.55 per supper;"

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

"THAT, despite the sixth paragraph, travel time by service providers whose place of work is situated in a region referred to in the seventh paragraph be considered to be regular working hours;"

(3) by inserting the following after the sixteenth paragraph:

"THAT subparagraphs 2 and 3 of the preceding paragraph not apply to service providers whose place of work is situated in a region referred to in the seventh paragraph;"

SCHEDULE I – Health regions involved

- 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 – Health regions involved

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

Québec, 16 October 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services