

**Ministerial Order 2021-072 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 2021-024 dated 9 April 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021 and 2021-046 dated 16 June 2021, and by Order in Council 1276-2021 dated 24 September 2021, provides for, among other things, the requirement for certain persons to provide their employer with proof of having received a COVID-19 vaccine dose or to have no fewer than three COVID-19 screening tests per week and provide the test results to their employer;

CONSIDERING that Order in Council 1276-2021 dated 24 September 2021 provides for, among other things, the requirement for certain health and social service providers to be adequately protected;

CONSIDERING that that Order in Council also empowers the Minister of Health and Social Services to order any modification or clarification of the measures provided for in the Order;

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 Ministerial Order 2021-024 dated 9 April 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021 and 2021-046 dated 16 June 2021, and by Order in Council 1276-2021 dated 24 September 2021, apply, with the necessary modifications, to a person who has received no COVID-19 vaccine dose, has not contracted COVID-19 in the last six months and is not considered to be a person adequately protected against COVID-19 within the meaning of the second paragraph of Order in Council 1276-2021 dated 24 September 2021 to the extent that the person is in direct contact

with persons to whom health and social services are provided and performs duties in

(1) a facility maintained by a health and social services institution;

(2) a family-type 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); or

(3) a private seniors' residence, except such a residence with nine or fewer units;

THAT the preceding paragraph not apply persons referred to in subparagraphs 1 to 4 of the first paragraph of the operative part of Ministerial Order 2021-070 dated 15 October 2021;

THAT a health and social service provider within the meaning of Order in Council 1276-2021 dated 24 September 2021 who has received no COVID-19 vaccine dose, has not contracted COVID-19 in the last six months and is not considered to be a person adequately protected against COVID-19 within the meaning of the second paragraph of that Order in Council not be entitled to the following bonuses or lump sums:

(1) those provided for in Ministerial Order 2020-015 dated 4 April 2020, amended by Ministerial Orders 2020-017 dated 8 April 2020, 2020-023 dated 17 April 2020, 2020-031 dated 3 May 2020, 2020-034 dated 9 May 2020, 2020-038 dated 15 May 2020 and 2020-061 dated 1 September 2020, except the 4% and 8% bonuses paid to a person holding the job title of beneficiary attendant;

(2) those provided for in Ministerial Order 2020-017 dated 8 April 2020;

(3) those provided for in Ministerial Order 2020-019 dated 10 April 2020;

(4) those provided for in Ministerial Order 2020-020 dated 10 April 2020, amended by Ministerial Order 2020-044 dated 12 June 2020;

(5) those provided for in Ministerial Order 2020-028 dated 25 April 2020;

(6) those provided for in 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, except the lump sum provided for in subparagraph 1 of the first paragraph paid to a person holding the job title of beneficiary attendant;

(7) those provided for in Ministerial Order 2020-044 dated 12 June 2020;

(8) those provided for in Ministerial Order 2020-049 dated 4 July 2020, amended by Ministerial Order 2021-054 dated 16 July 2021;

(9) those provided for in Ministerial Order 2020-107 dated 23 December 2020, amended by Orders in Council 2-2021 dated 8 January 2021 and 799-2021 dated 9 June 2021, and by Ministerial Orders 2021-001 dated 15 January 2021 and 2021-051 dated 6 July 2021;

(10) those provided for in Ministerial Order 2021-032 dated 30 April 2021, amended by Ministerial Order 2021-034 dated 8 May 2021;

(11) those provided for in Ministerial Order 2021-071 dated 16 October 2021;

THAT, as of 15 November 2021, the third paragraph apply to every health and social service provider who is not adequately protected or considered to be so protected;

THAT Order in Council 1276-2021 dated 24 September 2021 be amended

(1) by adding "or, in the case of a student or trainee, to his or her educational institution" at the end of the ninth paragraph;

(2) by inserting the following after the twenty-fourth paragraph:

"THAT, for a health and social service provider employed by a public health and social service institution or a private institution under agreement, an absence under the fifteenth paragraph be deemed to be an absence without authorization, without loss of seniority;"

THAT Ministerial Order 2021-024 dated 9 April 2021, as amended, be further amended

(1) in the second paragraph,

(a) by inserting the following after subparagraph 2.1:

"(2.2) the COVID-19 screening tests required by subparagraphs 2 and 2.1 must be taken outside working hours and the salaried person receives no remuneration or reimbursement of expenses in relation to such testing;"

(b) by replacing "must, when possible," in subparagraph 3 by "may";

(c) by replacing "and receives no remuneration" in subparagraph 4 by ", receives no remuneration and the absence is deemed to be an absence without authorization, without loss of seniority";

(2) by striking out subparagraphs 4 and 5 of the fifth paragraph;

THAT the measures set out in this Order take effect on 16 October 2017, except

(1) those set out in the third paragraph, which take effect on 17 October 2021;

(2) those set out in the first and second paragraphs, which take effect on 18 October 2021; and

(3) those set out in subparagraph 1 of the fifth paragraph, which take effect on 25 October 2021.

Québec, 16 October 2021

CHRISTIAN DUBÉ  
Minister of Health and Social Services