

**Ministerial Order 2022-003 of the Minister of Health and Social Services
dated 15 January 2022**

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 also 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 4-2022 dated 12 January 2022;

CONSIDERING that Ministerial Orders 2020-015 dated 4 April 2020, as 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 and 2020-038 dated 15 May 2020, and 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, 2021-055 dated 30 July 2021, 2021-071 dated 16 October 2021 and 2021-094 dated 30 December 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 to certain employment conditions applicable to non-unionized salaried personnel in the network;

CONSIDERING that Ministerial Order 2021-081 dated 14 November 2021, amended by Ministerial Order 2021-085 dated 13 December 2021, provides among other things for certain measures to apply to certain health and social service providers who are not adequately protected against COVID-19;

CONSIDERING that Order in Council 4-2022 dated 12 January 2022 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 one of the following classes, 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*;

(a) nursing and cardio-respiratory care personnel;

(b) paratechnical personnel and auxiliary services and trades personnel;

(c) office personnel and administrative technicians and professionals;

(d) health and social services technicians and professionals;

(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);

THAT a salaried person in an institution who works a full work shift in addition to all the hours scheduled in the regular work week, as provided for in the job title 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*, be remunerated at double time for the additional work shift;

THAT, for every full work shift worked in addition to all the hours scheduled in the regular work week, as provided for in the job title, a salaried person in an institution, other than a retired person or a temporary salaried person hired pursuant to Ministerial Order 2020-007 dated 21 March 2020, accumulate one half-day of vacation, representing 50% of a full work shift, that may be used as of 1 May 2022, without an expiry period;

THAT, for every full work shift worked in addition to all the hours scheduled in the regular work week, as provided for in the job title, a retired person or a temporary salaried person hired pursuant to Ministerial Order 2020-007 dated

21 March 2020 receive a lump sum equivalent to a one half-day of vacation, representing 50% of a full work shift;

THAT, for the purposes of the second, third and fourth paragraphs, regular work shifts, vacation days, statutory holidays, floating holidays, days of internal release for union activities, leaves for pregnancy-related medical visits, conversion of an evening or night bonus into paid leave and days on which the salaried person is absent owing to a request from the employer to self-isolate or because the person has received an isolation order from a public health authority, be considered for the purpose of calculating regular work week hours;

THAT a salaried person referred to in the third paragraph be able, as of 1 May 2022, to request that each half-day of vacation accumulated pursuant to that paragraph be paid, at straight time;

THAT a part-time salaried person in an institution receive a lump sum of \$100 per week if the person effectively works at least 30 hours without reaching the number of hours scheduled in the job title;

THAT, for the purposes of a person's eligibility for a lump sum provided for in the preceding paragraph, the hours effectively worked include regular hours, vacation days, statutory holidays, floating holidays, leaves for pregnancy-related medical visits, days of internal release for union activities and days on which the salaried person is absent owing to a request from the employer to self-isolate or because the person has received an isolation order from a public health authority;

THAT a part-time salaried person in an institution who works a second work shift immediately after the person's work shift be remunerated at double time for the additional work shift if, in the same week, the person has effectively worked, in an activity centre in which services are provided 24 hours per day and 7 days per week, another full evening, night or weekend work shift, at straight time, in addition to the hours normally scheduled for the person's position or temporary assignment, as applicable;

THAT, for the purposes of the preceding paragraph, regular hours, vacation days, statutory holidays, floating holidays, days of internal release for union activities, leaves for pregnancy-related medical visits and days on which the salaried person is absent owing to a request from the employer to self-isolate or

because the person has received an isolation order from a public health authority, be considered for the purpose of calculating the hours normally scheduled for the person's position or temporary assignment, as applicable;

THAT a salaried person in an institution not be eligible for the measure set out in the ninth paragraph more than once per week;

THAT a salaried person in an institution be able to receive, where the service exists, for each work shift worked overtime, payment or reimbursement of actual and reasonable taxi travel expense between the person's domicile and place of work, to go to or return from work, or both, according to the needs of the salaried person;

THAT a salaried person in an institution not be required to pay parking expense if the parking space is available and managed by the institution, for the period from 16 January 2022 to 10 April 2022;

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 to allow for implementation of the measures set out in this Order;

THAT the measures set out in the preceding second, third, fifth, sixth, seventh, eighth, ninth, tenth and eleventh paragraphs apply, with the necessary modifications, to a person working for a private institution not under agreement, 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), a private seniors' residence, an intermediate resource in the Support Program for the Autonomy of Seniors (SAPA) or a religious institution that maintains residential and long-term care facilities to receive its members or followers, and the person is performing duties equivalent to those of a salaried person;

THAT an officer who works 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 (chapter S-32.0001) and who agrees to replace an officer or a non-executive employee outside his or her usual work schedule be remunerated as per the usual salary rate and that that rate be increased by 150% for each hour worked over 40 hours per week;

THAT an officer in an institution who agrees to replace an officer or a non-executive employee outside his or her usual work schedule be remunerated as per the usual salary rate and that that rate be increased by 150% for each hour worked over 40 hours per week;

THAT the second paragraph of the operative part of 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 and 2020-038 dated 15 May 2020, be further amended

(1) by inserting "must self-isolate at the employer's request or because the person" in the second dash after "full-time salaried person who";

(2) by replacing the fifth dash by the following:

"- a salaried person who works a full work shift overtime is given during the work shift the option of a meal, when available, or financial compensation of \$15.00, other than a salaried person working from home and a salaried person who is eligible for a meal allowance during travel in accordance with the applicable provisions in collective agreements;"

THAT the operative part of Ministerial Order 2020-035, 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, 2021-055 dated 30 July 2021, 2021-071 dated 16 October 2021 and 2021-094 dated 30 December 2021, be further amended

(1) by replacing subparagraphs 3 and 3.1 of the first paragraph by the following:

"(3) in a hospital centre, a child and youth protection centre, a rehabilitation centre for young persons with adjustment problems and a local community service centre, for the facilities, activity centres and locations designated by the Minister of Health and Social Services, a salaried person receives a lump sum of \$100 per work week as well as the amounts provided for in subparagraph 2, on the same terms and conditions, if the person has one of the job titles listed in Schedule I to this Order or the person is assigned to

administrative support in a clinical sector and has one of the job titles listed in Schedule II;";

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

"THAT, despite the preceding paragraph, a salaried person eligible for the lump sums provided for in Ministerial Order 2021-032 dated 30 April 2021, amended by Ministerial Orders 2021-034 dated 8 May 2021, 2021-082 dated 17 November 2021 and 2021-093 dated 23 December 2021, not be eligible for those provided for in this Order;";

(3) by adding the following Schedules:

"Schedule I

Planning, programming and research officer

Human relations officer

Intervention officer

Intervention officer, team leader

Medico-legal intervention officer

Medico-legal intervention officer, team leader

Psychiatric intervention officer

Psychiatric intervention officer, team leader

Service aid

Social aid

Cook's helper

Pathology assistant

Rehabilitation assistant

Laboratory or radiology technical assistant

Health care technical assistant

Pharmacy technical assistant

Senior pharmacy technical assistant

Assistant head (laboratory)

Assistant head respiratory therapist

Assistant head physiotherapist

Assistant head dietetics technician

Assistant head medical electro-physiology technologist

Assistant head radiology technologist

Assistant head nurse or assistant to the immediate superior

Audiologist

Audiologist-speech therapist

Health and social services aide

Bacteriologist

Biochemist

Butcher

Stretcher bearer

Launderer

Cafeteria cashier

Candidate to the nursing profession

Candidate to the nursing assistant profession

Specialty nurse practitioner candidate

Transfusion safety clinical officer

Clinical teacher (inhalation therapy)

Clinical teacher (physiotherapy)

Transfusion safety technical officer

Unit supervising clerk (Institut Pinel)

Guidance counsellor

Care counsellor nurse

Technical coordinator (inhalation therapy)

Technical coordinator (laboratory)

Technical coordinator (radiology)

Medical electro-physiology technical coordinator

Criminologist

Cook

Cyto-technologist

Dietician – Nutritionist

Educator

Occupational therapist

Respiratory therapy extern

Nursing extern

Medical technology extern

Residence guard

Dental hygienist

Nursing assistant, team leader

Nursing assistant on refresher period

Nursing assistant

Nurse, team leader

Nurse clinician assistant head nurse or nurse clinician assistant
to the immediate superior

Nurse clinician

Nurse clinician (Institut Pinel)

Clinical nurse specialist

Outpost/northern clinic nurse

Nurse on refresher period

Nurse educator

Nurse

Nurse (Institut Pinel)

Specialty nurse practitioner

Nurse surgical first assistant

Biomedical engineer

Respiratory therapist

Clinical instructor (laboratory)

Clinical instructor (radiology)

Specialized peacekeeping and security facilitator (Institut Pinel)

Storekeeper

Cleaner

Baker/pastry cook

Clinical perfusionist

Physiotherapist

Laundry attendant

Reception attendant

Housekeeping attendant (light duty)

Housekeeping attendant (heavy duty)

Food service attendant

Transport attendant

Physically handicapped beneficiaries transport attendant

Beneficiary attendant

Beneficiary attendant, team leader

Storeroom attendant

Attendant in a northern institution

Physiotherapy and/or occupational therapy attendant

Reprocessing of medical devices attendant

Operating room attendant

Presser

Psycho-educator

Psychologist

Child nurse / baby nurse

Revisor

Medical secretary

Sociotherapist (Institut Pinel)

Clinical specialist in laboratory medicine

Clinical activities specialist

Biological and health physics science specialist

Institution guard

Graduate medical laboratory technician

Class "B" technician

Food technician

Clinical cytogenetics technician

Dietetics technician

Specialized education technician

Cardio-respiratory physiology technician

Social work technician

Medical technologist

Medical electro-physiology technologist

Medical imaging technologist (nuclear medicine)

Medical imaging technologist (radio-diagnostic field)

Physiotherapy technologist

Radiology technologist (Information and digital imaging system)

Radiotherapy technologist

Specialized ultrasound technologist – independent practice

Specialized medical imaging technologist

Specialized radiotherapy technologist

Community worker

Social worker.

Schedule II

Administrative officer, Class 1 - administrative sector

Administrative officer, Class 1 - clerical sector

Administrative officer, Class 2 - administrative sector

Administrative officer, Class 2 - clerical sector

Administrative officer, Class 3 - administrative sector

Administrative officer, Class 3 - clerical sector

Administrative officer, Class 4 - administrative sector

Administrative officer, Class 4 - clerical sector";

THAT the operative part of Ministerial Order 2021-081 dated 14 November 2021, amended by Ministerial Orders 2021-085 dated 13 December 2021 and 2021-088 dated 16 December 2021, be further amended by adding the following subparagraph at the end of the fifteenth paragraph:

"(12) those provided for in Ministerial Order 2022-003 dated 15 January 2022;";

THAT the measures set out in this Order take effect on 16 January 2022.

Québec, 15 January 2022

CHRISTIAN DUBÉ
Minister of Health and Social Services