

**Ministerial Order 2020-028 of the Minister of Health and Social Services
dated 25 April 2020**

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 and until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020;

CONSIDERING that the latter Order in Council provides that the measures provided for in Orders in Council 177-2020 dated 13 March 2020,

222-2020 dated 20 March 2020, 223-2020 dated 24 March 2020 and 460-2020 dated 15 April 2020 and in Ministerial Orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-006 dated 19 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020-009 dated 23 March 2020, 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-012 dated 30 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April 2020, 2020-019 and 2020-020 dated 10 April 2020, 2020-021 dated 14 April 2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 April 2020 and 2020-026 dated 20 April 2020, except to the extent that they were amended by those Orders in Council or Orders, continue to apply until 29 April 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

CONSIDERING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT, despite any provision of the collective agreements applicable to the personnel of the public service and the personnel of the 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), any person may be redeployed to perform other duties or functions within the health and social services network, even if the person's level of employment is not respected for the duties to be assigned to the person;

THAT the employment conditions of redeployed personnel regarding duties and functions, assignment, work schedule, regular work day, regular workweek and leave with or without pay, be those in force in the health and social services network according to the employment position held within the network, including the amendments under Ministerial Order 2020-007 dated 21 March 2020, with the necessary modifications;

THAT redeployed personnel benefit from, if applicable and with the necessary modifications, the applicable bonuses and supplements available to salaried personnel in the health and social services network and from the measures set out in Ministerial Orders 2020-015 dated 4 April 2020 and 2020-023 dated 17 April 2020, including temporary bonuses provided for in those Orders, unless a comparable bonus is available in the public service or a government agency or a temporary bonus under Ministerial Order 2020-017 dated 8 April 2020;

THAT all the other employment conditions of redeployed personnel, including wage rate or salary rate and regular workweek used to calculate remuneration and overtime, be those provided for in the collective agreements applicable to the personnel of the public service or the personnel of government agencies;

THAT a redeployed personnel member be deemed, throughout the redeployment, to hold his or her position within the public service or government agency on the same conditions as if the member had performed the duties for the purpose, in particular, of accumulating vacation time, paid holidays, sick leave days, seniority, experience and continuous service with a view to obtaining permanent tenure, where applicable;

THAT redeployed personnel retain, throughout the redeployment, the right to apply for and obtain a position in accordance with the employment conditions applicable to the personnel of the public service or a government agency;

THAT all the personnel may be redeployed, except the personnel whose work duties are held to be essential to maintain services considering the evolution of the public health emergency by the secretary of the Conseil du trésor, in the case of the personnel of the public service, or by the chief executive officer, in the case of the personnel of a government agency;

THAT the management personnel and non-unionized personnel of the public service and a government agency may be redeployed in accordance with the conditions set out in this Order, with the necessary modifications;

THAT the unions or associations concerned be consulted before a redeployment of personnel pursuant to this Order, unless the urgency of the situation does not permit doing so, in which case the unions or associations must be informed as soon as feasible;

THAT any person redeployed within the health and social services network retain the employment relationship with the person's original employer throughout the redeployment;

That the provisions of Ministerial Order 2020-008 dated 22 March 2020 concerning the personnel of the public service not apply to personnel redeployed pursuant to this Order.

Québec, 25 2020

DANIELLE McCANN
Minister of Health and Social Services