

**Ministerial Order 2020-107 of the Minister of Health and Social Services
dated 23 December 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 take 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 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 and until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020;

CONSIDERING that Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020, 2020-105 dated 17 December 2020 and 2020-106 dated 20 December 2020, and by Order in Council 1039-2020 dated 7 October 2020, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

CONSIDERING that Ministerial Order 2020-105 dated 17 December 2020 provides, among other things, certain modifications to restrictions on gatherings in a private residence or its equivalent, including the grounds of the residence, for persons residing alone or only with their minor dependent children and for persons and their minor dependent children, if any, when forming a couple with another person not sharing the residence;

CONSIDERING that Order in Council 1418-2020 dated 23 December 2020 also 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 expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT the provisions of the collective agreements applicable to the unionized salaried personnel of Héma-Québec and the Institut national de santé publique du Québec, and the employment conditions that apply to the non-unionized salaried personnel of those bodies be amended so that a salaried person or a middle management officer whose employment has been identified by the employer and the Minister of Health and Social Services as having duties

directly related to the public health emergency receive a temporary bonus, non-contributory for the purposes of the pension plan, established as follows:

(1) the salaried person receives a 4% bonus applicable on the salary provided for in the salary scale for the person's job title for the hours worked;

(2) the middle management officer receives a 4% salary bonus for the hours worked;

(3) the salaried person and the middle management officer to whom the 4% bonus applies are granted a lump-sum amount equivalent to the bonus the person would have received between 13 March 2020 and 23 December 2020; and

(4) for the purposes of the salaried person's and middle management officer's remuneration, the temporary bonus is considered to be an inconvenience bonus;

THAT a salaried person or middle management officer referred to in the first paragraph of the operative part of this Order who must be re-assigned to ensure continuation of care and services in the context of the COVID-19 pandemic,

(1) continue to receive the bonuses and supplements associated with the person's position before the re-assignment, except inconvenience bonuses in a case where the re-assignment takes place in an environment where no bonus is so associated;

(2) if the person usually converts a night bonus into idle time, not receive remuneration in connection with the amount of the bonus so converted; and

(3) continue to accumulate floating holidays, if the salaried person is entitled to them;

THAT the measures set out in subparagraphs 3 and 4 of the third paragraph of the operative part of Ministerial Order 2020-105 dated 17 December 2020 and in subparagraphs 1 to 3 of the tenth paragraph of the operative part of Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-

079 dated 15 October 2020, 2020- 080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020 and 2020-106 dated 20 December 2020, and by Order in Council 1039-2020 dated 7 October 2020 not operate to prevent one or more students residing outside the family residence as they pursue their studies from returning to the family residence;

THAT for the purposes of this Order, "contract for psychotherapy or for mental disorder assessment services" be taken to mean a contract for the provision, for an integrated health and social services centre, of professional psychotherapy or mental disorder assessment services required by a user of the centre and provided by one of the following professionals:

(1) a psychologist;

(2) a guidance counsellor;

(3) a nurse; or

(4) another professional holding a psychotherapist's permit issued by the Ordre des psychologues du Québec;

THAT a contract for psychotherapy or for mental disorder assessment services may be entered into by an integrated health and social services centre if it satisfies the following conditions:

(1) the contract cannot involve an expense greater than the equivalent of \$100 per hour worked;

(2) the contract must provide that the contractual partner must furnish the contracted centre with a list of the names, permit or certificate number, as applicable, and professional contract information of every professional who will be providing services pursuant to the contract; and

(3) under the contract, the following persons only may provide services:

(a) professionals referred to in the fourth paragraph of the operative part of this Order who work solely in the private sector as at 2 November 2020 and do not receive a subsidy from a health and social services institution or the Minister of Health and Social Services or a body under the authority of the Minister, or who do not hold employment or practise within a body or for a person receiving such a subsidy; and

(b) persons who have been issued a special public health emergency authorization allowing them to practise as professionals referred to in the fourth paragraph of the operative part of this Order under Ministerial Order 2020-022 dated 15 April 2020, amended by Ministerial Orders 2020-034 dated 9 May 2020 and 2020-039 dated 22 May 2020;

THAT the national and local provisions of the collective agreements applicable in the health and social services network be amended so that a psychologist and another professional holding a psychotherapist's permit, a guidance counsellor and a nurse authorized to assess mental disorders may immediately increase availability to provide more psychotherapy or mental disorder assessment services within the health and social services institution in which they are employed;

THAT all residents in a private seniors' residence who visit another private residence or its equivalent, as permitted under subparagraph 3 of the third paragraph of Ministerial Order 2020-105 date 17 December 2020, must self-isolate in their living unit for 7 days following the return to their residence;

THAT any persons who have travelled outside Canada may not work or practise their profession in any of the following places for 14 days following their return:

(1) a facility maintained by an institution to which 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) applies;

(2) a private seniors' residence;

(3) an intermediate resource or a family-type resource;

(4) a private health facility within the meaning of the Act respecting health services and social services;

(5) a specialized medical centre;

(6) a palliative care hospice; and

(7) a community or private resource offering addiction lodging;

THAT, for 14 days following their return to Canada, the persons referred to in the preceding paragraph may not provide in-home services or services in any other living environment in which there are users of the health and social services network;

THAT, if the place referred to in the eighth paragraph of the operative part of this Order is the place of residence of a person to whom that paragraph applies, that person must take all means to avoid contact with the persons using the place and assume the costs associated with being replaced;

THAT a salaried person referred to in the eighth or ninth paragraph of the operative part of this Order not be remunerated during the fourteen days following the return to Canada, unless the person avails himself or herself of days off or time banked, as previously authorized by the employer;

THAT special constables appointed under section 107 of the Police Act (chapter P-13.1) assigned to the Direction de la sécurité in the courthouses of the Ministère de la Sécurité publique have jurisdiction, as peace officers under the authority of the person specified in their deed of appointment, to provide any assistance that may be requested for the purpose of administering or enforcing the Quarantine Act (S.C. 2005, chapter 20), in accordance with section 52 of that Act, within the boundaries of the Province of Québec;

THAT for the purposes of the preceding paragraph,

(1) the oaths taken by special constables pursuant to the second paragraph of section 107 of the Police Act be deemed to have been taken for the purposes of this Order; and

(2) the deed of appointment of special constables be deemed to include the jurisdiction assigned to them by this Order.

Québec, 23 December 2020

CHRISTIAN DUBÉ
Minister of Health and Social Services