

**Ministerial Order 2021-081 of the Minister of Health and Social Services
dated 14 November 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 the public health emergency has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021 and by Ministerial Orders 2021-067 dated 8 October 2021 and 2021-079 dated 14 October 2021, provides that a person must be adequately protected to enter certain places or participate in certain activities;

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 it is advisable to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT, for the purposes of this Order, "health and social service provider" be taken to mean a person working or practising for

(1) a health and social services institution;

(2) an intermediate 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);

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

(4) 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);

(5) a religious institution which maintains residential and long-term care facilities to receive its members or followers;

(6) a specialized medical centre within the meaning of section 333.1 of the Act respecting health services and social services (chapter S-4.2);

(7) a medical imaging laboratory within the meaning of section 30.1 of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2);

(8) Corporation d'Urgences-santé;

(9) holders of ambulance service permits;

(10) Héma-Québec;

(11) Institut national de santé publique du Québec;

(12) the Ministère des Transports, but only for the Service aérien gouvernemental;

THAT a subcontractor providing care to users or residents of the environments to which this Order applies be held to be a health and social service provider;

THAT for subparagraphs 8 to 12 of the first paragraph, this Order apply only to providers having direct physical contact with the persons to whom health and social services are provided;

THAT this Order not apply to teachers working in a rehabilitation centre for young persons with adjustment problems operated by a health and social services institution;

THAT a health and social service provider be required to undergo COVID-19 screening, in accordance with the terms and conditions in this Order, except if the provider

(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVISHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

(2) contracted COVID-19 and has received, at least seven days earlier, a dose of either vaccine described in subparagraph 1 after an interval of at least 21 days following the illness;

(3) has received the single-dose Janssen vaccine at least 14 days earlier;

(4) has received a dose of a vaccine referred to in subparagraph 1 no fewer than seven days earlier and fewer than 60 days earlier;

(5) has a contraindication to vaccination against the illness certified by a health professional qualified to make such a diagnosis and entered in the vaccination registry maintained by the Minister of Health and Social Services;

(6) has taken part in the Medicigo inc. clinical trial seeking to validate the safety or efficacy of a COVID-19 vaccine candidate;

(7) contracted COVID-19 fewer than 60 days earlier;

(8) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

THAT a health and social service provider be required to provide the operator of the environment or the person responsible for its organization with proof, as applicable, that the vaccine or vaccines referred to in the preceding paragraph have been received or that the provider satisfies the conditions described in subparagraph 5, 6 or 7 of that paragraph;

THAT a health and social services institution may send the Minister a list of health and social service providers working or practising in the facilities it maintains for the purpose of ensuring that they are adequately protected;

THAT a health and social service provider required to undergo COVID-19 screening pursuant to the fifth paragraph be required to undergo a minimum of three screening tests per week, administered by an authorized professional, and to provide the results to the operator of the environment or to the person responsible for its organization;

THAT, despite the preceding paragraph, a health and social service provider working fewer than three consecutive days per week be required

to undergo a minimum number of COVID-19 screening tests equal to the number of days on which he or she is present in the environment or works for its organization;

THAT a health and social service provider referred to in the eighth or ninth paragraph be required to undergo the screening tests outside working hours, and receive no remuneration or reimbursement for costs related to the screening tests;

THAT a health and social service provider who refuses or neglects to provide the proof required by the sixth paragraph, to undergo COVID-19 screening required pursuant to this Order or to provide the test results in accordance with the eighth paragraph not be able to be reassigned or telework, and the provider's absence be an absence without authorization, without loss of seniority;

THAT the privileges of a physician, a pharmacist or a dentist who refuses or neglects to undergo COVID-19 screening required pursuant to this Order be suspended;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise be required to provide, at the request of the person to whom the services are provided, proof that the vaccine or vaccines referred to in the fifth paragraph have been received or that the conditions described in subparagraph 5, 6 or 7 of that paragraph are satisfied, or provide the results of a COVID-19 screening test undergone fewer than 72 hours earlier;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise who does not provide the proof requested pursuant to the preceding paragraph not be able to provide services to the person who made the request;

THAT a health and social service provider required to undergo COVID-19 screening under the fifth paragraph not be able to receive 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;

(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;

(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 a health and social service provider not be eligible for the lump sums provided for in Ministerial Order 2021-071 dated 16 October 2021 in the following cases:

(1) the provider on 15 December 2021 has not received the first dose of a COVID-19 vaccine, unless the provider is covered by subparagraphs 5 to 7 of the fifth paragraph;

(2) the provider does not receive the second dose of a vaccine within the 60-day period after the first dose and is not covered by any of subparagraphs 2, 3, 5 to 7 of the fifth paragraph, in which case he or she is required to reimburse any lump sums received under that Order;

(3) the provider, on 15 December 2021, was covered by subparagraph 7 of the fifth paragraph and does not receive the first dose of a vaccine referred to in subparagraph 1 of that paragraph within 60 days after receiving a positive COVID-19 screening test result, in which case he or she is required to reimburse any lump sums received under that Order;

THAT Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021, and by Ministerial Orders 2021-067 dated 8 October 2021 and 2021-079 dated 14 November 2021, be further amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following:

"(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVISHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;"

(b) by adding the following subparagraph:

"(4) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA

vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;";

(2) in the sixth paragraph,

(a) by replacing "member of the public" in the portion before subparagraph 1 by "person";

(b) by adding the following subparagraph:

"(5) a religious institution which maintains residential and long-term care facilities to receive its members or followers;";

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

"THAT, where, pursuant to a service contract entered into with a person who is lodged or is a resident in an environment referred to in the fifth paragraph of this Order in Council, a person providing health and social services to that person be required, in order to access the environment, to be adequately protected against COVID-19;";

(4) in the seventh paragraph,

(a) by replacing "14 years of age" in subparagraph a of subparagraph 2 by "18 years of age";

(b) by adding the following subparagraph:

"(5) a person who, in performing duties, must enter an environment referred to in the fifth paragraph;";

(5) by inserting the following after the seventh paragraph:

"THAT, despite the sixth paragraph, a family caregiver who is unable to prove being adequately protected against COVID-19 may enter environments referred to if the person produces proof of a negative COVID-19 screening test undergone fewer than 72 hours earlier;";

THAT the following be revoked:

(1) the first, second, third, fourth, fifth, sixth and seventh paragraphs of Ministerial Order 2021-024 dated 9 April 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021, 2021-046 dated 16 June 2021 and 2021-072 dated 16 October 2021, and by Order in Council 1276-2021 dated 24 September 2021;

(2) the first, second, third, fourth and sixth paragraphs of Ministerial Order 2021-072 dated 16 October 2021.

Québec, 14 November 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services