

**Ministerial Order 2021-085 of the Minister of Health and Social Services
dated 13 December 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 1510-2021 dated 8 December 2021;

CONSIDERING that Order in Council 2021-071 dated 16 October 2021 provides among other things for the granting of lump sums for certain salaried persons whose job title forms part of the class of nursing and cardio-respiratory care personnel, 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*, and for certain officers;

CONSIDERING that Order in Council 1510-2021 dated 8 December 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, for the purposes of this Order,

(1) "institution" mean 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" mean a salaried person in an institution whose job title forms part of the class of nursing and cardio-respiratory care personnel, 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*, other than nursing externs and respiratory therapy externs;

(3) "officer" mean 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), having

line, staff or advisory responsibilities in connection with salaried persons and who is in one of the following employment families:

(a) unit head, family medicine group or university family medicine group;

(b) coordinator or head of activities, professional services (bed management, continuum of care, stay management);

(c) coordinator, nursing care;

(d) service, program and unit head and head of activities, nursing care;

(e) sector head, nursing care;

(f) managerial advisor, nursing care;

(g) coordinator or head of activities, nursing care (evenings, nights, weekends and holidays/housing);

(h) ranking assistant, nursing care;

(i) coordinator, respiratory therapy services;

(j) head, respiratory therapy services;

(k) manager, residential and long-term care facility;

(l) unit head, lodging in a residential and long-term care facility;

(m) head, perinatal, neonatal or pediatric unit in a general and specialized hospital centre;

(n) Info-Santé program head;

(o) head, psychiatric hospital unit;

(p) coordinator, institutional activities;

THAT a salaried person receive, for each work shift effectively worked during a weekend in addition to the person's scheduled work shifts, an amount of

(1) \$200 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$400 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT, to receive the lump sum provided for in the preceding paragraph, a salaried person be required to be present at work, in keeping with the person's work schedule, during the seven days preceding and following the work shift effectively worked during the weekend;

THAT, for the purposes of eligibility for the lump sums provided for in the second paragraph, a salaried person entitled to a statutory holiday or union leave or, if applicable, to convert an evening or night bonus into paid leave be deemed to be present at work;

THAT every salaried person on a day schedule who undertakes to work full time evenings or nights for a period of four consecutive weeks receive a lump sum of \$2,000 at the end of the period;

THAT the preceding paragraph also apply to every salaried person who has a position or assignment with rotating shifts and who agrees to work only evenings or nights;

THAT, to receive the lump sum provided for in the fifth paragraph, a salaried person be required to be present at work, in keeping with the person's work schedule, for the entire period concerned;

THAT, for the purposes of the preceding paragraph, a salaried person entitled to a statutory holiday be deemed to be present at work;

THAT every person who was not working for an institution on 23 September 2021 and who undertakes to work full time for an institution as a salaried person for a minimum period of one year receive, on assuming duties, a lump sum of

(1) \$2,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$5,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT every salaried person who was working for an institution on 23 September 2021 and who undertakes to work full time for the institution for a minimum period of one year receive, on signing the undertaking, a lump sum of

(1) \$5,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule I;

(2) \$8,000 if the person works in a facility maintained by an institution situated in a health region listed in Schedule II;

THAT a salaried person who was working for an institution on 23 September 2021 and moved before 14 January 2022 be able to be hired and work full time in another institution for a minimum period of one year and receive the lump sum provided for in the preceding paragraph;

THAT a person referred to in the ninth, tenth or eleventh paragraph receive a lump sum of \$10,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every salaried person with status as a full-time salaried person without working the number of hours 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* because the person has a flexible work schedule with reduced working time, and who undertakes with an institution to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in the tenth, eleventh or twelfth paragraphs;

THAT every salaried person who undertakes with a institution to perform part-time work in the institution for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in the ninth, tenth, eleventh or twelfth paragraphs;

THAT every salaried person remain eligible for the lump sums provided for in the ninth, tenth, eleventh and twelfth paragraphs if the person is on leave without pay to teach, provided that the person work for the institution for a minimum of 7 days per 14-day period, and in which case the person receive the maximum of the following percentages of lump sums:

- (1) 70% if the person works 7 days per 14-day period;
- (2) 80% if the person works 8 days per 14-day period;
- (3) 90% if the person works 9 days per 14-day period;

THAT the preceding paragraph apply only to a salaried person who complies with the following conditions:

(1) the teaching is directly related to the fields of practice of salaried persons in the class of nursing and cardio-respiratory care personnel, 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*;

(2) the person works a full-time equivalent if the person's work in the institution is in addition to the person's teaching load;

THAT, to be eligible to receive the lump sums provided for in the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs, a salaried person must have signed the undertaking on or before 14 January 2022 and be available for work on that date according to the number of days per week set in the person's undertaking;

THAT a salaried person on maternity, paternity, adoption or parental leave be able to sign an undertaking after 14 January 2022 for a duration not to exceed 14 January 2023, provided the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time salaried person, on the date the person returns to work, and receive, as applicable, the lump sums provided for in the ninth, tenth or twelfth, thirteenth and fourteenth paragraphs in one payment, at the end of the undertaking, insofar as undertaking has been complied with;

THAT the salaried persons referred to in the ninth, tenth or eleventh paragraphs be able to convert the evening or night bonus into paid leave;

THAT the lump sums referred to in the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs be paid in proportion to the number of regular working hours actually worked;

THAT, despite the provisions of the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs, a retired person hired be eligible for the lump sums provided for in those paragraphs and that the sums be paid in proportion to the number of regular working hours actually worked in the year, if the person works part time or the employment relationship is severed before the end of the undertaking;

THAT, for the purposes of the twentieth and twenty-first paragraphs, annual leave, floating holidays and statutory holidays and, except for retired persons hired, a maximum of 10 days of any other authorized absence be considered to be regular working hours actually worked;

THAT a retired person who undertakes to work for an institution pursuant to the ninth, tenth, eleventh or twelfth paragraphs be able to be reimbursed, at the end of the period specified in the undertaking, insofar as the undertaking has been complied with, up to the amount usually required for a one-year practise, for expenses incurred to obtain the right to perform the necessary professional activities according to the requirements of 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*;

THAT every person working for an institution, other than a physician, who refers a salaried person not employed by an institution so that he or she may be hired by the institution as a salaried person receive a referral bonus of \$500 if the referred person passes the probation period and completes at least six months of service with the institution;

THAT for the purposes of the preceding paragraph, a trainee be deemed to be employed by an institution;

THAT every salaried person working in a facility maintained by an institution situated in a health region listed in Schedule I who undertakes to work full time for a facility maintained by an institution situated in a health region listed in Schedule II for a period of at least four consecutive months receive, on signing the undertaking, a lump sum of \$1,000;

THAT a salaried person referred to in the preceding paragraph receive a lump sum of \$3,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every salaried person with full-time status without working the number of hours 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 because the person has a flexible work schedule with reduced working time, who works in a facility maintained by an institution situated in a health region listed in Schedule I and who undertakes, for a period of at least four consecutive months, to work according to the agreed work schedule in a facility maintained by an institution situated in a health region listed in Schedule II, receive a maximum of 60% of the lump sums provided for in the twenty-sixth and twenty-seventh paragraphs;

THAT every salaried person working in a facility maintained by an institution situated in a health region listed in Schedule I who undertakes, for a period of at least four consecutive months, to work part time for at least 9 days per 14-day period for a facility maintained by an institution situated in a health region listed in Schedule II, receive a maximum of 50% of the lump sums provided for in the twenty-sixth and twenty-seventh paragraphs;

THAT the lump sums referred to in the twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth paragraphs be paid in proportion to the number of regular working hours actually worked;

THAT, for the purposes of the preceding paragraph, annual leave, floating holidays and statutory holidays and, except for retired persons hired, a maximum of 4 days of any other authorized absence be considered to be regular working hours actually worked;

THAT the following terms and conditions apply with regard to the lump sums referred to in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth paragraphs:

(1) any overpayment received by the salaried person must be reimbursed to the institution or may be compensated by the institution;

(2) a salaried person becomes ineligible for the lump sums and must reimburse any payment received, without any proportional calculation being applied, if the person

(a) was absent without the absence being authorized;

(b) takes more than 10 days of authorized leave without pay or, for the lump sums provided for in the twenty-sixth, twenty-seventh, twenty-eight and twenty-ninth paragraphs, more than 4 days of authorized leave without pay; or

(c) does not comply with the agreed undertaking;

THAT, for the purpose of calculating the number of days referred to in subparagraph *b* of subparagraph 2 of the preceding paragraph, authorized absences in the case of an outing provided for in the collective agreement of a salaried person working in a facility maintained by an institution situated in a sector listed in Schedule III not be taken into consideration;

THAT the undertaking of a salaried person who has signed an undertaking to work full time for a minimum period of one year in a facility maintained by an institution situated in a health region listed in Schedule I and who voluntarily ceases to work for the institution to be able to work in a facility maintained by an institution situated in a health region listed in Schedule II be deemed to have undertaken with that latter institution, and the person receive the lump sums that apply to each of the regions in proportion to the time worked in each of them;

THAT a person who is not domiciled in a region listed in Schedule II, who settles in that region to work as a salaried person in a facility of an institution situated in the region, and who undertakes to work full time in the facility for a minimum period of two years receive a lump sum of \$24,000, paid as follows:

(1) \$12,000 on the person's entry into service;

(2) \$12,000 one year after the person's entry into service;

THAT the person referred to in the preceding paragraph be required to reimburse any amount received if the person does not comply with the undertaking;

THAT every salaried person with status as a full-time salaried person without working the number of hours 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* because the person has a flexible work schedule with reduced working time, and who undertakes with an institution to work according to the agreed work schedule for a minimum period of two years receive 60% of the lump sums provided for in the thirty-fifth paragraph;

THAT every salaried person who undertakes with an institution to work part time in the institution for at least 9 days per 14-day period for a minimum period of two years receive 50% of the lump sums provided for in the thirty-fifth paragraph;

THAT a salaried person referred to in the twenty-sixth paragraph be reimbursed, for each return trip between the person's residence and place of work, for the following expenses:

(1) expenses for travel by automobile, at a maximum rate of \$0.48 per kilometre travelled between the residence and place of work;

(2) actual expense for travel by a means of transportation other than an automobile;

(3) lodging expense incurred;

(4) travel time;

(5) meal expense, including tips, at a rate of \$10.40 per breakfast, \$14.30 per lunch and \$21.55 per supper;

THAT the amounts set out in subparagraph 5 of the preceding paragraph be increased

(1) by 30% if the meals are provided in a commercial establishment in a municipality situated between the 49th and 50th parallels, other than the municipality of Baie-Comeau and municipalities on the Gaspé Peninsula;

(2) by 50% if the means are provided in a commercial establishment in a municipality situated north of the 50th parallel, other than the municipalities of Port-Cartier and Sept-Îles;

THAT, owing to exceptional circumstances, meal expense exceeding the maximum amounts set in the preceding paragraphs may be reimbursed by the head of the public body or the person designated by the head if the explanations found to be valid so warrant;

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 so that

(1) a salaried person referred to in the twenty-sixth paragraph may be given a non-standard work schedule; and

(2) the employer may assign a salaried person who has made an undertaking pursuant to this Order to an activity centre or service where the person will be able to fulfill the undertaking, as long as the person meets the normal requirements of the duties;

THAT all the lump sums paid under this Order not be contributory amounts for the purposes of the retirement plan;

THAT a salaried person who would have been entitled to lump sums under the second, fifth, ninth, tenth, eleventh or twelfth paragraphs between 23 September 2021 and 13 December 2021 receive an equivalent lump sum;

THAT the lump sums provided for in the ninth, tenth and twelfth paragraphs apply, with the necessary modifications, to a person working 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 performing duties equivalent to those of a salaried person;

THAT every person performing duties equivalent to those of a salaried person, with full-time status, who has a flexible work schedule with reduced working time and undertakes with an institution or a palliative care hospice referred to in the preceding paragraph to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in the tenth or twelfth paragraphs;

THAT every person performing duties equivalent to those of a salaried person and who undertakes with an institution or a palliative care hospice referred to in the forty-fifth paragraph to work part time for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in the ninth, tenth or twelfth paragraphs;

THAT a person performing duties equivalent to those of a salaried person for an institution or a palliative care hospice referred to in the forty-fifth paragraph and who is on maternity, paternity, adoption of parental leave be able to sign an undertaking after 14 January 2022 for a duration not to exceed 14 January 2023, insofar as the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time person, on the date the person returns to work and receive, as applicable, the lump sums provided for in the ninth, tenth or twelfth, paragraphs in one payment, at the end of the undertaking, insofar as the undertaking has been complied with;

THAT the terms set out in the seventeenth, nineteenth, twentieth, twenty-first, twenty-second, thirty-second, forty-third and forty-fourth paragraphs apply to a person referred to in the forty-fifth, forty-sixth, forty-seventh or forty-eighth paragraphs;

THAT every person working for a private seniors' residence or a religious institution that maintains residential and long-term care facilities to receive its members or followers, who is performing duties in the residence equivalent to those of a salaried person and who undertakes with the residence

to work full time as such for the residence for a minimum period of one year receive a lump sum of

(1) \$2,500 on signing the undertaking;

(2) \$5,000 at the end of the period specified in the undertaking, insofar as the undertaking has been complied with;

THAT every person performing duties equivalent to those of a salaried person, with full-time status, who has a flexible work schedule with reduced working time and undertakes with a private seniors' residence or a religious institution referred to in the preceding paragraph to work according to the agreed work schedule for a minimum period of one year receive a maximum of 60% of the lump sums provided for in that paragraph;

THAT every person performing duties equivalent to those of a salaried person and who undertakes with a private seniors' residence or a religious institution referred to in the fiftieth paragraph to work part time for at least 9 days per 14-day period for a minimum period of one year receive a maximum of 50% of the lump sums provided for in that paragraph;

THAT a person performing duties equivalent to those of a salaried person for a private seniors' residence or a religious institution referred to in the fiftieth paragraph and who is on maternity, paternity, adoption or parental leave be able to sign an undertaking after 14 January 2022 for a period not to exceed 14 January 2023, provided the person is available for full-time work or to work for 9 days per 14-day period, in the case of a part-time person, on the date the person returns to work and receive, as applicable, the lump sums provided for in the fiftieth paragraph in one payment, at the end of the undertaking, insofar as the undertaking has been complied with;

THAT the terms set out in the seventeenth, nineteenth, twentieth, twenty-first, twenty-second, thirty-second, forty-third and forty-fourth paragraphs apply to a person referred to in the fiftieth, fifty-first, fifty-second or fifty-third paragraphs;

THAT an officer be entitled to a temporary 14% allowance to apply to the officer's salary 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;

THAT the allowance referred to in the preceding paragraph

(1) be paid as a lump sum, in proportion to the time worked, including statutory holidays, floating holidays, annual leave and personal leave; and

(2) not be contributory amounts for the purposes of the retirement plan;

THAT an officer not be eligible for the temporary allowance if the officer

(1) has taken more than 10 days of leave without pay, excluding absences arising from the application of a progressive retirement agreement or leave for activities in the North; or

(2) has been absent without the absence being authorized;

THAT officers whose positions have been abolished in the two years preceding the coming into force of this Order and who have received an end-of-employment indemnity pursuant to sections 119 and 122 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions not be able to be rehired to hold an officer's position;

THAT an officer who would have been entitled to the allowance referred to in the fifth-fifth paragraph between 16 October 2021 and 13 December 2021 receive an equivalent allowance;

THAT the fifth-fifth, fifty-sixth, fifty-seventh, fifty-eighth and fifty-ninth paragraphs apply to officers working for a palliative care hospice apply, with the necessary modifications;

THAT Ministerial Order 2021-081 dated 14 November 2021 be amended by replacing subparagraph 11 of the fifteenth paragraph by the following:

"(11) those provided for in Ministerial Order 2021-085 dated 13 December 2021;"

THAT the first thirty paragraphs and the Schedules to Ministerial Order 2021-071 dated 16 October 2021 be revoked;

SCHEDULE I – Health regions involved

- Bas-Saint-Laurent Health Region;
- Saguenay—Lac-Saint-Jean Health Region;
- Capitale-Nationale Health Region;
- Mauricie et Centre-du-Québec Health Region;
- Estrie Health Region;
- Montréal Health Region;
- Chaudière-Appalaches Health Region;
- Laval Health Region;
- Lanaudière Health Region;
- Laurentides Health Region;
- Montérégie Health Region.

SCHEDULE II – Health regions involved

- Outaouais Health Region;
- Abitibi-Témiscamingue Health Region;
- Côte-Nord Health Region;

- Nord-du-Québec Health Region;
- Gaspésie — Îles-de-la-Madeleine Health Region;
- Nunavik Health Region;
- Terres-Cries-de-la-Baie-James Health Region.

SCHEDULE III - Sectors involved

- sector V, comprising the localities of Tasiujak, Ivujivik, Kangiqsualujuaq, Aupaluk, Quaqaq, Akulivik, Kangiqsujuaq, Kangirsuk, Salluit, Tarpangajuk and Umiujaq;

- sector IV, comprising the localities of Wemindji, Eastmain, Fort Rupert (Waskaganish), Nemaska (Nemiscau), Inukjuak, Puvirnituk, Kuujjuak, Kuujuarapik, Poste-de-la-Baleine (Whapmagoostui), Schefferville and Kawawachikamach;

- sector III, comprising the following localities:

- those situated in the territory north of the 51st degree of latitude including Mistissini, Chisasibi, Oujé-Bougoumou, Radisson, and Waswanipi, except Fermont and the localities specified in sectors IV and V;
- Parent, Sanmaur and Clova;
- those situated in the territory of Côte-Nord, extending east of Havre-St-Pierre, to the border of Labrador, including Île d'Anticosti;

- sector II, comprising the following localities:

- Municipalité de Fermont;

- those situated in the territory of Côte-Nord situated east of rivière Moisie and extending to Havre-St-Pierre inclusively;
- those of Îles-de-la-Madeleine.

Québec, 13 December 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services