

Public Health Act
(chapter S-2.2)

CONCERNING the ordering of measures to protect
the health of the population during 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 specifies 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 said Act to protect the health of the population;

CONSIDERING order in council 177-2020 dated 13 March 2020, which declares a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that the said order provides that childcare centres, day care centres, home childcare services and school childcare services must suspend their activities, but that services must be organized and provided for a child if one of the child's parents is employed by, or exercises a profession in, a health and social services institution or is a police officer, firefighter, ambulance technician, correctional services officer or special constable;

CONSIDERING that the said order 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 said order empowers the Minister of Health and Social Services to order any other measure necessary to protect the health of the population, pursuant to subparagraph 8 of the first paragraph of section 123 of the said Act;

CONSIDERING that the activities of certain courts of justice and administrative tribunals must be maintained to rule on certain cases deemed to be urgent and that, as a result, persons will be required to be present at hearings;

CONSIDERING that an inmate in a detention facility is entitled to receive visits from family members and certain other persons pursuant to section 56 of the Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1);

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

ORDERS AS FOLLOWS:

All places to which the public has admittance for cultural, educational, sports, recreation or entertainment purposes, including spas, saunas, swimming pools, amusement parks and water parks, ski stations, ice rinks, fitness centres, sports centres, movie theatres, arcades, dance halls, zoos and aquariums, must suspend their activities;

All bars, discotheques, restaurants offering buffet service and sugar shacks must suspend their activities; however, restaurants that do not offer buffet services are authorized to continue to operate, provided they admit no more than one-half of the number of clients they can normally admit and provided they apply measures to distance clients from one another; they may also continue activities of the “drive-through” and “take-out” type;

In addition to the services specified in order in council 177-2020 dated 13 March 2020, childcare services must continue to be organized and provided for a child if one of the child’s parents is employed by or exercises a profession in the health and social services network, including in private professional practice, community pharmacies and pre-hospital emergency services;

The president or, in the president’s absence, the executive director or secretary of a professional order in the healthcare field may, with no charge, issue a special authorization during a public health emergency to a person who has not been a member of the order for 5 years or less and is aged under 70, allowing that person to practise an exclusive profession or use a title reserved for the members of the order and to perform the same activities as those members; the president, executive director or secretary may, however, limit the professional activities, among those generally performed by members, which may be performed by a person holding special authorization, and the conditions governing the performance of those activities. Section 35 of the Charter of the French language (chapter C-11) does not apply when such a special authorization is issued. A person to whom a special authorization is issued does not become a member of

the professional order, but is bound to respect the same rules of professional conduct and the same rules governing the practice of the profession as a member;

A person to whom a special authorization is issued is released from the requirement to contribute to the order's insurance fund or join the group professional liability plan contracted by the order if the person practises the profession in an unamalgamated institution, an integrated health and social services centre within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), an institution or regional board referred to in Part IV.1 of the Act respecting health services and social services (chapter S-4.2), a public institution referred to in Part IV.2 or IV.3 of that Act, or a public institution within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5). An institution or regional board that employs a person to whom a special authorization is issued, or in which that person practises a profession, stands surety for, defends and accepts financial responsibility for any fault committed by the person in the practice of the person's profession;

A copy of each special authorization issued by a professional order must be forwarded to the Minister of Health and Social Services;

Any hearing scheduled before a court of justice, administrative tribunal or other administrative body must be held behind closed doors unless the decision-making authority decides otherwise; article 13 of the Code of Civil Procedure (chapter C-25.01), adapted as required, applies;

A member of the public may have access to the premises made available to such a court, tribunal or body only if

(1) the person is granted access to the hearing in accordance with the preceding paragraph; or

(2) the person requires access to a service provided in such premises;

All visits are suspended in Québec detention facilities, except a visit from an inmate's lawyer;

The council and executive or administrative committee of any municipality, metropolitan community, public transit authority or intermunicipal board are authorized to sit behind closed doors and their members are authorized to participate, deliberate and vote during a meeting using any means of communication;

Notwithstanding the provisions of the collective agreements that apply to public service employees, a person may be reassigned to another function or another place, as needed, even if the person's level of employment is not respected;

Collective and other agreements at the provincial, local or regional level that are in effect between school boards, on the one hand, and all unions, on the other hand, are amended as follows:

(1) the articles on personnel movements, in particular as regards personnel substitution or replacement, assignment, reassignment or displacement, are amended to allow the employer to assign personnel members to the places and times where they are needed. Personnel members may therefore be assigned to tasks under another job title, under another union certification or with another employer;

(2) the articles on work schedules are amended to allow the employer to meet needs;

(3) the articles on the granting of remuneration or compensation that is additional to the remuneration or compensation paid for normal work hours and overtime when services must be maintained, in particular by reason of an act of God, do not apply.

Québec, 15 March 2020

Original signed by the Minister

DANIELLE MCCANN
Minister of Health and Social Services