

**Order 2020-007 of the Minister of Health and Social Services dated  
21 March 2020**

Public Health Act  
(chapter S-2.2)

Public health emergency order 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) providing 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 Order in Council 222-2020 dated 20 March 2020 renewing the public health emergency throughout the territory of Québec for a period of 10 days and ordering in particular that the measures set out in Order in Council 177-2020, save exception, continue to apply until 29 March 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

CONSIDERING that Order in Council 177-2020 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 it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

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THAT the national and local provisions of the collective agreements in force in the health and social services network and the employment conditions that apply to non-unionized salaried personnel be amended to enable the employer to meet the needs of the population, as per the following conditions:

- the sections relating to leaves for union business (union leaves) are amended to enable the employer to cancel union leaves that have already been granted or refuse to grant new leaves. Despite the foregoing, union leaves necessary to deal with the emergency health situation are granted insofar as the employer is able to ensure the continuity of the activities;

- the sections relating to leave of any nature, with or without pay, including vacation time, are amended to enable the employer to suspend or cancel leave already authorized, and to refuse to grant new leave. Following cancellation of vacation time, a salaried person currently on vacation or having a planned vacation period, will be automatically be paid 50% of the vacation time at the regular rate, without the possibility of deferral. As for the other 50% of the vacation being taken or planned, the salaried person will be offered either of the following options:

- defer the vacation period to a date after the date ending the public health emergency, which requires agreement with the employer; or

- receive payment for that vacation period at the regular rate.

For the purposes of this provision, if the number of remaining or planned vacation days is an odd number, one day is first removed for the sake of the calculation. At the choice of the salaried person, that day will be deferred to a later date that is after the date ending the public health emergency, that date requiring agreement with the employer or payment at the regular rate;

- the sections relating to movement of personnel that deal in particular with promotion, transfer, demotion, voluntary transfer, bumping procedures, temporarily vacant positions, replacement, assignment, re-assignment or personnel displacement are amended to enable the employer to assign personnel to the place, at the time or to duties of another position title, activity centre, certification service or unit, with the employer or another employer in the health and social service network or in any other designated place, to the extent that the employee concerned meets the normal requirements of the duties, without having regard to the notion of position, activity centre, service, shift or any other provision restricting personnel mobility.

No salaried person is to sustain a reduction in hourly wage as a result of temporary displacement;

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- the salary insurance plan is amended to enable a salaried person on disability leave to serve a temporary period of assignment for the purpose of performing various functions corresponding to the person's residual capabilities, on the recommendation of the physician designated by the employer. The assignment may not operate to suspend the disability period or to extend the period during which benefits are paid;

- the sections relating to work schedules, shifts and positions are amended to enable the employer to have the necessary human resources available. The regular work day may be modified, but may not exceed 12 hours. For the purposes of overtime qualification, the regular work day is the work day under the new work schedule;

- the sections relating to work time arrangements are amended to enable the employer to suspend or cancel work time arrangements already granted or refuse to grant new work time arrangements;

- a part-time salaried person is deemed to have had weekly availability equal to the number of hours of a full-time salaried person in the employment position where he or she performs the greater part of duties. The additional standby availability required to achieve maximum availability may be apportioned equally between the employers in the health and social services network where the salaried person works;

- the deadlines for filing a grievance and those for the arbitration procedure are suspended;

- all grievance arbitration in progress or to come is postponed to a date after the date ending the public health emergency, unless the parties and the adjudicator agree on the adoption of alternative measures. In the event that such measures cannot be agreed on and the hearing is postponed, the hearing cancellation rules do not apply;

- the sections relating to fixed price contracts or contracts of enterprise are inoperative;

- the employer may hire additional personnel, granting the status of temporary salaried person to every person so hired. The hiring contract under that status is valid for the duration of the public health emergency. Despite the foregoing, the employer may terminate the contract of employment at any time on one week's prior notice.

The person hired under the status of temporary salaried person is entitled only to the provisions of the collective agreements in the health and social services network relating to remuneration, including bonuses, supplements and overtime. Despite the foregoing, the salaried person receives the fringe benefits

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available to part-time salaried persons not covered by life, prescription drug and salary insurance plans.

The employer is not bound by 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" for any hiring of additional personnel, except as regards the requirements of professional orders, as long as the hiring meets the normal requirements of the duties.

The additional personnel so hired is not entitled to vested rights regarding future hiring and must undergo the standard selection procedure according to the provisions in force in the institution concerned;

THAT the employment conditions of management personnel and personnel not covered by the Act respecting bargaining units in the social affairs sector (chapter U-0.1) be amended in the same manner for the matters concerned.

THAT a health and social services institution, before applying a measure set out in this Order, be required to consult the local unions or associations concerned, unless the urgency of the situation does not permit doing so. In such a case, the unions must be informed as soon as feasible.

THAT the implementation of the local measures pursuant to this Ministerial Order be subject to the prior approval of the assistant deputy minister of the Direction générale du personnel réseau et ministériel of the Ministère de la Santé et des Services sociaux.

Québec, 21 March 2020

DANIELLE McCANN  
Minister of Health and Social Services