

**Ministerial Order 2020-008 of the Minister of Health and Social Services
dated 22 March 2020**

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 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 Order in Council 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 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 Order 2020-004 dated 15 March 2020 providing that all bars, discotheques, restaurants offering buffet service and sugar shacks must suspend their activities and that 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;

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;

CONSIDERING that the Order in Council provides that the measures set out in Order in Council 177-2020 and the orders made pursuant to the Order in Council continue to apply until 29 March 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them, with the exception of, in particular, in the case of Order in Council 2020-004 dated 15 March 2020, the measure concerning the collective agreements applicable to the employees of the public service and the measure concerning the amendment of collective agreements or agreements in force between school boards and all unions;

CONSIDERING that the Order in Council 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 Act;

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

ORDERS AS FOLLOWS:

THAT, despite the collective agreements applicable to the personnel of the public service, any person may be redeployed to another function or to another location, according to need, including to another department or body, to the health and social services or education network or to a bargaining unit other than the person's own unit, even if the level of employment applicable to the person is not observed for the duties to be assigned;

THAT the conditions of employment of management personnel and non-unionized personnel of the public service be amended in the same manner to enable the redeployment of such persons to the same extent;

THAT a department or body must, before applying a measure set out in this Order, consult the unions or associations concerned, unless the urgency of the situation does not permit doing so, in which case the unions or associations must be informed as soon as feasible;

THAT national, local or regional collective agreements or agreements in force between school boards and all unions be amended as follows:

(1) the sections relating to the movement of personnel that deal in particular with the filling of absences or replacement, assignment, reassignment or personnel displacement are amended to enable the employer to assign personnel to the location and at the time where needs justify doing so. Personnel may thus be assigned to duties of another position title, to another bargaining unit or to another employer;

(2) the sections relating to work schedules are amended to enable the employer to meet needs;

(3) the sections relating to the granting of remuneration or compensation in addition to that paid for the remuneration of regular hours and overtime work when services must be maintained, in particular, because of superior force, do not apply;

THAT a school board must, before applying a measure set out in this Order, consult the unions concerned, unless the urgency of the situation does not permit doing so, in which case the unions must be informed as soon as feasible;

THAT any procedure involving the displacement or gathering of the public, including a referendum procedure, which is part of the decision-making process of a municipal body, be suspended, except where it is related to an action that is designated to be a priority by a majority vote of two-thirds of the votes cast by the members of the council; in the latter case, the procedure must be replaced by a written consultation announced 15 days beforehand by a public notice and any action taken following such a replacement procedure is not subject to approval by qualified voters;

THAT the days included in the public health emergency period not be taken into account in determining the duration of the freeze effect under section 114 or 117 of the Act respecting land use planning and development (chapter A-19.1); if the remaining duration is less than 60 days at the end of the public health emergency, it is extended to 60 days;

THAT, as of 23 March 2020, the activities taking place in the following locations be suspended:

(1) dining rooms and other locations where food may be consumed in restaurants;

(2) retail businesses located in shopping centres, except for:

(a) food stores, pharmacies and Société des alcools du Québec outlets;

(b) businesses with an exterior door that makes it possible to access the business directly without going through the common areas of the shopping centre; and

(3) beauty and personal care salons, including, in particular, hairdressing salons and manicure and pedicure salons;

THAT, as of 23 March 2020, the customers of a shopping centre not be able to be in the common areas of the shopping centre except to go directly to a food store, a pharmacy or a Société des alcools du Québec outlet, or to a location that offers services other than those offered by a retail business.

Québec, 22 March 2020

DANIELLE McCANN
Minister of Health and Social Services