

**Ministerial Order 2020-035 of the Minister of Health and Social Services
dated 10 May 2020**

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health of the
population amid the COVID-19 pandemic situation

---ooo0ooo---

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 was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020 and until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020;

CONSIDERING that Order in Council 501-2020 dated 6 May 2020 empowers the Minister of Health and Social Services to take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

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

ORDERS AS FOLLOWS:

THAT the national and local provisions of the collective agreements applicable in the health and social services network, and the employment conditions applicable to non-unionized salaried persons of that network be amended so that the salaried person who actually works the number of hours provided for under the person's job title according to the Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux benefit from the following measures, according to the terms and conditions provided for in this Order:

(1) in a residential and long-term care centre, in the person's normal home base or during an assignment in such a centre, or during an assignment in a private seniors' residence, an intermediary resource or a family-type resource of the support program for the autonomy of seniors, a lump sum of \$100.00 per work week be paid;

(2) in a residential and long-term care centre, for the facilities or locations designated by the Minister of Health and Social Services, in the person's normal home base or during an assignment in such a centre, or during an assignment in a private seniors' residence, an intermediary resource or a family-type resource of the support program for the autonomy of seniors, an amount in addition to the amount provided for in the preceding paragraph and corresponding to the following amount be paid:

(a) a lump sum of \$200.00 for the first period of two consecutive work weeks actually worked;

(b) a lump sum of \$400.00 for the two-week period actually worked consecutive and subsequent to the period provided for in subparagraph *a*;

(c) at the end of the period of four consecutive work weeks provided for, the salaried person who maintains eligibility conditions may again receive those lump sums according to the same sequence;

(3) in a general and specialized hospital centre, for the facilities or locations designated by the Minister of Health and Social Services, a salaried

person receives the same amounts as those provided for in paragraphs 1 and 2, according to the same terms and conditions, where the person has one of the job titles or one of the job titles of one of the following groups of job titles:

- (a) group of job titles of nurse;
- (b) group of job titles of nurse clinician and nurse practitioner;
- (c) group of job titles of nursing assistant;
- (d) group of job titles of respiratory therapist;
- (e) nursing extern;
- (f) respiratory therapy extern;
- (g) group of job titles of beneficiary attendant;
- (h) health and social services aide;
- (i) service aide;
- (j) housekeeping attendant (light duty);
- (k) housekeeping attendant (heavy duty);

(4) in one of the environments referred to in paragraphs 2 and 3, a lump sum of \$500.00 per week is paid where the salaried person is transferred by the employer to another health region identified by the Minister of Health and Social Services and at more than 70 km from the person's domicile; in such a case the following terms apply:

(a) the lump sums provided for in the preceding paragraphs may be cumulative with the lump sum provided for in this paragraph;

(b) the institution to which the salaried person is transferred and the salaried person may agree to a distribution of work on a basis other than weekly and over a period of more than five days;

THAT the following terms and conditions apply with respect to the lump sums provided for in this Order:

(1) for the purpose of calculating eligibility to the lump sums, the hours actually worked include regular hours, vacation and public holidays and exclude overtime and any other type of absence, remunerated or not;

(2) the lump sums are calculated and paid proportionately to the regular hours actually worked in the environments referred to in this Order, excluding vacation and public holidays;

(3) a salaried person who refuses a transfer or an assignment (intra or inter institution) requested by the employer loses the benefit of the lump sums provided for in this Order as of the date of refusal for the period in progress and following periods;

(4) where the work schedule of a salaried person is on a basis other than weekly and over a period of more than five days, the salaried person is entitled to the payment of the lump sums provided for in this Order, on the condition that the average of the hours worked during the reference period thus modified be equal to or greater than the number of hours worked per week provided for under the applicable job title according to the Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux;

(5) the lump sums are not paid to the salaried person who is teleworking;

(6) the lump sums are not contributory earnings for the purposes of the pension plan;

THAT, for the purpose of applying lump sums, the eligibility period begin on Sunday;

THAT the measures provided for in this Order not apply to a salaried person who performs duties in the administrative services of the institution;

THAT the preceding paragraphs apply, with the necessary modifications, to the staff of school boards, colleges established under the General and Vocational Colleges Act (chapter C-29), the public service and government agencies listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) redeployed in the health and social services network under Ministerial Orders 2020-008 dated 22 March 2020, 2020-019 dated 10 April 2020 and 2020-028 dated 25 April 2020, unless the staff benefits from equivalent measures in the education sector, the public service or within a government agency;

THAT the salaried person, after authorization from the employer, may convert into cash vacation days at the rate of time and one-half of the person's salary, in place of taking vacation days that exceed those provided for in the Act respecting labour standards (chapter N-1.1);

THAT the tenth paragraph of the operative part of Ministerial Order 2020-034 dated 9 May 2020 be replaced by the following:

“THAT the measures set out in Ministerial Order 2020-013 dated 1 April 2020 concerning the restriction on access to the territory of the urban agglomeration of La Tuque for the Mauricie et Centre-du-Québec health region and to the Saguenay – Lac-Saint-Jean, Abitibi-Témiscamingue and Outaouais health regions, except, for the latter health region, concerning the portion of the territory of Ville de Gatineau and the Municipalité régionale de comté de Les Collines-de-L'Outaouais contiguous with Ontario, no longer be applicable;”.

Québec, 10 2020

DANIELLE McCANN
Minister of Health and Social Services