

**Ministerial Order 2020-038 of the Minister of Health and Social Services dated  
15 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

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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 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, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020 and until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020;

CONSIDERING that Order in Council 509-2020 dated 13 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 the current situation of the COVID-19 pandemic allows for the easing of certain measures set in place to protect the health of the population, while maintaining some of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT, as of 18 May 2020, the measures set out in Ministerial Order 2020-013 dated 1 April 2020 concerning the restriction on access to the Bas-Saint-Laurent and Gaspésie – Îles-de-la-Madeleine health regions no longer be applicable;

THAT, as of 18 May 2020, the measures set out in Ministerial Orders 2020-015 dated 4 April 2020 and 2020-016 dated 7 April 2020 concerning the restriction on access to the territories of the regional county municipalities of Charlevoix and Charlevoix-Est, for the Capitale-Nationale health region, and the territory of the parish municipality of Notre-Dame-des-Sept-Douleurs, for the Bas-Saint-Laurent health region, and the confinement measures concerning the residents in that latter territory be revoked;

THAT, as of 18 May 2020, the exception for the restriction on access to the portion of the territory of Ville de Gatineau and the Municipalité régionale de comté de Les Collines-de-L'Outaouais contiguous with Ontario set out in the tenth paragraph of the operative part of Ministerial Order 2020-034 dated 9 May 2020, as amended by the seventh paragraph of the operative part of Ministerial Order 2020-035 dated 10 May 2020, no longer be applicable;

THAT, for the purposes of this Order,

(1) "service provider" means any person providing services to a health and social services institution, an intermediate resource, a family-type resource or a private seniors' residence pursuant to a service contract, including a staff leasing contract, if the services correspond to the duties performed by the staff in any of the following job titles appearing in the *Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux*:

(a) for the following group of nurse clinician job titles:

*i.* nurse clinician (Institut Pinel (1907));

*ii.* nurse clinician (1911);

*iii.* nurse clinician assistant head nurse, nurse clinician assistant to the immediate superior (1912);

- iv.* care counsellor nurse (1913);
- v.* specialty nurse practitioner (1915);
- vi.* nurse surgical first assistant (1916);
- vii.* clinical nurse specialist (1917);

(b) for the following group of nurse job titles:

- i.* nurse team leader (2459);
- ii.* nurse educator (2462);
- iii.* nurse (2471);
- iv.* nurse (Institut Pinel) (2473);
- v.* assistant head nurse or assistant to the immediate superior (2489);
- vi.* outpost/northern clinic nurse (2491);

(c) for the following group of assistant nurse job titles:

- i.* nursing assistant team leader (3445);
- ii.* nursing assistant (3455);

(d) for the following group of beneficiary attendant job titles:

- i.* beneficiary attendant ("A" certification) (3459);
- ii.* beneficiary attendant (3480);
- iii.* attendant in a northern institution (3505);

(e) health and social services aide (3588);

(2) "body in the health and social services sector" means a health and social services institution, an intermediate resource, a family-type resource or a private seniors' residence;

THAT no service provider who has provided services to persons suspected of having COVID-19, are waiting for a COVID-19 test result or have received a positive test result from the COVID-19 test may work in a service or unit of a body in the health and social services sector where no user or resident is in such a situation;

THAT a service provider be required to furnish any body in the health and social services sector in which he or she is to work with a list of the places worked within the 14 days preceding the assignment, and to disclose whether during that period he or she was in contact with any person suspected of having COVID-19, is waiting for a COVID-19 test result or has received a positive test result from the COVID-19 test;

THAT every staff placement agency or other legal person whose services consist in leasing staff be required to send the information referred to in

the preceding paragraph to every body in the health and social services sector to which the agency or legal person wishes to offer the services of a service provider;

THAT no service contract to be entered into by a body in the health and social services sector to obtain the services of a service provider may set a rate schedule, whatever it may be, that would operate to raise the total amount paid by the body in the health and social services sector for the services provided above the amount that would have been disbursed for the hours worked by the service provider based on the following rate schedule:

(1) \$74.36 per hour for the job titles in the group of nurse clinician job titles listed above;

(2) \$71.87 per hour for the job titles in the group of nurse job titles listed above;

(3) \$47.65 per hour for the job titles in the group of assistant nurse job titles listed above;

(4) \$35.45 per hour for the job titles in the group of beneficiary attendant job titles listed above;

(5) \$22.85 per hour for the job title of health and social services aide;

THAT no service contract in force on 15 May 2020 entered into by a body in the health and social services sector to obtain the services of a service provider may be amended to provide for a rate schedule greater than that set out in the preceding paragraph, or to increase the rate provided for in the contract if it is less than the maximum rate permitted under this Order;

THAT, in every service contract entered into or amended since the public health emergency was declared on 13 March 2020 pursuant to which a body in the health and social services sector is to obtain the services of a service provider, any rate schedule greater than that permitted under this Order be reduced in accordance with this Order, without penalty or other compensation or indemnity;

THAT no person may hire a person having an employment relationship with a body in the health and social services sector, a department or agency of the Gouvernement du Québec listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), a school board, a college established under the General and Vocational Colleges Act (chapter C-29) or a university so that the person then acts as a service provider pursuant to a service contract entered into with a body in the health and social services sector;

THAT, likewise, no person may hire a person receiving a subsidy from a health and social services institution, the Minister of Health and Social Services or a body under the Minister's responsibility, or a person having an employment relationship with such a person so that the person then acts as a service provider pursuant to a service contract entered into with a body in the health and social services sector;

THAT a body in the health and social services sector may terminate any service contract entered into to obtain the services of a service provider during the public health emergency to be able to hire the person concerned, in particular as a temporary salaried person, without penalty or other compensation or indemnity for the body or the service provider.

Québec, 15 May 2020

DANIELLE McCANN  
Minister of Health and Social Services