

This is the administrative version of Order in Council No. 505-2020 made on May 6 2020. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.

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

---ooo0ooo---

WHEREAS the World Health Organization declared a COVID-19 pandemic on 11 March 2020;

WHEREAS, under section 118 of the Public Health Act (chapter S-2.2), 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;

WHEREAS the pandemic constitutes a real and grave threat to the health of the population that requires the immediate application of certain measures provided for in section 123 of the Act;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency throughout Québec for a period of 10 days;

WHEREAS 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;

WHEREAS the latter Order in Council provides that the measures provided for by Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020, 223-2020 dated 24 March 2020, 460-2020 dated 15 April 2020, 496-2020 dated 29 April 2020 and 500-2020 dated 1 May 2020, and by Ministerial Orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-006 dated 19 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020-009 dated 23 March 2020, 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-012 dated 30 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April 2020, 2020-019 and 2020-020 dated 10 April 2020, 2020-021 dated 14 April 2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 April 2020, 2020-026 dated 20 April 2020, 2020-027 dated 22 April 2020, 2020-028 dated 25 April 2020, 2020-029 dated 26 April 2020, 2020-030 dated 29 April 2020, 2020-031 dated 3 May 2020 and 2020-032 dated 5 May 2020, except to the extent that they were amended by those Orders in Council or Orders, continue to apply to 13 May 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

WHEREAS Order in Council 177-2020 dated 13 March 2020 orders in particular the suspension of educational and instructional services of educational institutions and the suspension of the activities of childcare centres, day care centres, home childcare services and school childcare services;

WHEREAS, by that Order in Council and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-016 dated 7 April 2020, 2020-029 dated 26 April 2020 and 2020-031 dated 3 May 2020, emergency childcare services were organized and provided to the children of certain parents;

WHEREAS Order in Council 223-2020 dated 24 March 2020 orders in particular the suspension of all activities carried on in work environments, except with respect to work environments providing the priority services listed in the Schedule to that Order in Council;

WHEREAS the Schedule to that Order in Council was amended by Ministerial Orders 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April 2020, 2020-021 dated 14 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 April 2020 and 2020-027 dated 22 April 2020 and by Order in Council 500-2020 dated 1 May 2020;

This is the administrative version of Order in Council No.505-2020 made on May 6 2020. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.

WHEREAS, by Order in Council 500-2020 dated 1 May 2020, the Government lifted the suspension applicable to certain activities carried on in work environments under Order in Council 223-2020 dated 24 March 2020;

WHEREAS during the public health emergency, despite any provisions to the contrary, the Government or the Minister of Health and Social Services, if she has been so empowered, may, without delay and without further formality, take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Act to protect the health of the population;

WHEREAS the current COVID-19 pandemic situation makes it possible to relax certain measures taken to protect the health of the population while maintaining certain measures necessary to continue to protect it;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT, for students at the preschool and elementary school level enrolled in a school situated elsewhere than in the territory of the Communauté métropolitaine de Montréal, educational support services be organized and provided by the school boards and private educational institutions;

THAT, for secondary school disabled students or students with severe behavioural disorders enrolled in a school providing regional or supra-regional schooling services or in a private educational institution specialized in special education situated elsewhere than in the territory of the Communauté métropolitaine de Montréal, educational support services be organized and provided by the school boards and private educational institutions;

THAT educational support services be provided progressively by the school boards and private educational institutions to those students at the preschool and elementary school level and those secondary school disabled students or students with severe behavioural disorders for 11 and 12 May 2020;

THAT, for the other secondary school students, distance educational support services be organized and provided by the school boards and private educational institutions;

This is the administrative version of Order in Council No.505-2020 made on May 6 2020. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.

THAT, for students in vocational training enrolled in an educational institution situated elsewhere than in the territory of the Communauté métropolitaine de Montréal, the suspension of educational and instructional services of educational institutions provided for in Order in Council 177-2020 dated 13 March 2020 be lifted;

THAT, for students in adult general education enrolled in an educational institution situated elsewhere than in the territory of the Communauté métropolitaine de Montréal, the suspension of educational and instructional services of educational institutions provided for in Order in Council 177-2020 dated 13 March 2020 be lifted, but only with respect to writing ministerial examinations;

THAT the number of students at the preschool and elementary and secondary school level, in vocational training and in adult general education be limited to 15 per group;

THAT the suspension applicable to the activities of childcare centres, day care centres, home childcare services and school childcare services under Orders in Council 177-2020 dated 13 March 2020 and 223-2020 dated 24 March 2020 be lifted with respect to activities carried on elsewhere than in the territory of the Communauté métropolitaine de Montréal, provided that the activities be carried on in accordance with the conditions provided for in the Schedule;

THAT the suspension applicable to activities carried on in work environments under Order in Council 223-2020 dated 24 March 2020 be lifted with respect to

(1) school boards and private educational institutions, to the extent that it is required for providing educational support services and educational and instructional services that must be organized and provided under this Order in Council;

(2) enterprises in the mining sector and manufacturing enterprises whose activities are not covered in the heading “**5. Priority manufacturing activities**” of the Schedule to Order in Council 223-2020 dated 24 March 2020, amended by Ministerial Orders 2020-011 dated 28 March 2020, 2020-013 dated 1 April 2020, 2020-021 dated 14 April 2020 and 2020-027 dated 22 April 2020, provided that for manufacturing enterprises, at all times and per work shift, there is on any site of those enterprises a maximum of 50 employees, to which may be added, if the usual number of employees on a site is greater than 50, a maximum number of employees equal to 50% of that excess number;

(3) activities in the construction sector that are not covered in the heading “**9. Construction sector services**” of the Schedule to Order in Council 223-2020 dated 24 March 2020, amended by Ministerial Orders 2020-021 dated 14 April 2020 and 2020-025 dated 19 April 2020;

(4) providers of goods and services in the mining, manufacturing and construction sectors, that are not covered in the Schedule to Order in Council 223-2020 dated 24 March 2020, amended by Ministerial Orders 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April 2020, 2020-021 dated 14 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 April 2020 and 2020-027 dated 22 April 2020 and by Order in Council 500-2020 dated 1 May 2020;

(5) real estate brokers, land surveyors, inspectors and building appraisers and chartered appraisers;

THAT Order in Council 177-2020 dated 13 March 2020 and Order in Council 223-2020 dated 24 March 2020, amended by Order in Council 500-2020 dated 1 May 2020, be amended accordingly;

THAT the organization and provision of emergency childcare services other than services provided at school to the children of certain parents provided for in Order in Council 177-2020 dated 13 March 2020 and in Ministerial Orders 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-016 dated 7 April 2020, 2020-029 dated 26 April 2020 and 2020-031 dated 3 May 2020, except for services that are organized and provided in the territory of the Communauté métropolitaine de Montréal, end;

THAT the organization and provision of those emergency childcare services provided at school end on 13 May 2020, except for services that are organized and provided in the territory of the Communauté métropolitaine de Montréal;

THAT the Minister of Health and Social Services be empowered to order any modification or clarification of the measures provided for in this Order in Council;

THAT this Order in Council take effect from 11 May 2020.

This is the administrative version of Order in Council No.505-2020 made on May 6 2020. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.

SCHEDULE

Conditions applicable to childcare

DIVISION I

EDUCATIONAL CHILDCARE SERVICES

1. A childcare centre or a day care centre may provide childcare to 30% of the maximum number of children indicated in its permit.

Despite the first paragraph, it may provide childcare to up to 50% if the demand exceeds 30% and it has the necessary installations and resources to provide those services in the context of the COVID-19 pandemic.

2. A recognized home childcare provider may provide childcare to up to 4 children, whether the provider is assisted or not.

3. In addition to the children registered with a childcare provider before the declaration of the public health emergency and whose parents are called back to work, the childcare provider may, if the demand created by those parents is less than the capacity indicated in section 1 or 2, as the case may be, make up the difference by providing childcare to children registered for a temporary period or to children not yet registered but having received emergency childcare services.

4. The staff required, where applicable, to exclusively maintain, clean or disinfect the installations and equipment of a childcare centre or a day care centre does not have to be the subject of an investigation of the information needed to verify the existence of an impediment, to the extent that such staff member is at no times the only staff member in the presence of a child.

5. A parent who elects not to send his or her child to the child's childcare provider or who cannot send his or her child due to the restricted capacity indicated in section 1 or 2 is not required to pay a contribution or any penalty. The parent keeps the place intended for his or her child until the restrictions regarding the number of children to whom childcare may be provided by childcare providers are lifted or until the expiry of the childcare agreement, whichever comes first.

6. A natural person who provides childcare services in a private residence in accordance with section 6.1 of the Educational Childcare Act (chapter S-4.1.1) may provide childcare to up to 4 children.

DIVISION II
SCHOOL CHILDCARE SERVICES

7. Each group in school childcare is constituted of a maximum of 15 students.