

*This is the administrative version of Order in Council No 943-2020 made on September 9, 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

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WHEREAS the World Health Organization declared COVID-19 to be a 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 serious and real threat to the health of the population that requires the immediate application of certain measures provided for in section 123 of the Act;

WHEREAS, while the public health emergency is in effect, despite any provision to the contrary, the Government or the Minister of Health and Social Services, if the Minister has been so empowered, may, without delay and without further formality, take any of the measures 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, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

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, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020 and until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020;

WHEREAS that 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, 460-2020 dated 15 April 2020, 505-2020 dated 6 May 2020, 566-2020 dated 27 May 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 689-2020 dated 25 June 2020, 810-2020 dated 15 July 2020, 813-2020 dated 22 July 2020, 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020 and 913-2020 dated 26 August 2020, and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 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, 2020-019 and 2020-020 dated 10 April 2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 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, 2020-032 dated 5 May 2020, 2020-033 dated 7 May 2020, 2020-034 dated 9 May 2020, 2020-035 dated 10 May 2020, 2020-037 dated 14 May 2020, 2020-038 dated 15 May 2020, 2020-039 dated 22 May 2020, 2020-041 dated 30 May 2020, 2020-042 dated 4 June 2020, 2020-043 dated 6 June 2020, 2020-044 dated 12 June 2020, 2020-045 dated 17 June 2020, 2020-047 dated 19 June 2020, 2020-048 dated 26 June 2020, 2020-049 dated 4 July 2020, 2020-050 dated 7 July 2020, 2020-051 dated 10 July 2020, 2020-053 dated 1 August 2020, 2020-058 dated 17 August 2020, 2020-059 dated 26 August 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020 and 2020-062 dated 4 September 2020, except to the

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extent that they were amended by those Orders in Council or Orders, continue to apply until 16 September 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

WHEREAS, under Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020 and 885-2020 dated 19 August 2020, and by Ministerial Orders 2020-051 dated 10 July 2020, 2020-053 dated 1 August 2020, 2020-059 dated 26 August 2020 and 2020-061 dated 1 September 2020, no direct physical contact is authorized during a combat sport, except with respect to fights in the context of training;

WHEREAS, by Order in Council 885-2020 dated 19 August 2020, the Government lifted the suspension of educational and instructional services provided by educational institutions under Order in Council 177-2020 dated 13 March 2020, amended by Orders in Council 505-2020 dated 6 May 2020, 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020 and 708-2020 dated 30 June 2020;

WHEREAS 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;

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

THAT the prohibition of any direct physical contact during a combat sport provided for in the thirteenth paragraph in the operative part of Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020 and 885-2020 dated 19 August 2020, and by Ministerial Orders 2020-051 dated 10 July 2020, 2020-053 dated 1 August 2020, 2020-059 dated 26 August 2020 and 2020-061 dated 1 September 2020, be lifted as regards a professional combat sport;

THAT the Régie des alcools, des courses et des jeux must refuse to issue a valid organizer's permit for a sports event required by section 40 of the Act respecting safety in sports (chapter S-3.1), if the applicant fails to provide the board with the following documents:

(1) a copy of the health protocol adopted and to be in place at the sports event for which the permit is being applied for; and

(2) proof that the health protocol has been approved by the public health director of the region in which the sports event is to take place;

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THAT the Régie des alcools, des courses et des jeux or the person it mandates have the powers available under sections 46.2.1 and 46.2.2 of the Act respecting safety in sports (chapter S-3.1) and section 53 of the Regulation respecting combat sports (chapter S-3.1, r. 11), to ensure compliance with the health protocol referred to in the preceding paragraph and to sanction any breach of it;

THAT no employer may dismiss, suspend or transfer an employee covered by the definition in subparagraph 10 of section 1 of the Act respecting labour standards (chapter N-1.1), including an employee to which section 3 of that Act applies, practise discrimination or take reprisals against or impose any other sanction on the employee if he or she is absent from work for a maximum period of 14 continuous days and the absence is due to the fact that the employee self-isolates pursuant to a guidance or order issued by a public health authority and the employee is not able to work;

THAT the second paragraph in the operative part of Order in Council 885-2020 dated 19 August 2020 be replaced by the following:

"THAT distance educational services be provided by school service centres, school boards and private educational institutions to the following preschool students and students at the elementary and secondary school level of the general education instructional services for youth:

(1) students whose health condition or that of a person with whom they reside puts them at risk of serious complications if they contract COVID-19, where a physician recommends that they not attend school; and

(2) students whose class is the subject of a guidance or isolation order from a public health authority issued because of a COVID-19 case involving an employee or student at the educational institution concerned, and in that case, be provided as of no later than two days after the guidance or order is issued;"

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.