

This is the administrative version of Order in Council No 1039-2020 made on October 7 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, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020 and until 14 October 2020 by Order in Council 1023-2020 dated 7 October 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, 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, 913-2020 dated 26 August 2020, 943-2020 dated 9 September 2020, 947-2020 dated 11 September 2020, 964-2020 dated 21 September 2020 and 1020-2020 dated 30 September 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 du 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

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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, 2020-058 dated 17 August 2020, 2020-059 dated 26 August 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1^{er} September 2020, 2020-062 dated 4 September 2020, 2020-063 dated 11 September 2020, 2020-064 dated 17 September 2020, 2020-066 dated 18 September 2020, 2020-067 dated 19 September 2020 and 2020-069 dated 22 September 2020, 2020-074 and 2020-075 dated 2 October 2020 and 2020-076 dated 5 October 2020, except to the extent that they were amended by those Orders in Council or Ministerial Orders, continue to apply until 14 October 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

WHEREAS Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020 and 1020-2020 dated 30 September 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 provide for certain measures that apply to certain gatherings, including any room used for the purposes of restaurant services;

WHEREAS Orders in Council 810-2020 dated 15 July 2020, amended by Orders in Council 813-2020 dated 23 July 2020, 885-2020 dated 19 August 2020, 1020-2020 dated 30 September 2020, and by Ministerial Orders 2020-059 dated 26 August 2020 and 2020-064 dated 17 September 2020, and 947-2020 dated 11 September 2020, amended by Order in Council 1020-2020 dated 30 September 2020, provide that a face covering must be worn in certain indoor public places;

WHEREAS Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Order 2020-074 dated 2 October 2020, and Ministerial Orders 2020-074 dated 2 October 2020 and 2020-076 dated 5 October 2020 provide, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

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

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

THAT the fourth paragraph of the operative part of Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020 and 1020-2020 dated 30 September 2020, and by Ministerial Orders 2020-051 dated

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10 July 2020, 2020-053 dated 1 August 2020, 2020-059 dated 26 August 2020 and 2020-061 dated 1 September 2020, not apply to a cafeteria, or its equivalent, a school service centre, a school board or a private educational institution when offering services to preschool students and students at the elementary and secondary school level of the general education instructional services for youth, provided that a minimum distance of two metres is maintained between students of different groups;

THAT the tenth paragraph of the operative part of Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Order 2020-074 dated 2 October 2020, be amended

(1) by inserting the following subparagraph at the end of subparagraph 5:

“(k) physical training rooms;”;

(2) by adding the following at the end:

“(17) for school service centres, school boards and private educational institutions, the following persons wear a face covering, that is, a mask or tightly fitting cloth that covers the nose and the mouth:

(a) any person on grounds used by an educational institution when that institution is offering services to students at the secondary school level of the general education instructional services for youth, unless the person

i. is less than 10 years of age and is not a student;

ii. is a preschool student or a student in cycle one or cycle two of the elementary school level of the general education instructional services for youth;

iii. works or exercises his or her profession therein, in which case the person remains subject to the rules applicable with respect to occupational health and safety;

iv. is seated and is consuming food or a beverage;

v. states that the wearing of a face covering is not possible because of his or her medical condition;

vi. receives care or is provided a service requiring the face covering be removed, in which case the person may remove the face covering for the duration of the care or service;

vii. engages in an activity service requiring the face covering be removed as part of a special study program or a school project, provided that a minimum distance of two metres is maintained between every person;

(b) students at the secondary school level of the general education instructional services for youth, at all times, subject to the exceptions provided for in subparagraphs iv to vii of the preceding subparagraph;

i. in a building or room used by an educational institution;

ii. on the grounds or in any building or room used for sport-study, arts-study and sport concentration programs and other special school projects of the same nature;

(c) vocational training students and students in adult general education, in a building or room used by an educational institution, except when seated in a room in which educational and instructional services are provided and a minimum distance of two metres is maintained between every person and subject to the exceptions provided for in subparagraphs iv to vi of subparagraph a;

(18) educational institutions reduce by 50% the number of hours of classroom educational services for their Secondary 4 and 5 students, distance educational services be provided to those students to pursue the achievement of the objectives of the study programs and, to that end, distance educational services be favored;

(19) subparagraph 18 not apply to handicapped students and students with social maladjustments or learning disabilities attending schools, classes or specialized groups;

(20) university institutions, colleges established under the General and Vocational Colleges Act (chapter C-29), private educational institutions providing college instruction services and any other institution providing college or university instruction services or ongoing training services must favor distance training to provided their instruction services, unless the acquisition or assessment of knowledge provided for in the student's study program requires the student's presence in class;

(21) any recreational and sport activity be suspended unless

(a) it is carried out, without supervision, alone or with another person, and, in the latter case, a minimum distance of two metres is maintained between every person at all times;

(b) it is carried out by the occupants of the same private residence or its equivalent;

(c) it is part of the physical education and health, sport-study, arts-study and sport concentration programs and other special school projects of the same nature provided as part of the general education instructional services for youth by a school board or a private educational institution, provided that a minimum distance of two metres is maintained between students of different groups;

(d) it is part of the recreational and sport training offered in college or university instruction programs;

(22) any advance poll and any poll to be held in connection with a school election within the meaning of the Act respecting school elections (chapter E-2.3), as it read on 7 February 2020, be postponed and any election proceedings be suspended in the following situations:

(a) where the election is held for the office of chair of the school board;

(b) where the election must also be held for the office of school commissioner in a school board referred to in subparagraph a;

(c) except in the situations referred to in subparagraph a or b, where the election is held for the office of commissioner;

(23) in the cases referred to in the preceding subparagraph, voting by mail provided for in Ministerial Order 2020-066 dated 18 September 2020 be cancelled;

(24) despite subparagraph 22, a returning officer declares any candidate elected under section 79 of the Act respecting school elections on the date on which the candidates would have been declared elected if the polling had been held;

(25) no returning officer of a school board municipality is to publish a notice of election;

(26) every public sitting of a governing board of an educational institution must be held without the public being present but must be publicized as soon as feasible using any means enabling the public to be informed of the content of the discussions between the participants and the outcome of the discussions;

(27) every public sitting of a governing board of a school service centre or a council of commissioners of a school board must be held without the public

being present but must be publicized in the manner provided for in the preceding subparagraph;

(28) every procedure that is part of the decision-making process of an educational body and that involves the movement or gathering of persons as part of a consultation meeting be replaced, for the residents of the territories referred to in this paragraph, by a written consultation, announced beforehand through a public notice of a duration of 15 days;”;

THAT, for the purpose of postponing school elections and the holding of sittings of boards of directors and commissioners respectively provided for in subparagraphs 22 and 27 of the tenth paragraph of the operative part of Order in Council 1020-2020 dated 30 September 2020, as amended, every school board whose part of the territory of that school board or its electoral division be covered by that paragraph.