28 days of restrictions for Québec employers

October 15, 2020

(Updated October 16, 2020)

In response to the rise of COVID-19 cases over the last few weeks, in September, the Québec government implemented a new regional alert system similar to those used in other provinces. The system attributes an alert level to each health region based on the rate of the spread of COVID-19, and introduces additional measures across Québec to limit community spread of the virus.

As part of this system, over the last few weeks, the Québec government condemned several regions, including the Greater Montreal region, Laval, the Laurentians, the National Capital region and Chaudière-Appalaches, as “red zones”, the highest alert level.[1] The Government also declared measures applicable to these regions, pursuant to *Order in Council 1020-2020 Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation*[2] (the Order). The Order and the measures contained therein took effect on October 1, 2020, and are scheduled to remain in force until October 28, 2020 (subject to renewal).

This publication provides an overview of the impact of these announcements on businesses operating in the regions on high alert.[3]

First, certain businesses and business sectors were required to suspend their operations completely, including the following:

- Restaurants and food courts in shopping centres and food stores;[4]
- Bars, clubs, casinos and gaming houses;
- Museums, biodomes, planetariums, insectariums, botanical gardens, aquariums and zoos;
- Arcades, amusement centres and parks, water parks, saunas and spas;[5]
- Libraries,[6] movie theatres, performance art venues and youth hostels; and
- Physical training rooms.

We note that some businesses are left off the list as of yet, including, hotels, shopping centres, community organizations, private healthcare clinics, places of worships, funeral homes,[7] as well as banking, financial, legal, accounting and real estate businesses.

Nevertheless, for those businesses that may continue to operate at this time, a few considerations are applicable.

Rules in force in “red” zones apply to residents both within and outside the given area, effectively limiting travel between health regions of a different alert level, unless required for school or work. This means that employers need to worry about their employees being prevented from travelling to their workplace, or other locations where they perform their duties, if the maximum number of employees allowed on work premises is not exceeded. This said, the Order forbids all indoor and outdoor gatherings in public and private spaces across Québec. Employers are therefore encouraged to continue forbidding gatherings in the workplace, particularly during breaks and meals.

While it is clear that the primary aim of the new measures is to limit private and unnecessary gatherings, businesses that are allowed to continue operating must continue to comply with all workplace health measures, including physical distancing and the use of face coverings. Employers should also consider implementing a COVID-19 prevention policy specific to their workplace.

The situation is evolving rapidly, and new announcements may bring significant changes to employers’ reality, who should hope for the best but prepare for the worst and consult the official website of the Government of Québec regularly for punctual updates as they face the next steps in this pandemic.

[1] It should be noted, however, that certain territories in the health regions that have entered the red zone are excluded.

[2] Order in Council 1020-2020 Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation.

[3] We note that the information shared with the public since the September 28 press conference, as well as the content of the Order, may be subject to clarification and/or interpretation in the short and medium term. Some distinctions or precisions to the text of this publication may thus apply.

[4] Except for deliveries, take-out and drive-through orders.

[5] Except for personal care provided therein.

[6] Except for those in educational institutions.

[7] Places of worship and funeral homes can allow a maximum of 25 people and must keep an attendance register.

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