

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 situation² (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.

By

[Vanessa Lapointe, Louis Gilmour](#)

Expertise

[Labour & Employment](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.