

## QUESTIONS AND ANSWERS CONCERNING REMUNERATION (COVID) IN VIEW OF RETURNING TO NORMAL

### Gradual Reopening Period

(As of May 11 in the cold zone and as of May 19 in the CMM until a return to ratios of 100% is authorized by the Direction de la santé publique)

#### General principles

- Important measures have been taken to ensure the health and safety of childcare workers, in compliance with the recommendations of the Institut national de santé publique du Québec (INSPQ) and the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).
- The exceptional remuneration measures in place during the **general lockdown period** (March 13 to May 11) will end with the start of the reopening period on Monday, May 11 in the cold zone and May 18 in the Montréal Metropolitan Community (CMM).
- However, during the **gradual reopening period** and until things have returned to normal (ratios of 100% as authorized by the Direction de la santé publique (DSP)), certain temporary measures will apply in order to take into account the existing COVID-19 pandemic.
- Regular labour relations procedures will generally apply, in particular the requirement to provide a medical certificate for certain types of absence. It should be noted that, since the beginning of the crisis, nurses have been authorized to sign medical certificates.
- However, the usual provisions of the collective agreement that are contrary to the answers presented in this document may be amended or temporarily suspended upon an agreement between the parties (e.g., concerning the use of unpaid leave when 30 days' notice might be difficult to give).
- When the gradual reopening period ends, all usual working conditions will apply.

## Conditions applying to subsidized educational childcare services at a facility

### 1. Will employees be paid if the educational childcare facility is closed at the request of the Direction de la santé publique?

Yes, employees will be paid based on their usual work schedule, and the educational childcare facility will receive its usual subsidy.

### 2. If employees are not available for work because of mandatory isolation as per the Direction de la santé publique, will they receive their full salary?

If the mandatory isolation is the result of an intervention by the Direction de la santé publique at the employer's facility, employees will be paid. They will be assigned to telework when possible.

If the mandatory isolation is the result of a situation independent of the workplace, the employees will not be paid and will use their bank of days of leave. Employees can also request unpaid leave or short-term disability benefits if they meet the definition of disability under the group insurance policy, if they qualify for it, or they may apply for the Canada Emergency Response Benefit (CERB).

### 3. How will employees be paid who are considered vulnerable (at-risk according to the criteria of the INSPQ) and who decide to withdraw from work based on the recommendations of the Direction de la santé publique?

The Ministère recommends that employers assign these employees to tasks that do not involve physical contact with the children, either through telework or in the workplace, carrying out disinfecting, teaching-related tasks or administrative tasks.

If reassignment or telework cannot be done, employees can use their bank of days of leave or request unpaid leave and apply for the CERB. As soon as an employee considers the level of risk acceptable, the employer will offer the employee the possibility of returning to his or her usual position under the terms and conditions provided in the collective agreement. This decision is up to the administrator.

### 4. Should employees with COVID-19 use their sick leave?

Yes, COVID-19 will be considered like any other illness under the terms of the collective agreement, the *Act respecting occupational health and safety*, the *Act respecting industrial accidents and occupational diseases* or the *Act respecting labour standards*. Depending on the length of the absence, a medical certificate could be required, disability insurance benefits could be claimed, or the employee could apply for the CERB.

Workers who catch COVID-19 in the workplace can file a claim with the CNESST, whatever the length of the absence.

If employees use the disability insurance benefits provided under the policy with Desjardins Insurance, the waiting period will not be applied.

**5. If an employee living with a vulnerable family member wants to withdraw from the workplace, will the employee be paid?**

The Direction de la santé publique has not issued any recommendations to the effect that an employee living with a vulnerable (at-risk) individual should refrain from working at an educational childcare facility. The recommended prevention measures must be applied, in particular before the employee enters his or her own home.

Employees worried about endangering the safety of their family members are encouraged to strictly follow all the guidelines of the DSP, the INSPQ and the CNESST aimed at ensuring that the employee's own home is not contaminated.

If, in spite of no recommendation to do so from the DSP, an employee decides to go into voluntary isolation for this reason, the Ministère recommends that employers assign these employees to telework tasks, if possible. This decision is up to the administrator.

Employees wishing to place themselves in voluntary isolation during the period concerned may use their days of leave or request unpaid leave and apply for the CERB.

**6. Will an employee who is not available to work in order to care for his or her child at home receive a full salary?**

Employee must take the necessary measures to avoid being absent and limit the length of their leave. Employees who must be absent may use their bank of days of leave or request unpaid leave and apply for the CERB.

**7. Will an employee who is not available to work in order to care for a sick relative receive a full salary?**

Employees must take the necessary measures to avoid being absent and limit the length of their leave. Employees who must be absent may use their bank of days of leave or request unpaid leave and apply for the CERB.

## Conditions applying to subsidized home childcare

**8. What subsidy will a home childcare provider (HCP) receive when his or her facility is closed because of a case of COVID-19 or when the HCP is placed in mandatory isolation at the request of the Direction de la santé publique?**

The HCP will receive the subsidy based on the service agreements in effect for the length of the closure ordered by Direction de la santé publique.

If the closure continues beyond the period imposed by the DSP, HCPs may ask the Coordinating Office to suspend their recognition so that they can benefit from days of non-delivery of subsidized childcare services. HCPs can use their days of leave or apply for the CERB, at their option.

**9. What compensation will be given to an HCP considered vulnerable (at-risk according to the criteria of the INSPQ) and who decides to close his or her facility based on the recommendations of the Direction de la santé publique?**

HCPs in such a situation will ask the Coordinating Office to suspend their recognition and can apply for the CERB.

**10. An HCP living with a vulnerable family member wants to shut down his or her facility. Will the HCP continue to receive a subsidy?**

The Direction de la santé publique has not issued any recommendations concerning this. The recommended prevention measures must be applied.

In spite of no recommendation from the DSP, if HCPs in such a situation decide not to open their facility, they may use their days of leave or ask the Coordinating Office to suspend their recognition so that they can benefit from days of non-delivery of subsidized childcare services. In this case, the HCPs can:

- Offer their services temporarily at a childcare centre, at a daycare facility or as an assistant at another home childcare facility, and strictly apply all the guidelines of the DSP, the INSPQ and the CNESST aimed at ensuring that the HCP's own home is not contaminated.
- Apply for the CERB.