

**QUESTIONS AND ANSWERS CONCERNING REMUNERATION (COVID)
FOLLOWING THE COMPLETE REOPENING AND RETURN TO RATIOS OF 100%**

This FAQ is intended for subsidized educational childcare facilities.

General principles

- Measures have been put in place to ensure the health and safety of all 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 that were put in place during the general lockdown period (March 13 to May 10, 2020 in cold zones and to May 31 in hot zones) ended when the gradual reopening period began.
- During the gradual reopening period and until things returned to normal (ratios of 100% authorized by the public health authorities, certain temporary measures were applied to take into account the COVID-19 pandemic.
- Despite the complete reopening of educational childcare services, certain adaptations are still required due to the pandemic.
- As a general rule, regular labour relations procedures continue to apply, in particular, the obligation 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.
- For employers with unionized personnel, the usual provisions of the collective agreement that run counter to the answers presented in this document may be temporarily amended or suspended, but **only after agreement with the union** (for example, regarding the use of unpaid leave for which it might be difficult to give 30 days' notice).
- Employers must ensure their compliance with the provisions of the applicable labour laws, particularly the *Act respecting labour standards*, collective agreements, human resource management policies, and work contracts.

1. Will employees be paid if the educational childcare facility or a children's group in the facility is closed further to a recommendation by the public health authorities?

Yes. When an educational childcare facility or a group in the facility is closed further to a recommendation by the public health authorities, employees will be paid based on their usual work schedule and the childcare facility will receive its usual subsidy.

2. Will employees who are subject to mandatory isolation further to a recommendation by the public health authorities concerning the employer's facility be paid?

Yes. If the mandatory isolation is the result of a public health authorities recommendation concerning the employer's facility, employees will be paid based on their usual work schedule for the duration of the isolation, that is, up to a maximum of 14 days, as the case may be. The childcare facility will continue to receive its usual subsidy. Such employees will be assigned to telework whenever possible.

3. Will employees who are subject to mandatory self-isolation (e.g. after returning from a trip abroad or due to the recommendation obtained based on the result of the COVID-19 Symptom Assessment Tool) or subject to isolation required by their employer be paid?

No. The isolation period is not paid for in such cases. However, these employees may draw on any bank of days of paid leave available to them under their collective agreement, the human resource management policy, or their current work contract. They may also request leave without pay or apply for any federal assistance measures for which they may qualify. With permission from their manager, they may work from home. If so, they are paid for the hours worked.

It is important to remember that an employer may impose a period of isolation on an employee if it has reasonable grounds for doing so, in compliance with its obligation to protect the health and safety of its employees.

4. Will employees who are considered vulnerable (at-risk according to the INSPQ criteria) and who decide to withdraw from work based on the recommendations of the public health authorities be paid?

No. Whenever possible, the employer may assign these employees to other tasks that do not involve physical contact with the children, such as disinfecting, administrative tasks, or telework.

If reassignment or telework is impossible, employees may draw on any bank of days of paid leave available to them under their collective agreement, the human resource management policy, or their current work contract. They may also request leave without pay or apply for any federal assistance measures for which they may qualify.

As soon as the employee considers the level of risk acceptable, the employer will offer the employee the possibility of returning to his or her usual job under the terms and conditions provided in the collective agreement, the human resources management policy, or the current work contract, as the case may be. This decision is made by the manager.

5. Are employees who have COVID-19 paid during their absence?

No. COVID-19 is treated like any other illness, according to the terms and conditions of the collective agreement, the *Act respecting occupational health and safety*, the *Act respecting industrial accidents and occupational diseases*, and the *Act respecting labour standards*.

Employees who contracted COVID-19 at the workplace may file a claim with the CNESST for the length of their absence. Otherwise, they may apply for short-term disability benefits, provided that their employer offers such a plan and that they qualify. For employees who qualify for the disability insurance benefits provided under the policy with Desjardins Insurance, the waiting period will not be applied.

Depending on the length of the absence, a medical certificate could be required.

These employees may also qualify for federal assistance measures.

6. If an employee lives with a vulnerable family member and wishes to withdraw from the workplace, will the employee be paid?

No. The public health authorities 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 public health authorities, the INSPQ, and the CNESST aimed at ensuring that the employee's own home is not contaminated.

Employees who wish to go into voluntary isolation during the period concerned may draw on any bank of days of paid leave available to them under, depending on the case, the collective agreement, the human resource management policy, or their current work contract. They may also request leave without pay or apply for any federal assistance measures for which they may qualify.

Employees must take the necessary measures to avoid being absent and limit the length of their leave.

With their manager's permission, employees may do telework. If so, they will be paid for the hours worked.

7. Will employees who are not available for work in order to care for a sick relative be paid?

No. Employees who are absent for this reason are not paid. However, they may draw on any bank of days of paid leave available to them under the collective agreement, the human resource management policy, or their current work contract. They may also request leave without pay or apply for any federal assistance measures for which they may qualify. With their manager's permission, these employees may do telework. If so, they will be paid for the hours worked.

They must take the necessary measure to avoid being absent and limit the length of their leave.

SUBSIDIES AND PARENTAL CONTRIBUTIONS

8. If parents choose, for reasons related to a medical condition, NOT to send their child to childcare, will the educational childcare facility continue to receive its subsidy?

Until August 31, 2020, an educational childcare facility received its subsidy based on the service agreement in effect for a given child. The parents' obligation to pay the parental contribution (or not) depends on the service agreement entered into by them and the childcare facility.

A) In zones **not** declared to be at the Maximum Alert level (red), since September 1, 2020, it has not been possible to maintain the space of a child whose parents opt not to send their child to childcare, even if they pay, and the service agreement must be terminated. This means that it is no longer possible to reserve a space.

B) In zones declared to be at the Maximum Alert level (red), parents have the option of choosing NOT to send their child to childcare. The parents' obligation to pay the parental contribution (or not) depends on the service agreement entered into by them and the educational childcare facility. The childcare facility will receive its subsidy based on the service agreement in effect for this child.