

A NEW LOCKDOWN AND CURFEW IN QUEBEC: WHAT EMPLOYERS MUST KNOW

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Invoking an increase in the number of COVID-19 cases in Quebec and the increased pressure on the hospital system, on January 6, 2021, Premier François Legault announced that the lockdown which was in force since December 25 would continue and apply to all of Quebec, except for the James Bay Cree territories and Nunavik, up to February 8, 2021, inclusively. In addition, he stated that a provincial curfew would apply from Saturday, January 9, 2021.

Some of these measures may affect companies doing business in Quebec

- A provincial curfew starting on January 9, 2021, from 8:00 p.m. to 5:00 a.m.

From 8:00 p.m. to 5:00 a.m. it will be prohibited to be outside of one's residence. There will be some exceptions to this rule. The government listed a series of exceptions^[1], but only a few concern work, that is:

- A person whose presence is essential at his worksite;
- A person returning from abroad (for his work for example) on a night flight and who has to go home;
- A parent who has to drive his teenager to work.

The police are empowered to intercept anyone who is outside of their residence during the curfew and to hand out fines of \$1000 to \$6000 to offenders if they are unable to explain why they were outside. It is accordingly up to the person found to be outside of his residence to give the police sufficient justification.

Like last March when travelling between regions was prohibited, one way an employee can establish the necessity for travelling between 8:00 p.m. to 5:00 a.m. is to have on hand certification or a letter from his employer to that effect. The government has made available to the public an attestation template, which is currently only available in French^[2].

- Non-essential businesses shall remain closed, but persons are authorized to pick up their purchases at the door.

Non-essential businesses^[3] shall remain closed until February 8, 2021, inclusively. Businesses which may continue to operate must strictly feature only the goods and services considered to be essential. The government has not however given an official list of goods which are classified as essential.

However, people will be allowed to pick up their on-line purchases at the door without entering the store. Accordingly, although it is not explicitly specified by the government, it seems that a business may have its employees work to facilitate the on-line purchasing process and collection at the door.

From January 9, in order to comply with the curfew, all businesses shall close at 7:30 p.m. at the latest, including groceries and convenience stores. Only pharmacies and gas stations may remain open according to their regular business hours.

- The manufacturing and construction sectors will remain open.

Contrary to the situation last March, the manufacturing and construction sectors will remain open. However, the government has requested a reduction of activity to a minimum to ensure compliance with current undertakings. These sectors shall be limited to only essential production and construction. Once again, the government has not given any details as to what is essential.

These measures also include compulsory distance work when possible and a rearrangement of work schedules to limit on-site attendance.

- Compulsory distance work for office employees

Distance work is compulsory for all office employees, except if the employer considers that an employee's presence is necessary for the operation of his business.

Points to be underlined for employers following the announcement of these new measures

If your company operates during the curfew or if employees must commute for work during the curfew, it is important to give your employees an attestation to justify their commuting.

On the other hand, because distance work is compulsory for a large number of employees, if not already done, it would be appropriate to adopt a work-at-home policy to regulate distance work.

Please note that the Decree concerning these new measures is not yet adopted. According to the Vice-Premier, Minister of Public Safety and Minister Responsible for the National Capital Region, the application of these measures may still change somewhat and be more specific by Saturday, January 9, on which date the Decree should be adopted. We will keep you posted on anything new.

[1] [Exceptions](#).

[2] Id.

[3] [Priority service enterprises](#).

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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