

Ontario Government Lifting Remaining COVID-19 Measures

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With the gradual decline of the impact of the Omicron variant, the Ontario government has started to lift public health measures.

On March 1, 2022, Ontario entered the [Roadmap Exit Step](#) under the province's reopening plan. Since then, the government has steadily scaled back its COVID-19 related measures by, among other steps, increasing capacity limits and lifting the proof of vaccination requirements for all settings.

On March 9, 2022, the government of Ontario released a [Statement from Ontario's Chief Medical Officer of Health](#), a technical briefing document called [Living with and Managing COVID-19](#) and announced its intention to lift all remaining COVID-19 related measures by April 27, 2022.

Below, we have summarized some of the key changes for employers.

Mandatory Vaccination Policies

Throughout the course of the pandemic, the Chief Medical Officer of Health has issued several directives and letters of instruction requiring mandatory vaccination policies in a number of high-risk settings, including in the health, education, and post-secondary sectors.

As of March 14, 2022, Directive 6, which mandated vaccination and testing policies for home and community care service providers, ambulance services and public hospitals, was revoked. Letters of instruction regarding vaccination policies previously issued to the Ministry of Children, Community and Social Services, Ministry of Seniors and Accessibility and Ministry of Education, have also been revoked.

It is important to note that the revocation of these directives and letters of instruction do not invalidate existing vaccination policies that employers may have in place. Employers should continue to be aware of their obligations to employees pursuant to the *Occupational Health and Safety Act* (OHSA).

Masking and Screening Requirements

As of March 21, 2022, the mandatory masking requirement was removed in most settings, including schools. Further, the government has announced that as of March 21, 2022, all COVID-19 regulatory

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requirements for businesses will be removed, including passive screening and safety plans.

Masking requirements will continue to be mandatory in the following settings: public transit, long-term care and retirement homes and other health-care settings, shelters, jails and congregate care and living centres, including homes for individuals with developmental disabilities, until April 27, 2022. On that date, masking requirements will be lifted in all settings. Individuals may choose to wear masks should they wish, however.

As previously noted, employers still have a general obligation under the OHS Act to provide their employees with a safe workplace. Therefore, employers should assess whether it is advisable to lift screening and masking requirements in their own workplaces or if these measures should be continued to minimize infection at work.

Reopening Ontario (A Flexible Response to COVID-19) Act, 2020

In July 2020, the government passed the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (the ROA), which allowed the government to continue emergency orders that were first made under the *Emergency Management and Civil Protection Act*, in response to the declared emergency at the start of the pandemic. A number of the COVID-19 related restrictions have remained in place under an emergency order. The government announced in the [technical briefing document](#) that on March 28, 2022, there will be an extension of the ROA emergency order for a final 30 days.

New Guidelines for Isolation and Contact Management

The government has also updated its isolation and contact management guidance. For non-household close contacts, there are no isolation requirements. Individuals who have had close contact should, for ten days following exposure: i) self-monitor for symptoms; ii) wear a mask and avoid activities where mask removal would be necessary; iii) not visit anyone who is at higher risk of illness (i.e., seniors); and iv) not visit or attend work in the highest risk settings (unless they have previously tested positive in the past 90 days).

The following household close contact members do not need to self-isolate but should follow the precautions listed above for 10 days: i) household members that have previously tested positive for COVID-19 in the past 90 days; ii) household members that are 18+ and have received their booster dose; and iii) household members that are under 18 years of age and are fully vaccinated. Household members that do not meet these criteria must self-isolate.

The [technical briefing document](#) defines a “close contact” as “anyone you were less than two metres away from for at least 15 minutes, or multiple shorter lengths of time, without personal protective equipment in the last 48 hours before your symptoms began or your positive test result, whichever came first.”

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All immunocompromised individuals should isolate for ten days and should follow additional precautions, including masking, avoiding high-risk settings and vulnerable individuals for an additional ten days.

Key Takeaways

COVID-19 has presented significant safety risks to our communities and workplaces. Employers have a duty to take “every precaution reasonable in the circumstances” for the protection of a worker pursuant to the OHS Act. They also have an obligation under the Ontario *Human Rights Code* (the Code) to accommodate both employees who have disabilities that make them more vulnerable to the health impacts of a COVID-19 infection and employees who share a home with immunocompromised family members.

At a minimum, employers should not prevent individuals from wearing a mask in the workplace should they choose to wear one. However, as part of their obligations under both the OHS Act and the Code, employers may also be required to implement additional safety measures for employees who are required to report to a physical workplace.

The COVID-19 situation in each province is constantly evolving, and employers should continue to monitor public health directions, laws, and regulations. We will continue to provide updates on the government’s announcements and further developments. In the meantime, please reach out to a member of our Employment and Labour group with any questions.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.