



# What's New in HR Law

## What comes Next? Ontario Ending Mandatory Mask Requirements in Most Settings.

March 17, 2022

### Bottom Line

As part of the provincial reopening plan, on March 9, 2022, the Ontario Government announced its intention to lift provincial masking requirements in most settings as of March 21, 2022. Mandatory masking will continue in some prescribed settings until April 27, 2022. Individual businesses and organizations may still choose to keep mandatory masking requirements in place despite these changes.

### Changes to Mask Mandates in Ontario

Beginning on March 21, 2022, mask-wearing will not be mandatory in most settings, including schools, bars, restaurants, concert venues, theatres, cinemas, gyms, shopping centres, and retail stores.

Mandatory masking will continue in certain high-risk and congregate settings until April 27, 2022. Those settings include:

- public transit;
- long-term care and retirement homes;
- hospitals and health-care settings;
- congregate care settings (including homes for individuals with disabilities);
- shelters; and
- jails under provincial regulation.

Consistent with this approach, the City of Toronto amended its mask bylaw (By-Law No. 541-2020) to expire on March 21, 2022. This amendment followed a report from Toronto’s Medical Officer of Health that current epidemiological trends and the high rate of vaccine coverage suggest that Toronto is in a position where the mandatory mask bylaws are no longer required.

As of the date of this update, the following public health units have either dropped their mask mandates or have announced that mask mandates will no longer be in effect as of March 21, 2022:

- [The Municipality of Chatham-Kent](#)
- Brant County Health Unit
- City of Hamilton Health Unit
- City of Ottawa Health Unit
- The District of Algoma Health Unit
- [Durham Regional Health Unit](#)
- [Grey Bruce Health Unit](#)
- Haldimand-Norfolk Health Unit
- [Haliburton, Kawartha, Pine Ridge District Health Unit](#)
- [Hastings and Prince Edward Counties Health Unit](#)
- [Kingston, Frontenac and Lennox and Addington Health Unit](#)
- [Leeds, Grenville and Lanark District Health Unit](#)
- [Middlesex-London Health Unit](#)
- [Niagara Region](#)
- North Bay Parry Sound District Health Unit
- [Peterborough County — City Health Unit](#)
- Simcoe Muskoka District Health Unit
- Sudbury and District Health Unit
- Timiskaming Health Unit
- [Waterloo Health Unit](#)
- [Wellington-Dufferin-Guelph Health Unit](#)
- Windsor-Essex County Health Unit
- York Regional Health Unit

Some of these health units, including the [City of Ottawa Health Unit](#) and the [Timiskaming Health Unit](#), have continued to strongly recommend mask use despite no longer requiring mandatory masking.

Currently, the [City of Burlington's mask bylaw](#) (By-Law No. 62-2020, as amended by By-Law No. 63-2021) is set to expire within five business days of when the Province repeals its mask mandate and the [City of Mississauga](#) will continue to have its mask mandate in place until 12:01 AM on April 1, 2022.

At the time of writing, some municipalities remain undecided about whether mask mandates should continue to be enforced locally. [The City of Hamilton is reviewing its mask bylaws](#) (By-Law Nos. 20-155 and 20-202), which currently remain in effect. In addition, [Halton Regional Council will be meeting on March 23, 2022](#), to decide whether to repeal Regional By-Law No. 47-20, which mandates mask-wearing in enclosed public places in the Regional Municipality of Halton.

## Check the Box

Employers may wish to consider whether to modify or maintain policies regarding mandatory masking in light of these changes. Any policy changes should be aligned with bylaws and directives from local public health units. Employers should also ensure that any changes to masking policies in their workplaces are tailored to their particular workplace.

Despite the dropping of mask mandates, employers must continue to be mindful of their obligations under the *Occupational Health and Safety Act*, RSO 1990, c. O.1, to implement safety measures appropriate in the circumstances. In some workplaces, employers may be well-advised to continue mandating masks where social distancing is not possible or COVID-19 case counts remain high.

Employers should also continue to monitor directives from local public health units as well as COVID-19 cases and hospitalizations in their areas as these may change following any increases in COVID-19 cases and hospitalizations or the arrival of new variants.

## Need More Information?

For additional information assessing termination liability amidst the ongoing pandemic, or for representation in wrongful dismissal litigation, contact [Laura Freitag](#) at 416-408-5505, or your regular lawyer at the firm.



**Toronto**  
Bay Adelaide Centre  
333 Bay Street, Suite 2500,  
PO Box 44  
Toronto, Ontario M5H 2R2  
tel: 416.408.3221  
fax: 416.408.4814  
toronto@filion.on.ca

**London**  
620A Richmond Street, 2<sup>nd</sup> Floor  
London, Ontario N6A 5J9  
tel: 519.433.7270  
fax: 519.433.4453  
london@filion.on.ca

**Hamilton**  
1 King Street West, Suite 1201  
Box 57030  
Hamilton, Ontario L8P 4W9  
tel: 905.526.8904  
fax: 905.577.0805  
hamilton@filion.on.ca