



What's New in HR Law

Ontario's Updated Public Health Guidance: What Does it Mean for Employers?

September 12, 2022 | By [Cassandra da Costa](#)

Ontario Government Drops Requirement to Isolate

The Ontario Government has updated its public health guidance regarding isolation if an individual is experiencing COVID-19 symptoms or has been exposed to a person who has tested positive for COVID-19.

Unless an individual is actively experiencing COVID-19 symptoms, they are no longer required to isolate. The Chief Medical Officer of Health recommends that individuals wear a mask for 10 days in public after being in contact with a person who has tested positive for COVID-19 or, if an individual is experiencing COVID-19 symptoms, once their fever is gone and their symptoms are improving. The specific language of the revised public health guidance is reproduced below:

1. If you are in contact with someone who has tested positive for COVID-19, continue to self- monitor for symptoms. There is no longer a need to isolate but you should wear a mask for 10 days when in public.

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2. If you are experiencing symptoms of COVID-19 such as fever, cough, or runny nose, stay home from school, work, and social events until your fever is gone and symptoms are improving, and get a rapid antigen test or, if eligible, a PCR test. Wear a mask for 10 days after and avoid non-essential visits to high-risk individuals and settings.

The Ontario Government is also encouraging individuals to take advantage of the recommended vaccine and booster doses, as well as staying home and taking precautions when sick.

What Does This Mean for Employers?

Employers must continue to take all reasonable precautions necessary to ensure the health and safety of their workers in accordance with the *Occupational Health and Safety Act*. Even with the continued availability of vaccines, including the pending roll-out of a bivalent COVID-19 vaccine, COVID-19 remains highly transmissible and can easily spread within workplaces. It is the responsibility of employers to evaluate the COVID-19-related risks in their unique workplaces and implement measures appropriate to reduce these risks. With public health guidance and government directives continuing to loosen, employers are expected to implement their own individual policies and guidelines to maintain a safe and healthy workplace.

Bivalent COVID-19 Booster Dose Available Now to Vulnerable Populations and Will Be Available September 26th to all Ontarians Aged 18+

On September 12, 2022, the Ontario Government announced the availability of the bivalent COVID-19 vaccine in the province. The bivalent COVID-19 vaccine, which was authorized by Health Canada on September 1, 2022, targets both the original SARS-CoV-2 virus that caused the COVID-19 pandemic and the Omicron (BA.1) variant of the virus.

Individuals are eligible to receive the bivalent COVID-19 booster if at least six months have passed since their previous vaccine dose. However, the distribution of the bivalent COVID-19 booster in Ontario will be conducted in two phases.

As of September 12, 2022, the Ontario Government is first offering the bivalent COVID-19 booster dose to the following groups of individuals, who have been identified as vulnerable populations:

- individuals aged 70 and over;
- residents of long-term care homes and other congregate settings;
- First Nation, Inuit and Métis individuals and their non-Indigenous household members aged 18 and over;
- moderately to severely immunocompromised individuals aged 12 and over;
- pregnant individuals aged 18 and over; and
- healthcare workers aged 18 and over.

Individuals aged 18 or older who do not fall into one of the identified vulnerable groups can start booking their bivalent COVID-19 booster appointment as of September 26, 2022. New booster appointments for these individuals will be paused until that date; however, previously booked booster appointments for September 12 to 25 will be honoured and, if available, the bivalent COVID-19 vaccine will be offered.

Appointments for the bivalent COVID-19 vaccine can be booked using the Ontario Government’s COVID-19 vaccination portal or through local public health units with their own booking systems, participating health care providers, or participating pharmacies.

Children Aged Five and Over Eligible for First Booster Shot

The Ontario Government has expanded the eligibility for a COVID-19 vaccine first booster dose to children aged five to 11. Eligible children can now receive their first booster dose if their last vaccine dose was received at least six months ago.

Parents and caregivers of children aged five and older can book an appointment for a pediatric COVID-19 booster dose using the Ontario Government’s COVID-19 vaccination portal or through their local public health unit, participating health care providers, or participating pharmacies.

Check the Box

As the Ontario Government continues to revise any remaining pandemic-related public health guidance, employers should consider what health and safety measures best fit their individual workplaces. Employers should set policies and procedures that balance the risks in their workplaces with the health and safety of their workers.

Given the potential rise in COVID-19 cases this fall and the possibility of new COVID-19 variants, employers may wish to remain cautious and maintain any policy requiring employees to remain away from the workplace after they have been in contact with someone who tested positive for COVID-19 or if they are experiencing symptoms of COVID-19. Employers may pair this approach with continued mask-wearing protocols in their workplaces to prevent or reduce occupational COVID-19 exposure and the related risks to employee health, safety, and attendance.

Need More Information?

For more information or assistance with navigating the evolving public health guidance and how it impacts your workplace, contact [Cassandra da Costa](mailto:Cassandra.da.Costa@filion.on.ca) at cdacosta@filion.on.ca 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
252 Pall Mall Street, Suite 100
London, Ontario N6A 5P6
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

Kitchener-Waterloo
137 Glasgow Street
Suite 210, Office 175
Kitchener, Ontario N2G 4X8
tel: 519.433.7270
fax: 519.433.4453
kitchener-waterloo@filion.on.ca