



What's New in HR Law

Ontario Easing Public Health Restrictions: The Path Forward

January 28, 2021

Bottom Line

On January 31, 2022, the Government of Ontario will begin to gradually ease public health measures. Further easing of restrictions will occur in 21 day increments thereafter (February 21 and March 14, 2022). Supports for business will be available for those companies that had to close or reduce their capacity due to public health measures.

January 31, 2022

Effective January 31 at 12:01 AM, Ontario will begin gradually easing public health restrictions by moving the province to Step 3 of the Roadmap to Reopen. The requirements that will be in effect during this time are set out in [O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step](#). The measures include, but are not limited to, the following:

- Increasing social gathering limits to 10 people indoors and 25 people outdoors.
- Increasing or maintaining capacity limits at 50 per cent in indoor public settings, including but not limited to:

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- Restaurants, bars and other food or drink establishments without dance facilities;
- Retailers (including grocery stores and pharmacies)
- Shopping malls;
- Non-spectator areas of sports and recreational fitness facilities, including gyms;
- Cinemas;
- Meeting and event spaces;
- Recreational amenities and amusement parks, including water parks;
- Museums, galleries, aquariums, zoos and similar attractions;
- Casinos, bingo halls and other gaming establishments; and
- Religious services, rites, or ceremonies.
- Allowing spectator areas of facilities such as sporting events, concert venues and theatres to operate at 50 per cent seated capacity or 500 people, whichever is less.

Furthermore, a significant change from the Step 2 Rules is that the Step 3 Rules do not require businesses or organizations to ensure that any person conducts their work remotely if the nature of their work does not require them to be onsite. Employers may now plan to return their employees to the workplace as may be necessary or appropriate, depending on their operational needs.

February 21, 2022

Effective February 21, Ontario will further lift public health restrictions. This includes, but is not limited to, the following:

- Increasing social gathering limits to 25 people indoors and 100 people outdoors.
- Removing capacity limits in indoor public settings where proof of vaccination is required, including but not limited to restaurants, indoor sports and recreational facilities, cinemas, as well as other settings that choose to opt-in to proof of vaccination requirements.
- Permitting spectator capacity at sporting events, concert venues, and theatres at 50 per cent capacity.
- Limiting capacity in most remaining indoor public settings where proof of vaccination is not required to the number of people that can maintain two metres of physical distance.

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- Indoor religious services, rites or ceremonies limited to the number that can maintain two metres of physical distance, with no limit if proof of vaccination is required.
- Increasing indoor capacity limits to 25 per cent in the remaining higher-risk settings where proof of vaccination is required, including nightclubs, wedding receptions in meeting or event spaces where there is dancing.

March 14, 2022

Effective March 14, Ontario will take the following steps to further ease public health measures:

- Lifting capacity limits in all indoor public settings. Proof of vaccination will be maintained in existing settings in addition to other regular measures.
- Lifting remaining capacity limits on religious services, rites, or ceremonies.
- Increase social gathering limits to 50 people indoors with no limits for outdoor gatherings.

Supports for Business

The Ontario Business Costs Rebate Program is available for those businesses required to close or reduce capacity due to public health measures. Through this program, the Government of Ontario will provide eligible businesses with a rebate of up to 100 percent for property tax and energy costs incurred while subject to these restrictions. Applications for this rebate opened on January 18, 2022.

The Government of Ontario has also introduced a COVID-19 Small Business Relief Grant. Under this program, businesses that were subject to closure under the modified Step 2 of the Roadmap to Reopen may receive a grant of \$10,000. The money will be provided to eligible businesses in February.

The Government of Ontario is also making \$7.5 billion available to businesses through a six-month interest and penalty-free period to make payments for most provincially administered taxes. This period started on January 1, 2021.

Finally, the Government of Ontario has extended the final date for Infectious Disease Emergency Leave (“IDEL”) program. Paid IDEL will remain available until July 31, 2022, while deemed IDEL has been extended to July 30, 2022. These dates have changed before, so there remains a possibility that further extensions could be implemented.

Check the Box

Employers should remain mindful as to how continued easing of public health measures impacts their operations. Businesses should also be aware of the Government programs available to them, as there may be an opportunity to alleviate some of the costs of closure or capacity restrictions for eligible employers. Finally, employers should remain aware that the current and anticipated rules are always subject to change. Therefore, businesses should strive to remain up to date with the rules, and keep a constant eye on public health announcements for the foreseeable future.

Need More Information?

For more information or assistance with workplace management issues amidst the COVID-19 pandemic, contact [Andrew Failes](#) at 647-598-0513, or your regular lawyer at the firm.



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