



# What's New in HR Law

## Take the Next Exit to Arrive at your Destination – Ontario Moving to the Roadmap Exit Step

March 1, 2022

### **The Ontario Government Lifts Many Public Health Restrictions**

On [February 14, 2022](#), the Ontario Government announced its intention to lift public health measures in response to waning COVID-19 case numbers, hospitalizations, and intensive care unit admissions.

The Ontario Government has recently released two new regulations, [O. Reg. 99/22](#) and [O. Reg. 100/22](#) (the “Regulations”), realizing its intention to ease public health restrictions effective March 1, 2022. The Regulations amend the existing [Steps of Reopening](#) regulation (O. Reg. 363/20) and [Rules for Areas at Step 3 and the Roadmap Exit Step](#) regulation (O. Reg. 364/20). The resulting changes will have significant impacts on how organizations and businesses operate as the risks associated with COVID-19 continue to diminish.

### **Transition to the Roadmap Exit Step**

Effective March 1, 2022, all public health regions in Ontario have been moved to the Roadmap Exit Step in Ontario’s reopening framework.

**This update is for general discussion purposes and does not constitute legal advice or an opinion.**

As part of the Roadmap Exit Step, the Ontario Government has lifted a number of public health restrictions, including:

- Capacity limits in all indoor public settings;
- Mandatory proof of vaccination requirements, although businesses and organizations may choose to require proof of vaccination upon entry if they wish; and
- Many sector-specific restrictions, including those applicable to food and drink establishments, nightclubs, public libraries, community centres, short-term rentals, real estate agencies, personal care service providers, personal physical fitness trainers, and shopping malls.

Sector-specific restrictions remain for cannabis retail stores, camps for children, and schools and private schools within the meaning of the *Education Act*. Cannabis retailers must ensure that products can be sold via alternative methods of sale, such as curbside pick-up or delivery. Day camps for children must operate in a manner consistent with the COVID-19 safety guidelines produced by the Chief Medical Officer of Health. Schools must operate in accordance with a return-to-school direction issued by the Ministry of Education and approved by the Chief Medical Officer of Health.

### **Compliance with Public Health Recommendations**

While the transition to the Roadmap Exit Step and the changes made by the Regulations lift many restrictions, businesses and organizations must continue abiding by public health recommendations and the Roadmap Exit Step rules.

Accordingly, businesses and organizations should continue to follow the local and provincial recommendations in respect of, among other things, social distancing, disinfecting surfaces, COVID-19 screening, and other health measures issued prior to February 25, 2022.

Public health recommendations regarding the establishment of COVID-19 vaccination policies issued prior to February 25, 2022 no longer need to be followed. However, any new public health recommendations made after February 25, 2022, including those regarding COVID-19 vaccinations, must be followed.

### **Face Coverings and Safety Plans**

Businesses and organizations must continue to ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering that covers their mouth, nose, and chin. Exceptions to the mask or face covering requirement, such as on the basis of the *Human Rights Code*, R.S.O. 1990, c. H.19, remain unchanged.

The Ontario Government has removed the requirements for individuals to wear protective equipment that covered their eyes, nose, and mouth if they come into contact with individuals not wearing a mask and for workers to socially distance or be behind an impermeable barrier when eating or drinking.

Safety plans continue to be required and must set out the measures and procedures that have been implemented or will be implemented to reduce the risk of COVID-19 transmission.

However, businesses and organizations are no longer required to record names and contact information for the purposes of contact tracing, nor to disclose such information to medical officers of health or inspectors.

## Check the Box

The recent changes to the Roadmap Exit Step will provide business and organizations with increased flexibility to operate in a manner more closely resembling pre-pandemic conditions.

Some restrictions will remain in place, however, and businesses and organizations must continue to follow public health recommendations as required. Employers should keep an eye on any new local and provincial public health recommendations that may have an impact on their operations, as these recommendations can quickly change if new restrictions are implemented to combat any increase in COVID-19 cases or hospitalizations.

Notwithstanding that some restrictions may have been eased, employers must remain mindful of their obligations under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, and implement safety measures that are appropriate for their respective workplaces. Workplaces with greater health risks may make it necessary for the employer to impose greater restrictions than those prescribed under the Roadmap Exit Step.

## Need more information?

For more information about the impact of the transition to the Roadmap Exit Step, please contact Clifton Yiu at 416.408.5501 or your regular lawyer at the firm.



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