



What's New in HR Law

Ontario Revokes Most Pandemic-Related Public Health Measures Effective March 21, 2022

March 18, 2022

Bottom Line

This week, the Ontario Government filed [O. Reg. 213/22](#) (the “Amending Regulation”), the regulation that will lift many of the province’s existing public health measures. The Amending Regulation will revoke significant portions of the public health requirements established under [O. Reg. 364/20](#) (the “Roadmap Regulation”).

In this Insight, we review the changes that will arise when most of the Amending Regulation comes into force on March 21, 2022.

Elimination of Step 3 of the Provincial Reopening Plan

The Amending Regulation will revoke Schedules 1, 2, and 3 of the Roadmap Regulation, which establish the general rules, sector-specific rules, and rules for organized public events and gatherings at Step 3 of the provincial reopening plan.

The only legislative language to be maintained across the three Schedules is the definition of when a person is fully vaccinated against COVID-19. As before, the Roadmap Regulation states that a person is considered fully vaccinated against COVID-19 if:

- (a) they have received
 - (i) the full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines,
 - (ii) one or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada, or
 - (iii) three doses of a COVID-19 vaccine not authorized by Health Canada; and
- (b) they received their final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.

Although the revocation of the Step 3 rules may seem like a drastic change, this development will likely have minimal, if any, practical implications. As mentioned in our [previous Insight](#), on March 1, 2022, all public health regions in Ontario were moved from Step 3 to the Roadmap Exit Step of the provincial reopening plan.

Changes to Rules at the Roadmap Exit Step

Most critically, the Amending Regulation will rescind the provincial mask mandate for most public settings except for public transit, long-term care and retirement homes, hospitals and health care settings, congregate care settings, laboratories and specimen collection centres; shelters, and provincially-regulated jails. The Amending Regulation also specifically revokes previous mask-wearing exemptions applicable to persons attending schools and private schools; child care programs; day camps or overnight camps for children; performances or rehearsals for film or television productions, concerts, artistic events, or theatrical productions; sex clubs; and bathhouses. Our [most recent Insight](#) provides a detailed summary of the changes to mask mandates at the provincial and local levels.

Businesses and organizations are no longer required to comply with the Chief Medical Officer of Health's advice, recommendations, and instructions on screening individuals for COVID-19. The Provincial Government has lifted the requirement for passive screening (i.e., conspicuously posting signs at all entrances to the premises of the business or organization to inform individuals on how to screen themselves for COVID-19).

Moreover, businesses are no longer required to have COVID-19 safety plans. Previously, the Roadmap Regulation required an open business to prepare and make available a safety plan describing its measures and procedures for reducing the risk of COVID-19 transmission.

Lastly, the Amending Regulation revokes Schedule 5 of the Roadmap Regulation, which sets out specific public health rules applicable to cannabis retail stores, camps for children, schools, and private schools. The rescission of Schedule 5 means that businesses in these sectors will be held to the same general rules as other businesses and organizations at the Roadmap Exit Step

Check the Box

All Ontario regions are currently at the Roadmap Exit Step of the reopening plan and, as such, businesses across the province must comply with the provisions of the Roadmap Regulation that are still in force. These include the requirements for open businesses and organizations to operate in accordance with:

- all applicable laws, including the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, and its regulations;
- the Chief Medical Officer of Health's advice, recommendations, and instructions with respect to physical distancing, cleaning, disinfecting, and COVID-19 vaccination policies; and
- any advice, recommendations, and instructions issued by a local public health official before February 25, 2022, regarding topics other than COVID-19 vaccination policies.

In addition, the developments effected by the Amending Regulation do not affect an employer's right to maintain, amend, or even create a workplace policy in respect of infection control measures (e.g., vaccination, wearing masks at a workplace, etc.). Although the provincial mandates are being lifted, employers can still choose to implement reasonable measures to protect the health and safety of individuals in their workplaces.

Of course, the pandemic situation is constantly evolving and new COVID-19 variants, such as the BA.2 variant, may lead to further adjustments to public health measures and Ontario's reopening plan. Employers should continue to diligently monitor legislative developments, government announcements, and public health directives for any news that may impact their operations, in order to ensure their compliance with ever-changing legal landscape.

Need More Information?

For additional information about public health measures that may impact your workplace, contact Cassandra Ma or your regular lawyer at the firm.



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