



Ontario Government Lifting the Majority of COVID-19 Workplace Restrictions

April 2022 Employer Alert

Effective Wednesday, April 27, 2022, the Ontario Government will be further easing COVID-19 workplace restrictions. The Ontario Government has now filed **regulation** that revokes the remaining COVID-19 regulation under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (the "Reopening Act"). This will eliminate the regulation-based requirements for masking, physical distancing, and daily worker screening for many workplaces. However, employers are still required to comply with any applicable order or directive issued by a relevant public health unit, establishing COVID-19 workplace restrictions. In addition, employers are still required to implement reasonable measures in regards to COVID-19 and the workplace, further to their broad obligations under the *Occupational Health and Safety Act*.

As discussed in our **March emailer**, currently, all of Ontario is under the Roadmap Exit Step and is required to follow the COVID-19 workplace restrictions outlined in **O. Reg 364/20**. These restrictions include requiring employers to actively screen workers, using the daily **Worker Screening Questionnaire**, when the worker attends at the workplace. Effective April 27, 2022, O. Reg 364/20 and the other remaining COVID-19 related regulation under the Reopening Act will be revoked. As such, most COVID-19 workplace restrictions will be lifted, including the daily worker screening.

There are though, essentially two categories of COVID-19

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workplace restrictions that will remain in effect as of April 27th. First, local public health units may still have orders and directives establishing COVID-19 workplace restrictions. These orders and directives are generally issued under section 22 of the *Health Protection and Promotion Act*. For example, the Ontario Chief Medical Officer of Health has issued **directives** that will remain in effect until at least June 11, 2022. These directives include the requirement to mask in high-risk public settings, such as public transit, health care, long-term care homes, retirement homes, and shelters. To ensure compliance, employers should review the current orders and directives, if any, of their municipal public health unit and Ontario Public Health. For most employers, there will be no COVID-19 workplace restrictions established by their public health units as of April 27th.

Second, employers may determine they need to maintain certain COVID-19 workplace restrictions, further to the broad obligations under the *Occupational Health and Safety Act*. Each employer will need to adopt a contextual approach to determine what COVID-19 measures are reasonable in each circumstance. Similarly, an employee may decide to continue to follow expired restrictions (e.g. wearing a mask, physical distancing, etc.). Employers should carefully and properly handle any employee's decision to continue to follow an expired restriction as it may be based on a disability or other *Human Rights Code* protected ground. Depending on the facts, the employee's decision to follow an expired restriction may trigger an obligation to involve the Ministry of Labour.

As the Ontario Government's response to the on-going COVID-19 pandemic and the obligations on businesses continue to change, we are ready to strategically support you and your business. Further to this, we are regularly **publishing emailers** and hosting **complimentary webinars**. For more details, or to register for our upcoming webinars, please visit our **website**.

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