



## Ontario Government Eases COVID-19 Workplace Restrictions

### March 2022 Employer Alert

Effective Monday March 21, 2022, the Ontario Government will again be easing COVID-19 workplace restrictions. The Ontario Government has now filed regulation that sets out the new easing of restrictions to take effect. In addition, the filed regulation details how restrictions will be further lifted, when the province or a specific public health unit moves into the next step. It is anticipated that in the coming weeks, all restrictions will effectively be lifted. However, in certain circumstances, employers may still opt to continue to impose certain expired restrictions.

The regulations that establish COVID-19 workplace restrictions are filed under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (the "Reopening Act"). Currently, the main regulation under the Reopening Act establishing COVID-19 workplace restrictions is **O. Reg. 364/20**. This regulation sets out the restrictions for workplaces under Step 3 and under the Roadmap Exit Step. Currently, all of Ontario is under the Roadmap Exit Step.

On March 11, 2022, the Ontario Government filed regulation revising O. Reg. 364/20 effective March 21, 2022. Further to these revisions, as of Monday March 21st:

- businesses will no longer be required to have posters/signage advising visitors to screen themselves and how to screen themselves;

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- businesses will no longer be required to mandate masking, except for the public areas of certain businesses (e.g. long-term care homes, health care clinics, homeless shelters, etc.);
- businesses will no longer be required to have a written safety plan regarding COVID-19, under the Reopening Act; and
- certain specific rules will be removed for cannabis retail stores, camps for children, public schools, and private schools.

Under the revised O. Reg. 364/20, when the province or a specific public health unit is moved into Step 3, effectively all COVID-19 workplace restrictions will be removed. This includes removing the restrictions regarding masking, physical distancing, and daily worker screening. However, employers will remain able under O. Reg. 364/20 to opt into requiring proof of vaccination.

In light of the above and until we move into Step 3, employers in Ontario still need to actively screen workers, using the daily [Worker Screening Questionnaire](#), when the worker attends at the workplace. When a worker is unsure if they need to self-isolate, in particular given the regularly changing requirements, the worker should be directed to complete the Ontario [Self-Assessment Questionnaire](#).

While the Ontario Government is easing restrictions, some employers may decide to continue to impose certain expired restrictions. This decision should be based on the specific health and safety concerns of the workplace, further to the broad obligations under the *Occupational Health and Safety Act*. However, any decision should be respectful of other legal obligations, including privacy obligations and human rights obligations. Similarly, an employee may decide to continue to follow certain expired restrictions (e.g. wearing a mask), in light of a disability or other *Human Rights Code* protected ground. Employers should carefully and properly handle any employee's decision to follow an expired restriction. Depending on the facts, the employee's decision may trigger an obligation to involve the Ministry of Labour.

As the options, obligations, and impact of COVID-19 on the workplace 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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