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Employers Take Note: New Requirements for COVID-19 Screening for Employees and Essential Visitors Now in Effect **

Date: September 29, 2020

***** Editor's Note on January 27, 2021: The COVID-19 screening tool has been updated and contains numerous changes from the information set out below. Please refer to* our communication of January 27, 2021 *for information about the new requirements.***

The Ontario government has announced that Ontario employers are now required to apply a COVID-19 screening test to employees and essential visitors before they enter the workplace.

The regulation outlining Rules for Areas in Stage 3 has been amended to include a requirement that persons responsible for businesses and places under Schedule 1 that are open "shall operate the business or organization in compliance with the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health on screening individuals." This change came into effect on September 26, 2020.

In its news release dated September 25, the government published recommendations for COVID-19 screening. They set out a number of questions to be answered by the employee or essential visitor relating to COVID-19 and state that the screening "should occur before or when a worker enters the workplace at the beginning of their day or shift, or when an essential visitor arrives." No additional guidance is given as to how the COVID-19 screening questions are to be administered.

Consistent with an employer's obligation under the *Occupational Health and Safety Act* to take all precautions reasonable in the circumstances to protect its workers, employers should now be requiring the COVID-19 questionnaire to be completed before an employee or essential visitor enters the workplace. Employers should also ensure that appropriate records are kept so as to be able to demonstrate compliance if needed, with the necessary safeguards in place given the sensitivity of the information being collected.

Should you have further questions, please contact Nadine Zacks or your regular Hicks Morley lawyer.