

## Human Resources Legislative Update

### Private On-Site Rapid Testing for COVID-19 Expanded

**Date:** March 22, 2021

On March 17, 2021, the [Ontario government announced](#) that:

- it has removed certain regulatory restrictions to make it easier to administer private, on-site testing for asymptomatic employees who wish to self-swab for a rapid antigen test on a voluntary basis (and under the supervision of a trained individual)
- a guide for organizations and individuals who wish to offer private testing is available
- it is expanding its Provincial Antigen Screening Program to more workplaces including first responders, emergency medical services, trucking and transportation, wastewater management, and post-secondary institutions.

The government has amended regulations made under the [Laboratory and Specimen Collection Centre Licensing Act](#) to remove the restrictions on [persons who may perform COVID-19 point-of-care testing](#) using a device authorized by the Minister of Health for such use, and on those who may [collect those specimens](#). The government states that these changes make it easier for organizations to conduct on-site testing.

The Ministry of Health has published a guidance document titled “[COVID-19 Guidance: Considerations for Privately Initiated Testing](#)” (Guide) geared to organizations or individuals who wish to do point-of-care testing outside of the public health system. The Guide sets out testing requirements for organizations, which include but are not limited to:

- notifying their public health unit that they will be conducting a private testing program
- ensuring confidentiality of personal and health information in accordance with legal obligations
- having a systemic procedure in place to follow up on test results
- having a response plan in place where individuals are exposed to or are diagnosed with COVID-19
- reporting any positive COVID-19 cases to the applicable public health unit, in accordance with the *Health Protection and Promotion Act*.

The Guide also sets out certain organizational responsibilities relating to private testing.

Workplace testing can give rise to many legal issues. Accordingly, should you be considering implementing COVID-19 rapid testing in your workplace, it is recommended that you contact your regular Hicks Morley lawyer for further advice.