

FTR Now

Ontario Lifting Remaining COVID-19-Related Measures: What Employers Need to Know

Date: March 11, 2022

On March 1, 2022, all regions of Ontario entered the Roadmap Exit Step of the province's Reopening Plan. Since that date, the government has been steadily reducing its COVID-19-related measures in anticipation of a full reopening of the province. As we previously [reported](#), the Chief Medical Officer of Health [announced](#) on March 9, 2022 that all remaining COVID-19-related measures would be lifted by April 27, 2022.

In this *FTR Now*, we review the government's phased removal of the remaining measures and identify issues that employers will need to consider as the measures are lifted.

Vaccination Policies

Over the course of the pandemic, instructions and directives have been issued by the Office of the Chief Medical Officer of Health (OCMOH) and various government ministers requiring a wide range of organizations in the health, education and post-secondary sectors to implement vaccination policies within their workplaces.

The OCMOH revoked the instructions for post-secondary institutions on March 1, 2022, and has now indicated that all remaining instructions and directives in all sectors will be revoked on **March 14, 2022**.

While the revocation of these instructions and directives does not on its own invalidate existing vaccination policies, employers will need to carefully consider what effect this development might have on the continued enforceability of their vaccination policies, keeping in mind ongoing obligations to employees under the *Occupational Health and Safety Act*. For example, should your organization maintain its vaccination policy? If your policy is to be maintained, does it need to be updated based on current science? What impact does this development have on prior decisions to place unvaccinated employees on unpaid leaves?

Masking and Other Restrictions under the Roadmap Exit Step

The government is planning to lift most of the remaining restrictions—including the need for safety plans and passive screening of individuals entering premises—that currently apply to businesses and other organizations under the Roadmap Exit Step of its Reopening Plan on **March 21, 2022**.

In terms of masking, the government has announced that masking requirements will be lifted for most businesses and organizations, including schools, on **March 21, 2022** as well.

Masking requirements will continue to be in effect until **April 27, 2022** in the following settings: public transit, long-term care, retirement homes and other healthcare settings, shelters, jails, and congregate care and living settings, including homes for individuals with developmental disabilities. On that date, all masking restrictions in all settings will be lifted.

With respect to schools, in addition to lifting masking requirements on March 21, 2022, the government has informed school boards that other measures—including cohorting and daily on-site screening requirements—will be lifted on that date as well. The Deputy Minister of Education sent a detailed memorandum to school boards on March 9, 2022 regarding these developments.

Similar to the considerations for maintaining vaccination policies, employers should consider whether they wish to maintain masking and/or screening protocols having regard to the nature of their business and any guidance and direction from local public health units.

Emergency Orders under the *Reopening Ontario Act*

The government passed the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (ROA) in July 2020 to allow the government to continue a range of emergency orders first made under the *Emergency Management and Civil Protection Act* in response to the declared emergency at the outset of the pandemic. Most of the COVID-19-related restrictions that have been in effect since that time were created under an ROA emergency order (Order). In keeping with the nature of the pandemic and the extraordinary powers afforded to the government under the ROA, the Orders must be renewed every 30 days to remain in effect.

Over the course of the pandemic, the government has lifted some of the Orders in response to changing circumstances. For example, the government recently indicated that three Orders will be revoked on March 16, 2022—those relating to the restrictions imposed in Stages 1 and 2 of the Reopening Plan and an Order relating to the management of retirement homes in an outbreak of COVID-19.

At this point in time, there are 27 Orders still in place, including the three that will be revoked on March 16, 2022. Most of the remaining Orders relate to staffing and redeployment measures in high-risk settings such as hospitals, long-term care homes, retirement homes, congregate care settings, etc.

Separate from the Orders relating to staffing and redeployment, employers in the broader health sector may be aware of the Order establishing “temporary COVID-19 related payments” as a temporary exception to the 1% limits on compensation increases imposed under the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* (Bill 124).

The OCMOH announcement has indicated that the ROA Orders will be extended until no later than **April 27, 2022**. It is not entirely clear from the announcement whether all remaining Orders will be revoked as of April 27, 2022, or whether some might be revoked before that date (similar to the three noted above), but the implication is that all remaining Orders will remain in effect until that date. We will continue to carefully monitor this aspect of the announcement.

In any event, any employer who has been relying on the ROA Orders in making its staffing and staff deployment decisions, or who has been providing temporary COVID-19-related payments to its employees, will need to begin planning now for the revocation of the Orders and the return to the pre-pandemic staffing rules of any applicable collective agreements, as well as the original Bill 124 restrictions.

Other Directives

Finally, the OCMOH announcement indicated that all remaining directives issued by the OCMOH in response to COVID-19 would be revoked on **April 27, 2022**. This includes Directives 1, 2.1, 3, 4 and 5. These directives apply to various parts of the broader health sector, including hospitals, long-term care homes, and ambulance services and paramedics. They address matters including personal protective equipment, point-of-care risk assessments, patient transfers, etc.

As with the other developments discussed in this *FTR Now*, employers who have been subject to these directives will need to begin planning now for their revocation and will need to consider what impact that will have on current health and safety plans and other practices.

As readers will appreciate, one of the few constants during the pandemic has been perpetual change as governments have adapted to an ever-evolving virus. Therefore, we will continue to carefully monitor and report on developments that impact employers, including any adjustments to the announced timelines, as the government moves through its phased lifting of the

remaining COVID-19-related measures, directives and orders.

If you have any questions in relation to these developments, please contact your [regular Hicks Morley lawyer](#).

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