



# Ontario Mandates COVID-19 Vaccination Policies for High-Risk Settings

August 20, 2021

On Tuesday, August 17, 2021, the Province of Ontario announced that it will require employers in certain high-risk settings to implement vaccination policies. While the Ontario government stopped short of mandating vaccination for all employees in such settings, it appears to be utilizing a combination of vaccination, education and testing to protect vulnerable individuals in settings where the risk of contracting and transmitting COVID-19 – including the Delta variant – is highest.

With respect to public hospitals, home and community care service providers, and ambulance services, the Chief Medical Officer of Health has issued **Directive #6**, which mandates those organizations to create vaccination policies applicable to all of their employees, staff, contractors, students, and volunteers. The required policies must take effect by September 7, 2021. A detailed **Resource Guide** with respect to the requirements of the policies has also been issued by the Chief Medical Officer of Health.

Similar to the policy requirements applicable to long-term care homes, the policies required by the new Directive must dictate that affected individuals provide proof of one of the following:

1. Full vaccination against COVID-19 (i.e., two doses, the second of which was received at least 14 days ago); or
2. A medical reason, as supported by documentation from a physician or nurse practitioner, for not being vaccinated against COVID-19.

All organizations subject to the Directive must also make available to affected individuals an employer approved educational session about the benefits of COVID-19 vaccination. The educational session must address, at a minimum, all of the following:

- How COVID-19 vaccines work;
- Vaccine safety related to the development of the COVID-19 vaccines;
- Benefits of vaccination against COVID-19;
- Risks of not being vaccinated against COVID-19; and
- Possible side effects of COVID-19 vaccination.

The policies required by the new Directive may allow for affected individuals to provide, as an alternative to the requirements set out at 1) and 2) above, proof of completing the educational session about the benefits of COVID-19 vaccination.

Individuals who do not provide proof of full vaccination will be required to undertake regular antigen



(i.e., rapid) testing. While the frequency of testing is to be set by the employer, it must be at least once every seven (7) days. Employers will need to consider the adequacy of this frequency in light of their unique risks and obligations pursuant to the *Occupational Health and Safety Act* (OHSA).

With respect to educational settings, the government also announced that the Ministry of Education will introduce a vaccination disclosure policy applicable to all publicly funded school board staff, private school staff, and staff in licensed childcare settings throughout the 2021-2022 school year. Individuals working in education who are not fully immunized will be required to submit to rapid antigen testing.

Vaccination policies will also be required to be implemented in the following employment settings:

- Post-secondary institutions;
- Licensed retirement homes;
- Women's shelters;
- Congregate group homes and day programs for adults with developmental disabilities, children's treatment centres and other services for children with special needs, and licensed children's residential settings.

## **In Our View**

In the coming weeks, Ontario employers in several health care, education and other high-risk settings will face the onerous task of developing and implementing COVID-19 vaccination policies, and of overseeing the rapid antigen testing process for staff and other affected individuals that remain unvaccinated.

For more information on the province's new vaccination policy requirements, and for information about vaccination policies for organizations that do not fall within one of the high-risk settings discussed above, please contact [J.D. Sharp](#) at 613-940-2739 or [Kecia Podetz](#) at 613-940-2752.

\*\*\*Please note that the summary provided in this article is based primarily on the Ontario Government's [News Release](#) and [Directive #6](#). At the time of writing, limited details about the new vaccination policy requirements were publicly available; accordingly, should the summary provided in this article conflict with any new or amended provincial directives or orders, those directives/orders will prevail. We will keep readers updated as necessary.\*\*\*