

HAS YOUR BUSINESS IMPLEMENTED ONTARIO'S NEW COVID-19 SCREENING MEASURES?

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In response to the recent surge of COVID-19 cases, the Ontario government has decided to implement an additional public health measure to help the fight against COVID-19. As of September 26, 2020, all employers, regardless of the sector they belong to, are now required to pre-screen their workers and any essential visitors prior to their entry into the workplace. "Workers" include students, contractors or volunteers that conduct business or related activities where applicable and appropriate. "Essential visitors" include individuals providing a service in the establishment who are not employees or patrons of the establishment (e.g., delivery, maintenance, contract workers).

What is the New Public Health Measure?

This new health and safety compliance obligation can be found in [Ontario Regulation 364/20: Rules for Areas in Stage 3, under the Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (the "Regulation"). The new amendment to the Regulation states at subsection 2(3):

"The person responsible for a business or organization that is 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."

How Do Employers Pre-Screen Workers and Essential Visitors?

The pre-screening of workers and essential visitors is to be achieved by using the ["COVID-19 Screening Tool for Workplaces \(Business and Organization\)"](#) (the "Screening Tool"), recommended by the Office of the Medical Officer of Health and published by the Ministry of Health on September 25, 2020.

The Screening Tool is essentially a set of questions that asks the surveyor whether they are experiencing any COVID-19 symptoms, whether they have engaged in any recent travel outside of Canada, and whether they have been in close contact with a confirmed or probable case of COVID-19. Note that this tool may not be applicable to certain health care settings that already have existing screening in place. The tool may be adapted based on the workplace.

What does this Mean for Employers?

Employers must use the Screening Tool to conduct screening of their workers or essential visitors every time they are about to enter into the workplace. If any worker or essential visitor answers "yes" to any one of the three questions, they are not permitted to enter the workplace, and should be advised to self-isolate, as well as



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contact their health care provider or Telehealth Ontario.

Individuals who pass the screening by answering no to all three questions are permitted to enter the workplace, but must be advised that they should immediately report any new symptoms to the employer.

In addition to the steps outlined above, employers should also be sure to continue to comply with their existing obligations under health and safety laws to ensure complete compliance.

If you have any questions about the new screening measures, please reach out to the Fogler, Rubinoff LLP Employment Law Group.

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