

New Ontario Amendment Requires Employers to Comply with Chief Medical Officer of Health on Vaccination Policies

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On August 24, 2021, the Ontario government filed a regulation ([O. Reg. 577/21](#)) amending the [Rules for Areas at Step 3 and at the Roadmap Exit Step](#) regarding the establishment and implementation of vaccination policies by businesses and organizations. This amendment provides the Province with the necessary authority to require employers to have a vaccination policy and set out what must be included in such a policy, should they choose to do so.

At a functional level, O. Reg. 577/21 requires businesses or organizations to operate in compliance with “any advice, recommendations and instructions” issued by the Office of the Chief Medical Officer of Health, or by a medical officer of health after consultation with the Office of the Chief Medical Officer of Health,

- (a) requiring the business or organization to establish, implement and ensure compliance with a COVID-19 vaccination policy, or
- (b) setting out the precautions and procedures that the business or organization must include in its COVID-19 vaccination policy.

This Regulation amending Rules at Step 3 of Reopening came into force on August 24, 2021 and applies to both Step 3 and the Roadmap Exit Step. All of Ontario is currently in Step 3.

Most recently, the Chief Medical Officer of Health issued [Directive #6](#) which mandated public hospitals, home and community care service providers, and ambulance services to create vaccination policies applicable to all of their employees, staff, contractors, students, and volunteers. For more information on Directive #6, see our previous Focus Alert on the topic: [Ontario Mandates COVID-19 Vaccination Policies for High-Risk Settings](#).

In Our View

Directive #6 was only announced less than two weeks ago. This highlights that government initiatives regarding mandatory vaccination and COVID-19 are rapidly evolving. With this amendment, the Ontario government is providing themselves with the necessary legislative authority to enact additional mandatory vaccination policies across the province in industries and workplaces other than the high-risk settings that currently require mandatory vaccination policies.

For more information on this most recent amendment and about vaccination policies for any organization, please contact [Colleen Dunlop](mailto:Colleen.Dunlop@emondharnden.com) at [613-940-2734](tel:613-940-2734), [Sheri Farahani](mailto:Sheri.Farahani@emondharnden.com) at [613-940-2745](tel:613-940-2745), [J.D. Sharp](mailto:J.D.Sharp@emondharnden.com) at [613-940-2739](tel:613-940-2739) or [Kecia Podetz](mailto:Kecia.Podetz@emondharnden.com) at [613-940-2752](tel:613-940-2752).