



Voice of the
Hospitality Industry



PROOF OF VACCINATION FAQ GUIDE

PRESIDENTS MESSAGE



It goes without saying that our sector has been smashed by the COVID-19 pandemic.

We continue and remain diligent in assisting you with your enquiries while remaining on the frontlines advocating for our sector. Our operations have all been impacted by COVID-19. The constant new and updated rules and regulations have caused operational confusion and we continue to receive, and welcome, your questions. We hope that this compilation of industry questions and answers will assist you as we maneuver through this pandemic.

We at ORHMA remain with our doors and ears open. We are here to support you with your needs during these times. Our team is tirelessly working to support you with your enquiries, advocacy and program supports.

We are proud to be your voice and represent an industry that has come to mean so much to us all.

Tony Elenis



Now what?

Beginning September 22, 2021, Ontario will require proof of vaccination focused on indoor public settings. All Ontarians who registered their vaccines are encouraged to download their vaccine receipt as proof of their vaccine status until an enhanced vaccine certificate with a QR code is available.

The information in this Questions and Answers document is intended to help clarify requirements under Ontario Regulation 364/20 (under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020) related to proof of vaccination against COVID-19, as well as the Ministry of Health’s Proof of Vaccination Guidance for Businesses and Organizations under the Reopening Ontario Act (the “Ministry’s Guidance”). The material is not legal advice and does not purport to be or to provide an interpretation of the law. In the event of any conflict or difference between this summary information and any applicable legislation or regulation, the legislation or regulation prevails. Refer to [O. Reg. 364/20: Rules for Areas at Step 3](#) or [and at the Roadmap Exit Step](#) for more information.

In order to assist you with your questions, please find below a compilation of questions and answers to help with navigating through this period of vaccination verification.

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HOSPITALITY SECTOR SPECIFIC FAQ'S

Hospitality Sector Specific FAQs

Do the requirements apply to cast and crew members (i.e., workers) of a film and television production who are accessing a facility for the purposes of a film or television production occurring within a facility (e.g., restaurant, bar)?

Businesses or organizations will be required to verify proof of full vaccination against COVID-19 at the point of entry of areas of the premises where it is required, for each patron, with limited exceptions (e.g., medical exemptions, children under 12, etc.). It will not be required for contractors or workers, including the cast and crew members of a film and television production.

Do the requirements apply to caterers, florists, etc. who are accessing meeting or event spaces such as a wedding?

Businesses or organizations will be required to verify proof of full vaccination against COVID-19 at the point of entry of areas of the premises where it is required, for each patron, with limited exceptions (e.g., medical exemptions, children under 12, etc.).

It will not be required for contractors or workers, including florists, photographers, DJs, etc. temporarily accessing a meeting or event space.

Will proof of vaccination be required for gyms or meeting or event spaces within an apartment building, condo building, or retirement home? What about hotels?

Facilities in apartment buildings, condo buildings, and retirement homes that are not open or accessible to the public are likely not public settings or facilities that would be subject to proof of vaccination requirements. However, these organizations may implement their own rules respecting use of gyms or meeting or event spaces. These organizations may wish to consult their legal counsel if they are considering such a measure.

Proof of vaccination would be required for patrons to access certain areas within a hotel, unless an exemption applies (e.g., child under 12, people unable to be vaccinated due to valid medical reasons, people under 18, in the case of certain sports or recreational/fitness facilities). For example, proof of vaccination is required for patrons to enter an indoor gym located within a hotel unless a medical exemption applies.

Are overnight guests in hotels required to show proof of vaccination? Does this apply to the entire hotel?

Guests in hotels or motels are not required to show proof of vaccination. However, there may be areas in a hotel or motel where proof of vaccination is required to gain access. For example, a restaurant, bar, and other food or drink establishment, facilities used for sports and recreational fitness activities (e.g., gym, pool), and meeting and event spaces. Hotels or motels may also choose to implement a vaccination policy for its entire establishment or facility.

Hospitality Sector Specific FAQs

If a guest is using multiple areas of my hotel, can we streamline the validation process?

We have submitted this ask to government to see if this is permitted. While we have not heard back from them but many hotels have already started their own validation process where the person is asked for their proof of vaccination one time and receives some sort of validation whether it be a wrist band or some sort of pass that they've been checked and can proceed to other areas.

Do hotel breakfast areas require patrons to show proof of vaccination?

Patrons of indoor areas of restaurants, bars, and other food and drink establishments must show proof of vaccination before they can enter the area. However, this does not apply to takeout.

Can proof of vaccination be collected prior to a patron's arrival at a hotel instead of screening at the door?

Patrons must provide proof of identification and of being fully vaccinated at the point of entry of any area of the business or organization specified in [O. Reg. 364/20](#).

Can a tour operator who will visit various businesses or organizations specified in the regulation check proof of vaccination on behalf of the businesses? Does the tour operator have to provide proof?

It is the responsibility of each business or organization to determine how it meets the requirements outlined in [O. Reg. 364/20](#). This includes confirming a patron's proof of identification and proof of being fully vaccinated against COVID-19 at the point of entry (where required).

Do patrons who are dining indoors at food courts need to show proof of vaccination?

Patrons of food or drink establishments (excluding outdoor patios, takeout, and delivery) must provide proof of identification and proof of being fully vaccinated at the point of entry. This includes food or drink establishments in food courts.

Do patrons dining indoors at airports or gyms need to show proof of vaccination?

Patrons of restaurants, bars and food or drink establishments (excluding outdoor patios, takeout, and delivery) must provide proof of identification and proof of being fully vaccinated at the point of entry (with limited exemptions).

Can a restaurant allow unvaccinated patio patrons to dine inside if it starts to rain?

Patrons can dine in indoor areas of restaurants, bars, and other food or drink establishments if they are fully vaccinated. Patrons must provide proof of identification and of being fully vaccinated against COVID-19 at the point of entry.

Hospitality Sector Specific FAQs

Are there any proof of vaccination requirements for wineries, breweries and distilleries that sell and serve their wine, beer, and spirits to patrons for consumption at their manufacturing site (i.e., “by the glass” servings of alcohol)?

Patrons of restaurants, bars, and other food or drink establishments (excluding outdoor patios, takeout, and delivery) must provide proof of identification and of being fully vaccinated against COVID-19 at the point of entry.

Do youth under 18 years of age actively participating in an organized sport, including training, practices, games, and competitions, need to show proof of vaccination?

Requirements for an indoor premise of a facility used for sports and recreational fitness activities are outlined in Table B.

Adult (18+) patrons accessing the facility for any purpose, including parents or guardians of youth participating in an organized sport are required to provide proof of identification and of being fully vaccinated against COVID-19 at the point of entry.

Table B: Requirements for Patrons in Indoor Sport and Recreational Fitness Facilities

Setting	Activity	Proof of Vaccination
Indoor premises of a facility used for sports and recreational fitness activities	Youth under 18 years of age actively participating in an organized sport, including training, practices, games, and competitions. Examples include: <ul style="list-style-type: none"> • sports leagues / swimming • organized pick-up sports • dance classes / martial arts 	Not required
	Youth under 18 years of age using a gym or other area with exercise equipment or weights	Required*
	Youth spectating, including at sporting events	Required*
	Adult (18+) patrons accessing the facility for any purpose, including parents or guardians of youth participating in an organized sport	Required*

*unless patron qualifies for an exemption

Hospitality Sector Specific FAQs

Currently, quick service restaurants (QSR) are not required to collect patron information for contact tracing. Will QSRs be required to collect patron information for contact tracing when the vaccine certificate system is implemented?

As per O. Reg 364/20: Rules for Areas at Step 3 and at the Roadmap Exit, Schedule 2, Section 1, the collection of patron information for contact tracing is not required for:

- A patron who temporarily enters a food establishment to place, pick up or pay for a takeout order,
- An establishment which requires all dine-in patrons to order or select their food or drink at a counter, food bar or cafeteria line and pay before receiving their order.

The collection of patron information for contact tracing will not be required in the above circumstances, even as vaccination certificates are implemented. The collection of patron information for contact tracing is required for all other restaurants, bars and other food or drink establishments.

Our live racing is outdoors. What are the requirements for us and patrons?

Proof of identification and proof of being fully vaccinated against COVID-19 at the point of entry of a business is required for indoor areas of horse racing tracks, car racing tracks and other similar venues. It is not required when a patron is entering the indoor area solely to use a washroom or place a bet or pick up winnings in the case of a horse racing track (among other limited exceptions).



MEETING & EVENTS SPACES FAQ'S

Meeting & Event Spaces FAQs

Do meeting and events spaces have to provide access to antigen testing to patrons as per exemption for attending a social gathering associated with a wedding service, rite or ceremony or a social gathering associated with a funeral service, rite or ceremony in a meeting or event space between September 22 and October 12, 2021?

Patrons may provide proof of a negative COVID-19 antigen test to attend a social gathering associated with a wedding service, rite or ceremony or a social gathering associated with a funeral service, rite or ceremony in a meeting or event space between September 22 and October 12, 2021 (inclusive).

These antigen tests would have to be privately purchased by the individual, or alternatively by the business.

The negative COVID-19 antigen test, regardless of where it is conducted, cannot be longer than 48 hours before the scheduled event.

A negative COVID-19 antigen test is not required to attend a social gathering associated with a funeral service, rite or ceremony in the indoor premises of a meeting or event space located in a place of worship or in a funeral establishment, cemetery, crematorium or similar establishment that provides funeral, cemetery or cremation services and that is operated by a person licensed under the Funeral, Burial and Cremation Services Act, 2002.

Can I use a PCR test result instead of a rapid antigen test when attending a social gathering associated with a wedding at a meeting or event space?

Where applicable/required, a patron must produce the results of an antigen test administered within the previous 48 hours establishing that the person is negative for COVID-19.

Who, in a meeting or event space, is responsible for checking vaccination status or negative COVID-19 tests? Are operators permitted to delegate this to the convener of a meeting or does it need to be staff of that business?

The person responsible for the business or organization (i.e., meeting or event space), is required to verify proof of identification, proof of full vaccination against COVID-19, or confirm the patron is exempt, at the point of entry to areas of the premises where it is required as outlined in [O. Reg. 364/20](#).

The person responsible for the business or organization may delegate this responsibility to a staff person, but the person responsible for the business or organization remains responsible for ensuring compliance with the requirements under ROA.

Meeting & Event Spaces FAQs

Multi-service organizations like neighbourhood houses would have licensed child care and recreation spaces under the same roof but possibly subject to different rules (e.g., child care workers can opt for negative tests, but users of gyms cannot). Which policy would prevail in this context?

There may be different requirements for proof of vaccination for different spaces within a facility, as there are currently for other restrictions in Step 3 (e.g., active screening is required prior to entry at sports and recreational fitness facilities, but not for other services that may be provided in the same multi-purpose facility).

Businesses or organizations will be required to verify proof of full vaccination against COVID-19 at the point of entry of areas of the premises where it is required, for each patron, with limited exceptions (e.g., medical exemptions, children under 12, etc.).

My business or organization is a multi-use facility (e.g., community centres, community hubs, co-working spaces, library, museum, gallery) that has several different activities (e.g., gym, child care centre, meeting and event space). Do individuals in those spaces need to show proof of vaccination?

There may be different requirements for proof of vaccination for different spaces within a business or organization, as there are currently for other restrictions in Step 3 (e.g., active screening is required prior to entry at sports and recreational fitness facilities, but not for other services that may be provided in the same multi-purpose facility).

Businesses or organizations will be required to verify proof of full vaccination against COVID-19 at the point of entry of areas of the premises where it is required, for each patron, with limited exceptions (e.g., medical exemptions, children under 12, etc.).

In addition, there are exemptions if a meeting or event space is being rented out:

- for a day camp or overnight camp for children;
- to a provider of child care within the meaning of the Child Care and Early Years Act, 2014;
- for the purpose of the provision of social services;
- for the purpose of delivering or supporting the delivery of court services;
- for operations by or on behalf of a government; or
- for the purpose of delivering or supporting the delivery of government services.

For the period between September 22 and October 12, 2021 (inclusive), people attending social gatherings associated with weddings or funerals at meeting or event spaces will be able to provide a negative result from an antigen COVID-19 test no more than 48 hours before the event as a temporary alternative to proof of vaccination. These antigen tests would have to be privately purchased.

Table A provides detail with respect to requirements for funerals and weddings.

Table A: Requirements for Funerals and Weddings

Event	Location	Proof of Vaccination
Funerals		
Funeral services, rites, or ceremonies	Any setting (including meeting or event spaces, places of worship, funeral establishments)	Not required
Social gatherings (e.g., receptions) associated with funeral service, rite, or ceremony	Meeting or event spaces located in places of worship, funeral establishments, cemeteries, a crematorium, and similar establishments	Not required
	Other meeting or event spaces (e.g., conference or conventions centres)	Required* Time limited testing exemption available (September 22 to October 12, 2021, inclusive)
Weddings		
Wedding services, rites, or ceremonies	Any setting (including meeting or event spaces, places of worship)	Not required
Social gatherings (e.g., receptions) associated with a wedding service, rite, or ceremony	Any meeting or event spaces (including conference or conventions centres, places of worship)	Required* Time limited testing exemption available (September 22 to October 12, 2021, inclusive)

*unless patron qualifies for an exemption



BUSINESSES & ORGANIZATIONS FAQ'S

Businesses & Organizations FAQs

Have there been any changes to the list of businesses or organizations where proof of vaccination is required since the announcement on September 1?

Based on further consideration and consultation, and on the advice of the Chief Medical Officer of Health, the government added the following to the list of settings where patrons must provide, at the point of entry, to access the indoor area of the premises, proof of identification and proof of being fully vaccinated against COVID-19:

- Indoor areas of commercial film and television productions with studio audiences;
and
- Indoor areas of waterparks.

What is the full list of settings (i.e., businesses or organizations) where patrons must provide proof of identification and proof of being fully vaccinated against COVID-19?

- Indoor areas of restaurants, bars, and other food and drink establishments without dance facilities
- Indoor and outdoor areas of food or drink establishments with dance facilities, including nightclubs, restoclubs, and other similar establishments
- Indoor areas of meeting and event spaces with limited exceptions
- Indoor areas of facilities used for sports and recreational fitness activities, including waterparks, and personal physical fitness training with limited exemptions
 - o Includes gyms, fitness/sporting/recreational facilities, pools, leagues, sporting events, waterparks, and indoor areas of facilities where spectators watch events
- Indoor areas of casinos, bingo halls, and other gaming establishments
- Indoor areas of concert venues, theatres, and cinemas
- Indoor areas of bathhouses, sex clubs and strip clubs
- Indoor areas of horse racing tracks, car racing tracks and other similar venues
- Indoor areas where commercial film and TV productions take place with studio audiences

Will the government add other businesses or organizations to the list of settings where proof of vaccination is required to gain access?

The introduction of a vaccine certificate policy is an important step to encourage eligible individuals in Ontario to get vaccinated and give people the tools to limit further spread of the virus, so that we can keep the province open and operational.

The government will continue to review data and evidence to ensure the appropriate and effective measures are in place to protect the health of Ontarians.



PROOF OF VACCINATION FAQ'S

Proof of Vaccination FAQs

Do I need to bring both receipts or just my second dose receipt to show proof of vaccination?

A patron seeking access to a business or organization specified in the regulation must provide a receipt that shows that they are fully vaccinated. See the Guidance Document for the definition of fully vaccinated.

Between September 22 and October 22, 2021, in addition to proof of identity, a patron must show a paper or digital version of the PDF receipt.

After October 22, 2021, in addition to proof of identity, a patron may present a paper or digital version of the PDF receipt or a paper or digital version of the enhanced vaccine certificate with QR code to gain access to designated settings.

The receipts that can be downloaded from the Ministry's website have a watermark. Is that version required to have my proof of vaccination accepted?

All versions of the receipt are acceptable as proof of vaccination when paired with proof of identification.

I'm not comfortable showing all my personal information on my receipt. Am I able to block certain information out?

Altering the appearance of the receipt you receive as proof of vaccination in any way is not permitted and could render the receipt invalid.

Does a previous COVID-19 infection or a recent negative test allow people who are not fully vaccinated to be considered fully vaccinated?

A negative COVID-19 test or recent COVID-19 infection is not the same as being fully vaccinated.

The National Advisory Committee on Immunization recommends individuals with prior COVID-19 infection be immunized as it protects them reinfection given the emergency of new strains, variants of concern (VOCs), etc.

Will international and out of province visitors travelling to Ontario be able to download the QR code after October 22, 2021?

It is anticipated that out of province visitors to Ontario will not be able to download a version of the receipt with a QR code and must present paper copies of their proof of vaccination and one additional piece of identification to gain access to designated businesses and organizations.

Proof of Vaccination FAQs

How does someone prove they are fully vaccinated if documents are from out of province or out of country?

Patrons from outside the province or the country will be required to show they are fully vaccinated against COVID-19 and identification to enter specified settings.

Proof of vaccination from outside of Ontario will be accepted if the person's name and date of birth on their identification document matches the vaccination receipt with name and date of birth and if the person is fully vaccinated against COVID-19 as specified by [O. Reg. 364/20](#). Individuals visiting from outside the province or the country will be required to show their full vaccination status and identification to enter the specified settings referenced in [O. Reg. 364/20](#). This may require showing one or more pieces of information. Ontario residents who received their first dose or both doses of the COVID-19 vaccine outside Ontario or Canada can register their vaccination records through their local public health unit.

If the vaccination receipt or proof of identity from out of country is in a language that the business or organization cannot use to verify the documents, the business or organization may request a translated copy in addition to the original receipt.

Ontario residents who received both appropriate doses of a Health Canada- authorized COVID-19 vaccine outside of Ontario will be able to obtain a vaccination receipt through the provincial portal at [COVID-19 vaccination provincial portal](#), once their vaccination information is successfully registered.

Prior to the app being developed, what is acceptable proof of medical exemption? What about after the app is developed?

Patrons with a medical exemption must provide a written document, completed and supplied by a physician (designated as "MD") or by a registered nurse in the extended class (designated as "Registered Nurse (Extended Class)", "RN(EC)", "Nurse Practitioner" or "NP") stating that the individual is exempt for a medical reason from being fully vaccinated against COVID-19 and the effective time-period for the medical reason. The patron must also provide identification.

The physician or registered nurse in the extended class must ensure the medical exemption aligns with definition(s) and parameters outlined in the Ministry's Guidance. Ontario is working to develop a way for legitimate medical exemptions from COVID- 19 vaccinations to be built into the QR code the verification application will read so people do not have to display their exemption form and businesses do not have to verify those forms.

What are legitimate medical exemptions set out by the province?

There are very few medical exemptions to COVID-19 vaccination. Please refer to the Ministry of Health's [Medical Exemptions to COVID-19 Vaccination Guidance](#) for more information



MEDICAL EXEMPTIONS FAQ'S

Medical Exemption FAQs

Are medical notes from outside the province, or country valid?

Out of province or out of country medical documentation will be honoured in Ontario if the individual's name, the physician's name and physician's contact information are provided. The note must clearly state that there is a medical reason for the individual not to be fully vaccinated against COVID-19 and the effective time-period for the medical reason.

Will those who carry medical exemptions need to show proof of negative COVID- 19 test?

Individuals with medical exemptions will not be required to show proof of a negative COVID-19 test. [O. Reg. 364/20](#) and the Ministry's Guidance do not prevent the specified businesses or organizations from establishing additional policies or requirements pertaining to their patrons. This could include businesses or organizations that want to require individuals with medical exemptions to show proof of a negative COVID-19 test.

Businesses or organizations considering creating their own additional policies or requirements may wish to consult a lawyer.

Will the business or organization be responsible for ensuring the reason for the medical exemption meets the provincial guidelines?

To review proof of a documented medical reason for not being vaccinated against COVID-19, the business or organization must ensure:

- The name of the person in the written documentation matches the identification provided.
- The physician or registered nurse's information is complete by including:
 - Name and contact information of the physician or registered nurse in the extended class;
 - Logo or letterhead identifying the physician or registered nurse in the extended class;
 - Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
 - Any effective time-period for the medical reason which includes the date the patron is seeking access to the business or organization.



VACCINATION POLICIES FAQ'S

Vaccination Policies FAQs

Can I choose to have my business require individuals to show proof of vaccination at the point of entry to gain access? Can my restaurant require proof of vaccination for the outdoor patio?

While only specified businesses or organizations are legally required to ask their patrons for proof of identification and proof of being fully vaccinated against [COVID-19, O. Reg. 364/20](#) and the Ministry's 364/20 do not prevent other businesses or organizations from establishing a vaccination policy. [O. Reg. 364/20](#) and the Ministry's Guidance also do not prevent the specified businesses or organizations from establishing additional policies or requirements pertaining to their patrons. This could include businesses or organizations that want to implement policies or requirements for part of their business (e.g., entire restaurant including the outdoor patio). Businesses or organizations considering creating their own additional policies or requirements may wish to consult a lawyer. However, all Ontarians, regardless of their vaccination status, should continue to have access to necessary medical care, food from grocery stores, and basic medical supplies.

Why do patrons at the specified businesses and organizations have to be vaccinated but workers (i.e., staff/employees) do not have to be?

Employers are required under the [Occupational Health and Safety Act \(OHSA\)](#) to take every precaution reasonable in the circumstances for the protection of a worker. This includes identifying the risks and implementing appropriate controls.

This is an existing requirement for workers to wear protective personal equipment that provides protection of the eyes, nose and mouth if, in the course of providing services, the person is required to come within two metres of another person indoors who is not wearing a mask or face covering and is not separated by plexiglass or some other impermeable barrier.

This is specifically designed to protect workers, especially where they are required to come into close contact with many patrons who are unmasked (e.g., restaurant, gym).

Businesses or organizations are also required to implement comprehensive public health and workplace safety measures that are specific to protecting their workers. Businesses and organizations may choose to implement policies that require workers to be vaccinated.

Are businesses and organizations able to implement workplace vaccination policies for employees?

Businesses and organizations can choose to implement workplace vaccination policies. They may also choose to leverage provincial guidance and technology to support implementation.

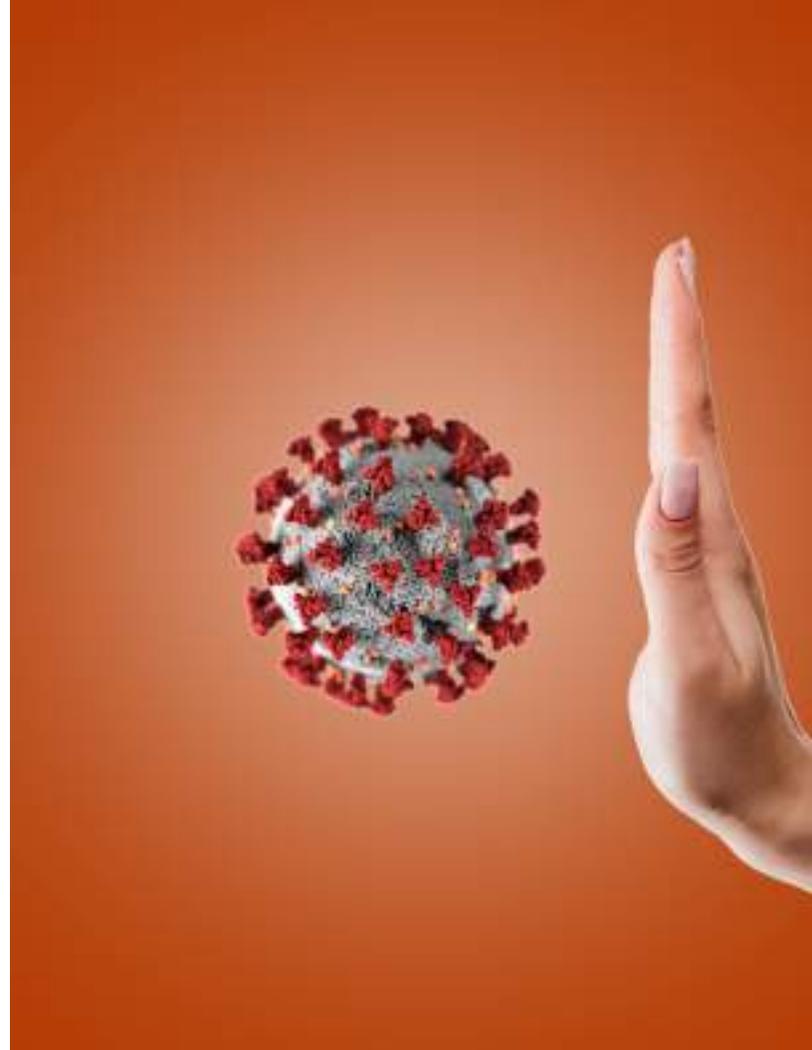
Businesses and organizations may wish to consult their legal counsel before implementation.

Vaccination Policies FAQs

What are the proof of vaccination requirements for Indigenous partners?

Ontario is committed to ongoing engagement with Indigenous communities and organizations, including ensuring OCAP principles are fully met. A receipt signed by an Indigenous Health Provider may be used as proof of vaccination.

An Indian Status Card or an Indigenous Membership Card with the name and date of birth are appropriate documentation to provide proof of identity.



COVID-19 VACCINATION FAQ'S

COVID 19 Vaccination FAQs (Ministry Resource)

Who is considered fully vaccinated?

People are considered fully vaccinated after receiving the full series of a COVID 19 vaccine or combination of COVID-19 vaccines approved by World Health Organization (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series).

Does a previous COVID-19 infection allow you to attend these settings?

No, a previous infection is not a substitute for being fully vaccinated.

How can I get my proof of vaccination?

Currently, vaccine receipts are available in PDF form to be downloaded or printed to your computer, phone or tablet. Ontarians who received their first or second dose of the COVID-19 vaccine out of province should contact their local public health unit to record their information and receive proper documentation. Both proof of identity along with proof of vaccination will be required. Individuals can provide proof of immunization by downloading or printing their vaccine receipt from the [provincial booking portal](#), or by calling the Provincial Vaccine Booking Line at 1-833-943-3900.

What if a person has a red or white health card or does not have a health card?

If a person has a red and white health card, they can call the Provincial Vaccine Booking Line at [1-833-943-3900](#). The call centre agent can email you a copy of your receipt. If they don't have an OHIP number at all, they should contact their local public health unit, and they can help you obtain the receipt.

What if they don't have a phone or a computer?

Ontario will develop and provide additional tools to improve user experience, efficiency and business supports in the coming weeks, including establishing alternative tools for people with no email, health card or ID.

How do I prove I am fully vaccinated if I am from our of province or out of country?

Individuals visiting from outside the province or the country will be required to show their full vaccination status and identification to enter prescribed settings.

Ontario will develop and provide additional tools to improve user experience, efficiency, and business supports in the coming weeks, including ensuring verification of fully vaccinated individuals from outside of province or country.

COVID 19 Vaccination FAQs (Ministry Resource)

How does an individual prove they are fully vaccinated if they are an Indigenous person and haven't consented to providing their data to COVAX?

In the coming weeks Ontario will support implementation of vaccine certificates for Indigenous communities whether or not they have opted to enter their data into COVax, while maintaining Indigenous data governance, control, access and possession principles.

How does a person correct or change information on their vaccine credential?

Individuals should contact their local [public health unit](#) to make any changes to their vaccination record.

What will happen on September 22nd? What will happen on October 22nd?

As of September 22, 2021, Ontarians will need to be fully vaccinated (two doses plus 14 days) and provide their proof of vaccination as well as proof of identity (such a driver's license or health card) to access certain public settings and facilities.

An enhanced vaccine certificate, as well as a verification app to allow businesses to read the QR code, will be available beginning October 22.

What will the digital vaccine certificate look like?

Ontario will develop and implement an enhanced vaccine certificate with unique QR code and accompanying verification app that will allow users to securely and safely verify their vaccination status when scanned. This could be stored on a mobile device, such as Apple Wallet. The enhanced vaccine certificate, as well as a verification app to allow businesses to read the QR code, will be available beginning October 22.

What if I don't want to disclose my vaccination status?

It is the discretion of the individual to determine whether they would like to disclose their vaccination status. Should they make the decision not to divulge this information, they will not be permitted to access settings that require proof of vaccination.

In settings where you have to be vaccinated to attend, is recent negative test sufficient to attend if you are unvaccinated?

A negative COVID-19 test or recent COVID-19 infection will not entitle a person to enter these settings, with narrow time-limited exceptions for testing. For the period between September 22 and October 12, 2021, it is intended that people attending wedding or funeral receptions at meeting or event spaces will be able to provide a negative rapid antigen COVID-19 test from no more than 48 hours before the event as an alternative to proof of vaccination. These rapid antigen tests would have to be privately purchased. The only exemptions are for unvaccinated people with medical exemptions and people under 12 years old will also be permitted to enter these settings.

COVID 19 Vaccination FAQs (Ministry Resource)

Will people with medical exemptions be allowed to access settings requiring proof of vaccination?

The only exemptions permitted to enter these settings are for unvaccinated people with medical exemptions and people under 12 years old. Individuals who cannot receive the vaccine due to medical exemptions will be permitted with a doctor's note until the medical exemption can be integrated as part of a digital vaccine certificate.

Will individuals aged 11 and under be allowed to access settings requiring proof of vaccination?

Individuals aged 11 and under will be eligible to access these settings. If they are accompanied by an adult, the adult must be vaccinated.

Will proof of vaccination be required to attend weddings and other organized events?

For the period between September 22nd and October 12th, 2021, people attending indoor wedding and funeral receptions at indoor meeting or event spaces will be able to provide a negative rapid antigen COVID-19 test from no more than 48 hours before the event, as an alternative to the vaccine certificate showing they are fully vaccinated. These rapid antigen tests must be privately purchased.

Will people need a phone to be able to access businesses that require proof of vaccination?

A vaccination certificate is a PDF that can be downloaded online or received in paper copy. It includes the same information in both printed and digital form. These certificates will be required to access certain businesses and settings starting on September 22, 2021 as part of the Ontario government's efforts to stop the spread of the COVID-19 virus. By October 22, an enhanced vaccination certificate will be available in a new digital format that will offer increased accessibility and privacy protection.

How will businesses verify digital vaccination certificates?

Ontario will develop and implement an enhanced vaccine certificate with unique QR code and accompanying verification app that will allow users to securely and safely verify their vaccination status when scanned. The enhanced vaccine certificate, as well as a verification app to allow businesses to read the QR code, will be available beginning October 22. Guidance will be provided to business ahead of September 22 to ensure they are prepared.

How long will a vaccine credential be in place?

Vaccine credentials are a temporary measure to address health and safety in the COVID-19 pandemic. How long they are necessary will be monitored and evaluated based on data and the advice of the Chief Medical Officer of Health.

COVID 19 Vaccination FAQs (Ministry Resource)

How will the government enforce the requirement for proof of vaccination?

Consistent with current practices under the Reopening Ontario Act, enforcement will be conducted by by-law officers. Ministry of Labour, Training and Skills Development inspectors will begin with education and warnings visits.

Why isn't the province increasing capacity limits for the settings where proof of vaccination is required?

As Ontario continues to confront the Delta-driven fourth wave, the province has taken a cautious approach. This has included some of the highest vaccine thresholds required for re-opening, as well as maintaining indoor masking, a policy that other provinces are now re-introducing.

ORHMA continues to advocate on capacity limits and are in the frontlines in discussions with government about increasing capacity limits in settings where proof of vaccination is required.

To avoid future lockdowns and protect hospitals, Ontario is maintaining this cautious approach. This includes not expanding capacity limits in any setting at this time. As we monitor the impact of opening schools and the growing number of people returning to workplaces, we will evaluate when it may be safe to consider expanding capacity limits in settings that are captured by the new vaccine certificate policy.



GENERAL FAQ'S

General FAQs

Are outdoor areas covered by tents, canopies, retractable roofs, etc. considered indoor or outdoor settings?

A setting is considered to be outdoors if an outdoor area of the business or place is:

- Covered by a roof, canopy, tent, awning, or other element if at least two full sides of the area are open to the outdoors and not blocked by any walls or other impermeable physical barriers; or
- Equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor area is open to the outdoors and is not blocked by any walls or other impermeable barriers.

It is possible to have indoor spaces in an outdoor setting (e.g., indoor food or drink establishment at a fair).

If time-limited exit and re-entry is possible, is it necessary to show credential on each entry, or will once suffice (e.g., parking validation)?

Businesses and organizations must follow the requirements of section 2.1 of Schedule 1 to [O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap](#) Exit Step under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020 \(ROA\)](#), including:

- Patrons must provide, at the point of entry, proof of identification and proof of being fully vaccinated against COVID-19 to access the indoor area of the premises; and
- Not retaining any information provided by the patron.
- This includes potentially storing vaccination details in an individual's file.

These requirements will help ensure the protection of an individual's health information.

Are businesses and organizations able to keep or retain any information related to proof of vaccination?

As per [O. Reg. 364/20](#), a business or an organization shall not retain any information provided by a patron as it relates to proof of vaccination.

For businesses that sell tickets online, does proof of vaccination have to be provided prior to purchase? Is the expectation that refunds will be provided if the person purchases a ticket but isn't eligible to enter?

When proof of being fully vaccinated against COVID-19 is required, patron proof of vaccination is required at the point of entry to the specified area of the premises of the business or organization, including at meeting or event spaces, and not at the point of sale, which may involve a different location or date.

Businesses and organizations should consider their refund policy as it relates to vaccine status and may wish to consult legal counsel.

General FAQs

Will capacity limits be adjusted for impacted businesses?

ORHMA continued to advocate for full capacity limits to return for meeting rooms and restaurants.

Current capacity limit requirements continue to remain in place for impacted businesses in accordance with requirements set out under [O. Reg. 364/20](#): Rules for Areas at Step 3 and at the Roadmap Exit Step under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA).

As we monitor the impact of opening schools and the growing number of people returning to workplaces, our government will evaluate when it may be safe to consider expanding capacity limits in settings that are captured by the new vaccine certificate services policy.



EMPLOYER FAQ'S

Employer FAQs (Restaurants Canada) as of Sept 3, 2021

Can we force associates to vaccinate before returning to work?

No, you cannot force an employee to undergo a medical procedure. However, you can encourage and even incentivize receiving the vaccine. You cannot impose discriminatory policies or practices in regards to vaccination status, but you may treat employees differently for some purposes depending on vaccine status.

Can we make it a company policy that our employees must be vaccinated?

Yes, you can – but only to a reasonable degree. Some employees may be unable to get the vaccine for reasons related to health or religion. You would need bona fide occupational requirements with no alternatives to set a policy that would allow you to deny employment to someone for a reason that is otherwise protected by human rights.

Are we able to ask employees if they are vaccinated?

Yes. Normally an employer can only ask for an employee's private health information in very limited circumstances. The COVID-19 pandemic is now one of those circumstances. In some industries, COVID-19 vaccine disclosure from employees is mandated by government! Disclosure of vaccine status (with supporting documentation) is a feature of many legitimate COVID-19 Vaccine workplace policies and determines the conditions of continued employment for the duration of the pandemic.

Remember that all personal health information, including vaccine status needs to be collected and stored in a strictly confidential manner.

Can we give preference to bringing back vaccinated front-line employees over non-vaccinated?

Yes. However, all employers should keep in mind that they owe a duty to accommodate employees who cannot be vaccinated for reasons protected by human rights laws. In that case, you will have to explore options for returning the non-vaccinated employee that would not result in an undue hardship – which will most likely be based on health and safety of other staff and patrons. For example, is PPE sufficient to keep the workplace safe? What about duties where they do not have to personally interact with staff or patrons?

Can we ask non-vaccinated staff to remain masked once restrictions are lifted?

Yes, if it is reasonable to do so in the circumstances you may incorporate this into your COVID-19 Vaccine workplace policy.

Are we able to demand a rapid test prior to shift if it becomes available to us?

Yes, but there would be a number of guidelines developed and conditions for safely gathering and storing private personal health information. You may want to restrict this practice to unvaccinated employees so that you are not unnecessarily collecting and storing personal health information.



EMPLOYEE FAQ'S

Can I be forced to receive a vaccination in order to come back to work?

In limited situations, yes. As a front-line worker in a restaurant, it is more likely than not that full vaccination may be a bona fide occupational requirement.

Can I, as an employee, refuse to work alongside a co-worker who has not been vaccinated, on the grounds that it is unsafe?

Any employee should report any unsafe or potentially unsafe workplace hazard. Your employer then has to make an assessment and determine whether a work refusal is appropriate, and if so, address the hazard. If the co-worker is unvaccinated for a reason protected by human rights law, and reasonable precautions are in place, it may be possible for an unvaccinated employee to continue working.

If employers mandate the vaccine, will they be responsible if the employee has adverse vaccine reactions?

When a person gets the vaccine they have to first go through a medical screening that should catch potential for adverse reactions. If an employee is screened as having a potential adverse reaction, they could choose not to get the vaccine and seek accommodation for a ground protected by human rights laws. It is hard to see how the employer would be liable, for an adverse effect, which is statistically very unlikely to occur.

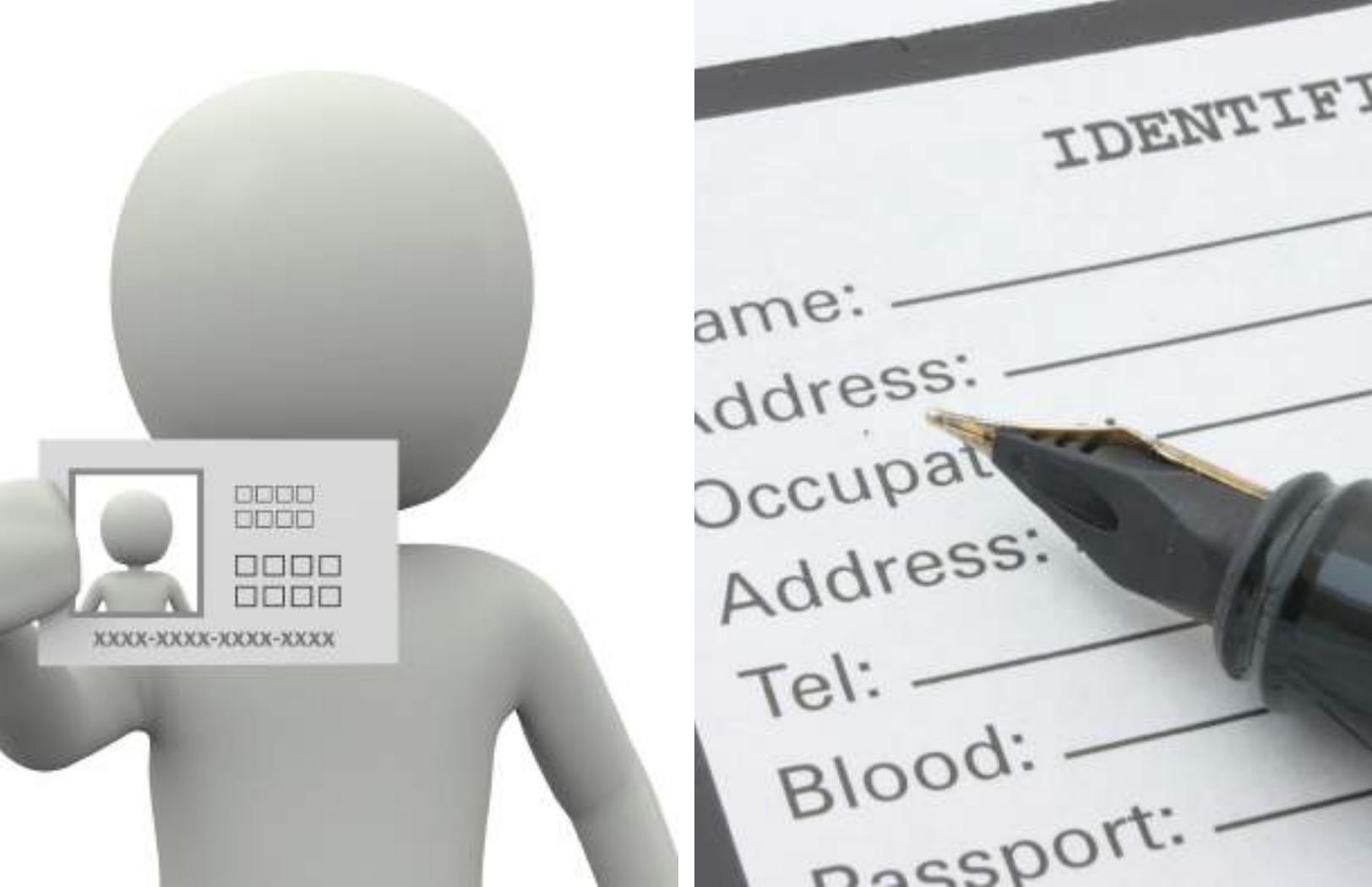
If I refuse to be vaccinated, will I be permitted to return to work?

It depends on safety standards and bona fide occupational requirements. A front-line worker could very realistically be put on an unpaid leave of absence or lose their job if they choose not to be vaccinated when they are recalled to work. Different considerations apply to those who are unable to be vaccinated for reasons protected by human rights law.

Can I refuse to serve someone who is unvaccinated?

Some provinces are instituting “vaccine passports” and patrons will not be able to access restaurants and bars without proof of vaccination. In that case, any unvaccinated person who gains access to your workplace ought to be removed, and you should not serve them.

If there is no mandatory proof of vaccine system in your jurisdiction, then a refusal to serve an unvaccinated person must be based on legitimate health and safety complaints. Refusal to serve an unvaccinated indoor diner is more likely to be reasonable than a walk-up customer who is social distancing and wearing full PPE.



PROOF OF IDENTITY FAQ'S

Proof of Identity FAQs

Do minors between the ages of 12-17 need to provide identification as they may not have identification to verify their identity?

If somebody is required to be fully vaccinated, they must prove both vaccination status and identity.

The identification requirements are flexible, and identification is required to confirm only name of the person and date of birth – government identification can be used for this purpose; however, is not the only type of ID accepted. Proof of identity can be established using documentation issued by an institution or public body, provided it includes the name of the holder and date of birth. Identification that young people may have access to that include name and date of birth could include birth certificate, or a passport, among other forms of ID.

Businesses or organizations should establish processes to ensure compliance with this requirement, including processes to ensure compliance with this requirement when a business or organization is uncertain whether a person is under 12 years of age.

However, there is an exemption from this requirement if the patron is under 18 years of age and is entering the indoor premises of a facility used for sports and recreational fitness activities solely for the purpose of actively participating in an organized sport, as further described with the Ministry's Guidance. Businesses or organizations should also establish processes to ensure compliance with requirements in [O. Reg. 364/20](#) when a business or organization is uncertain whether a person is under 18 years of age, as applicable. Other exemptions may also apply.



COMPLIANCE & ENFORCEMENT FAQ'S

Who can enforce these new proof of vaccination requirements under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020?

Police, special constables, First Nation constables and those designated as provincial offences officers by the Solicitor General have the authority to enforce all orders under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)

Provincial offences officers include by-law, police, public health inspectors and regulatory officers from several ministries and agencies.

How will these new requirements be enforced?

The enforcement of the proof of vaccine requirements will be a graduated approach with emphasis on education, promotion, and localized compliance and enforcement as required. This measured approach to enforcement has been featured throughout the province's pandemic response. Provincial offences officers involved in ROA enforcement utilize both proactive approaches based on data and advice from the local public health unit, as well as reactive responses to complaints and issues.

What does a business or organization do if it discovers fraud? Who do they call? Does the business take a name/confiscate the credentials? How will the rules be practically enforced/fines assessed?

Specified businesses or organizations that are open must require patrons who enter their premises to provide, at the point of entry, proof of identification and proof of being fully vaccinated (or being entitled to an exemption) as set out in the rules for Step 3 in [O. Reg. 364/20](#) (Rules for Areas at Step 3 and at the Roadmap Exit Step) under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, subject to exemptions.

These businesses and organizations are expected to deny entry to those who fail to produce the required identification and proof of vaccination (or exemption).

Where the business or organization considers it appropriate, they could seek assistance from law enforcement by contacting their local police department.

Businesses and organizations must take steps to prevent, identify and respond to racial profiling, racial discrimination, harassment, and other violations of the Ontario Human Rights Code.

Is there firm protection for businesses from potential lawsuits?

In the case of this legislated requirement, the business or organization will be following provincial law just as they do when, for example, actively screening patrons before entry into a business, collecting patron contact information, or excluding people under 19 in bars.

The Ministry of Health will continue to support businesses in the implementation and rollout of vaccine certification services.

Who is responsible for checking ID and proof of vaccination prior to granting entry to patrons?

Specified businesses and organizations are responsible for ensuring they meet the requirements regarding requiring patrons to provide proof of identification and proof of being fully vaccinated against COVID-19 (or entitlement to an exemption) as outlined in [O. Reg. 364/20](#).

Patrons are required to ensure that any information provided to the business or organization to satisfy a requirement under [O. Reg. 364/20](#), including to demonstrate proof of vaccination (or entitlement to an exemption) or proof of identification, is complete and accurate. Except for limited circumstances set out in [O. Reg. 364/20](#), patrons are prohibited from entering the premises of the specified businesses or organizations without providing such information.

Failure of a business or organization or a patron to comply with the requirements in [O. Reg. 364/20](#) is an offence under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

How can a business ensure the safety and security of its staff if they are forced to turn someone away who does not have proof of vaccination?

Many businesses are experienced at declining entry for legitimate reasons. For example, some establishments have experience preventing people under 19 from ordering or consuming alcohol or entering bars.

Individuals who have any trouble with patrons could, if the situation permits, inform the patron of the requirements under [O. Reg. 364/20](#) and offer alternate solutions (e.g., to sit on an outdoor patio, takeout).

All Provincial offences officers, including by-law, police, public health inspectors and regulatory officers from several ministries and agencies may provide education and enforcement of all the requirements under the ROA, including the new proof of vaccination requirement.

If situations escalate, law enforcement, such as local police, can be contacted. In an emergency call 9-1-1.

If employers update their workplace violence and harassment policies and procedures, as required under the Occupational Health and Safety Act (OHSA) and all workers are informed of such, workplaces will be better able to respond to any unfortunate incidents that may occur in relation to the requirement for vaccination certificates.



HUMAN RIGHTS FAQ'S

Is it illegal for my employer to terminate me if I can't work because of COVID-19?

- Under the *Human Rights Code (Code)*, an employer may not discipline or terminate an employee who has been diagnosed with COVID-19 or is perceived to have COVID-19 (because, for example, they are exhibiting certain symptoms). Similarly, an employer may not discipline or terminate an employee if they are unable to come to work because medical or health officials have quarantined them or have advised them to self-isolate and stay home in connection with COVID-19.
- On March 19, 2020, Ontario passed Bill 186, *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*, which allows for job-protected leave without pay to employees under medical investigation, supervision or treatment, or in isolation or quarantine, or who need to be away from work to care for children because of school or day care closures or to care for other relatives, or are affected by travel restrictions, due to COVID-19.
- Also, on April 29, 2021, the Ontario government amended the *Employment Standards Act* to require employers to provide employees with up to three days of paid infectious disease emergency leave under the [Ontario COVID-19 Worker Income Protection Benefit](#).
- Employees who cannot work because of COVID-19 may also be entitled to sick or disability or other leave benefits that may be available from their employer. They may also be eligible for federal income support. Visit the federal government's [benefits](#) website for more information.
- Employees also have other rights under the *Employment Standards Act* regarding termination (e.g. severance and notice of termination). Visit the Ministry of Labour and Skills Development [website](#) for more information. Employees may also have rights regarding termination under common law.

Can my employer lay me off if there is no work to do because of COVID-19? Does my employer still have to pay me?

- The *Code* does not require employers to pay employees if they are not working or if there is no work for them to do because of the impacts of COVID-19. It is not discrimination under the *Code* if an employer needs to lay off employees because there is no work for them to do as a result of the impacts of COVID-19.
- The *Employment Standards Act* sets out rights and obligations regarding payment of wages, temporary layoffs, constructive dismissal and termination. Visit the Ministry of Labour and Skills Development [website](#) for more information.
- If an employee has to stop working because of COVID-19, they may be eligible for federal income support. Visit the federal government's [benefits](#) website for more information.

Human Rights FAQs

Can my employer refuse to let me work because of COVID-19?

- An employer should not send an individual employee home, or ask them not to work because of concerns over COVID-19, unless the employer's concerns are reasonable and consistent with [information](#) from medical and Public Health officials.
- The OHRC and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19.
- Therefore, the right to be free from discrimination can be limited under the Code (for example, where health and safety risks are serious and would amount to undue hardship).
- Employers also have obligations for workers' health and safety on the job under the Occupational Health and Safety Act. Visit the Ontario Ministry of Labour, Training and Skills Development [website](#) for more information, including how to contact the Ministry.
- Employers should ensure any restrictions on employees are consistent with up to date [information](#) from medical and Public Health officials, and are justified for health and safety reasons.

Can my employer or any service or housing provider require proof that I've received a COVID-19 vaccine?

- Receiving a COVID-19 vaccine is voluntary.
- At the same time, governments across Canada are examining and beginning to set conditions where proof of vaccination may be required to take part in some activities.
- Requiring proof of vaccination to ensure fitness to safely perform work, or protect people receiving services or living in congregate housing, may be permissible under the *Code* if the requirement is made in good faith and is reasonably necessary for reasons related to health and safety.
- The *Code* grounds of disability and/or creed may be engaged when employers, housing or other service providers impose medical testing or treatment requirements, including proof of vaccination.
- Under the *Code*, organizations have a duty to accommodate people who may be unable to receive a COVID-19 vaccine, for reasons related to disability or creed, unless it would amount to undue hardship based on cost or health and safety.

Human Rights FAQs

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- The right to be free from discrimination can be limited under the *Code*, where, for example, broader health and safety risks are serious, like in a pandemic, and would amount to undue hardship. The OHRC and relevant human rights laws like the *Code* recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks and treatment associated with COVID-19.
- Everyone involved should be flexible in exploring whether accommodation is possible, including alternative ways a person might continue to safely work, receive a service or live in congregate housing without being vaccinated.
- Organizations should make clear the reasons why proof of vaccination is needed in the circumstances.
- Organizations should only request and share medical information, including proof of vaccination, in a way that intrudes as little as possible on a person's privacy, and does not go beyond what is necessary to ensure *bona fide* fitness to safely perform work, or protect people receiving services or living in congregate housing, and accommodate any individual needs.
- No one should experience harassment or other discriminatory treatment based on a *Code* ground because they are unable to receive a vaccine.
- Also, workers have rights and employers have obligations for workers' health and safety under the *Occupational Health and Safety Act*. Visit the Ontario Ministry of Labour, Training and Skills Development [website](#) for more information, including how to contact the Ministry.

I do not believe in vaccinations (or masks and lockdowns). Does the Human Rights Code exempt me based on creed from COVID-19 requirements like providing proof of vaccination set by my employer or a service provider?

- Not all beliefs amount to a creed under the *Code*.
- The *Code* does not define creed. The OHRC's [***Policy on preventing discrimination based on creed***](#) sets out guiding factors, based on case law, to help organizations, and ultimately tribunals and courts, make these determinations. This includes considering whether the belief is:
 - Sincerely, freely and deeply held
 - Integrally linked to a person's identity, self-definition and fulfilment

Human Rights FAQs

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- Part of a particular and comprehensive, overarching system of belief that governs one's conduct and practices
- Addressing ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence
- Connected in some way to an organization or community that professes a shared system of belief
- The OHRC's position is that a singular belief or personal preference against vaccinations or masks does not appear to be protected on the ground of creed under the *Code*.
- The OHRC is not aware of any tribunal or court decision that found a singular belief against vaccinations or masks amounted to a creed within the meaning of the *Code*.
- In *Ataellahi v Lambton County (EMS)*, 2011 HRTO 1758 (CanLII), the HRTO held that in the absence of a sincerely held religious belief with a nexus to the divine or as a function of spiritual faith, the person could not assert that he was discriminated against based on creed, because the respondent had a requirement that employees be immunized and the person refused to be immunized. In *Sharma v Toronto (City)*, 2020 HRTO 949 (CanLII), the HRTO found the person's objection to wearing a mask does not fall within the meaning of "creed."
- Also, not all creed-related needs must be accommodated in the *Code*-protected social areas, such as employment, facilities and services or housing.
- The requirement to wear a mask or prove vaccination may represent a reasonable and *bona fide* requirement for health and safety reasons, especially when serious risks to public health and safety are shown to exist like during a pandemic.

Does my employer have to accommodate me if I test positive or if I become sick because of COVID-19?

- The OHRC's policy position is that the *Code* ground of disability is engaged in relation to COVID-19, as it covers medical conditions or perceived medical conditions that carry significant social stigma.
- Employers have a duty to accommodate employees under the *Code* in relation to COVID-19, unless it would amount to undue hardship based on cost, or health and safety.
- Employers should also be sensitive to other factors such as any particular vulnerability an employee may have (for example, if they have a compromised immune system).

Human Rights FAQs

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- On March 19, 2020, Ontario passed Bill 186, *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*, which allows for job-protected leave without pay to employees under medical investigation, supervision or treatment, or in isolation or quarantine, or who need to be away from work to care for children because of school or day care closures or to care for other relatives, or are affected by travel restrictions, due to COVID-19.

Does my employer have to accommodate me if I need to stay home with my kids or an ill family member?

- An employer must accommodate an employee who has care-giving responsibilities up to the point of undue hardship.
- These care-giving responsibilities, which relate to the Code ground of family status, could include situations where another family member is ill or in self-isolation, or where their child's school is closed due to COVID-19.
- Potential accommodations can include allowing employees to work from home where feasible, permitting employees to work alternate hours, allowing employees to take leaves from work, or other flexible options.
- On March 19, 2020, Ontario passed Bill 186, *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*, which allows for job-protected leave without pay to employees under medical investigation, supervision or treatment, or in isolation or quarantine, or who need to be away from work to care for children because of school or day care closures or to care for other relatives, or are affected by travel restrictions, due to COVID-19.

Do I need to get a medical note to support my accommodation request?

- Consistent with the OHRC's **Policy on ableism and discrimination based on disability** and its **Policy position on medical documentation to be provided when a disability-related accommodation request is made**, employers should take requests for accommodation in good faith.
- Employers should be flexible and not overburden the health care system with requests for medical notes. Unnecessarily visiting medical offices increases risk of exposure for everyone.
- On March 19, 2020, Ontario passed Bill 186, *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*, which provides that an employee will not be required to provide a medical note if they need to take a leave related to COVID-19.

Human Rights FAQs

My kids are not back in school or at their childcare service because of COVID-19. I can't afford other daycare or time off work to stay home with my kids. Does my employer have to help me? What financial assistance options do I have?

- The *Code* does not require employers to provide additional financial assistance to employees who are impacted by COVID-19.
- Individuals who are in a crisis or emergency situation, because of COVID-19 for example, and do not have enough money for things like food and housing, may be eligible for emergency assistance from the Ontario government.
- If an employee has to stop working because of COVID-19, they may be eligible for federal income support. Visit the federal government's benefits website for more information.

Schools, daycare centres and workplaces are re-opening. If in-person attendance at school is optional for the 2021 – 2022 school year, I may elect remote learning for my children. Does my employer need to accommodate me?

- An employer has an obligation to consider and accommodate the individual needs of an employee who has care-giving responsibilities, based on family status and/or disability, up to the point of undue hardship under the Code.
- Depending on the individual circumstances, a parent may need to stay home from work because their child cannot go to school or day care for a reason related to the pandemic including, but not limited to, situations where the child or another family member is ill or in self-isolation or is at higher risk of infection, or schools or day cares are closed.
- Accommodations may be necessary to avoid situations that would result in a real disadvantage to the parent/child relationship or put parents in a position of having to choose between working and caregiving.
- Potential accommodations can include allowing employees to work from home, work alternate hours, take leaves from work, or other flexible options, where feasible.
- On March 19, 2020, Ontario passed Bill 186, Employment Standards Amendment Act (Infectious Disease Emergencies), 2020, which allows for job-protected leave without pay to employees under medical investigation, supervision or treatment, or in isolation or quarantine, or who need to be away from work to care for children because of related circumstances including but not limited to school or day care closures, or to care for other relatives, or are affected by travel restrictions, due to COVID-19.

Can my employer insist that I work despite the current situation with COVID-19?

- Employers are entitled to expect that employees will continue to perform their work unless there is a legitimate reason why they cannot. An example of a legitimate reason can include situations where it may not be safe for the employee to be at work.
- In these circumstances, the employer should explore alternative options for how the employee may still continue to perform productive work for the employer (for example, by working from home, working alternate hours or other flexible options).

Can my employer redeploy me to do other work not related to my current job because of the COVID-19 pandemic?

- When invoked during a pandemic like COVID-19 for example, orders may be made under Ontario's *Emergency Management and Civil Protection Act* and related regulations permitting an employer to redeploy an employee to do other work.
- At the same time, an employee may have a legitimate *Code*-related reason why they cannot do the other work, or they may need an accommodation to do the other work, based on their disability, family status and/or age. This would depend on the nature of the other work, related health and safety risks, the person's individual circumstances and current advice from public health officials during the pandemic.
- If an employee is unable to do the other work, or their current job, for *Code*-related reasons, the employer should explore possible accommodation options, including whether there is other productive work the employee can perform.
- Visit Ontario's [website](#) for more information.

Can I refuse to work if I think my workplace is unsafe because of COVID-19?

Employees and employers have rights and obligations under the *Occupational Health and Safety Act* for workers' health and safety on the job. This *Act* gives a worker the right to refuse work that they believe is unsafe for them or another worker. Visit the Ontario Ministry of Labour, Training and Skills Development [website](#) for more information about the procedure for a work refusal and information about how to contact the Ministry.

Can an employer, service provider or landlord make me do a medical test related to COVID-19 like take my temperature?

- The OHRC's policy position is that the Code ground of disability is engaged when employers, housing or other service providers impose medical testing, such as taking your temperature, or having you take a COVID-19 test. Medical testing to determine fitness to safely perform work, or protect people receiving services or living in congregate housing, may be permissible under the Code if the testing is shown to be effective and necessary in circumstances such as a pandemic.
- At the same time, the use of information from medical tests may have a negative impact based on a person's disability. Organizations should only seek information from medical testing that is reasonably necessary to protect everyone's health and safety, while excluding unnecessary information that may identify a pre-existing disability.
- Any form of medical testing should be effective at assessing an employee's ability to safely perform work, or to protect people receiving services or living in congregate housing. Only a qualified person should conduct medical tests.
- A test result must not lead to automatic negative consequences such as employee discipline or termination, complete denial of service or eviction from housing, because, for example, a person is exhibiting certain symptoms or a test shows they have, may have had, or have not yet been exposed to COVID-19.
- Organizations have a duty under the Code to accommodate people who are negatively impacted by COVID-19 test results, unless it would amount to undue hardship based on cost or health and safety.
- Everyone involved should be flexible in exploring accommodations, including alternative ways a person might continue to safely work, receive a service or live in congregate housing
- Organizations should make clear the reasons why a medical test is needed in the circumstances, and ensure prior, informed consent.
- Organizations must explain how they will use and dispose of information from a test and protect the person's privacy as much as possible.
- Organizations should only require the least intrusive means of testing necessary in the circumstances.

In addition, employees have rights and employers have obligations for workers' health and safety under the Occupational Health and Safety Act. Visit the Ontario Ministry of Labour, Training and Skills Development [website](#) for more information, including how to contact the Ministry.

Can an employer, landlord, store, school, municipality or other organization require me to wear a mask because of COVID-19?

- Many Ontario municipalities have passed by-laws requiring face coverings on public transit, in common spaces of apartment and condo buildings and in enclosed public spaces. Masks are also required on public transit operated by Metrolinx (e.g. GO Transit, UP Express). Ontario further recommends that people use a face covering (non-medical mask such as a cloth mask) to reduce the risk of transmission of COVID-19 when physical distancing and keeping two-metres apart from others may be challenging or not possible.
- As Ontario re-opens, rules around face coverings both indoors and outdoors are changing. Visit the Ontario Government website for updates.
- The OHRC's policy position is that any requirements related to health and safety and COVID-19, such as wearing a mask, using other protective equipment or following a procedure to perform work safely, or to protect people receiving services or living in housing, do not generally cause concern under the Code.
- At the same time, employers, housing providers, stores, schools, municipalities and other organizations should recognize that health and safety requirements such as masks may have a negative impact on vulnerable populations identified by a ground under the Code who may not have access to such equipment. Other people may not be able to use the equipment or follow a procedure because of their disability or for another Code-related reason.
- People with certain disabilities may have difficulty wearing a mask if, for example, they have severe allergies, experience asthma attacks or have other respiratory issues. Masks are a barrier to people with hearing disabilities who rely on lip reading or facial expressions to communicate. Masks may not be suitable for children and adults with certain physical, intellectual or cognitive disabilities such as autism.
- The Ministry of Health advises that face coverings should not be placed on or used by children under the age of two, anyone who has trouble breathing, or anyone who is unable to remove it without assistance.
- Employers, housing providers, stores, schools, municipalities and other organizations have a duty under the Code to accommodate these types of individual needs related to legitimate COVID-19 requirements, unless it would amount to undue hardship based on cost or health and safety. For example, it may be necessary to provide free masks or other means so that people with disabilities can safely perform work, receive services or live in congregate housing. For example, offering curbside pickup would generally allow a person to receive a retail service even if, because of their disability, they are unable to wear the required mask to enter a store.
- Exemptions to mask requirements may be necessary to accommodate some individuals under the Code.

Human Rights FAQs

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- People with disabilities might be expected to verify their *Code*-related accommodation needs, depending on the situation.
- Organizations should only request and share medical information in a way that intrudes as little as possible on a person's privacy, and does not go beyond what is necessary to accommodate the person's needs.
- An inability to access or use a mask or other equipment, or to follow a health and safety procedure, must not lead to automatic negative consequences such as employee discipline or termination, complete denial of service or eviction from housing.
- No one should experience harassment or other discriminatory treatment based on a *Code* ground because they are unable to wear a mask, or choose to wear, or not wear, a mask, or require someone else to wear a mask based on advice from public health officials.
- Everyone involved should be flexible and explore whether individual accommodation is possible, including alternative ways a person might safely continue to work, receive a service or live in congregate housing.
- Organizations should make clear the reasons why a mask or other equipment or procedure is needed in the circumstances. In addition, workers have rights and employers have obligations for workers' health and safety under the Occupational Health and Safety Act. Visit the Ontario Ministry of Labour, Training and Skills Development [website](#) for more information, including how to contact the Ministry. For information about face coverings and how to properly wear, fit, remove and clean your non-medical face mask, visit the Ontario COVID-19 [website](#).

Should exemptions for face covering requirements be allowed and should exemption cards be required?

- Exemptions to mask requirements may be necessary to accommodate some individuals under Ontario's *Human Rights Code*, depending on the situation.
- People with disabilities might be expected to verify their *Code* related needs in certain instances..
- Exemption cards or other means may help identify and promote awareness that some people cannot wear masks for legitimate reasons.
- At the same time, any such requirements should respect a person's dignity, be practical, maximize privacy and not be onerous or stigmatize individuals.
- The Toronto Transit Commission's voluntary approach for use of its [exemption cards and buttons](#) is a good best practice example.

Human Rights FAQs

I am a tenant who is not working because of COVID-19. What protections exist, if any, if I can't pay the rent? Can I opt out of my rental agreement if COVID-19 impacts persist?

- Negative treatment of tenants who have, or are perceived to have, COVID-19, for reasons unrelated to public health and safety, could be discriminatory and prohibited under the Code.
- The OHRC's [Policy](#) on human rights and rental housing says that before initiating eviction proceedings, or any other measure that may affect a tenant in a negative way, a housing provider is expected to consider whether a Code-related need exists, and whether that need has been accommodated appropriately. For example, if a tenant fails to make his rent payment on time because he is in the hospital, the housing provider allows the tenant to pay his rent late as it is not an undue hardship to do so.
- The Code would prohibit housing providers from targeting an individual or group of tenants for eviction based on any ground of discrimination.
- Tenants and landlords also have rights and responsibilities under the Residential Tenancies Act. Visit the Ontario government [website](#) for more information.
- The Protecting Tenants and Strengthening Community Housing Act, 2020 encourages landlords to try to negotiate a repayment agreement with a tenant before seeking eviction if rent has not been paid during COVID-19. Visit Ontario's [website](#) for more information.

Can residential institutions related to child welfare, youth justice, criminal justice, long-term care, retirement homes, etc., impose restrictions such as limiting individuals from visiting their loved ones?

- Residential facilities disproportionately house people who identify with protected grounds under the *Code*, including Indigenous and racialized people, people with disabilities and addictions, elderly people, children and youth, and other vulnerable groups.
- Under the *Code*, these individuals have a right to be free from discrimination, and under the *Charter*, these individuals have further rights to privacy; liberty and security of the person; the right to be free from arbitrary detention; and cruel and inhuman treatment, subject to reasonable limits.
- The OHRC and relevant human rights laws recognize the importance of balancing individuals' rights to non-discrimination and civil liberties with public health and safety, including the need to address evidence-based risks associated with COVID-19.

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- Restrictions such as limiting individuals from visiting their loved ones may be justified for health and safety reasons, particularly if such restrictions are based on up to date information from medical and Public Health officials. However, there may be instances where certain individuals may require accommodations, such as increased access to phones or Skype for contact with loved ones, or continued access to their support persons.
- Under the Code, care institutions have a duty to accommodate a person's disability-related needs, unless doing so would cause undue hardship based on cost or health and safety.
- The OHRC has taken the position that a care institution's interpretation of "essential visitor" should be broad enough to include paid and unpaid support persons, attendants and communication assistants, including family members, authorized by the patient or resident or their guardian, who provide supports that are essential to enable a patient or resident with a disability to access care services and communicate effectively with care providers.
- Visit the Ontario government website on COVID-19 for the latest information about supports and restrictions on visitor and other access to government-run or regulated residential facilities.

Can retailers refuse cash payment during the COVID-19 pandemic?

- Requirements related to health and safety during the COVID-19 pandemic, like contactless payment in place of cash, do not generally cause concern under Ontario's *Human Rights Code* if they are effective and necessary in the circumstances.
- At the same time, these requirements may have a negative impact on vulnerable populations identified by a *Code* ground who disproportionately experience poverty. Some people from vulnerable groups may not have the means to use electronic payment. For example, people who are homeless may not get a bank card without an account or permanent address.
- Census data and Ontario's *Poverty Reduction Act* recognize that groups like immigrants, women, single mothers, people with disabilities, Indigenous peoples and people from racialized communities are more likely to experience poverty. Bank of Canada research shows that people with lower levels of income are more likely to use cash.
- Even where COVID-19 requirements are legitimate, organizations still have a duty to explore options and accommodate individual needs related to the *Code*, unless it would amount to undue hardship based on cost or health and safety.

Human Rights FAQs

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- An inability to follow a COVID-19 health and safety requirement like contactless payment should not lead to complete denial of service. Without compromising the health and safety of employees and customers, retailers should look for ways a person might safely pay for goods or services with cash if that is their only option.
- The **Bank of Canada** asks retailers to continue accepting cash. Refusing cash purchases outright will put an undue burden on people who depend on cash and have limited payment options. Risk can be mitigated in retail settings using a variety of methods, including ensuring access to hand hygiene for all employees.

Can an employer, service provider or landlord require me to use the “COVID- Alert” exposure notification app?

- In partnership with the federal government, Ontario has released COVID Alert, an exposure notification app that individuals can use. More information about the COVID-Alert app can be found [here](#).
- While Ontario is encouraging use of the COVID Alert app, use of the app is voluntary.
- The OHRC’s policy position is that the Code ground of disability is engaged when employers, housing or other service providers impose medical testing, or require medical information related to a disability, such as requiring the use of and information from a contacting tracing app.
- If any employer, housing or service provider is considering requiring use of COVID Alert or another pandemic tracing app to access housing, employment or receive a service, they would need to demonstrate that this is a bona fide (legitimate) requirement to ensure health and safety. At this time, and with limited information on the accuracy and efficacy of COVID Alert, it would likely be difficult to show that requiring its use would be a bona fide health and safety requirement.
- Employers, housing and other service providers should recognize that health and safety requirements such as requiring the use of, or information from, a contact tracing app, may have a negative impact on vulnerable populations identified by a ground under the Code.
- No one should experience pressure, harassment or other discriminatory treatment linked to a Code ground because they choose to use or not use the app, or are unable to use the app. For instance, some Code protected groups may feel more targeted or stigma relating to COVID-19, or more pressure to adopt measures like the COVID Alert app.
- The OHRC cautions that individuals should not be asked to disclose information about whether they have received an exposure notification through the app. This includes being asked to show a police, security or public safety officer (or anyone else) the information on their app.

Can my employer ask me if I have tested positive for COVID-19? Can they disclose that information and my name to other employees?

- Generally, an employer does not have the right to know a person's confidential medical information, or disclose that information to others. However, in situations like the COVID-19 pandemic, in some cases it may be necessary for an employer to request and disclose information about an employee's health to others, if there are compelling circumstances affecting employee health and safety.
- The OHRC's policy position is that the *Code* ground of disability may apply when employers have requirements related to COVID-19. Asking employees to disclose whether they have tested positive for COVID-19 may be allowed under the *Code* to determine fitness to safely perform work, or to protect people receiving services or living in congregate housing run by the employer.
- Employers would need to justify an intrusion on a person's privacy based on the health and safety risks in their workplace. It is important for employers to consider whether risks to workplace health and safety outweigh the severe impacts on employees' privacy, and find ways to balance these interests.
- Making overbroad requests and sharing medical information may undermine the dignity and privacy of employees with disabilities. Request and share medical information only in a way that intrudes as little as possible on a person's privacy, and does not go beyond what is necessary to ensure employees are healthy and safe and/or to accommodate an employee's individual needs.
- It is particularly important that medical information is handled in a way that maximizes confidentiality. When necessary, employers should only disclose that an unnamed employee has tested positive for COVID-19. Any information that could identify the employee should not be disclosed to other employees unless there is an urgent health and safety justification to do so at that time.
- Medical information about an employee and their identity should only be shared with staff who need the information to help manage a situation, or where required by law.
- The *Code* and OHRC policies also recognize that employers have a duty to accommodate the needs of employees who test positive for COVID-19, and may request medical information to verify an employee's need for individual accommodation.
- Requesting and disclosing medical information should also be done in accordance with privacy laws. Employers should be guided by privacy principles, such as consent, nature, purpose and consequence of disclosure.
- For more information about medical information, privacy and the *Code*, see sections 8.7 and 8.8 in the OHRC's [Policy on ableism and discrimination based on disability](#).
- For more information about privacy laws and how they apply to public and private employers, see: [Information and Privacy Commissioner of Ontario](#); [Office of the Privacy Commissioner of Canada](#).
- For more information about employer and employee rights and obligations under the *Occupational Health and Safety Act*, see the [Ontario Ministry of Labour, Training and Skills Development](#).



SUPPORTS FAQS

Supports FAQs

Are we able to demand a rapid test prior to shift if it becomes available to us?

Yes, but there would be a number of guidelines developed and conditions for safely gathering and storing private personal health information. You may want to restrict this practice to unvaccinated employees so that you are not unnecessarily collecting and storing personal health information.

Where do we submit questions?

Businesses and organizations can submit questions to the Ministry of Health via <https://www.ontario.ca/feedback/contact-us?id=25811&nid=98977>

What supports will be provided to businesses to implement these new requirements?

The Ministry of Health is developing, and will provide, additional tools to businesses and organizations in the coming weeks, including:

- Launching a new app to make it easier and more convenient for businesses and organizations to read and verify proof of vaccination (i.e., that a digital vaccine receipt is valid); and
- Providing communication supports to businesses to inform the public of the new requirement.

A full list of supports available for businesses can be found on Ontario's COVID-19: Help for businesses [here](#).

Is there a resource page for the vaccine certificate for businesses to download signage, etc. from?

- The Ministry of Health has prepared a download for businesses and organizations in the implementation and rollout of vaccine certification services. The link to download the poster can be found at:

https://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/VaccineReceipt_poster_colour_en.pdf

- Download a sampler of what other immunization records look like from other Canadian provinces at:

<https://files.constantcontact.com/960a2ad1701/55a65ede-43e7-403f-b33f-57c735ffa2c2.pdf>



POST OCT 22 VACCINE CERTIFICATION FAQ'S

Post October 22 Vaccine Certificate FAQs

Will there be education for employers / employees to implement both paper and app?

The government will develop and provide guidance and additional tools to improve user experience, efficiency and business supports in the coming weeks, including establishing alternative tools for people with no email or ID.

A full list of supports available for businesses can be found on Ontario's COVID-19: Help for businesses [here](#).

RESOURCES

IMMUNIZATION CDN RECORDS SAMPLER

What do other immunization records look like from Canadian provinces

[DOWNLOAD](#)

PROOF OF VACCINATION POSTER

Proof of Vaccination signs for business use

[DOWNLOAD](#)



Hospitality 'how to' re-open video featuring Employment Standards and Health & Safety Information

[SEE MORE](#)



The DineSafe.ca portal provides you with all the information you need to ensure safe re-opening.

[SEE MORE](#)



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Disclaimer: *The answers to the questions posed do not constitute legal advice. ORHMA continues to monitor the evolving situation and will update or add to these questions and answers on an ongoing basis as needed.*