

Ontario employers now required to conduct daily COVID-19 screening for employees and visitors entering the workplace

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As Ontario entered the initial stage of the reopening process in May 2020, many employers began to permit a limited number of employees and visitors to return to the workplace. These numbers have generally increased as the province progressed to later stages and businesses have resumed at least part of their operations in their physical workplaces. In an effort to address the increasing number of new COVID-19 cases, the Ontario government introduced additional public health measures on September 25, 2020, which came into effect on September 26. One of these measures relates to a new screening tool for COVID-19 in the workplace.

Mandatory screening for employees and visitors

The new COVID-19 “screening” requirement is set out in the recent [amendment](#) to the “Stage 3” [Regulation](#). It states that “[t]he person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health on screening individuals”. Those recommendations now include a formal screening requirement for employees and visitors to a workplace.

Screening involves requiring employees and visitors attending at the workplace to answer a list of questions regarding (i) COVID-19 symptoms, (ii) travel outside of Canada, and (iii) close contact with a confirmed or probable case of COVID-19. The intention is that the screening will take place each day before the individual is permitted to enter the workplace.

Screening Tool

At the same time that the Regulation was made, the Ministry of Health published a “COVID-19 Screening Tool for Workplaces (Businesses and Organizations)” ([LINK](#)). The following information and guidance was included with the Screening Tool:

- **Who:** Workplaces should implement the screening for any “workers” or “essential visitors” entering the work environment. This includes staff, students, contractors or volunteers, as well as service providers (e.g. delivery, maintenance or contract workers). It does not include “patrons” entering a workplace, such as customer entering a grocery store, restaurant, bar or other food or drink establishment.
- **When:** The screening should occur “before or when” the worker enters the workplace at the beginning of their day or shift, or when the essential visitor arrives.
- **What:** The screening should include, at a minimum, the three required screening questions relating to symptoms, travel and close contact.
- **Why:** Anyone who does not pass screening should be advised that they should not enter the workplace and should self-isolate, call their health care provider or Telehealth Ontario. An individual who declines to complete the questionnaire should also be refused access.

Next steps for employers

Ontario employers should take immediate steps to implement a formal screening process that either uses the Ministry of Health’s Screening Tool or satisfies the minimum requirements set out in the accompanying guidance. In that regard, some employers have implemented screening “apps” that employees and visitors can use to record their responses to the COVID-19 screening questions.

Ontario employers should also consider how they will document their compliance with the screening requirements on a going forward basis, given the expectation that the employer will be screening each employee and visitor on each day that they enter the workplace.

The information contained in this article is intended to provide information and comment, in a general fashion, about recent cases and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.