



Toronto Workplaces Now Required to Have Vaccination Policies

On August 20, 2021, Toronto's Medical Officer of Health, Dr. Eileen de Villa, issued a statement "strongly recommending" that workplaces develop and implement COVID-19 workplace vaccination policies ("**WVP**"). While a recommendation would not ordinarily be binding, under the current policies and regulations in effect in Ontario, workplaces are required by law to abide by recommendations from public health authorities. Accordingly, this recommendation can effectively be seen as a mandate.

Toronto Public Health has created a workplace toolkit to help employers develop their WVP. According to the toolkit, WVP should include, at a minimum, the following:

- A policy requiring workers to show proof of vaccination;
- A requirement for unvaccinated workers to present documentation from a doctor or nurse practitioner showing a medical reason why they cannot be vaccinated, and explaining whether that condition is temporary or permanent; and
- A requirement for unvaccinated workers to attend an educational seminar on the risks of being unvaccinated in the workplace.

Additional measures to reduce the spread of COVID-19 in the workplace may include:

- COVID-19 testing;
- Strict adherence to physical distancing measures;
- Personal protective equipment, such as masks; and
- Improving ventilation systems.

Employers should be careful to inform workers how their vaccination status and medical information will be collected, stored and protected, in order to ensure compliance with privacy legislation.

This announcement comes as more and more employers announce vaccination mandates in their workplaces. Many of Canada's largest companies, including Sun Life Financial, Rogers Communications and the Royal Bank of Canada, have implemented policies requiring all employees to be vaccinated. Recent polling has suggested that over 80% of Canadians support requiring vaccines for many indoor activities, and 62% of small to medium-sized businesses plan on requiring vaccines for employees. As of August 26, 2021, more than 83% of eligible Canadians have received at least one dose, and more than 75% are fully vaccinated.

We encourage employers to reach out to their Aird & Berlis contact and the market expansion team for support in preparing workplace vaccination policies.

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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada*, *The Canadian Legal Lexpert Directory* and *Benchmark Canada*.

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.

Articling student **Matthew Patterson** contributed to this article.