

Ministry of Health

# Questions and Answers

## Version 1 – September 14, 2021

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.

## Supports:

### 1. Will an addendum be posted for additional Q&As?

The Ministry of Health will continually update this Q&A document, as needed, to support businesses and organizations throughout the implementation process.

### 2. 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>.

### 3. 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](#).

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

The Ministry of Health is working to prepare resources (e.g., poster) to support businesses and organizations in the implementation and rollout of vaccine certification services. More information will be provided closer to September 22, 2021.

## **Settings (Businesses and Organizations):**

#### **5. 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.

#### **6. 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
  - 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

## **7. 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.

## **Vaccination Policies:**

### **8. 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 Guidance 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.

## **9. 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.

## **10. 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.

## **11. 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.

## General:

### **12. 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).

### **13. 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.

### **14. 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.

**15. 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.

**16. Will capacity limits be adjusted for impacted businesses?**

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.

## Proof of Vaccination:

**17. 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.

**18. 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.

**19. 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.

**20. 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.

**21. 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.

Information on non-Health Canada approved vaccines that can be found [here](#).

## **22. 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.

## **Medical Exemptions:**

### **23. 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.

### **24. 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.



## **25. 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 in the extended class'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.

## **26. 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.

## 27. 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.

## Proof of Identity:

### 28. 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.

## Meeting and Event Spaces and Multi-Purpose Organizations:

### **29. 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*.

### **30. 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.

### **31. 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.

**32. 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**

<b>Event</b>	<b>Location</b>	<b>Proof of Vaccination</b>
<b>Funerals</b>		
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)
<b>Weddings</b>		
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

**33. 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.).

## Sector Specific:

### **34. 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.

### **35. Do the requirements apply to or 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.

### **36. 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.

**37. 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.

**38. 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.

**39. 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](#).

**40. 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).

**41. 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.

**42. 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).

**43. 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.

**44. 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.

**45. 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"> <li>• sports leagues</li> <li>• organized pick-up sports</li> <li>• dance classes</li> <li>• martial arts</li> <li>• swimming classes</li> </ul>	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

**46. 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.

#### **47. 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).

## **Compliance and Enforcement:**

#### **48. 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.

#### **49. 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.

**50. 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.

**51. 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](#).

## 52. 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](#) (OHS) 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.

Tools and resources are available to help businesses implement the necessary safety measures including guidance to develop workplace violence and harassment measures and procedures as part of their COVID Safety Plan.

Examples of some other helpful resources are (but not limited to):

- [Developing your COVID Safety Plan](#)
- [Understand the law on workplace violence and harassment](#)
- [Are your employees prepared to handle COVID-linked violence?](#)
- [WSPS Workplace Violence and Harassment Toolbox](#)

## 53. 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.

## Post-October 22 Vaccine Certificate:

### **54. 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](#).