

**Ministry of Health**

Office of Chief Medical Officer of Health, Public Health  
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Toronto ON M5G 2M2

**Ministère de la Santé**

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**Instructions issued by the Office of the Chief Medical Officer of Health**

**WHEREAS** under subsection 2(2.1) of Schedule 1 and Schedule 4 of [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) the person responsible for a business or organization that is open shall operate the business or organization in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health (OCMOH):

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

**AND WHEREAS:**

- some retirement home staff within the meaning of the *Retirement Homes Act, 2010*,<sup>[1]</sup> contractors, volunteers, and students remain unvaccinated, posing risks to residents;
- due to age-related conditions and co-morbidities, retirement home residents face higher risk of serious illness and death due to COVID-19; and
- vaccines provide the best protection against COVID-19.

**AND HAVING REGARD TO** the prevalence of the Delta variant of concern globally and within Ontario, which has increased transmissibility and disease severity than previous COVID-19 virus strains, in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario.

**I AM THEREFORE OF THE OPINION** that instructions from the OCMOH must be issued to establish mandatory COVID-19 vaccination policies in retirement homes within the meaning of the *Retirement Homes Act, 2010* that are licenced under the Act.

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<sup>[1]</sup> "Staff" in the *Retirement Homes Act, 2010*, in relation to a retirement home, means every person who works or provides services at the home,

- (a) as an employee of the licensee,
- (b) pursuant to a contract or agreement with the licensee, or
- (c) pursuant to a contract or agreement between the licensee and an employment agency or other third party

**Date of Issuance:** August 30, 2021

**Effective Date:** Every Retirement Home (as defined below) must establish a COVID-19 vaccination policy by no later than September 7, 2021 and implement it by no later than September 21, 2021.

**Issued To:** Retirement homes within the meaning of the *Retirement Homes Act, 2010* that are licenced under the Act (herein referred to as “**Retirement Home**”).

## Required Precautions and Procedures

1. Every Retirement Home must establish, implement and ensure compliance with a COVID-19 vaccination policy requiring its staff within the meaning of the *Retirement Homes Act, 2010*, contractors, volunteers and students (herein referred to as “**Required Individual**”) to provide:
  - a) proof of full vaccination<sup>[2]</sup> against COVID-19; or
  - b) written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
  - c) proof of completing an educational session approved by the Retirement Home about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. The approved session must, at minimum address:
    - i. how COVID-19 vaccines work;
    - ii. vaccine safety related to the development of the COVID-19 vaccines;
    - iii. the benefits of vaccination against COVID-19;
    - iv. risks of not being vaccinated against COVID-19; and
    - v. possible side effects of COVID-19 vaccination.
2. Despite paragraph 1, a Retirement Home may decide to remove the option set out in paragraph 1(c) and require all Required Individuals to either provide the proof required in paragraph 1 (a) or (b).
3. Where a Retirement Home decides to remove the option set out in paragraph 1(c)

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<sup>[2]</sup> For the purposes of this document, “fully vaccinated” means having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by WHO (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least 14 days ago.

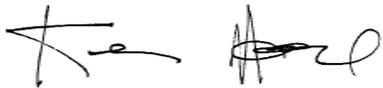
as contemplated in paragraph 2, the Retirement Home shall make available to the Required Individuals an educational session that satisfies the requirements of paragraph 1(c).

4. Every Retirement Home's vaccination policy shall require that where a Required Individual does not provide proof of being fully vaccinated against COVID-19 in accordance with paragraph 1(a), but instead relies upon the medical reason described at paragraph 1(b) or the educational session at paragraph 1(c), the Required Individual shall:
  - a) submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the Retirement Home, which must be at minimum once every seven days.
  - b) provide verification of the negative test result in a manner determined by the Retirement Home that enables the Retirement Home to confirm the result at its discretion.
5. Every Retirement Home must collect, maintain, and disclose statistical (non-identifiable) information as follows:
  - a) documentation that includes (collectively, "the Statistical Information"):
    - i. the number of Required Individuals that provided proof of being fully vaccinated against COVID-19;
    - ii. the number of Required Individuals that provided a documented medical reason for not being fully vaccinated against COVID-19;
    - iii. the number of Required Individuals that completed an educational session about the benefits of COVID-19 vaccination in accordance with paragraph 1(c), where applicable; and
    - iv. the total number of the Retirement Home's Required Individuals to whom these Instructions apply.
  - b) disclose the Statistical Information to the Ministry for Seniors and Accessibility (MSAA) and the Retirement Homes Regulatory Authority (RHRA) in the manner and within the timelines specified by MSAA and RHRA. MSAA and RHRA may seek additional detail within the requested Statistical Information outlined above which will also be specified in the request. MSAA may further disclose this Statistical Information and may make it publicly available.

## Questions

Retirement Homes may contact the Ministry for Seniors and Accessibility at [RHInquiries@ontario.ca](mailto:RHInquiries@ontario.ca) or the Retirement Homes Regulatory Authority at [info@rhra.ca](mailto:info@rhra.ca) with questions or concerns about these Instructions.

**Retirement Homes are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.**

A handwritten signature in black ink, appearing to read 'K. Moore', with a stylized flourish at the end.

Kieran Moore MD, CCFP (EM), FCFP, MPH, DTM&H, FRCPC  
Chief Medical Officer of Health