Ontario

Ministry of Health

Proof of Vaccination Guidance for Businesses and Organizations under the *Reopening Ontario Act*

Version 1 – September 14, 2021

Introduction

This guidance document provides information for specified businesses or organizations as per section 2.1 of Schedule 1 to *O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step* (O. Reg. 364/20) under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) to require each patron who enters an area of the premises to provide, at the point of entry, proof of identification and proof of being fully vaccinated against COVID-19. The specified businesses or organizations must comply with this guidance document, pursuant to section 2.1(4) of Schedule 1 of O. Reg. 364/20.

This guidance document only pertains to section 2.1 of Schedule 1 of O. Reg. 364/20 and is not intended to be a comprehensive description of the requirements with respect to patrons entering a business or organization. There may be other rules that apply when patrons enter a business or organization, such as requirements in the regulations under the ROA for the business or organization to screen patrons for COVID-19 symptoms and record patrons' contact information.

This guidance document sets out baseline requirements that specified businesses and organizations must comply with in accordance with section 2.1 of Schedule 1 of O Reg. 364/20. It does not preclude businesses or organizations from establishing their own additional policies or requirements pertaining to their patrons. Businesses or organizations considering creating their own additional policies or requirements may wish to consult a lawyer.

This guidance document is not intended to take the place of medical advice, diagnosis, treatment, or legal advice. In the event of any conflict between this guidance document and the ROA, the ROA prevails.

Businesses or organizations must comply with any applicable municipal by-laws, section 22 orders issued by local Medical Officers of Health under the *Health Protection and Promotion Act* (HPPA), and any other applicable instructions, policies or guidelines issued by the Government of Ontario.

All applicable legislative or regulatory requirements related to health and safety such as those in the *Occupational Health and Safety Act* (OHSA) and its regulations continue to apply. While the ROA sets out certain specific requirements, with respect to worker health and safety, the OHSA requires that employers must take every precaution reasonable in the circumstances to protect the health and safety of workers. This includes protecting workers from hazards posed by infectious diseases. Employers must meet all requirements under both statutes.

Application

Should an individual choose not to share the required information then, unless the ROA otherwise exempts them from this requirement, they will not be permitted to enter those businesses or organizations that require proof.

In order to enter the business and organization, with limited exceptions:

- The patron must provide the required proof of identification and proof of being fully vaccinated, and
- The business and organization must review and confirm the proof.

For a limited time period (on or after September 22, 2021 but before October 13, 2021), for indoor social gatherings associated with weddings and funerals (in meeting and event spaces) the negative result of a COVID-19 antigen test may be provided instead of proof of being fully vaccinated.

A business or organization **shall not** retain any information provided by a patron if the information is provided pursuant to a requirement under section 2.1 of Schedule 1 of O. Reg. 364/20 under the ROA.

An individual is considered **fully vaccinated** if they have received:

- The full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines, or
- One or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada, or

- Three doses of a COVID-19 vaccine not authorized by Health Canada; and
- They received their final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.

Effective September 22, 2021, patrons seeking access to the following areas of the premises of the following businesses or organizations must show proof of identification and proof of being fully vaccinated against COVID-19 before they can enter the area, with limited exceptions:

Businesses or Organizations	Additional Information
Indoor areas of meeting and event spaces	Includes banquet halls, conference and convention centres (with limited exceptions)
Indoor and outdoor areas of food or drink establishments with dance facilities, including nightclubs and restoclubs and other similar establishments	Excludes delivery and takeout
Indoor areas of restaurants, bars, and other food and drink establishments without dance facilities	Excludes outdoor areas (i.e., outdoor patios), delivery and takeout
Indoor areas of facilities used for sports and recreational fitness activities, including waterparks, and personal fitness training	Includes gyms, fitness/sporting/ recreational facilities, pools, leagues sporting events, waterparks, and indoor areas of facilities where spectators watch events Limited exceptions apply
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	Includes indoor only for horse racing and car racing and other similar venues
Indoor areas where film and TV productions take place with studio audiences	Does not include cast and crew members

Section 2.1 of Schedule 1 of O. Reg. 364/20 does not apply to businesses or organizations, not listed above, including those that provide access to necessary medical care, groceries, and basic medical supplies.

All other public health and workplace safety measures in O. Reg. 364/20 remain in effect (including but not limited to capacity limits, patron screening, masking, physical distancing and collection of patron contact information where required).

Exemptions

The proof of identification and proof of vaccination against COVID-19 requirements under O. Reg. 364/20 **do not** apply to:

a) Workers, contractors, repair workers, delivery workers, students, volunteers, inspectors or others who are entering the business or organization for work purposes and not as patrons.

b) A patron who is entering an indoor area solely for the following purposes:

- to use a washroom;
- to access an outdoor area that can only be accessed through an indoor route;
- to make a retail purchase;
- while placing or picking up an order, including placing a bet or picking up winnings in the case of a horse racing track;
- while paying for an order;
- to purchase admission; or
- as may be necessary for the purposes of health and safety.

All other public health measures (e.g., masking and physical distancing) continue to apply to patrons.

c) Children under 12 years of age.

- Businesses or organizations specified in the regulation must require patrons who are 12 years of age or older and who do not qualify for an exemption to provide proof of identification and proof of being fully vaccinated against COVID-19 prior to entering an area specified in section 2.1 of Schedule 1 of O. Reg. 364/20. 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 patron is under 12 years of age.

d) Patrons under 18 years of age who are 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, in accordance with the guidance below and in Appendix A:

- The exemption relating to youth under 18 years of age actively participating in indoor organized sport applies to training, practices, games and competitions.

  Examples of an organized sport for which the exemption applies include:

  - sports leagues
  - organized pick-up sports
  - dance classes
  - martial arts
  - swimming classes
- The exemption does not apply to youth who are spectators at sporting events. Nor does the exemption apply to youth who are using a gym or other area with exercise equipment or weights unless actively participating in an organized sport.
- Proof of being fully vaccinated against COVID-19 and proof of identification (or proof of being entitled to another exemption) is required for patrons 18 years and older, including parents or guardians of youth actively participating in an organized sport. 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 patron is under 18 years of age. Proof of identification and proof of being fully vaccinated is not required for workers or volunteers, including coaches and officials.

e) Patrons who are entering the indoor premises of a meeting or event space, including a conference centre or convention centre, solely for the purposes of attending a wedding service, rite or ceremony or a funeral service, rite or ceremony, but not an associated social gathering (See Appendix B).

f) Patrons who are entering the indoor premises of a meeting or event space that is 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*, for the purposes of attending a social gathering associated with a funeral service, rite or ceremony (See Appendix B).

g) Patrons who are entering the indoor premises of a meeting or event space other than a place described in (f) above, including a conference centre or convention centre, for the purposes of attending a social gathering associated with a wedding service, rite or ceremony or a social gathering associated with a funeral service, rite or ceremony, on or after September 22, 2021, but before October 13, 2021, as long as the patron produces the results of an antigen test administered within the previous 48 hours establishing that the person is negative for COVID-19 to the person responsible for the establishment (See Appendix B).

h) Patrons who 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.

   Patrons with a medical exemption are required to present identification and a written document stating the individual is exempt for a medical reason to the business or organization.

   To review proof of a 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's or registered nurse 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.

Vaccine Certification Process

From September 22 to October 22

All Ontarians receiving a vaccine, whether at first dose or second dose, are provided a receipt at the time of vaccination. A paper copy of the receipt is provided on site and an

email version is sent to the address provided by the vaccine recipient for the person's records. The receipt includes key information about the vaccination event including the individual's name, date of vaccination and product name of the vaccine received (i.e., Pfizer, Moderna, etc.).

In addition to receiving a receipt on site at the time of vaccination, copies of a COVID-19 vaccination receipt can be downloaded or printed through the COVID-19 vaccination provincial portal or obtained by calling the Provincial Vaccine Booking Line at 1-833-943-3900. This version of the COVID-19 vaccination receipt contains security measures to deter forgery (see sample below).

All versions of the receipt are acceptable as proof of vaccination. However, a patron seeking access to a business or organization specified in the regulation must provide the receipt that shows that they are fully vaccinated.[1]

Patrons who are visitors to Ontario will be required to show proof of being fully vaccinated against COVID-19 and proof of identification to enter the businesses or organizations specified in O. Reg. 364/20 (unless they qualify for an exemption).

Proof of vaccination 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.

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[1] An individual is considered fully vaccinated if they have received,

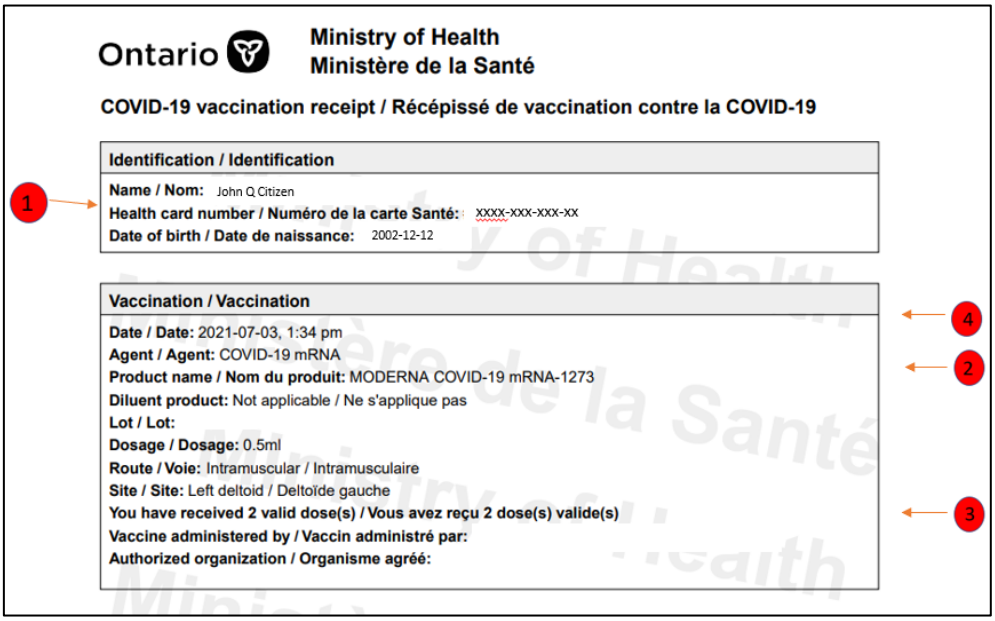
- the full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines,
- one or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada, or
- three doses of a COVID-19 vaccine not authorized by Health Canada; and
- they received their final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.

Health Canada approved vaccines:

- 2 doses: Pfizer-BioNtech, Moderna, AstraZeneca/COVISHIELD
- 1 dose: Janssen/Johnson & Johnson
- mRNA vaccine: Pfizer-BioNtech, Moderna

Process/Steps Required

1. Match the **name** and the **date of birth** of the patron listed on the vaccination receipt against the name and date of birth on a piece of identification.
2. Verify the receipt is either (a) an Ontario receipt issued at the time of vaccination or any format of receipt downloaded from Ontario.ca that shows the holder is fully vaccinated against COVID-19 (b) a receipt signed by an Indigenous Health Provider, or (c) a receipt from another jurisdiction that shows the holder is fully vaccinated against COVID-19.
3. Verify that the receipt shows that the holder is fully vaccinated.
4. Verify that the **date of administration** of the final shot in the series is at least **fourteen days** prior to the date the patron is seeking access to the business or organization.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COVID-19 vaccination receipt / Récépissé de vaccination contre la COVID-19

Identification / Identification

1

Name / Nom: John Q Citizen
Health card number / Numéro de la carte Santé: XXXX-XXX-XXX-XX
Date of birth / Date de naissance: 2002-12-12

Vaccination / Vaccination

4

Date / Date: 2021-07-03, 1:34 pm
Agent / Agent: COVID-19 mRNA

2

Product name / Nom du produit: MODERNA COVID-19 mRNA-1273
Diluent product: Not applicable / Ne s'applique pas
Lot / Lot:
Dosage / Dosage: 0.5ml
Route / Voie: Intramuscular / Intramusculaire
Site / Site: Left deltoid / Deltoïde gauche

3

You have received 2 valid dose(s) / Vous avez reçu 2 dose(s) valide(s)
Vaccine administered by / Vaccin administré par:
Authorized organization / Organisme agréé:

Figure 1 Sample Email Receipt

Proving Identity

Validation of identification must also be undertaken to ensure that vaccination receipt offered by the patron belongs to them. Validation of vaccination will be based on **two key identifiers**:

1. **Name of the identification holder; and**
2. **Date of birth**.

A photo identification is not required.

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. Examples of identification documents that may be used to confirm the identity of the holder of the vaccine receipt include:

- Birth certificate
- Citizenship card
- Driver's licence
- Government (Ontario or other) issued identification card, including health card[2]
- Indian Status Card /Indigenous Membership Card
- Passport
- Permanent Resident card

Validation of identification is considered to have been completed/successful when the **name and date of birth of the presenter of the vaccination receipt and the name and date of birth on the identification document match**. If the name and date of birth on both documents do not match, the individual will not be allowed to enter the business or organization.

For Ontario residents, expired Ontario government issued identification, including drivers' licences, and expired Canadian government issued documents, such as passports, may be provided as proof of identification. Visitors from within Canada may provide expired passports but may not provide expired provincial documents as proof of identification. All patrons visiting from abroad may not provide expired documents as proof of identification.

The patron seeking entry to the business or organization is **solely responsible** for demonstrating that they are the legitimate holder of the vaccination receipt, and that the information being provided is complete and accurate and relates to the patron. If they cannot demonstrate that to the business or organization, the individual will not be allowed to enter.

Compliance

As these requirements are specified in the rules for Step 3 under O. Reg. 364/20 under the ROA, existing enforcement provisions, as provided for under that Act, apply.

[2] Individuals may voluntarily offer an Ontario health card (issued under the *Health Insurance Act*) for identification purposes, however a person or entity who is not a health information custodian must not record or copy the health card number. Individuals have a right to refuse to provide their health cards. It is an offence under PHIPA to require the production of a health card or health card number in certain circumstances.
Further information regarding the use of Ontario health cards for confirming the identity of individuals is available from the Information and Privacy Commissioner (IPC) at: https://www.ipc.on.ca/wp-content/uploads/2015/11/phipa-hfaq-cards-e.pdf. If you have any questions or concerns about the production of health cards or the collection, use or disclosure of health numbers, please contact the IPC at: info@ipc.on.ca.

Businesses or organizations are responsible for ensuring they meet the requirements regarding proof of identification and proof of vaccination against COVID-19 as outlined in the regulation.

Patrons are required to ensure that any information they provide to the business or organization to demonstrate proof of vaccination (or proof of qualifying for an exemption) and proof of identification is complete and accurate.

Canada's Criminal Code deals with matters such as violent acts and threats. The police should be contacted in these situations. Harassment may also be a matter that falls under the Criminal Code or Ontario's Human Rights Code.

In the event of harassment or threats of acts of violence, law enforcement should be contacted.

Under the *Occupational Health and Safety Act* (OHSA) employers have a responsibility to take every precaution reasonable in the circumstances to protect a worker. This includes assessing risk and implementing multiple control measures to address the risk of COVID-19 transmission, as well as the risk of workplace violence where that hazard may exist.

Tools and resources are available to help business implement the necessary safety measures including a guidance to develop workplace violence and harassment measures and procedures as part of their COVID-19 Safety Plan.

Examples of resources include (but are not limited to):

- Developing your COVID-19 Workplace 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

Penalties

Failing to comply with the requirements of O. Reg. 364/20 can result in charges under the ROA. If charged under Part I of the *Provincial Offenses Act* (POA), set fine amounts are $750 for individuals and $1,000 for corporations.

Maximum-penalties based on a prosecution under Part I or Part II of the POA include fines of up to $100,000 and up to a year in jail for an individual; up to $500,000 and up to a year in jail for an individual who is a director or officer of a corporation; and up to $10 million for a corporation.

Violence in the workplace is never acceptable. Obstructing any person exercising a power or performing a duty (including workers) in accordance with requirements in O. Reg. 364/20 can also result in charges under the ROA.

Next Steps

Ontario will develop and implement an enhanced digital vaccine certificate with unique QR (Quick Response) code and accompanying verification application that will allow users to securely and safely verify their vaccination status when scanned. Smartphone applications providing proof of vaccination will be accessible to people with disabilities and compatible with adaptive technologies, such as screen readers. A paper version of the enhanced vaccine certificate will be downloaded or printed from the COVID-19 vaccination provincial portal or obtained by calling the Provincial Vaccine Contact Centre at 1-833-943-3900.

The enhanced vaccine certificate, as well as a verification app to allow businesses or organizations to read the QR code, will be available beginning October 22. Following this date, patrons will be able to provide a paper copy or a digital copy of their enhanced vaccine certificate with QR to provide proof of vaccination. Older versions of the receipt will still be acceptable as proof of vaccination. This guidance will be updated to reflect the new processes.

The guidance provided in this document is subject to updates, as required, due to changes in COVID-19 cases, public health advice and direction, and ongoing engagement with Indigenous communities and organizations, including ensuring OCAP principles are fully met.

Resources

- COVID-19 (coronavirus) in Ontario webpage (find a testing location, check your results, how to stop the spread of the virus)
- Ministry of Labour, Training and Skills Development's Resources to prevent COVID-19 in the workplace
- Screening for COVID-19: guidance for employers webpage
- COVID-19: Help for businesses in Ontario webpage
- COVID-19 Patron Screening requirement webpage
    - Refer to COVID-19 Signage Questions for Businesses and Organizations for signage details.
    - The COVID-19 Screening Tool for Businesses and Organizations (Screening Patrons) can be downloaded or patrons can complete the screening online and confirm the "good to go" result.

Questions

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

Appendix A: 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: • sports leagues • organized pick-up sports • dance classes • martial arts • swimming classes	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

Note: Proof of vaccination (or proof of being entitled to an exemption) is not required for workers or volunteers, including coaches and officials.

Appendix B: 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