

Numerous Provinces Announce The End Of Provincial Vaccine Mandates, What Does This Mean For The Future?



On December 9, 2020, just nine months after the World Health Organization declared COVID-19 to be a global pandemic, Health Canada authorized the first COVID-19 vaccine for use in Canada. Since then, McCarthy Tétrault tracked provincial, federal, and international vaccine developments in our COVID-19: Vaccine Tracker. In light of the wide accessibility of vaccines and the approaching rollback of COVID-19 measures like vaccine mandates in many provinces, the COVID-19 Vaccine Tracker will no longer be updated going forward.

As of February 15, 2022, worldwide, more than 10.4 billion vaccine doses have been administered according to data collected by Bloomberg. In Canada, over 80 million doses of COVID-19 vaccines have been administered across the country, including third shots and booster shots. In Canada, Over 84.3% of eligible Canadians, age 5 and older, have received at least two doses.

A Snapshot of the Mandates Currently Being Lifted or Proposed to be Lifted:

The Province of Ontario announced that if public health and health care indicators continue to improve, proof of vaccination requirements will be lifted on March 1, 2022. ([link](#))

The Province of Alberta has ended its proof-of-vaccination system as of February 9, 2022. ([link](#))

The Province of Saskatchewan ended its vaccine passport policy as of February 14, 2022. ([link](#))

The Province of Manitoba announced that the requirement to show proof of vaccination to enter public venues will be lifted on March 1, 2022. Indoor mask requirements and all other restrictions are to end on March 15, 2022 with the

possible exception of mask use in long-term care homes. (link)

The Province of Québec announced that the proof of vaccination requirements in the province will be gradually relaxed over the next several weeks. Beginning March 14, 2022, there will no longer be a proof of vaccination requirement, except for travelers. (link)

The Province of Nova Scotia began Phase 1 of the reopening plan on February 14, 2022. Masks and proof of full vaccination will be required throughout Phases 1 and 2 at a minimum. (link)

The Province of Newfoundland and Labrador will end its COVID-19 restrictions, including mask and vaccination requirements and gathering limits, as of March 14, 2022. (link)

The Province of Prince Edward Island plans to end its COVID-19 vaccine passport system on February 28, 2022. (link)

The Province of New Brunswick plans to end proof of vaccination requirements on February 28, 2022, and to lift all COVID-19 restrictions on March 14, 2022. (link)

The Future of Mandates

The Ontario government has explicitly stated that private employers may still implement vaccine mandates in their workplaces, and some businesses, including Ontario hospitals, have already announced that they will be keeping COVID-19 vaccine mandates for visitors and staff.

With Provinces ending their proof of vaccination mandates, some businesses are considering whether to privately impose vaccination policies in their workplaces, with respect to patrons or employees.

While businesses are still permitted to privately require proof of vaccination or negative COVID-19 tests for patrons or employees, businesses may wish to consider the following:

- Will your business be able to continue using the government app or vaccine passport issued in your jurisdiction? For how long?
- Should your business remain ready to reintroduce vaccine mandates in the event they become compulsory again? For example, the Government of Québec recommends that apps not be deleted in case mandates need to be imposed by law again.
- Should your business consider developing or buying its own vaccine app if government apps are eventually decommissioned?
- Should your business privately require other measures, like social distancing, mask wearing, or contact tracing for patrons and employees for some period of time once those requirements are lifted? Note that in most jurisdictions, requirements like masking remain in place.
- If your business continues to privately implement a vaccine mandate, at what point would it make sense for your business to end its private vaccine mandate?
- Can businesses face legal disputes for continuing to implement vaccine mandates for clients and employees once they are no longer required by government health guidance?

- Will different legal ramifications come from workplace mandates only requiring regular testing and social distancing’
- If a workplace ends its vaccine mandate, will workplaces need to allow unvaccinated employees who were put on leave to return’ What ramifications does this have on seniority’
- Does your business cater to an immunocompromised or vulnerable population that would benefit from a continued mandate’
- Is your business’s reputation particularly susceptible to an ‘outbreak’
- Does your business expect protest, harassment, pushback, or reputational damage from privately imposing continued measures like vaccine mandates for clients or employees, or from not doing so’
- Could your business face pressure from clients or employees for relaxing COVID-19 safety precautions’

We are continuing to monitor these changes and will provide updates here in our McCarthy Tétrault Employer Advisor blog. If you have questions about these proposed changes, or need assistance, please reach out to any member of our National Labour & Employment Team or Retail and Consumer Markets Group.

Source: McCarthy Tétrault LLP

Written By: Todd Pribanic-White, Adam Dobkin, Nicole Naglie, Lara Nathans, Trevor Lawson, Awanish Sinha