[Français](http://www.ontario.ca/fr/lois/loi/20s26)

Supporting Ontario’s Recovery Act, 2020

[S.o. 2020, chapter 26  
Schedule 1](https://www.ontario.ca/laws/statute/s20026)

**Consolidation Period:** From November 20, 2020 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

Interpretation

**1** (1)  In this Act,

“good faith effort” includes an honest effort, whether or not that effort is reasonable; (“effort de bonne foi”)

“law” means a statute or any regulation, order, by-law or other instrument made under a statute; (“règle de droit”)

“public health guidance” means advice, recommendations, directives, guidance or instructions given or made in respect of public health, regardless of the form or manner of their communication, by any of the following:

i. The Chief Medical Officer of Health appointed under the Health Protection and Promotion Act, an Associate Chief Medical Officer of Health under that Act or the Office of the Chief Medical Officer of Health.

ii. A person appointed as a medical officer of health or associate medical officer of health of a board of health under the Health Protection and Promotion Act, or an employee of a board of health.

iii. A public health official of the Government of Canada.

iv. A minister or ministry of the Government of Ontario or Canada, or an officer or employee in such a ministry.

v. An agency of the Government of Ontario or Canada or an officer or employee in such an agency.

vi. A municipality or an officer or employee of a municipality.

vii. A regulatory body having jurisdiction over a person, or an officer or employee of such a regulatory body. (“orientations en matière de santé publique”)

Same

(2)  A reference in this Act to a person includes a reference to any individual, corporation or other entity, and includes the Crown in right of Ontario.

No effect on defence, immunity

(3)  Nothing in this Act shall be read as abrogating or limiting any defence or immunity that exists in law or at common law.

Protection from liability

**2** (1)  No cause of action arises against any person as a direct or indirect result of an individual being or potentially being infected with or exposed to coronavirus (COVID-19) on or after March 17, 2020 as a direct or indirect result of an act or omission of the person if,

(a) at the relevant time, the person acted or made a good faith effort to act in accordance with,

(i) public health guidance relating to coronavirus (COVID-19) that applied to the person, and

(ii) any federal, provincial or municipal law relating to coronavirus (COVID-19) that applied to the person; and

(b) the act or omission of the person does not constitute gross negligence.

Same

(2)  Subsection (1) applies regardless of any conflict or inconsistency in the public health guidance or laws applicable to the person.

Same

(3)  A difference in the degree of specificity respecting a matter does not constitute a conflict or inconsistency for the purposes of subsection (2).

Proceedings barred

(4)  No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against a person.

Retrospective effect

(5)  Subsection (4) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this Act comes into force.

Proceedings dismissed

(6)  Any proceeding referred to in subsection (4) that is commenced before the day this Act comes into force is deemed to have been dismissed, without costs, on the day this Act comes into force.

No compensation payable

(7)  No person is entitled to any compensation or any other remedy or relief for the extinguishment or termination of rights under this Act.

Vicarious liability

(8)  This section applies with necessary modifications with respect to a person who is vicariously liable for the acts or omissions of another person, where subsection (1) would negate the liability of the other person in relation to any such act or omission.

Non-application, required closure

**3** Section 2 does not apply with respect to acts or omissions of a person that,

(a) occurred while a law required the person’s operations to close, in whole or in part; and

(b) relate to an aspect of the person’s operations that was required to close under the law.

Non-application, employment and performance of work

**4** (1)  In this section,

“occupational disease”, “Schedule 1 employer”, “Schedule 2 employer”, “survivor” and “worker” have the same meaning as in the Workplace Safety and Insurance Act, 1997.

Causes of action, proceedings unaffected

(2)  Section 2 does not apply with respect to any of the following:

1. A cause of action of a worker who is or was employed by a Schedule 1 employer or Schedule 2 employer, or of the worker’s survivor, in respect of a personal injury by accident arising out of and in the course of the worker’s employment or an occupational disease.

2. A cause of action of a worker who is or was employed by a Schedule 1 employer or Schedule 2 employer, or of the worker’s survivor, to which the Workplace Safety and Insurance Board or Schedule 2 employer, as the case may be, is subrogated under section 30 of the Workplace Safety and Insurance Act, 1997.

3. A cause of action of an individual in respect of an actual or potential exposure to or infection with coronavirus (COVID-19) that occurred in the course, or as a result, of employment with a person or in the performance of work for or supply of services to a person.

4. A proceeding arising from a cause of action referred to in paragraph 1, 2 or 3.

No effect on jurisdiction

(3)  Nothing in this Act affects the exclusive jurisdiction of the Workplace Safety and Insurance Appeals Tribunal to determine a matter described in subsection 31 (1) of the Workplace Safety and Insurance Act, 1997.

Conflict

(4)  In the event of a conflict between this Act and the Workplace Safety and Insurance Act, 1997, the Workplace Safety and Insurance Act, 1997 prevails to the extent of the conflict.

Crown bound

**5** This Act binds the Crown.

6 Omitted (provides for coming into force of provisions of this Act).

7Omitted (enacts short title of this Act).

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