

Antigen rapid testing guidelines for employer-initiated testing

JUNE 1, 2021 4 MIN READ

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As the COVID-19 pandemic continues well into its second year, provincial governments have released guidelines for employers who wish to use testing and screening in order to manage their workplaces. Currently, antigen point-of-care rapid tests may be used in workplaces provided the testing devices are authorized by Health Canada and the guidelines in the applicable jurisdiction are followed. In the majority of jurisdictions, an antigen point-of-care rapid test is not considered a diagnostic test. A positive antigen point-of-care rapid test is typically considered a presumptive or preliminary positive, which should be confirmed by a COVID-19 laboratory-based PCR test. A summary of some of the testing criteria and reporting obligations in each jurisdiction as of the date of this Osler Update is as follows:

	Testing Criteria	Reporting Obligations
British Columbia	The testing is limited to asymptomatic individuals only.	There is no obligation to report the testing to the public health authority, but organizations seeking use of publicly funded tests must contact the public health authority for an assessment. The employer is required to report positive results to the local public health authority.
Alberta [PDF]	The test is recommended for asymptomatic individuals, but can also be used for symptomatic individuals provided there is confirmatory lab testing.	There is no obligation to report the testing regime to the public health authority. The employer is required to submit positive results to Alberta Health and Alberta Health services within 24 hours of the result.
Ontario [PDF]	The test is to be used for asymptomatic individuals, who are not close contacts with a confirmed case of COVID-19 infection. Individuals who have previously been diagnosed with and cleared of COVID-19 may resume being tested after 90 days from their COVID-19 infection. The test is not to be used in outbreak settings unless specific criteria are met.	The employer must report its engagement in a testing program to the local public health authority. The employer is required to follow public health guidance on preliminary positive results.

<u>Saskatchewan</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>Manitoba</u>	The testing is recommended for asymptomatic individuals.	The employer is required to report test results to the provincial public health authority.
<u>Quebec</u>	The party conducting the testing must: have access to a health care professional; obtain free and informed consent from their staff; put infection prevention and control measures in place; manage test results and follow-up; and accept the conditions and limitations for use of the tests. Testing is currently limited to employees who cannot do remote work.	To submit a request for tests the employer must send an email to: testsrapidesentreprises@msss.gouv.qc.ca The employer must keep a record of the rapid tests administered and provide it to the public health authorities upon request. The employer should destroy the register 30 days after its creation.
<u>Nunavut</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>Yukon</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>New Brunswick [PDF]</u>	The testing is recommended for asymptomatic individuals, but may be permitted for symptomatic individuals or those exposed to confirmed cases of COVID-19.	Employers must submit an application for testing to the Department of Health. The employer is required to record positive results and testing data in a permanent record that must be stored for a minimum of two years. The employer is required to report positive test results to the regional public health authority within one hour of a positive result.
<u>Newfoundland</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>Prince Edward Island</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>Nova Scotia</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.
<u>Northwest Territories</u>	No independently run rapid testing guidelines are currently available.	No independently run rapid testing guidelines are currently available.

Privacy considerations

There are a number of privacy considerations that employers must keep in mind when dealing with the personal health information of employees. In addition to following the applicable legislation, employers should take care to anonymize data prior to the publication of COVID-19 data that, alone or together with other information, may identify an individual

expressly or implicitly. Employers should avoid sharing the positive status of a specific employee beyond sharing such information with a public health authority, if required in the applicable jurisdiction. Employers may, in some situations, share with close contacts of:

- a presumptive or preliminary positive case that they have been in close contact with someone who has screened positive as a presumptive or preliminary case, or
- a confirmed positive COVID-19 case that they may have been exposed to a person with COVID-19, in each case without sharing the express identity of the COVID-19 presumptive positive or positive employee.