

July 17, 2020

Dear Employers, Business Owners and Operators:

I am writing to all persons responsible for a business or organization that is permitted to open per the **Emergency Management and Civil Protection Act (EMCPA) Ontario Regulation 263/20 – Stage 2 Closures**, to highlight your responsibilities and outline additional requirements with respect to implementing mandatory mask use. I am thankful for the efforts undertaken by businesses and residents in the Eastern Ontario Health Unit (EOHU) region for their hard work and dedication to protect the health and safety of workers and customers. As more businesses open and people increase their contacts, the risk of a rapid rise in COVID-19 infections and outbreaks is ever-present. Therefore, we must continue the hard work everyone has done to get us to where we are today.

Increasing scientific evidence supports wearing a mask when in enclosed public spaces as an important measure in reducing COVID-19 transmission, while the risk of rising rates of infection continues.

As Medical Officer of Health, the following are my instructions, pursuant to O. Reg 263/20 s.4(2) (or as current), to all employers and persons responsible for businesses or organizations within the EOHU region, effective July 7, 2020 as of 12:01 am:

1. Every Operatorⁱ of an Enclosed Public Spaceⁱⁱ shall adopt a policy to ensure that no member of the public is permitted to enter or remain in the public areas of the Enclosed Public Space unless he or she is wearing a Maskⁱⁱⁱ in a manner that covers their nose, mouth and chin. A [sample policy](#) is available on the EOHU's website at www.eohu.ca/coronavirus.

Exemptions:

- Children under two years of age, or children under the age of five years either chronologically or developmentally who refuse to wear a Mask and cannot be persuaded to do so by their caregiver
- Individuals with medical conditions rendering them unable to safely wear a Mask, including breathing difficulties or cognitive difficulties
- Individuals who are unable to apply or remove a Mask without assistance, including those who are accommodated under the *Accessibility for Ontarians with Disabilities Act (AODA)* or who have protections under the *Ontario Human Rights Code, R.S.O. 1990, c.H.19*, as amended
- A person who is employed by or is an agent of the Operator of an Enclosed Public Space and:
 - is in an area of the premises that is not designated for public access, or
 - is within or behind a physical barrier (e.g. Plexiglas)



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If you require this information in an alternate format, please call 1 800 267-7120 and press 0.

Si les renseignements sont requis dans un autre format, veuillez appeler au 1 800 267-7120 et faire le 0.

2. Implementation of the policy should be enacted and enforced in “good faith” and should be primarily used as a means to educate people on Mask use in public spaces.
3. No person shall be required to provide proof of any of the exemptions set.
4. The policy shall:
 - Exempt the persons set out in Section 1 from the obligation of wearing a Mask.
 - Ensure that all persons working at the establishment are trained in the requirements of the policy.
 - Require that employees and agents wear a Mask when working in the public areas of the premises unless the employee or agent is within or behind a physical barrier.
 - Require that employees and agents provide a verbal reminder to any customer entering the premises without a Mask that the customer should be wearing a Mask.
 - Require, for customers in a premises removing their Mask for extended periods of time, a verbal reminder to that customer of the requirement to wear a Mask under these instructions.
 - Permit the temporary removal of a Mask where necessary for the purpose of:
 - Receiving services; or
 - While actively engaging in dining or an athletic or fitness activity including water-based activities.
5. Ensure the availability of soap and water or alcohol-based hand sanitizer at all entrances and exits for the use of all persons entering or exiting the establishment.
6. Every Operator of an Enclosed Public Space, upon request, shall provide a copy of the policy to any person authorized to enforce it.
7. The Operator of an Enclosed Public Space shall post, at every public entrance to the premises, prominent and clearly visible signage about the mask requirement. A [sample sign](#) is available on the EOHU’s website at www.eohu.ca/coronavirus.

Please also be reminded of responsibilities for general compliance per the same provincial regulation:

- (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the Occupational Health and Safety Act and the regulations made under it.
- (2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, orders, recommendations or instructions on physical distancing, cleaning or disinfecting.
- (3) The person responsible for a business that is open to the public, or an organization responsible for a facility that is open to the public, shall ensure that the place of business or facility is operated to enable members of the public in the place of business or facility to, to the fullest extent possible, maintain a physical distance of at least two metres from other persons. (Ontario Regulation 263/20)

As we transition to reopen businesses and community settings in a safer way, it is critical that we continue to take efforts to control the spread of COVID-19 and work to prevent a resurgence in cases. This means being COVID-wise about our daily activities and business operations, including accessing enclosed public spaces.

The full Directive, along with workplace guidance, information on masks and how to use them, sample policies, signage and other COVID-19 resources are available on the Eastern Ontario Health Unit website at www.eohu.ca/coronavirus.

I thank you for your support and commitment to protecting our community and helping to control the spread of COVID-19.

Sincerely,

Dr. Paul Roumeliotis, MD, CM, MPH, FRCP(C)
Medical Officer of Health/CEO
Eastern Ontario Health Unit

i “**Operator**” means the person who controls, governs, directs, or is responsible for the activity carried on within the Enclosed Public Space and includes the person who is actually in charge at any particular time.

ii “**Enclosed Public Space**” means indoor public spaces of businesses and organizations, accessed by the public.

These include but are not limited to:

- restaurants, cafés, cafeterias, banquet halls
- retail establishments and shopping malls
- churches, mosques, synagogues, temples, or other places of worship
- libraries, museums, art galleries, recreational facilities, bingo halls, community centres and halls, cinemas, theatres, concert venues, special event venues, convention centers, or other similar entertainment, cultural, or leisure facilities
- sports facilities, sports clubs, gyms, yoga studios, dance studios, and stadiums
- common areas of hotels, motels, or short-term rental premises such as lobbies, elevators, meeting rooms (where physical distancing of 2 metres between participants cannot be maintained), rest rooms, laundry rooms, gyms, and kitchens
- public and private transportation, including taxis, limousines and rideshare services
- common areas of premises under the control of a regulated health professional under the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended, such as waiting rooms
- common areas of hospitals and independent health facilities such as lobbies, food courts and retail establishments
- spas, hair salons, barbers, nail salons, and other personal service settings that are subject to health and safety protocols provided by the Province of Ontario during the provincial emergency
- municipal public spaces

The following are NOT considered an Enclosed Public Space:

- Spaces subject to provincial and/or local public health guidance:
 - Schools under the *Education Act*, R.S.O. 1990, c. E.2, as amended;
 - Child care centres and providers governed by the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, as amended
 - Day camps
- Offices not open to the public including professional offices where clients receive services not open to public (e.g. lawyer, accountant)

iii **“Mask”** means: a face covering that can filter respiratory droplets, and that securely covers the nose, mouth, and chin without gapping. A Mask may be a non-medical mask, medical mask or other face covering (e.g. a bandana, scarf or cloth face covering).

Note: A Face Shield (see definition below) can be used in addition to a Mask. However, a Face Shield is NOT a suitable replacement for a Mask, and is not permitted as an alternative to a Mask unless a person cannot wear a Mask for medical or other reasons (see below).

“Face Shield” means: a device that has a transparent window or visor supported in front of the face and provides a barrier of protection to the facial area and related mucous membranes (eyes, nose, lips). Face Shields are not designed to cover the face as snugly as a Mask, and are therefore inferior to Masks with respect to prevention of droplet transmission. However, a Face Shield may offer limited protection and may be used in conjunction with a Mask, or as an alternative to a Mask when a Mask cannot be used for medical or other reasons (such as impaired hearing, heat stress, mental health disorders, developmental disabilities or any other reasons described in “Exemptions” in Section 1 of the above Directive).