

July 30, 2020

To: Employers in Elgin County, Oxford County, and the City of St. Thomas:

**Re: Instructions to Persons Responsible for a Business or Organization Permitted to Open under the *Reopening Ontario Act, S.O. 2020* and related Regulations**

I am writing to all persons responsible for a business or organization permitted to be open in the Southwestern Public Health service area. This letter conveys my instructions to such persons pursuant to [Ontario Regulation 364/20](#): Rules for Areas in Stage 3 under the *Reopening Ontario Act*, formerly a regulation under the *Emergency Management and Civil Protection Act* (EMCPA).

Much of the province, including the area served by Southwestern Public Health, entered Stage 3 of [Reopening Ontario](#) on July 17, 2020. In Stage 3, more restrictions are loosened and nearly all businesses and public spaces are reopened, provided they follow Public Health advice and workplace safety guidance.

Make no mistake, the key to continued success in protecting our health and our economy from COVID-19 is in our hands. The Public Health instructions to business and organization owners and operators provide you with clear direction so you can continue to be part of the solution in keeping our communities safe. I sincerely thank you for your ongoing work and commitment.

As Medical Officer of Health, the following are my instructions, pursuant to O. Reg. 364/20, Schedule 1, s.2(2), formerly a regulation under the EMCPA but now found as a regulation under the new *Reopening Ontario Act* (or as current), to all persons who are responsible for a business or organization that is open within the geographic area served by Southwestern Public Health, effective 11:59 p.m. on July 30, 2020. Note that to the extent that anything in these instructions conflicts with setting-specific rules under the former O. Reg. 364, now found as a regulation under the new *Reopening Ontario Act*, or other applicable provincial legislation or policy, those provincial directions prevail. Where conflicts do not exist, these instructions are additional to any applicable provincial directions.

## INSTRUCTIONS:

1. (1) Have a policy in place to ensure that no Person is permitted to enter or remain in an **Enclosed Public Space** of a business or organization unless they are wearing a **Face Covering** at all times in a manner that covers the mouth, nose and chin without gaping. The **Face Covering** may be temporarily removed to access services provided by the business or organization where it is reasonably required to do so.

For greater clarity, a **Person** means any customer, client, patron, employee, or visitor, who enters the enclosed public space; **Enclosed Public Space** means indoor public spaces of businesses or organizations accessed by the public, including all Public Transit Vehicles and Commercial Transportation Vehicles; **Face Covering** means a medical mask or a non-medical mask or other face covering such as a bandana, a scarf, or a cloth that covers the mouth and nose. Face shields are not an acceptable form of a face covering for the purpose of these instructions.

1. (2) Have a policy in place for **Enclosed Employee Space (accessed by Employees and not accessed by the public)** to ensure the following are in place for Persons accessing this space:

- i. Physical distancing of two metres.
- ii. Face Covering requirement if physical distancing is not possible.
- iii. Routine screening for COVID-19 symptoms, including requiring those with symptoms to stay home and advising them to be tested for COVID-19.
- iv. Promoting excellence in hand hygiene and cough and sneeze etiquette.
- v. Enhanced cleaning and disinfecting of surfaces.

For greater clarity, **Employees** means employees, volunteers, students, contractors, and others who access the Enclosed Employee Space.

1. (3) Subsections (1) and (2)(ii) do not apply to:

- a) Children under two years of age; or children under the age of five years either chronologically or developmentally who refuse to wear a face covering and cannot be persuaded to do so by their caregiver;
- b) Persons who are unable to wear a face covering as a result of a medical condition (for example, due to breathing difficulties, cognitive difficulties, hearing or communication difficulties);

- c) Where wearing a face covering would inhibit the person's ability to breathe such as, but not limited to, during athletic, fitness or physical activity or any activity that would preclude its use (such as swimming); or
- d) Persons who cannot wear or remove a face covering without assistance, including people who are accommodated under the *Accessibility for Ontarians with Disabilities Act (AODA)* or are protected under the *Ontario Human Rights Code*, R.S.O. 1990, c.H. 19 as amended.

2. Implement and enforce the policies based on "**good faith**," using them primarily as a means of educating Persons on Face Covering use.
3. Post appropriate visible signage indicating that all persons entering or remaining inside the Enclosed Public Space must wear a Face Covering.
4. Require that employees provide verbal reminders to Persons entering the Enclosed Public Space without a Face Covering or Persons unreasonably removing the Face Covering while in the premises.
5. Ensure the availability of alcohol-based hand rub (60% alcohol or more) at all entrances and exits for the use of all Persons entering or exiting the premises.
6. Ensure that all employees are aware of the policies and are trained on their implementation and enforcement.
7. Provide a copy of the policies, upon request, to a Public Health Inspector or other person authorized to enforce the *Reopening Ontario Act* (formerly EMCPA).
8. No person shall be required to provide proof of any of the exemptions set out in Subsection 1.
9. Where **sufficient barriers** are provided for employees/volunteers that protect the persons from close contact from a member of the public, a face covering is not required for the employee/volunteer, but is required for the member of the public.
10. Every Owner/Operator of a commercial establishment and transportation service, upon request, shall provide a copy of the policy to a Public Health Inspector or other person authorized to enforce the provisions of the *Reopening Ontario Act* (formerly EMCPA).

It is important to know that while we will commence with an educational and supportive approach, as per the *Reopening Ontario Act* (formerly EMCPA), those who do not comply with the above-noted requirements may be fined. Individuals may be liable for a fine of \$750 - \$1,000 up to a maximum of \$100,000, while corporations may be liable for a fine of up to \$10,000,000 for each day or part of each day on which the offence occurs or continues.

Please be reminded that O. Reg. 364, formerly a regulation under the EMCPA, but now found as a regulation under the new *Reopening Ontario Act*, requires persons responsible for a place of business or a facility that is open to the public to limit the number of persons in the place of business or facility so that every member of the public is able to maintain a physical distance of at least two meters from every other person in the business or facility. Exceptions are specified in the Regulation.

Southwestern Public Health is committed to supporting local businesses and organizations to reopen safely. Please [visit our website](#) to access the workplace toolkit for this purpose. The toolkit includes [sample policies, checklist, signage](#), and a [Frequently Asked Questions](#) resource.

Should you require additional information, please visit <https://www.swpublichealth.ca/facecoverings> for additional information and resources or contact the Southwestern Public Health COVID-19 Call Centre Toll-free at 1-800-922-0096 x 9.

Thank you for your ongoing collaboration as we work together to keep the brakes on COVID-19 and the accelerator on our local reopening.

Sincerely,



Dr. Joyce Lock, MD, MSC, FRCPC  
Medical Officer of Health  
Southwestern Public Health  
1230 Talbot Street  
St. Thomas, Ontario, N5P 1G9

c: Dr. David Williams, Chief Medical Officer of Health, Ministry of Health

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## DEFINITIONS

1. A commercial establishment may include but is not limited to the following:
  - Bank or financial institutions
  - Casino, bingo hall and charitable gaming establishments
  - Convenience stores
  - Entertainment venues, including cinemas
  - Indoor farmers' markets and flea markets
  - Fitness centres and gyms
  - Grocery stores and bakeries
  - Gas stations (indoor premises)
  - Malls and plazas
  - Mechanics shops, garages and repair shops
  - Personal service settings
  - Retail stores
  - Restaurants, cafes, pubs, bars, and nightclubs
  - Sports and recreational centres, including community centres

NOTE: These requirements do not apply to the following as they are provincially regulated:

- 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.

2. A public transit service means any municipally operated or contracted conventional or specialized passenger transportation service including buses and paratransit.
3. A commercial transportation service means any vehicle commissioned for transporting passengers including taxis, limousines, buses, or rideshare agencies.
4. A person means any customer, patron, employee or visitor, who enters the establishment, public transit vehicle, or commercial transportation vehicle.

5. **Indoor public space** of an establishment, public transit vehicle, or commercial transportation vehicle that is subject to the mandatory face covering requirements of these instructions is defined as:
  - Any indoor areas within the establishment, public transit vehicle, or commercial transportation vehicle that are open or accessible to members of the public and not exclusively to employees/employers only.
  - Examples may include, but are not limited to, indoor dining areas of a restaurant, an indoor farmers' market, indoor food court areas of a mall, and indoor areas of a mechanic's shop or gas station which are open to the public.
6. A **face covering** means a non-medical mask or other face covering such as a bandana, scarf, or cloth (including hijab and niqab) that covers the nose, mouth and chin that provides a barrier that limits community transmission. Face shields (clear plastic coverings to protect the eyes and possibly the lower part of the face) are not an acceptable alternative to a face covering for the purpose of these instructions (as they are less supported by research regarding their effectiveness). However, they may be used by individuals in addition to a face covering for added protection; in addition, anyone exempted in this instruction from using a face covering may, but are not required to, use a face shield for added protection.
7. **Best efforts** when restricting entry to customers/riders wearing face coverings are defined as follows:
  - A verbal reminder that the customer/rider should be wearing a face covering as a result of these instructions shall be given to any customer/rider entering establishments, public transit vehicles, or commercial transportation vehicles without one. For greater clarity, there is not a need for an establishment, public transit services, or commercial transportation service to turn away the customer to achieve the best effort standard.
  - For persons in an establishment, public transit vehicle, or commercial transportation vehicle seen removing their face covering for extended periods of time, a verbal reminder to the customer/rider of the requirement to wear face coverings under these instructions is recommended.
8. **Good faith:** Although an establishment, public transit service, and commercial transportation service has the right to deny entry to their premises, the policy regarding the use of face coverings indoors should be enacted and enforced in “good faith” and used as a means to educate people on face covering use. Under “good faith”, there is no need for a business to turn away the customer to achieve the best effort standard—this is the decision of the business, understanding that COVID-19 resurgence will impact the health of individuals and our economy. To ensure that no customer or patron is turned away, PPH recommends that establishments have a supply of face coverings for sale or at no cost to ensure patrons have access.

9. **Sufficient barriers** consist of solid surfaces such as glass or plexiglass that forms a barrier between employees/volunteers and members of the public. Barriers that allow for potential exposure and transmission because they do not provide complete separation will not be considered sufficient; in such situations face coverings will be required by staff providing service to the public. An example of an insufficient barrier would be plexiglass arrangements that allow members of the public to be within unobstructed reach of employees.