

Originally issued July 17, 2020; updated July 23, 2020

Dear Employers, Owners, and Operators of businesses accessible to the public,

I am writing to all persons responsible for a business or organization that is accessible to the public and that is permitted to open under Stage 3 parameters as per *Emergency Management and Civil Protection Act (EMCPA)* Ontario Regulation O. Reg 364/20 – Rules for Areas in Stage 3. This letter is to highlight your responsibilities and outline additional requirements with respect to implementing mandatory physical distancing, face covering use, and other public health measures. As more businesses open and people increase their contacts in the community, the possibility of an increase in COVID-19 infections and outbreaks remains present.

Keeping two metres apart is highly effective at preventing the spread of COVID-19. As the COVID-19 pandemic has evolved, evidence supporting the use of Face Coverings when in enclosed public spaces has continued to emerge. The Middlesex-London Health Unit strongly recommends the use of Masks or Face Coverings as much as possible where physical distancing is not possible, regardless of whether it is mandated or not. The use of Face Coverings in enclosed public spaces may complement other evidence-based measures that prevent transmission of COVID-19, including ensuring physical distancing of 2 metres between people, enhanced environmental cleaning, and effective hand hygiene.

A Face Covering is defined as a mask or face covering, including a bandana or scarf, made of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as a surgical mask, N95 or other similar masks worn by healthcare workers.

As Medical Officer of Health, the following are my Instructions, pursuant to O. Reg 364/20 s.2(2) (or as current), to all employers and persons responsible for businesses or organizations within the City of London and the County of Middlesex, effective July 18, 2020 as of 12:01 a.m.:

- 1 Every Operator of an Enclosed Public Space shall take all reasonable measures to ensure that all persons in the public space that they operate can keep a minimum distance of two metres apart, unless they are part of the same social circle or family.

- 2 (1) Every Operator of an Enclosed Public Space shall require that any member of the public who enters or remains in the public areas of the Enclosed Public Space wears a Face Covering in a manner that covers their nose, mouth and chin. This includes all spaces where members of the public are permitted access to whether or not a fee or membership is charged for entry.
- (2) Every Operator shall require Face Coverings that cover the nose, mouth, and chin be worn by anyone engaged in the operation of the business or delivery of a service or product at the Establishment, including employees, volunteers, agents, or contractors.
- (3) Sections 2(1) and 2(2) do not apply to:
- a) Children under the age of two years under any circumstance, due to other risks, including entanglement of the Face Covering around their face;
 - b) Children under twelve years of age if not developmentally appropriate as determined by their caregiver;
 - c) Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
 - d) Persons who are unable to place or remove a Face Covering without assistance;
 - e) Employees or agents of the Operator of an Enclosed Public Space who are:
 - i) in an area of the premises that is designated for them and not publicly accessible, or
 - ii) in an area separated by a physical barrier, e.g., Plexiglass;
 - f) Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code, R.S.O. 1990, c.H.19, as amended, or in accordance with the *Accessibility for Ontarians with Disabilities Act (AODA)*;
 - g) Persons in an Establishment requiring the **temporary** removal of a Face Covering where necessary for:
 - i) receiving services involving the face;
 - ii) consuming food or drink;
 - iii) actively engaging in an athletic or fitness activity;
 - iv) any emergency or medical purpose;
 - h) Police, fire, or paramedics where it may interfere with the performance of their duties; and
 - i) Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth.
- 3 Implementation of Section 2 should be enacted and enforced in 'good faith' and should be primarily used to educate people on the use of Face Coverings in public spaces.

- 4 No person shall be required to provide proof of any exemptions set out in Section 2(3).
- 5 Every Operator of an Enclosed Public Space shall ensure the availability of alcohol-based (70%) hand rub at all entrances, exits, and anywhere that payments are processed, for the use of all persons entering or exiting the establishment and making payments.
- 6 The Operator of a childcare centre or day camp shall take reasonable measures to ensure that staff wear a Face Covering to the fullest extent possible while providing services and care.
- 7 The Operator of a congregate living setting, including long-term care homes and retirement homes, shall take reasonable measures to encourage residents to wear a Face Covering while in common areas and those accessible to the public.
- 8 The Operator of an Enclosed Public Space shall post, at every public entrance to the premises, prominent and clearly visible signage that contains the following message:

ALL PERSONS ENTERING OR REMAINING IN THESE PREMISES SHALL WEAR A MASK OR FACE COVERING WHICH COVERS THE NOSE, MOUTH AND CHIN.

The following persons are exempt from the requirement to wear a Mask or Face Covering:

- (a) children under two years of age under any circumstance;
- (b) children under twelve years of age if not developmentally appropriate as determined by their caregiver;
- (c) persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
- (d) persons who are unable to place or remove a Face Covering without assistance;
- (e) employees or agents of the Establishment within an area designated for them and not publicly accessible, or in an area separated by a physical barrier;
- (f) persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code or the *Accessibility for Ontarians with Disabilities Act (AODA)*;
- (g) persons requiring the temporary removal of a Face Covering where necessary for receiving services involving the face, consuming food or drink, actively engaging in an athletic or fitness activity, or a medical or emergency purpose;
- (h) police, fire, or paramedics where it may interfere with the performance of their duties; and
- (i) persons participating in a religious service, for rituals that require an uncovered mouth.

Please be respectful of the rights of individuals who are exempt from wearing a mask.

These Instructions are provided pursuant to O. Reg 364/20 of the EMCPA. Please be reminded of responsibilities for General Compliance per Schedule 1 of this provincial regulation:

2 (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 (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, recommendations or instructions on physical distancing, cleaning or disinfecting

Please also be reminded of responsibilities for Capacity Limits:

3 (1) The person responsible for a place of business or facility that is open to the public shall 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 metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.

Thank you for your efforts and commitment to help protect the community and control the spread of COVID-19.

Sincerely,
Dr. Christopher Mackie MD, MHSc, CCFP, FRCPC
Medical Officer of Health
Middlesex-London Health Unit

cc: Dr. David Williams, Chief Medical Officer of Health