

July 6, 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 *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 Ottawa 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 across the region 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.

The data shows that many people are already doing the right thing by wearing a mask, and OPH's most recent public engagement survey found that the majority of Ottawa residents are willing to have mask use made mandatory in indoor public spaces in order for them to feel comfortable shopping.

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 City of Ottawa, effective July 7, 2020 as of 12:01 am:

1. (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.
 - (2) Subsection (1) does 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 Mask and cannot be persuaded to do so by their caregiver;
 - b) Individuals with medical conditions rendering them unable to safely wear a Mask, including breathing difficulties or cognitive difficulties;
 - c) 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;

- d) A person who is employed by or is an agent of the Operator of an Enclosed Public Space and:
 - i. is in an area of the premises that is not designated for public access, or
 - ii. is within or behind a physical barrier (e.g., Plexiglass).
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 out in Subsection 1(2).
4. The policy shall:
 - a) exempt the persons set out in Subsection 1(2) from the obligation of wearing a Mask;
 - b) ensure that all persons working at the business or organization are trained in the requirements of the policy;
 - c) require that employees and agents wear a Mask when working in the public areas of the Enclosed Public Space unless the employee or agent is within or behind a physical barrier (e.g. Plexiglass);
 - d) require that employees and agents provide a verbal reminder to any person entering the premises without a Mask that the person should be wearing a Mask as a result of the policy;
 - e) require, for persons in an Enclosed Public Space removing their Mask for extended periods of time, a verbal reminder of the requirement to wear a Mask as a result of the policy;
 - f) permit the temporary removal of a Mask where necessary for the purpose of:
 - i. receiving services;
 - ii. while actively engaging in an athletic or fitness activity including water-based activities;
 - iii. consuming food or drink; or
 - iv. for any emergency or medical purpose
5. Ensure the availability of alcohol-based hand rub 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 a Public Health Inspector or other person authorized to enforce the provisions of the EMPCA.

7. 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 messages:

All persons entering or remaining in these premises must wear a mask that securely covers the nose, mouth, and chin as required by the Medical Officer of Health under the authority of the *Emergency Management and Civil Protection Act (EMCPA) Ontario Regulation 263/20.*

Toutes les personnes qui entrent ou restent dans ces locaux doivent porter un masque qui couvre solidement le nez, la bouche et le menton, comme l'exige la Médecin chef en santé publique en vertu de la *Loi sur la protection civile et la gestion des situations d'urgence (LPCGSU), Règlement de l'Ontario 263/20.*

Please also be reminded of responsibilities for **general compliance** per the same [provincial regulation](#):

4. (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, 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.

Workplace guidance and resources are available on the Ottawa Public Health website at [OttawaPublicHealth.ca/WorkplaceCOVID19](https://ottawapublichealth.ca/WorkplaceCOVID19). More information on masks, including how to properly use and care for them and where to acquire them, is available at [OttawaPublicHealth.ca/Masks](https://ottawapublichealth.ca/Masks).

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

Sincerely,

Dr. Vera Etches
Medical Officer of Health
Ottawa Public Health

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

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:

- a) restaurants, cafés, cafeterias, banquet halls;
- b) retail establishments and shopping malls;
- c) churches, mosques, synagogues, temples, or other places of worship;
- d) 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;
- e) sports facilities, sports clubs, gyms, yoga studios, dance studios, and stadiums;
- f) common areas of hotels, motels, or short-term rental premises such as lobbies, elevators, meeting rooms, rest rooms, laundry rooms, gyms, and kitchens;
- g) private transportation for hire, including taxis, limousines and rideshare services
- h) 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;
- i) common areas of hospitals and independent health facilities such as lobbies, food courts and retail establishments;
- j) 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;

The following are not considered an Enclosed Public Space:

- a) Spaces subject to provincial and/or local public health guidance:
 - i. Schools under the *Education Act*, R.S.O. 1990, c. E.2, as amended;
 - ii. Child care centres and providers governed by the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, as amended;
 - iii. Day camps.

iii “**Mask**” means: a cloth (non-medical) Mask, medical Mask or other face coverings, (e.g., bandana, a scarf or cloth), for filtering respiratory droplets that securely covers the nose, mouth, and chin and is in contact with the surrounding face without gapping.