

July 20, 2020

To: Councils and Administrators, Curve Lake First Nation and Hiawatha First Nation
Councils and Chief Administration Officers, All Municipalities in the County and City of Peterborough

Re: **Instruction from the Medical Officer of Health regarding mandatory face coverings in indoor public settings**

Please be advised that today I am providing instruction to the businesses and organizations within the geographic area serviced by Peterborough Public Health (PPH), requiring persons within commercial establishments, including public transit systems, to wear a face covering (i.e., a non-medical mask). Appended you will find a copy of my letter to them on this matter, which is being distributed by email today, located on our website, and communicated via the media and by social media.

In doing so, I am drawing upon regulation *O. Reg 364/20 s.2(2) of the Emergency Management and Civil Protection Act R.S.O. 1990*, as follows:

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.

In order to more successfully reach all businesses and organizations, I request that you also forward the appended letter to those that you know of in your community. We are happy to take all enquiries on this matter and can be reached at 705-743-1000.

With this approach, enforcement may be conducted by police officers as well as provincial offences officers (which includes municipal by-law officers and public health enforcement personnel); I appreciate from communication with the Chief Administrative Officers (CAOs) of the municipalities that resources to conduct such enforcement is very limited. As such, it will be incumbent on PPH in partnership with our municipalities, First Nations and other stakeholders to educate and support these businesses and organizations, as well as the general public in order to achieve a high degree of compliance.

My rationale for proceeding with this course of action at this time is as follows: As we proceed through the stages of the province's plan to open the economy there is an increasing risk of resurgence of COVID-19 transmission in our communities. There have been very worrisome examples of resurgence internationally, and we have had some experiences of limited resurgence in Ontario. Peterborough is experiencing the arrival of increasing number of visitors from parts of the province with a much higher incidence of COVID-19, and with resultant crowding in public spaces. There is emerging evidence, primarily based on ecological studies and modelling, suggesting that COVID-19 transmission rates can be reduced with a high level of population compliance of face covering/non-medical mask use in conjunction with physical distancing, hand sanitation,

and self-isolation and testing when ill. Voluntary compliance with mask use in indoor public places is growing but not yet at the 80% compliance that has been associated with decreased transmission. I am aware of a high degree of support for face coverings expressed from community partners, physicians, the business community, and from local elected officials for leadership from PPH to require face coverings/non-medical masks in indoor places.

Hence I am proceeding with my instruction using this regulation. It is my expectation that a transition from the *Emergency Management and Civil Protection Act* to the newly introduced bill, the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* would, if passed, ensure important measures remain in place to address the threat of COVID-19 once the provincial declaration of emergency has ended. However, if that is not the case, I will make any needed changes to ensure that face coverings continue to be integrated into our local suite of public health measures.

Thank you for the support that I have received related to this very important and challenging public health matter. COVID-19 is the pandemic of our lifetime, and it takes the collective efforts of us all to protect our communities from it.

Sincerely,

ORIGINAL Signed By:

Rosana Salvaterra, MD, MSc, CCFP, FRCPC
Medical Officer of Health

Encl. (1)

July 20, 2020

To: Owners and Operators of Commercial Establishments, Public Transit, and Commercial Transportation located within the geographical region served by Peterborough Public Health

Re: **Peterborough Public Health (PPH) Directive to Persons Responsible for a Commercial Establishment, Public Transit Service, and Commercial Transportation Service permitted to open under the *Emergency Management and Civil Protection Act, R.S.O. 1990 and associated Regulations***

I am writing to all persons responsible for a commercial establishment, public transit service, and commercial transportation service that is permitted to open under the *Emergency Management and Civil Protection Act (EMCPA), R.S.O. 1990 and associated Regulations*.

I want to thank you for your efforts thus far and to reinforce that it is essential to keep vigilant in our fight against COVID-19. This is the key to ensuring continued successful reopening and to safeguard against novel coronavirus (SARS-CoV-2) circulation now, into the fall, and beyond.

According to *EMCPA O. Reg. 364/20: Rules for Areas in Stage 3*, the following are your **compliance and capacity limit** responsibilities:

General Compliance:

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) 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.

Capacity limits for businesses or facilities open to the public:

3. (1) 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 individuals 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.

(2) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households and social circles to maintain a physical distance of at least two metres from each other while in a place of business or facility.

As Medical Officer of Health (MOH), the following are my instructions, pursuant to *EMCPA O. Reg. 364/20: Rules for Areas in Stage 3 (or as current)*, to **all owners and operators of commercial establishments,¹ public transit services,² and commercial transportation services³** within the PPH catchment area:

1. To the fullest extent possible, ensure effective measures are in place to maintain physical distancing amongst all employees, clients, customers, and transit/transportation riders.
2. Unless the nature of work requires the use of a medical mask, to the fullest extent possible, ensure all **persons⁴** wear a face covering when physical distancing is challenging or not possible.
3. Implement screening practices for employees and volunteers, including requiring those who are ill to stay home and be advised to be tested for COVID-19.
4. Promote excellent hygiene practices including hand hygiene, and cough and sneeze etiquette.

Accumulating epidemiological evidence indicates that the widespread use of face coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of face coverings to decrease transmission of COVID-19. Additionally, the introduction of the provincial Stage 3 reopening for the PPH catchment areas has the potential to increase non-essential travel and tourism activities thereby increasing the risk for COVID-19 exposure.

Therefore, in addition to the specifications in *EMCPA O. Reg. 364/20: Rules for Areas in Stage 3 (or as current)*, the following are my additional instructions **to owners and operators of all commercial establishments, public transit services, and commercial transportation** in the PPH catchment area, effective on or before 12:01 a.m. August 1, 2020:

1. Adopt a policy that requires persons who enter or remain in the **indoor public space⁵** of the establishment, public transit vehicle, or commercial transportation vehicle to wear a **face covering⁶** that covers the nose, mouth, and chin. **Best efforts⁷** shall be made to only allow entry to persons wearing a face covering. The face covering must be worn inside the establishment, organization, public transit vehicle, or commercial transportation vehicle at all times, unless it is reasonably required to temporarily remove the face covering for services provided by the establishment (such as eating or drinking).

A person shall be exempt from wearing a face covering in the establishment if:

- a. The person is a child under the age of two years; or is a child under the age of five years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
- b. The person is incapacitated and unable to remove their face covering without assistance;
- c. 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);

- d. For any other medical reason, the person cannot safely wear a face covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
 - e. For any religious reason, the person cannot wear a face covering.
2. The policy should be enacted and enforced in “**good faith**”⁸ and should be used as a means to educate people on face covering use in premises where physical distancing can be a challenge.
 3. Post appropriate [visible signage](#) indicating that face coverings are required inside the establishment, public transit vehicle, and/or commercial transportation vehicle.
 4. Provide alcohol-based hand sanitizer of 60% or more at all entrances and exits of the establishment, for use of all persons entering or exiting.
 5. Ensure that all employees and volunteers are aware of the policy and are trained on the expectations of your operation.
 6. No person shall be required to provide proof of any of the exemptions set out in Subsection 1.
 7. Where **sufficient barriers**⁹ 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.
 8. 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 EMCPA.

It is important to know that while we will commence with an educational and supportive approach, as per the 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.

With the right to reopen businesses, establishments and public settings in our communities, comes the critical responsibility to do so in a *COVID-safe* way. Much of the responsibility and opportunity for a successful reopening in our region lies in your hands. The decisions you take as you reopen will determine the course of the pandemic in our area and the public health actions necessary to control its spread.

PPH is committed to supporting local businesses and organizations to reopen safely. Please use the resources below available on the PPH website (www.peterboroughpublichealth.ca/facecoverings) to help put these protective measures in place:

- Sample workplace policy requiring face coverings in enclosed public spaces ([PDF](#) / [Word](#))
- [Reopening Safely Toolkit](#) for businesses and workplaces
- [Training resources](#) for employers
- [Sample signage for posting](#)
- Answers to [Frequently Asked Questions](#)
- List of [local suppliers of face coverings](#) in Peterborough

Additional workplace resources are also available on the [Province's reopening website](https://www.peterboroughpublichealth.ca/contact-us/). Should you require further information, please contact PPH at (705) 743-1000 or online <https://www.peterboroughpublichealth.ca/contact-us/>.

Sincerely,

ORIGINAL Signed By:

Rosana Salvaterra, MD, MSc, CCFP, FRCPC
Medical Officer of Health

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

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.