

July 30, 2020

## TO: BUSINESSES AND ORGANIZATIONS IN YORK REGION

**Re: The Regional Municipality of York Medical Officer of Health Instructions to Businesses and Organizations Currently Operating (under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA), S.O. 2020, c. 17 and related Regulations)**

I am writing to notify all persons responsible for operating businesses and organizations permitted to operate under *ROA Ontario Regulation 364/20* Rules for Areas in Stage 3 of your responsibilities. As of August 7, 2020, these instructions will replace instructions outlined in my letter dated July 23, 2020. These responsibilities are important to help reduce the spread of COVID-19 in York Region, particularly as we move to reopening Ontario to mitigate the impact of any potential "second wave" of the virus. I also wish to sincerely thank business owners and residents for their past efforts and continued support in protecting our communities from COVID-19.

ROA, *O.Reg. 364/20*, requires that:

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.

O. Reg. 364/20 also 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.

Under my authority as York Region Medical Officer of Health, the following are my instructions pursuant to O. Reg. 364/20, s. 2(2), Schedule 1, to all businesses and organizations during Stage 3 within York Region, effective 12:01 p.m., August 7, 2020 and continuing until 11:59 p.m. November 30, 2020:

1. To the fullest extent possible, ensure effective public health measures are in place to prevent the spread of COVID-19.
2. Public health measures include, but are not limited to, ensuring physical distancing, recommending excellent hygiene practices including hand hygiene (handwashing or the use of alcohol-based hand sanitizer), and practicing cough and sneeze etiquette.

Effective 12:01 a.m. August 7, 2020 and continuing until 11:59 p.m. November 30, 2020, my instructions to all business and organizations which operate Enclosed Public Spaces<sup>i</sup> during Stage 3 within York Region are:

1. Have a policy in place to prohibit Persons<sup>ii</sup> from entering the premises of the establishment that is permitted to open under the ROA O. Reg. 364/20 or remaining in the premises if the Person is not wearing a Face Covering<sup>iii</sup>. Best Efforts<sup>iv</sup> shall be made to only allow entry to Persons wearing a Face Covering.
2. A Person shall be exempt from wearing a Face Covering on the premises if:
  - a. The Person is a child under five (5) years of age;
  - b. The Person is compromised by wearing a face covering because of a medical condition;
  - c. The Person is unable to place or remove a face covering without assistance;
  - d. The Person requires accommodation under the *Human Rights Code*.
3. No Person shall be asked for proof or be required to provide information regarding their exemption.
4. The Face Covering may be removed temporarily for the following purposes:
  - a. receiving services that would require the temporary removal;
  - b. consuming food or drink;
  - c. for any emergency or medical purpose;
  - d. while actively engaging in an athletic or fitness activity including water-based activities.
5. The policy shall be applied in good faith and is intended to provide education about Face Covering use in premises where physical distancing may be difficult.
6. Post appropriate visible signage indicating that Face Coverings are required inside the premises.
7. Ensure all employees are aware of the policy and are trained on your establishment's requirements.
8. Upon request, provide a copy of the policy to a Public Health Inspector or other person authorized to enforce the provisions of the ROA.

There is increasing evidence on the effectiveness of Face Coverings to prevent the spread of COVID-19. To further reduce the risk of spreading COVID-19 in your establishment and within the broader community, it is important to adhere to the above listed public health instructions.

To the extent that anything in these instructions conflicts with specific rules under O. Reg. 364/20 or other applicable provincial legislation or policy, those provincial directions prevail. Where conflicts do not exist, these instructions are additional to any applicable provincial direction.

The Regional Municipality of York will focus on an educational approach with operators to achieve compliance with the instructions in this letter. Where an educational approach is unsuccessful, the ROA contemplates enforcement action, including potential fines.

Should you require additional information, please contact York Region Public Health at 1-800-361-5653. Visit [york.ca/covid19](http://york.ca/covid19) and [york.ca/mandatorymasks](http://york.ca/mandatorymasks) for additional information and resources, including a sample face covering policy and signage.



Medical Officer of Health

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i **Enclosed Public Space** refers to:

- (a) any enclosed premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services and includes, but is not limited, to a mall or similar structure which contains multiple places of business;
- (b) bars and restaurants;
- (c) churches, mosques, synagogues, temples, or other places of worship;
- (d) community centres including indoor recreational facilities;
- (e) libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- (f) community service agencies providing services to the public;
- (g) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (h) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (i) common areas of condominium buildings, apartment buildings and multi-unit residential buildings, including, but not limited to, lobbies, elevators, meeting rooms or any other common use facilities;
- (j) common areas of hotels, motels and other short-term rentals, including, but not limited to lobbies, elevators, meeting rooms or any other common use facilities; and
- (k) concert venues, theatres, cinemas, casinos, and other entertainment facilities.

ii **Person** means any customer, patron, employee, resident or visitor, as the case may be, who enters the premises

iii **Face Covering** means a non-medical mask or other face covering such as a bandana, a scarf or cloth (including hijab and niqab) that covers the mouth and nose ensuring a barrier that limits community transmission.

iv **Best Efforts** when restricting entry to customers or visitors wearing face coverings are defined as follows:

- Where an establishment has a person restricting occupancy into the premises, a verbal reminder that the customer, patron, resident, or visitor should be wearing a Face Covering as a result of these instructions shall be given to the customer, patron, resident, or visitor entering the premises without one. For greater clarity, there is no need for a business or organization to turn away the customer, patron, resident or visitor to achieve the best effort standard.
- Where a person in a premise is observed removing their Face Covering for extended periods of time, a verbal reminder to that person of the requirement to wear a face covering shall be given.