

# Memo

To: All Businesses

From: Dr. Kieran Moore, Medical Officer of Health

Date: July 17, 2020

**RE: Stage 3 Reopening and Amendments to the Mandatory Face Coverings Order for Commercial and Municipal Establishments in KFL&A**

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On June 27, 2020, Dr. Kieran Moore, Medical Officer of Health for KFL&A Public Health, issued an order which directed all persons who own or operate a commercial or municipal establishment in the KFL&A area to prohibit persons from entering their premises or remaining in their premises if the person is not wearing a face covering. Further, to ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all persons entering or exiting the establishment.

All commercial establishments permitted to re-open under the Government of Ontario's Stage 2 must adhere to O. Reg. 263/20 Emergency Management and Civil Protection Act (EMCPA). The revised Section 22 mandatory order, issued July 17, 2020 to wear face coverings does not supersede these requirements, including any exemptions to wear proper personal protective equipment.

Today, the Province of Ontario has moved forward into Stage 3. KFL&A Public Health have revised the Section 22 mandatory order to wear face coverings to reflect the Stage 3 reopening. All commercial establishments permitted to re-open under the Government of Ontario's Stage 3 must adhere to O. Reg. 364/20 Emergency Management and Civil Protection Act (EMCPA).

This Order applies to any customer, client, employee, or visitor who enters the premises of a commercial or municipal establishment including:

- Retail stores
- Convenience stores
- Malls/plazas
- Food premises and bars
- Personal service settings
- Grocery stores and bakeries



- Churches, synagogues, mosques, temples, or other places of worship and faith settings
- Farmer's markets
- Areas of mechanics' shops/garages/repair shops which are open to the public
- Libraries, art galleries, and museums
- Common areas of hotels, motels, and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities
- Concert venues, theatres, cinemas, and other entertainment facilities
- Banquet halls, convention centres, arenas, stadiums, and other event spaces
- Premises utilized as an open house, presentation centre, or other facility for real estate purposes
- Community centres including indoor recreational facilities
- Private transportation (bus/taxi/limo/rideshare services)
- Public transportation (bus/train)
- Business offices open to the public

The following establishments are **NOT** subject to this revised Section 22 order, even if they would otherwise fall within the definition of a commercial establishment:

- Schools
- Day Camps
- Childcare facilities
- Business offices not open to members of the public
- Hospitals
- Independent health facilities
- Offices of regulated health professionals

The areas of a commercial establishment that are subject to the face covering requirements of the Section 22 order are:

- Any areas in which customers interact with one another or with staff members
- Any areas that are open or accessible to members of the public

### Exceptions include:

- Areas that are outside, whether or not the area is covered (e.g. a restaurant patio)
- Areas that are within or behind a physical barrier (e.g., plexiglass)
- Public area prior to opening of or following closing of the establishment that members of the public are not allowed to enter

### Face coverings can be removed for the following purposes in the following establishments:

- Indoor physical activity including fitness studios and gyms.
- Public Health does, however, recommend that individuals wear a face covering when going to and from the activity or equipment. (e.g., yoga mat, treadmill, weights)
- Restaurant or cinema while actively consuming food or drink. A face covering must be used when an individual leaves their seat.
- For an emergency medical procedure in a medical facility
- Religious leaders providing sermons or speeches in places of worship

Although temporary removal of face coverings is acceptable in the instances above, KFL&A Public Health strongly recommends individuals wear a face covering when possible.

## Questions about face coverings

We have summarized key pieces of information found on the agency's website at [www.kflaph.ca/FaceCoverings](http://www.kflaph.ca/FaceCoverings) that we hope will assist you in complying with this new Order.

- A face covering is defined as a non-medical mask or **bandana, scarf, or cloth mask** that has been purchased or made. It must cover the mouth, nose, and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.
- There are exemptions from wearing a face covering on the premises if:
  - a) The person is a child under the age of two years; or a child under the age of 5 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) Wearing a face covering would inhibit the person's ability to breathe in any way; or
  - c) 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.

d. The Person is unable to apply or remove a Face Covering 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

- **If a customer not wearing a face covering enters your establishment, a friendly reminder about the Section 22 order should be given to them.** If the customer discloses that they have an exemption; instead, of turning them away make every effort to serve them, keeping 2 metres (6 feet) from them.
- A medical note or proof of exemption **is not required**. All exemptions to the Section 22 order should be enacted and enforced in “good faith”.
- If an employee is not wearing a face covering due to an exemption and a mask is not required for their position under the EMCPA, the commercial establishment may want to consider informing individuals prior to being serviced.
- A **face shield is not a substitute for wearing a face covering** as it does not filter respiratory droplets. A face shield may provide additional protection for the wearer against droplets expelled from another person; however, these droplets may still be inhaled around the shield. Respiratory droplets expelled by the wearer may escape around the sides of the face shield, which therefore provides less protection to others. Persons who wear a face shield are recommended to also wear a face covering.

The exception would be for persons who have an exemption (i.e., unable to wear a face covering but can wear a face shield). This approach is a “better than nothing” alternative.

- If a person requires an employee to remove their face covering to speak to them (e.g., for a specific communication need like lip reading), it is acceptable. We remind the employee to be aware of the safe handling procedures for their face coverings and to keep 2 metres (6 feet) away from others.
- For persons in the establishment that are seen removing their face covering for extended periods of time, a friendly reminder should be given to encourage the person to keep on their face covering.
- **Wearing a mask is not an alternative to physical distancing.** Every effort should be made to keep a 2 metre (6 feet) distance even when wearing a mask.
- There is a fine for owners or operators of commercial or municipal establishments that fail to comply with this Order. They may be liable, on



conviction, to a fine of up to \$5,000.00 for every day or part of day on which the offence occurs or continues.

- For visible signage indicating that face coverings are required inside the establishment, visit [www.kflaph.ca/Signage](http://www.kflaph.ca/Signage).
- **Reopening in KFL&A: Toolkit for Businesses and Workplaces** is available to provide public health guidance around COVID-19 for establishments and businesses in Kingston, Frontenac, and Lennox & Addington (KFL&A) as they re-open their doors to employees, clients, and customers. This business toolkit includes a checklist to help non-health care environments re-establish operations in a way that reduces the risk of transmission of COVID-19.

Increasing scientific evidence supports wearing a mask when in enclosed public spaces as an important measure in reducing COVID-19 transmission. While the evidence is evolving, there are some ecological studies and models that suggest COVID-19 transmission rates can be reduced with sufficient population-level use of non-medical masks or face coverings along with hand hygiene, physical distancing, staying home if ill, and testing for those who are exposed.

As we move to into the Stage 3 reopening of the province, there is the potential for resurgence of COVID-19, as we have seen in other countries. Please continue to visit our website for the most up to date information on COVID-19 at [www.kflaph.ca/Coronavirus](http://www.kflaph.ca/Coronavirus).

Sincerely,



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