

November 23, 2020

To: Employers in Elgin County, Oxford County, and the City of St. Thomas:

Re: Instructions to Persons Responsible for a Business or Organization Permitted to Open under the Reopening Ontario Act, S.O. 2020 and related Regulations (replacing original instructions dated July 30, 2020).

On October 3, 2020, the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, [O. Reg. 364/20: Rules for Areas in Stage 3](#) Section 2 of Schedule 1 was amended to require mandatory face coverings in indoor public spaces across the Province of Ontario. Specifically, it states:

“The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area.”

The regulation then cites more specifics as it pertains to this statement, including exemptions. When you review the regulation in detail, you will see it follows along quite closely with the ‘Letter of Instruction’ put out by this office on July 30, 2020. This is great news since our businesses, organizations, and the public have already been practicing this very important public health measure.

Please be advised, however, that the new regulation falls short of the requirements set out in the original ‘Letter of Instruction’ in a few fundamental areas, namely the policy requirement. For this reason, although the Provincial mandatory face covering regulation must be adopted as a minimum by all public health regions, Southwestern Public Health has amended the region’s original ‘Letter of Instruction’ to include the Ministry regulation, while maintaining other important segments of the July 30, 2020 instruction.

Thereby, the ‘Letter of Instruction’ dated July 30, 2020 has been revoked and replaced with the current ‘Letter of Instruction’ that combines the Provincial mandatory face covering regulation with the additional mandatory requirements within this region. As Medical Officer of Health, the following are my revised instructions, pursuant to O. Reg. 364/20, Schedule 1, s.2(2), formerly a regulation under the EMCPA but now found as a regulation under the new *Reopening Ontario Act* (or as current), to all persons who are responsible for a business or organization that is open within the geographic area served by Southwestern Public Health, effective November 24, 2020. Note that to the extent that anything in these instructions conflicts with setting-specific rules under the former O. Reg. 364, now found as a regulation under the new *Reopening Ontario Act*, or other applicable provincial legislation or policy, those provincial directions prevail. Where conflicts do not exist, these instructions are additional to any applicable provincial directions.

INSTRUCTIONS:

1. (1) Implement the Provincial mandatory **face covering** regulation under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, [O. Reg. 364/20: Rules for Areas in Stage 3](#) Section 2 of Schedule 1. **Face Covering** means a medical mask or a non-medical mask or other face covering such as a bandana, a scarf, or a cloth that covers the mouth and nose. Face shields are not an acceptable form of a face covering for the purpose of these instructions.

(2) For **areas not accessible to members of the public**, in addition to the mandatory face covering requirement where physical distancing is not possible as per [O. Reg. 364/20: Rules for Areas in Stage 3](#) Section 2 of Schedule 1, sub-section 4 (l), ensure the following are in place:
 - i. Physical distancing of two metres between employees. If physical distancing is difficult (e.g., in common hallways), face coverings are required.
 - ii. Routine screening for COVID-19 symptoms, including requiring those with symptoms to stay home and advising them to be tested for COVID-19. Use the [COVID-19 Screening Tool for Workplaces](#) from the Government of Ontario.
 - iii. Promoting excellence in hand hygiene and cough and sneeze etiquette.
 - iv. Enhanced cleaning and disinfecting of surfaces.
(3) Have a policy in place outlining the specifics of how Subsections (1) and (2) will be implemented in your business or organization.
2. Post appropriate visible signage indicating that all persons entering or remaining inside the premises must wear a Face Covering.
3. Require that employees provide verbal reminders to Persons entering the premises without a Face Covering or Persons unreasonably removing the Face Covering while in the premises.
4. Ensure the availability of alcohol-based hand rub (60% alcohol or more) at all entrances and exits for the use of all Persons entering or exiting the premises.
5. Ensure that all employees are aware of the policy outlined in section 1 and are trained on their implementation and enforcement.
6. As per [O. Reg. 364/20: Rules for Areas in Stage 3](#) Section 2 of Schedule 1, sub-section (6), no person shall be required to provide proof of any of the exemptions set out in the regulations.
7. Upon request, the business or organization responsible for operating under the [O. Reg. 364/20: Rules for Areas in Stage 3](#), shall provide a copy of the required policies outlined in section 1 of this Letter of Instruction to a Public Health Inspector or other person authorized to enforce the provisions of the Act.
8. Be advised, those who do not comply with the Provincial regulation and the requirements of this 'Letter of Instruction' may be fined under the *Reopening Ontario Act* (formally EMCPA). 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.

Please be reminded that O. Reg. 364, formerly a regulation under the EMCPA, but now found as a regulation under the new *Reopening Ontario Act*, 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.

Southwestern Public Health is committed to supporting local businesses and organizations to reopen safely. Please [visit our website](#) to access the workplace toolkit for this purpose. The toolkit includes [sample policies](#), [checklist](#), [signage](#), and a [Frequently Asked Questions](#) resource.

Should you require additional information, please visit <https://www.swpublichealth.ca/facecoverings> for additional information and resources or contact the Southwestern Public Health COVID-19 Call Centre Toll-free at 1-800-922-0096 x 9.

Thank you for your ongoing collaboration as we work together to keep the brakes on COVID-19 and the accelerator on our local reopening.

Sincerely,

A handwritten signature in cursive script that reads "J. Lock".

Dr. Joyce Lock, MD, MSC, FRCPC
Medical Officer of Health
Southwestern Public Health
1230 Talbot Street
St. Thomas, Ontario, N5P 1G9

c: Dr. David Williams, Chief Medical Officer of Health, Ministry of Health