

July 7, 2020

To All Employers, Business Owners, and Operators:

Re: Hastings Prince Edward Public Health Instructions to Persons Responsible for Businesses or Organizations Permitted to Open Under the *Emergency Management and Civil Protection Act, R.S.O. 1990* and Related Regulations

Further to my communication on July 7, I am writing today to all persons responsible for a business or organization permitted to open per the *Emergency Management and Civil Protection Act* (EMCPA) and related Regulations, specifically *Ontario Regulation 263/20 - Stage 2 Closures* to highlight and emphasize the necessary steps for business owners and organizations to take to continue to safeguard and support our community against COVID-19 now and as we move forward.

Your ongoing efforts have been a huge part of our collective success keeping our case counts low, protecting each other, and being able to arrive at this stage in the path to recovery. This diligent work must continue - it is key to ensuring ongoing and successful safeguarding against COVID-19 through the summer months and into the fall. Thank you again for your hard work with us on this.

While the science on the use of non-medical masks or face coverings by the general public is evolving, there is a growing body of evidence on the effectiveness of these measures in enclosed public spaces to prevent the spread of COVID-19. We know that most people are already participating and doing what's right for our community by following the measures we have recommended, including wearing face coverings in public spaces. Our data also tells us that most Canadians support these measures becoming mandatory in order for everyone to feel safe and comfortable in their day-to-day lives.

I am providing a series of instructions under the EMCPA *Ontario Regulation 263/20 - Stage 2 Closures* today. Please be reminded of your responsibilities for general compliance per this provincial legislation:

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/facility operates in a manner that enables members of the public, to the

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Prince Edward County

Suite 1, 35 Bridge St., Picton, ON K0K 2T0
T: 613-966-5500 | **F:** 613-476-2919

Quinte West

499 Dundas St. W., Trenton, ON K8V 6C4
T: 613-966-5500 | **F:** 613-965-6535

fullest extent possible, maintain a physical distance of at least two metres from other persons while in the place of business/facility.

As the Acting Medical Officer of Health, the following are my instructions, pursuant to *O. Reg 263/20 s.4(2)* (or as current) to **all commercial establishments¹ currently operating** during Stage 2 within Hastings and Prince Edward Counties effective 12:00 pm, July 10, 2020:

1. To the fullest extent possible, ensure effective, sector specific public health measures are in place to prevent the spread of COVID-19.
2. Ensure the availability of handwashing facilities for staff and alcohol-based hand sanitizer at points of entry and exit for the use of all persons entering or exiting an establishment.
3. Ensure physical distancing practices can be maintained with at least 2 metres between individuals or groups.
4. Implement screening practices for employees and members of the public, including requiring those who are ill to stay home and be advised to be tested for COVID-19.

Have a policy in place to prohibit persons from entering or remaining on the premises of the commercial establishment if the person is not wearing a non-medical mask or face covering. Best efforts shall be made to ensure individuals entering the premises are wearing a non-medical mask or face covering. The non-medical mask or face covering must be worn inside the premises at all times, unless it is reasonably required to be temporarily removed for services provided by the establishment.

A person shall be exempt from wearing a non-medical mask or 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 five years, chronologically or developmentally, and cannot be persuaded to wear a face covering by their caregiver;
- b) the person has a medical condition rendering them unable to wear a non-medical mask or face covering safely;
- c) the person cannot apply or remove a non-medical mask or face covering without assistance;
- d) the person cannot wear a non-medical mask or face covering or cannot cover their face in a way that would appropriately control the source of droplets for reasons of religion or other protections under the Ontario *Human Rights Code*, R.S.O. 1990, c. H. 19, as amended;
- e) the person is employed by or an agent of the Operator of an enclosed public space and that space is:
 - i. not designated for public access
 - ii. within or behind a physical barrier (i.e. plexiglass).

No person will be required to provide proof of an exemption.

The policy should clearly outline consistent, appropriate and reasonable action to be taken by the establishment to respond to individuals who are not wearing a non-medical mask or face covering. Such actions can include a verbal reminder and explanation of the establishment's

¹ **Commercial Establishment and Establishment** mean those indoor portions of a commercial premises that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale or rent to members of the public and include a mall or other structure containing a number of commercial premises, as well as a taxi or limousine service.

policy, which has been put in place under the *Emergency Management and Civil Protection Act, R.S.O. 1990*.


1. The policy should be enacted and enforced in “good faith” and should be used as an opportunity for reminders and education about the required use of non-medical masks or face coverings in premises where physical distancing might be difficult. Require that all employees and operators wear a non-medical mask or face covering when working in public areas, unless the employee is behind or within a physical barrier (i.e. Plexiglass).
2. Ensure all employees are aware of the policy and trained on the establishment’s expectations.
3. Employers, Business Owners, and Operators shall, on request, provide a copy of their policy to a Public Health Inspector or other person authorized to enforce provisions of the EMCPA.
4. Post appropriate, visible signage indicating non-medical masks or face coverings are required inside the premises. Sample signage can be found on the Hastings Prince Edward Public Health website: hpePublicHealth.ca.

Hastings Prince Edward Public Health expects, in partnership with local businesses and municipalities to enforce these instructions in “good faith”. We will take a progressive approach to enforcement, along with our municipal partners to ensure compliance, with a focus on education. Per the EMCPA, those who do not comply with the above noted requirements may be liable for a fine of \$750 to \$1,000 for an individual, to a maximum of \$100,000 or in the case of a corporation, not more than \$10,000,000 for each day or part of each day on which the offence occurs or continues.

Should you require additional information, please contact Hastings Prince Edward Public Health at 613-966-5500 or info@hpeph.ca. Visit hpePublicHealth.ca for additional information and resources.

As we transition to the next phases of reopening and work together to do this in a way that is safer and responsible for everyone, I am grateful for all you have done so far and all the work that we will do together moving forward.

Sincerely,



Dr. Alexa Caturay, MD, MPH, CCFP, FRCPC
Acting Medical Officer of Health
Hastings Prince Edward Public Health