



Thunder Bay District  
**Health Unit**

MAIN OFFICE  
999 Balmoral Street  
Thunder Bay, ON  
P7B 6E7  
Tel: (807) 625-5900  
Toll-Free in 807 area code  
1-888-294-6630  
Fax: (807) 623-2369

GERALDTON  
P.O. Box 1360  
510 Hogarth Avenue, W.  
Geraldton, ON  
P0T 1M0  
Tel: (807) 854-0454  
Speech: (807) 854-0905  
Fax: (807) 854-1871

MANITOUWADGE  
Tel: 1-888-294-6630

MARATHON  
P.O. Box 384  
24 Peninsula Road  
Marathon, ON  
P0T 2E0  
Tel: (807) 229-1820  
Fax: (807) 229-3356

RED ROCK  
P.O. Box 196  
Superior Greenstone District  
School Board Learning Centre  
46 Salls Street  
Suite #2  
Red Rock ON P0T 2P0  
Tel: (807) 886-1060  
Fax: (807) 886-1096

TERRACE BAY  
McCausland Hospital  
20B Cartier Road  
Terrace Bay, ON  
P0T 1G0  
Tel: (807) 825-7770  
Fax: (807) 825-7774

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July 16, 2020

To Employers, Business Owners and Operators,

I am writing to all persons responsible for a business or organization that is permitted to open under the *Emergency Management and Civil Protection Act (EMCPA)*, *R.S.O. 1990* and associated Regulations to highlight your responsibilities and outline additional requirements with respect to implementing mandatory use of masks or face coverings in enclosed public spaces.

I want to begin by expressing my appreciation for the significant amount of work you have had to do, and will do, to adapt your business and organizational practices to keep your workers safe, the public safe and, in doing so, our communities safe.

These are uncertain times. Reopening is vital for the economy and for our overall health and the health of our communities. However, as businesses and workplaces open and people increase their contact with others, the risk of a rapid rise in COVID-19 infections and outbreaks is increased. This risk is heightened with the approaching cooler weather and conditions that will promote transmission of the virus. Ongoing vigilance and strengthening adherence to all preventive measures will be important as we collectively navigate these times.

Emerging evidence supports that wearing a mask or face covering when in enclosed spaces is an important measure in reducing community transmission of COVID-19. Increasingly, recommendations and expectations around masking in enclosed spaces are being strengthened to reflect this.

As such, under Ontario Regulation 263/20, Section 4(2) and O. Reg. 364/20, Section 2(2) (or as current) of the *Emergency Management and Civil Protection Act (EMCPA)*, as Medical Officer of Health, **I am issuing the following instructions to all persons responsible for a business or organization that is open** within the Thunder Bay District Health Unit, effective July 24, 2020 at 12:01 am:

1. (1) Every Operator<sup>i</sup> of an Enclosed Public Space<sup>ii</sup> shall adopt a policy requiring that all members of the public, employees and other persons who enter or remain in an Enclosed Public Space wear a mask or face covering<sup>iii</sup> in a manner that covers their nose, mouth and chin without gapping.

(2) Subsection (1) does not apply to:

- a) Children under two years of age, or children under the age of five years either chronologically or developmentally who refuse to wear a mask and cannot be persuaded to do so by their caregiver;

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- b) Individuals with medical conditions rendering them unable to safely wear a mask, including breathing difficulties, cognitive difficulties, hearing or communication difficulties;
  - c) Individuals who cannot wear or are unable to apply or remove a mask 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;
  - d) A person who is employed by or is an agent of the Operator of an Enclosed Public Space and is within or behind a physical barrier (e.g. Plexiglass).
2. Implementation of the policy should be enacted and enforced in 'good faith' and should be primarily used as a means to educate people on mask or face covering use in public spaces.
  3. No person shall be required to provide proof of any of the exemptions set out in Subsection 1(2).
  4. The Operator of an Enclosed Public Space shall post, at every public entrance to the premises, prominent and clearly visible signage stating the use of masks or face coverings is required for entry.
  5. The policy shall:
    - a) exempt the persons set out in Subsection 1(2) from the obligation of wearing a mask or face covering;
    - b) ensure that all persons working at the business or organization are trained in the requirements of the policy;
    - c) require that employees and agents wear a mask or face covering when working in the public areas of the Enclosed Public Space unless the employee or agent is within or behind a physical barrier (e.g. Plexiglas);
    - d) require that employees and agents provide a verbal reminder to any person entering the premises without a mask that the person should be wearing a mask or face covering as a result of the policy;
    - e) require that employees and agents provide a verbal reminder of to any person in an Enclosed Public Space removing their mask or face covering for extended periods of time as a result of the policy;
    - f) permit the temporary removal of a mask or face covering where necessary for the purposes of:
      - i. actively engaging in an athletic or fitness activity including water-based activities;
      - ii. consuming food or drink;
      - iii. receiving services to areas of the face that would otherwise be covered by a face covering, when and where this is permitted under the regulations; or,
      - iv. any emergency or medical purpose
  6. Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all persons entering or exiting the establishment.

7. Every Operator of an Enclosed Public Space, upon request, shall provide a copy of the policy to a Public Health Inspector or other person authorized to enforce the provisions of the EMPCA.

Please be reminded of your responsibilities for general compliance as per provincial legislation (EMCPA O. Reg. 263/20):

- 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 or facility is operated to enable members of the public 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.**

The EMCPA O. Reg. 364/20 Rules For Areas in Stage 3 has the same requirements in s. 2 General Compliance.

As we transition to reopen businesses and community settings in a safer way, it is critical that we all continue to take efforts to control the spread of COVID-19 and work to prevent a resurgence in cases and outbreaks.

TBDHU remains committed to supporting businesses and organizations in implementing the necessary measures to protect their workers and workplaces from COVID-19. Resources specific to these instructions have been developed and are included on the TBDHU website.

Thank you for your ongoing commitment to keep your workers, the public and our communities safe.

Sincerely,



Janet DeMille, MD, MPH, CCFP, FRCPC  
Medical Officer of Health & Chief Executive Officer  
Thunder Bay District Health Unit

cc. Dr. David Williams, Chief Medical Officer of Health

i **“Operator”** means the person who controls, governs, directs, or is responsible for the activity carried on within the Enclosed Public Space and includes the person who is actually in charge at any particular time.

ii **“Enclosed Public Space”** means indoor public spaces of businesses and organizations, accessed by the public.

These include but are not limited to:

- restaurants, cafés, cafeterias, banquet halls;
- retail establishments and shopping malls;
- churches, mosques, synagogues, temples, or other places of worship;
- libraries, museums, art galleries, recreational facilities, bingo halls, community centers and halls, cinemas, theatres, concert venues, special event venues, convention centers, or other similar entertainment, cultural, or leisure facilities;
- sports facilities, sports clubs, gyms, yoga studios, dance studios, and stadiums;
- real estate open houses
- common areas of hotels, motels, or short-term rental premises such as lobbies, elevators, meeting rooms, rest rooms, laundry rooms, gyms, and kitchens;
- public transportation and private transportation for hire, including taxis, limousines and rideshare services
- spas, hair salons, barbers, nail salons, and other personal service settings that are subject to health and safety protocols provided by the Province of Ontario during the provincial emergency;

Schools and Day Cares are not included for the purposes of these instructions.

iii **“Mask”** means: a cloth (non-medical) Mask, medical Mask or other face coverings, (e.g., bandana, a scarf or cloth), for filtering respiratory droplets that securely covers the nose, mouth, and chin and is in contact with the surrounding face without gapping.