



September 28, 2020

The Regional
Municipality
of Durham

Health Department

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To: All persons responsible for operating a business or organization that is indoors and open to the public and persons responsible for an apartment building or condominium in Durham Region

Re: **Durham Region Medical Officer of Health
Instructions to Persons Responsible for a Business
or Organization Permitted to Open (under the
[Reopening Ontario Act \(A Flexible Response to
COVID-19\), 2020, S.O. 2020, c.17 \[ROA\]](#) and
associated Regulations) and to Persons
Responsible for Apartment Buildings and
Condominiums**

I am writing to all persons responsible for operating a business or organization that is indoors and open to the public and is permitted to open as of 12:01 a.m., July 24, 2020 under [ROA Ontario Regulation 364/20 – Rules for Areas in Stage 3](#) and persons responsible for an apartment building and condominium to highlight your responsibilities. These responsibilities are important in ensuring a continued successful reopening and to safeguard against COVID-19 community spread. The instructions from July 28, 2020, remain in effect until they are replaced with these instructions that take effect as of 12:01 p.m., September 28, 2020.

As Durham Region entered Stage 3 of [Reopening Ontario](#) on July 24, 2020, please be reminded of your responsibilities for **general compliance** to provincial legislation [O. Reg 364/20 Schedule 1 s.2\(2\)](#) (or as current):

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 persons responsible for a business or organization that is open shall operate in **compliance** with the advice, recommendations and **instructions of public health officials**, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

As Durham Region Medical Officer of Health, the following are my instructions, pursuant to [O. Reg 364/20 Schedule 1 s.2\(2\)](#) (or as current), to **all persons responsible for a business or organization permitted to open during Stage 3** within Durham Region, and to **all persons responsible for an apartment building or condominium**, where applicable, effective 12:01 p.m., September 28, 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 cough and sneeze etiquette.
3. 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.

Effective 12:01 p.m. September 28, 2020, instructions to **all persons responsible for a business or organization permitted to open during Stage 3** and to **all persons responsible for an apartment building or condominium** within Durham Region will include the following:

1. Have a policy in place to ensure that no Person is permitted to enter or remain in an **Enclosed Public Space** of a business, organization, apartment building or condominium unless they are wearing a Face Covering at all times in a manner that covers the mouth, nose and chin without gaping. The Face Covering may be temporarily removed to access services provided by the business or organization where it is reasonably required to do so. Best Efforts shall be made to allow entry to Persons wearing a Face Covering.

For clarity, a **Person** means any customer, patron, employee, visitor or resident, who enters the enclosed public space; **Enclosed Public Space** means either indoor public spaces of businesses and organizations accessed by the public where the public interact with each other and with staff; or common areas of apartment buildings or condominiums accessed by residents and/or visitors. **Face Covering** means a non-medical mask or other face coverings such as a bandana, a scarf, or cloth that covers the mouth, nose and chin. Face shields are not acceptable forms of a face covering for the purpose of these instructions. **Best Efforts** include reminding Persons verbally to wear a face covering, and to not deny service and/or access if a Face Covering cannot be worn.

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 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. The Person is incapacitated and unable to remove their mask without assistance;
 - c. The wearing a non-medical mask or face covering would inhibit the Person's ability to breathe in any way;
 - d. For any other medical reason, the Person cannot safely wear a non-medical mask or face covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
 - e. For any religious reason, the Person cannot wear a non-medical mask or face covering or cannot cover the face in a manner that would properly control the source.
2. The policy should be enacted and enforced in 'good faith' and should be used as an opportunity to educate about the use of non-medical masks or face coverings in premises where physical distancing may be difficult. Services and/or access should not be denied based on an inability to wear a face covering.
 3. Post appropriate visible signage indicating that non-medical masks or face coverings are required inside the premises, but that exemptions are allowed. Sample signage can be found on the Durham Region Community Reopening Toolkit: <https://www.durham.ca/en/health-and-wellness/community-reopening-toolkit.aspx>.
 4. Ensure all employees are aware of the policy and are trained on your establishment's expectations.

Enclosed Public Spaces include, but are not limited to, the following:

1. Places where goods and services are sold
2. Churches, mosques, synagogues, temples, or other places of worship
3. Municipal facilities (libraries, community centres)
4. Indoor attractions, including art galleries, museums, aquariums, zoos, indoor play spaces and other similar facilities
5. Event spaces, including banquet halls, convention centres, arenas, stadiums, and other similar facilities
6. Common areas of commercial buildings, hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities
7. Common areas of residential apartment and condominium buildings
8. Indoor entertainment facilities and venues, including theatres, cinemas, casinos, bingo halls and other similar facilities
9. Athletic facilities, including gyms, fitness centres, studios, and sports and recreational centres, and other similar facilities (masks do not need to be worn when engaging in physical activity, but are required in common areas)

10. Dining establishments, including indoor restaurants and patios (except when seated), cafes, pubs, bars, and other similar facilities
11. Private transportation services

The areas of enclosed public spaces that are subject to the face covering instructions are:

- a. Any areas in which customers/patrons/visitors/residents interact with one another and/or with staff members, OR
- b. Any areas that are open or accessible to members of the public or residents
- c. Except where: The area is outside, whether or not the area is covered, not including restaurant patios (when seated)

These instructions do not apply to the following:

1. Schools, post-secondary institutions and other facilities used solely for educational purposes
2. Child care centres and providers governed by the Child Care and Early Years Act, 2014, S.O. 2014, c. 11, as amended
3. Day camps
4. Business offices that are not open to members of the public
5. Hospitals
6. Independent health facilities
7. Offices of regulated health professionals
8. An area that is not enclosed or indoors

There is a growing body of evidence on the effectiveness of non-medical masks or face coverings to prevent the spread of COVID-19. To further reduce the risk of spreading COVID-19 in your business or organization and within the broader community, it is important to adhere to the above listed public health instructions.

The Durham Region Health Department will be taking a progressive enforcement approach to ensure compliance, with a focus on education. As per the ROA, individuals who do not comply with the above noted requirements may be liable for a fine up 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 Durham Region Health Department at (905) 668-2020 (toll-free 1-800-841-2729). Visit [durham.ca/novelcoronavirus](https://www.durham.ca/novelcoronavirus) for additional information and resources.

Sincerely,

Original signed by

Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health