

July 15, 2020

To: All Employers, Business Owners, and Operators:

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

We understand that you've been receiving an overwhelming amount of information in the last few weeks as our local instructions came into effect, and as our area proceeds into Stage 3 of reopening. I am providing an update to the [instructions issued on July 7, 2020](#), to reflect the changes that will occur as our area moves into Stage 3.

These instructions are provided under authority granted per the *Emergency Management and Civil Protection Act* (EMCPA) and related regulations, specifically *Ontario Regulation 364/20 - Rules for Areas in Stage 3*. These instructions apply to **all enclosed indoor public spaces**.

Please be reminded of your responsibilities for general compliance per this provincial legislation:

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, to the 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 364/20 s.2(2)* (or as current) to **all enclosed indoor public spaces**<sup>1</sup> currently operating during Stage 3 within Hastings and Prince Edward Counties effective 12:01 am, Friday July 17, 2020:

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<sup>1</sup> **Enclosed indoor public space** refers to those indoor portions of a premises that are openly accessible to members of the public and include a mall or other structure containing a number of commercial premises, a library or community centre, places of worship, as well as a taxi or limousine service.

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.
5. Have a policy in place to prohibit persons from entering or remaining on the premises of the enclosed public space 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 sample policy can be found on the Hastings Prince Edward Public Health website:  
<https://hpepublichealth.ca/healthy-workplaces/>

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, or
  - ii. within or behind a physical barrier (i.e. plexiglass);
- f) the person is receiving a service for which temporary removal of the non-medical mask or face covering is required (i.e. an aesthetic service, while seated at an indoor dining establishment).

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 policy, which has been put in place under the *Emergency Management and Civil Protection Act, R.S.O. 1990*. No person will be required to provide proof of an exemption, and individuals need not be turned away to meet the standard of making best effort to comply with these instructions.

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.

The policy should 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).

Employers must ensure all employees are aware of the policy and trained on the establishment's expectations.

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.

6. 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/healthy-workplaces/](https://hpepublichealth.ca/healthy-workplaces/)

In addition to the instructions provided above, I want to remind you of some best practices to ensure ongoing community safety and wellbeing.

1. Floor markers and visual cues will best enable the public to maintain 2 metres distance as required by the regulations and by the instructions noted above. Sample signage is available on our website.
2. Reservation systems or recordkeeping is encouraged as best practice for tour groups, restaurants, personal service settings, and places of worship. Records should be securely kept and include a name and contact number for someone in the party, the date and time, and should only be used for public health management purposes on request of HPEPH. Records should be kept for four weeks, then destroyed.
3. Verbal reminders about the above instructions to patrons or those using enclosed indoor public spaces is sufficient to meet these expectations of HPEPH.

Our [website](#) has a series of tools, resources, and guides to enable you to operate in this new environment as we move to Stage 3 of re-opening. We welcome you to use our templates, guidance documents, and sample policies as you work toward more fulsome reopening. All of these steps, taken together, provide us with the best opportunities to keep each other safe, which will protect our health and community, while allowing the economic activity to resume.

HPEPH expects, in partnership with local businesses, facility operators, and municipalities to enforce these instructions in "good faith", while demonstrating ongoing respect and kindness to everyone in our community. Our intent is to achieve a high level of compliance with these instructions without necessitating fines or other means of enforcement, and we intend to provide information and education to enable owners and operators to help us keep the community safe and healthy. As 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, though again this is not our first step in enforcement.

Should you require additional information, please contact HPEPH at 613-966-5500 or [info@hpeph.ca](mailto:info@hpeph.ca). Please visit [hpePublicHealth.ca](http://hpePublicHealth.ca) for additional information and resources.

Sincerely,

A handwritten signature in black ink, appearing to be 'AC', with a long horizontal flourish extending to the right.

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

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