



July 2, 2020

To Employers in Sudbury and Districts:

Re: Public Health Sudbury & Districts Instructions to Persons Responsible for a Business or Organization Permitted to Open (under the *Emergency Management and Civil Protection Act, R.S.O. 1990* and related Regulations)

This letter supplements my June 9, 2020 letter in which employers were reminded of their responsibilities under the *Emergency Management and Civil Protection Act* (EMCPA) and related Regulations. My June 9 letter outlined public health expectations per EMCPA *Ontario Regulation 82/20 – Stage 1 Closures*, and was written to support a successful and safe implementation of Stage 2 of the provincial government’s [Framework for Reopening our Province](#).

I am again writing to all persons responsible for a business or organization that is permitted to open per EMCPA *Ontario Regulation 263/20 – Stage 2 Closures*, to highlight your responsibilities. I want to thank you for your efforts so far and to reinforce with you that it is essential to keep up your vigilance and diligence. This is the key to ensuring continued successful reopening and to safeguard against novel coronavirus (SARS-CoV-2) circulation now and into the fall and beyond.

Please be reminded of your responsibilities for **general compliance** per 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.

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Rainbow Centre

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Sudbury ON P3C 5N3
t: 705.522.9200
f: 705.677.9611

Sudbury East / Sudbury-Est

1 rue King Street
Box / Boîte 58
St.-Charles ON P0M 2W0
t: 705.222.9201
f: 705.867.0474

Espanola

800 rue Centre Street
Unit / Unité 100 C
Espanola ON P5E 1J3
t: 705.222.9202
f: 705.869.5583

Île Manitoulin Island

6163 Highway / Route 542
Box / Boîte 87
Mindemoya ON P0P 1S0
t: 705.370.9200
f: 705.377.5580

Chapleau

101 rue Pine Street E
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t: 705.860.9200
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1.866.522.9200

phsd.ca



(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. ([Ontario Regulation 263/20](#))

As Medical Officer of Health, the following are my instructions, pursuant to O. Reg 263/20 s.4(2) (or as current), to **all employers/persons responsible for businesses or organizations** within Public Health Sudbury & Districts service area. These instructions are aligned with the expectations outlined in my June 9, 2020 letter and they continue to be in effect:

1. To the fullest extent possible, ensure effective measures are in place to maintain physical distancing amongst all employees and clients.
2. Unless the nature of work requires the use of a medical mask, to the fullest extent possible, ensure all individuals wear a non-medical mask (for example, a homemade cloth mask or face covering) when physical distancing is challenging or not possible.
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.
4. Promote excellent hygiene practices including hand hygiene, and cough and sneeze etiquette.

Further, the following are my additional instructions **to owners or operators of all Commercial Establishmentsⁱ and of all public transit services** in the Public Health Sudbury & Districts service area, effective 12:01 a.m. July 8, 2020:

1. Have a policy in place to prohibit Personsⁱⁱ from entering the premises of the Commercial Establishment or public transit vehicle or remaining in the premises if the said person is not wearing a Face Coveringⁱⁱⁱ. Best efforts^{iv} shall be made to only allow entry to customers wearing a Face Coveringⁱⁱⁱ. The Face Covering must be worn inside the premises at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment.

A Person shall be exempt from wearing a 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. Wearing a 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 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 face covering, or cannot cover the face in a manner that would properly control source.

2. The policy should be enacted and enforced in “good faith” and should be used as a means to educate people on mask use in premises where physical distancing can be a challenge.
3. Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the premises.
4. Post appropriate visible signage indicating that Face Coverings are required inside the premises. Sample signage can be found on the workplace section of the website: phsd.ca.
5. Ensure that all employees are aware of the policy and are trained on your Establishment’s expectations.

Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.

With the right to reopen businesses and public settings in our communities, comes the critical responsibility to do so in a *COVID-safe* way. Much of the responsibility and opportunity for a successful reopening in our region lies in your hands. The decisions you take as you reopen will determine the course of the pandemic in our area and the public health actions necessary to control spread.

A number of workplace [resources](#) are available on Public Health’s website including a number of sector specific [guidelines](#).

Should you require additional information, please contact Public Health at 705.522.9200 (toll-free 1.866.522.9200). Visit phsd.ca/COVID-19 for additional information and resources.

Sincerely,

Original signed by

Penny Sutcliffe, MD, MHSc, FRCPC
Medical Officer of Health and Chief Executive Officer

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

ⁱ **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.

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The areas of a Commercial Establishment that are subject to the Face Covering requirements of these instructions are:

- Any areas in which customers interact with one another or with staff members, OR
- Any areas that are open or accessible to members of the public

ⁱⁱ A **Person** means any customer, patron, employee or visitor, who enters the premises.

ⁱⁱⁱ A **Face Covering** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth (including hijab and niqab) that covers the mouth, and nose ensuring a barrier that limits the community transmission. Face shields can also be used in situations when an individual is unable to use any other type of face covering. Face shields are not acceptable forms of a face covering for the purpose of these instructions.

^{iv} **Best Efforts** when restricting entry to customers wearing Face Coverings are defined as follows:

- Where an establishment has a person restricting occupancy into the premises, a verbal reminder that the customer should be wearing a Face Covering as a result of these instructions shall be given to any customer entering the premises without one. For greater clarity, there is not a need for a business to turn away the customer to achieve the best effort standard.
- For customers in a premises seen removing their Face Covering for extended periods of time, a verbal reminder to that customer of the requirement to wear Face Coverings under these instructions.