



INSTRUCTIONS FROM THE MEDICAL OFFICER OF HEALTH

These instructions amend and replace the instructions effective December 22, 2021¹

DATE: January 12, 2022 EFFECTIVE: January 13, 2022 at 12:01 a.m.

TO: Persons responsible for a business or organization that is open in the Districts of Sudbury and Manitoulin²

In response to growing [COVID-19](#) case counts across the province and the new threat of the Omicron variant of concern, the Government of Ontario introduced new public health measures effective January 3, 2022, that align with my instructions first issued on November 8, 2021, in consultation with Ontario's Chief Medical Officer of Health and in response to persistently high and growing case counts in Sudbury and districts.

Public Health Sudbury & Districts is experiencing an unprecedented surge in COVID-19 cases with the introduction of the Omicron variant in our catchment area. The extraordinarily high rate of transmission for Omicron is resulting in an increase in COVID-19 related hospital admissions and institutional outbreaks, threatening health system capacity, critical infrastructure workforce, and the health of vulnerable people in particular. With the Omicron variant, the focus for Public Health is on reducing severe illness and hospitalizations and maintaining essential services.

¹ This letter of instruction is issued "fresh as amended" and does not show amendments from the letter of instructions as issued December 21 and effective December 22, 2021.

² The Sudbury and District Health Unit served by Public Health Sudbury & Districts (the Board of Health for the Sudbury and District Health Unit) consists of the Territorial Districts of Sudbury and Manitoulin: Areas Comprising Health Units, R.R.O. 1990, Reg. 553, as amended, Schedule 35.

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These amended instructions attempt to simplify understanding and compliance by our community with the current provincial and local public health measures. I have removed from my instructions those requirements now found in [Ontario's Step 2 Rules, Ontario Regulation 263/20](#) issued under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#). In particular, this letter of instruction maintains proof of vaccination requirements (beyond those required by the Step 2 Rules) that I have previously mandated by letter of instruction in the following venues with indoor premises that remain open: personal care services; facilities for sports and recreational fitness activities; photography studios and services; and boat tours.

My amended instructions now include the following:

[PART A - GENERAL](#)

[PART B – SECTOR-SPECIFIC PROOF OF VACCINATION REQUIREMENTS \(IN ADDITION TO THOSE REQUIRED BY THE STEP 2 RULES\):](#)

- [Businesses providing personal care services relating to the hair or body \(para 7 below\)](#)
- [Facilities for sports and recreational fitness activities \(para 8 below\)](#)
- [Photography studios and services \(para 9 below\)](#)
- [Businesses that provide boat tours \(para 10 below\)](#)

I am implementing these continued protections to complement Ontario's strengthened Step 2 Rules, effective Monday, January 3, 2022, at 12:01 a.m., to maintain our effort, together with recent provincial measures, to interrupt chains of transmission within our community. These combined protections will also protect local businesses and workers by—we hope—avoiding any need for more drastic measures.

I issue these instructions with continued strong support from Ontario's Chief Medical Officer of Health, Dr. Kieran Moore, who recognizes the need for urgent and exceptional public health measures to protect all those who reside and are otherwise present in the City of Greater Sudbury, in the remaining areas served by Public Health Sudbury & Districts and across the province.

Ontario's [Reopening Ontario Act](#) and [Emergency Management and Civil Protection Act](#) require all persons responsible for a business or organization that is open to operate in compliance with the instructions of public health officials. That includes these instructions issued by me, rendered mandatory by sections 2(2) and (2.1), Schedule 1 of [O. Reg. 263/20 as amended \(the Step 2 Rules\) issued under the Reopening Ontario Act](#).

The following businesses or organizations are exempt from these instructions because sector-specific legislation, directives and/or guidelines govern their COVID-19 public health measures:

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- Health care providers and health care entities as defined in Section 77.7 of the *Health Protection and Promotion Act*, who are subject to the Chief Medical Officer of Health's Directives issued under that Act;
- Schools and school boards licensed under the *Education Act*;
- Schools and private schools within the meaning of the *Education Act* that are operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- Ontario provincial post-secondary institutions;
- Child care settings licensed under the *Child Care and Early Years Act, 2014*; and
- Recreational and day or overnight camps for children.

These instructions will be enforced by public health officials and by provincial offences officers under one or more of the [Health Protection and Promotion Act](#) (sections 100, 101 and 102), ROA (sections 9, 9.1, 10 and 10.1) and/or EMCPA (sections 7.0.5 and 7.0.11). Failure to comply with these instructions is an offence. Among the enforcement actions that may be taken, you may be charged, and penalties imposed including significant fines, imprisonment and/or closure of premises.

A failure to comply with regulations issued under the ROA is an offence punishable by set fines of \$750 for individuals and \$1,000 for corporations under Part I of the [Provincial Offences Act](#) (POA). Maximum penalties for this offence if prosecuted under Part III of the POA include: for individuals, a fine of up to \$100,000 and imprisonment for not more than one year; for an individual who is an officer or director of a corporation, a fine of up to \$500,000 and imprisonment for not more than one year; and for a corporation, a fine of up to \$10,000,000. A person is guilty of a separate offence on each day that the offence occurs or continues.

I cannot provide you with an "end-date" for these instructions. It is not possible at this time to account for the potential impact of the Omicron variant of concern, about which much is currently being learned. I assure you that I am monitoring local, provincial and national developments closely and will adjust our course accordingly. I may amend these instructions (if and as required) and will rescind them as soon I determine they are no longer necessary.

These instructions remain in effect until amended or rescinded by me.

PLEASE FOLLOW ALL INSTRUCTIONS CLOSELY

PART A – GENERAL

1. Subsection 2(1) of Schedule 1, Step 2 Rules (O. Reg. 263/20) issued under the ROA requires, among other things, that the person responsible for a business or organization that is open shall ensure that the business or organization operates in

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accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

2. Subsection 2(2) imposes the further legal requirement that the person responsible for a business or organization that is open must operate the business or organization in compliance with the instructions of public health officials. That includes these, and any other, instructions issued by me under the ROA (as amended).
3. Where these instructions impose one or more additional requirements not set out in O. Reg. 263/20 as amended (Ontario's Step 2 Rules), the requirements of these instructions must also be followed by persons responsible for a business or organization (i.e., establishment) that is open.

6.1. **PART C – SECTOR-SPECIFIC PROOF OF VACCINATION REQUIREMENTS (IN ADDITION TO THOSE REQUIRED BY THE STEP 2 RULES)**

7. **Businesses that provide personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios.**

[Section 8 of Schedule 2, Step 2 Rules (O. Reg. 263/20)]

- 7.1. In addition to the current requirements of the Step 2 Rules, proof of vaccination requirements for businesses that provide personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, that were established on an "opt-in" basis by section 2.2 of Schedule 1 in the Step 3 Rules (O. Reg. 364/20), continue to be mandated by this letter of instruction.³

For clarity, all businesses subject to this requirement must continue to meet all applicable requirements of the Step 2 Rules including, but not limited to, prescribed capacity limits.

8. **Facilities for indoor sports and recreational fitness activities.**

[Section 19 of Schedule 2, Step 2 Rules (O. Reg. 263/20)]

- 8.1. For clarity, all requirements and other provisions for proof of identification and of being fully vaccinated against COVID-19 in the establishments identified above, as established by O. Reg. 263/20, remain in effect subject to the added requirements of paragraphs 8.2 to 8.4 below.

³ This proof of vaccination (POV) requirement was first mandated by my letter of instruction issued December 9, 2021 and effective December 11, 2021.

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8.2. All persons responsible for Facilities where Organized Sport(s) are played and/or practiced (including owners, operators and permit holders) must require each person, age 12 years and older, at the point of entry, who attends the indoor area of the Facility for the purpose of volunteering in Organized Sport(s) as a coach, official or otherwise to provide identification and proof of being fully vaccinated against COVID-19 or a valid medical exemption.

8.3. All children subject to paragraph 8.2 above shall be afforded a “grace period” of 12 weeks from their 12th birthday during which they must provide identification in accordance with these instructions but are relieved of the requirement to provide proof of being fully vaccinated against COVID-19, to allow a reasonable opportunity for this to be completed.

8.4. **DEFINITIONS:** For the purpose of this Part:

- a. **Facility** means a facility located in the districts of Sudbury and Manitoulin where Organized Sport(s) are played and/or practiced.
- b. **Fully Vaccinated** is as defined by subsection 2.2 (5) of Schedule 1, Step 2 Rules (O. Reg. 263/20).
- c. **Organized Sport(s)** means organized sport(s) and recreational fitness activities including, but not limited to, sports leagues, organized pick-up sports, dance classes, gymnastics, martial arts and swimming classes, or as otherwise described in the Ministry of Health’s [Proof of Vaccination Guidance for Businesses and Organizations](#) under the ROA, including all related training, practices, games and competitions.

9. **Photography studios and services, in respect of indoor areas.**

[Section 23 of Schedule 2, Step 2 Rules (O. Reg. 263/20)]

- 9.1. In addition to the current requirements of the Step 2 Rules, proof of vaccination requirements for photography studios and services in respect of indoor areas, that were established on an “opt-in” basis by section 2.2 of Schedule 1, in the Step 3 Rules (O. Reg. 364/20), continue to be mandated by this letter of instruction.⁴

For clarity, all businesses subject to this requirement must continue to meet all applicable requirements of the Step 2 Rules including, but not limited to, prescribed capacity limits.

⁴ This proof of vaccination (POV) requirement was first mandated by my letter of instruction issued December 9, 2021 and effective December 11, 2021.

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10. Boat tours.

[Section 33 of Schedule 2, Step 2 Rules (O. Reg. 364/20)]

- 10.1. In addition to the current requirements of the Step 2 Rules, proof of vaccination requirements for businesses that provide boat tours, that were established on an “opt-in” basis by section 2.2 of Schedule 1 in the Step 3 Rules (O. Reg. 364/20), continue to be mandated by this letter of instruction.⁵

For clarity, all businesses subject to this requirement must continue to meet all applicable requirements of the Step 2 Rules including, but not limited to, prescribed capacity limits.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- a. The total number of members of the public permitted on the boat at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person on the vessel, and in any event must not exceed 50 per cent of the usual maximum number of passengers that may be carried on board, as indicated on the vessel’s inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Certificates Regulations (Canada) or on an equivalent certificate issued by a foreign government.

These Instructions, including any revisions to these instructions, are available on Public Health Sudbury & Districts website at phsd.ca.

Inquiries about these instructions should be directed to Public Health Sudbury & Districts at 705.522.9200, ext. 464 (toll-free 1.866.522.9200).

Original signed by

Penny Sutcliffe, MD, MHSc, FRCPC
Medical Officer of Health
Public Health Sudbury & Districts

⁵ This proof of vaccination (POV) requirement was first mandated by my letter of instruction issued December 9, 2021 and effective December 11, 2021.