**CLASS ORDER**

**of the Medical Officer of Health for the Grey Bruce Health Unit**

**made pursuant to s. 22 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7 as amended.**

**Date:** July 14th, 2020.

**TO:** All persons who own or operate a Commercial Establishment within the Grey Bruce Health Unit

**I, Dr. Ian Arra, the Medical Officer of Health for the Grey Bruce Health Unit, order you to take the following actions:**

**1. To the fullest extent possible, ensure effective measures are in place in the *Commercial Establishment* to maintain physical distancing of 2 metres amongst all employees and clients.**

**2. To the fullest extent possible, ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the *Establishment*.**

**3. Use *Best Efforts* (as defined in this Order) to restrict *Persons* from entering the premises of the *Commercial Establishment* or remaining within the premises if the said Person is not wearing a *Face Covering*.** The *Face Covering* must be worn inside the *Establishment* 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 2 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 parent, guardian or caregiver in attendance at the *Establishment* with them;

b. The *Person* is incapacitated and unable to remove their *Face Covering* without assistance;

c. Wearing a *Face Covering* would inhibit the *Person's* ability to breathe in any way;



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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. The obligation to provide reasonable accommodation under the Ontario Human Rights Code requires exemption from this requirement.

**SCOPE OF THIS ORDER:**

The areas of a *Commercial Establishment* that are subject to the *Face Covering* requirements of this Order are:

- Any areas in which customers interact with one another or with staff members, AND,
- Any areas that are open or accessible to members of the public,
- Except where:
  - The area is outside, whether or not the area is covered (e.g. a restaurant patio); or,
  - The area is designated for aquatic activity (e.g. while being in a swimming pool).

**THIS ORDER shall come into force** on the 17th day of July, 2020 at 12:01 a.m. Eastern Daylight Time, the same date designated by the Province of Ontario for Stage 3 re-opening in the area of the Grey Bruce Health Unit, and shall remain in effect for 4 weeks (being 28 calendar days) from that time. This Order may be rescinded, amended or extended by further Order.

**THE REASONS for this ORDER are that:**

i. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to *Ontario Regulation 135/18* made under the *Health Protection and Promotion Act.*

ii. COVID-19 can cause acute and severe respiratory illness and death in humans.

iii. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Grey Bruce Health Unit, because:

   a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;

b. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions;
c. States of Emergency were subsequently declared by the Counties of Grey and Bruce in response to COVID-19;
d. As of this Order's effective date, there is evidence of continued community transmission of COVID-19 within the territory and jurisdiction of the Grey Bruce Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel.

iv. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.

v. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.

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

vii. Use of *Face Coverings* is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.

**viii. The Provincial Stage 3 re-opening plan will, by definition, include permitted activities with highest contact intensity and that would require significant modifications to maintain public health safety.**

ix. Re-opening of *Commercial Establishments* will increase the frequency of contact and limit opportunities for physical distancing between persons in the jurisdiction of the Grey Bruce Health Unit which, absent adequate preventative measures, will increase the risk of cases and outbreaks of COVID-19 in the jurisdiction and territory of the Grey Bruce Health Unit.

x. An increase in the number of cases of COVID-19 will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of

COVID-19 within the population of the jurisdiction and territory of the Grey Bruce Health Unit.

**As the Medical Officer of Health for the Grey Bruce Health Unit, I am of the opinion, on reasonable and probable grounds that:**

I. The communicable disease caused by the novel coronavirus known as COVID-19 now exists and will persist in the health unit served by the Medical Officer of Health without this Order;

II. COVID-19 presents a clear risk to the health of persons in the health unit served by me; and

III. The requirements specified in this order are necessary in Order to decrease or eliminate the risk to health presented by the communicable disease, COVID-19.

**I am also of the opinion that** the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the Grey Bruce Health Unit, so notice shall be provided through the public media and the internet via posting on the Grey Bruce Health Unit website at: www.publichealthgreybruce.on.ca.

**Definitions, Examples and Exemptions Applicable to this Order:**

The following definitions apply to this Order:

- A ***Person*** means any customer, patron, employee or visitor, who enters the Establishment.
- A ***Face Covering*** means a medical mask or a non-medical mask or other item that can be used to cover the face such as a bandana, a scarf or cloth that covers the mouth, nose and chin presenting a barrier that limits the transmission of infectious respiratory droplets.
- ***Commercial Establishment*** and ***Establishment*** mean those portions of a fixed commercial premise or place that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale to members of the public

and includes a mall or other structure containing a number of commercial premises, without limiting the generality of the foregoing examples.

- ***Best Efforts*** when restricting entry to *Persons* not wearing *Face Coverings* means the following:
    - Where an establishment follows a policy restricting occupancy into its premises by this Order, a verbal reminder that every *Person* attending should be wearing a *Face Covering* as a result of these instructions shall be given to any *Person* entering the premises without one. For greater clarity, there is not a need for a business to turn away a *Person* to achieve the *Best Efforts* standard.
    - For *Persons* in a premise seen removing their face covering, a verbal reminder to that *Person* of the requirement to wear face coverings under these instructions, unless an exception applies.
    - In complying with the *Best Efforts* requirement, owners and operators shall not require employees or members of the public to provide proof that they qualify for any of the exemptions set out above.

Examples of ***Commercial Establishment*** *and* ***Establishment****,* without limiting the definition above, include the following:

- Retail stores
- Convenience stores
- Malls/plazas
- Restaurants/bars/taverns
- Personal service settings
- Grocery stores and bakeries
- Gas stations
- Farmer's markets
- Areas of Mechanics' shops/garages/repair shops which are open to the public
- Car dealerships
- Indoor play zones/arcades/art studios
- Cinemas/Performing Arts/Theatres
- Indoor arenas/sporting venues as a spectator
- Public indoor tours of facilities
- Casinos/charitable gaming halls including horse racing
- Fitness facilities/gyms/indoor sports facilities/studios
- Common areas of hotels/motels

Despite the foregoing, the following are exempt and not subject to this Order even if they would otherwise fall within the definition of a *Commercial Establishment*:

- Churches or faith settings
- Day camps

- Day care centres
- Schools
- Libraries
- Community centres
- Offices that are not open to members of the public
- Professional offices where clients receive purchased services (e.g. lawyer's/accountant's office) that are not open to members of the public
- Private transportation (bus/taxi/limo)
- Public transportation (bus/train)
- Hospitals,
- Independent health facilities,
- Offices of regulated health professionals

The areas of a *Commercial Establishment* that are subject to the Face Covering requirements of this Order 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;
- Except where:
    - The area is outside, whether or not the area is covered (e.g. a restaurant patio).

For greater clarity, examples of areas that are or are not subject to the Face Covering requirements of this Order are as follows:

| **Example Establishment** | **Parts of the Establishment Covered by the Order (Examples)** | **Parts of the Establishment Not Covered by the Order (Examples)** |
|---|---|---|
| Retail Store | • Retail floor/aisles<br>• Cashier area/queues<br>• Service desks/counters<br>• Publicly accessible washrooms | • Staff lounge not accessible to the public<br>• Stock/storage room not accessible to the public<br>• Workshop/service room not accessible to the public<br>• Private office (e.g. manager's office)<br>• Shipping/receiving area not accessible to the public<br>• Outdoor patios/display areas that form part of the retail store (e.g. outdoor garden centre) |
| Gas Station (self-serve) | • Inside the gas station store/kiosk | • Pump area |

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| Restaurant/Bar/Tavern | • Indoor take-out counters<br>• Indoor dining area when indoor dining becomes permissible<br>• Food preparation areas that are open to the public | • Outdoor drive-through windows<br>• Outdoor dining area<br>• Kitchen area that is physically separated from dining area and not accessible to the public<br>• Staff lounge not accessible to the public<br>• Stock/storage room not accessible to the public<br>• Private office (e.g. manager's office)<br>• Shipping/receiving area not accessible to the public |
| Mall/Plaza | • Indoor areas accessible to members of the public | • Outdoor areas accessible to the public<br>• Administrative offices, service areas, or other areas that are not accessible to the public |
| Farmer's Market | • Indoor areas accessible to the public | • Outdoor areas<br>• Areas not accessible to the public |
| Fitness facility/gym/ indoor sport facility or studio including pools | • Reception area<br>• Common areas not used for activities<br>• Other indoor areas accessible to the public | • While using equipment<br>• While in exercise class<br>• Pool/spa area<br>• Showers/ change room |
| Amusement Park/Indoor Play Zone/ Arcade/Art Studio | • Indoor areas accessible to the public | • Outdoor areas<br>• Areas not accessible to the public |
| Theatre/Performing Arts Show/Cinema or Movie Theatre | • Lobby<br>• Concession stand<br>• Theatre seating<br>• Publicly accessible washrooms<br>• Other indoor areas accessible to the public | • Outdoor areas<br>• Areas not accessible to the public |
| Car Dealership | • Indoor sales floor<br>• Service desks/counters | • Outdoor sales lot<br>• Parking lot |

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| | • Publicly accessible washrooms | |
| Indoor arena or sporting venue | • Lobby<br>• Concession stand<br>• Stands/seating areas<br>• Publicly accessible washrooms<br>• Other indoor areas accessible to the public | • Outdoor areas<br>• Areas not accessible to the public |
| Indoor facility offering public tours | • All indoor areas accessible as part of a guided (including self-guided) tour<br>• Other indoor areas accessible to the public | • Outdoor areas<br>• Areas not accessible to the public |
| Casino/Charitable Gaming Hall/Horse Racing | • Lobby<br>• Casino floor/gaming hall floor<br>• Stands/seating areas | • Outdoor areas<br>• Areas not accessible to the public |
| Hotel/Motel | • Common areas of building<br>• Shared indoor amenities (e.g. lounges, restaurants, parking garage) | • Personal room or suite<br>• Pool/spa area<br>• Outdoor areas |

**NOTICE:**

**TAKE NOTICE THAT** each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to the Medical Officer of Health and to the Health Services Appeal and Review Board (151 Bloor Street West, 9th Floor, Toronto, Ontario M5S 1S4, E-mail: hsarb@ontario.ca) a notice in writing, requesting a hearing within 15 days after the effective date and time of this Order or otherwise in accordance with applicable law.

**AND TAKE FURTHER NOTICE THAT** although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

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**FAILURE TO COMPLY WITH THIS Order** is an offence for which you may be liable, on conviction, to a fine of not more than $5,000.00 for every day or part of each day on which the offence occurs or continues.

SIGNED THIS 14th DAY OF JULY, 2020 AT OWEN SOUND, ONTARIO.

**Dr. Ian Arra, MD MSc FRCPC ACPM ABPM (Diplomate)**
**Medical Officer of Health**
**Grey Bruce Health Unit**
**101 17th Street East**
**Owen Sound ON N4K 0A5**

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This Order shall be posted on the Grey Bruce Health Unit website: www.publichealthgreybruce.on.ca.

ANY INQUIRY respecting this Order may be directed to the Medical Officer of Health at the address hereon.