

STC FRAMEWORK
FOR RECOVERY



MANDATORY MASK BY-LAW

OPERATOR IMPLEMENTATION GUIDE

MANDATORY MASK BY-LAW

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MANDATORY MASK BY-LAW

MANDATORY MASK BY-LAW OPERATOR IMPLEMENTATION GUIDE

On July 13, 2020, St. Catharines City Council passed a by-law requiring that all visitors and staff in enclosed public spaces to wear a face mask or covering at all times. The by-law comes as more businesses and organizations reopen in the City, responding to recent research showing masks can limit the spread of COVID-19, including from asymptomatic individuals.

The by-law additionally prescribes that operators of enclosed public spaces have hand sanitizer available at entrances and exits for the use of visitors.

Please note that nothing contained in the by-law changes the responsibility of a business or organization to comply with all applicable laws, including the Occupational Health and Safety Act and the regulations made under it. Operators must ensure that all of the requirements of opening imposed by Ontario Regulations and Provincial Emergency Orders permitting the opening of business are complied with. These include the requirement that the place of business be operated to enable members of the public to maintain a physical separation of at least two metres from other persons and to operate in compliance with the advice, recommendations and instructions of public health officials on cleaning and disinfecting.

TIMELINE

The new by-law will come into full effect on **Friday July 17, 2020**. With the by-law enacted the City will undertake an education campaign, focussed on assisting businesses in development of mask policies and infrastructure, alongside informing the public of the new requirements.

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APPLICABLE SPACES

All enclosed (indoor) spaces open to the public, including establishments where a fee or membership is required for admission. In general, if non-employees of a business or location, enter a space, it is covered by the by-law.



Enclosed public spaces, include, but are not limited to:

- Any place of business where goods or services are offered for sale e.g. retail, personal and professional service businesses
- Food-sales businesses including restaurants, cafes, grocery stores, convenience stores
- Shopping malls and similar structures
- Places of worship
- Entertainment, recreation and cultural venues such as libraries, museums, galleries, bingo halls, banquets halls, community centres, cinemas, and concert venues
- Indoor sports and recreational facilities such as gyms, arenas, yoga studios and clubhouses
- Common areas of hotels, motels and other short-term accommodations including elevators, lobbies, rest rooms, laundry rooms, gyms and kitchens; this does not include common areas of residential apartment buildings and condominiums
- Locations used as an open house, presentation centre or other real-estate facility
- Areas of City facilities open to the public

THERE ARE SOME SPACES THAT ARE EXEMPT FORM THE BY-LAW:



- Day cares, child-care facilities, day camps for children, schools and post-secondary institutions
- Private and public transportation
- Hospitals, independent health facilities and offices of regulated health professionals
- Buildings and services owned and/or operated by the Province of Ontario or Federal Government of Canada

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DEFINITION OF MASKS / FACE COVERINGS

Under the by-law any cloth (non-medical) mask, medical mask or other face covering such as a bandana or scarf may be used, provided it securely covers the nose, mouth and chin without gaps.

OPERATOR REQUIREMENTS

There are several obligations for operators of enclosed public spaces under the new by-law.

THESE OBLIGATIONS ARE:



- Creation of a written mask policy for the establishment / space (see page 8 for more information on developing a mask policy, including a fillable sample)
 - The policy must be printed and available on request during Public Health or Municipal By-law inspections
 - Staff training on the policy and exemptions
 - Provision of hand sanitizer at all entrances and exits
 - Posting of prominent signage at all entrances communicating the requirements of mask use under the by-law
 - Operators are not required to have a staff member at entrances ensuring visitors put on a mask, and shall not require any person to provide proof of any of the personal exemptions to wearing a mask.
- If a patron refuses to wear a mask when asked there is no requirement under the by-law to remove them from the premises.

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PERSONAL EXEMPTIONS:

Exemptions to the by-law include:



- Children under 5 exempt (Niagara Region face covering By-law 2020-46)
- Persons with medical conditions which prevent them from wearing a mask, including breathing difficulties and cognitive difficulties
- Individuals who are unable to apply or remove a mask without assistance
- Persons with protections, including reasonable accommodations, in accordance with the Ontario Human Rights Code that would prevent them from wearing a mask
- Persons assisting or accommodating another person with a hearing disability
- Operators are not permitted to ask for proof of exemption if an individual claims to be exempt.
- Staff in spaces that are not accessible to the public, or staff separated from the public by a physical barrier such as a plexiglass, are not required to wear a mask.

SERVICE EXEMPTIONS:

The by-law provides for temporary removal of a mask should the service provided require a mask. Temporary removal is permitted for the purposes of:

- Receiving services
- Actively engaging in athletic or fitness activity, including water-based activities
- While actively engaged in delivering vocal artistic performances arranged for by the operator of the establishment
- Participation in religious rights or ceremonies not compatible with the face being covered
- Consuming food or drinks
- Emergency or medical purposes

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DEVELOPING A MASK POLICY

The policy must be available for inspection by enforcement officers by request, and should outline not only the mask requirement but also the exemptions mentioned above. The policy must also require employees within areas accessible by the public to also wear masks and all employees must be trained in the requirements of the policy.

THE POLICY MUST:

- Prohibit individuals from entering the enclosed public space, or remain inside, unless they wear a mask
- Ensure staff and agents are trained in the requirements of the policy
- Ensure staff wear masks unless they are in areas the public is not permitted to access or are inside / behind a physical barrier
- Exempt individuals as outlined in the by-law
- Permit the temporary removal of masks for reasons outlined in the by-law



Mandatory Use of Mask or Face Covering within

Beginning July 17, 2020, all staff, visitors and customers are required to wear a mask or face covering upon entering and remaining within

THE MASK OR FACE COVERING MUST COVER THE NOSE, MOUTH AND CHIN.

Temporary removal of the mask is permitted individuals:

- Receiving services
- Actively engaging in athletic or fitness activity, including water-based activities
- While actively engaged in delivering vocal artistic performances arranged for by the operator of the establishment
- Participating in religious rights or ceremonies not compatible with the face being covered
- Consuming food or drinks
- Emergency or medical purposes

The following individuals are exempt from the requirement for mask or face covering use, and will not be required to provide proof of such exemption:

- Children under 5 exempt (Niagara Region face covering By-law 2020-46)
- Persons with medical conditions which prevent them from wearing a mask, including breathing difficulties and cognitive difficulties
- Individuals who are unable to apply or remove a mask without assistance
- Persons with protections, including reasonable accommodations, in accordance with the Ontario Human Rights Code that would prevent them from wearing a mask
- Persons assisting or accommodating another person with a hearing disability

Staff are required to wear face coverings unless they are occupying a space the public is not permitted to access, or are protected behind / inside a physical barrier.

- Staff are trained on the requirements of mask use including:
- Areas requiring mask use
- Limitations including exempt individuals and requirements prohibiting provision of proof of exemption

SIGNAGE OUTLINING MASK REQUIREMENTS AND EXEMPTIONS HAVE BEEN POSTED AT ALL ENTRANCES. HAND SANITIZER HAS BEEN PROVIDED AT ALL ENTRANCES / EXITS.

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MANDATORY MASKS BY-LAW CHECKLIST FOR ENCLOSED PUBLIC SPACE OPERATORS

- Mask policy developed
- Signage prominently displayed at all entrances
- Staff trained on mask policy and limitations
- Hand sanitizer provided at all entrances / exits