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**For Subject:** Options to Consider for Mandating Face Coverings

**Report to:** Regional Council

**Report date:** Wednesday, July 8, 2020

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## Recommendations

1. That Regional Council **CONSIDER** the options presented in Report CAO 15-2020; and
2. That staff **PROCEED** with the option approved by Regional Council.

## Key Facts

- The Province of Ontario and The Regional Municipality of Niagara have declared emergencies as a result of the COVID-19 pandemic pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, as amended.
- Niagara Region Public Health continues to recommend public health measures to be practiced by all residents of Niagara in order to reduce the spread of COVID-19. These include keeping a 2 metre physical distance from others, cleaning hands often, wearing a mask or face covering when maintaining physical distancing is not possible, and staying home and getting tested if sick.
- On June 25, 2020, Council approved the Recommendations in Report CAO 14-2020 (Appendix 1) to encourage all residents and visitors to Niagara to practice the above behaviours that limit the spread of infection. As well all business owners were encouraged to enable other to practice these behaviours.
- Over the past few weeks, other jurisdictions have implemented requirements with respect to face coverings either through an order issued by their medical officer of health pursuant to Provincial Emergency Orders, enactment of a by-law or by their medical officer of health providing instructions under the state of emergency for the mandatory use of face coverings.
- While Niagara's Acting Medical Officer of Health is not currently contemplating making such an order, Regional Council may pass a by-law under section 11 of the Municipal Act, 2001 which could mandate the use of face coverings.
- Alternatively, given Niagara's diverse landscape, Regional Council may choose to defer to (but fully support) the individual decision of the local area municipal councils regarding face coverings.
- Face coverings will not protect the wearer from getting COVID-19. Wearing a face covering protects others from the wearer's respiratory droplets. Therefore, properly wearing an appropriate face covering may reduce the risk of transmission when physical distancing is not possible (Appendix 4 Province of Ontario Fact Sheet).

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## Financial Considerations

Should Council proceed with Option 1, there would be no costs involved.

Should Council proceed with Option 2 to enact a by-law with respect to face coverings, or Option 3 to launch a comprehensive education campaign, there is no specific budget for an education and advertising program. The estimated cost of an education/advertising program is \$30,000 excluding regional staff time. This campaign is likely to include radio, print and social media advertising elements similar to the scope of what was enacted during the Region's *Stay Home Niagara* efforts.

There is no capacity to absorb these costs within the 2020 Public Health Operating Budget.

In addition with respect to Option 2, financial considerations associated with by-law and enforcement would need to be addressed especially as it relates to after hours and weekend enforcement since many local area municipalities do not have enforcement outside of regular business hours.

There may be additional costs if Council elects to provide masks to the public at municipal facilities or as a part of community outreach efforts to ensure that the requirement of wearing a face covering does not become a financial barrier to individuals seeking to access goods and services, including municipal services.

## Analysis

Currently businesses and workplaces are responsible for following public health guidance with some types of workplaces required to have face coverings for their clients and staff (e.g. personal service settings like nail salons, hair dressers, piercing and tattoo studios, dental offices, health care providers). Others are given discretion to decide whether to make mask-wearing mandatory based on upon each setting's particular risk profile, the occupational health and safety of employees and health risks to members of the public entering their premises. Individual businesses and workplaces may refuse entry to persons not wearing a non-medical mask, subject to reasonable exceptions, including those set out in existing public health guidelines.

The re-opening of businesses and other services will result in more people returning to the workplace, more gatherings, and more people taking public transit, which may make the ability to physically distance difficult, or in some cases, impossible. The science regarding the use of masks is still evolving and their efficacy is not definitive; however, the wearing of face masks or face coverings is one measure being considered by a number of jurisdictions that can be taken to help mitigate the risk of the spread of COVID-19, when the preferred measure of physical distancing is not possible.

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Staff have outlined three options for Council to consider that support the increased use of face coverings in enclosed spaces where physical distancing is not possible, and provided an overview of considerations applicable to all options.

***Option 1***

***Support those Local Area Municipalities who implement By-laws for Mandatory Face Coverings***

Niagara Region has continued to support public health guidance to recommend and encourage the use of non-medical masks in specific situations and settings where physical distancing may be difficult.

For purposed of consistency, efficiency and enforcement, the Province of Ontario would be in the best position to mandate the wearing of medical or non-medical masks by the general public under the Emergency Management and Civil Protection Act. To date the Province has not mandated the wearing of masks citing enforcement challenges as well as concerns related to a “one size fits all” approach given the differing case counts and risk throughout Ontario municipalities.

The local area municipalities have authority pursuant to section 11 of the Municipal Act, 2001, to pass by-laws regarding the health, safety and well-being of persons. The local area municipalities are also largely responsible for business licensing pursuant to section 11 of the Municipal Act, 2001.

A “one size fits all” approach to mandating face coverings throughout the Region has drawbacks. This is an unprecedented situation. Each municipality has its own unique set of circumstances that should be considered when deciding if face coverings should be mandatory in their jurisdiction, including economic recovery strategies.

Currently COVID-19 data is available on a local municipal basis and it demonstrates the varying number of cases between municipalities in Niagara. The opportunity to main maintain physical distance may also vary depending on whether a municipality is more urban or rural, and with the kinds of public places present and how crowded they are likely to be. Should an individual municipality consider it necessary to implement a by-law to mandate face coverings, it could be done with an enhanced understanding of the local impacts and challenges this might create. The Region has not had the opportunity to undertake specific outreach and consultation with the local area municipalities, stakeholders (including the business community) and the public regarding the mandating of masks, therefore there is some risk that proceeding to do so may attract criticism for interfering in the business of the local area municipalities, particularly if the Region’s by-law conflicts with by-laws or measures being consider by the local area municipalities.

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In this regard, the City of St. Catharines held a Special Council meeting on July 6, 2020 and subsequently directed City staff to enact a temporary by-law. This by-law would require individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19. Consideration of this by-law will take place at their Council meeting being held on July 13.

It is unknown at this time should the City of St. Catharines proceed with their by-law, whether it may be in conflict with any Regional by-law enacted and create additional confusion for members of the public and businesses.

It is worth noting that this direction would be consistent with the approach taken by Peel Region, where they deferred to the judgement of their local municipalities to make decisions regarding mandatory face coverings.

Another benefit of the decision-making on this topic resting with the local area municipalities is that they can tailor the requirements of the by-law to align with their individual business licensing by-law regimes and the duration of their declarations of emergency.

If Regional Council wants to support the local area municipalities' efforts to pass their own by-laws a suggested motion would be:

That Regional Council **ENDORSE** and **SUPPORT** the efforts of those local area municipalities that enact temporary by-laws respecting mandatory face coverings to ensure continued diligence in the fight against COVID-19.

## ***Option 2***

### ***Enact a Temporary Regional By-law Mandating Face Coverings***

Niagara Region also has the authority pursuant to section 11 of the Municipal Act, 2001 to pass by-laws regarding the health, safety and well-being of persons that could be relied upon to pass a by-law mandating the use of face coverings in enclosed public spaces where physical distancing is not possible.

Mandatory face coverings by-laws should be time limited and reviewed based on the state of the pandemic, evolving scientific evidence, the easing of other public health restrictions as the Province re-opens and the impact on the operations of businesses and facilities. Such by-laws should also be limited in scope to ensure that they are no more intrusive than necessary based on available alternatives and the rights of individuals under the Charter of Rights and Freedoms and consideration of other applicable legislation such as AODA.

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One factor Council should be aware of in considering this option is the potential that the respective declarations of emergency of the Province, Region and local area municipalities may be terminated at different times. Restrictions imposed on the public and business based on the emergency should be in alignment with the changing state of emergency. However a Regional by-law would not afford flexibility to vary requirements in different municipalities, whereas a local by-law could be repealed at any time if the emergency in that jurisdiction is terminated.

The draft by-law included as Appendix 3 places the onus on persons who are in certain enclosed public places within buildings to comply with the requirement to wear a face covering and on owners and operators of enclosed public places to post signage at all entrances regarding the use of face coverings. This approach strives to provide a balanced responsibility for ensuring that face coverings are worn while in enclosed places.

The draft by-law targets enclosed places based on evidence that the risk of spreading COVID-19 is higher indoors than in outdoor spaces. The draft by-law targets those places within buildings where the public is more likely to be in close proximity such as when shopping, entering/exiting a high traffic area, waiting for service, etc. These public places would not include “employee only” areas such as offices, storage areas, etc. that are not open to the general public because there is more control of the area by the owner/employer and an ability for the owner/operator to implement health and safety measures as necessary related to their employees in accordance with the Occupational Health and Safety Act.

Face coverings are defined in the draft by-law to include masks, bandanas, scarves or similar items which are fitted to completely cover the mouth, nose and chin of a wearer without gaping. The draft by-law outlines exemptions recognizing that wearing a face covering may not be possible/is not recommended for all people including, children under 5, anyone who has trouble breathing or is unable to wear a face covering for medical reasons. Individuals that are unable to wear a face covering will not be required to provide proof of any exemptions.

Public education and buy-in will be an important part of compliance with this by-law and if approved, Regional staff will work to educate residents about the by-law by undertaking a communications campaign.

Should Council wish to proceed with the passing of a temporary by-law, enforcement would be undertaken pursuant to the Provincial Offences Act. Considering that this is a Regional By-law, the draft by-law provides for enforcement by Niagara Regional Police and municipal law enforcement officers or by-law officers appointed by a lower tier municipality or by The Regional Municipality of Niagara.

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Overall approach and enforcement strategies would need to be considered to ensure consistency across all the local area municipalities. Enforcement would be by way of summons until such time a set fine order can be obtained to allow for the issuance of tickets. Council should be aware that Ontario Court of Justice issued a notice July 2 that no in-person Provincial Offences Act proceedings will be conducted until September 14, 2020. The lack of practical enforcement options may undermine any relative advantages of making this measure legally mandatory and could result in conflict or questions concerning equity and infringement on certain rights.

Given the draft by-law is regulatory in nature with potential enforcement consequences (i.e. fines) and impacts to business operations, an opportunity for the local area municipalities, businesses and the public to provide input should be contemplated prior to passage of the by-law. Staff could upon direction by Council provide public notice and/or employ other means to seek public input and engage with stakeholders for purposes of receiving input for Council's consideration.

If Regional Council desires to enact a temporary Regional by-law mandating face coverings, a suggested motion would be:

That Regional Council **APPROVE** the temporary by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic attached as Appendix 3 to Report CAO 15-2020.

### **Option 3**

#### **Launch a comprehensive education campaign that continues to recommend face coverings when physical distancing is not possible**

This option is responsive to the potential concern that there may be uncertainty among members of the public regarding the issue of face coverings including:

- When and why to wear a face covering
- What type of face covering
- The correct use of face coverings to prevent risk of contamination
- Proper disposal of face coverings

The education campaign could comprise advertising, online resources, signage, social media and community outreach and would serve to reinforce the advice of public health officials, including regarding the importance of maintaining physical distancing of two metres wherever possible, hand washing and staying home and getting tested if symptomatic. This would build on the recommendations approved by Council on June 25, 2020, in CAO 14-2020.

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This option would preserve the autonomy of local area municipalities to make their own determination regarding the benefits of passing by-laws and continues to allow businesses to develop their own policies reflective of their individual operations and customer interactions.

If Regional Council wishes to proceed with an education campaign that continues to recommend face coverings when physical distancing is not possible suggested motion would be:

That staff **BE DIRECTED** to proceed with a comprehensive education campaign that continues to recommend face coverings when physical distancing is not possible.

***Face Covering Considerations Applicable to all Options***

The approach to masks needs to be part of a broader strategy to reduce the spread of COVID-19. It is critical to emphasize that wearing a mask alone will not prevent the spread of COVID-19. Any guidance on mask wearing should be balanced against ensuring that members of the public do not overestimate their effectiveness or develop a false sense of security in their use, which may potentially lead to lower adherence to other more critical preventative measures such as physical distancing and hand hygiene.

Any requirement for face coverings should be accompanied by education on proper use given that improper use of face coverings can increase the risk of transmission of COVID-19. There is also a need to recognize that wearing a face covering may not be possible for some people.

Many businesses and other services that have continued to operate in some manner during the pandemic have made the wearing of masks mandatory. With regard to businesses that are already open or are preparing to reopen, the Province has already set conditions under Ontario Regulation 82/20 and Ontario Regulation 263/20 (under EMCPA) , including ensuring compliance with the Occupational Health and Safety Act and compliance with the guidance for public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting. In other cases, certain regulatory bodies have imposed this requirement as a condition of being able to re-start their services. These measures have been directed at both persons responsible for places of business, and at members of the public.

If masks are made mandatory, employees and/or the general public will either have to use their own masks, or have them supplied by their employer or the business owner in question. The costs associated with such measures must be considered to ensure that members of the public continue to have access to good and services they require. Consideration should also be given to those that may not have access to face coverings

and not be able to comply with the by-law requirements to ensure that the requirement to wear a mask does not become financial barrier.

The World Health Organization recently released an interim guide on mask usage ([https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)), which includes some considerations on the benefits and drawbacks of the use of masks or face coverings:

*Potential benefits/advantages*

- Reduced potential exposure risk from infected persons before they develop symptoms;
- Reduced potential stigmatization of individuals wearing masks to prevent infecting others (source control) or of people caring for COVID-19 patients in non-clinical settings; however, there is the potential for the reverse to occur if masks are mandated (see below)
- Making people feel they can play a role in contributing to stopping spread of the virus;
- A visual cue to remind people to be compliant with other measures (e.g., hand hygiene, not touching nose and mouth). However, this can also have the reverse effect (see below); and,
- Potential social and economic benefits. Amidst the global shortage of surgical masks and PPE, encouraging the public to create their own fabric masks may promote individual enterprise and community integration. Moreover, the production of non-medical masks may offer a source of income for those able to manufacture masks within their communities. Fabric masks can also be a form of cultural expression, encouraging public acceptance of protection measures in general. The safe re-use of fabric masks will also reduce costs and waste and contribute to sustainability.

*Potential harms/disadvantages*

- Potential increased risk of self-contamination due to the manipulation of a face mask and subsequently touching eyes with contaminated hands;
- Potential self-contamination that can occur if non-medical masks are not changed when wet or soiled. This can create favourable conditions for microorganism to amplify;
- Potential headache and/or breathing difficulties, depending on type of mask used;
- Potential development of facial skin lesions, irritant dermatitis or worsening acne, when used frequently for long hours;
- Difficulty with communicating clearly;
- Potential discomfort;
- A false sense of security, leading to potentially lower adherence to other critical preventive measures such as physical distancing and hand hygiene;
- Poor compliance with mask wearing, in particular by young children;
- Waste management issues; improper mask disposal leading to increased litter in public places, risk of contamination to street cleaners and environment hazard;
- Difficulty communicating for deaf persons who rely on lip reading;



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- Disadvantages for or difficulty wearing them, especially for children, developmentally challenged persons, those with mental illness, elderly persons with cognitive impairment, those with asthma or chronic respiratory or breathing problems, those who have had facial trauma or recent oral maxillofacial surgery, and those living in hot and humid environments.

As well, there is a risk of stigmatization of those persons with medical conditions who are unable to wear masks either being perceived as unsafe by others, or perceived as being irresponsible or inconsiderate to others.

Currently, public health officials at all government levels support the use of non-medical masks or face coverings for persons in public places where it is difficult to maintain two metres of physical separation from others. Many businesses and other services that have continued to operate in some manner during the pandemic have made the wearing of masks mandatory. In other cases, Provincial orders and certain regulatory bodies have imposed this requirement as a condition of being able to re-start their services.

It should be emphasized that wearing a face covering remains a second-line preventative measure, when the preferred measure of physical distancing is not possible. Practicing physical distancing and frequent hand washing are still the most effective methods to limit the spread of the virus, and both are supported by stronger scientific evidence than wearing face coverings. Paradoxically, a bylaw on mandatory face coverings would mandate the less scientifically-supported second line prevention measures, while leaving the more effective first line measures voluntary. Some regions that have mandated face coverings have addressed this by simultaneously requiring operators of public spaces to provide hand sanitation stations at the entrance to any public space.

Contributing factors to the effectiveness of the use of cloth masks included proper training on mask use, proper fit, hand hygiene and duration of wear. The mask wearer should be properly educated on how to use a mask and adhere to all other mask etiquette.

## **Alternatives Reviewed**

Staff reviewed the approaches taken by other jurisdictions to date (Appendix 5).

Council could decide to not take any action with respect to mandating face coverings acknowledging that public health officials at all government levels have provided advice that the most important measures are to keep a two metre distance from others, wash hands often and to stay home when sick. The use of masks in enclosed public settings where physical distancing is not possible is in addition to the above measures.

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Council could also defer to the Medical Officer of Health to continue to exercise judgement on when and if to issue emergency instructions or a public health order making non-medical masks or face coverings mandatory for all community members, with exceptions. These approaches would still suffer the enforcement issues associated with a by-law, with even more challenging enforcement if the route of a public health order was selected. As well, these avenues are legally untested methods to set a requirement on all of society. At present, the Acting Medical Officer of Health does not favour such emergency instructions or an order, but is continually reviewing the situation and would adapt if conditions and evolution of scientific knowledge warrants.

### **Relationship to Council Strategic Priorities**

Ensuring diligence around measures to limit the spread of COVID-19 will prevent illness and potentially death in Niagara. As well it will maximize the opportunity to reopen business safely. This directly supports two of Council's Strategic Priorities: Supporting Businesses and Economic Growth and Healthy and Vibrant Community.

### **Other Pertinent Reports**

See Appendices.

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#### **Submitted by:**

Todd Harrison, CPA, CMA  
Acting Chief Administrative Officer

*This report was prepared in consultation with Dr. M. Mustafa. Hirji, Acting Medical Officer of Health, Ann-Marie Norio, Regional Clerk, Donna Gibbs, Director, Legal and Court Services, and Daryl Barnhart, Executive Officer to the Regional Chair.*

### **Appendices**

Appendix 1 Report CAO 14-2020 A Unified Message for All-of-Niagara Vigilance Against COVID-19

Appendix 2 Memorandum PHD-C 4-2020 Further Details on Order to Wear Masks in Wellington-Dufferin-Guelph

Appendix 3 Draft By-law

Appendix 4 Fact Sheet from Government of Ontario website "Face Coverings and Face Masks"

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Appendix 5   Actions by Other Jurisdictions respecting Face Coverings

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**Subject:** A Unified Message for All-of-Niagara Vigilance Against COVID-19  
**Report to:** Board of Health (Regional Council)  
**Report date:** Thursday, June 25, 2020

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## Recommendations

1. That Regional Council, as the Board of Health, **THANKS** the people of Niagara for their sacrifice and diligence in practicing personal conduct that has “flattened the curve” of COVID-19 and enabled Niagara to move into Stage 2 of the province’s *A Framework for Reopening Our Province*;
2. That Regional Council, as the Board of Health, **RESOLVES** that as restrictions on the economy and social interaction are lifted in Niagara, it is more important than ever that everyone practices behaviours that limit the spread of infection, namely:
  - 2.1. Keeping a physical distancing of 2 metres from others
  - 2.2. Washing or sanitizing hands frequently
  - 2.3. Wearing a face covering where it is not possible to maintain a 2 metre distance
  - 2.4. Being attentive to one’s health, and isolating oneself while seeking testing if one develops any symptoms of infection, however mild;
3. That Regional Council, as the Board of Health, **REQUESTS** all leaders and influencers in Niagara to speak in a unified voice about the importance of practicing the above behaviours;
4. That Regional Council, as the Board of Health, **ENCOURAGES** all residents and visitors to Niagara to practice the above behaviours; and
5. That Regional Council, as the Board of Health, **ENCOURAGES** all businesses and services in Niagara to implement all reasonable measures that enable their clients, employees, and visitors to practice the above behaviours.

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## Key Facts

- As Niagara has entered Stage 2 of the province's *Framework to Reopen Ontario*, there will be more interaction with people who partake of business and services that can reopen, and therefore greater risk that COVID-19 will again circulate more widely.
- Other countries such as South Korea, China, and several U.S. states have seen resurgences in COVID-19 as they reopened, particularly as their populations simultaneously reduced their vigilance to personal behaviours that can limit the spread of COVID-19.
- At Public Health & Social Services Committee on June 16, several members highlighted their concern with a resurgence of infection in Niagara, and the importance of people practicing behaviours such as wearing face coverings that limit the spread of COVID-19.
- Aligned and consistent messaging by all parties is needed to “break through” the plethora of information that surrounds us, and ensure everyone understands the importance of ongoing diligence in the face of COVID-19 to prevent future surges of illness.

## Financial Considerations

There are no financial implications to this report.

## Analysis

Niagara has achieved great success in reducing the spread of COVID-19. During the peak period of the outbreak, Niagara saw 150 cases over the course of a week (April 11–17). In the most recent week (June 13–19), Niagara had only 13 new cases.

This success is attributable to multiple factors:

1. Restrictions on the US border and measures to reduce travel that have stopped the importation of infections into Niagara from abroad

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2. Restrictions on business and social life, reducing interactions amongst persons and therefore reducing the ability of infection to spread
  3. Intensive follow-up of cases and contact tracing by Public Health to break chains of transmission
  4. Efforts by essential businesses to limit the spread of infection by measures such as controlling the number of clients in their premises, frequent disinfection, one-way flows of traffic to discourage interaction, barriers between workers and clients at check-outs, increased on-line and curbside shopping.
  5. Efforts by the people of Niagara to practice behaviours that have limited the spread of infection such as staying home as much as possible, keeping 2 metre distance from persons outside of the household, washing and sanitizing hands frequently, wearing face coverings when a 2-metre distance can't be kept, and staying isolated and getting tested when feeling ill.

These measures have also incurred significant cost and sacrifice in terms of personal freedom and mental wellness, lost income, pressures on child care, risk of illness incurred by essential workers continuing to serve the people of Niagara, and economic survival of businesses amongst many others. The social and economic costs of these has been significant.

As Niagara entered Stage 2 of the Province's [A Framework for Reopening our Province](https://www.ontario.ca/page/framework-reopening-our-province-stage-2) (https://www.ontario.ca/page/framework-reopening-our-province-stage-2) on June 19, 2020, one of the five success factors listed earlier is being scaled back: restrictions on business and social life. This will lessen the most painful of the social and economic costs being experienced, but at the cost of lessening the measures in place to slow the spread of COVID-19. In order to maintain low case counts of COVID-19 in Niagara, efforts towards the remaining four success factors need to continue if not be redoubled.

At greatest risk of not continuing are the voluntary measures taken by businesses and the people of Niagara. There is understandably going to be fatigue to maintaining these measures, and continuing these practices with the same intensity will be difficult.

The experience of other countries such as China, South Korea, and the United States shows that as vigilance to such measures drops with reopening of businesses and services, COVID-19 is resurgent:

...a resurgence of infections in the Seoul region where half of South Korea's 51 million people live is threatening the country's success story and prompting health authorities to warn that action must be taken now to stop a second wave.

...since the easing of distancing, there has been a clear erosion in citizen vigilance, which, along with the highly effective contact tracing, has been credited for allowing the country to weather the epidemic without lockdowns.

While the Health Ministry and KCDC have repeatedly urged residents in the capital area to refrain from unnecessary gatherings and other public activity, data provided by cellphone carriers, credit-card companies and mass-transport operators over the past weekend indicated that people were just as active as before.<sup>1</sup>

It is imperative that Niagara not mirror this experience and once again experience the same costs to citizens and business of restrictions on the economy and social life.

In terms of personal conduct that can limit the spread of COVID-19, the Public Health Agency of Canada advises that <sup>2</sup>

The best thing you can do to prevent spreading COVID-19 is to wash your hands frequently with warm water and soap for at least 20 seconds. If none is available, use hand sanitizer containing at least 60% alcohol.

The Agency further highlights physical distancing, particularly staying home if one is ill, as measures that are important to stop the spread of infection. Where physical distancing is not possible, wearing a face covering is a secondary measure to mitigate the risk of not keeping physical distance:

- maintain a 2-metre physical distance from others

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<sup>1</sup> "Resurgence of coronavirus infections in Seoul prompts warning from South Korean health authorities". *Globe & Mail*. June 11, 2020. <https://www.theglobeandmail.com/world/article-resurgence-of-coronavirus-infections-in-seoul-prompts-warning-from/> (Accessed June 12, 2020)

<sup>2</sup> "Non-medical masks and face coverings: About". Public Health Agency of Canada. June 9, 2020. <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/about-non-medical-masks-face-coverings.html> (Accessed June 19, 2020)

- when physical distancing cannot be maintained, consider wearing a non-medical mask or homemade face covering

It should be emphasized that wearing a face covering remains a second-line preventive measures, when the preferred measures of physical distancing is not possible. Physical distancing has stronger and consistent evidence to support it. The evidence for face coverings is much weaker and conflicting, even though over the course of the pandemic, the research has begun to lean more favourably to the benefits of wearing face coverings.

A recent systematic review and meta-analysis published in *The Lancet* on June 1, 2020 examined the scientific evidence for these two measures. This kind of research study is considered one of the highest forms of scientific evidence as it combines the findings of the best research available to determine the overall impact. This study concluded with “moderate certainty” that physical distancing reduces the spread of COVID-19. It also concluded that face masks “could result” in reducing risk of infection, but only with “low certainty”.<sup>3</sup>

Ontario’s scientific agency for public health, Public Health Ontario, published a summary and synthesis of research on face coverings on June 4, 2020. This summary highlights the many studies showing face coverings as ineffective or harmful, as well as more recent studies no showing some benefit to face coverings. Overall, it concludes<sup>4</sup>

- The majority of studies have not demonstrated benefit in cluster randomized controlled trials evaluating the effect of members of the general public wearing masks in non-healthcare settings to prevent the acquisition of viral respiratory infections.

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<sup>3</sup> DK Chu, EA Aki, S Duda, K Solo, S Yaacoub, HJ Schünemann. “Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis”. *The Lancet*. June 1, 2020. DOI:[https://doi.org/10.1016/S0140-6736\(20\)31142-9](https://doi.org/10.1016/S0140-6736(20)31142-9)

<sup>4</sup> Ontario Agency for Health Protection and Promotion (Public Health Ontario). 2019-nCoV – What We Know So Far About...Wearing Masks in Public. Toronto, ON: Queen’s Printer for Ontario; 2020.



- If masks are not used appropriately, and not combined with meticulous hand hygiene, there is a theoretical risk of increased infection risk through self-contamination.
- Recommending indiscriminate public wearing of medical masks may result in additional critical shortages of masks needed to protect front-line healthcare workers, and any potential benefits of mask wearing are likely less impactful than physical distancing and hand hygiene.

Balancing this potential benefit with uncertain scientific evidence, the Public Health Agency of Canada recommend face coverings be used, but in a limited fashion: as a mitigation measures when physical distancing is not possible, but not universally.

In addition to these personal behaviours that can limit the spread of COVID-19, one other element of personal contact can support another success factor: getting tested for COVID-19 which enables case management and contact tracing efforts by local public health. Continuing the message the importance of anyone with mild symptoms getting tested will ensure cases of COVID-19 are not missed, and stopping chains of transmission can be maximised.

Through the diligence of citizens and businesses practicing an enabling these behaviours (physical distancing, hand washing/sanitizing, wearing face coverings where distancing is not possible, isolating and getting tested when one has symptoms of illness), Niagara will stand the best chance of successfully reopening the economy and resuming social life, with only limited impact on COVID-19 spread. An All-of-Niagara effort by opinion leaders and influencers to promote these behaviours is recommended to realize this potential.

### **Alternatives Reviewed**

Not speaking in a unified voice across Niagara will lessen the ability of the message to reach and influence residents, employers, and visitors.

### **Relationship to Council Strategic Priorities**

Ensuring diligence around voluntary measures to limit the spread of COVID-19 will prevent illness and potentially death in Niagara. As well, it will maximize the opportunity to reopen businesses safely. This directly supports two of Council's Strategic Priorities:

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- Supporting Businesses and Economic Growth
  - Healthy and Vibrant Community

### **Other Pertinent Reports**

None

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#### **Prepared & Recommended by:**

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#### **Submitted by:**

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**MEMORANDUM**

**PHD-C 4-2020**

**Subject:** Further Details on Order to Wear Masks in Wellington-Dufferin-Guelph  
**Date:** July 14, 2020  
**To:** Public Health & Social Services Committee  
**From:** M. Mustafa Hirji, Medical Officer of Health & Commissioner (Acting)

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At the June 16, 2020 meeting of Public Health & Social Services Committee, Committee requested Public Health to provide more information on the requirement to wear face coverings in Guelph.

What occurred in Wellington-Dufferin-Guelph was a joint effort by their local public health agency and their municipalities. The medical officer of health issued a public health order on all businesses within the region, and in concert, every municipality issued an emergency order as well.

The substance of these orders was that all owners/operators of commercial establishments prohibit persons from entering or remaining in their premises unless they are wearing a face covering. Face coverings must be worn at all times in these establishments, except as reasonably required to receive the services provided by the establishment (i.e. a mask can be removed while receiving outdoor dine-in services). Exceptions are made for persons for whom face coverings are not recommended. The orders also mandate that alcohol-based hand rub be made available for persons entering or exiting these establishments.

In terms of enforcement of the public health order, consistent with section 23 of the *Provincial Offenses Act*, as well as sections 100–102 of the *Health Protection and Promotion Act*, enforcement of the order on any business that was not compliant would require a two stage court proceeding through the Provincial Offenses Court or a court proceeding through the Ontario Superior Court of Justice. As of June 28, 2020, Wellington-Dufferin-Guelph Public Health has not pursued any court proceedings to enforce the order.

As of July 2, 2020, the following are various jurisdictions in Ontario and requirements that they have made around wearing face coverings:

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
<b>WELLINGTON-DUFFERIN-GUELPH</b>	Public Health Order & Municipal Emergency Orders	Owners/operators of commercial establishments	<ul style="list-style-type: none"> <li>Disallow entry to anyone not wearing a face covering</li> <li>Hand sanitizer available at entrances</li> </ul>
<b>WINDSOR &amp; ESSEX COUNTY</b>	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> <li>Have a policy to prohibit entry of anyone not wearing a face covering</li> <li>Hand sanitizer available at entrances</li> </ul>
<b>KINGSTON FRONTENAC LENNOX &amp; ADDINGTON</b>	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> <li>Have a policy to prohibit entry of anyone not wearing a face covering</li> <li>Hand sanitizer available at entrances</li> </ul>
<b>CITY OF TORONTO</b>	Bylaw	Owners/operators of indoor spaces accessible to the public	<ul style="list-style-type: none"> <li>Have a policy to require staff, customers, and visitors wear a face covering</li> </ul>
<b>MIDDLESEX-LONDON</b>	Public Health Order	Transit Operators  Hair/nail salons	<ul style="list-style-type: none"> <li>Implement local guidance for reducing risk in public spaces</li> <li>Ensure staff, customers, volunteers, and contractors wear face coverings</li> </ul>

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
PEEL REGION	Bylaw (proposed)	Any business where workers and customers are face-to-face for more than 15 minutes	
		Owners/operators of indoor spaces accessible to the public	<ul style="list-style-type: none"><li>• Have a policy to require staff, customers, and visitors wear a face covering</li></ul>
WATERLOO REGION	Bylaw (proposed)	All members of the public	<ul style="list-style-type: none"><li>• Public must wear face coverings in public spaces</li></ul>

Respectfully submitted and signed by

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M. Mustafa Hirji, MD MPH FRCPC  
Medical Officer of Health & Commissioner Acting

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO REQUIRE MANDATORY FACE  
COVERINGS IN ENCLOSED PUBLIC PLACES  
DURING THE COVID-19 PANDEMIC

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WHEREAS on March 17, 2020, an emergency was declared by the Government of Ontario ("Province") pursuant to Order in Council 518/2020 under section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("EMCPA") in response to the outbreak of COVID-19;

WHEREAS on April 3, 2020 The Regional Municipality of Niagara and Niagara's 12 local area municipalities jointly declared a State of Emergency under s 7.0.1 (1) of the *Emergency Management and Civil Protection Act*;

WHEREAS public health authorities at the Federal and Provincial level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

WHEREAS subsection 89(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

WHEREAS The Regional Municipality of Niagara has the authority to enact by-laws for the health, safety and well-being of persons pursuant to section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended; and

WHEREAS the Council of The Regional Municipality of Niagara wishes to enact a temporary by-law to protect the health, safety, and well-being of residents and visitors to Niagara Region as the Province reopens to require individuals to wear a face covering while in certain enclosed public spaces to assist in reducing the spread of COVID-19 in the Region.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. (1) Every person within an enclosed public place shall wear a face covering.
- (2) Every person that is the parent or guardian accompanying a child that is five (5) years old or older in an enclosed public place shall ensure that the child wears a face covering.
- (3) A “person” in subsections (1) and (2) of this section shall include any occupant within an enclosed public place and shall include, but not be limited to, any owner, operator, employee and worker in the enclosed public place and any customer, patron or other visitor in the enclosed public place but shall not include any of the following persons:
  - (a) a child who is under the age of five (5) years old;
  - (b) a person who is unable to wear a face covering as a result of a medical condition or a disability pursuant to the Human Rights Code, R.S.O. 1990, c. H.19, who is unable to put on or remove a face covering without assistance or for whom a face covering would inhibit the person’s ability to breathe;
  - (c) a person while consuming food or drink provided by a business that is permitted to operate under the Provincial Emergency Orders and provided that all other conditions of the Emergency Orders are met;
  - (d) a person engaged in a sport or other strenuous physical activity;
  - (e) a person while assisting or accommodating another person with a hearing disability; and
  - (f) employees and agents for the owner or operator of the enclosed public space within an area not for public access, or within or behind a physical barrier.
- (4) No person shall be required to provide proof of any of the exemptions set out in subsections (3) (a), (b) and (e) of this section.

- (5) For the purposes of this By-law, an enclosed public place shall mean all or any portion of a building that is located indoors and where the public is ordinarily invited or permitted access to whether or not a fee is charged or a membership is required for entry.
- (6) For greater clarity, an enclosed public place shall include the following:
- (a) retail stores where goods and services are sold to customers;
  - (b) businesses that primarily sell food including restaurants, supermarkets, grocery stores, bakeries and convenience stores;
  - (c) churches, mosques, temples, synagogues and other places of worship, except during a religious rite or ceremony that is incompatible with the face being covered;
  - (d) shopping malls or similar structures which contain multiple places of business;
  - (e) lobby areas of commercial buildings;
  - (f) common areas of hotels and motels and other short term accommodations, such as lobbies, elevators, meeting rooms or other common use facilities but does not include the common areas of residential apartment buildings or condominiums;
  - (g) laundromats;
  - (h) concert venues, theatres and cinemas;
  - (i) fitness centres, gyms, other recreational and sports facilities and clubhouses;
  - (j) arcades and other amusement facilities;
  - (k) premises utilized as an open house, presentation centre, or other facility for real-estate purposes;
  - (l) museums, galleries, historic sites and similar attractions;
  - (m) businesses providing personal care services;



- (n) banquet halls, convention centres, arenas, stadiums and other event spaces; and
  - (o) municipal buildings.
- (7) For greater clarity, a waiting area, lobby, service counter, washroom, hallway, stairwell and elevator are included as part of an enclosed public place prescribed in subsection (6) of this section if they are open to the general public.
- (8) For greater clarity, the following places shall not be included as an enclosed public place for the purposes of this section:
- (a) day cares, schools, post secondary institutions and other facilities used solely for educational purposes;
  - (b) hospitals, independent health facilities and offices of regulated health professionals; and
  - (c) buildings and services owned or operated by the Province of Ontario or the Federal Government of Canada;
  - (d) an indoor area of a building that is accessible only to employees; and
  - (e) portions of buildings that are being used for the purpose of providing day camps for children or for the training of amateur or professional athletes
- (9) For the purposes of this by-law, a face covering shall mean a mask or other face covering, including a bandana or scarf constructed of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gaping.

- (10) Every person who is the owner or operator of an enclosed public place shall post clearly visible signage conspicuously at all entrances to the enclosed public place containing the following text in a minimum font size of 24 point:

Protect each other  
Wear a face covering  
Cover your nose, mouth, and chin  
Required by the Face Covering By-law  
Does not apply to children under the age of five and those who are  
unable to wear a face covering as a result of a medical condition or a  
disability.

- (11) A “person” in subsection (10) of this section shall include, but not be limited to, a corporation.
2. This By-law may be enforced by:
- (1) A provincial offences officer of a lower tier municipality or The Regional Municipality of Niagara or other person appointed under the authority of a municipal by-law to enforce municipal by-laws;
  - (2) A public health inspector acting under the direction of the Medical Officer of Health;
  - (3) A police officer of the Niagara Regional Police Service;
  - (4) Such other person as designated from time to time by The Regional Municipality of Niagara.
3. (1) Every person who contravenes any provision of this By-law is guilty of an offence.
- (2) Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding one thousand dollars (\$1,000), exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.
4. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.

5. This By-law shall not be interpreted so as to conflict with a Provincial or Federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended.
6. This By-law may be cited as the “Face Covering By-law”.
7. This By-law shall come into force and effect on July 20, 2020.
8. This By-law shall be deemed repealed and no longer in force and effect at 12:01 a.m. on October 1, 2020 unless otherwise extended or repealed by resolution of Council.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: <date>

COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



## Face coverings and face masks

Learn about face coverings and how to properly wear, fit, remove and clean your non-medical face mask.

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### About face coverings and COVID-19 (coronavirus)

The best way to stop the spread of COVID-19 (coronavirus) is by staying home and avoiding close contact with others outside of your household.

It is recommended that you use a face covering (non-medical mask such as a cloth mask) to reduce the risk of transmission of COVID-19 when physical distancing and keeping two-metres' distance from others may be challenging or not possible, such as:

- public transit
- smaller grocery stores or pharmacies
- when you are receiving essential services

**Face coverings will not protect you from getting COVID-19.**

Medical masks (surgical, medical procedure face masks and respirators like N95 masks) should be reserved for use by health care workers and first responders.

[Get a poster about face coverings \(https://files.ontario.ca/moh-coronavirus-face-coverings-en-2020-05-20.pdf\)](https://files.ontario.ca/moh-coronavirus-face-coverings-en-2020-05-20.pdf).

### Fit

Non-medical masks or face coverings should:

- fit securely to the head with ties or ear loops
- maintain their shape after washing and drying
- be made of at least two layers of tightly woven material (such as cotton or linen)
- be large enough to completely and comfortably cover the nose and mouth without gaping

**Face coverings will not protect you from getting COVID-19.** The best way to protect yourself is to:

- minimize errands to a single trip where possible
- avoid close contact with others and keep at least two metres from others outside your household
- wash your hands regularly (or using alcohol-based hand sanitizer if soap and water are not available)
- practice proper cough and sneeze etiquette (for example, sneeze and cough into your sleeve and avoid touching your eyes, nose or mouth)

### Who should not use face coverings

## Memorandum CAO 16-2020

Face coverings should not be placed on or used by:

- children under the age of two
- anyone who has trouble breathing
- anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance

## How to properly use face coverings

When wearing a face covering, you should:

- wash your hands immediately before putting it on and immediately after taking it off (practise good hand hygiene while you are wearing the face covering)
- make sure the face covering fits well around your nose and mouth
- avoid moving the mask around or adjusting it often
- avoid touching the covering while using it
- not share it with others

Face coverings should be changed when they get slightly wet or dirty.

## Remove or dispose of face coverings

When removing a face covering, you should:

- throw it out into a lined garbage bin
- wash your hands

Do not leave any discarded face coverings in shopping carts or on the ground.

## Cleaning

If the face covering **can be cleaned**, you should:

- put it directly into the washing machine or a bag that can be emptied into the washing machine
- wash with other items using a hot cycle with laundry detergent (no special soaps are needed), and dry thoroughly
- wash your hands after putting the face covering into the laundry

All face coverings **that cannot be cleaned** should be thrown out and replaced as soon as they get slightly wet, dirty or crumpled.

For more information, please read the [Public Health Ontario \(PHO\) fact sheet](https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/factsheet-covid-19-how-to-wear-mask.pdf?la=en) (<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/factsheet-covid-19-how-to-wear-mask.pdf?la=en>).

## Summary dos and don'ts

Do:

- wash your hands immediately before putting on and immediately after taking off a face covering or face mask
- practise good hand hygiene while you are wearing the face covering
- make sure the face covering fits well around your nose and mouth

## Memorandum CAO 16-2020

- avoid moving the mask around or adjusting it often
- avoid touching the covering while using it
- change the face covering or face mask when it gets slightly wet or dirty

Do not:

- share face coverings or face masks with others
- place on children under the age of two years or on anyone unable to remove without assistance or who has trouble breathing
- use plastic or other non-breathable materials as a face covering or face mask

## Guidance for health care workers

Personal protective equipment (<https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-devices/covid19-personal-protective-equipment.html>) (PPE) is a garment or device worn by health care workers to protect themselves from infection when they:

- are in close contact with people who are infected
- can't maintain a safe physical distance
- do not have access to a physical barrier

PPE includes:

- surgical masks, also called procedural or medical masks, which prevent droplets and splashes from passing through the mask material
- respirators, such as the N95 respirator, which have a filter and seal around the nose and mouth to help prevent exposure to airborne particles
- gowns
- gloves
- eye protection, such as goggles or face shields

The type of PPE you need depends on the type of health care work you do. Health care workers who provide direct care to patients with suspected or confirmed COVID-19 need to:

- follow droplet and contact precautions
- use a surgical mask, isolation gown, gloves and eye protection

Learn more about Public Health Ontario's PPE recommendations in health care facilities (<https://www.publichealthontario.ca/-/media/documents/ncov/updated-ipac-measures-covid-19.pdf?la=en>).

If you are a business or health care organization and you need PPE, you can find a company or business association that supplies personal protective equipment (<https://covid-19.ontario.ca/how-your-organization-can-help-fight-coronavirus>).

Updated: June 23, 2020

Published: May 20, 2020

## Related

What you should do to help prevent the spread (<https://www.ontario.ca/page/covid-19-stop-spread#section-1>)

Memorandum CAO 16-2020

Sector-specific health and safety guidance to prevent COVID-19 in the workplace  
(<https://www.ontario.ca/page/resources-prevent-covid-19-workplace>)