

October 14, 2020

**MEMORANDUM TO:** West Region Service Providers

**FROM:** Linda Chihab  
Director, West Region

**SUBJECT:** **New Mandatory Mask Wearing Regulatory Provision  
under O. Reg. 364/20 of the *Reopening Ontario Act, 2020***

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We are writing to inform you that, on Friday October 2, 2020, O. Reg. 364/20, RULES FOR AREAS IN STAGE 3 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* was amended to include provisions requiring masks or face coverings in indoor spaces for some businesses or organizations in Ontario. A copy of the Regulation is attached for your reference.

Requirement and Exceptions:

The amended provision states that any person in the indoor area of the premises of a business or organization, or in a vehicle that is operating as part of a business or organization, must wear a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area, subject to certain exceptions, some of which may be relevant to Ministry of Children Community and Social Services (MCCSS) funded, licensed and/or directly-operated programs and services. The requirement to wear a mask or face covering applies unless the person in the indoor area:

- Is a child who is younger than two years of age;
- Is receiving residential services and supports in a residence listed in the definition of "residential services and supports" in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- Is a resident in a custody or detention program for young persons in conflict with the law;

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- Has a medical condition that inhibits their ability to wear a mask or covering;
- Is unable to remove their mask or face covering without the assistance of another person;
- Needs to temporarily remove their mask or face covering while in the indoor area to receive services that require removal, to engage in athletic or fitness activity, to consume food or drink, or as may be necessary for the purposes of health and safety; and
- Is being accommodated in accordance with the *Accessibility for Ontario with Disabilities Act, 2005* and/or is being reasonably accommodated in accordance with the *Human Rights Code*.
- performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.

Given the unique circumstances in youth justice facilities and residential settings in the adult developmental services sectors, including stringent adherence to infection prevention and control measures along with specific safety measures in place, the government determined that mandatory masking of residents is not required in these specific locations. The measures in these settings go beyond what is in place for the general public and mandatory masking of residents is therefore not required. As announced in the Action Plan for Vulnerable People, and in force since the end of April, ministry direction remains that all staff and visitors in these settings must wear face coverings for source control at all times.

It is not necessary for a person to present evidence to the person responsible for the business or organization that they are entitled to any exception.

### Dwellings:

If the business or organization is used as a **dwelling**, persons in the premises are only required to wear a mask or face covering in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

Examples of dwellings that are operated, funded or licensed by MCCSS and not entitled to an exemption include children's residences licensed under the CYFSA, VAW shelters, congregate care settings through Indigenous Healing and Wellness Strategy.

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Our primary concern is the health and safety of persons receiving services funded, delivered or licensed by MCCSS. We are continually reviewing our policies and procedures and COVID-19 measures to assess whether changes are required to better support this goal.

In addition, we also would encourage you, your staff, your clients and visitors to download the [COVID-19 alert mobile app](#) to support strong contact tracing and help protect yourself and your community.

If you have any questions or require further clarification, please contact your Program Supervisor.

Linda Chihab  
Regional Director

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