

MANDATORY MASK AND FACE COVERING BY-LAW: A GUIDE FOR BUSINESSES



UPDATED MARCH 9, 2021

OVERVIEW

As businesses and services reopen during the COVID-19 pandemic, there is a pressing need for businesses to implement regulations and safety measures to prevent the spread of the virus, and to protect the health and wellbeing of Burlington residents. In particular, these measures are needed within enclosed spaces, where physical distancing is difficult to maintain.

As a result, the City of Burlington has enacted By-Law 62-2020 requiring the use of face masks or face coverings, with some exceptions, in all indoor public spaces. This by-law is enforceable as of July 20, 2020 and will be in effect until December 31, 2021 unless extended or revoked by City Council. A detailed FAQ on the bylaw can be found at www.burlington.ca/masks.

On July 15, 2020, Halton Region passed By-law 47-20. This regional by-law is in effect until November 30, 2020, unless revoked or extended by Regional Council. If you have any questions or concerns regarding By-law 47-20, please call 311. For more information and resources please visit Halton Region's [COVID-19 Mandatory Mask By-Law webpage here](#).

Halton's Medical Officer of Health, Dr. Hamidah Meghani, recommends the use of face coverings when physical distancing could be a challenge and is supportive of municipalities implementing bylaws that aim to increase the use of face coverings

as an additional layer of protection to control COVID-19 in the community. Face shields are not an approved face covering according to the Burlington By-Law 62-2020 and Halton Region By-law 47-20. Public Health notes that face coverings should cover the nose and mouth without gapping so face shields on their own would not be appropriate.

Individuals or organizations that are responsible for operation of businesses or facilities with enclosed (indoor) space open to the public are required to ensure no member of the public is permitted entry or remains on the premises unless wearing a mask or face covering.

We have created a guide to support you in ensuring you and your business are in compliance with this bylaw. All of the information you will need, including printable resources and guidance on developing a policy can be found here.

WHAT YOU NEED TO DO

This by-law requires all owners/operators of establishments open to the public to do the following:

1. **Develop a policy** to ensure members of the public wear a mask or face covering upon entry, and while remaining within all enclosed spaces of your establishment;
2. Upon request, **provide a copy of your policy** for inspection by any person authorized to enforce this bylaw;
3. **Post signage**, visible at all entrances of the Establishment, reminding people to wear a mask or face covering. You may use the poster we have provided;
4. **Train all persons** working at the Establishment on the requirements of the policy and this bylaw; and
5. **Encourage kindness and compassion** in your establishment's approach to fellow community members who may not be wearing a mask.

WHAT IF I DON'T COMPLY?

Every person, business or facility who contravenes any provision of this bylaw is guilty of an offence, and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*. See the City of Burlington By-Law 62-2020 for more information. **Fines associated with this by-law range from \$300 - \$100,000.**

WHERE DOES THE BY-LAW APPLY?

The by-law applies to **indoor spaces** that are **openly accessible to the public**. The establishments required to comply with this by-law include, but are not limited to:

- premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
- churches, mosques, synagogues, temples, or other places of worship;
- City indoor facilities open to the public, community centres including indoor recreational facilities and City Hall;
- libraries, art galleries, performing arts centre, museums, aquariums, zoos and other similar facilities;
- community service agencies providing services to the public
- banquet halls, convention centres, arenas, stadiums, and other event spaces.
- premises utilized as an open house, presentation centre, or other facility for real estate purposes.
- private transportation for hire, including taxis, limousines and rideshare services.
- public transportation.
- common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities.
- concert venues, theatres, cinemas, casinos, and other entertainment facilities.
- Apartments and Condominiums common spaces including business condominiums (effective August 20, 2020).

WHERE DOES THE BY-LAW NOT APPLY?

This by-law does not apply to the following establishments:

- schools, post-secondary institutions, and child care facilities and indoor/outdoor day camps;
- court facilities;

- professional offices where clients receive purchased services (such as lawyer or accountant office) that are not open to members of the public except by appointment;
- indoor areas of a building accessible to only employees;
- hospitals, independent health facilities and offices of regulated health professionals

IS ANYONE EXEMPT FROM WEARING A MASK OR FACE COVERING?

Yes, the following persons are exempt from the requirement to wear a Mask or Face Covering. They are not required to provide proof of such exemption:

- (i) the person is under five years of age chronologically;
- (ii) the person is under five years of age developmentally and they refuse to wear a Mask or Face Covering and cannot be persuaded to do so by their caregiver;
- (iii) the person has an underlying medical condition where wearing a Mask or Face Covering would inhibit the person’s ability to breathe in any way;
- (iv) the person may experience a negative impact to their emotional well-being or mental health;
- (v) the person has a developmental disability which inhibits their ability to wear a mask or face covering;
- (vi) the person has a disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others or otherwise present a hardship for a person or persons assisting the individual;
- (vii) the person is unable to place or remove a Mask or Face Covering without assistance; or
- (viii) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier

IN WHAT AREAS MUST A MASK OR FACE COVERING BE WORN?

Examples of Businesses	Where a face covering is required	Where a face covering is not required
Retail stores	<ul style="list-style-type: none"> • Retail floor/aisles • Cashier area/queues • Service desks/counters without physical barrier • Publicly accessible washrooms 	<ul style="list-style-type: none"> • Staff lounge and employee only areas • Stock / storage room • Workshop / service area • Private office • Shipping / receiving area

		<ul style="list-style-type: none"> • Outdoor patios • Line-ups to enter store • At a counter behind a plexi-glass shield or similar physical barrier.
Restaurants/bars	<ul style="list-style-type: none"> • Indoor takeout counters • Indoor dining area (when permitted to open) • Indoor food preparation areas that is open to the public 	<ul style="list-style-type: none"> • Outdoor drive-thru windows • Outdoor dining area • Kitchen that is physically separated from the dining area and not accessible to the public • Staff lounge and employee only areas • / private office • Shipping / receiving area not open to the public
Malls/plazas	<ul style="list-style-type: none"> • Indoor areas open to the public 	<ul style="list-style-type: none"> • Outdoor areas open to the public • Administrative offices, service areas or other areas not open to the public • Employee only areas

HOW DO I REPORT NON-COMPLIANCE?

To report an incident of non-compliance please contact the Halton Regional Police Service COVID-19 Hotline: 905-825-4722

TO FURTHER SUPPORT YOU, WE HAVE CREATED A CHECKLIST TO ENSURE YOU ARE IN COMPLIANCE:

Checklist of Requirements for Establishment Owners/Operators

- Create a mask policy for your establishment that includes:
 - ✓ When the policy/by-law comes into effect.

- ✓ Who is exempt from the policy and the fact that proof of exemption is not required.
- ✓ How to handle typical scenarios such as:
 - customer arrived without a mask because they forgot or don't have one
 - customer who is exempt from wearing a mask
 - customer wanting more information about the policy and bylaw
 - customer who becomes aggressive about the new requirement
 - customer wanting information about the importance of wearing a mask or the science on the use of masks
 - customer asking about the availability of alcohol-based hand sanitizer (70-90% alcohol concentration)
 - customer who wants to know if they can be fined.

Train your staff on the City bylaw and your policy, including who is exempt **and that proof of exemption is not required.**

Communicate this new policy to staff and customers (verbal and written preferable).

Ensure that all staff, customers and visitors wear a mask indoors, unless exempt or required for the purposes of receiving service or while engaging in physical activity.

Download and print the mandatory mask or face covering poster we have made available to you [here](#) and post it in high visibility areas at all entrances to the premises.

For services that require longer interactions or close contact, consider offering alternative services to customers who are unable to wear a mask. For example, provide online, telephone, curbside pickup or off-peak hour services.

More information about masks and face coverings is available at www.burlington.ca/masks.

Last Updated: March 9, 2021