



What's New in HR Law

Ontario Introduces Provincial Masking Requirements and Additional Restrictions for Businesses Operating in Ottawa, Toronto, and Peel Region

October 7, 2020

On October 2, 2020, the Ontario government issued [O. Reg. 546/20](#), amending [O. Reg. 364/20](#), which sets out rules for areas in Stage 3.

Province-wide Masking Requirements

Under the newly amended regulation, businesses across Ontario are required to ensure that any person in the indoor area of the premises of the business or organization (or in a vehicle that is operating as part of the business or organization) wears a mask or face covering that covers their mouth, nose and chin while they are in the indoor area.

This update is for general discussion purposes and does not constitute legal advice or an opinion.

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The regulation exempts certain persons from this requirement. Individuals who have a medical condition that inhibits their ability to wear a mask or face covering, and individuals being accommodated under the *Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act, 2005*, among others, are excluded from the masking/face covering requirement.

Importantly for employers, the regulation also exempts workers from the masking/face covering requirement where their work is performed in an area that is not accessible to members of the public, **and** where they are able to maintain a physical distance of at least two metres from others.

The regulation also provides that a person claiming an exemption to the masking/face coverings requirements cannot be required to provide evidence of their exempted status.

Many employers have already implemented masking requirements to comply with local municipal bylaw requirements. Any such existing policies should be reviewed to ensure they are compliant with the new provincial requirements. Employers who have not yet instituted masking/face covering requirements in their workplace are now required to do so.

Additional Restrictions for Businesses Operating in Ottawa, Toronto, and Peel Region

[O. Reg. 546/20](#) also introduced new requirements for various businesses operating within “enhanced measures zones”. As of October 7, 2020, these enhanced measures zones are the regions covered by the City of Ottawa Health Unit, the City of Toronto Health Unit, and the Peel Regional Health Unit. This list of enhanced measures zones may be subject to change.

Modified requirements have been introduced in these zones, specifically for businesses that operate meeting or event spaces, restaurants, bars, food trucks, concession stands and other food or drink establishments, and facilities for sports and recreational fitness activities.

The new requirements focus primarily on establishing new and more restrictive capacity/patronage limits. In addition, food and drink establishments are now subject to enhanced tracing requirements, which require them to record the name and contact information of each person who enters an indoor or outdoor dining area. Note that “limited-service establishments” are exempt from this enhanced tracing measure, and exceptions are also in place for persons who are only temporarily entering a dining area to place, pick up, or pay for a take-out order.

Affected businesses should review the additional restrictions carefully to ensure they are operating in compliance with the new requirements.

Need more information?

For assistance with the development and implementation of COVID-19 screening measures, policies, and practices, or for general information regarding compliance with the advice,

recommendations, and instructions of public health officials, contact [Giovanna Di Sauro](#) at 416.408.5513 or any member of our legal team.



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