

MANDATORY INDOOR FACE COVERINGS: WHAT ONTARIO EMPLOYERS NEED TO KNOW

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In response to the growing number of COVID-19 cases reported throughout the province, the Ontario government has mandated the use of masks or face coverings in most indoor workplaces. [1]

A person responsible for a business or organization that is open must now ensure that any person in either 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 face covering. The face covering must be worn in a manner that covers the person’s mouth, nose and chin.

Employers in Ontario therefore must ensure that both their employees and members of the public attending the “indoor area” of the premises or riding in a stipulated vehicle are wearing a face covering in an appropriate manner.

Exceptions to the mandatory use of face coverings in indoor areas include:

- anyone with a medical condition making it difficult to wear a mask or face covering or who is unable to put on or remove their mask or face covering without the assistance of another person;
- anyone who is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act* or the *Human Rights Code*; and
- employees working in an area that is not accessible to the public and who are able to maintain a physical distance of at least two metres from every other person while in the indoor area.

Importantly, it is not necessary for a person to present evidence that they are entitled to an exception to the face covering requirement.

Individuals may also temporarily remove their face covering indoors for certain purposes, including:

- to receive a service that requires the removal of their mask or face covering;
- to consume food or drink; or
- as may be necessary for the purposes of health and safety.

Next Steps for Employers

Many workplaces have already implemented mandatory face coverings either on a voluntary basis or to comply with municipal bylaws.

Workplaces implementing mandatory face coverings for the first time should consider:

- advising employees as soon as possible of the new requirement using a variety of means, such as email, a conference call and updating any return-to-work protocols or resource centres related to COVID-19;
- providing training to employees about how to properly don and remove a non-medical mask or face-covering (for example, see the *Recommendations for the General Public* published by Public Health Ontario^[2] and guidance published by the Ontario government^[3]);
- frequently reminding employees of the new requirements to help everyone adapt to a new routine – for example, posting signage throughout the workplace and in public areas reminding individuals that masks must be worn in indoor settings;
- maintaining a stock of disposable non-medical masks or face coverings that can be made available to employees or visitors to the workplace who forget to bring their own face covering;
- ensuring that garbage bins in the workplace are lined and ideally touchless (e.g. use a pedal function) and have alcohol-based sanitizer nearby, to facilitate the easy and hygienic disposal of single-use face coverings;
- providing training to managers, the human resources team and other staff who are likely to receive accommodation requests from employees who are not able to wear face coverings; and
- providing training to public-facing employees who will have to enforce the mandatory face covering policy with visitors to the workplace.

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[1] O Reg 364/20, s 2(4), under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, SO 2020, c 17.^[ps2id id='1' target='']

[2] [COVID-19 – When and How to Wear a Mask: Recommendations for the General Public](#), Public Health Ontario.^[ps2id id='2' target='']

[3] [Face coverings and face masks](#), Government of Ontario.^[ps2id id='3' target='']

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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