

CLASS ORDER

made pursuant to Section 22 of the Health Protection and Promotion Act,
R.S.O. 1990, c.H.7

DATE: June 10, 2020

TO: All persons who own or operate a Commercial Establishment in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

I, Dr. Nicola Mercer, Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on June 12, 2020:

- 1. Prohibit Persons from entering the premises of the Commercial Establishment or remaining in the premises if the said Person is not wearing a Face Covering.** The Face Covering must be worn inside the Establishment at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment.

A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of two years;
 - b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
or
 - c. For any other medical reason the Person cannot safely wear a Face Covering.
- 2. Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment.**

THE REASONS for this ORDER are that:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
2. COVID-19 can cause acute and severe respiratory illness and death in humans.
3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Wellington-Dufferin Guelph Health Unit:
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 15, 2020, the first case of COVID-19 was reported in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

- c. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions;
 - d. States of Emergency were subsequently declared by the City of Guelph and the Counties of Dufferin and Wellington in response to COVID-19;
 - e. As of June 8, 2020, there is evidence of continued community transmission of COVID-19 in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel.
4. COVID-19 is transmitted from person-to-person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
 5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
 6. Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.
 7. Use of Face Coverings is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.
 8. Effective June 12, 2020, Commercial Establishments in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit that previously had been prohibited to operate by Ontario Regulation 51/20 will be permitted to resume operations as part of Ontario's staged re-opening of the economy.
 9. Re-opening of Commercial Establishments will increase the frequency of contact and limit opportunities for physical distancing between persons in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit which, absent adequate preventative measures, will increase the number of cases of COVID-19 cases in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.
 10. An increase in the number of cases of COVID-19 will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of COVID-19 within the population of the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

I am of the opinion, on reasonable and probable grounds that:

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. The communicable disease presents a risk to the health of persons in the health unit served by me; and

- c. The requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, so notice shall be provided through the public media and the internet via posting at: www.wdgpulichealth.ca.

DEFINITIONS

The following definitions apply to this Order:

A **Person** means any customer, patron, employee or visitor, who enters the Establishment.

Commercial Establishment and Establishment means a commercial premise used for the purposes of offering goods or services to members of the public and includes a mall or other structure containing a number of commercial premises.

A **Face Covering** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.

NOTICE

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5), requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.

Dr. Nicola Mercer
Medical Officer of Health,
Wellington-Dufferin-Guelph Public Health
160 Chancellors Way, Guelph, ON N1G 0E1