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## IMPORTANT INFORMATION FOR BUSINESS OWNERS

Dear local business owner/operator;

As you are aware, the LGL District Health Unit, in conjunction with other eastern Ontario Health Units, have issued instructions on the mandatory use of face masks in "indoor public spaces."

It is important to note that there are exemptions for individuals; people are not required to wear a face mask under the mandate if they have certain conditions. The mandate also directs that you cannot ask an individual why they cannot wear a mask, as that would violate the *Personal Health Information Protection Act*.

I have received complaints from constituents who have been denied service; this is both disturbing and unacceptable, and I sincerely hope it is only due to a lack of understanding of the law. I trust this practice will stop, however should I hear from other constituents that they have been denied service, I will provide those constituents with assistance on how to file an Ontario Human Rights complaint, and how to proceed with legal action against the business for the infringement of their Charter Rights.

The following is the law today:

### **DUTY OF OPERATOR**

1. *(1) Every Operator of an Enclosed Public Space shall adopt a policy to ensure that no member of the public is permitted to enter or remain in the public areas of the Enclosed Public Space unless he or she is wearing a Face Covering/Mask in a manner that securely covers their nose, mouth and chin.*
  - (2) Subsection (1) does not apply to:**
    - a) *Children under two years of age, or children under the age of five years either chronologically or developmentally who refuse to wear a Mask and cannot be persuaded to do so by their caregiver;*
    - b) *Individuals with medical conditions rendering them unable to safely wear a Mask, including breathing difficulties or cognitive difficulties;*
    - c) *Individuals who are unable to apply or remove a Mask without assistance, including those who are accommodated under the Accessibility for Ontarians with Disabilities Act*

(AODA) or who have protections under the Ontario Human Rights Code, R.S.O. 1990, c.H.19, as amended

- d) A person who is employed by or is an agent of the Operator of an Enclosed Public Space and:
- i. is in an area of the premises that is not designated for public access, or
  - ii. is within or behind a physical barrier (e.g., Plexiglas).

**3. No person shall be required to provide proof of any of the exemptions set out in Subsection 1(2)**

Source:

[https://healthunit.org/wp-content/uploads/Public\\_Health\\_Instructions\\_OEA\\_Stage\\_2.pdf](https://healthunit.org/wp-content/uploads/Public_Health_Instructions_OEA_Stage_2.pdf)

Refusing service to an individual who is unable to wear a mask for a medical reason, is a violation of their Charter Rights, as well as contrary to the LGL DHU specific instructions.

I have long been an advocate for our local businesses, and continue to advocate for the timely return to normal operations when safe to do so, however my office is getting calls from citizens who have been denied entry to some businesses based on an erroneous interpretation of the LGL DHU Mandatory Mask Instructions. I have heard at least one retailer threatened a potential customer with a \$5000 fine if they refused to leave the store. This is, of course, unfounded.

Currently there are no fines imposed by LGL DHU for violations, in fact the instructions specifically state:

**DUTY OF OPERATOR**

2. *Implementation of the policy should be enacted and enforced in 'good faith' and should be primarily used as a means to educate people on Face Coverings/Mask use in public spaces.*

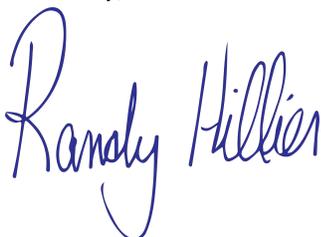
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If fines are put in place, and you find that as a business operator you are fined (contrary to the LGL DHU's Mandatory Mask Instructions), I will also assist you and provide whatever resources I have at my disposal, to fight said fine.

In the midst of COVID-19, we seem to have lost some of the compassion and empathy we all once shared for one another. It's time we get back to that caring community we all know and love.

Sincerely,



Randy Hillier