

Mandatory Non-Medical Masks or Face Coverings By-law Frequently Asked Questions: Business Owners & Operators

Updated September 23, 2020

What is the Mandatory Mask By-law 47-20?

On July 15, 2020, Halton Regional Council passed [By-law 47-20](#), making it mandatory for individuals over the age of five years old to wear a non-medical mask or face covering in certain enclosed (indoor) public places. The by-law is in effect as of 12:01 a.m. on July 22, 2020. Some individuals may be exempt from the by-law.

Please note that businesses must continue to follow additional direction provided by the Ontario government, health and safety associations and/or Halton Region Public Health. Visit [covid-19.ontario.ca](https://www.covid-19.ontario.ca) or halton.ca/COVID19 for more information.

Why was the By-law amended?

On September 16, 2020, Halton Regional Council approved amendments to the by-law. These amendments were based in part on feedback received from the Halton community, to ensure there is a consistent by-law in place across the region, and to further protect each other during the pandemic.

The amended by-law takes effect at 12:01 a.m. on September 23, 2020. To learn about the details of these amendments, please see Halton Region's [September 22 media release](#).

Who is exempt from the by-law?

Some individuals are exempt from the by-law and not all exemptions are visible. **Please be kind and supportive to those who may be exempt from wearing a mask.** No person shall be discriminated against for not wearing a non-medical mask or face covering due to an exemption.

The following individuals are exempt from the by-law, and are not required to provide proof of their exemption:

- persons under the age of five (5) years old;
- persons who have an underlying medical condition where wearing a Mask or Face Covering would inhibit the person's ability to breathe in any way;
- persons who may experience a negative impact to their emotional well-being or mental health;
- persons who have a developmental disability which inhibits their ability to wear a Non-Medical Mask or Face Covering;
- persons who have a disability whereby the wearing of a NonMedical 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;
- persons unable to place or remove a Non-Medical Mask or Face Covering without assistance;
- persons temporarily removing their Non-Medical Mask / Face Covering when necessary for receiving services (such as having a meal), or while actively engaging in an athletic or fitness activity; and

- employees and agents of the person responsible for the Public Place within an area designated for them and not for public access, or within or behind a physical barrier; in both instances where a physical distance of at least 2 metres can be maintained at all times between the patron(s) and the employee(s).

Where does the by-law apply?

The by-law applies to certain indoor public places, including, but not limited to:

- premises (or any part of premises) used as places of business for the sale of goods or services;
- churches, mosques, synagogues, temples or other places of worship;
- community centres including indoor recreational facilities;
- libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- community service agencies providing services to the public, including municipal administrative buildings;
- 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;
- 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;
- public transportation and private transportation services (such as taxis, private limousine services, Uber, Lyft and other similar ride programs); and
- enclosed common areas of an apartment or condominium building, including the lobby elevator, laundry room and mailrooms.

Which indoor places are exempt?

Wearing of masks or face coverings is not required in these premises:

- schools and post-secondary institutions
- child care facilities
- indoor/outdoor day care and day camps
- correctional centres and jails
- hospitals, independent health facilities and offices of regulated health professionals
- court facilities and 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
- staff-only areas within a public place
- indoor areas of a building accessible to only employees

Note: Certain facilities may have their own independent policies or requirements for masks or face coverings. Contact the facility in advance of visiting.

Business requirements

What are businesses required to do under the new by-law?

Owners/operators of public places are required to:

- Create a [mask policy](#) for the establishment.
- Communicate the mask policy to employees, customers and patrons and have it readily available.
- Train staff on the [Regional by-law](#) and your policy, including applicable exemptions.
- Ensure that all employees, volunteers or patrons wear a mask indoors, unless exempt.
- Post signage at all entrances and other high visibility areas. Download and print the [mandatory mask or face covering poster](#) or create a sign containing the following text:
 - ALL PERSONS ENTERING OR REMAINING IN THESE PREMISES SHALL WEAR A NON-MEDICAL MASK OR FACE COVERING WHICH COVERS THEIR NOSE, MOUTH AND CHIN AS REQUIRED UNDER THE REGIONAL MUNICIPALITY OF HALTON BY-LAW 47-20.
 - THE FOLLOWING PERSONS SHALL BE EXEMPT FROM THE REQUIREMENT TO WEAR A NON-MEDICAL MASK / FACE COVERING IN ENCLOSED PUBLIC PLACES WITHIN HALTON REGION:
 1. 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;
 2. the person may experience a negative impact to their emotional well-being or mental health;
 3. the person has a developmental disability which inhibits their ability to wear a mask or face covering;
 4. 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;
 5. the person is unable to place or remove a Mask or Face Covering without assistance;
 6. employees and agents of the person responsible for the Public Place within an area designated for them and not for public access, or within or behind a physical barrier;
 - Please be respectful of the rights of individuals who are exempt from wearing a mask in conformity with the exemptions provided in the by-law.
 - To report an incident of noncompliance, contact the Halton Regional Police Service COVID19 Hotline: [905-825-4722](tel:905-825-4722).
 - If you have any questions or concerns, please call [311](tel:311).
- Provide a verbal reminder to employees, volunteers and patrons to wear a non-medical mask or face covering.
- Consider offering alternative services to patrons who are unable to wear a non-medical mask or face covering (for example, provide online, telephone, curbside pickup or off-peak hour services).
- **Please note:** Businesses must continue to follow additional direction provided by the Ontario government, health and safety associations and/or Halton Region Public Health. Visit covid-19.ontario.ca or Halton's [COVID-19 page](#) for more information.

Do all businesses and organizations need to make masks mandatory?

The by-law requires masks to be worn in indoor places that are openly accessible to the public. This includes publicly accessible premises or parts of premises used as places of business (for example, for the sale of goods or services, and reception areas for private offices). The by-law does not require masks to be worn in offices that are not accessible to the public, or in professional offices where clients receive purchased services (such as lawyer or accountant offices that are only open to the public by appointment).

Can individual business policies override the by-law? For example, even though there are exemptions to the by-law, can stores choose to refuse non-mask-wearers into their stores?

Please seek independent legal advice in regards to these questions. However, the by-law prohibits discriminating against persons who meet one or more of the exemptions in the by-law.

The City of Burlington and Halton Region both have mask by-laws. What by-law am I required to follow? Does the Halton Region mask by-law supersede the Local Municipal by-law?

- The City of Burlington made changes to its By-law on July 28, 2020 to be consistent with the Region's by-law. When in Burlington, follow the Burlington By-law.
- Please see [By-law No. 47-20](#) for further details.

What are employees and volunteers required to do under the new by-law?

Employees and volunteers are required to wear a non-medical mask or face covering when working or volunteering in the indoor public place, unless they are exempt, working in an area designated for them (not accessible to the public), or are working within or behind a physical barrier. However, Occupational Health and Safety requirements must still be followed. For example, even though employees and volunteers may be exempt under , the organization's policies may still require additional protective equipment, such as a mask, gloves or goggles. Also, employees and volunteers may choose to wear a mask even when exempt.

If a business does not have employees, but uses independent contractors, would the same employee training apply to them or would they be required to show proof of their own training/policy procedures?

Yes. Please refer to resources on the [Reopening Halton Region](#) webpage.

Should my business provide masks to customers? Does our business need to have someone at the front entrance to make sure customers are wearing a mask?

Halton Region By-law 47-20 does not require business provide masks to their customers. The business might opt to do this on their own initiative.

The primary goal of the Halton Region By-law is to educate people about the importance of wearing non-medical masks or face coverings in indoor public places. Businesses are asked to refrain from reporting individual non-compliance issues for now, as we all learn the new rules.

Enforcement

How will the by-law be enforced?

The primary goal is educate people about the importance of wearing of non-medical masks or face coverings in indoor public places. Halton Region Public Health, local by-law enforcement or Halton Regional Police Service may respond to reports of significant or on-going non-compliance. This may include enforcement measures such as set fines.

Halton residents and businesses are asked to do their part to protect the health of the community, and comply with the by-law.

If you have concerns about someone not wearing a mask or face covering, please keep in mind that there are a number of exemptions to the by-law and there is no requirement for people to prove they are exempt. Residents and business owners should take people at their word, and be kind and respectful. For additional questions about the by-law, please email accesshalton@halton.ca or call [311](tel:311).

What should I do if a customer is not wearing a mask or face covering? How should I approach them?

Please keep in mind that not all exemptions are visible, and that there is no requirement to provide proof of exemption. Please be kind and supportive to all customers, including those not wearing a mask or face covering.

Here are some steps you can take to help your customers:

- ask if they need assistance;
- ask if they are aware of the new mandatory mask by-law and exemptions;
- offer hand sanitizer;
- encourage them to practice physical distancing; and
- offer alternative service delivery, such as take out options and curbside pick-up where physical distancing is a challenge.

Can I refuse a staff or customer entry if they are not wearing a mask?

If a person is exempt from wearing a mask, under the by-law you can't discriminate against them, but you could try to provide alternatives for service.

Businesses and residents are asked to refrain from reporting individual non-compliance issues for now, as we all learn the new rules. The primary goal of the by-law is to educate people about the importance of wearing of non-medical masks or face coverings in enclosed public places. Halton Region Public Health, local by-law enforcement or Halton Regional Police Service may respond to reports of significant or on-going non-compliance. This may include enforcement measures such as set fines. The hotline for reporting or filing complaints about masks is the Halton Regional Police Service COVID-19 Hotline: 905-825-4722.

What if your staff member will not/cannot wear a mask due to anxiety?

The staff member would be exempt under section 6. iv. of the [Halton Region By-law 47-20](#).

What should a customer do if they are refused entry despite a legitimate exemption?

If a customer has been refused entry, they should seek their own legal advice.

It should be noted that no person shall be discriminated against for not wearing a non-medical mask/face covering.

How can I report an incident of non-compliance with the by-law?

Businesses and residents are asked to refrain from reporting individual non-compliance issues for now, as we all learn the new rules.

To report an incident of significant or ongoing noncompliance, contact the Halton Regional Police Service COVID-19 Hotline: [905-825-4722](tel:905-825-4722). Staff will follow up within one business day.

Masks and face coverings

What is a non-medical mask or face covering?

A non-medical mask or face covering is a mask, balaclava, bandanna, scarf, cloth or other similar item that covers the nose, mouth and chin without leaving a gap between the face and the mask.

Can I wear a face shield instead of a mask?

A face shield is not a non-medical mask or face covering. Face shields are not a substitute for wearing a non-medical mask or face covering as they do not filter respiratory droplets. Wearing a face shield alone does not meet the requirements of the [Regional by-law](#). A face shield can be worn in addition to a non-medical mask or face covering.

Do masks (respirators) with an exhalation valve protect me in the same way as other masks or face coverings?

Masks or face coverings with an exhalation valve do not filter virus particles when you breathe out. In order to protect others nearby, please wear a non-medical mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without leaving a gap between the face and the mask.

Food premises

What are employees in food premises required to do?

Employees are required to wear a non-medical mask or face covering at all times when working in an indoor food premises unless they are:

- exempt under the [Regional by-law](#);
- working in an area designated for them (not accessible to the public); or
- working within or behind a physical barrier.

Employees may be required to wear additional protective equipment as required by their employer (for example, gloves, face shield or goggles).

Further guidance for food and drink establishments is available on the [Reopening Halton Region](#) webpage.

What are customers in food premises required to do?

Customers are required to wear a non-medical mask or face covering in enclosed (indoor) food premises unless they are exempt. The non-medical mask or face covering must cover their mouth, nose and chin when they enter and remain within the food premise.

The by-law allows for the temporary removal of a mask or face covering when receiving a service, such as having a meal.

[Regional By-law 47-20](#) does not require customers dining in outdoor restaurant patios to wear a non-medical mask or face covering.

Is there a percentage or amount of customers allowed inside a restaurant?

All restaurants and bars must follow O Reg 364/20. This means keeping physical distancing requirements between patrons at 2 metres while seated unless there is a partition between tables that is impermeable (e.g. plexiglass). Stage 3 gathering limits (i.e., no more than 50 people indoors, 100 outdoors) do not apply to settings such as restaurants and bars, but measures to enable physical distancing may limit capacity at any given time. There is no “percentage allowed inside” limit that restaurants and bars must abide by at this time. It is currently up to all business operators to make decisions on capacity based on physical distancing requirements.

Personal service settings

What are employees in personal service settings required to do?

Employees are required to wear a non-medical mask or face covering at all times when working in an indoor, personal service setting, unless they are:

- exempt under the by-law
- working in an area designated for them (not accessible to the public)
- working within or behind a physical barrier

Employees may also be required to wear protective equipment by their employer (for example, a mask, gloves, face shield or goggles).

Further guidance for personal service settings is available on the [Reopening Halton Region](#) webpage.

What are customers in personal service settings required to do?

Under current provincial Emergency Orders, all customers are required to wear a non-medical mask or face covering in enclosed (indoor) service settings. The non-medical mask or face covering must cover be worn at all times when receiving personal care services, except while receiving services that tend to an area of their face that would be covered by a face covering.

Athletic settings and physical activity

Are sporting areas (for example, an ice rink or a gymnastics mat) considered 'public spaces'?

Ice rinks are a public place but the participant may be subject to the exemption set out below. If a gymnastics mat is used within an enclosed public place, then a mask must be worn unless the exemption set out below applies.

Please note there are exemptions, including the temporary removal when engaging in physical or fitness activity. Unless a person is engaging in such an activity, they are required to wear a mask.

Do you have to wear a mask to enter and exit an indoor public place, such as a dance, cheer, indoor training, and fitness centre?

Yes. Every person aged five (5) years old or older must wear a non-medical mask or face covering when inside an enclosed public place. Such public place includes indoor training centres, dance and cheer centres, and fitness centres.

When you are inside, you should be wearing mask unless an exemption applies. When you enter, you should put a mask on. When you exit, you are able to remove the mask if no longer inside an enclosed public place.

One of these exemptions is the temporary removal when actively engaging in physical or fitness activities, which can be within an enclosed public place such as indoor training centres, dance and cheer centres, and fitness centres.

Are there any specific small personal trainer/small gym best practices?

Currently there are no best practices for specific Operators of an enclosed Public Place.

The Ministry of Labour has [COVID workplace guidelines for many sectors, including fitness facilities \(external link\)](#).

Appointments and staff-only areas

If a facility operates by appointment only, is it considered a public place?

If the professional service office is not accessible to the public, then it would be exempt from the Halton Region By-law. This exemption only applies if the place is not open to members of the public except by appointment.

Does a multi-use office space or an office that is generally closed to the public but does have public access/shared areas qualify as a public place?

Staff-only areas are exempt from the by-law. Public spaces within a facility (such as a lobby, elevator, reception area, delivery bay or meeting room where you meet with external visitors) do require a mask to be worn and it is the responsibility of the business owner/operator or the landlord to post signage and develop a policy.

If you move through or are temporarily in a public place, then you are required to wear a mask.

Even if closed to the public, you may have a front reception area that receives sales calls or deliveries, or a delivery bay where drivers may show up, or perhaps a meeting room where employees meet with clients or partners. These would all be considered “public places”.

Is physical distancing required in staff-only areas?

Yes, employees working within an area designated for staff (not for public access) need to maintain a physical distance of two metres from colleagues/fellow employees.

If my business has a street-level entrance, where the public could potentially enter the building, do all staff need to wear face masks all the time, or only while a member of the public is inside?

Regardless of whether members of the public are present, staff are required to wear a mask while in an enclosed public place unless they are within an area that is designated for staff and not for public access, or they are within or behind a physical barrier. In the case of a professional office that is not open to members of the public except by appointment, masks are not required.

If our doors are locked from customers coming in, and there is ample space for my employees to keep social distance, are they required to wear masks in doors?

If the public cannot enter a space, then it would not be considered a public place. The Halton Region By-law only applies to enclosed public places.

For places of worship, is someone on a stage at the front considered to be in a non-public part of the space if the area is clearly identified? And therefore, not required to wear a mask?

To fit under the exemptions of the Halton Region By-law the space should be only accessible by staff/employees of the place of worship.

Will Halton Region assess business locations or work with operators to determine if or where it should be considered a public space?

Currently Halton Region will not be assessing for compliance with By-law 47-20.

Resources

Where can I learn more about the by-law?

For more information about the by-law, please email accesshalton@halton.ca or call 311.

Is there a sample mask policy or other resources the Region can share?

Yes, please use [this link to download the Sample Policy \(PDF file\)](#) or to [order a copy online](#).

To learn more about what the by-law means for your business, view a recording of our recent webinar on the [Small Business Centre](#) page.