

July 21, 2020

To: Employers in Kingston, Frontenac and Lennox & Addington

**Re: Instructions to Persons Responsible for a Business or Organization Permitted to Open under the *Emergency Management and Civil Protection Act, R.S.O. 1990* and related Regulations**

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As we transition into Stage 3 of re-opening businesses, this letter, in addition to my [memo of July 17, 2020](#) will outline the necessary instructions to keep our communities safe and our economies growing.

The key to continued success in protecting our health and our economy from COVID-19 is in our hands. The Public Health instructions to business and organization owners and operators will provide you with clear direction so you can continue to be part of the solution in keeping our communities safe. We sincerely thank you for your ongoing work and commitment.

In Stage 3, more restrictions are loosened and nearly all businesses and public spaces have reopened and will continue to be open provided they follow Public Health advice and workplace safety guidance. This is in keeping with the [Ontario Regulation 364/20: Rules for Areas in Stage 3](#) under the [Emergency Management and Civil Protection Act \(EMCPA\)](#). These instructions apply to all enclosed indoor public spaces.

Please be reminded of your responsibilities for general compliance as per the provincial legislation:

1. The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the [Occupational Health and Safety Act](#) and the regulations made under it.
2. The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning, or disinfecting.
3. The person responsible for a business that is open to the public, or an organization responsible for a facility that is open to the public, shall ensure that the place of business/facility operates in a manner that enables members of the public to, to the

fullest extent possible, maintain a physical distance of at least two metres from other persons while in the place of business/facility.

4. Food and drink establishments require that patrons be seated at all times unless entering, exiting, travelling to and from the washroom, or paying.
5. Operators of food and drink establishments, tour groups, personal service settings, and places of worship, where patrons will be seated should:
  - a. Maintain a client log with a name and contact information for one person, minimum, in each party along with the date, check in and check out times, and table number
  - b. Store these logs securely for a period of 30 days, after which the information can be destroyed
  - c. Permit local public health units to access this information when tracing contacts of someone with COVID-19 who was a patron at the restaurant/bar or otherwise for public health purposes pursuant to the Health Protection and Promotion Act
6. Food and drink establishments, organizations/facilities should limit occupancy to ensure that physical distancing can be easily maintained by all patrons.
7. Operators of food and drink establishments, organizations/facilities implement COVID-19 screening protocols for staff, such as completion of a screening questionnaire, prior to the commencement of their shifts.
8. As outlined in our revised **Section 22 Order of July 17, 2020**: 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; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
  - b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
  - c. Persons who cannot wear or remove a face covering without assistance, including people who are accommodated under **Accessibility for Ontarians with Disabilities Act (AODA)** or are protected under the **Ontario Human Rights Code, R.S.O. 1990, c.H.19** as amended;
  - d. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information. Medical notes are not required.

9. Ensure the availability of alcohol-based hand sanitizer at all entrances and exits for the public to use.

In addition to these instructions we would like to remind you of some of the best practices to ensure on-going community safety while achieving success in opening up our economy:

- a) Floor markers and visual cues will best enable the public to maintain a 2-metre distance.
- b) Post appropriate signage.
- c) Employers should ensure that employees are aware of the expectations under the instructions and best practices.
- d) Verbal reminders about the above instructions to patrons or those using enclosed spaces is sufficient to meet the expectations of KFL&A Public Health.

As per the EMCPA, those who do not comply with the above noted requirements may be liable for a fine of \$750 to \$1,000 for an individual, to a maximum of \$100,000 or in the case of a corporation, not more than \$10,000,000 for each day or part of each day on which the offense occurs or continues. If the government ends the EMCPA the revised [section 22 order of July 17, 2020](#) by KFL&A Public health is still in effect and 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 day on which the offence occurs or continues. Though this is not the first step in progressive enforcement, the process is complaint based and shall be driven by issues of non-compliance.

[KFL&A Public Health's website](#) has a series of tools, resources, and guides to enable you to operate in the new environment. We welcome you to use our templates, guidance documents, and sample policies as you work toward more fulsome re-opening. All of these steps, taken together, provide us with the best opportunities to keep each other safe, which will protect our communities, while allowing the economic activity to resume.

KFL&A Public Health expects, in partnership with local businesses, organizations and municipalities to enforce these instructions and best practices in "good faith", while demonstrating ongoing respect and kindness to everyone in our community. Our intent is to achieve a high level of compliance by working together so our communities can thrive.

Sincerely,



Dr. Kieran Michael Moore, MD, CCFP(EM), FCFP, FRCP(C)  
Medical Officer of Health  
KFL&A Public Health