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For posting to web, notification via media release and provision at time of inspection

Issued December 4, 2020

**TO: All Persons Responsible for a Retail Business or Shopping Mall in the City of Hamilton Permitted to be Open under the *Reopening Ontario Act* and Related Regulations, Effective: 12:01 AM on Saturday, December 5th, 2020**

**AND TO: All Employers in the City of Hamilton Permitted to be Open under the *Reopening Ontario Act* and Related Regulations, Effective: 12:01 AM on Monday, December 7th, 2020**

**RE: INSTRUCTIONS ON COVID-19 SCREENING MEASURES, SAFETY PLANS, AND PHYSICAL DISTANCING AND CAPACITY LIMIT REQUIREMENTS**

I want to acknowledge and thank you for all of your efforts being made to protect the health and safety of workers and customers. However, given the current rate of COVID-19 infections in the City of Hamilton, more actions need to be taken to reduce transmission of the disease. One key factor contributing to transmission is individuals not adhering to public health measures and/or not self-isolating when sick and close contact between individuals in workplace settings. Accordingly, I am issuing these Instructions to all employers and to all persons responsible for a retail business or shopping mall in the City of Hamilton, requiring them to take the additional measures set out herein to reduce the spread of COVID-19.

These Instructions are being provided pursuant to Section 2(2) of Schedule 1 to [Ontario Regulation 263/20: Rules for Areas in Stage 2](#) made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17 (“the *Reopening Ontario Act*”), formerly a regulation made under the *Emergency Management and Civil Protection Act* (“EMCPA”) and now a continued section 7.0.2 order under the *Reopening Ontario Act*.

Note that the following businesses or organizations are currently exempt from these Instructions due to sector-specific legislation, directives and/or guidelines governing COVID-19 measures in these workplaces:

- (i) a licensed child care program that is in compliance with guidance issued by the Ministry of Education;
- (ii) health care providers and health care entities as defined in Section 77.7 of the *Health Protection and Promotion Act* who are subject to the Chief Medical Officer of Health’s Directives issued thereunder;
- (iii) personal care service providers as described in and regulated by O. Reg. 263/20;
- (iv) schools and school boards licensed under the *Education Act*; and,

- (v) schools and private schools within the meaning of the *Education Act*, that are operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.

To the extent that anything in these Instructions conflicts with other applicable Provincial legislation or directives, those Provincial requirements prevail. Where conflicts do not exist, these Instructions are additional to any applicable Provincial requirements.

**A. SCREENING INSTRUCTIONS:**

**Requirements for Shopping Malls**

1. Implement active screening measures, which includes having a person stationed at each mall entrance asking screening questions in-person before permitting entry to those customers who meet the criteria for entry. Customers who do not pass screening should be advised that they cannot enter the mall and that they should self-isolate and seek assessment and testing. (Screening is not required for attendances by emergency personnel, inspectors, or enforcement officers.)
2. The screening questions to be asked of customers to determine if they can be permitted entry to the mall must be as found in the attached Appendix A: COVID-19 Screening Tool or be substantially similar in content. Records of screening do not need to be maintained.
3. To support safe screening:
  - (a) Limit points of entry into the mall to help facilitate screening. Points of egress need to be maintained in case of fire or emergency.
  - (b) Space and layout the entrance so that physical distancing of two (2) metres can be maintained during screenings.
  - (c) If physical distancing of two (2) metres cannot be maintained, place an appropriate physical barrier (e.g., acrylic or Plexiglas) at the entrance to separate the screener from customers who are needing to be screened and provide appropriate personal protective equipment for the screener, including medical masks and eye protection.
  - (d) Encourage all customers to use alcohol-based hand rub/sanitizer before entering the mall.

**Requirements for Retail Businesses not located within Shopping Malls**

4. Implement active screening measures, except when allowing patrons to temporarily enter the retail premise solely to pick up or pay for a preplaced order, which includes having a person stationed at each entrance asking screening questions in-person before permitting entry to those customers who meet the criteria for entry. Customers who do not pass screening should be advised that they cannot enter the retail business and that they should self-isolate and seek assessment and testing. (Screening is not required for attendances by emergency personnel, inspectors, or enforcement officers.) Active screening is not required in establishments with only

one employee and in these cases the attached COVID-19 Screening Tool must be posted on the entrance of the establishment.

5. The screening questions to be asked of customers to determine if they can be permitted entry to the retail business must be as found in the attached Appendix A: COVID-19 Screening Tool or be substantially similar in content. Records of screening do not need to be maintained.
6. To support safe screening:
  - (a) Limit points of entry into the retail business to help facilitate screening. Points of egress need to be maintained in case of fire or emergency.
  - (b) Space and layout the entrance so that physical distancing of two (2) metres can be maintained during screenings.
  - (c) If physical distancing of two (2) metres cannot be maintained, place an appropriate physical barrier (e.g., acrylic or Plexiglas) at the entrance to separate the screener from customers who are needing to be screened and provide appropriate personal protective equipment for the screener, including medical masks and eye protection.
  - (d) Encourage all customers to use alcohol-based hand rub/sanitizer before entering the retail business.

### **Requirements for Employers**

7. Ensure workplace active screening is conducted daily for all workers and essential visitors attending the workplace. Screening should occur before or when a worker or essential visitor enters the workplace at the beginning of their day or shift. Workers or essential visitors who do not pass screening should be immediately excluded from the workplace and encouraged to self-isolate and seek assessment and testing. Screening questions can be asked and answered in-person or remotely, and screening results must be reviewed by the workplace before workers and essential visitors enter the workplace. (Screening is not required for attendances by emergency personnel, inspectors, or enforcement officers.)
8. The screening questions to be asked of workers and essential visitors to determine if they can be permitted entry to the workplace must be as found in the [Ontario Ministry of Health COVID-19 Screening Tool for Workplaces \(Businesses and Organizations\) \(Version 1 – September 25, 2020\)](#) or be substantially similar in content. Records of screening do not need to be maintained.
9. If screening is to occur in-person:
  - (a) Limit points of entry into the workplace setting to help facilitate screening. Points of egress need to be maintained in case of fire or emergency.
  - (b) Space and layout the entrance so that physical distancing of two (2) metres can be maintained during screenings.
  - (c) If physical distancing of two (2) metres cannot be maintained, place an appropriate physical barrier (e.g., acrylic or Plexiglas) at the entrance to separate the screener from

workers who are needing to be screened and provide appropriate personal protective equipment for the screener, including medical masks and eye protection.

- (d) Encourage all workers to use alcohol-based hand rub/sanitizer before entering the workplace.

**B. SAFETY PLAN INSTRUCTIONS:**

**Requirements for Shopping Malls**

- 10. Appoint a management individual to be responsible for:
  - (a) the preparation and implementation of a COVID-19 safety plan as required by section 9(3)(3.) of Schedule 2 to [Ontario Regulation 263/20: Rules for Areas in Stage 2](#);
  - (b) monitoring compliance with that COVID-19 safety plan; and
  - (c) the implementation and compliance with all required and recommended occupational health and safety and infection prevention and control measures.

**Requirements for All Retail Businesses, and for Employers**

- 11. Appoint a management individual to be responsible for:
  - (a) the preparation and implementation of a COVID-19 safety plan (as described below);
  - (b) monitoring compliance with that COVID-19 safety plan; and
  - (c) the implementation and compliance with all required and recommended occupational health and safety and infection prevention and control measures.
- 12. The COVID-19 safety plan referred to in the preceding paragraph must:
  - (a) describe the measures and procedures which have been implemented or will be implemented in the retail business or in the workplace to reduce the transmission risk of COVID-19, including by screening, physical distancing, masks or face coverings, cleaning and disinfecting of surfaces and objects, and the wearing of personal protective equipment;
  - (b) be in writing and made available to any person for review on request; and,
  - (c) be prepared, implemented and made available no later than five (5) days after the requirement first applies, which means by December 10<sup>th</sup> for retail businesses and by December 12<sup>th</sup> for workplaces.

13. Once prepared, a copy of the COVID-19 safety plan must be posted in a conspicuous place in the retail business or in the workplace where it is most likely to come to the attention of individuals attending or working in the location.

**C. PHYSICAL DISTANCING AND CAPACITY LIMIT INSTRUCTIONS:**

**Requirements for Shopping Malls**

14. Immediately set a maximum capacity for patrons in the shopping mall that effectively supports maintaining a physical distance of two (2) metres, actively monitor compliance with the said capacity limit at all entrances and ensure that physical distancing of two (2) metres is maintained by patrons and mall staff in common areas, stores, washrooms, hallways, entrances, etc., at all times.
15. Post a copy of the maximum capacity and square footage of the establishment in a conspicuous place in the mall where it is most likely to come to the attention of individuals attending in the location.
16. Immediately ensure all stores within the mall set a maximum capacity limit and monitor the capacity limit to ensure physical distancing of two (2) metres is maintained by patrons and mall staff at all times.
17. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside or outside the mall maintain physical distancing of at least two (2) metres.

**Requirements for Retail Businesses located within Shopping Malls**

18. Immediately set a maximum capacity for patrons in the retail business that effectively supports maintaining a physical distance of two (2) metres, actively monitor compliance with the said capacity limit at all entrances and ensure that physical distancing of two (2) metres is maintained by patrons and store staff in common areas, washrooms, hallways, entrances, etc., at all times.
19. Post a copy of the maximum capacity and square footage of the establishment in a conspicuous place in the retail business where it is most likely to come to the attention of individuals attending in the location.
20. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside and outside the retail business maintain physical distancing of at least two (2) metres.

**Requirements for Retail Businesses not located within Shopping Malls**

21. Immediately set a maximum capacity for patrons in the retail business that effectively supports maintaining a physical distance of two (2) metres, actively monitor compliance with the said

capacity limit at all entrances and ensure that physical distancing of two (2) metres is maintained by patrons and store staff in common areas, washrooms, hallways, entrances, etc., at all times.

22. Post a copy of the maximum capacity and square footage of the establishment in a conspicuous place in the retail business where it is most likely to come to the attention of individuals attending in the location.
23. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside or outside the retail business maintain physical distancing of at least two (2) metres.

### **Requirements for Employers**

24. Ensure that physical distancing of workers takes place by at least two (2) metres throughout the workplace, where reasonably possible, and during eating and rest periods (i.e., lunchrooms, changerooms).

### **DEFINITIONS**

For the purpose of these Instructions:

“employer” means a person, company, or organization that employs people or has under its service a person engaged in work.

“essential visitor” means any individual providing a service in the establishment who is not an employee or patron of the establishment (e.g., delivery, maintenance, contract workers).

“worker” means any employee, independent contractor, manager, director, officer, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organization’s activity at the workplace.

“workplace” means any land, premises, location or thing at, upon, in or near which a worker works.

### **ENFORCEMENT**

While the City of Hamilton will commence with an educational and supportive approach, the *Reopening Ontario Act* provides that individuals who do not comply with the requirements of a continued section 7.0.2 order, such as Ontario Regulation 263/20, are guilty of an offence and may be liable to a fine of \$750 up to a maximum of \$100,000 and for a term of imprisonment of not more than one year, while corporations may be liable to a fine of up to \$10,000,000, for each day or part of each day on which the offence occurs or continues.

Enforcement of these Instructions may be conducted by police officers as well as by provincial offences officers (which includes municipal by-law officers and public health enforcement personnel).

These Instructions shall be posted on the City of Hamilton public website: [www.hamilton.ca/coronavirus](http://www.hamilton.ca/coronavirus)

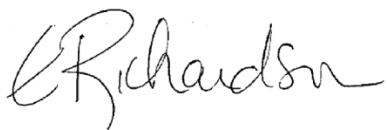
Inquiries about these Instructions should be directed to:

- Municipal Law Enforcement: 905-546-2782
- Infection Prevention and Control Measures: Public Health Services COVID hotline 905-974-9848

[Hamilton Public Health Services posts information](#) regarding how to protect yourself and others from COVID-19 on its website that can assist local businesses and organizations in operating safely.

Should you require additional COVID-19 related health information, please contact Hamilton Public Health Services by telephone at: 905-974-9848 (COVID hotline) or by email at: [phscovid19@hamilton.ca](mailto:phscovid19@hamilton.ca)

SIGNED THIS 4th DAY OF DECEMBER, 2020



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**Medical Officer of Health**

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