

## Human Resources Legislative Update

### Face Masks in Toronto's Enclosed Public Spaces – The New Normal

**Date:** July 6, 2020

As of July 7, 2020 persons in enclosed public spaces in the City of Toronto must wear properly fitting face masks or face coverings that cover their mouth, nose and chin.

These changes are enacted by [By-Law 541-2020](#) passed on June 30. It requires establishments open to the public (e.g. restaurants, retail stores, places of worship, community centres, museums, common areas of hotels, and concert venues, among others) to adopt a policy designed to ensure its patrons are abiding by public health guidance to limit the spread of COVID-19 by donning a mask or face covering.

Specifically, an establishment's policy must:

- ensure that no member of the public is permitted entry to, or otherwise remain within, any enclosed space within the establishment unless the person is wearing a face mask or covering
- include the express exemptions detailed below
- require employees to wear face masks or coverings when working in the enclosed space.

Establishments must also post signage notifying patrons of the rules and train their employees on the changes.

Persons are not required to wear a mask or face covering in enclosed public spaces if they are:

- a child under age 2
- a person with an underlying medical condition which inhibits their ability to wear a mask or face covering;
- unable to place or remove a mask or face covering without assistance
- employees and agents of the person responsible for the establishment within an area designated for them and not for public access or within or behind a physical barrier
- reasonably accommodated by not wearing a mask or face covering in accordance with the Ontario *Human Rights Code*, or
- receiving services or actively engaging in an athletic or fitness activity.

Employers operating outside Toronto should determine whether their municipalities have adopted similar requirements. If you require assistance, please contact your Hicks Morley lawyer.