

December 5th, 2021

To: *All* Residents and Employers, Business Owners and Operators and Person(s) responsible for organized gatherings in the region of Windsor-Essex, served by the Windsor-Essex County Health Unit.

Issued by: Dr. Shanker Nesathurai, Acting Medical Officer of Health, Windsor-Essex County Health Unit

Given the disproportionate burden of COVID-19 on the region of Windsor-Essex served by the Windsor-Essex County Health Unit (“WECHU”), I am issuing these instructions to control the spread of COVID-19. This letter of instruction replaces the letter of instruction issued by WECHU to business owners and operators dated October 4th, 2021.

As Acting Medical Officer of Health for the WECHU, I am issuing these instructions pursuant to Ontario Regulation 364/20, Rules for Areas at Step 3 (“O.Reg. 364/20”). In doing so, I am instructing all Windsor-Essex residents or persons responsible for a business or organization that is permitted to open under [O.Reg. 364/20](#) to adopt the following additional requirements beyond the provincial regulations effective on the date provided below and until further notice.

Effective **Friday December 10th**, at 12:01 a.m. and until further notice, I am instructing:

1. General Compliance for businesses and organizations that are open under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#):

(1) Take any and all measures to comply with all requirements in the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, associated regulations and all local [Section 22 Class Orders](#), posted to the WECHU website at <https://www.wechu.org>.

(2) Review workplace safety plans (as outlined in O.Reg. 364/20) with workers regularly, at least once per month and make adjustments as needed. These meetings must be documented and include the following data elements:

- a. attendees
- b. date of meeting
- c. summary of discussion

(3) Enable **remote work** for workers, where reasonably possible, to reduce the number of workers exposed to the risk of transmission at the organization. Additionally, as much as possible limiting the gathering of employees by:

- i. Utilizing virtual options for meetings;
- ii. Ensuring physical distancing in lunchrooms/break rooms as well as other locations where workers may be eating and/or drinking; and

iii. Staggering lunches or breaks.

(4) Ensure active screening of all employees and/or patrons in accordance with O.Reg. 364/20 and prohibit any person that fails the screening from entrance/attending.

(5) Ensure all patrons and employees wear face covering and eye protection unless conditions under Schedule 1, subsection (4) of O.Reg. 364/20 apply.

i. Further to (4) ensure that in addition to a face covering, employees wear personal protective equipment that protects the eyes (i.e. goggles, face shield) in accordance with Schedule 1, subsection (7) of O.Reg. 364/20.

(6) Workplaces/businesses currently required under the Reopening Ontario Act 2020 (A Flexible Response to COVID-19) to keep a list of attendees (visitors, patrons, clients) to the workplace (e.g., salons, restaurants, bars) including name and contact information **must** provide the list to the WECHU within immediately request from a WECHU official.

i. This includes third party vendors for music, event planners, photographers, etc.

(7) Ensure a process for proof of vaccination status is in place where applicable, as per instructions under the [Reopening Ontario Act, 2020](#).

2. Gatherings

(1) Pursuant to Schedule 3 of O.Reg. 364/20, no person shall attend,

(b) a social gathering of more than,

- i. 10 people if the gathering is held indoors, or
- ii. 25 people if the gathering is held outdoors.

(2) Gathering limits identified above (1) do not apply to social gatherings associated with a wedding, a funeral or a religious service rite or ceremony, such as a wedding reception.

2.1 Gatherings associated with a wedding, a funeral or a religious service rite or ceremony must:

- a) Not permit the use of receiving lines;
- b) Must ensure assigned seating for all attendees;
- c) Ensure that all attendees wear a mask or face covering at all times, except when seated at their assigned seat and consuming food or drink; and
- d) Ensure that capacity is limited by the number of individuals that can maintain physical distancing.

- (3) Actively screen all persons attending a social gathering as defined in O. Reg. 364/20 and exclude any person that fails the screening.
- (4) Keep a list of all attendees of a social gathering including name and phone number and make available immediately upon request by the Public Health Unit.
- (5) Staff social gatherings organized by the employer, including but not limited to holiday parties, must be conducted virtually to avoid larger groups of individuals congregating.

3. Restaurants, Bars (without dance facilities), Meeting and Event Spaces (as defined in Schedule 2 of O. Reg. 364/20):

- (1) Limit indoor capacity to 50% of the total space to enable physical distancing and post visible signage indicating the number of individuals permitted based on this limit.

For the purpose of this Letter of Instruction:

“50% capacity” is determined by taking 50% of the maximum occupant load of the business or facility, or part of a business or facility, as applicable, as calculated in accordance with Ontario Regulation 213/07 (Fire Code), made under the Fire Protection and Prevention Act, 1997.

“active screening” means the process of answering a set of screening questions to identify any COVID-19 risk factors. Screening questions can be answered using a paper or electronic tool or questions may be asked directly by a designated screener. At a minimum, this process must include the question found in the Ontario COVID-19 Worker and Employee Screening Tool found here: <https://covid-19.ontario.ca/screening/workers/>.

“worker” means any employee, independent contractor (including “temporary agencies, manager, director, officer, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organizational activity at the workplace).

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

“patron” means any member of the public that is not an employee or worker at the workplace.

Any reference to “mask” or “face covering” in this Letter of instruction is as per the Province of Ontario’s COVID-19 regulatory framework requirement, under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, which require a mask or face covering to be worn “in a manner that covers their mouth, nose and chin”.

Failure to comply with the requirements under Ontario Regulation (O.Reg. 364/20) and those identified under this letter of instruction pursuant to [O.Reg. 364/20](#) is an offence under the Reopening Ontario Act for which an individual and/or the business or organization may be liable.

Sincerely,



Dr. Shanker Nesathurai, M.D. M.P.H., F.R.C.P.C
Acting Medical Officer of Health