

We at Police on Guard for Thee have been receiving numerous questions on the enforcement of masking withing Ontario and throughout the country. We would like to provide the people of Ontario and fellow officers with some information that may help each other in their next encounter relating to this matter.

Under the Reopening Ontario Act, it addresses the wearing of masks and there are several important exemptions that can be found.

Under General Compliance you will find the following:

(4) The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area **unless the person in the indoor area,**

(a) is a child who is younger than two years of age;

(b) is attending a school or private school within the meaning of the *Education Act* that is 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;

(c) is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;

(d) is receiving residential services and supports in a residence listed in the definition of “residential services and supports” in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;

(e) is in a correctional institution or in a custody and detention program for young persons in conflict with the law;

(f) is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;

(g) has a medical condition that inhibits their ability to wear a mask or face covering;

(h) is unable to put on or remove their mask or face covering without the assistance of another person;

(i) needs to temporarily remove their mask or face covering while in the indoor area,

(i) to receive services that require the removal of their mask or face covering,

(ii) to engage in an athletic or fitness activity,

(iii) to consume food or drink, or

(iv) as may be necessary for the purposes of health and safety;

(j) is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;

(k) is being reasonably accommodated in accordance with the *Human Rights Code*; or

(l) performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.

(5) Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

(6) For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in subsection (4).

(7) A person shall wear appropriate personal protective equipment that provides protection of the person's eyes, nose and mouth if, in the course of providing services, the person,

(a) is required to come within two metres of another person who is not wearing a mask or face covering in a manner that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and

(b) is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

You can read the most up-to-date regulation here:

<https://www.ontario.ca/laws/regulation/200082>

We would strongly suggest those who hold exemptions retain this document, the best way to defend yourself in any encounter is to understand the law and your rights under it.

If faced with an officer who may be uninformed of the law and attempts to arrest or ticket you, always remember to be polite, do not resist, and if relevant accept your ticket. Once finished with the encounter, do be sure to email us at info@policeonguard.ca with your information and we will do our best to assist you in any ways we can.