

# Mandatory masks

## EDITORIAL

THERE MUST BE A TOUCH OF IRONY in the fact that all persons wishing to enter a store or business place in Dufferin County must wear a mask or face covering, but there is no such requirement in Toronto or almost anywhere in the United States, where the COVID-19 virus is spreading virtually uncontrolled.

In our view, it's equally ironic that masking is currently mandatory in supermarkets and drug stores that remained open in March and April without the requirement when the pandemic's scourge was peaking in Dufferin.

As matters stand, while the wearing of masks is mandatory in Dufferin, having been ordered by the Wellington-Dufferin-Guelph Public Health unit, no similar order is currently in force in neighbouring Peel Region and both Grey and Simcoe counties. There, as well as in Toronto, the wearing of masks is simply recommended for anyone who might be in close proximity to a stranger. One of the few instances where masks are mandatory there is in barber shops and hair salons and on Toronto Transit Commission (TTC) buses, streetcars and subway trains, where the two-metre social distancing is often impossible.

As we see it, the WDG health unit's decision to impose mandatory masking came about as a result of the provincial government's decision to abandon province-wide restrictions as part of its declaration of a COVID-19 emergency, in favour of allowing some parts of the province to re-open ahead of others, based on successful flattening of the curve.

The result locally was publication on the WDG Public Health website of a class order that took effect on June 12.

The order directs all persons who own or operate a Commercial Establishment in the Wellington-Dufferin Guelph Health Unit area to 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.

It includes an exemption for children under two years old or under 5 if the child is either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver or for those who wearing the mask would inhibit his or her ability to breathe, as well as if 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.

The order also requires stores and businesses to ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment.

Clearly, the order's exemptions are pretty limited, leading to the possibility of prosecutions and fines for the owners of gasoline stations who allow a maskless driver in to pay for the fill-up, or a bank that fails to enforce the order against those who try to use an indoor automatic teller machine.

As matters stand, it seems fairly clear that the current order was drafted by someone in the health unit and that it is a class order made pursuant to Section 22 of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7.

Not so clear is how anyone should go about seeking to have such orders modified.

As it now stands, the WDG order is not time-limited and presumably could continue in the absence of any evidence that the coronavirus is continuing to spread in this part of the province.

Adding to the irony is the fact that the Province seems to be clinging to province-wide requirements when it comes to the matter of

schools opening in September.

Will school boards not be permitted to depart locally from an apparent requirement that classes be limited to 15 students, even in parts of the province that have had no recent COVID-19 infections?