

Guidance for Municipalities

Considering Mandatory Mask Policies

Background

Due to the COVID pandemic, many municipalities are under increasing pressure to consider mandatory masking in public settings. While the evidence does not currently support this as a requirement from the Medical Officer of Health, municipalities may of course consider by-laws regarding this issue at their discretion. Below are some guidelines for municipalities considering by-laws to require masking in public settings to reduce the transmission of COVID-19.

Scope of by-law:

- 1) By-laws requiring masking should be considered only for indoor public settings where physical distancing cannot be maintained. There should be no exceptions to the requirement based on type of setting, because virus transmission depends on close contact and is independent of the purpose of that contact.
- 2) Mandatory mask by-laws must not be considered to replace physical distancing, self-isolation when ill, and other recommended transmission prevention and screening activities.
- 3) There should be exemptions for certain population groups. At minimum:
 - a. Children and youth (16 and under) should only use masks at the discretion of their parents, guardians, or caregivers. No facility should require children of any age to wear masks.
 - b. People with medical or physical conditions preventing mask use. No person should be required to divulge personal health information or otherwise bear the onus of proving their medical/physical condition in order to justify not wearing a mask.

- c. Consider exemptions for religious or other beliefs as applicable.

Other Considerations:

- 1) **Implementation:** Consider how the by-law will be implemented, to what settings it will apply, and whether it will be permanent or temporary. Do those considerations meet the purpose of the by-law?
- 2) **Equity:** Consider issues related to access to masks and ensuring that settings are accessible to all residents. This may require resources to provide masks to people who do not have them to ensure they can access settings.
- 3) **Enforcement:** How and under what conditions will the by-law be enforced? Who will enforce the by-law? What resources will be directed toward education of the by-law? How will adherence or non-adherence be documented? What will be the penalty for non-adherence? What resources will be directed toward enforcement? Some information indicates that [enforcement may be disproportionately applied](#) toward marginalized groups, and this should also be considered when planning enforcement.

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