



# Memorandum

*Office of the City Clerk*  
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**TO:** Members of Council  
**FROM:** Krista Power, City Clerk  
**DATE:** Thursday, March 18, 2021  
**SUBJECT:** **Additional Information**  
**Committee of the Whole – March 22, 2021**

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## COMMITTEE OF THE WHOLE

### **Additional Information**

1. Memorandum from Ms. T. Soderberg, Chair – Accessibility Advisory Committee, dated March 15, 2021 relative to Accessibility Advisory Committee Advocacy - Mask Exemptions.

# Memorandum

*Office of the City Clerk*  
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**TO:** Krista Power, City Clerk  
**FROM:** Tessa Soderberg, Chair – Accessibility Advisory Committee  
**DATE:** March 15, 2021  
**SUBJECT:** Accessibility Advisory Committee Advocacy – Mask Exemptions – For Information  
Committee of the Whole – March 22, 2021

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At the March 11, 2021 meeting, the Accessibility Advisory Committee held a discussion relative to Mask Exemptions under the *Reopening Ontario (A Flexible Response to COVID-19) Act* and passed the following resolution:

WITH RESPECT to advocacy for the exemptions for persons with disabilities, that the Accessibility Advisory Committee provide a memorandum on an upcoming Committee of the Whole Agenda on this topic for City Council’s information;

AND THAT an open letter be sent to the Chamber of Commerce and business community advocating for the importance of adhering to the legislation that allows for exemption of masks for those with a disability;

AND THAT the letter be shared through submission to local print publications as a Letter to the Editor.

The Committee also discussed the importance ensuring that services provided online are accessible to customers as per the AODA – Integrated Accessibility Regulation Information & Communication Standard.

The attached letter is provided for your information and has been sent to the Chamber of Commerce with a request that they distribute to their membership as well as to the TB Source and the Chronicle Journal.

Charla Robinson  
Executive Director  
Thunder Bay Chamber of Commerce  
34 Cumberland St. N.  
Thunder Bay, ON P7A 4L3

RE: Regulations under the *Reopening Ontario (A Flexible Response to COVID-19) Act – Masks – Persons with disabilities*

The City of Thunder Bay Accessibility Advisory Committee (AAC) was recently made aware of a business that posted a sign refusing entry to any person not wearing a mask, stating that persons unable to wear masks into the business are required to order purchases online. This message is deemed by the AAC to be discriminatory under the Ontario Human Rights Code and violates the general compliance section in the regulations under the *Reopening Ontario (A Flexible Response to COVID-19) Act*, which state in part:

(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;
- (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;

(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.

The Accessibility Advisory Committee is committed to keeping our community safe from COVID-19 as much as possible and supports that all persons who can wear a mask must and should wear a mask. The AAC is asking for understanding and compassion as it relates to those who are unable to wear a mask as a result of a disability. It is our request that the Chamber of Commerce review this legislation with its membership in order to ensure that discrimination does not continue against the exempted groups outlined above who have a right to access businesses in our community to purchase goods and services.

Furthermore, requiring someone to shop online does not take into account that the person with a disability may not have a computer or Internet access, may not be computer literate, or that the online shopping website may not be accessible to them with assistive technology.

If you have any questions or concerns, please feel free to contact Scott Garner, the Municipal Accessibility Specialist. Mr. Garner can be reached at [scott.garner@thunderbay.ca](mailto:scott.garner@thunderbay.ca).

Sincerely,

Tessa Soderberg  
Chair, City of Thunder Bay Accessibility Advisory Committee

C.C. Editor, Chronicle Journal  
Editor, TB Source  
Scott Garner, Municipal Accessibility Specialist  
Krista Power, City Clerk  
Members of the Accessibility Advisory Committee