

Ministry of the Solicitor General

Office of the Fire Marshal

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MEMORANDUM TO: All Ontario Fire Chiefs

FROM: Jon Pegg
Ontario Fire Marshal

DATE: July 14, 2021

SUBJECT: Update: Mask and Eye Protection

The Office of the Fire Marshal (OFM) has received numerous inquiries on the requirement for masks and eye protection to be worn when a distance of 2m could not be maintained in a workplace. In order to provide clarification to fire chiefs, we have consulted with the Ministry of Labour, Training and Skills Development (MLTSD) and they have provided the following information:

- Under clause 25(2)(h) of the *Occupational Health and Safety Act*, an employer must take all precautions reasonable in the circumstances for the protection of workers.
- Schedule 1 of [O. Reg. 263/20: Rules for Areas in Step 2](#) made under the *Reopening Ontario (A Flexible Response to COVID-19 Act), 2020*:
 - General masking provision and exceptions under subsection 2(4).
 - Subsection 2(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).
- [Using Masks in the Workplace](#) provides general information about masks and the workplace. Please note, the [Guidance for Employers Managing Workers with Symptoms within 48 Hours of COVID-19 Immunization](#) outlines the circumstance under which a surgical/procedure mask is required for workers with symptoms following vaccination.

- The MLTSD could enforce, as a reasonable precaution, that workers wear eye protection when within 2 metres of another person, even when the other person is wearing a mask. This reasonable precaution is based on advice from the CMOH, to prevent high risk exposures.
- With respect to worker health and safety, the OHS Act prevails over other legislation in Ontario. That being said, the additional requirement to wear eye protection, along with masks, is not intended to introduce new hazards to workers, but to further protect them.
- Where a hazard has been introduced due to the addition of wearing eye protection, such as a driver's eye protection fogging up while operating a motor vehicle, the employer shall take all precautions reasonable in the circumstances to protect the health and safety of the worker. In this circumstance, consideration could be given to providing masks with a better fit at the bridge of the nose, anti-fog lenses, and increased ventilation in the cab of the vehicle.
- Should the employer, in consultation with the Joint Health and Safety Committee (JHSC), be unable to mitigate the hazard (of fogging lenses on drivers), the employer should document the steps taken to attempt to mitigate the hazard and **put in place a policy** for workers with respect to specific circumstances in which eye protection may be temporarily removed to provide for the health and safety of the worker. This documentation should be made available to an inspector, on request.

Should you require additional information please contact Juanita Martin, Industrial Health and Safety Specialist, MLTSD at Juanita.Martin@ontario.ca.

Sincerely,

Jon Pegg
Ontario Fire Marshal