

Issue Date: September 27, 2021

To: All Owners, Operators and Persons Responsible for facilities used for sports and recreational fitness activities in the region of Windsor-Essex, served by the Windsor-Essex County Health Unit.

RE: Windsor-Essex County Public Health Instructions regarding proof of vaccination requirements for persons entering facilities used for sport and recreational fitness activities.

Issued by: Dr. Shanker Nesathurai, Acting Medical Officer of Health, Windsor-Essex County Health Unit

Effective Date of Implementation: 12:01 a.m. on October 1, 2021, and until further notice unless otherwise specified.

Windsor-Essex and the province of Ontario is experiencing a fourth wave of the COVID-19 pandemic. Windsor-Essex saw a rapid rise in case rates in August of 2021 and continues to have one of the highest rates of cases of COVID-19 and one of the highest positivity rates in the province. In Windsor-Essex the risk of COVID-19 infection is 6.35 times higher for people that are unvaccinated than people who are fully vaccinated.

Activities related to organized sports, particularly contact sports and high intensity fitness and recreation put participants at greater risk for COVID-19 transmission due to heavy breathing, close contact and length of contact and lack of personal protective equipment (e.g. mask use). This risk is significantly increased when activities take place indoors. Requiring and verifying proof of vaccination for all people 12 years of age and older accessing indoor facilities used for sport and recreational fitness activities can greatly reduce the risk of transmission of COVID-19 and improve protection from COVID-19, limiting the spread in Windsor-Essex.

I, Dr. Shanker Nesathurai, as the Acting Medical Officer of Health for the Windsor-Essex County Health Unit (WECHU) am issuing instructions pursuant to Schedule 1, Section 2 (2) of Ontario Regulation 364/20: Rules for areas in Step 3 and at the Roadmap Exit Step of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020 c. 17. Where this Letter of Instruction imposes an additional requirement not set out in the Reopening Ontario Act, the requirement under this Letter of Instruction must be followed.

All Owners, Operators and Persons Responsible for facilities used for sports and recreational fitness activities located in the Windsor-Essex County Health Unit service area are instructed to:

1. Require each person, age 12 years and older, at the point of entry, who attends the indoor area of the Facility for the purpose of (a) actively participating in organized sports, (b) coaching, officiating at organized sports or volunteering, or (c) spectating at organized sports, to provide identification and proof of being fully vaccinated against COVID-19 or a valid medical exemption.

2. Comply with all other requirements under the Reopening Ontario Act and its regulations as they apply to the above noted facilities.
3. Minimize pre and post-game or practice activities and gathering time by arriving immediately before the beginning of an activity and leaving immediately following an activity.

For the purpose of these instructions, the following definitions apply:

Person Responsible means the holder of a permit/rental agreement to use the facility or designated individual which may include, but is not limited to, a coach, instructor, coordinator, trainer, organizer, or other person responsible for the compliance with public health measures related to COVID-19 and the facility.

Owner/Operator means an individual or organization responsible for the operations of a recreation facility located in the area served by the Windsor-Essex County Health Unit.

Facility means a facility located in the area served by the Windsor-Essex County Health Unit where organized sports are played and/or practiced.

Organized Sport(s) means sport(s) and recreation including, but not limited to, sports leagues, organized pick-up sports, dance classes, gymnastics, and martial arts and swimming classes, or as otherwise described in the Ministry of Health's Proof of Vaccination [Guidance for Businesses and Organizations](#) under the Reopening Ontario Act.

Fully Vaccinated means that an individual has received all required doses of a COVID-19 vaccine at least 14 days previously, in accordance with the [Ministry of Health Proof of Vaccination Guidance](#).

Medical exemption means an exemption confirmed by an individual who provides a written documentation as per the [Ministry of Health Proof of Vaccination Guidance](#).

Failure to comply with the requirements under Ontario Regulation (O. Reg. 364/20) and those identified under this letter of instruction pursuant to [O. Reg. 364/20](#) is an offence under the Reopening Ontario Act for which an individual and/or the business or organization may be liable. Set fines under Part 1 of the [Provincial Offences Act](#) (POA) is \$750 for individuals and \$1,000 for corporations. Maximum penalties based on prosecution under Part I or Part II of the POA includes fines of up to \$100,000 and up to one year in jail for an individual; up to \$500,000 and up to one year in jail for an individual who is a director or officer of a corporation; and up to \$10 million for a corporation.

These instructions, including any revisions to these instructions can be found on the WECHU website at www.wechu.org/letter-instruction. Inquires about these instructions should be directed to Windsor-Essex County Public Health Unit at: crd@wechu.org.

A handwritten signature in black ink that reads "S. Nesathurai". The signature is written in a cursive style with a large initial 'S'.

Dr. Shanker Nesathurai
Acting Medical Officer of Health
Windsor-Essex County Health Unit