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MANDATORY MASK BYLAWS: CONSIDERATIONS BEYOND EXEMPTION FOR PERSONS WITH DISABILITIES

Jessica Kohek, Ash Seth, Meaghan Edwards and Jennifer Zwicker

SUMMARY

The city of Calgary, like many other cities, has made wearing a mask mandatory in most public spaces in order to slow the spread of COVID-19, but adhering to the rule will not always be possible for people with disabilities. The city is clearly aware of the mask-wearing challenges faced by some people with disabilities and their caregivers, and has created exemptions to the rule for them. However, that awareness needs to be publicly promoted, otherwise people with disabilities could face social stigma, criticism or be refused service when they try to re-enter the economy without a mask. This could add to the already greater risks and burdens that people with disabilities have faced throughout the pandemic.

Even those people with disabilities who are able to wear masks may be unable to get ahold of masks. The province has been distributing free masks through fast-food drive-thrus. However, those may be inaccessible to people with disabilities. The city of Calgary has also distributed masks on public transit, but some people with disabilities may not be using transit given that so many places have been closed during the pandemic or because of the higher risk of illness while travelling outside their homes.

Calgary needs to provide more than mask exemptions for people with disabilities to ensure that the reopening of the economy is truly inclusive. It should find new ways to distribute masks that are more accessible and it should promote public awareness of the exemptions and their rationale to encourage greater empathy

and understanding in society towards unmasked people with disabilities. It should also research alternatives to masks that can be accepted under the bylaw, since standard face shields are currently not considered a substitute.

People with disabilities are already at higher risk of serious illness because of COVID-19, and have already faced disproportionate isolation and stigma during the pandemic. The city of Calgary's mandatory mask policies should be designed to account for the challenges of people with disabilities so that these people are not excluded from the reopening of the economy and made to bear a greater burden than they already have.

WHY IS THIS AN IMPORTANT ISSUE?

Mandatory mask bylaws are being instated in both Calgary and Edmonton, as well as other regions of Canada, in efforts to reduce transmission of the virus that causes COVID-19. While mandatory mask bylaws are rooted in the interest of public safety, accessibility challenges for persons with disabilities need to be considered to ensure full participation in society. This communiqué highlights some key considerations for implementing inclusive mandatory mask guidelines.

The city of Calgary, like many other jurisdictions, has implemented a bylaw that mandates face coverings be worn in public transit, public vehicles for hire, most public indoor spaces and all city-run public facilities. There are a number of important considerations for persons with disability in regard to acquisition of face masks, public participation, and enforcement of mask-wearing policies. Without inclusive design and clear communication, mandatory mask bylaws may produce numerous barriers to social re-entry for persons with disabilities. Such barriers include unequal access to face masks, social stigma, exclusion from public spaces, and disproportionate questioning or penalization (Williamson and Whaley 2020). As the economy reopens, it is important to ensure the safety of all Albertans. While there is evidence supporting the effectiveness of mandatory face-mask bylaws in slowing transmission, safe economic relaunch must be inclusive of persons with disabilities, a demographic that has been inequitably burdened by the effects of COVID-19 and unduly overlooked in pandemic response and recovery planning.

WHAT DOES THE RESEARCH TELL US?

Mask-wearing prevents the spread of COVID-19.

COVID-19 is primarily transmitted through respiratory droplets produced by sneezing, coughing, talking, laughing, or exhaling (Canada 2020). Masks can prevent the droplets of infected people from being inhaled by others in the vicinity. As COVID-19 has progressed, more and more jurisdictions are recommending or mandating mask-wearing in public spaces. Communities that have implemented mandatory mask policies have demonstrably reduced COVID-19 growth rates (Mitze et al. 2020). As well, countries with citizens who naturally or necessarily wear masks in public have overall lower death rates (Leffler et al. 2020). As a growing evidence base develops, and as other jurisdictions successfully implement mandatory mask policies, community-wide protection through mandated mask-wearing is becoming a recognized approach. Regulation and bylaws are one policy tool available, while other tools, such as public information and improving access to masks, can be complementary approaches.

Disability may pose unique challenges to mask-bylaw compliance.

Persons with disabilities are already high-risk for COVID-19 contraction, yet mask-wearing, as a safety precaution, may not be available to this vulnerable population. There are special considerations for this population that may interfere with their ability to abide by mandatory mask bylaws, including:

- **Inability to lip-read conversations or instructions.** Masks create communication challenges for people who rely on lip-reading and facial expressions to converse with and understand others (Chodosh, Weinstein, and Blustein 2020). Further challenges in communication are introduced by mandated covering of lips and concealed facial expressions.
- **Sensory sensitivity to face coverings.** Some persons with sensory differences can be overstimulated or understimulated by touch. The light touch and texture of a face mask may be uncomfortable (and, in some cases, painful) for persons with disabilities (NAS 2018).
- **Mobility challenges.** Some persons with disabilities may have differences in hand dexterity and fine motor movements, preventing one's ability to wear and remove a mask independently (GTRI n.d.). Persons with disabilities may need to wear a mask for the duration of their outing due to limitations in hand dexterity, and may be unable to remove the mask in the event it becomes contaminated.
- **Anxiety.** For some, mask-wearing is an anxiety-provoking, unpleasant experience. In severe cases, anxiety around mask-wearing or having one's face covered may escalate to compromise daily functioning (ADA 2020)
- **Difficulty in or impaired breathing.** Individuals with asthma, chronic obstructive pulmonary disease, or other respiratory disabilities may not be able to wear a face mask due to difficulties with breathing (BLF 2020).

Calgary, like many jurisdictions, has exempted persons with disabilities and their caretakers from the mandatory mask bylaw. However, members of the public, as well as businesses responsible for enforcing this bylaw, may not be informed about challenges to compliance for persons with disabilities. Largely, the mask bylaw will be enforced through education and awareness rather than punitive measures (Smith 2020). With accumulative evidence surrounding the effectiveness of wearing a mask to protect others, people who forgo masks in public settings may face scrutiny, stigma, or even service refusal. Persons with disabilities and caretakers are worried that mandated mask-wearing will exacerbate discrimination and existing feelings of social isolation, which persons with disability have disproportionately endured throughout the COVID-19 pandemic.

Persons with disabilities face accessibility challenges to mask acquisition.

Face masks are not necessarily easily accessible for persons with disabilities. Alberta first began distributing masks via restaurant drive-thrus. Drive-thrus are not always accessible to persons with disabilities, as many rely on public transit to travel or do not have access to personal vehicles (Brumbaugh 2018). After receiving feedback, Calgary also began distributing masks through the public transit system. Yet, with many programs and services yet to reopen, many persons with disabilities are not frequently using Calgary Transit or Calgary Transit Access. Additionally, persons with disabilities living in Calgary may not be able to afford masks, especially disposable masks, which must be regularly purchased. The inability to obtain masks, as well as the expense of masks, pose additional challenges to persons with disabilities who are able and willing to abide by the mandatory mask bylaw.

POLICY IMPLICATIONS

Beyond exemption to the regulations, there is a need to consider and address the unique circumstances mandatory mask bylaws create for persons with disabilities through the use of other policy tools, including information and financial accessibility. While the exemptions to the municipal bylaw have reduced concerns about the ability of persons with disability to participate, the bylaw still impacts the way persons with disabilities are able to safely re-enter the economy. Safety concerns encompass COVID-19 risks, but extend to social isolation, stigmatization, unwelcome questioning about medical conditions, and inequitable mask access. Key recommendations to make public participation safe and accessible include public-awareness campaigns with information available in accessible public spaces, ensuring businesses know their role in enforcement, providing alternative personal protective equipment (PPE), and ensuring accessible mask provision.

Implement citywide educational campaigns promoting public awareness and empathy about circumstances that make mask-wearing challenging.

The wider public needs to be aware that not all people can comply with the new mask bylaw. By educating the public about reasons why masks are not an option for all, people may become more understanding of the barriers face-covering poses to persons with disabilities. Increasing public awareness about mask-wearing challenges may decrease unwanted confrontation about forgoing a mask and is an opportunity to increase awareness around inclusion. Public education would assist in ensuring that persons with disabilities are not expected to remove themselves completely from public spaces if they are unable to wear a mask. Subsequently, persons with disabilities will feel more comfortable entering essential public spaces without masks after the bylaw comes into effect.

Ensure businesses are aware of, and comply with, their role in enforcing masks indoors.

Under the mandatory mask bylaw, business owners are not expected to police people entering their businesses without a mask (Calgary 2020). Businesses are not required to deny services to people who refuse to wear a mask, nor are they responsible for seeking medical proof that would exempt a customer from wearing a mask (Calgary 2020). Businesses, however, can choose to deny services under their own policies. Businesses should be aware that some individuals are exempt from the bylaw, and that service does not need to be denied exclusively because a customer cannot wear a mask.

Suggest and provide PPE alternatives that may be more suitable for persons with disabilities.

While persons with disabilities may experience challenges wearing face coverings, safe and comfortable alternatives to masks may work for some individuals. For instance, face shields have been proposed as a less intrusive yet effective form of PPE (Lindsley et al. 2014). The federal COVID-19 Disability Advisory Group has recommended the use of clear face-shields as well as masks with transparent sections for persons with hearing impairment, their communicating partners and caregivers (Canada 2020). The Calgary bylaw, however, does not permit face shields as a substitute for masking unless the shield wraps around the sides of the face and covers the chin (Calgary 2020). There is a need to research and provide persons with disabilities with PPE alternatives that make them feel safe re-entering the public sphere.

Provide PPE through accessible avenues at no cost.

In the event a person with a disability is able to wear a face mask, it is important that they have access to the free masks that are being distributed in Alberta primarily through A&W, McDonalds, and Tim Hortons drive-thrus. Persons with disabilities may have difficulty with this method of distribution due to shyness or social hesitation, the inability to access a participating restaurant, or lack of access to a vehicle. To reach persons with disabilities, these masks should be distributed in more inclusive spaces. These spaces may include grocery stores, pharmacies and social service organizations. Previous work has demonstrated a higher risk of infection and adverse outcomes for disability income-assistance recipients, which shows the importance of providing masks to these support recipients (Scott, Russell, and Zwicker 2020). By utilizing other mask-distribution points, individuals who do not have other means of obtaining masks can access face masks and still inclusively participate in society.

As jurisdictions implement mandatory mask policies, an inclusive community-wide approach to protection through mandated mask-wearing is needed.

Meaningful consultation that engages the disability community can create greater understanding of its needs and concerns as they relate to mask bylaws. This engagement may validate as externalities of the mask bylaw social stigma, reduced public participation and inequitable access, and generate solutions to address these areas that fit the specific needs of the disability community. Regulation and bylaws are one policy tool available, while other tools, such as public information and improving access to masks, are other complementary approaches that are recommended.

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About the Authors

Jessica Kohek is a Master of Public Policy candidate at the School of Public Policy. Her research is focused on social and health policy. Specifically, recent research analyzes political interventions that create tangible outputs for vulnerable populations. This research is supported by Mitacs and the Kids Brain Health Network.

Ash Seth is a graduate student and research assistant at The School of Public Policy. His focus area is social policy and health. Through his research, Ash is exploring strategies through which governments could engage community organizations to co-design health emergencies' response policies and interventions that meet the needs of persons with disabilities. The research is supported by Mitacs and Kids Brain Health Network.

Dr. Meaghan Edwards is an instructor in Community Rehabilitation and Disability Studies within Community Health Sciences at the University of Calgary. Her work focuses upon the role of students in community research and social change, community-led enquiry supporting families made vulnerable by systemic inequity, and community scholarship. She is developing the Research to Social Action Hub supported by the O'Brien Institute of Public Health, working on improving community and academic partnerships for positive social impact. Currently, she is working with a province-wide task-force collecting data and developing recommendations on adapting the Covid-19 pandemic response to respond to the needs of Albertans with disability.

Dr. Jennifer Zwicker is the Director of Health Policy at The School of Public Policy and an assistant professor in the Faculty of Kinesiology, University of Calgary. With broad interests in the impact of health and social policy on health outcomes, Dr. Zwicker's recent research utilizes economic evaluation and policy analysis to assess interventions and inform policy around allocation of funding, services and supports for children and youth with developmental disabilities and their families. This work is supported by the Kids Brain Health Network, the Sinneave Family Foundation and the CIHR funded Strategy for Patient-Oriented Research network on childhood disability called CHILD-BRIGHT.

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University of Calgary, Downtown Campus
906 8th Avenue S.W., 5th Floor
Calgary, Alberta T2P 1H9
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