



Action Committee on Court Operations in Response to COVID-19

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COMMUNIQUÉ: THE IMPACT OF VACCINATION ON THE COURTS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

Notwithstanding the approval and distribution of vaccines in Canada, the Action Committee on Court Operations strongly recommends courts maintain current health measures until local public health advice changes. This includes physical distancing, barriers such as Plexiglas, the wearing of non-medical masks, and frequent handwashing. In making this recommendation, it is understood that presiding judges, exercising their discretion, may in some cases relax certain health measures such as masking by witnesses while testifying in a judicial hearing.

THE CHALLENGE FACING THE COURTS

The approval and distribution of vaccines marks a new phase of the pandemic. This brings with it a new challenge to the courts as an essential service within Canada's democracy, and a key element in the country's economic recovery. Since March 2020, the courts have rapidly adopted the use of technology for court appearances and court services in response to the pandemic. The Action Committee now anticipates calls for a greater return to in-person hearings and court services, and for a relaxation of health and safety measures, either globally or in specific cases, because of the vaccine rollout.

The Action Committee has heard from Chief Justices, courts administrators, and Ministers of Justice / Attorneys General about how seriously they take the health and safety of court users and court personnel during this constantly evolving and complex situation. Every day, judges, in collaboration with courts administrators, counsel, litigants and public health officials, must make difficult decisions about whether individual proceedings should take place virtually or in person, or in some cases a combination of both. Their concerns have only grown with the arrival of variants of concern in many jurisdictions.

While the pace of vaccinations is increasing, that pace differs between and within jurisdictions. Widespread vaccination in any region of Canada is likely some months away. In addition, while the approved vaccines are effective at preventing severe disease and death, it is not currently known how effective they are at preventing transmission of the COVID-19 virus.



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OPPORTUNITY TO CONTRIBUTE TO PUBLIC HEALTH AND ENSURE THE CONTINUITY OF THE ADMINISTRATION OF JUSTICE

To sustain court operations, including in-person proceedings, in a way that protects the health and safety of justice participants, the Action Committee strongly encourages continued and proactive dialogue between court officials, federal, provincial, territorial and local governments, representatives of bar organizations, and health authorities to examine when and how to modify the application of control measures in court settings.

Until new public health advice has been issued or existing advice modified, the Action Committee recommends courts maintain the health measures they currently have in place, following the hierarchy of controls previously laid out in Action Committee and Canadian Centre for Occupational Health and Safety publications, which reflect the latest guidance from the Public Health Agency of Canada.

The Action Committee will continue to monitor the situation and, in partnership with health authorities, issue further recommendations on the modification of health control measures in court facilities as appropriate.

RESOURCES

- Action Committee on Court Operations: [*Keeping our Court Environments Safe in the Midst of a Pandemic*](#)
- Action Committee on Court Operations & Canadian Centre for Occupational Health and Safety: [*Guidance on Protecting Court Personnel and Court Users and General Practices for Cleaning*](#)
- National Advisory Committee on Immunization: [*Recommendations on the use of COVID-19 vaccines – Efficiency and Effectiveness*](#)