



Action Committee on Court Operations in Response to COVID-19

MESSAGE FROM THE ACTION COMMITTEE: KEEPING OUR COURT ENVIRONMENTS SAFE IN THE MIDST OF A PANDEMIC

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.

NOTICE: *This document highlights best practices when the epidemiological situation and relevant risk assessments call for enhanced public health measures to control the spread of COVID-19 in a court environment. Please contact local public health authorities for current requirements, which may differ from the practices outlined in this document, and your local Occupational Health and Safety regulator for current guidance specific to the workplace.*

PURPOSE AND CONTEXT

Throughout the pandemic, Canadian courts have continued to provide essential justice services to the public. Although virtual hearings and remote services are an important part of this ongoing effort, some services must be offered in person. To achieve this goal, courts have continued to collaborate with public health authorities and occupational health and safety experts to ensure court facilities remain safe for personnel and other court users who need to attend in person.

As the pandemic continues to evolve, the Action Committee wishes to emphasize some important control measures and recommended practices from the Public Health Agency of Canada (PHAC) and the Canadian Centre for Occupational Health and Safety (CCOHS) to promote the health and safety of court users and personnel in the context of ongoing court operations. In the exercise of due diligence and responsible stewardship, control measures are likely to evolve with knowledge related to the risks posed by COVID-19 and the usefulness of such measures to mitigate those risks.

IDENTIFYING AND ASSESSING THE RISK

The risk of COVID-19 introduction and transmission increases when people are:

- in poorly ventilated or closed spaces;
- in crowded places;
- having close-range conversations or are in settings where there is shouting or loud speaking;
- physically interacting with others;
- frequently touching shared surfaces or objects; and/or
- showing symptoms of COVID-19 yet are permitted to remain in the court facility.



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MITIGATING RISKS – AN INTEGRATED, MULTI-LAYERED APPROACH

As emphasized by PHAC and CCOHS, the most effective strategy to reduce the risk of introducing, transmitting and propagating the COVID-19 virus in court settings involves a multi-layered approach that integrates different levels of control measures to create the safest court environment possible. These levels can be described as follows:

Elimination and Substitution

- Implement remote and technological alternatives for court users and staff as feasible, such as telework arrangements, virtual hearings and virtual services including phone or online assistance and electronic filing.

Physical Distancing

- Enforce a physical distance of at least 2 metres (6 feet) between each person to minimize close contacts. Control the flow of access to, and circulation within, all areas of court facilities, including courtrooms and registries, to reduce congestion and contact points.

Engineering Controls

- Adjust the physical environment of the courts to reduce inherent risks of exposure:
 - Ensure that ventilation systems of indoor spaces are operating properly.
 - Implement transparent [physical barriers](#) where possible to help protect court personnel and court users in certain types of interactions. Barriers complement existing public health measures and provide an additional layer of protection. Consider consulting a ventilation specialist to ensure that barriers do not interfere with the airflow and ventilation of the space.

Administrative Controls

- Adopt or review procedural and operational tools – such as standard operating procedures, protocols, policies and work practices – to effectively implement the various levels of control measures in the court setting.
- Provide informational and training tools to enable court personnel and users to comply with applicable health and safety measures.
- In developing administrative controls, consider the specific needs of different groups of court users and personnel, and provide for accommodation measures as needed to promote safe accessibility to court facilities and services.

Masks and Personal Protective Equipment (PPE)

- To reduce the risk of exposure to and transmission of the virus, courts may promote the wearing of well-constructed, well-fitting masks [suitable](#) to the setting and intended activities.
- Implement measures to accommodate and protect court personnel or court users when masks cannot reasonably be worn or should be removed to ensure the integrity of court proceedings.



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- Consult with occupational health and safety experts to identify any court personnel whose functions may require the use of [PPE](#), and provide training on its use.

IMPLEMENTATION OF CONTROL MEASURES – RECOMMENDED PRACTICES

Courts are encouraged to combine recommended practices from all levels of control measures – as described in the annexed Checklist and as required by the applicable context – as part of an integrated strategy to mitigate risks. A [court audit tool](#) can help to design and implement an effective, multi-layered approach to control measures within specific court facilities.

A practical example

If the court registry accepts or requires in-person filing of documents, remote work (elimination and substitution) and physical distancing become impractical controls measure since temporary, close interaction between the registry officer and court user is necessary. Installing a transparent physical barrier and ensuring proper ventilation at the registry counter (engineering controls), training the registry officer on applicable health and safety measures (administrative control), and promoting the wearing of masks by both the registry officer and the court user (masks and PPE) can help to reduce the overall risk of transmitting the virus in this context.

Alternatively, the court registry could implement a no-contact, document drop-off point to reduce close contacts and overall occupancy in the court facility (elimination and substitution); improve ventilation in work areas where court personnel process the documents received (engineering control); implement or adapt work protocols to ensure documents are processed and filed in accordance with applicable court rules and occupational health and safety procedures (administrative control); and promote the wearing of masks by court personnel (masks and PPE).

RESOURCES AND REFERENCES

Action Committee on Court Operations in Response to COVID-19

- [Orienting principles on safe and accessible courts](#)
- [Guidance on protecting court personnel and court users and general practices for cleaning and disinfecting](#)
- [Courtroom Symptom Appearance and Related Situations](#)

Public Health Agency of Canada

- [COVID-19: Prevention and Risks](#)
- [Reducing COVID-19 risk in community settings: a tool for operators](#)
- [COVID-19 Mask Use: Types of masks and respirators](#)
- [COVID-19: Guidance on indoor ventilation during the pandemic](#)

Canadian Centre for Occupational Health and Safety

- [COVID-19 Health and Safety Planning for Employers](#)
- [COVID-19 Health and Safety Resources](#)
- [Controlling COVID-19 in the Workplace](#)
- [Take a Layered Approach to Control COVID-19 in the Workplace](#)
- [Protect Yourself and Others from COVID-19](#)



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CHECKLIST – RECOMMENDED PRACTICES FOR IMPLEMENTING HEALTH AND SAFETY CONTROL MEASURES IN COURT ENVIRONMENTS

This checklist builds upon the Action Committee’s [Orienting Principles on Safe and Accessible Courts](#), and includes hyperlinks to other publications that offer additional information on specific practices. To maximize effectiveness and minimize risks, combine recommended practices from all levels of the [hierarchy of controls](#) to address various situations that might arise in the court environment. Use a [court audit tool](#) to help identify and implement appropriate control measures for specific court facilities.

Elimination and Substitution

- Implement **remote or flexible work arrangements** for court personnel as operationally feasible
- Implement **remote and virtual services** for court users, such as virtual hearings, phone or online assistance, e-filing, and automated barcodes for juror or witness summonses

Physical Distancing

- Establish and track the **maximum occupancy rate** – based on public health requirements – for each court facility, courtroom and other spaces in use such as registries, workspaces, washrooms, elevators and waiting areas
- Post **maximum occupancy notices** at the entrance of court facilities, courtrooms, elevators and other spaces used by court users or personnel
- Rearrange the layout** of courtroom and other fixtures as feasible, or block certain seats, desks, workstations and washroom stalls and sinks that should not be used
- Adapt **scheduling practices** to reduce the number of persons attending court facilities at the same time - for example, stagger court starting times, provide designated time slots for appearances or hearings, schedule appointments for registry services
- Create **directional controls** and post **visual cues and signage** to control traffic at entry and exit points and in hallways, stairways and elevators, and place **floor markers** at least two metres apart in gathering or waiting areas such as court facility entrances, screening stations and registries
- Use **alternate rooms** with secure remote transmission or [alternate facilities](#) as feasible to provide overflow access to court proceedings for justice participants, the media and the general public

Engineering Controls

- Ensure that **ventilation systems** in indoor spaces **operate properly**. For example:
 - Increase circulation of outdoor air by opening windows and doors for a few minutes at a time, when safe and feasible
 - Run the heating, ventilation and air conditioning (HVAC) fan continuously at a low speed



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- ❑ To keep rooms cool, adjust building ventilation systems and air conditioning units rather than using powerful portable cooling fans that might increase the spread of COVID-19
- ❑ Limit the use of demand-controlled ventilation to keep systems running at an optimal setting
- ❑ Increase filtration efficiency to the highest level appropriate for the ventilation system
- ❑ Clean or change air filters regularly as recommended by the manufacturer
- ❑ Consult an HVAC professional to ensure that the current ventilation system is appropriate for the setting, type of activity, occupancy and length of time the space is occupied, and before making changes to the system
- ❑ If possible, run ventilation systems for two hours at maximum outside airflow before and after the rooms and/or building are occupied
- ❑ If possible, run bathroom exhaust fans continuously if they are vented to the outside
- ❑ Explore the use of portable high efficiency particulate air (HEPA) filtration units only if mechanical and natural ventilation is not possible and physical distancing can be achieved, and consult an experienced professional before using these devices
- ❑ Install transparent [physical barriers](#) where possible in strategic locations, especially those that may involve close contacts or the removal of masks during court proceedings. For example:
 - ❑ Around personnel stations for monitoring courthouse entry or conducting health screening
 - ❑ At registry counters and information desks
 - ❑ Around the judge's bench, the witness box, and the jury box
 - ❑ Around stations, desks or lecterns used by counsel, clerks and court reporters
- ❑ Consult a ventilation specialist to ensure that barriers do not interfere with the airflow and ventilation of the space, which could create other risks

Administrative Controls

Operational policies, procedures and training

- ❑ Create an **entry, exit and movement protocol** to stagger entry to and exit from, and control circulation and congestion within, court facilities and courtrooms
- ❑ Establish a **protocol** on how **counsel** are to approach witnesses, jurors, or the judge, and employ visual cues such as floor markers within the courtroom
- ❑ Post **signage and instructions** throughout the court facility to promote physical distancing, respiratory etiquette and proper hygiene practices
- ❑ In consultation with occupational health and safety experts, establish or adapt **workplace policies and procedures** on topics such as
 - ❑ Safe use of workspaces within the court facility when in-person presence is required
 - ❑ Remote and flexible/staggered work arrangements, as operationally feasible
 - ❑ Staying home when personnel is ill or caring for an ill person, or has tested positive for or been exposed to COVID-19



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- ❑ Provide **basic training** to all court personnel to enable them to comply with applicable **health and safety measures** and related **workplace policies and procedures**
- ❑ **Designate and train court personnel** as needed to safely and effectively **implement** specific health and safety measures for court users, such as
 - ❑ Health screening
 - ❑ Maximum occupancy and movement controls
 - ❑ Health and safety guidance
 - ❑ Safely assisting and isolating [persons who become ill](#) while in the court facility, namely persons who exhibit or believe they are experiencing symptoms of COVID-19
 - ❑ Cleaning and disinfecting rooms, common areas and surfaces

Information and instructions for court users

- ❑ Provide **accessible information** in advance to court users on the **health and safety measures** in place in court facilities. For example, using plain language:
 - ❑ Prepare a communication package
 - ❑ Post updates and Frequently Asked Questions on the courts' website
 - ❑ Attach health and safety guidance to summonses and appearance notices
 - ❑ Post social media feeds as the court operations or health and safety measures evolve
 - ❑ Send electronic updates to the law society and legal associations
- ❑ Include practical tips for court users on **how to prepare for attending court** – for example, conduct a self-screening health assessment, bring a mask, attend at a specific time and entry point, contact the court in advance if any special arrangements are required to assist them in accessing court hearings or services
- ❑ Direct court users on how to **notify the court** if they have tested positive for COVID-19 or are otherwise obligated to isolate or quarantine for a period prescribed by local public health authorities
- ❑ Provide clear **instructions** to court users upon their arrival at the court facility about
 - ❑ Health and safety measures in place, and how to comply with them
 - ❑ Court personnel available to answer questions, and where to find them
 - ❑ [What to do if they become ill](#) while in the court facility, namely if they exhibit or believe they are experiencing symptoms of COVID-19

Screening and contact tracing

- ❑ Conduct health [screening](#) of court users and personnel upon their arrival at the court facility, and establish a protocol for handling COVID-19 cases that may arise in the facility
- ❑ Where called for, feasible, and subject to applicable legislation, collect basic information on all persons who enter the court facility, to support [contact tracing](#) efforts by the local public health authority, and establish a protocol for the handling, storage, authorized dissemination, and timely destruction of this information



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- Where contact tracing is not being performed, consider whether and how to inform court personnel and users of a confirmed case or exposure in a court facility and designate a court contact person to support such efforts

Hygiene, cleaning and disinfecting

- Require all court users and personnel to wash or sanitize **their hands** with sanitizer upon entering the court facility
- Provide **hand sanitizer** containing at least 60% alcohol at entrances and exits, on desks and tables, in occupied workspaces, and close to high touch surfaces and common areas (e.g., next to elevators, washrooms)
- Establish cleaning and disinfecting protocols and cleaning **schedules**, as recommended by public health authorities and occupational health and safety experts

Masks and Personal Protective Equipment (PPE)

- Promote the wearing of well-constructed, well-fitting masks suitable to the setting and intended activities
- Provide well-constructed, well-fitting (e.g. adjustable or different sizes), disposable masks to all court users and personnel, and clear instructions on how to safely and properly put on, wear and remove masks
- Consult with occupational health and safety experts to identify any court personnel whose functions may require the use of PPE, and provide training on its use
- Establish protocols governing the wearing of masks and PPE in court facilities and courtrooms and communicate them to all users and personnel
- Implement measures to accommodate and protect court personnel or court users when masks cannot reasonably be worn or should be removed to ensure the integrity of court proceedings (e.g. physical barriers)
- Provide face shields or goggles when eye protection is required or recommended (e.g. cleaning, first aid procedures, prolonged close contact)