

## COVID-19: RECOMMENDED PRECAUTIONARY MEASURES

## RESUMING COURT OPERATIONS

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## CONTEXT

During the COVID-19 outbreak, the Ministry of the Attorney General (MAG) responded swiftly to establish innovative ways of delivering justice remotely and online, which ensured that priority matters could continue to be heard safely. As the judiciary resumes scheduling proceedings requiring in-person appearance, it is of the utmost importance to ensure that court personnel and court users feel safe, understand and have confidence in the measures put in place to protect them.

To support the recovery of court operations, the ministry has created this guidebook sharing the steps that have been, and will be taken to:

- Prepare courthouses to resume in-person appearances
- Mitigate the risk of COVID-19 transmission in courthouses
- Ensure access to justice

This guidebook addresses precautionary measures specific to workplace facilities. It does not address aspects of workforce planning or business processes that may also be modified to further mitigate risk.

The recovery of court operations will be phased and will align with the broader provincial recovery framework and direction provided by the Chief Medical Officer of Health for Ontario.

Reducing the need for in-person attendance to the courthouse continues to be the most effective method of mitigating the risk of transmission of COVID-19. Remote work, the prioritizing of online services, and the modernization of courts will continue to be a key focus during recovery.

MAG divisions will work with judiciary, justice sector and facility partners to action the content of this guidebook for their shared sites.

### Provincial Guidance and Medical Direction

The recovery of courthouses must be informed by the best available scientific knowledge and empirical data and must adapt as expert knowledge evolves.

To inform recovery planning, MAG has engaged:

- Dr. Michelle Murti – Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response. Dr. Murti will support the ministry by providing scientific and technical advice, from a public health perspective, to apply the Chief Medical Officer of Health's direction in a courthouse environment.
- Mr. Ron Kelusky – Chief Prevention Officer for Ontario from the Ministry of Labour, Training and Skills Development (MLTSD), which is the ministry responsible for the oversight of the Occupational Health and Safety Act (OHSA). Mr. Kelusky will support the ministry by ensuring that the appropriate precautionary measures are in place to support health and safety in the workplace.

These advisors have relied on guidance and direction regarding the response to and recovery from COVID-19 provided by the Ministry of Health and the Ministry of Labour, Training and Skills Development (MLTSD).

## Accessibility

In planning for recovery, MAG has worked with the Ontario Courts Accessibility Committee, and Ontario Public Service (OPS) and ministry resources to ensure that accessibility measures are considered, and the needs of vulnerable individuals will be accommodated throughout recovery.

At all points, consideration will be given to ensuring that recovery does not introduce barriers and acknowledges inequities in access, particularly for vulnerable court users.

## Risk Identification

MAG is responsible for 74 base courts consisting of 682 courtrooms. The implementation of the measures within this guidebook must take into consideration many factors at each site that may affect the ability to resume in-person hearings.

The OHSA remains in effect throughout the response to and recovery from the COVID-19 outbreak. To ensure compliance with obligations under this act, MAG has engaged the Public Services Health and Safety Association (PSHSA) to provide support as court operations resume. PSHSA is funded by MLTSD and works with

Ontario's public and broader public sector employers and workers. PSHSA provides training, consulting and resources to reduce workplace risks and prevent occupational injuries and illnesses.

Potential risks were identified through a site assessment completed at each courthouse coordinated by the PSHSA with the assistance of local managers. The results of these site assessments have been shared with the local joint health and safety committee and justice sector partners.

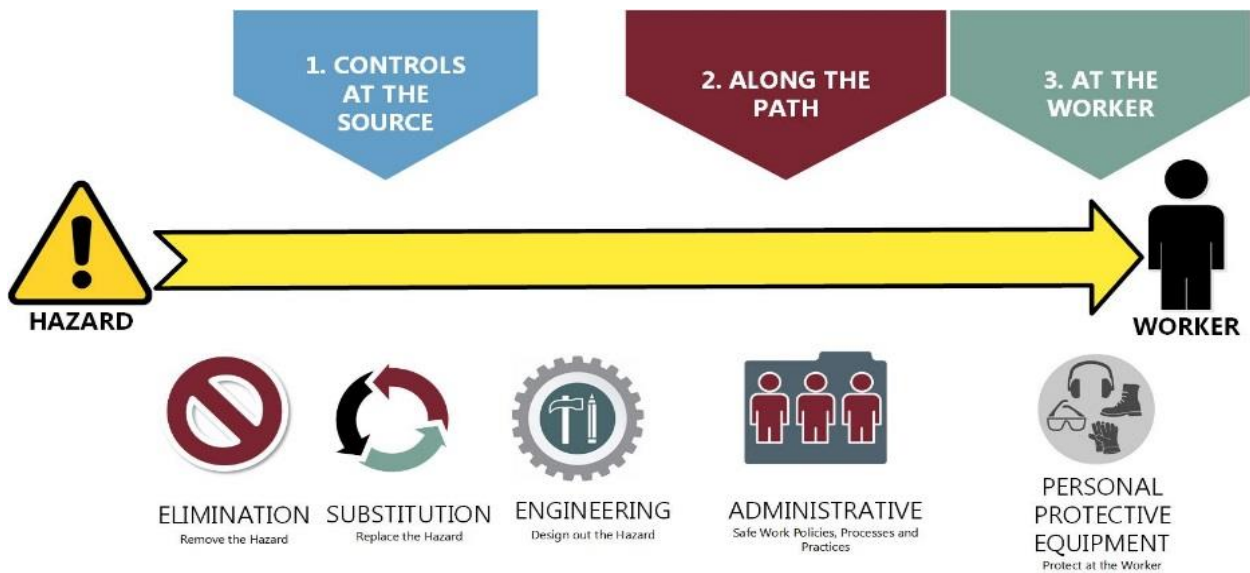
As part of the site assessment process, "journey mapping" have occurred for the path through the court environment from the perspective of both court users and court personnel. To support planning for recovery, journey mapping has been undertaken at a ministry level, however it has also been carried out through a coordinated process at local sites. This process provided an opportunity to identify risks and mitigation measures from a variety of perspectives.

## Risk Mitigation

Public Health Ontario and MLTSD recommend employing a hierarchy of control measures to effectively mitigate risks identified through the site assessment process. This approach reflects the requirements of applicable provincial occupational health and safety legislation and has been used in addressing any issues identified in MAG facilities.

### The Hierarchy of Controls




The principle of the hierarchy of controls has been used to identify opportunities to mitigate risk. The most effective control is elimination (on the left of the diagram below), which is when the hazard has been addressed before it reaches the worker. Towards the right of the diagram, the controls become less effective in eliminating or removing the hazard before it reaches the workers. Personal protective equipment (PPE) is considered the least effective control.



Elimination of the hazard is the first control measure to be considered. Consequently, in the context of the COVID-19 outbreak, remote work and virtual/online service are the foundation for any risk mitigation strategy. Until there is provincial direction that supports a return to work, remote work and prioritizing online service should continue to be the main method of mitigating risk.

The ministry will introduce additional measures, including engineered and administrative controls, and PPE where remote work, virtual/online service and/or physical distancing are not possible.

The table below explains the hierarchy of controls in more detail and, where applicable, provides examples of how they apply to COVID-19.

Type of control	Description and Example
 ELIMINATION Remove the Hazard	Remove the hazard. <ul style="list-style-type: none"> <li>- Working from home</li> <li>- Virtual/online services</li> </ul>
 SUBSTITUTION Replace the Hazard	Substitute hazardous substance for a less hazardous one. -Not applicable to COVID-19
 ENGINEERING Design out the Hazard	Isolate emission source. Use of barriers. <ul style="list-style-type: none"> <li>- Number of air changes per hour in a room</li> <li>- Type of filter on the HVAC system</li> </ul>





ADMINISTRATIVE  
Safe Work Policies, Procedures and  
Practices

Work procedures and processes such as: process changes, procedures and practices, change to tools used.

- Hand hygiene program
- Position of furniture to maintain distance

Administrative actions including but not limited to: training, compliance enforcement, hours of operation, signage, capacity for room/building, active screening.



PERSONAL  
PROTECTIVE EQUIPMENT  
Protects on the Worker

PPE selected to address the route of entry for the hazard. In the case of COVID-19 protection for the nose, eyes and mouth against droplet transmission.

# I. PREPARING THE COURT ENVIRONMENT

## Preparing the Workforce

Ensuring that clear messaging and information is available to employees in advance of reopening is critical. To engage employees and managers throughout the recovery process, MAG has held multiple townhall events and COVID-19 information sessions. These events provided the opportunity to learn about recovery efforts and ask questions of MAG senior recovery leaders and medical and health and safety advisors. Employees will continue to be provided with up-to-date information from ministry and OPS sources as recovery proceeds.

## Role of Joint Health and Safety Committees (JHSC) during Recovery

The role of the JHSC at courthouses remains consistent throughout the response to and recovery from the COVID-19 outbreak. JHSC representatives participated in the site assessment process and were provided with a copy of the resulting report.

Resources to support JHSC representatives can be found at the following links:

[Guide for health and safety committees and representatives](#)

[Maintaining an Effective JHSC During Emergency Situations COVID 19 Fact Sheet](#)

## Role of Accessibility Coordinators during Recovery

MAG remains committed to supporting accessibility throughout recovery. Each courthouse has an on-site Accessibility Coordinator identified who can assist in situations where people may require accommodation related to precautionary measures. Accessibility Coordinators are supported by the MAG Diversity Inclusion and Accessibility Office. Additional resources are under development from this group and will be provided to Accessibility Coordinators as they become available.

## Physical Distancing

MAG facilities differ from location to location. Measures to maintain physical distancing introduced at one site may not be possible at other sites.

The measures listed below have been introduced wherever possible:

- Remote work and online services will continue to be relied upon to reduce the number of people in the courthouse.
- Layouts for common areas, courtrooms, public counters, and administrative areas will support the maintenance of physical distancing.
- Measures supporting physical distancing will include:
  - Signage that will request individuals maintain physical distancing of two metres
  - Physical distancing floor decals/queuing markers spaced every two metres in queuing and waiting areas
  - Where feasible, direction of the public away from office areas and judicial chambers
  - Administrative procedures to manage flow of individuals where necessary (e.g., one-way hallways/stairways)
  - Signage and visual markers to aid in physical distancing of seating in courtrooms, waiting areas and any other rooms
  - Where reasonable and possible, removing or “taping off” seating to maintain physical distancing
  - Signage and markers to aid in distancing of workstations in administrative areas
- Within the courtroom:
  - Physical distancing will be maintained in keeping with the approach to maintaining general courtroom decorum.
  - At the close of the hearing, court attendees will be asked by court staff to exit the courtroom in a manner that respects physical distancing and avoids overlap with those entering for the next session.
- Where physical distancing is not possible, other control measures will be introduced, such as engineered controls and the use of PPE, as recommended through the site assessment.

## Facility and Room Capacity

- Maximum occupancy levels have been identified for courthouses and rooms/courtrooms within the courthouse to support physical distancing measures.
  - The courthouse maximum capacity will be indicated at the front entrance.
  - The room/courtroom maximum capacity will be clearly indicated near the room entry. Where possible, seating in excess of the room capacity will be taped off or removed.
- The courthouse and courtroom occupancy will be monitored by designated individuals.
- If the courthouse or courtroom capacity is exceeded:
  - Courthouse: No additional people will be permitted into the courthouse. If a person in the queue indicates that they are going to miss a scheduled court time, information will be gathered from that individual and provided to the court administration office for sharing with the appropriate parties.
  - Courtroom: Those remaining in the hallway will be told that no additional people will be permitted into the courtroom and they may continue to wait provided that physical distancing can be maintained. Note: the admittance of participants in scheduled proceedings will be prioritized over members of public. Counsel may be asked to assist in identifying people who need to be in the courtroom.

## Plexiglass Barriers

- Plexiglass barriers have been installed to serve as an engineered control where physical distancing of two metres is not possible.
- Installation of barriers will maintain accessibility, security and safety of persons, as well as maintain the normal operation of proceedings.
- The precise placement of plexiglass was dependent on the configuration of the courthouse and courtrooms. However, common areas for placement may have included:
  - Public counters
  - Along the front and sides of the judicial dais and bench
  - Along the front and sides of in-court personnel workstations
  - Along the front and sides of the tables for defense and Crown attorneys

- In front of the witness stand
- Interview rooms
- In-take offices
- After plexiglass barriers were installed, an assessment of audio systems was undertaken, and adjustments were made to address accessibility and quality of recording.

## Fixed Hand Sanitizer Dispensers

- Fixed hand sanitizer dispensers have been mounted throughout the court facility in high traffic areas. This includes, but is not limited to:
  - Entrances
  - Information desks
  - Courtrooms
- Hand sanitizer stations have been clearly marked, and all court personnel and users are to use hand sanitizer if hand washing is unavailable.
- The refilling of fixed hand sanitizer dispensers is the responsibility of local facilities maintenance, wherever possible. If this is not possible, alternative solutions will be determined.

## Daily Enhanced Cleaning

- Daily enhanced cleaning is performed up to three times per day at courthouses in response to the high degree of public-facing interaction.
- Infrastructure Ontario (IO), through its service providers, coordinates the daily enhanced cleaning of all high-contact areas where warranted.
- Along with the daily enhanced cleaning, additional one-time enhanced cleaning can be directed by the ministry in response to any occurrences of COVID-19 cases in a specific location.
- Enhanced cleaning involves cleaning with stronger Health-Canada approved disinfectant cleaners.
- Examples of high-touch surfaces include:
  - light switches/power outlets
  - telephones

- handrails
- entrance areas
- glass doors, doors and door frames
- paper towel/toilet paper dispensers
- door knobs, door handles, door plates
- benches
- sinks, faucets
- counter tops
- public service counters
- elevators, elevator lobby
- public corridor
- public washrooms
- public waiting areas

### Enhanced Cleaning of Courtrooms:

- Enhanced cleaning will be done in courtrooms between proceedings by cleaning crews hired by CBRE for government-owned locations and by landlord cleaning crews for leased locations.
- Current mechanism of engaging cleaning under consideration is for court staff to instant message (text/email) the cleaning crew when the court proceeding has been completed.
- Cleaning of courtrooms will include cleaning of the witness and prisoner boxes, between court proceedings or when there may be a change of witness or prisoner.

### Enhanced Cleaning of Holding Cells:

- Cleaning of holding cells (and prisoner transport elevator) is included in the daily enhanced cleaning protocols being implemented by IO.
- Holding cells will be cleaned multiple times per day. MAG has requested for day porter service where the holding cell will be cleaned every time there is a different prisoner occupying any given holding cell. For example:
  - Prisoner A, occupying Holding Cell 1 should ideally be returned to Holding Cell 1 after their appearance in court.
  - If Prisoner A is placed in a different Holding Cell other than Holding Cell 1, then Holding Cell 1 will be cleaned prior to placing a different prisoner into that cell.

## Cleaning of Workspaces

- In keeping with the Clean Workspace Guidelines provided by Treasury Board Secretariat (TBS), MAG employees are to clean their individual workspaces both in program areas and the courtroom including work surfaces, chair arms, and computer peripherals (such as mouse and keyboard) before and after use, as well as photocopiers/printers and hard file systems before and after each use.
- Counsel is required to clean the counsel table and podium/lectern in the courtroom before and after use.

## Cleaning Products

- The use of cleaning products (hand sanitizer, disinfectants) constitutes an administrative control measure that is in place to mitigate risk in court environments.
- The use of disinfectant cleaners in the workplace is intended for personal workstations and other personal, hard surface items where enhanced cleaning is not occurring/not possible.
- As noted above, these products are available in:
  - Office areas for use by employees for cleaning of workspaces (in program areas and the courtroom) and shared or common touchpoints (filing systems, photocopiers, etc.).
  - Courtrooms to support counsel in cleaning tables and podiums/lecterns.

## Face Coverings

### Definition

A non-medical-grade barrier (i.e., cloth mask) designed to be worn over the nose and mouth to prevent the wearer from spreading infectious droplets to others. Face coverings are a source control measure and are not classified under Occupational Health and Safety regulations as PPE.

Justice Sector Partners and Members of the Public

- In accordance with public health guidance that indicates face coverings are an effective method of source control, justice sector partners and members of the public are required to wear face coverings when attending courthouses.
- Court attendees are asked to bring their own face coverings; however, face coverings will be available to those who do not bring their own.
- A limited number of exceptions apply to the mandatory face covering rule whereby individuals will not be required to wear a face covering, specifically:
  - When testifying or making submissions in court.
  - Children under two years of age.
  - Children under five years of age, either chronologically or developmentally, who can not be persuaded to wear a face covering by their caregiver.
  - Persons with an underlying physical or mental medical condition which inhibits the ability to independently wear a face covering.
  - Persons who are unable to place or remove a face covering without assistance.
  - Persons who have a medical reason for not wearing a face covering such as, but not limited to, respiratory disease.
  - Additional accommodations in accordance with the Ontario Human Rights Code.
- If a person refuses to wear a face covering, they will be asked to identify the exception that prevents them from wearing a face covering.
- Training on the management of exemptions to wearing a face covering will be provided to staff conducting screening.

#### Court Personnel

- In areas where the site assessment determines that PPE is not required, court personnel are required to wear face coverings, except for:
  - Within an area designated for court personnel only and not for public access.
  - Within or behind a physical barrier or shield.
  - Persons with an underlying physical or mental medical condition which inhibits the ability to independently wear a face covering.
  - Persons who are unable to place or remove a face covering without assistance.
  - Persons who have a medical reason for not wearing a face covering such as, but not limited to, respiratory disease.
  - Additional accommodations in accordance with the Ontario Human Rights Code.



- Face coverings will be provided to employees. Should employees wish to bring their own face covering they are permitted to do so, however they must be reasonable and appropriate for the workplace (i.e., clean, non-threatening, no profanity, etc.) and should be worn and handled appropriately in alignment with Ministry of Health direction.
- Accommodations will be made for those individuals who indicate that they are unable to wear face coverings.

Note: It is recommended that judiciary follow similar practices regarding face coverings, with similar exemptions. Face coverings will be provided to judiciary.

## Personal Protective Equipment (PPE)

The site assessment process applied the Hierarchy of Controls to determine the appropriate controls to mitigate risks. PPE has been deemed necessary in circumstances where the risk of COVID-19 exposure cannot be eliminated or sufficiently reduced by other control methods. PPE is not a substitute for other important infection prevention and control practices such as physical distancing and hand hygiene.

### Definitions

#### Face Mask

A medical-grade protective barrier (i.e., surgical mask) designed to be worn over the nose and mouth to protect the wearer from exposure to infectious droplets. It meets international testing standards for medical grade equipment and is classified under Occupational Health and Safety regulations as PPE.

#### Eye Protection

A protective barrier designed to be worn over the eyes to protect the wearer from exposure to infectious droplets. It meets international testing standards for medical grade equipment and is classified under Occupational Health and Safety regulations as PPE.

### Distribution of PPE

- PPE will be provided in accordance with the findings of the site assessments to employees, judiciary, partner Agencies, Boards, Commissions, and Tribunals, Transfer Payment Agencies, and Fee for Service Providers.

- MAG has procured and deployed PPE in the form of face masks and face shields, to all court locations in advance of the resumption of in-person appearances.
- Business Continuity and Emergency Management (BCEM) will be the point of contact for supply requests for all MAG divisions and program areas within the courthouse and Legal Aid Ontario.
- Transfer Payment Agencies and Fee for Service Providers will route their supply requests to the appropriate MAG program area who will then forward the request to BCEM.
- If at any time commercial product supply becomes limited or unavailable, distribution will focus on addressing critical needs first. If PPE is not available for situations where it has been identified as necessary, alternate work arrangements will be required in accordance with Occupational Health and Safety legislation.

### PPE Training

- Training will be provided to the employee by the employer in advance of the requirement to wear PPE. This training complies with Occupational Health and Safety regulations.
- Training content covers:
  - Safe use and care
  - Limitations of PPE
  - Putting on and taking off (donning and doffing)
  - Proper disposal.

### PPE Usage

- Where the site assessment has determined that PPE is necessary, wearing PPE is mandatory.
- Considerations will be explored for those with existing health, physical/psychological limitations, and/or religious restrictions that prevent them from safely wearing PPE (i.e. alternate work arrangements).
- If other PPE is required for a position as per an existing ministry directive, then that directive's requirements continues to apply.
- Gloves are available at the request of employees as a matter of personal choice. Users must understand the limitations of gloves. Wearing gloves does not replace the need for proper hand hygiene and improper use gloves may introduce additional risk to the wearer.

## Hand Sanitizer

- While frequent handwashing is the recommended course of action to reduce the likelihood of personal infection and transmission, frequent handwashing may not always be possible. In these circumstances hand sanitizer should be used.
- Hand sanitizer is available at key locations throughout the courthouse and provided directly to judiciary and staff.
- Members of the public are required to use hand sanitizer upon:
  - Entering the courthouse;
  - Entering the courtroom;
  - Entering the witness box
- Exceptions will be made for those people who indicate they are unable to use hand sanitizer.

## Public Washrooms

- The frequency of cleaning of public washrooms has been increased in alignment with the enhanced cleaning protocol. Enhanced cleaning includes disinfecting of all high-touch areas.
- Where possible, "last cleaned" signage has been displayed.
- To support physical distancing in public washrooms the following measures are in place:
  - Washroom occupancy limited to one person at a time, with some exceptions (e.g. caretakers, children, etc.)
  - Signage posted indicating:
    - Maintain physical distancing while waiting to enter and within washrooms
    - Practise frequent hand hygiene - wash hands with soap or sanitize hands

## Elevators

- Whenever possible, staff and judiciary should use separate elevators from the public.

- Members of the public and justice sector partners must wear face coverings in the elevator (with limited noted exceptions). Court personnel and judiciary must wear PPE in the elevator if physical distancing cannot be maintained.
- Elevator occupants should have one person press buttons using an implement (e.g., pen) or covering (e.g. paper towel) rather than directly touching the buttons.
- Public elevators are equipped with:
  - Floor decals or markers indicating where to stand to maintain physical distancing
  - Signage indicating maximum occupancy
  - Signage to maintain physical distancing and practise hand hygiene

## Food Service Areas/Lunchrooms

- Cafeterias in government-owned buildings remain closed for the initial return to work phase/period, in keeping with government health guidelines.
- When cafeteria food service re-opens, steps will be taken to ensure precautionary measures are in place.
- Employee lunchrooms will follow the guidance provided by Treasury Board Secretariat, including:
  - Staggering break and lunch times
  - Physical distancing markers and removal or taping off seats in excess of maximum occupancy
  - Removal of shared use tools/appliances
  - Requirement for employees to disinfect tables before and after use

## Building Systems

- IO Property Services is continuing to ensure that building systems, including Heating Ventilation and Air Conditioning (HVAC), are monitored, maintained, and operating optimally in both government owned and leased buildings.
- All provincially-owned and third-party leased buildings are operated in accordance with the Ontario Building Code, the American Society of Heating,

Refrigeration and Air-Conditioning Engineers (ASHRAE) standards and industry best practices.

- IO Property Services is continuing to monitor emerging operational and return-to-work practices related to the design and maintenance of building systems. Necessary adjustments will be made in owned buildings, as practical, in response to updated requirements from accredited organizations. IO Property Services is also continuing to work with landlords to maintain shared awareness and reasonable adoption of best practices.

## Monitoring of Safe Practices

### Front Entrance:

- Monitor the queue – ensure attendees maintain a safe physical distance when in line awaiting entrance to the courthouse
- Contact court services where an individual is in queue and may miss their scheduled proceeding
- Confirm results of screening tools, both electronic and paper-based.
- Provide paper-based copies of screening tool
- Where a person cannot effectively use the electronic based or paper-based screening tools, verbally ask the screening questions of the individual seeking entry recording the answers on his/her behalf on the paper-based and confirm the results.
- Direct people who are inadmissible to refer to the numbers to call
- Direct individuals to:
  - Wear a face covering
  - Use hand sanitizer
  - Practise physical distancing in the queue and within the facility
  - Adhere to the mandated safe practices identified within the facility
- Provide face coverings to those who do not bring their own
- Monitor capacity of the facility

### Hallways:

- Monitor and enforce adherence to the mandated safe practices
  - Physical distancing
  - Wearing of face coverings

Courtrooms:

- Regularly visit courtrooms to monitor capacity

## II. ATTENDANCE TO THE COURTHOUSE

### Public Communication

MAG has undertaken public communication with the goal of ensuring attendees are aware of and prepared to adhere to the new processes in place at courthouses in advance of attending.

The public are encouraged not to attend the courthouse unless they have matters before court or business to conduct at the courthouse.

This information has been made available through:

- The public-facing internet page on [Ontario.ca](https://www.ontario.ca)
- Communication with justice stakeholders

### Entrance Protocol – Justice Sector Partners and Members of the Public

An entrance protocol has been established to minimize the risk of COVID-19 transmission in the courthouse. This protocol is a site assessment recommendation and is in alignment with guidance provided by Public Health Ontario.

#### Entrance Signage and Markers

Queuing markers and physical distancing markers will be installed at entrances. Signage at the entrance will include:

- Maintain physical distancing
- Mandatory wearing of masks within the facility
- COVID-19 information
- Active and passive screening
- Maximum occupancy

#### Active Screening for COVID-19 - Justice Sector Partners and Members of the Public

Screening must be completed by all persons seeking to enter the courthouse, including employees and members of judiciary.

### Screening Process:

The following screening methods are available:

1. In advance of leaving home or office: On the date of the anticipated attendance at a court location a person can access the COVID-19 screening questionnaire by following this internet URL link:
  - English: [Ontario.ca/courtscreening](https://ontario.ca/courtscreening)
  - French: [Ontario.ca/depistagetribunaux](https://ontario.ca/depistagetribunaux)

These links will be 'go live' and be posted on the ministry website or otherwise shared with stakeholders in advance of July 6, 2020.

2. Upon arriving at the courthouse: A person will be directed via entrance signage to use a mobile device to scan the quick response Code (QR-Code) which will lead them to complete the COVID-19 screening questionnaire online.
3. No Mobile Device: Upon arriving at the courthouse, a person will be directed via entrance signage to complete a paper-based alternative version of the screening questionnaire, located near the courthouse entrance.

If the individual answers YES to any of the screening questions, or if they fail or refuse to complete the COVID-19 screening questionnaire they are deemed "inadmissible" and will be provided with the following instructions/options:

- If they are an employee, they will be asked not to enter/attend the courthouse and contact their manager.
- If they are an accused, they will be asked not to enter/attend the courthouse and to call their lawyer or duty counsel (local duty counsel contact number provided).
- If they are a witness, they will be asked not to enter/attend the courthouse and to call the number listed on their subpoena, or the Crown's office (local contact number provided).
- Otherwise they will be asked not to enter/attend the courthouse and to contact a local administrative telephone number for assistance.

If the individual answers NO to all screening questions, they will be deemed "Admissible" to the courthouse and may proceed. Designated individuals will be



monitoring the front door. To gain entry, all individuals must show one of the following:

- a. approval displayed on their mobile device
- b. a printed copy of their survey results
- c. the paper-based alternative screening questionnaire

### Collection of Contact Tracing Information

In order to facilitate contact tracing by Public Health in the event of an outbreak of COVID-19, the ministry will temporarily collect the contact information of persons attending courthouses. The provision of contact information by attendees is entirely voluntary and will have no impact on their admissibility to the courthouse.

Contact information will be collected by the designated individuals at the entrance and will be provided to court management at the end of the day. Court management will store the information in a safe and secure location for 28 days – a duration equivalent to two covid-19 incubation periods.

### Entering the Courthouse

Upon entering the courthouse, the designated monitor will advise the person to:

- a) Use hand-sanitizer to clean their hands before entering the facility. For this purpose, dispensers of hand sanitizer will be made available at entrances.
- b) Wear a face covering during the duration of their visit. If the person did not bring their own face covering, one will be provided to them.
- c) Abide by mandatory safe practices in place in the courthouse, including maintaining physical distancing.
- d) Only attend those areas of the courthouse necessary and leave the courthouse as soon as their business is concluded.

### Security Screening

- Attendees may undergo security screening, including the screening of belongings, in keeping with regular protocols.
- Engineered controls and PPE will be introduced to ensure the safety of screening personnel in accordance with the site assessment.

### Cleaning of the Screening Area

- The screening area will be cleaned by local cleaning services as part of the enhanced cleaning protocol.
- Individuals working in the screening area will be provided with appropriate supplies to support them in cleaning their work area and the equipment used for security screening.

## Entrance Protocol - Court Personnel and Judiciary

- To reduce congestion at entryways to the courthouse and courtrooms, where possible:
  - Staff and judiciary will use a separate entrance from the public, and/or
  - Specific entry times may be considered to reduce overlap.

### Active Screening for COVID-19 – Court Personnel and Judiciary

- All court personnel and judiciary will be required to complete the active screening protocol before they attend the courthouse.
- Like the above process, responses to the screening protocol will qualify a person as either admissible or inadmissible.
- Staff and judiciary will not be required to show the results of their screening,

#### Where a member of court personnel or judiciary is deemed admissible:

- They will attend to work and will be required to comply with all precautionary measures in place within the facility.

#### Where a member of court personnel or judiciary is deemed inadmissible:

- They are not to enter the courthouse and are to immediately contact their manager or appropriate judicial contact.
- They will be asked not to return to the courthouse until cleared by a medical health professional.

## III. PUBLIC SERVICE COUNTERS

### Precautionary Measures

- Signage has been posted facing both the public and staff indicating:
  - Physical distancing must be maintained
  - Frequent and proper hand hygiene must be undertaken
  - Facial coverings are required
- Floor decals and queuing markers have been placed to support physical distancing and route people away from high traffic areas or office entrances/exits where feasible.

### Hours of Operation

- Public counter hours continue to be limited to manage traffic flow.
- Hours will continue to be reviewed and adjusted to ensure adequate access and an eventual return to full service in alignment with reopening.
- As in-person services continue to expand, online methods of service should be promoted before in-person attendance.

### Receiving Payments

- In situations involving payments at the public service counters, employees will:
  - Avoid hand-to-hand exchange of money, bank or credit cards.
  - Encourage card payments, ideally using fixed payment terminals.
  - Wash hands or use hand sanitizer after every transaction.

### Receiving Documents

- Wherever possible, alternate methods for document submission will be encouraged.
- Avoid hand-to-hand transmission. Parties remitting documents will be invited to place them on the counter where staff will then retrieve the documents.
- Hand hygiene should be practised before and after handling documents.

## IV. IN THE COURTROOM

Access to the courtroom will require individuals to abide by the broader facility measures in place:

- Practise physical distancing.
- Practise frequent and proper hand hygiene.
- Wear face coverings.
- Wear PPE when required by the site assessment.

### Courtroom Reconfiguration

The layout of each courtroom has been adjusted, to the degree feasible, to support physical distancing between the members of the court, the clerk/reporter desk, witness box, parties and the public.

Seating in the courtroom audience will be taped off to maintain physical distancing. Individuals will be asked to return to the same seat after any breaks.

### Movement of Documents and Exhibits

- Wherever possible alternate methods for document sharing and signature will be encouraged (e.g., scanning, endorsing on behalf of parties).
- To maintain physical distancing during the transmission of exhibits or documents, a bin or trolley may be used. Parties remitting items will be invited to place them in the bin or trolley and return to their seat. Court staff will then retrieve the documents or exhibits.
- Hand hygiene should be practised before and after handling documents or exhibits.

### Movement of In-Custody Accused

- MAG has worked closely with the Ministry of the Solicitor General (SolGen) to ensure that consistent precautionary measures are in place for the entirety of the process of in-custody accused appearances.

- If an in-custody accused is in medical isolation on the day of their scheduled appearance, they will not attend in-person and an alternate appearance type will be arranged.
- Appendix A provides the precautionary measures that will be in place to mitigate risk and screen individuals throughout the prisoner transportation process.

## Public and Media Access to Court Proceedings

- Due to courthouse and courtroom capacity, access to proceedings may be limited.
- Where feasible, remote viewing/listening options for court proceedings may be introduced to allow more members of the public and media to follow court proceedings.
- If public or media interest is known in advance, measures will be arranged when possible.

## Courtroom Cleaning

- Daily enhanced cleaning of the courtroom will be provided up to three times a day as applicable and determined by court scheduling. Where feasible and at judicial direction, the court schedule will be adjusted to allow time for cleaning to occur.
- Courtroom cleaning responsibilities will be as follows:

Courtroom Area	Responsible for Cleaning	Frequency
Dais	Local cleaning services	Before opening court At recess At closing of court
Court staff area	Court staff	Before opening court At recess At closing of court
Crown/Counsel tables – including microphone, etc.	Crown/Counsel	Before using table After concluding at table
Podium/Lectern	Crown/Counsel	Before using

(note: with judicial approval, counsel may elect to speak from their table rather than at the podium/lectern)		After concluding
Witness box (incl. peripherals – chair, microphone, etc.)	Local cleaning services	Between witnesses
Prisoner box	Local cleaning services	Between prisoners
Jury areas (note: only when a jury is present)	Local cleaning services	Before opening court At recess At closing of court

Note: the provision and cleaning of accessibility peripherals (e.g., assistive listening devices) will be coordinated through the Accessibility Coordinator in keeping with general protocols.

## Jury Events

Note: MAG continues to work on a protocol for jury events in preparation for anticipated scheduling in fall 2020.

- Physical distancing will be supported.
- Appropriate precautionary measures will be put in place in situations where physical distancing cannot be supported in accordance with the completed site assessment.

## V. ADMINISTRATIVE AREAS

MAG will follow the direction regarding precautionary measures for all OPS office spaces provided by Treasury Board Secretariat.

Managers will be responsible for working with JHSCs to implement administrative controls in these areas.

These will include:

- Continuing remote work to the degree operationally feasible
- Reducing seating capacity
- Reducing office/workspace capacity to support physical distancing
- Implementing clean workplace guidelines
- Posting of signage to promote physical distancing and hand hygiene
- Supplying disinfectant and hand sanitizer
- Cleaning shared use items (e.g., staplers, pens, whiteboard markers, etc.) before and after use
- Only holding in-person meetings when necessary. Conference calls and virtual meetings should be utilized to the degree practicable. Where meetings are required, maintaining physical distancing or wearing PPE, and limiting the duration to the degree possible.

## VI. PROBABLE OR CONFIRMED CASE

### Justice Sector Partners and Members of the Public

If a justice sector partner or member of the public becomes unwell with COVID-19 symptoms, they will be asked to:

- Leave the facility immediately
- Use the Ontario Self-Assessment Tool, and/or contact Telehealth, or their health care provider, or their local public health unit to seek guidance and testing if recommended.

### Court Personnel or Judiciary

If court personnel or a member of the judiciary becomes unwell with COVID-19 symptoms, they will be asked to:

- Leave the workplace as soon as possible.
- Self-isolate if unable to leave immediately (a room will be identified to support self-isolation).
- Notify their manager immediately.
- Use the Ontario Self-Assessment Tool, and/or contact Telehealth, or their health care provider, or their local public health unit to seek guidance and testing if recommended.

### Communication of a probable or confirmed case

MAG will continue to ensure transparency by communicating probable or confirmed cases through an all-staff memo issued by local management that aligns with Public Health recommendations and health and safety regulations. Privacy rights of the person must be respected and therefore no direct or circumstantial identifying information will be included.

Public Health will conduct any required contact tracing and will communicate directly with any individual identified through their processes who may have come into contact with a confirmed case.



## APPENDIX A – MOVEMENT OF IN-CUSTODY ACCUSED

These materials provide an overview of the current processes and best practices recommended around the transportation and movement of those accused persons charged with criminal offences who are currently held in correctional facilities and who are required to appear in court, in person, effective from July 6, 2020.

As the restoration of operations continues in the province's courthouses for all levels of court these materials will continue to be reviewed and revised as required.

### Correctional Services – Ministry of the Solicitor General

The materials that relate to Correctional services are prepared by the Assistant Deputy Minister's Office in the Institutional Services in consultation with all relevant program areas including (but not limited to) those that oversee inmate and employee healthcare, supply chain management, cleaning services, and daily operations.

Unless otherwise noted, the healthcare policies and procedures and the actions taken to stop transmission of the COVID-19 virus have been implemented at all provincial adult correctional institutions.

Compliance with policy is monitored locally by senior managers and daily meetings are held with superintendents to discuss implementation status and identify any challenges and develop solutions.

Stocks of critical supplies including PPE and cleaning products at all institutions are monitored daily. Any shortages are reported and addressed immediately.

Inmates have access to both formal and informal complaint procedures to both internal and external oversight bodies for the fair and timely resolution of complaints, concerns and disputes. The formal complaint processes require a timely response and, in some cases, include appeals processes.

All processes relating to screening, PPE or health care were created in consultation with the Ministry of Health and Public Health Ontario.

## Actions taken within Correctional facilities to stop transmission of COVID-19 virus

### Screening:

- Every individual entering the institution is subject to an active screening process that was developed based on Ministry of Health Screening Guidelines.
- All staff attending the institution are required to sign an affirmation in respect of satisfying a COVID-19 health checklist
- All professional visitors who attend the institution are required to perform a self-assessment
- Personal visitation for inmates has been suspended until further notice. Various additional support measures are being put in place for inmates.
- The ministry has signed a Memorandum of Understanding with the Nishnawbe-Aski Legal Services Corporation (NALSC) and the Nishnawbe Aski Nation (NAN) to support discharge planning and the safe return home of individuals to NAN territories during the COVID-19 pandemic.
- As of May 24, 2020, the ministry began offering voluntary COVID-19 testing to all inmates and all staff members. Testing will be offered at all institutions in a phased approach

### Healthcare policies and procedures

#### Communicable disease outbreak process:

- If a reportable communicable disease occurs or is suspected, institution officials notify the local Medical Officer of Health, and Ministry provincial health professionals.
- The Medical Officer of Health determines whether to declare an outbreak and provides direction for containment.
- Institution health care staff working collaboratively and under the direction of the local Medical Officer of Health take immediate precautionary containment measures in accordance with operating procedures, including containment strategies which may include medical isolation and decontamination of affected areas.
- When an inmate tests positive they are immediately placed in medical isolation under droplet and contact precautions (or kept in medical isolation if they had been already be placed there pre-testing). The local Public Health Unit leads

contact tracing in collaboration with the Ministry of the Solicitor General's Corporate Healthcare and Wellness Branch and the institution's healthcare team. While each case is managed individually, once resolved the individual could be integrated back into the general inmate population.

- Placement in medical isolation is temporary and non-punitive. Inmates placed in medical isolation are managed in accordance with ministry policy and still receive access to court and counsel, fresh air ("yard"), showers, use of telephone, and access to personal belongings as well as canteen.
- Contact tracing is the process used by Public Health Units to identify, educate, and monitor individuals who have had close contact with someone who is infected with the virus. The ministry works with Public Health units to support contact tracing for both staff and inmates.

#### Medical Care:

- Standard health care services available from the Ministry include:
  - Primary Care Physicians and Nurse Practitioners – each institution has one or more physicians and/or nurse practitioners who provide primary medical care to patients. There is a primary care practitioner on call during all hours of health care operations.
  - Upon admission to a provincial jail or detention centre, all inmates receive an admission health assessment

#### Process for In-Person Court Appearances

##### Guiding Principles

- Inmates in intake or isolation units will only attend court by video.
- Inmates are unfit for in-person court if they:
  - Have tested positive for COVID-19 and have not been cleared by Corporate Health Care;
  - Are awaiting a COVID-19 test result;
  - Have been determined to be medically unfit by health care;
  - Report illness prior to leaving and health care is not able to assess prior to leaving the institution;
  - Are currently housed in medical isolation or in an intake unit.

- Inmates who report illness will be assessed by health care and made unfit for court, if appropriate.
- Health Care will receive a court list minimally 24 hours in advance, where possible, and provide one-on-one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
- Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
- Upon return to the institution, inmates will be monitored through a point of care assessment to determine level of exposure risk while outside the institution.
- Ministry of the Attorney General and police services guidelines will be expected to be followed while in the custody of police services and at the courthouse.
- While in transit or in court, inmates should be:
  - Wearing a level 1 surgical mask at all times if unable to be 2 metres apart from others with no physical barrier, and
  - Have access to hand hygiene (either sink, soap and water or hand sanitizer) throughout the process.
- A replacement mask should be provided for inmates should the mask become contaminated, soiled or wet.
- Institutions should maintain regular contact with local police services to ensure that guiding principles are followed.
- Inmates must be screened by Correctional Staff per Inmate Screening for Symptoms of ILI upon return from court.
- Inmates returning from court will also have additional questions asked by correctional staff using the Return from Court Risk Assessment to assess exposure risks and health care will be contacted, where indicated.
- The information gathered from the ILI screening and Court Risk Assessment may generate a change in housing requirements (e.g. intake unit or isolated) and the individual may need to be monitored for 14 days from their Court appearance.
- Logs must be kept for those who make court appearances and ideally all persons cohorted for transport or at court along with contact information, in case exposure is identified and contact follow up becomes necessary.

### Prior to leaving the institution

1. Health Care staff will review the court list 24 hours in advance and provide one to one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
2. Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
3. The institution must provide notification as per policy to the Ministry of the Attorney General if the inmate will not be appearing at court.
4. Correctional staff will give each inmate leaving the institution one (1) level 1 surgical/procedural mask which is to be worn at all times if unable to be 2 metres apart from others with no physical barrier.

### At the courthouse

1. Inmates will follow all police services guidelines while in their custody.
2. Inmates will follow all Ministry of the Attorney General guidelines while at the courthouse. This includes, but is not limited to:
  - o Wearing a mask as required;
  - o Keeping physical distance; and
  - o Sanitizing/washing hands as appropriate.

### Returning to the institution

1. Each inmate must be screened by correctional staff each time they return to the institution using the Inmate Screening for Symptoms of ILI and the Return from Court Risk Assessment.
2. If the inmate does not pass the screening, correctional staff are to follow the Correctional Officer Influenza-Like Symptom Screening Algorithm for Inmates.
3. Inmates who pass screening and are determined to not be an exposure risk may be returned to the unit where they had been housed in prior to leaving. They are not to proceed to the intake unit.

## Police Services

## Police Transportation of In Custody Accused persons to and from Courthouses

The following advice and guidelines have been distributed to all police services who have the responsibility for prisoner transportation. This information continues to be reviewed and will be further updated.

### Transportation of Persons in Custody

With the re-opening of the courts, policing personnel will be required to resume transportation of accused persons to court from correctional facilities. Correctional facilities have taken precautionary measures to limit the spread of COVID-19 in their facilities.

The Ministry of the Solicitor General (ministry) will be relying on policing personnel to ensure that risk of transmission of the virus is minimized during the transportation process and appearance in court (e.g., ensuring physical distancing is implemented in court holding cells between persons in custody).

It is critically important for police services boards and chiefs of police who have the responsibility for the transportation of persons in custody to implement all the following advice:

- Conduct active screening for policing personnel and any individual taken into custody and to follow any appropriate measures for those that screen positive for COVID-19.
  - Active screening involves an individual being required to answer questions pertaining to COVID-19 (please refer to All Chiefs Memo 20-0016).
  - If a person screens positive on site, they should be instructed to wear a surgical / procedure mask (if physically tolerated).
    - Those persons should also be advised to perform hand hygiene and ensure that used masks are not left in common areas or transportation vehicles.
    - The individual should be secluded immediately and placed in a room or transportation vehicle with the door closed, where possible and appropriate, to avoid contact with other persons in custody in common areas of the court.

- Keep daily records of policing personnel, transported individuals, and others who may be involved in the transport process will be kept in order to facilitate contact tracing in the event of a confirmed COVID-19 case or outbreak.
- When conducting a point of interaction risk assessment, policing personnel should consider that transmission of COVID-19 can occur through direct or indirect contact and through droplets.
- Take extra precautionary measures during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts, including:
  - Encourage respiratory etiquette (i.e., covering mouth and nose with a tissue and immediately discarding the tissue into a receptacle, cough or sneeze into the crook of elbow or use tissues that are immediately discarded in the appropriate receptacle followed by performing hand hygiene);
  - Maintain a minimum of two (2) metres (6 feet) of distancing between people throughout their journey;
  - When maintaining a two-metre distance on transport vehicles is not practical or possible, putting in place proper personal protective equipment (PPE) should be emphasized for persons in custody (i.e., surgical/procedure masks, gloves, eye protection such as goggles or face shield, physical barriers between those using the transport vehicle);
  - Use physical markers (such as seat and floor decals) between seats in transport vehicles, where possible; and
  - Avoid physical contact, where possible.
- Enhanced cleaning measures for transportation vehicles and commonly touched surfaces on vehicles (e.g., the steering wheel, the seatbelt, the seats, interior rear-view mirror and interior and exterior door handles) before and after every transport and ensuring the use of a cleaning agent approved for use in Canada by Health Canada (i.e., cleaning and disinfectant products that have a Drug Identification Number (DIN)), which are designed to kill bacteria, fungi and viruses on hard surfaces within 10 minutes of application or fewer.
  - To the extent possible, maintain the availability of hand sanitizer or disinfectant wipes upon entrance and exit to the vehicle.

- Develop a hygiene, cleaning and disinfection protocol for transport vehicles and maintain frequent cleaning routine for all high-touch surfaces such as door handles, handrails, and countertops should be cleaned frequently.
- Endeavour to minimize the number of individuals in custody who are travelling together in any transport vehicle considering, to the extent practical, best public health practices, which include:
  - Physical distancing of two metres or more;
  - Avoid mixing individuals transported from correctional facilities with other individuals taken into custody at the court. If mixing of individuals cannot be prevented, precautionary measures, such as the use of PPEs, should be taken;
  - Avoid contact with people who are sick or those have been tested and are awaiting test results; and
  - Wash hands often with soap and water or hand sanitizer and ensure that in-custody person(s) have also used hand sanitizer before they enter the transport vehicle and again before entry and upon exiting the courtroom.

Police services boards and chiefs of police should prepare for any increased requests and allocate the appropriate resources needed to facilitate the administration of justice in a timely manner, including staffing court facilities with additional policing personnel.

Policing personnel are also reminded to continue to take the necessary extra precautions to protect themselves from COVID-19 exposure during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts.

In addition, policing personnel should be performing frequent hand hygiene between each transportation of person(s) in custody and use PPE (e.g., surgical/procedure masks, gloves and eye protection) as they interact with persons in custody and members of the public attending court facilities.

## Ministry of the Attorney General

### COVID-19 Courthouse Site Assessment and Precautionary Measures

- MAG has undertaken a site assessment process led by the Public Services Health and Safety Association (PSHSA).
- Site assessments involved the review of public areas of the courthouse, including courtrooms and cell blocks, and provided recommendations for



appropriate precautionary measures to mitigate the risk of COVID-19 transmission.

- In preparation for resuming attendance of in-custody accused to the courthouse MAG has introduced precautionary measures including:
  - Active and passive screening of all attendees to the courthouse, including employees, and judiciary.
  - Mandated wearing of face coverings for justice sector partners and members of the public while in the courthouse (with some exceptions).
  - Use of hand sanitizer at entry.
  - Physical distancing throughout the facility.
  - Enhanced cleaning of the facility three times each day and in between witnesses and accused in the courtroom.
  - Enhanced cleaning of holding cells multiple times each day and between prisoners.
  - Engineered controls – plexiglass barriers.
  - Administrative controls – floor markers, queuing markers, fixed hand sanitizer at key points throughout the facility, best practices for document transmission.
  - Personal protection equipment (PPE) in the form of face masks and eye protection where deemed necessary based on the site assessment.
- When the prisoner attends the courthouse, they will be held in the cellblock. Precautionary measures undertaken by MAG in the cell block will include enhanced cleaning multiple time per day. A day porter service where the holding cell will be cleaned every time there is a different prisoner occupying any given holding cell.
- When the prisoner moves to the courtroom, they will be held in the prisoner box.
- A face covering will be provided to the prisoner when in the courtroom unless otherwise directed by judiciary or police services (may pose a risk to the prisoner).
- Physical distancing markers are in place in the courtroom to assist in maintaining two metres (six feet) around the prisoner.

- Plexiglass is in place in the courtroom where physical distancing may not be possible.
- Where physical distancing is not possible, and an engineered control is not in place, staff and judiciary will wear PPE.