




Courts Administration
Service

Service administratif des
tribunaux judiciaires

COVID-19: SAFETY MEASURES

**Guidelines for Safe Court Facilities
and Courtrooms operations during
the COVID-19 pandemic**

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A close-up photograph of a person's hands being washed in a sink. The hands are covered in white soap suds. Water is running from a silver faucet on the right side of the frame. The background is a plain, light-colored wall. A white towel is visible in the upper left corner. A semi-transparent white rectangular box is overlaid on the center of the image, containing text.

These guidelines replace and supersede any previous guidelines or measures issued by CAS on resuming in-person court operations.



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PROTECTING YOUR HEALTH

We are taking all the necessary health and safety precautions to safeguard the health of everyone entering our court facilities and courtrooms across Canada while ensuring access to justice and continuing court operations as effectively and as efficiently as possible.

These measures reflect the expert health advice we have received from the Public Health Agency of Canada, (PHAC); best practices and guidelines of the Action Committee on Court Operations in Response to Covid-19; along with advice and guidance from Treasury Board Secretariat and the Office of the Chief Human Resources Officer for the Government of Canada.

These measures reflect the requirements of applicable federal, provincial, and territorial occupational health and safety legislation to minimize the risk of introducing, transmitting and spreading the virus.

We continue to provide innovative ways of delivering justice remotely and online to ensure access to justice as we begin to re-open our court facilities for in-person appearances.

In this document:

“court facility or facilities” refers to any place where court hearings are held or court services are performed or delivered, including common areas (such as foyers, washrooms, seating areas, and cafeterias) and alternate facilities used by court personnel and court users. It includes courtrooms and court registries.

“court personnel” refers to people involved in the operation of a court, including court security staff, and administrative officials, CAS employees; and

“court users” refers to anyone who accesses court facilities, including litigants, lawyers, witnesses, members of the public, and any persons who perform related services within court facilities.

HEALTH AND SAFETY MEASURES

Measures are in place to protect the health and safety of everyone who attends our court facilities including members of the Courts, lawyers, litigants, staff and members of the public. We have implemented a multi-layered approach aimed at reducing risks of covid-19 transmission.

Measures include physical distancing, which is complemented by administrative and engineering controls, and the mandatory use of blue procedural masks provided by CAS in all of

our court facilities. These measures apply to all court users from the time they enter the court facility until they exit.

PHYSICAL DISTANCING MEASURES

Distancing measures have been implemented in all of our court facilities to maintain at least 2 metres' (6 feet) distance between individuals, including:

- Layouts in court facilities ensure the required physical distancing. In particular, the layout of each courtroom has been pre-determined by Health and Safety professionals to ensure that physical distancing will be achieved between court personnel and court users including witnesses, lawyers and the public.
- Reliance on larger hearing spaces;
- Signage and visual cues will direct traffic flow, create safe wait distances between individuals and remind everyone to be physically distant by staying two metres apart.
- The maximum capacity in our courtrooms, waiting rooms, boardrooms, and elevators is clearly indicated on the door of each of the rooms and before entry to the elevators.
- We have implemented remote and technological alternatives for court users and court personnel when possible, including virtual hearings, and virtual services including phone or online assistance and electronic filing;

ENGINEERING CONTROLS

Engineering controls are implemented to reduce inherent risks of exposure due to various modes of transmission, such as aerosols, close contacts, or contamination of high-touch or common surfaces. We conduct on-going in-depth floor inspections by qualified Health and Safety professionals to validate measures.

► Plexiglass

We have installed of plexiglass barriers in designated areas in our court facilities, including at our security counters and registry counters.

- Installation of plexiglass barriers in the following areas in our courtrooms:
 - Where the judge sits
 - Witness stands
 - Counsel tables
 - Court personnel work stations

▶ **Hand sanitizer stations**

Court facilities are equipped with hand sanitizing stations, including at entrances of courtrooms, in the washrooms, prior to entering the screening site and at the entrance of all elevators

▶ **Sharing Documents or exhibits**

Exchange of documents must be kept at a minimum and guidelines are provided according to the circumstance. Please note below the guidelines on sharing documents and exhibits at the registry counters.

We have implemented no contact document drops.

Court users should also refer to the appropriate court's practice directions.

▶ **Ventilation**

We have taken the following measures to ensure effective ventilation in indoor spaces:

- The HVAC systems in all court facilities meet or exceed ASHRAE standards.
- Air quality sensors have been installed throughout our court facilities, including in all of our courtrooms.
- On-going air quality monitoring is conducted.
- Two-hour gap in between hearings has been implemented for ventilation and sanitation.

ADMINISTRATIVE CONTROLS

We have altered work practices, policies and procedures as needed to help communicate, reinforce, and supplement physical distancing and other environmental adjustments, including:

▶ **Screening**

We conduct screening for COVID-19 symptoms or exposure prior to entering our court facilities. We also support local public health authorities' contact tracing efforts by collecting basic information on all people who enter the court facilities, including their name and contact information, the date and time of their visit, and the place they visited (ex: courtroom, court registry).

► **Mandatory Masks**

Everyone is required to wear a blue disposable procedural mask provided by CAS covering their nose, mouth and chin at all times, even if they are fully vaccinated.

► **Enhanced Cleaning and Sanitation**

We will continue regular cleaning. High-touch areas are cleaned with Health Canada approved disinfectant cleaners two times a day, in particular:

- Washrooms
- Common Areas
 - Touch points, doors, light switches
 - Stairwell handrails
 - Waiting room furniture
 - Light switch plates/door handles/thermostats
 - Escalator handrails
 - Passenger elevators
 - Elevator push buttons
 - Escalator handrails
 - Drinking fountains
 - Lobby reception areas/security stations/public waiting areas (desk surfaces)
- Conference rooms
 - Tabletops (meeting rooms, interview rooms)
 - Chairs (arm rest and chair levers)
- Courtrooms are disinfected after each in-person hearing. Areas disinfected include: the judges dais; all furniture and chairs used by the members of the court; the Registry workstations; furniture and chairs used by Judicial staff; furniture and chairs used by litigants and legal counsel including furniture and chairs used by the public; door handles and any electrical door opener (i.e. handicap buttons). Special attention is given to frequently touched surfaces (e.g., door handles and light switches).
- Disinfection wipes are made available for use by court users and court personnel in each of these areas/rooms.

► **Maximum Capacity**

The maximum capacity of each court, courtroom and common area has been determined to help regulate and monitor access, in accordance with local public health directives.

Where possible, court services, hearings, and work hours are staggered to control the number of person in a specific area at the same time.

► **Training of Court personnel**

We have communicated workplace policies to request employees to stay home if they are sick or if they have been advised by a Public health authority to stay home or to self-isolate (e.g. caring for individuals who have been diagnosed with COVID-19, or awaiting COVID-19 test results, or have been in close contact with a positive case).

Court personnel is being trained on essential safety measures and practices.

ENTERING COURT FACILITIES

The first level of responsibility in the defence against the virus lays with each court user. A court user should stay home if sick or not feeling well, or if the court user may have been exposed to someone with COVID-19 in the last 14 days.

In addition, every court user must adopt the following health and safety practices at all times (even if he or she is vaccinated) in particular:

- Wear a blue disposable procedural mask that covers the mouth, nose and chin
 - Respect the 2-metre physical distancing rule
 - Avoid any gatherings
 - Follow signage
 - Avoid touching your eyes, nose and mouth with unwashed hands
 - Sneeze or cough into a tissue, or the inside of their elbow
 - Avoid close contact with people who are sick
 - Avoid shaking hands with anyone, and consider instead alternative forms of greeting that person
- If you think you might be experiencing COVID-19 symptoms, contact your local health authority as soon as possible.
 - Every court user must clean their hands when entering the court facility and before leaving, using the alcohol-based hand sanitizer dispenser
 - We encourage vaccination, as it is one of the most effective ways to protect everyone against COVID-19

► **COVID-19 Screening**

When you arrive at our court facilities, we will:

- ask you questions related to the purpose of your visit
- inform you of other ways you might be able to handle your matter, such as online filing, filing by email; and
- provide you with a blue procedural mask you must wear

We will tell you about the safety measures in place and ask you to follow them while inside the court facilities

Prior to entering a courtroom or a registry counter we will ask you the following questions:

1. Have you tested positive COVID-19 in the last 14 days?
2. In the past 14 days, did you provide care or had a close contact with suspected or confirmed COVID-19?
3. Are you experiencing any COVID-19 related symptoms?

Examples of symptoms include:

- a new or worsening cough
 - shortness of breath or difficulty breathing
 - temperature equal to or over 38°C
 - feeling feverish
 - chills
 - fatigue or weakness
 - muscle or body aches
 - headache
 - new loss of smell or taste
 - gastrointestinal symptoms (abdominal pain, diarrhea, vomiting)
 - feeling very unwell
4. Have you travelled outside of Canada in the past 14 days or been in contact with someone who has travelled outside of Canada in the past 14 days? **And**, have either you or the traveller you had contact with been directed to quarantine by CBSA/PHAC on your return/arrival to Canada?

Access to our court facilities may be denied at the discretion of the security personnel or the Court based on health and safety considerations. There may be delays entering the court facilities so please give yourself enough time.

► **Security Screening**

You will be asked to show court staff your belongings, deposit them in a bin for screening or place them on an examination table.

- Court users must maintain the two-metre physical distancing during the security screening process
- Every court user must manipulate his or her own belongings for screening, place them in bins and expose them on the examination table, as required by the Court Security Officer.
- The Court Security Officer operating the walkthrough metal detector (WTMD) will stand behind a standing Plexiglas barrier.
- If there is no alarm, proceed. In cases where the WTMD indicates an alarm, the Court Security Officer will ask the individual to examine himself or herself for metal and proceed through the WTMD again. If the cause of the alarm cannot be identified, the Court Security Officer will use the handheld metal detector (HHMD).
- Handheld metal detectors as well as the bins will be cleaned and disinfected between each usage.

IN THE COURTROOM

- Prior to entering the courtroom, all court users are required to clean their hands with an alcohol-based hand sanitizer provided on site
- Access to the courtrooms by court users will be limited to a maximum number of people, which will be indicated outside each courtroom, to respect the two-metre distance rule. If the maximum number of persons is reached, no additional persons will be allowed to enter. When possible, an overflow room providing videoconferencing for observers will be arranged.

► Masks

All attendees are required to wear a blue disposable procedural face mask in the courtroom, unless directed otherwise by the presiding judge. The presiding judge may also direct other health and safety measures depending on the circumstances. Attendees who have concerns about the use/non-use of face masks or other health and safety measures in the courtroom should raise them as soon as possible with the presiding judge.

If a hearing participant (counsel, party, or witness) has a genuine accommodation need which precludes the wearing of a blue disposable procedural face mask in the courtroom during a hearing, then counsel, the party, or the party calling the witness must advise the Registry of the general requirements of the accommodation in writing as soon as possible in advance of the hearing.

Please note that each court may specify additional measures or guidance.

► Sanitation

Wipes, hand sanitizers and additional blue disposable procedural masks are provided at appropriate locations in the courtroom, such as counsel table, registry desk and witness stand to ensure they are available for use as and if required.

While court personnel will ensure the witness box and chair will be wiped in between each use, for those who will wish to proceed with additional cleaning, disinfecting wipes will be available.

► Physical Distancing and other measures

We changed courtroom layouts, established maximum occupancies and installed plexiglass dividers to ensure physical distancing, where possible.

No plastic or personal gloves of any type or outdoor clothing (coats, jackets, scarves, etc.) will be allowed in the courtroom.

Coat racks or cubbies will be provided outside the courtroom. Coat racks or cubbies will be disinfected after each hearing. A sign will clearly indicate that the coats should not touch each other.

No bags other than briefcases and documents that lawyers or litigants require will be allowed in the courtroom. Valuables that should not be left in cubbies can be brought in the courtroom.

Water pitchers and glasses will not be provided to court users. Disposable water bottles will be provided when possible.

At the close of the hearing, the Court Usher or Court Registrar will invite Court users to exit the courtroom in a manner that respects physical distancing.

The Court Usher will work in collaboration with the Court Security Officer to ensure compliance with all requirements in the Courtroom.

► Sharing of documents or exhibits

Those involved in the transmission of documents in the courtroom must use an alcohol-based hand sanitizer to clean their hands before and after handling documents.

Physical distancing must be maintained during the transmission of exhibits or documents. To maintain physical distancing, parties must place them on a bench, or use a bin/or trolley that will be provided for that purpose, or as otherwise instructed by the Courts. Parties remitting such items will be invited to place them in the appropriate spot and return to their seat. The Usher or Court Registrar will then retrieve the court documents or other exhibits. The bin/trolley will be disinfected between each hearing.

REGISTRY COUNTER

Prior to entering the Registry counter all court users must clean their hands with an alcohol-based hand sanitizer provided on site. All court users and court personnel are required to wear a blue disposable procedural mask that covers the mouth, nose and chin at all times.

► Sharing of documents

Those involved in the transmission of documents must use an alcohol-based hand sanitizer to clean their hands before and after handling documents.

The exchange of paper with the registry personnel at the counter must be kept to a minimum (e.g. electronic signature, if possible).

- Documents should be placed on a clean surface for purposes of receipt and transfer, while respecting the two-metre distance between individuals
- Court users are encouraged to use their own pen; however, pens will be provided as necessary, for the purposes of signing documents. After being handled, provided pens must be discarded or taken back by the court user
- Received documents should be placed and carried in an envelope or boxes

We encourage court users to submit documents using the online platform when available.

► Payments at the Counter

In situations involving payments at the Registry counters, court users must always:

- Maintain a two-metre distance with all individuals at all times
- When possible, avoid hand-to-hand exchange of money, bank or credit cards
- Clean their hands with an alcohol-based hand sanitizer provided on site before and after every transaction
- Avoid placing personal items on the counter/table (e.g. purse, wallets, hats)

ELEVATORS, ESCALATORS AND WASHROOMS

► Elevators

Each court user and court personnel must respect signage on maximum occupancy in each elevator.

When there are two or more people in the elevator, try to:

- stay two metres apart

- face the other way
- use a pen, key or something else to press buttons regardless of the number of people in the elevator

► Escalators

When you use an escalator, try to:

- stay two metres from other people
- avoid touching handrails, unless you need to for safety

► Public washrooms

Public washrooms will be cleaned two times daily.

To support physical distancing:

- the number of people allowed inside washrooms is limited. Signs will list how many people can enter
- signs are posted to remind you to practise physical distancing and to clean your hands

PUBLIC AND MEDIA ACCESS

Health and safety concerns may restrict public access to courtrooms. We will provide remote viewing or listening options when possible.

Media and members of the public should contact the Court Registry as soon as possible to determine access.

SECURITY AND ENFORCEMENT OF MEASURES

A Court Security Officer will ensure compliance with all these measures in all our court facilities

If you have a health and safety concern while attending our court facilities, , please raise it with one of our Court Security Officers as soon as possible.

