



Courts Administration
Service

Service administratif des
tribunaux judiciaires



COVID-19: Recommended Preventive Measures

**RESUMING IN-PERSON COURT
OPERATIONS
March 2021**



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Service tribunaux judiciaires

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GUIDING PRINCIPLE

The health and safety of members of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada (the “Courts”), Courts Administration Service (CAS) employees, counsel, litigants and the public in Courts and CAS facilities is a top priority. CAS will follow the guidelines established by Treasury Board Secretariat and the Office of the Chief Human Resources Officer (the “Government”) for easing COVID-19 related restrictions at Federal Public Service worksites. The implementation of the proposed measures will be aligned in accordance with the easing of measures in each province and territory where CAS has offices.

I. CONTEXT

This guide is intended to maintain the safety of members of the Courts, CAS employees, counsel, litigants and the public in resuming and adapting the Courts’ operations for in-person hearings and in-person Registry services, while facilitating access to justice.

The implementation of these measures must take into consideration a myriad of factors, whether internal or external, which may affect the ability to resume in person hearings and Registry services.

These recommended measures apply from the time court attendees enter CAS facilities until they exit.

This guide addresses the resumption of in-person court hearings when required by the Court as well as the delivery of in-person Registry services.

II. GENERAL PRECAUTIONARY MEASURES

Court attendees should review the following general precautionary measures before attending CAS Facilities:

- Stay at home if you are sick or not feeling well;
- Respect the 2-metre physical distancing rule **and** wear a mask.
- Wash your hands thoroughly in warm soapy water for at least 20 seconds, or use alcohol-based hand sanitizer if water and soap are not immediately available; especially before and after eating, and after touching frequently used items or surfaces (e.g. elevator buttons);
- 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;
- Instead of shaking hands with someone, consider alternative forms of greeting that person.
- If you think you might be experiencing COVID-19 symptoms, you are strongly encouraged please contact your local health authority as soon as possible.

III. IN-PERSON COURT HEARINGS

The following are the measures that will govern as and when the Courts decide based on public health advice that conditions are such that in-person hearings can resume.

Entering CAS Premises

- Court attendees will be asked to respect two-metre physical distancing while in CAS facilities wherever possible.
- Court attendees will be required to respect the 2-metre physical distancing rule wear a blue disposable procedural mask at all times; note that CAS will supply blue disposable procedural mask to all court attendees.

- Court attendees will be asked to clean their hands when entering CAS premises and before leaving the premises. For this purpose, dispensers of alcohol-based hand sanitizer will be made available in sufficient quantities to the various parties involved (judges, registry officers, counsel, witnesses, persons appearing and members of the public).
- A Court Security Officer (CSO) or individual designated by CAS (referred to as CSO for the purposes of this document) will ensure compliance with these requirements.
- CSOs will always wear a blue disposable procedural mask and gloves to support in-person court hearings.

COVID Screening

- At the screening site, the CSO will ask court attendees the following questions:
 - ✓ Are you experiencing any symptoms of COVID-19 such as a fever, cough or shortness of breath?
 - ✓ To the best of your knowledge, have you been in contact with a confirmed or probable case of COVID-19?
 - ✓ Have you returned from outside Canada within the last 14 days?
- Access to the premises may be denied at the discretion of the security personnel or the Court based on health and safety considerations.

Screening of Court Attendees and their Belongings

- Court attendees will be reminded to maintain the two-metre physical distancing during the screening process, as well as wear a blue disposable procedural mask.
- Court attendees will be asked to manipulate their own belongings for screening, place them in bins themselves and expose them on the examination table, as required by the CSO.
- The CSO operating the walkthrough metal detector (WTMD) will stand behind a standing Plexiglas barrier.
- In cases where the WTMD indicates an alarm the individual will be asked to examine themselves for metal and proceed through the WTMD again. If the cause of the alarm cannot be identified the handheld metal detector (HHMD) will be used.

- Handheld metal detectors as well as the bins will be cleaned and disinfected between each usage.

Monitoring Physical Distancing

- Courtroom – CSOs will enforce physical distancing practices (keeping 2 metres away from others) in the flow and seating of Court attendees entering the courtroom.
- Circulation – CSOs will enforce distancing practices in the circulation of Court attendees to and from auxiliary common spaces, such as robing rooms, breakout rooms, Court waiting rooms, Alternative Dispute Resolution rooms, washrooms, etc.

In the Courtroom

Physical Distancing

- The layout of each courtroom will ensure that physical distance is achieved between members of the Court, the Court Registrar, counsels, witnesses, parties and the public. Where it is not possible to maintain a distance of two metres, Plexiglas dividers have been installed in the least intrusive manner possible while ensuring adequate protection.
- Access to the courtrooms by members of the public will be limited to a maximum number of people 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.
- At the close of the hearing, the Court Usher or Court Registrar will invite Court attendees to exit the courtroom in a manner that respects physical distancing.
- A CSO will ensure compliance with these requirements.

Preventive Measures in the Courtroom

- Prior to entering the courtroom, all attendees will be asked to apply an alcohol-based hand sanitizer.
- Wipes, gloves and blue disposable procedural mask be provided at appropriate locations in the courtroom, such as counsel table, registry desk and witness stand to ensure they are available for use as required.

- No personal gloves of any type or outdoor clothing (coats, jackets, scarves, etc.) will be allowed in the courtroom.
- Coat racks and cubbies will be provided outside the courtroom. Coat racks and 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, and valuables that should not be left in cubbies, will be allowed in the courtroom.
- Water pitchers and glasses will not be provided to court attendees. Disposable water bottles will be provided when possible. Court attendees are encouraged to bring their own water bottles.
- Suitable lined waste containers will be in place at the exits from courtrooms and from CAS facilities to allow the appropriate disposal of used blue disposable procedural masks and gloves.

Document Transmission

- Those involved in the transmission of documents in the courtroom should use an alcohol-based hand sanitizer before and after handling documents.
- To maintain physical distancing during the transmission of exhibits or documents, a bin/or trolley will be used. Parties remitting such items will be invited to place them in the bin or trolley 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 hearings.
- For the Tax Court of Canada, the transmission of documents will follow the [protocol](#) established by the Court.

IV. REGISTRY SERVICES

- A physical barrier exists between the public and Registry personnel at registry counters in all CAS locations.
- Registry personnel wash or disinfected their hands, after manipulating documents and before returning to their work stations.
- Registry personnel also wear blue disposable procedural mask at all time.

Transmission or signing of documents

The exchange of paper should be kept to a minimum (e.g. electronic signature, if possible). When paper documents are required:

- The documents should be placed on a clean surface for purposes of receipt and transfer, while respecting the two-metre distance between individuals.
- Members of the public must use their own pen; however, pens will be provided as necessary, for purposes of signing documents.
- After being handled, pens must be discarded.
- Received documents should be placed and carried in an envelope or boxes.

Payments received

In situations involving payments at the Registry counters, members of the public should always:

- Maintain a two-metre distance with all individuals.
- Avoid all physical contact with individuals.
- Avoid hand-to-hand exchange of money, bank or credit cards.
- Preferably, use bank or credit cards for payments of filing fees. The Registry is equipped with fixed payment terminals that do not need to be handled.
- Wash hands with a hydro-alcoholic solution after every commercial transaction.
- Do not place personal items on the counter/table (e.g. purse, wallets, hats).

V. GENERAL MEASURES**Facilities****Distancing Measures**

- Layouts for common areas and courtrooms will ensure the required physical distancing where possible. This includes signage that will direct traffic flow and create safe wait distances between individuals. It also includes distancing chairs in courtrooms, waiting areas and any other rooms.
- The maximum capacity for courtrooms, waiting areas and any other rooms will be clearly indicated on the door of each of the rooms.

Sanitizing Products and Stations

- CAS facilities will be equipped with the appropriate amount of sanitizing products and sanitizing stations, including at entrances of each courtroom, in the washrooms, prior to entering the screening site and at the entrance of the elevators that provide access to the courtrooms.

Disinfecting Services

Courtrooms and Other Auxiliary Rooms

- Courtrooms, waiting areas and other auxiliary rooms will be disinfected before each new hearing.
- Areas to be disinfected include: the judges dais; all furniture and equipment used by the members of the Court; the Court Registrar workstation; furniture and equipment used by Registry staff; furniture and equipment used by litigants and counsel including microphones; furniture used by the public; door handles and any electrical door opener (i.e. push buttons). Special attention should be given to frequently touched surfaces (e.g., door handles and light switches).
- The witness box will be disinfected before each use. Sanitary products and/or sanitary dispensers will be provided to that effect.

Common Areas

- Change rooms, washrooms and boardrooms will be disinfected at least once a day. Users will be provided access to sanitary products and/or sanitary dispensers where possible, so they can wipe down surfaces between use of the area.
- CSO will monitor use of elevators to ensure physical distancing and/or the use of blue disposable procedural masks. Disinfection of elevator buttons will be done four times a day during working hours.