

COVID-19 Guidance: Off-Site Court Locations

August 21, 2020

This document provides basic information and guidance only. It is not intended to take the place of medical advice, diagnosis, treatment, or legal advice.

In the event of any conflict between this guidance document and any orders or directives issued by the Minister of Health or the Chief Medical Officer of Health (CMOH), the order or directive prevails.

- Please check the [Ministry of Health \(MOH\) COVID-19 website](#) regularly for updates to Reference Document for Symptoms, mental health resources, and other information.
- Please check the [Directives, Memorandums and Other Resources](#) page regularly for the most up-to-date directives.

In order to support phased reopening of Ontario businesses, services and public spaces during the post-peak period of the COVID-19 pandemic, court locations that comply with provincial and municipal COVID-19 guidance and health and safety measures are permitted to operate according to the indoor provincial gathering limit of 50, applied on a per courtroom or jury room basis.

Courthouses and off-site court locations are required to follow all existing worker health and safety requirements as outlined in the [Occupational Health and Safety Act](#) and its regulations, public health requirements as directed by the local medical officer of health, and other relevant requirements as outlined in policies and guidelines issued by the Ministry of the Attorney General's (MAG's) Recovery Secretariat. Plans must also be in place to respond should any staff or visitor be exposed to or diagnosed with COVID-19.

The ministry will undertake the following:

Recommendations for Health and Safety

1. Follow specific obligations under the Occupational Health and Safety Act. All workplace parties have a responsibility for promoting health and safety in the workplace and helping the workplace be in compliance with the statutory requirements set out under the Act.
2. Continue to work collaboratively with Joint Health and Safety Committees (JHSC) from the base court location associated with any offsite location. The JHSC plays a critical role in identifying potential health and safety issues and bringing them to the employer's attention. The JHSC will be kept informed of health and safety developments in the workplace by the employer. The JHSC does not have decision-making authority about resumption of services, nor accountability for the presence of health and safety measures, nor a role in verifying measures.
3. Ensure all current infection prevention and control practices are adhered to. This includes, but is not limited to:
 - Enhanced cleaning of frequently-touched surfaces in common spaces, such as washrooms, entrances, and public waiting areas. The surfaces most likely to become contaminated include door handles, handrails, toilet and faucet handles, and counters. For more details, refer to Public Health Ontario's (PHO) [Environmental Cleaning fact sheet](#)
 - Using cleaning and disinfectant products that have been approved by Health Canada
 - Providing Health Canada-approved hand sanitizer in all key areas of the facility, including main entrances, entrances to individual rooms (e.g. courtrooms, jury assembly or deliberation rooms), public waiting areas, and outside washrooms
 - Promoting frequent, proper hand hygiene via signage in appropriate locations. All individuals should be encouraged to perform hand hygiene upon entering. For more details, refer to PHO's [How to Wash Your Hands fact sheet](#)
4. Encourage physical distancing of at least 2 metres between individuals by:
 - Using visual cues (e.g., signs, posters, floor markings, etc.), particularly where lines will form (e.g. entrances to the facility and to individual rooms)
 - Staggering juror arrival times to reduce number of individuals in public areas
 - Positioning staff in various areas in the location to oversee traffic flow and capacity as jurors and staff enter and exit these areas.

5. Require the use of face coverings by all MAG employees and visitors to the location, with exemptions noted in the Guidebook: COVID-19 – Precautionary Measures for Resumption of Court Operations. Recommend that judiciary follow similar practices regarding face coverings, with similar exemptions. Face coverings will be provided to staff, public and judiciary if they do not bring their own. Face coverings are not considered personal protective equipment (PPE). Where PPE is indicated for staff and judiciary, it must be worn.
6. Where possible in situations where physical distancing cannot be maintained, install engineered controls, such as plexiglass barriers, in public-facing locations and in courtrooms. These barriers will be properly designed and installed to protect workers and clients from droplet exposure.

Screening Protocol

7. Implement screening to be completed by all persons seeking to enter the courthouse, including staff and members of judiciary.
The following screening methods are available:
 - I. 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:
 - o English: <https://covid-19.ontario.ca/courthouse-screening/>
 - o French: <https://covid-19.ontario.ca/depistage-tribunaux/>
 - II. 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.
 - III. No Mobile Device: Upon arriving at the courthouse, a person will be directed via entrance signage to complete a paper-based version of the screening questionnaire, located near the courthouse entrance.

If, based on the answers provided to the screening questions, a person is deemed inadmissible, or if they refuse to complete the COVID-19 screening questionnaire, they will not be permitted to enter the courthouse 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 told to call their lawyer or duty counsel (local duty counsel contact number will be 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, the person or party that asked you to attend (e.g. defence counsel), or the Crown's office (local contact number will be provided).
- If they are an individual attending for jury selection, they will be asked not to enter the courthouse and told to contact the Sheriff's office listed on their summons immediately by email or phone (contact information located at the top left-hand corner of the summons).
- If they are a juror, they will be asked to immediately contact the Sheriff's Office (or Jury Office) at the number with which they have been provided so that the court staff assigned to the proceeding can notify the presiding judicial official.
- Any other individuals will be asked not to enter/attend the courthouse and to contact a local administrative telephone number for assistance.

If, based on the answers to the screening questions, a person is deemed admissible, they will be allowed to enter the courthouse. Designated individuals will be monitoring the front door. To gain entry, all individuals must show one of the following:

- I. Approval displayed on their mobile device
- II. A printed copy of their survey results
- III. The paper-based alternative screening questionnaire

8. Deny entry to anyone experiencing [symptoms of COVID-19](#).

9. Temporarily collect the contact information of persons attending court facilities. 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 – at which time the records will be securely and confidentially destroyed.

The ministry will disclose the records only to a medical officer of health or an inspector under the Health Protection and Promotion Act on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Management of Probable or Confirmed COVID-19 Cases

10. Implement the following procedures if COVID-19 symptoms are present or presumed:

Justice Sector Partners and Jurors

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

- Leave the facility immediately.
- Use the [Ontario Self-Assessment Tool](#), and/or contact Telehealth at 1-866-787-0000, or their primary care provider, to seek guidance and testing if recommended.

MAG Employees or Judiciary

If a MAG employee or a member of the judiciary becomes unwell with symptoms of COVID-19, 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 at 1-866-787-0000, or their primary care provider, to seek guidance and testing if recommended.

Communication of Probable or Confirmed Case of COVID-19

11. 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.

MAG also recognizes that members of external stakeholder groups/associations attend courthouses and buildings operated by the ministry and that communication of probable or confirmed COVID-19 cases to these groups is vital in assisting members in making informed health and safety decisions. Therefore, approved memos will also be shared with these external stakeholders/associations.

Public Health will conduct any required contact tracing and will communicate directly with any individual identified through their process.

12. Follow the recommendations of the local [public health unit](#), which will provide specific advice on what control measures should be implemented to prevent potential spread and how to monitor for other possible infected persons in the affected location.
13. If anyone in the off-site court location has tested positive for COVID-19 due to exposure at the workplace, report this to the Workplace Safety and Insurance Board (WSIB) within 72 hours of receiving notification of said illness. If a claim has been filed the ministry will notify, in accordance with the [Occupational Health and Safety Act](#) (OHSA) and its regulations:
 - the Ministry of Labour, Training and Skills Development in writing within four days

- the workplace joint health and safety committee or a health and safety representative
- a trade union (if applicable)

Occupational Health & Safety

14. Provide written measures and procedures for employee safety, including for infection prevention and control. MAG has produced the [Guidebook: COVID-19 – Precautionary Measures for Resuming Court Operations](#), which is a living document and is regularly updated to reflect changes in COVID-19 response and recovery. Detailed guidelines for COVID-19 are available on the government's [COVID-19 website](#).
15. If a MAG employee is diagnosed with COVID-19, ensure that the employee remains off work for 14 days following symptom onset and receives clearance from the [local public health unit](#).

The [local public health unit](#) will advise the employee as to when their self-isolation period is over. Once advised of this, employees will work with their manager on their return to work. Employees should also report to their Employee Health/Occupational Health and Safety department prior to return to work.