



## External Stakeholders – Frequently Asked Questions

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### **About Court Recovery**

#### **1. Why do courts need to reopen for in person services?**

The principle of open courts is fundamental to democracy and Ontario has a responsibility to ensure everyone in our province has access to justice. Ontario's courts are an essential service and have remained open during the COVID-19 outbreak. Although, in order to protect the health and safety of front-line workers and people accessing the justice system, in-person proceedings were suspended unless otherwise directed by the judiciary.

During the COVID-19 outbreak, the justice system responded swiftly to establish new and innovative ways of delivering justice remotely and online to ensure that some priority criminal, civil and family matters continue to be heard.

These measures are an essential part of our recovery strategy and will continue to be available to provide access to justice. However, in-person hearings are required in some cases and will continue to be an important part of providing access to justice.

Our government is taking steps to help ensure that as the economy gradually and safely reopens, courthouses can also start returning to conduct in-person proceedings. Ontario has been working in partnership with all levels of court to put measures in place to ensure matters can be heard safely, in accordance with the guidance of public health officials.

## **2. Why are only 150 courtrooms ready to reopen?**

The health and safety of the public and all court participants, including the judiciary, court staff, litigants and witnesses, is our priority.

Ontario's courts are an essential service and have remained open; although in-person proceedings were suspended, unless otherwise directed by the judiciary.

This is the first stage in resuming in-person court operations. Ontario has been working in partnership with all levels of court on a measured and gradual approach to reopening courtrooms, providing access to justice while ensuring matters will be heard safely, and in accordance with the guidance of public health officials.

Courtrooms will be reopening in phases in order to ensure that measures are in place to protect the health and safety of members of the judiciary, lawyers, litigants, witnesses, staff and members of the public who may be required to attend a courthouse in person. This approach is also aligned with the broader provincial approach to recovery.

## **3. What happens if one of the identified sites is not ready to open?**

The health and safety of the public and all court participants, including the judiciary, court staff, litigants and witnesses, is our priority.

Courtrooms will be reopening in phases in order to ensure that measures are in place to protect the health and safety of members of the judiciary, lawyers, litigants, staff and members of the public who may be required to attend a courthouse in person. This approach to reopening courts is also aligned with the broader provincial approach to recovery.

The ministry will not re-open a courthouse on July 6 if we have concluded that the health and safety of those that enter is not adequately protected.

## **4. Why are there no courtrooms open in my area? Why are no small courthouses open? (Including Northwestern Ontario.)**

The courtrooms scheduled for re-opening as of July 6 are only the initial ones. We are currently working with the judiciary to identify which court locations and courtrooms will be next.

Our phased approach will see more courtrooms across the province reopen through July to November. We are targeting to have all courtrooms in all base courthouses to be reopened by November.

## **5. I'd like more information about this court recovery and health and safety, what's available?**

You can learn more by accessing YouTube links to the following resources:

- [Recovery Planning Town Hall Sessions](#)
- [COVID-19 Safety Seminars](#)
- [Brampton Courthouse Tour](#)

In addition, a guidebook was created to provide implementation advice and information for ministry staff, judiciary and stakeholders who are working to prepare court locations to resume in-person appearances. The guidebook is available online at [Ontario.ca](#).

## **Health and Safety**

### **6. Who are the medical and health and safety advisors?**

The ministry retained a health and safety advisor, Assistant Deputy Minister Ron Kelusky, the Chief Prevention Officer for Ontario from the Ministry of Labour, Training and Skills Development, as well as a medical advisor, Dr. Michelle Murti, a Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response.

### **7. What measures have been put in place to protect staff, justice participants, and the public?**

The health and safety of the public and all court participants – including the judiciary, court staff, litigants and witnesses – is our priority. The ministry will not re-open a courthouse on July 6, if we have concluded that the health and safety of those that enter is not adequately protected.

Local site assessments, which informed the precautionary health and safety measures being implemented in each court location, have been completed. These assessments were completed by independent health and safety advisors from the Public Services Health & Safety Association and supported by local representatives from various justice partner organizations.

In preparation for re-opening, MAG has developed a phased, gradual and responsive plan for court recovery that includes health and safety measures and protocols that include, but are not limited to:

- Physical distancing markers,

- Fixed hand sanitizer dispensers,
- Room capacity limitations,
- Use of non-medical masks (face coverings) for all court entrants,
- An entry screening process,
- Safe distance signage,
- Plexiglas barriers, and
- Enhanced cleaning and disinfecting.

The ministry is working to align the courthouse recovery process with the broader Framework for Reopening Our Province, taking a phased approach to recovery based on the guidance of the Chief Medical Officer of Health.

In addition, advisors in health and safety and medicine have been engaged to assist in applying the direction of the Chief Medical Officer of Health in a courthouse setting.

### **8. Will people entering the courthouse be screened?**

An active screening process has been put in place that will ask attendees questions about their potential exposure to COVID-19 and if they are experiencing any symptoms.

Everyone who needs to enter the courthouse will be required to complete the active screening process - a screening tool, which will be available for completion online, in paper-based format, and verbally where required. Once they have their screening results, all courthouse visitors will be required to present their screening results to designated entrance monitors as they enter the courthouse. Individuals who are deemed inadmissible through the screening process will be redirected to alternative processes.

Links to the screening tool are available online at:

- English: [Ontario.ca/courtscreening](https://ontario.ca/courtscreening)
- French: [Ontario.ca/depistagetribunaux](https://ontario.ca/depistagetribunaux)

### **9. What's the difference between a non-medical mask or face covering and a face mask or PPE?**

A “face mask” means 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. A face mask is classified under Occupational Health and Safety regulations as personal protective equipment or PPE.

A “face covering” means 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. A face covering is not classified as PPE.

#### **10. Does everyone who goes to court must wear a non-medical face covering?**

In line with the ministry’s policies, all entrants to a courthouse, including the public, justice sector partners, and staff will be required to wear a face covering, with limited exemptions (e.g., medical reasons).

#### **11. What if members of the public refuse to wear a face covering when they attend court?**

The wearing of face coverings will be a requirement of entry. If members of the public arrive not wearing a face covering, they will be provided one. If they refuse to wear a mask due to accessibility and human rights considerations, this must be obliged. If the refusal takes place for another reason (i.e. the individual does not want to wear a mask), they will be reminded by the designated entrance monitor that this is a requirement for entry. Refusal to comply may result in the removal of the person from the court.

#### **12. Will court staff and judiciary be required to wear PPE or face coverings?**

In line with the ministry’s policies, all entrants to a courthouse, including the public, justice sector partners, and staff, will be required to wear a non-medical grade face covering, with limited exemptions (e.g. medical reasons). It is recommended that judiciary follow similar practices, with similar exemptions.

The face coverings provided to the public are not classified as medical grade PPE and would not adhere to the ministry’s PPE policies.

There may also be some instances when wearing PPE will be mandatory for ministry staff in areas where the local site assessment has determined this. Staff will be provided with PPE (a level 1 medical grade mask and face shield) where required.

Considerations will be explored for those with existing health, physical/psychological limitations, and/or religious restrictions that prevent them from safely wearing PPE.

#### **13. Will MAG be providing face coverings and PPE?**

The ministry will provide supplies to courthouses as needed and based on the results of the local site assessments. This includes providing PPE for staff and judiciary and non-

medical face coverings for those members of the public and staff who did not bring their own.

#### **14. What are the limited exemptions for those who can't wear a face covering or PPE?**

Individuals will not be required to wear a face covering if they meet any of the following exemptions:

- When testifying or making submissions in court.
- Children under two years of age.
- Children under five years of age, either chronologically or developmentally, who cannot 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.
- Persons who, for any religious reason, cannot wear a face covering or cannot wear a face covering in a manner that would properly provide source control.
- Additional accommodations in accordance with the Ontario Human Rights Code.

#### **15. How often are spaces going to be cleaned?**

The ministry has worked with Infrastructure Ontario and landlords to ensure that appropriate cleaning is in place to reduce risk to staff and visitors within courthouses and other MAG occupied buildings.

The cleaning practice is to ensure a hygienic workplace is maintained. Environmentally friendly cleaning products that are effective at reducing the spread of bacteria and viruses are used.

Courthouses and MAG office locations that serve the public are receiving enhanced cleaning of public facing high touch point areas.

Enhanced cleaning takes place in those areas with public-facing interaction which may be at higher risk for potential spread of the virus.

Enhanced cleaning involves cleaning with stronger disinfectant cleaner. Examples of high-contact surfaces include door handles, handrails, elevators, push plates, light switches, bathroom areas, etc.

#### **16. What happens if someone who was at the court later tests positive for COVID-19?**

The ministry has a policy for courthouses and all MAG occupied buildings for situations where an employee or member of the judiciary has received a probable case diagnosis from a healthcare professional or has tested positive for COVID-19 by their doctor or Public Health authority. The policy has been followed during the COVID-19 outbreak and will continue to be in place and kept up to date as we resume in-person court appearances.

Local public health officials will continue to be responsible for contact tracing. Local management will continue to follow public health advice, if a probable or confirmed case presents.

If ministry staff or member of the judiciary receive a probable or confirmed diagnosis for COVID-19, then those impacted will be notified through the appropriate internal memo. The privacy rights of the individual must be respected and therefore no direct or circumstantial identifying information will be released.

#### **17. Could court locations be closed if someone tests positive?**

These decisions will be made on a case-by-case basis by the Ministry's Senior Management Team based on the recommendation received from local courthouse management and will be contingent on a number of factors. Local public health officials will be consulted by the local courthouse management as part of the evaluation and recommendation process.

#### **18. Will the ministry consider closing courthouses or reducing in-person service if a second wave of infection comes?**

The health and safety of court users, the public, judiciary and court personnel continues to be the ministry's top priority during recovery.

Ontario's court recovery process will continue to be aligned with the broader Framework for Reopening our Province and guidance of the Chief Medical Officer of Health.

## **19. How are you ensuring that HVAC systems won't contribute to the spread of the virus?**

Infrastructure Ontario Property Services (IOPS) 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. IOPS will be implementing the following 10-point checklist to optimize the performance of HVAC systems to the highest level:

1. Clean, inspect and maintain air handling unit systems (including rooftop units, exhaust & return fans).
2. Replace filters, including inspection and repair as required of filter racks to minimize air leakage.
3. Inspection/testing/repair of all air dampers where applicable – replace faulty dampers/actuators as required.
4. Bypass heat recovery systems where applicable and feasible.
5. Maximize outdoor air and reduce/eliminate recirculation as reasonable possible. Maximize outdoor air supply as operationally feasible while maintaining CO2 levels below 800 and adhering to comfort conditions.
6. Complete preventive maintenance for full summer start up/maintenance of cooling systems including cooling towers where applicable.
7. Run air handling units 2 hours prior to and post occupancy while maximizing outdoor air.
8. Run washroom exhaust fans according to the extended AHU schedule.
9. Testing of building automation system/control of HVAC systems including minor reprogramming as required (i.e., maximizing outdoor air & reduction/elimination of recirculation).
10. Monitor/trend temperature, RH and CO2 levels on a continuous basis. Use individual data loggers where building automation system capability does not exist.

HVAC summary reports conducted by IOPS were shared with justice partner organizations proactively.

## **20. How many people are allowed in the courtroom?**

Each courtroom will have a maximum capacity in order to provide for physical distancing and protect the safety of court participants and the public. The actual capacity will be determined as part of local site assessments conducted by local implementation teams, guided by independent health and safety advisors. Information about the courtroom capacity will be posted on the door. Designated individuals will be in place to monitor occupancy.

## **21. What about elevators and hallways?**

Elevators, hallways and other public areas were also considered as part of the local site assessments. There will be measures to ensure physical distancing, such as set capacity for elevators, ensuring space between people in seating areas, and floor markings directing the flow of traffic in hallways and lines for elevators and washrooms.

## **22. How are you going to ensure crowd control and prevent spread of the virus from people who show up once courts reopen? Many courthouses are very busy places.**

We are opening only specific courtrooms for specified matters that need to happen in person. This will reduce the number of people attending the courthouse and reduce crowding at entrances. Designated individuals will be in place to monitor occupancy.

## **Delay**

## **23. How are you going to deal with the backlog of cases that have been on hold since March?**

In addition to helping the justice system resume and expand operations during the province's COVID-19 recovery, we are continuing to work with partners to build a justice system for the 21st century that is more accessible, responsive and resilient for Ontarians.

The needs of the justice sector have changed during this outbreak, and the demands on the system will continue to evolve as we begin to see the province reopening in stages. Experience gained during COVID-19 underscores the urgent need to invest in technology, modernize processes and expand access to justice across the province, including in rural and remote regions.

The government has also announced it will shift from traditional investments toward innovation and new technology and will move more services online to position Ontario at the forefront of building the modern justice system of the future.

Our government will work with justice partners to establish new and innovative ways of administering justice, including supporting new ways of conducting proceedings, more remote proceedings and moving more services online so Ontarians won't have to appear in court at every step of the way.

## **24. Will we see cases stayed because of COVID-19?**

It would be inappropriate for the ministry to comment on any specific case that is before the courts.

## **Court Proceedings, Satellite and Remote Courts**

### **25. When will trials resume?**

The judiciary has exclusive authority over the scheduling of court sittings and the assignment of judges to hear matters. The courts are independent of government and neither government ministries nor elected representatives can interfere with court decision-making and scheduling.

The Ontario Court of Justice has indicated that it will begin resuming trials and preliminary hearings in July. The Superior Court of Justice has indicated that non-jury trials will commence in July, while jury trials will begin resuming in September.

Further questions about the scheduling of court matters should be referred to courts.

### **26. What about counter service? Will counters be open at all the phase one courthouses?**

Yes, counter service will be open at courthouses in phase one. Counters and all public areas were considered as part of the local site assessments. Measures will be in place to ensure the safety of staff and the public, such as plexiglass barriers, signage and other physical distancing measures, such as floor decals.

### **27. What about satellite courts?**

Satellite courts are not part of phase one. The ministry will be examining these locations separately as the temporary set up and take down of these courts will require a different approach.

### **28. When will operations resume in fly-in court locations?**

Due to the unique nature of fly-in courts and their remote locations, the ministry is working with Indigenous Leadership of the communities and the Offices of the Chief Justices for the Superior and Ontario Courts to examine ways to deliver justice services that prioritize the health and safety of court participants in these remote court locations. Further information will be provided once this has been determined.

### **29. Will court proceedings continue to take place virtually and what will require in-person attendance?**

The Superior Court of Justice and the Ontario Court of Justice will determine which events will continue to proceed virtually and which will require in-person events.

### **30. How will media access remote hearings?**

Any member of the media who wishes to hear/observe a remote proceeding may email their request to local courthouse staff in advance of the hearing.

## **Technology**

### **31. Will the video and telephone conferences still be a part of the approach?**

Yes, virtual courts remain essential to our strategy for resuming court operations across the province.

We know that we must press forward boldly toward a more accessible, responsive and resilient justice system – there is broad consensus that we should not return to previous ways of administering and delivering justice.

To support these efforts, the government has invested \$1.3 million in technology to help courts and tribunals continue the transition to remote operations and to limit in-person appearances and transportation requirements.

We are building on work we've already done with our justice partners to streamline and digitize criminal intake processes, enhance judicial scheduling tools and expand remote video technology.

We will continue to work together to establish new and innovative ways of administering justice, including supporting new ways of conducting proceedings, more remote proceedings and moving more services online.

### **32. Will you keep electronic filing for documents?**

Currently, the ministry offers online filing through [Small Claims Online](#), [Civil Claims Online](#) and [Family Claims Online](#). Each site includes a list of the documents eligible for online filing. Other filings may be able to be submitted by e-mail, as per the direction of the courts. For more information, please consult the notices posted to the websites for Superior Court of Justice and the Ontario Court of Justice.

The ministry is currently working to enable the online submission of additional family and civil court documents as well as the online payment of court filing fees. More information will be provided when these services are available later this summer.

**33. How is the ministry supporting court users who do not have the necessary technology to file online or to participate in virtual events?**

Court counters remain open to enable people without access to IT resources to file documents in paper format and we've also introduced lower-tech options like telephone-based hearings. We are working toward the recovery of Ontario's courtrooms to enable in-person events for those who cannot participate virtually.

**34. How much is this new technology/modernization going to cost?**

The \$1.3-million investment announced in the government's Ontario's Action Plan: Responding to COVID-19 on March 25, 2020 provided additional laptops, conference lines and doubled the complement of portable digital recording devices for court use as the Ontario government and our justice partners established new and innovative ways of delivering justice remotely and online.

The government has also announced it will shift from traditional investments toward innovation and new technology and will move more services online to position Ontario at the forefront of building the modern justice system of the future.

These responsible investments will leave a legacy of transformational benefits to all Ontarians in every region of our province, making it easier, faster and more affordable to access justice no matter where people live.

**35. Can you share more details about your plan to modernize the court system and what have you done since cancelling the Halton courthouse?**

We are working around the clock with our justice partners to put more services online, so Ontarians can get access to justice without having to appear in court at every step of the way. We will have more to say about these plans later this summer.

**The Recovery Secretariat**

**36. What is the recovery secretariat and what is it doing?**

The ministry established a recovery secretariat to lead the creation of a safe and gradual return to work plan for the ministry.

The secretariat is building upon our recent successes in transitioning many of our programs to a virtual environment and is liaising with ministry staff and across the justice sector, to lead an integrated and streamlined approach to recovery.

The secretariat has been working in partnership with all levels of court, and consulting with staff and stakeholders in order to implement Ontario's phased approach to resuming in-person court appearances and ensure that matters can be heard safely. Medical and health and safety advisors are being consulted throughout the process, including Dr. Michelle Murti, of Public Health Ontario and Ron Kelusky, Chief Prevention Officer/Assistant Deputy Minister, Ministry of Labour, Training and Skills Development.

The recovery secretariat will continue to work with staff, the judiciary, and our justice partners and stakeholders as we continue to prepare and implement recovery plans for courthouses and ministry offices across the province.

### **37. Who did you engage with while developing your approach to reopening courtrooms?**

The ministry engaged with staff, other ministries, judiciary, unions, and justice sector stakeholders. The ministry also engaged with a health and safety advisor, Assistant Deputy Minister Ron Kelusky, the Chief Prevention Officer for Ontario from the Ministry of Labour, Training and Skills Development, as well as a medical advisor, Dr. Michelle Murti, a Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response.

The recovery secretariat created a guidebook to support local implementation teams with preparing courthouses to resume more in-person operations and to provide information about what measures are being taken to ensure that court matters can be heard safely. We also sought input from courthouse staff, judiciary and stakeholders in the development of the guidebook.

The secretariat also hosted numerous townhalls and safety seminars in order to brief our staff and partners on the courthouse recovery plan, hear authoritative information from the ministry's medical and health and safety advisors on the COVID-19 virus, and provide answers to questions about the ministry's approach to resuming in-person court operations.

The recovery secretariat will continue to work with staff, the judiciary, and our justice partners and stakeholders as we continue to prepare and implement recovery plans for courthouses and ministry offices across the province.

### **38. Can media get a copy of the guidebook?**

The guidebook was developed to provide implementation advice and information for ministry staff, judiciary and stakeholders who are working to prepare court locations to resume in-person appearances. The guidebook is available online at [Ontario.ca](https://www.ontario.ca).

### **39. How were the local courthouse site assessment completed?**

Local implementation teams, composed of Local Administrative Judiciary, Ministry of the Attorney General Managers and stakeholder representatives, were paired with an independent health and safety advisor from the Public Services Health & Safety Association. These advisors facilitated a local, in-person site assessment within each courthouse to inform the precautionary measures that should be taken, enhancing a locally responsive approach to health and safety.

### **40. Can the public or media get a copy of the assessment for their local courthouse?**

The local site assessments were shared with respective courthouse Joint Health and Safety Committees. The site assessment findings and precautionary measures were also shared with courthouse staff, local health and safety committees and other interested justice partners. The local site assessments contain sensitive information about court locations and will not be shared publicly.