



Action Committee on Court Operations in Response to COVID-19

COMMUNIQUÉ: THE ACTION COMMITTEE INVITES COURT OFFICIALS AND PUBLIC HEALTH AUTHORITIES TO ENGAGE IN A DIALOGUE TO BETTER PROTECT PARTICIPANTS IN COURT PROCEEDINGS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

NOTICE: *This document highlights best practices when the epidemiological situation and relevant risk assessments call for enhanced public health measures to control the spread of COVID-19 in a court environment. Please contact local public health authorities for current requirements, which may differ from the practices outlined in this document, and your local Occupational Health and Safety regulator for current guidance specific to the workplace.*

THE CHALLENGE FACING THE COURTS

Canada's courts are an integral part of our democracy, they uphold the rule of law, and they perform an essential service to the country. While one typically associates courts with judges, lawyers, litigants and jurors, courts also bring together court personnel, police and peace officers, social workers, witnesses, social support workers as well as the marginalized and people under strain, including children and people suffering from addiction and mental health challenges. During the pandemic, it is in this context that judges, in collaboration with court administrators, counsel, litigants and public health officials, must make difficult decisions about whether individual proceedings should take place virtually or in-person, or whether they should be postponed.

PROPOSED APPROACH

The Action Committee strongly encourages continued and proactive dialogue between court officials and federal, provincial, territorial and local governments and health authorities to examine whether and how

- Participants in court proceedings may secure access to priority testing and results;
- Rapid tests may be allocated and used to screen participants in court proceedings for referral to further testing if warranted;
- Contact tracing efforts may be optimized to more effectively support the needs of both the courts and public health authorities; and
- Participants in court proceedings should factor into vaccination planning.

The Action Committee recommends that protocols or other operational arrangements in these areas be developed as appropriate to sustain court operations and facilitate the



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continuance and resumption of in-person proceedings in a manner that affords increased protection for the health and safety of participants in court proceedings. It is anticipated that the need for such interventions will vary across jurisdictions, and that chief justices, judges, justice ministries, and court officials will work with government and public health officials to develop arrangements best suited to the circumstances of individual courts and their respective communities. The fact that a number of provincial, superior and federal courts are co-located in the same facilities argues for the need for some level of inter-jurisdictional information sharing and coordination.

All those who gather in Canada's courts must continue to have confidence that appropriate measures are being taken to protect their health and safety. Federal, provincial and territorial governments, judges, court officials, legal professionals, public health authorities and members of the public have worked tirelessly to keep courts across Canada open. Courts are crucial in supporting community and national-level recovery, restoring economic activity, and strengthening social cohesion.