

Mark and I attended the Oshawa Courthouse yesterday as part of a health and safety risk assessment initiated by MAG in advance of phase 1 re-opening of the courts on July 6th. The risk assessment was led by a health and safety consultant retained by MAG. The following representatives attended. MAG did not send a representative to answer any questions that arose.

- One employee representative from the JHSC
- One management representative from the JHSC or Manager of Court Operations
- Crown Attorney
- Two members of the judiciary
- One representative from the police service of jurisdiction
- One representative from Legal Aid Ontario
- One representative from the Criminal Lawyers' Association
- One representative from the Civil or Family section of the Ontario Bar Association

Unfortunately, the third party consultant had very little information available to us. That being said, the group did ask a number of meaningful questions that I hope will find its way back to MAG. These included: the provision of masks to staff, counsel and the public; cleaning protocol of high touch surfaces and rooms; signage and markers; meaningful notices to the public (including those who don't speak English as a first language), AODA considerations; customizing plexi-glass shields; moving furniture (giving consideration to wiring and mics); safe handling of documents; ability for counsel to meaningfully communicate with clients during a hearing (with masks, physical distancing etc.) etc.

I also should note that there was no discussion about scheduling matters, nor was it the vehicle to do so. It was simply a health and safety assessment of the court.

The information I did gather is as follows:

1. There will be 6 courts (OCJ and SCJ open at Oshawa): For OCJ they are 101, 105, 407 and 409 and SCJ they are using 205 and 208. I believe the rooms were chosen for location, the size, family friendly and video capabilities.
2. Staff will be provided masks; but it is our understanding that masks will be recommended to the public and not required or provided (I am seeking verification of this).
3. They will get two sizes of plexi-glass for the court room and they will not be customizable. They are table top only and cannot be fitted for podiums. It was not known if they were moveable or shatterproof.
4. The seating at counsel table is going to be very limited to enable social distancing and erect plexi-glass. This was noted as difficult for serving clients and communicating during the hearing.
5. For ventilation and HVAC, it was noted that Infrastructure Ontario is doing a report, but no further details were provided.
6. Safe handling of documents was discussed and it appears electronic means will be preferred, but we anticipate a further policy or protocol will have to follow.
7. There was discussed of enhanced cleaning protocol to deal with high touch surfaces and rooms, but the details were not communicated.
8. While there will be social distancing markers and signage, but it was noted that it could be difficult to enforce if family members come together as a social bubble/circle. It was also very unclear who would enforce it.
9. It was noted that prisoner and security protocol would be dealt with by DRPS.

10. There would only be one person per elevator, but delays, ques and those with AODA concerns had not be fleshed out.
11. The public restrooms will include signage and closing of stalls and faucets to enable social distancing.
12. Water stations will be closed off.
13. The public seating will be marked off using red X's, but it was noted that family in social circles may in practice ignore that.
14. Access to justice or limited seating was not discussed at all.
15. Hand sanitizer stations will essentially be everywhere.

My overall impression was it was a very technical assessment limited for the fitting of plexi-glass, moving court room spaces, erecting signage and hand sanitizer stations. I understand a report will arise from this visit. I also understand there will be a further working group to really dive into some of the more practical discussions we had. I would suggest that this working group should include the representatives noted above, local law association designate, relevant Union representatives (which may have occurred at the JHS committee level, but really needs to elevate to ensure all stakeholders have bought in) and MAG.

I suspect this will also serve as a template for how we can expect the POA court openings to happen as well.