

# Recovery Planning

June 12, 2020

# Presenters

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Ministry of the Attorney General

# Purpose

1. Review the framework for court recovery
2. Discuss the achievements to date
3. Outline the precautionary health and safety measures being put in place
4. Review the phased approach to recovery and the courtrooms slated to reopen July 6, 2020
5. Discuss ongoing implementation planning
6. View the mock-ups of the precautionary measures

# Recovery Secretariat

The work of the ministry's Recovery Secretariat aligns 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:

## People-centred



- Prioritize health and safety
- Build on efforts to enhance client access to services
- Ensure accessible services and accommodations
- Inspire trust through transparency

## Collaborative



- Take a pan-ministry approach
- Engage broadly
- Communicate often and openly

## Efficient



- Leverage existing committees to connect with broader OPS resources
- Connect with recovery specific networks for direction

## Modern



- Maintain momentum towards modernization
- Focus on digital first

## Dynamic



- Rethink how work can be done
- Remain flexible and responsive
- Promote iteration
- Do not allow perfection to impede progress

### Provincial Principles

Responsible

Clear

Resourced

Monitored

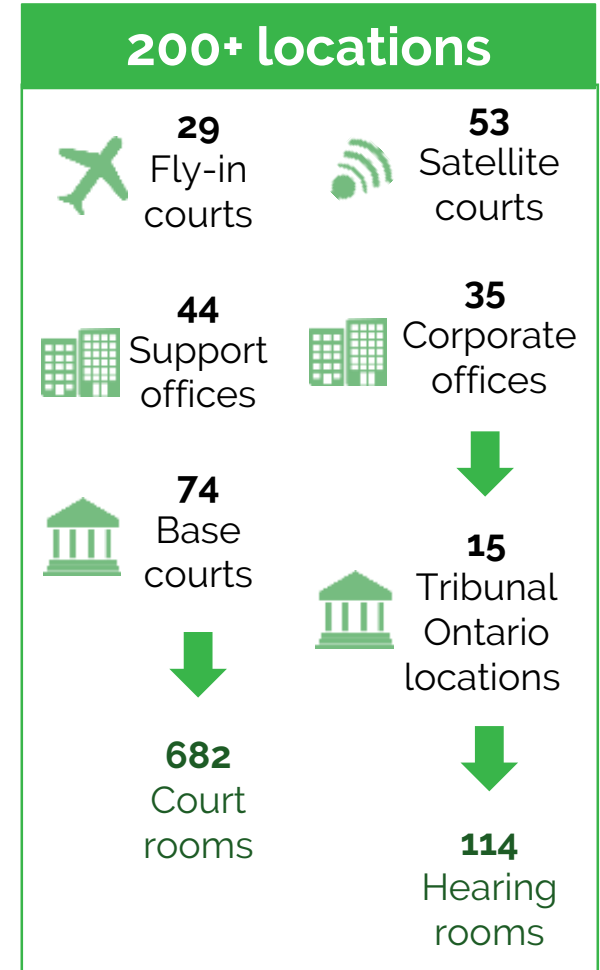
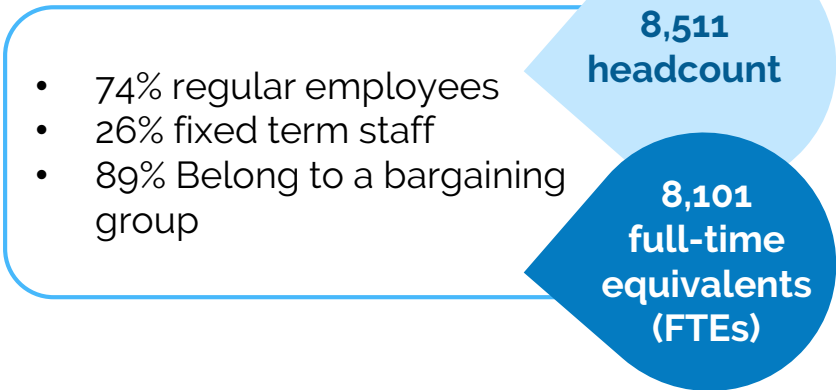
Evidence-informed

Responsive and Effective

# Ministry context



## Workforce at a glance



# *Response to Date*

# Operational Achievements

The state of emergency prompted rapid and significant transformation to the justice system. Some of the impressive response across the sector includes:

## Exponential increase in virtual appearances

- Effective March 17, SCJ moved to remote appearances
- Effective March 27, OCJ moved to remote appearances
- Continued expansion of SCJ and OCJ remote events being heard
- Justice Video Network capacity doubled

## Rapid development of processes and training

- New virtual processes (e.g., finger printing, DNA orders)
- On-demand and refresher training for Office365, VPN, JVN, e-signatures and other remote-work tools
- The creation of e-mail processes for sharing of documents between litigants, police, crowns, courts, court services and corrections

## Dedicated resourcing and investment

- Formed Fast Action and Support Teams
- The rapid deployment of technology resources including 600 new teleconference lines, over 600 laptops and VPN tokens for Courts Services Division
- In the near future, Zoom and e-file sharing tools will be added

# Health and Safety: Workplace



## Implemented

### Protective barriers (non-courtroom/hearing room)

**271** protective barriers in public-facing spaces



**73** MAG sites (e.g. courthouses, agencies, and Tribunals Ontario locations)

### Enhanced cleaning protocols

- Implemented during essential services/ virtual court phase; procurements already in place with Infrastructure Ontario (IO)
- Ready to be implemented in recovery mode



## Underway

### Hand sanitizer units (fixed)

Approx. **6,000** units → **74** base courts

Approx. **1,600** units → **40** satellite courts

Approx. **170** units → **12** Tribunal Ontario locations

### Physical distancing markers & signage

Approx. **4,800** → **74** base courts

Approx. **650** → **40** satellite courts

Approx. **550** → **12** Tribunals Ontario locations

### Protective barriers (courtrooms/interview rooms)

**3,000** units → **46** base courts

## Pre-procurement

### Protective barriers (courtrooms)

Approx. **8,242** for base courts **1,000** for satellite courts

### Protective barriers (hearing rooms/interview rooms/counters)

**1,758** units → **117** Courthouses, agencies and Tribunals Ontario locations



# Health and Safety: Processes

## Precautionary Measures to Date

**The essential services of the courts continued.**

**The well-being of all court-related personnel and the public was and continues to be the top priority.**

- Promotion of online services over in-person attendance
- Signage and screening of public at entrance
- Courthouse personnel advised not to attend if unwell
- Enhanced cleaning protocols
- Guidance protocols updated regularly based on advice from public health
- 24/7 support from Ministry Emergency Management for CEMTs
- 76-78% reduction in employees attending to the courthouse
- Reduction of public counter hours to four hours per day



# *Planning for Recovery*

# A Phased Approach to Recovery

The ministry will take a phased approach to reopening courthouses that will dedicate efforts and resources to a select number of courtrooms across the province. This approach aligns the recovery of courts with the broader provincial approach and has a greater likelihood of success.

There are several dependencies, such as:

- Precautionary measures (e.g., plexiglass, disinfectant wipes, etc.)
- Resources to install measures
- Staff

Recovery will be responsive to changes in COVID transmission rates and may be adjusted to new provincial direction (e.g. state of emergency and/or regional reopening).

The phasing methodology relies on the continued presence of virtual courtrooms as in-person appearances increase.

# The path forward

## Courtrooms Reopening

- As part of Phase One, MAG will reopen a total of 149 courtrooms across the province.
- Each facility and courtroom will require a risk assessment to identify and address local issues.

## Virtual Courtrooms

- Continuing virtual courts remain essential to the reopening of courts
- The use and role of virtual courts in a modern justice system is yet to be defined
- Filings should be submitted through online services, where available, or by email if permitted by court notice (See Appendix A)

Courthouse Size	In-person Phase One Completion July 6
Medium	<b>81</b> 2 OCJ 1 SCJ per site
Large	<b>20</b> 3 OCJ 2 SCJ per site
Extra Large	<b>36</b> 4 OCJ 2 SCJ per site
Mega	<b>12 per site</b>
<b>Total</b>	<b>149</b>

# Workplace Considerations

## One size doesn't fit all

- Ontario has 74 base courthouses and 682 courtrooms.
- Each courthouse brings unique challenges and will require a site-specific plan. Recovery planning will consider and address the needs of each site.

## Courtrooms:

- MAG has recently coordinated the installation of mockups of three courtrooms and associated spaces in Brampton.
- These mockups demonstrate precautionary measures, including physical distancing markers, engineered barriers, furniture reconfiguration, and various types of signage.



# Health and Safety

**Precautionary measures for courthouse recovery will be determined based on the direction from the Chief Medical Officer of Health.**

Your health and safety, and that of the judiciary and our staff, continues to be MAG's top priority during recovery.

We will be advised by the following experts:

- Dr. Michelle Murti, a Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response
- Assistant Deputy Minister Ron Kelusky, the Chief Prevention Officer for Ontario from the Ministry of Labour, Training and Skills Development

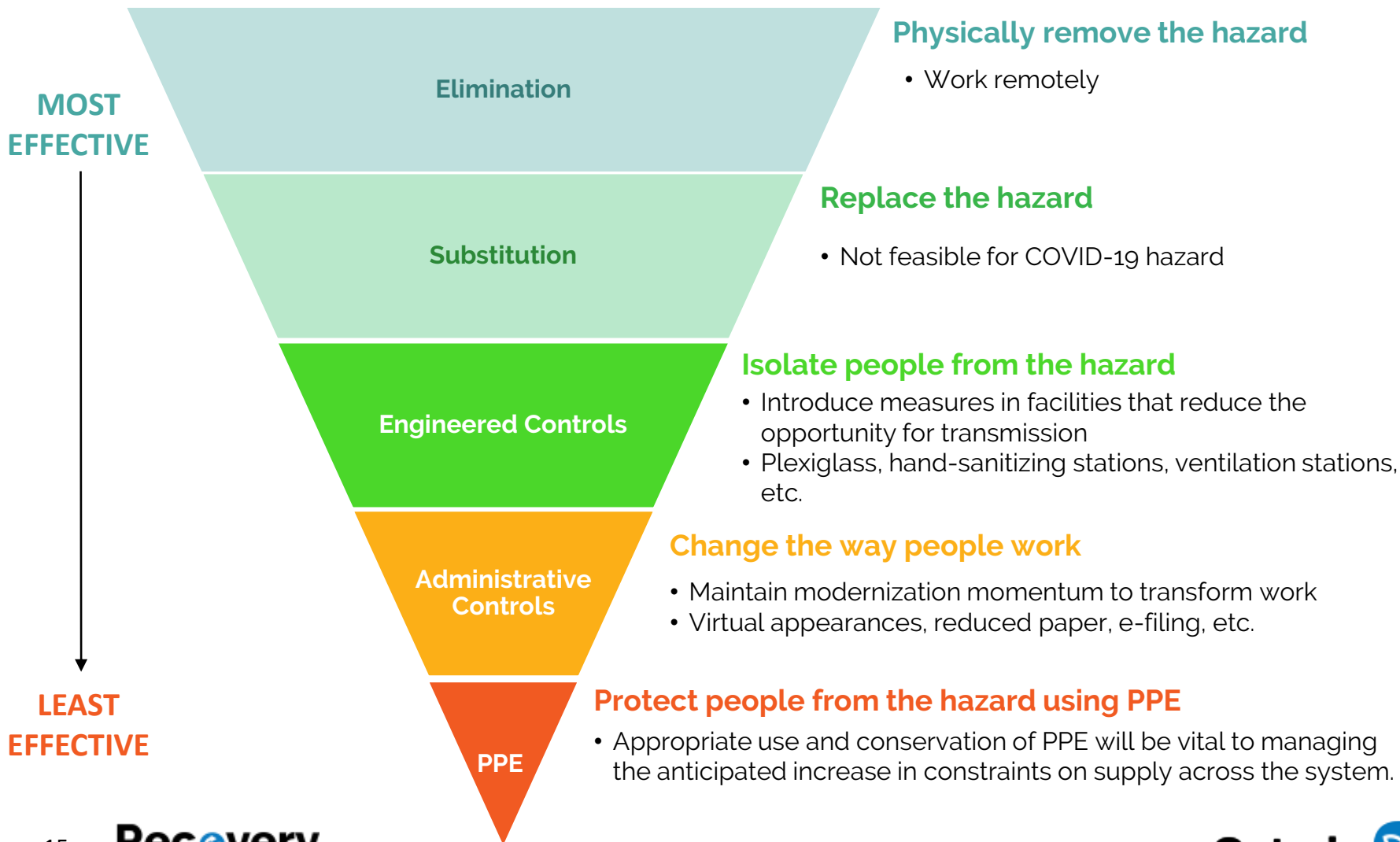
These experts will inform the proposed approaches to health and safety and precautionary measures are appropriate to support courthouse reopening.

Starting June 15<sup>th</sup> Public Services Health and Safety Association (PSHSA) will schedule and conduct an on-site risk assessment for each courthouse in phase one.

Reports from the risk assessments will be shared with local Joint Health and Safety Committees.

# Hierarchy of controls

Local risk assessments findings will be grounded in advice from the Chief Medical Officer of Health with support from our Public Services Health and Safety Association partners.



# Next steps

## Ongoing communication

- We will keep you informed so you understand and are confident in the measures in place to support health and safety
  - **We all have a role to play** - You play a critical role in maintaining health and safety in the workplace
  - **We will not be returning to pre-COVID norms** - virtual service delivery will continue to be a part of our reality

## Viewing the Brampton Mockup

- We are currently scheduling tours of the Brampton courtroom mockups prior to reopening, starting June 15. We can accommodate a maximum of 3 representatives from an organization.
- If you would like to schedule a tour, please contact Reem Attieh at [Reem.Attieh@ontario.ca](mailto:Reem.Attieh@ontario.ca)



# *Brampton Mock-up*



*Public Counter Queuing*

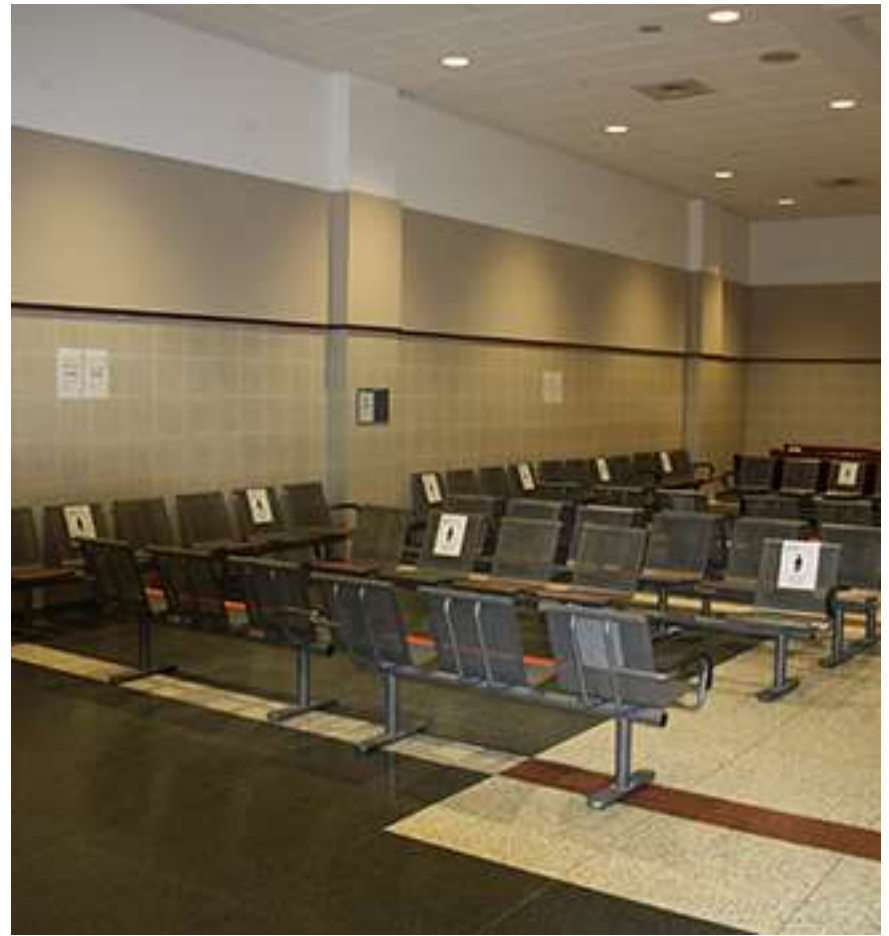


*Elevator Queuing*

# Public Queuing



*Public Seating Demarcation*



*Public Seating Area*

# Public Seating

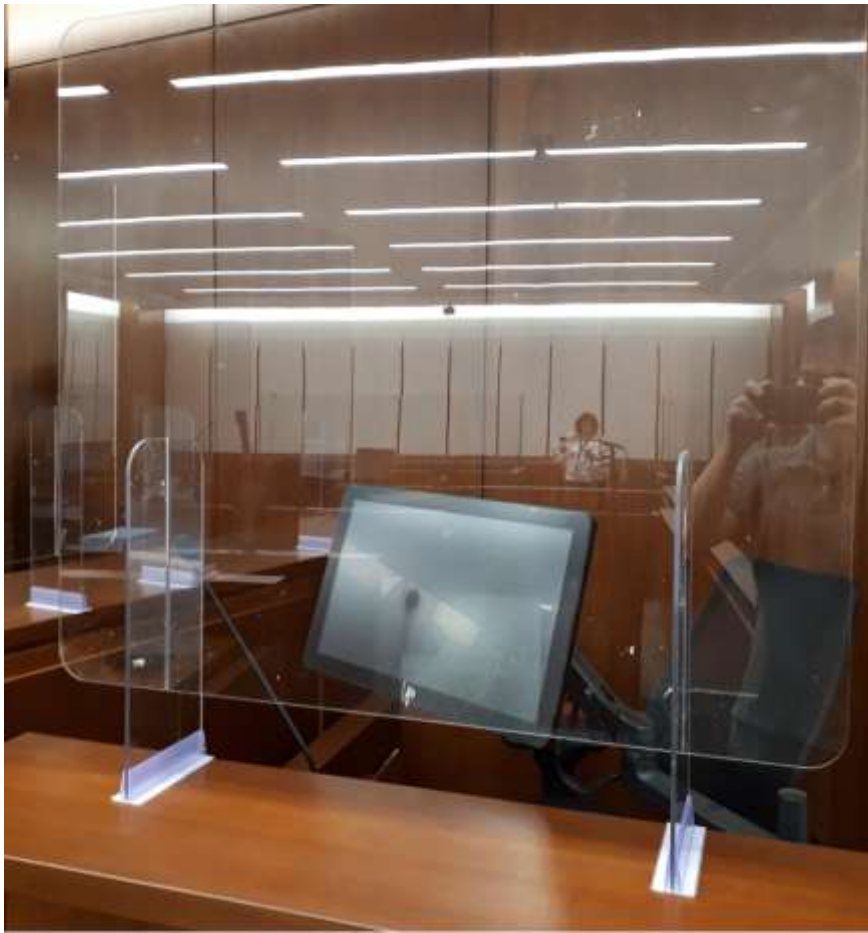


*Public Counter*



*Interview Room*

# Plexiglass Installation Public Counter and Interview Room



*Witness Box*



*Judicial Dais*

# Plexiglass Installation In the Courtroom



*Crown/Counsel Table*



*Clerk/Reporter Desk*

# Plexiglass Installation In the Courtroom



*Work Area Zone*

# Work Areas

# Questions



# THANK YOU FOR PARTICIPATING

Please send any additional questions to  
[MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca)



# *Appendix A: Available Online Services*

# Small Claims Online

Platform	Filing types
Small Claims Online <a href="https://ontario.ca/page/file-small-claims-online">ontario.ca/page/file-small-claims-online</a>	<ul style="list-style-type: none"><li>• Plaintiff's Claim (Form 7A)</li><li>• Amended Plaintiff's Claim (Form 7A)</li><li>• Affidavit of Service (Form 8A)</li><li>• Affidavit for Jurisdiction (Form 11A)</li><li>• Request to Clerk (Form 9B)</li><li>• Default Judgment (Form 11B)</li><li>• Notice of Motion for an Assessment in Writing (Form 15A)</li><li>• Notice of Discontinued Claim (Form 11.3A)</li></ul>

**Note:** Limitation periods and timelines to take a step in a proceeding have been extended by an emergency order made by the Ontario government ([O. Reg 73/20](#)). The deadline for filing court documents and starting a civil claim are suspended at this time. For more information please visit the [Superior Court of Justice](#) website.

# Civil Claims Online

Platform	Filing types
<p>Civil Claims Online <a href="https://ontario.ca/page/file-civil-claim-online">ontario.ca/page/file-civil-claim-online</a></p>	<ul style="list-style-type: none"><li>• Statement of Claim – Form 14A, Form 14B or Form 14D</li><li>• Notice of Action – Form 14C</li><li>• Statement of Defence – Form 18A</li><li>• Statement of Defence and Counterclaim (Form 27A)</li><li>• Statement of Defence and Crossclaim (Form 28A)</li><li>• Notice of Intent to Defend (Form 18B)</li><li>• Notice of Discontinuance (Form 23A)</li><li>• Consent to Discontinuance</li><li>• Defence to Counterclaim (Form 27C)</li><li>• Defence to Crossclaim (Form 28B)</li><li>• Third, Fourth or Subsequent Party Claim (Form 29A)</li><li>• Third, Fourth or Subsequent Party Defence (Form 29B)</li><li>• Jury Notice (Form 47A)</li><li>• Affidavit of Litigation Guardian of a Plaintiff under a Disability (Form 4D)</li><li>• Request for Bilingual Proceedings (Form 1)</li><li>• Consent to file documents in French</li><li>• Certificate of Action (Form 14)</li><li>• Consent or Court Order (Form 59A) required in support of filing a document online</li><li>• Proof of Service for documents filed online (Form 16B, 16C, 17A, 17B, 17C or any documents listed in Rule 16.09)</li></ul>

**Note:** the Ontario government made an order under the [Emergency Management and Civil Protection Act](#) to suspend limitation periods and other statutory timelines for a step in a court proceeding as at March 16, 2020 ([O. Reg 73/20](#)). If a claim or defence was required to be filed on or after March 16, 2020, the emergency order gives more time to file the document. For updates visit the [Superior Court of Justice](#) and [Ministry of the Attorney General](#) websites.

# Family Claims Online

Platform	Filing types
Family Claims Online <a href="https://ontario.ca/page/fil-e-divorce-application-online">ontario.ca/page/fil-e-divorce-application-online</a>	<ul style="list-style-type: none"><li>• Joint Divorce<ul style="list-style-type: none"><li>• May include claims for custody, access, child support and spousal support and property-related claims on consent</li></ul></li><li>• Simple Divorce<ul style="list-style-type: none"><li>• Supporting documents, such as the spouses' marriage certificate</li></ul></li></ul>

**Note:** the Superior Court of Justice has suspended all regular family court operations effective March 17, 2020 until further notice. For this reason, delays may be experienced with joint or simple divorce application (whether filed online or in-person at a courthouse). The [Superior Court of Justice website](#) can be visited for more updates on the availability of court services.

## Other filings

Other filings may be able to be submitted by e-mail, as per the direction of the courts. Refer the following notices:

- Superior Court of Justice – [Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media](#)
- Ontario Court of Justice - [Notice to the Legal Profession and the Public regarding the process of emailing documents at the Ontario Court of Justice](#)