

# COVID-19 RETURN TO THE WORKPLACE RISK ASSESSMENT, BURLINGTON COURTHOUSE, 2021 PLAINS ROAD BURLINGTON, MINISTRY OF THE ATTORNEY GENERAL

#### Submitted to:

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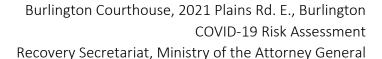
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### INTRODUCTION

Public Services Health and Safety Association was contacted by Samantha Poisson, Executive Director, Recovery Secretariat, Ministry of the Attorney General, and Ron Kelusky, Chief Prevention Officer and Assistant Deputy Minister, Ministry of Labour Training and Skills Development regarding support for the Phase two re-opening to in person appearances in Ontario's courthouses.

This COVID-19 risk assessment was completed for the courthouse at 2021 Plains Rd. E., Burlington on July 30, 2020 by Liz Sisolak, COHNC, CRSP, CHSC, Health and Safety Consultant, at Public Services Health and Safety Association. During the onsite assessment the following justice sector participants attended the assessment:

Mary Avalos Employee representative from the JHSC

Joe Doria Management representative from the JHSC or MCO

• Charon Kerr Crown Attorney

• Robert Partridge Representative from the police service of jurisdiction

• Samantha Keser Representative from Legal Aid Ontario

Brendan Neil Representative from the Criminal Lawyers' Association
 Kathryn Batycky Representative from the Civil or Family section of the OBA

• Janette Mitchell Manager Victim/Witness Assistance Program

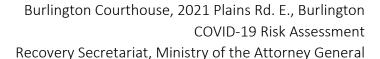
The Ontario Court of Justice and Superior Court of Justice have transitioned to remote appearances since March 27 and March 17, 2020 respectively due to the COVID-19 pandemic. The large majority of phase one courthouses opened on July 6, 2020. 2 OCJ courtrooms have been identified by the Judiciary at this location and are included in phase two reopening. The purpose of this COVID-19 risk assessment is to identify the current controls in place at the courthouse and to identify additional measures that should be implemented to ensure safety for MINISTRY OF THE ATTORNEY GENERAL staff and justice sector participants.

#### COMPLETED IN PARTNERSHIP WITH

This project was completed in partnership with Ontario's Health and Safety System partners Infrastructure Health and Safety Assocation, Workplace Safety North, Workplace Safety and Prevention Services and Occupational Health Clinics for Ontario Workers.













### COVID-19

The major risks associated with COVID-19 are transmission of illness from one person to another by close contact (less than 2 metres), contact with contaminated surfaces and contact with contaminated objects. While it is expected that proactive screening practices for signs and symptoms of COVID-19 will reduce the risk of ill individuals accessing the courthouse, it is known that transmission can occur prior to the onset of symptoms, or by people who have the virus and are not displaying any symptoms and therefore are not aware they pose a risk to others (<a href="https://www.publichealthontario.ca/-/media/documents/covid-19/wwksf/2020/01/what-we-know-asymptomatic-infection-transmission.pdf?la=en">https://www.publichealthontario.ca/-/media/documents/covid-19/wwksf/2020/01/what-we-know-asymptomatic-infection-transmission.pdf?la=en</a>).

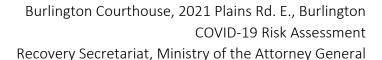
To mitigate the risk of exposure to COVID-19 it is ideal to maintain 2 metres distance between people. In the event that workers in a workplace are required to be closer than 2 metres to another person, an engineering control, such as a plexi barrier can be used to prevent the droplets from one person reaching the mucous membranes (eyes, nose or mouth) of the other person. When there is a physical barrier and people are within 2 metres, personal protective equipment is not required.

When workers in a workplace (as defined in the OHSA section 1(1)) are within 2 metres of another person and a barrier is not present, personal protective equipment is used to prevent droplets from one person reaching the mucous membranes of the other person.

## SCOPE OF WORK AND GENERAL GUIDANCE

The following physical areas of the courthouse were considered in this risk assessment:

- 2 OCJ Courtrooms
- Security Screening area
- Public information counter
- Washroom
- Interview room





- Public Seating area
- Holding cell area
- CCTV room
- Judges chambers

The following elements were not included in the scope of work for this assessment. Where applicable, general guidelines are included for consideration. Please note that PSHSA did provide input on some draft documents (Enhanced Cleaning and PPE use), however a full review of the Ministry of the Attorney General and OPS policies, procedures and processes related to COVID-19 was not completed.

#### **HVAC SYSTEM**

A HVAC System Audit is out of scope for the COVID-19 health and safety risk assessment. Planned site level HVAC reviews are underway by IO Property Services. PSHSA provided a general HVAC questionnaire to IO Property Services to be included in their site level HVAC reviews; included in Appendix A.

#### DAILY ENHANCED CLEANING

Daily enhanced cleaning is performed by IO Property Services or the landlord on behalf of the Ministry of the Attorney General to the standards outlined in the *COVID-19 Enhanced Cleaning Reference Chart- MAG Facilities Regular Operations (Phase 1),* dated July 6, 2020. Specific products used in this courthouse were not evaluated. It is expected that all products used in the courthouse meet the Health Canada's list of <a href="hard-surface disinfectants">hard-surface disinfectants</a> and hand sanitizers with evidence for use against COVID-19. Please pay special attention for cleaning of plexiglass barriers to ensure there is no damage to the product that will reduce visibility. Where there are shared workstations it is best practice to clean surfaces between different users.

#### DOCUMENT AND EXHIBIT HANDLING

The justice sector relies heavily on paper based documents and physical exhibits. The handling of all documents within the courthouse was not specifically assessed. At this time, it is not certain how long COVID-19 survives on surfaces, but it seems to behave like other coronaviruses. Preliminary information on COVID-19 suggests that the virus may persist on surfaces for a few hours or up to several days depending on different conditions, such as:

- temperature
- type of surface



• humidity of the environment

In order to protect justice sector workers from COVID-19, make sure to <u>practice good hand hygiene</u> including frequent handwashing or use of hand sanitizer following contact with documents and exhibits. Justice sector workers should avoid touching their face, eyes, nose or mouth after handling documents or exhibits prior to hand hygiene.

### **OFFICE AREAS**

A full review of all office areas at the courthouse was not included in this assessment. One office area by the Main Entrance/Public Information Counter was reviewed at the request of Joe Doria and is included in the risk assessment summary table below. All office areas including Ministry of the Attorney General staff work areas, Judge's chambers, Crown offices and police services offices (adjacent to the holding cell area) are referred to the best practices outlined in *Guide to the Gradual Re-Opening of the OPS Workplace: Facilities/Accommodations Advice — Module 1* (dated June 30 2020) prepared by Infrastructure Ontario to support government's gradual reopening of the workplace in a safe and effective manner across both the owned and leased portfolio of government real estate.

The *OPS Grow* includes guidelines for workspace protocols, building operations, communications, security, building leads and coordination between Ministries. The local courthouse management is encouraged to reference and implement *Section 01 of OPS GROW*: Facilities/Accommodations for capacity in Open Work Environments and Closed Work Environments and implementing cleaning protocols for dedicated and non-dedicated (shared) workspaces including work surfaces, chair arms, computer peripherals (e.g. keyboard, mouse), phone, photocopier, printer and hard file systems before and after each use.

#### TRANSPORTATION OF PERSONS IN CUSTODY

The risk assessment considers the Courthouse only. Considerations for transportation of persons in custody between the correctional institution and the courthouse are under the jurisdiction of the Ministry of the Solicitor General and are outside the scope of this assessment.

#### SCREENING AND TRACKING

It is best practice to include the following elements for screening and contact tracing: prescreening, passive screening, active screening and records for contact tracing.

Implement a pre-screening process to notify all justice sector participants who are required to attend a courthouse in person that they



- should self-screen before attending
- will be required to complete passive and active screening upon entry, and
- follow hand hygiene and physical distancing public health measures at all times.

Passive screening includes posting signage at points of entry to inform people about specific protocols including COVID-19 case definition self-administered questions. Active screening occurs when individuals are asked the current <a href="COVID-19">COVID-19</a> case definition screening questions prior to or upon entry to the building. The Ministry of the Attorney General reports that active screening will be in place at all courthouses prior to re-opening for in-person appearances.

The Ministry of Health recommends that employers maintain accurate shift records and up-to-date contact information for employees and communicate with staff and other stakeholders, as needed, when there is an outbreak (<a href="Ontario Ministry of Health COVID-19 Guidance: Workplace">Outbreaks Version 1 June 11, 2020</a>). In the context of in-person appearances at courthouses, consider implementing a sign-in and contact process for all justice sector participants including which areas of the courthouse they will be accessing.

#### FITNESS FOR WORK POLICIES

Justice sector workers should self-monitor for COVID-19 symptoms. Justice Sector workers should stay home if feeling ill or meet the requirement for <u>self-isolation</u> due to travel or exposure. If symptoms are detected, the unwell person should immediately distance themselves from others and go home. Ensure that the supervisor is notified so that they may enact and follow notification requirements required by the employer's procedures, Occupational Health and Safety Act notification protocols and Public Health requirements.

### MENTAL HEALTH RESOURCES AND RECOMMENDATIONS

The uncertainty and unpredictability of this pandemic can be anxiety inducing for many. We must prepare for the fact that numerous people will return to work, or are already working, while experiencing new or existing mental health challenges. Anxiety related to the possibility of exposing family members or themselves to COVID-19; reintegrating to a modified workplace, with new rules and protocols, are all real concerns for many, and can lead to additional stress in the workplace.

There are a number of resources available for employers to help support the mental health of their employees, as well as many resources available to individuals who may be suffering from stress and anxiety related to COVID-19.



times.

The Mental Health Commission of Canada has outlined a number of ways in which employers can help their teams during COVID-19. The Canadian Mental Health Association has outlined a number of ways in which individuals can cope with stress and anxiety through these difficult

Accept that it's okay to be worried; it's normal to feel some anxiety about a situation like this. Refer to Appendix B for additional mental health resources.

## **METHODOLOGY**

In order to complete this assessment the health and safety consultant attended the courthouse, identified the work activities completed and justice sector participants impacted by use of the area. For each area and activity the potential risks of exposure to COVID-19 and contributing factors were identified using the PEMEP Model. PEMEP takes into account the People, Equipment, Materials, Environment and Process factors that contribute to occupational exposure to risk to a person's health or safety (Figure 1 PEMEP Model).



Figure 1 PEMEP Model

Consideration was given to the requirements under the Occupational Health and Safety Act and applicable Chief Medical Officer of Health recommendations to prevent the spread of COVID-19. Both the employer and supervisor in a workplace have a duty to "take every precaution reasonable in the circumstances for the protection of a worker" OHSA 25(2) (h) and 27(2) (c).

All infection prevention and control measures that were in place at the time of the assessment

were noted. With the current control measures in place, the likelihood of exposure and potential severity of COVID-19 infection was evaluated using the adjacent risk matrix (Figure 2 Risk Assessment Matrix). The outcome of high, medium or low risk is noted in the risk assessment table. It is a best practice for employers to evaluate the residual risk after proposed controls are implemented to ensure that risk is lowered, controls are effective and no new health or safety hazards are created.

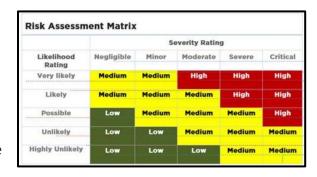


Figure 2 Risk Assessment Matrix



In order to further reduce the risk, gaps were identified and additional controls to manage or minimize the risk of exposure to a worker are provided for consideration. All recommendations consider legislated requirements, standards and best practices, and the hierarchy of controls (Figure 3 Hierarchy of Controls). In the hierarchy of controls as you move to the right of the diagram, the controls become less effective in eliminating or removing the hazard before it reaches the worker. Personal protective equipment is considered the least effective control.

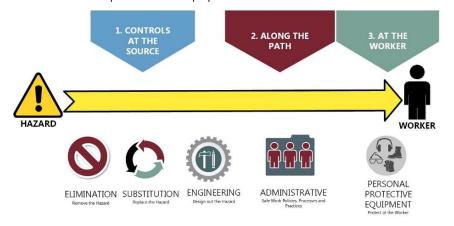


Figure 3 Hierarchy of Controls

The table below explains the hierarchy of controls in more detail.

ELIMINATION Remove the Hazard	Elimination is the preferred control as it is the most effective. The hazard or risk of exposure is removed from the workplace.
ENGINEERING Design out the Hazard	Engineering controls include physical changes to the work environment that contain or isolate the source of the hazard.
ADMINISTRATIVE Safe Work Policies, Processes and Practices	Administrative controls are a change to the way the work is done and can include policies and procedures.





PPE is the last choice in the hierarchy of controls. With respect to COVID-19, PPE is required only when a 2m distance cannot be maintained or a physical barrier is not present. COVID-19 is transmitted through droplet and contact transmission; therefore the mucous membranes (eyes, nose, and mouth) need to be protected.

PPE includes face shield or goggles and a face mask (surgical/procedure mask).



## **RISK ASSESSMENT RESULTS**

The following tables identify the potential risk of exposure, existing controls, risk level and proposed controls to mitigate risk of COVID-19 transmission in the workplace for the following areas: Security Screening, Public Information Counter, Public Seating Area,

Washrooms, 2 OCJ Courtrooms (#11 and #12), Interview Room, Holding Cell area, CCTV room and Judicial Chambers Hallway Please refer to Appendix C for illustrations of proposed controls.

## **SECURITY SCREENING**





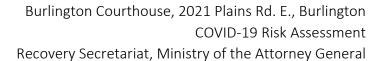


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Queuing	Members of the public queue prior to entering security screening. (Fig.1).  Stanchion is provided to indicate the queueing path.  Compliance with physical distancing by members of the public may vary.  Justice Sector workers have separate entrance that bypasses the public queuing area.  The public queuing area 1-2m away from the security staff work area.	Constables visually monitor queuing area for compliance allowing 1 person in area at a time.  Online COVID-19 Courthouse Screening tool available for all public entering building.  Active screening is in place for all justice sector participants and members of the public who enter the courthouse by asking questions per Ministry of Health case definition prior.  Wall mounted hand sanitizer station is available at the queuing area however mounted in a manner that is not	High	Establish a queuing area that starts 2m/6ft from the work area and that includes physical distancing markers spaced 2m/6ft apart (Installation 1C).  Security guards will be contracted to assist in screening and for visually monitor queuing area for compliance.  Post signage in courthouse indicating distancing requirements. (Installation 7c).  Post passive screening and maximum capacity signage at the courthouse entrance (Installation 1A).  Install additional hand sanitizer stations at building entrance (Installation 1B).  Evaluate compliance with queuing measures as in-person



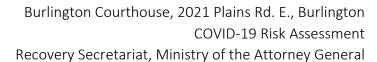


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
		readily visible and awkward to access.(Fig.3)		appearance resume at courthouse.
Screening Personal Items	Members of public place personal items in the bin which is manually searched. (Fig.5). After member of the public retrieves items from the bin, constables manually transfer empty bins to the start of the line.  Bins are handled by all constables working in the security screening area and could be contaminated. Typically members of the public do not touch bins,	Constable maintain 2m/6ft distance from colleagues and public when transporting bins. Constables reminded of hand hygiene moments during shift briefing/parade.	High	Ensure hand hygiene products (sanitizer) are readily available in the work area and at the end of the screening area (Installation 2B).  Install physical barriers (e.g., plexiglass) to separate the work area from justice sector participants and members of the public (Installation 2A).Note: Security counter (Fig.5) 81cm/32in from ground. Barrier (Installation 2a) requires opening to be placed on ledge of counter for transfer of bins. Barrier may have to be nonstandard dimentions to ensure is high enough to protect





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	however this may occur infrequently.			breathing zone of justice service personelle. Seek further guidance from FMB PA/Architect as noted in Recovery Sectariate Manager Workbook Precautionary Measures Photo Gallery and Installation Information document (pg. 7) dated July 15, 2020.
				Implement enhanced cleaning protocols for security screening surfaces and equipment, including bins.
				Physical distancing and Ministry of Health COVID-19 protection signage is posted near hand sanitization station (Installation 2C).
				Constables to maintain physical distancing (2m/6ft) from colleagues and public when transporting bins. If distancing





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				cannot be maintained and a barrier is not present PPE is required.
				Post physical distancing and Ministry of Health COVID-19 protection signage near hand sanitization station (Installation 2C).
Secondary screening with wand	Constable is required to be within 2m/6ft to complete secondary screening for individuals who had positive result with metal detector.  The COVID-19 status and identify of members of the public and justice sector workers entering the building is unknown.	PPE (gloves, face mask, eye protection) provided by municipal police service when officers are within 2m/6ft of member of the public.  Instruction and training provided by police service on safe donning and doffing techniques and on the care, use and limitations of PPE.  Training and communication provided regarding	High	Post passive screening at the courthouse entrance (Installation 1A).  Perform active screening by asking COVID-19 screening questions per Ministry of Health case definition prior to secondary screening of member of public.  Remove set of garbage bins to alternate location in secondary screening area and outside of Courtroom 11 to maximize space for screening duties.



Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
		proper use of <u>hand</u> <u>sanitizer</u> following doffing of PPE.		

## **PUBLIC INFORMATION COUNTER**



Fig. 6 Public Information Counter



Fig.7 Centre Glass Opening for Audible Communications





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Queuing	Unclear queueing process impacting compliance with physical distancing of 2m/6ft between public and employees. (Fig.6).	None observed.	High	Establish a queuing area that starts 2m/6ft from the work area and that includes forward facing physical distancing markers spaced 2m/6ft apart. Install stanchions or apply high visibility tape on floor to create lanes that are 1.2m/4ft wide (Installation 4b).
Distancing	Unclear queueing process impacting compliance with physical distancing of 2m/6ft between public and employees.  Openings in current barrier for audible communications 12x12cm in breathing zone of public and justice service personelle. (Fig.7).	Glass barrier present.	High	See above.  Assess options to install a speak through device with spit guard in current openings in barrier.  Seek further guidance from FMB PA/Architect as noted in Recovery Sectariate Manager Workbook Precautionary Measures Photo Gallery and Installation Information document (pg. 7) dated July 15, 2020.

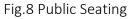


				Install physical distancing sinage (Installation 4c).
				Evaluate compliance with queuing measures as in-person appearance resume at courthouse.
Hand Hygiene	Hand hygiene is a measure to reduce the spread of COVID-19.	Hand sanitizing station not observed and area not in vicinity of public washrooms.	High	Install additional hand sanitizer stations near counter area (Installation 4a).



## **PUBLIC SEATING AREA**





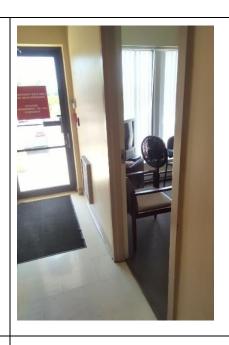


Fig.9 VWAP Wait Area

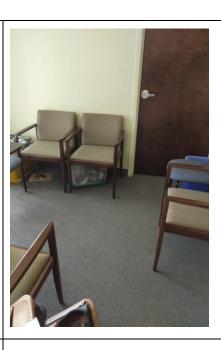
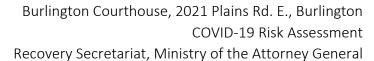


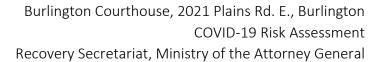
Fig. 10 VWAP Wait Area

The public seating in the main hallway and VWAP wait area was observed. Local recovery teams are encouraged to verify that controls listed below are applied to all public seating areas in the courthouse.





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Distancing	There are several 2.5m/8ft long benches (15) located throughout the courthouse main hallway. If benches are fully occupied, distancing will not be maintained. (Fig.8).  Area by Courtroom 13 and hallway by waterfountain and public washroom gets congested and difficult to see people exiting the courtroom.	None observed.  VWAP wait area for public only.	High	In-person hearings limited at present time and numbers of public in building will be reduced.  Post distancing signage in public seating areas (Installation 3B).  Tape off and indicate which area of bench should not be used in order to ensure 2m/6ft distance between public (Installation 3B).  VWAP waiting area small (approx. 2.9m/9ft x 2.9m/9ft). (Fig.9). Limit those waiting in room to those belonging to one social circle. Justice service personelle to find alternate area to meet with clients that provided for physical distancing
				of 2m/6ft. If this is not possible, PPE must be worn (face mask and goggles/face shield) and





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				limit the time in the VWAP wait area as much as possible.  Install convex mirror to enhance ability to physically distance when people are exiting courtroom 13. (Fig.8).
Hand Hygiene	Hand hygiene is a measure to reduce the spread of COVID-19. Hand sanitizer stations were not observed in the public seating areas.	None observed.	High	Install hand sanitizer stations in public seating areas to facilitate hand hygiene throughout the courthouse (Installation 3A).



## **WASHROOMS**



Fig.11 Public Washroom Hallway



Fig.12 Staff Washroom

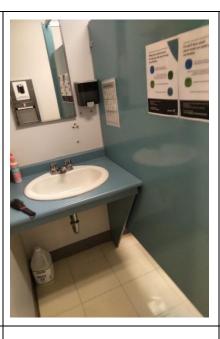


Fig.13 Staff Washroom and Signage



Fig.14 Staff Washroom

The staff washrooms by judges chambers were observed and hallway ouside of the public washrooms near Courtroom 13. Local recovery teams are encouraged to verify that controls listed below are applied to all public and staff washrooms in the courthouse.



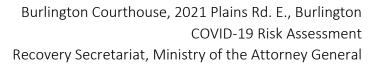


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Queuing	Washroom capacity is limited. Individuals queue in hallway outside washroom. Compliance with physical distancing while queuing is variable. The volume of people likely to use this washroom when the courtroom opens for in person appearance is anticipated to be low.	None observed.	Low	Establish queuing area for public washrooms and install physical distancing markers on floor (Installation 6B).  Consider installing vacant/in use signage for staff washrooms to assit with queuing and physical distancing measures.
Distancing	The public washroom layout would have individuals come within 2m/6ft of each other while accessing hallway leading to washrooms.  The public washroom layout would have individuals come within 2m/6ft of each other	Staff washrooms currently limited to 1 person use at a time.	High	Install convex mirror at entry of hallway leading to public washroom to allow for visual indicator of numbers in hallway and physical distancing required. (by Interview Room).  Block alternate urinals, stalls and skinks in public washroom to maintain physical distancing in the washroom.





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	while using adjacent urinals or sinks.			Implement enhanced cleaning protocols in washroom area.
	Staff may use public washrooms from time to time.			Post maximum capacity signage on washroom doors. (Installation 6c).
	The staff washroom layout is small ( men's – one sink, one urinal, one stall; womens – one			Where present, keep toilet ventilation system running 24/7, under-pressure and with windows closed.
	sink, 2 stalls) and sutable for single use.			Tape off water fountains in hallway outside of public washrooms. (Install 6a).
				If unable to maintain 2m/6ft distancing requirement, face mask with face shield or goggles required.
Hand Hygiene	Hand hygiene is a measure to reduce the spread of COVID-19.  Hand sanitizer stations were not observed	Hand sanitizer and disinfecting wipes present in staff washroom (womens).	High	Install hand sanitizer outside of washrooms (Installation 6d).



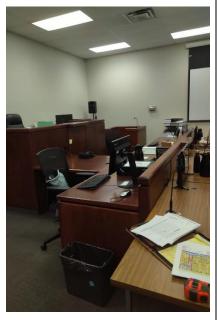


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	adjacent to the washrooms.	Handwashing sign present in staff washroom (womens).		Post handwashing signs on washroom doors. (Installation 6c).

# **OCJ COURTROOM 12**









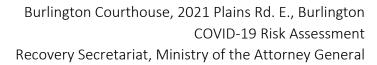


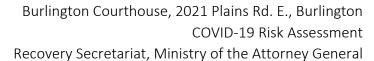


Fig. 15 Courtroom 12	Fig. 16 Judicial Entrance and Accused Box	Fig. 17 Courtroom 12	Fig. 18 Recorder Desk
		200 100 100 100 100 100 100 100 100 100	
Fig. 19 Crown and Council Table	Fig. 20 Accused Box	Fig. 21 Accused Box Barrier 2' in height from base	Fig. 22 Seating and Public Gallery



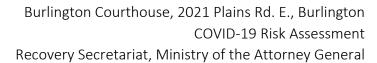


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Public Seating Waiting Area Outside Courtroom and Courtroom Entrance	Members of the public will be waiting prior to entering the courtroom and may be seated in the public seating area outside the courtroom.  Compliance with physical distancing and hand hygiene by members of the public	None observed.	High	Install hand sanitizer station outside of courtroom. (Installation 7A).  Post signage indicating seating and distancing measures. (Installation 7B).  Post signage indicating courtroom capacity, "you may be requested to leave" and physical distancing. (Installation
Judicial Dais	may vary.  While proceeding over the courtroom the Judge will be in close proximity (less than 2m/6ft) from witnesses, nd clerk/ reporter. (Fig. 15&17).	None observed.	High	7C).  Install barrier between judge and witness box and between judge and clerk/ reporter desk. (Installation 13A).  Post courtroom capacity signage on the inside of the dais. (Installation 13B).
Witness box	While providing testimony, the witness will be in close proximity (less than 2m/6ft) from	Interpreter will be provided with headset ( in process of being procured) and able to	High	Install barrier between witness box and judge, between witness and interpreter and between witness box and counsel who



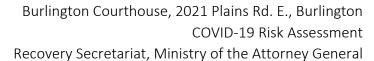


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	the interpreter and/ judge. (Fig. 17).  There is a risk of contamination from one witness to another if area is not cleaned between witnesses.  Swearing in includes touching book of faith that can be possibly contaminated.	sit in gallery and maintain physical distancing requirements.		may be communicating with the witness. (Installation 11A).  Move witness box closer to wall. Refer to Appendix C: Illustrations of Courthouse Layout and Future Controls.  Move photocopier to opposite side of projector screen where chair is currently located. (Fig. 19).  Keep cleaning products and disposal containers at the witness box to allow for sanitization between witnesses (Installation 11B).  Where 2m distance cannot be maintained or physical barriers are not in place, PPE (face mask and face shield or eye protection) is required for interpreters.



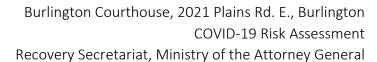


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				Review process for swearing in to eliminate the need to touch books of faith.
				Cover books of faith in material that allows for routine cleaning and disinfection.
Clerk/Reporter Desk	Clerk/ reporter will be in close proximity (less than 2m/6ft) from witnesses, counsel and the judge. (Fig. 17&18).	None observed.	High	Install barrier between clerk and reporter work stations; between clerk/reporter desk and judicial dais and between clerk/reporter desk and counsel table (Installation 12).
				Ensure that barrier extends 30cm/12in past the edge of clerk/reporter desk and counsel tables to provide a physical barrier while is seated in their chair.
Counsel Table	Counsel will be in close proximity (less than	None observed.	High	Mark 2m/6ft distancing at counsel table to ensure



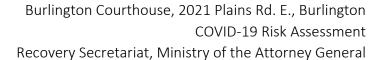


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	2m/6ft) from other counsel members, witnesses and the clerk/			distancing is achieved between work stations and other counsel tables (Installation 10A).
	reporter. (Fig.19).			Install fixed barriers between multiple counsel tables and to each side of the lectern.
				Install portable barriers between counsel work stations.
				Explore option for counsel to address the court/judge from seated position as opposed to standing at the lectern.
				When counsel is standing at the lectern- opposing counsel should move away from the lectern particularly if the mouth of the person at the lectern is close to- or above the height of the barrier.
				Ensure barriers between work stations extend 30cm/12" past the desk surface to provide a physical barrier while the





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				counsel member is seated in their chair (Installation 10B).
				There is less than 2m/6ft between counsel and the public gallery. Install a barrier along the public rail.
Public Gallery Seating in Courtroom	The public seating area allows for close proximity (less than	None observed.	High	Install signage indicating seating and distancing measures (Installation 9A).
	2m/6ft) from other members of the public. (Fig. 22).			Ensure that there is 2m/6ft between public seating (Installation 9B).
Courtroom travel pathways	Witnesses, interpreters, and persons in custody may need to travel close to workstation of counsel, reporters and clerks. (Fig. 20).	Support dogs and access to Courthouse currently suspended by service provider.	High	Install barriers at clerk/ reporter desk (Installation 12) and counsel tables (Installation 10B) bordering the pathway taken by persons approaching the bench or witness stand. If this is not possible, consider additional measures like seating courtroom staff away from pathway, temporarily having





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				them stand and move 2m/6ft away, or donning PPE as a last resort.
				Mark 2m/6ft distance from the witness stand and instruct crown and counsel to watch their positioning in the court during questioning (consider marking areas where they should stand).

## **OCJ COURTROOM 11**











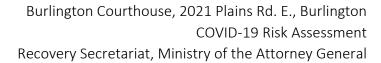


Fig. 23 Courtroom 11

Fig.24 Witness Box

Fig. 25 Crown and Defence Council Lecturn

Fig. 26 Seating and Public Gallery





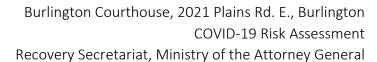






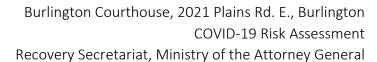


When different people are using shared workstation such as counsel tables or witness stand, clean common surfaces between users.



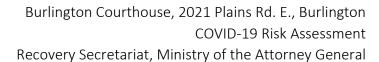


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Public Seating Waiting Area Outside Courtroom and Courtroom	Members of the public will be waiting prior to entering the courtroom	None observed.	High	Install hand sanitizer station outside of courtroom (Installation 7A).
Entrance	and may be seated in the public seating area outside the courtroom.			Post signage indicating seating and distancing measures (Installation 7B).
	Compliance with physical distancing and hand hygiene by members of the public may vary.			Post signage indicating courtroom capacity, "you may be requested to leave" and physical distancing (Installation 7C).
Judicial Dais	While proceeding over the courtroom the Judge will be in close proximity (less than	None observed.	High	Install barrier between judge and witness box and between judge and clerk/ reporter desk (Installation 13A).
	2m/6ft) from witnesses, and clerk/ reporter. Fig. 28).			Post courtroom capacity signage on the inside of the dais (Installation 13B).
Witness box	While providing testimony, the witness will be in close proximity (less than 2m/6ft) from	Interpreter will be provided with headset (in process of procuring) and able to sit in gallery	High	Relocate witness box to opposite side of judicial dias (Fig. 32).



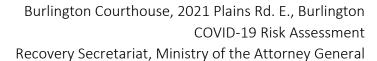


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	the interpreter, judge and/or accused. (Fig. 24, 27).  There is a risk of contamination from one witness to another if area is not cleaned between witnesses.  Swearing in includes touching book of faith that can be possibly contaminated.	and maintain physical distancing requirements.		Install barrier between witness box and judge, and between witness box and counsel who may be communicating with the witness (Installation 11A).  Keep cleaning products and disposal containers at the witness box to allow for sanitization between witnesses (Installation 11B).  Where 2m distance cannot be maintained or physical barriers are not in place, PPE (face mask and face shield or eye protection) is required for interpreters.
				Review process for swearing in to eliminate the need to touch books of faith.
				Cover books of faith in material that allows for routine cleaning and disinfection.



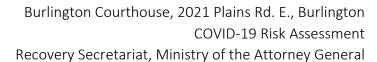


Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Clerk/Reporter Desk	Clerk/ reporter will be in close proximity (less than 2m/6ft) from witnesses, counsel and the judge. (Fig. 23).	None observed.	High	Install barrier between clerk and reporter work stations; between clerk/reporter desk and judicial dais and between clerk/reporter desk and counsel table (Installation 12).
				Ensure that barrier extends 30cm/12in past the edge of clerk/reporter desk and counsel tables to provide a physical barrier while is seated in their chair.
Counsel Table	Counsel will be in close proximity (less than 2m/6ft) from other counsel members, witnesses and the clerk/	Hand sanitizer solution on table.	High	Mark 2m/6ft distancing at counsel table to ensure distancing is achieved between work stations and other counsel tables (Installation 10A).
	reporter.  Crown table narrow (24in). (Fig. 29, 30, 31).			Install fixed barriers between multiple counsel tables and to each side of the lectern.





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				Install portable barriers between counsel work stations.
				Explore option for counsel to address the court/judge from seated position as opposed to standing at the lectern.
				When counsel is standing at the lectern- opposing counsel should move away from the lectern particularly if the mouth of the person at the lectern is close to- or above the height of the barrier.
				Ensure barriers between work stations extend 30cm/12" past the desk surface to provide a physical barrier while the counsel member is seated in their chair (Installation 10B).
				There is less than 2m/6ft between counsel and the public gallery. Install a barrier along the public rail.





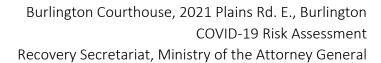
Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Public Gallery Seating in Courtroom	The Public seating area allows for close proximity (less than 2m/6ft) from other members of the public. (Fig. 33)	None observed.	High	Install signage indicating seating and distancing measures (Installation 9A).  Ensure that there is 2m/6ft between public seating (Installation 9B).
Courtroom travel pathways	Witnesses, interpreters, and persons in custody need to travel close to workstation of counsel, reporters and clerks.	Support dogs and access to Courthouse currently suspended by service provider.	High	Install barriers at clerk/ reporter desk (Installation 12) and counsel tables (Installation 10B) bordering the pathway taken by persons approaching the bench or witness stand. If this is not possible, consider additional measures like seating courtroom staff away from pathway, temporarily having them stand and move 2m/6ft away, or donning PPE as a last resort.
				Mark 2m/6ft distance from the witness stand and instruct crown and counsel to watch



Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				their positioning in the court during questioning (consider marking areas where they should stand).

#### **INTERVIEW ROOM**







Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Interview/ counselling of Courthouse attendees	Persons attending the courthouse may need to have private conversation with courthouse personnel leading to risk of contamination due to close proximity or contaminated surfaces.	None observed.	High	Interview room does not allow attendees to maintain 2m/6ft distance. Consider closing off the room and use alternate rooms for interviews or use outdoor seating area (picnic tables around building) that still maintains privacy. (Fig. 36, 37)  If not possible to maintain 2m/6ft distance or a barrier is not present, staff using the room must wear PPE (face mask and face shield/goggles) and limit the time in the interview as much as possible.



# **HOLDING CELLS**







Fig.39 Interview Area



Fig.40 Holding Cell

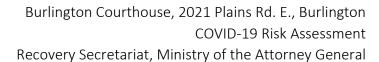


Fig.41 Hand Sanitizer



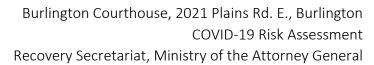
Fig.42 Interview Area

Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Interview Rooms	Interview rooms used to interview accused and are small in size with stools placed .9m/38in apart. (Fig. 39,42).	Physical barrier (glass window) is in place between person in custody and stool for interviewer .(Fig 39).	High	Implement enhanced cleaning protocols in interview rooms.  Limit number of people at seated interview area to 1.





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
		Physical barrier in place on cell doors. (Fig.40).		Counsel to maintain a 2m/6ft distance from cell bars during meeting with person in custody.
		Limited number of in- person hearing being scheduled.		Counsel to don PPE (face mask and face shield or goggles) when physical distancing cannot be maintained from cell bars .
Movement between holding cells and courtrooms	A 2m/6ft distance cannot be maintained between the officers (1-2) and the person in custody.	None observed.	High	Where a 2m/6ft distance cannot be maintained during transport, constable to use PPE (face mask and face shield or eye protection).
	Dedicated hallway used to transport accused to court rooms.			
Hand hygiene	Inadequate number of hand sanitizer stations.	Hand sanitizer is available on wall leading	High	Provide hand sanitizer stations on counsel side of interview





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
		to dedicated hallway. (Fig. 41).		room and in constables work area. (Installation 2b).

## **CCTV ROOM**



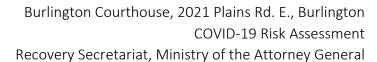




Fig.43 CCTV Room	Fig.44 CCTV Room
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The CCTV room is separate from the courtroom but is linked to the courtroom using cameras and television screen.

Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Room Capacity and Distancing	Typically room size is small. However, the CCTV room is not meant to accommodate more than 2 occupants (witness and support person from Victim and Witness Assistance Program/VWAP).	Room capacity is limited to 2 occupants.  Room 3m/10ft x approx. 2m/6ft wide. (Fig. 43,44).	High	Post maximum room capacity signage at entry.  Have door swing opposite direction so view of occupants is optimized as well as physical distancing since chairs can be arranged such that they are in the corners of the 3m/10ft wall.  Use visual cues and markers to facilitate physical distancing within the room.  Interpreter to be provided with headset so they can assist occupants from alternate area and not brech room capacity of 2 persons.





Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				Remove extra seating. Only the number based on capacity should be left.
Hand Hygiene	Hand hygiene is a measure to reduce the spread of COVID-19.	None observed	High	Ensure hand hygiene products (sanitizer) is readily available in the CCTV room.
				Post signage to remind people of hygiene practices. Including hand washing, hand sanitizing, and cough/sneeze etiquette.
Environmental Cleaning	Potentially contaminated surfaces and objects.  Swearing in includes touching book of faith that can be possibly	None observed.	High	Implement enhanced cleaning protocol for surfaces, equipment and other hightouch points after use of the room and/or between witnesses.
	contaminated.			Review process for swearing in to eliminate the need to touch books of faith.



Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
				Cover books of faith in material that allows for routine cleaning and disinfection.

#### JUDICIAL CHAMBERS HALLWAY

Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
Distancing	Hallway by judicial chambers narrow(<2m/6ft) and often busy causing individuals to come within 2m/6ft of each other from exiting judicial chambers, exiting staff washrooms, exiting courtrooms 11&12, and	Peepholes installed on courtrooms 11&12 doors as well as judicial chambers doors.	High	Install convex mirror at end of hallway between courtroom 12&13. Install glass window to increase visibility of people entering/exiting solid door between judicial chambers and office area. Where 2m/6ft can not be maintained, face covering and



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Activity/Consideration	Potential Risks of Exposure	Existing Controls	Risk Level	Proposed Controls
	entering/exiting office area.			face shield or goggles is required.





### APPENDIX A: VENTILATION CHECKLIST (COVID-19)

The following checklist has been developed by the Occupational Health Clinic for Ontario Workers for this project to be used as a guide. Pertinent questions are suggested that can be used to assess the suitability of ventilation in each of the courtrooms that are to be occupied.

According to ASHRAE: "Statement on airborne transmission of SARS-CoV-2. "Transmission of SARS-CoV-2 through the air is sufficiently likely that airborne exposure to the virus should be controlled. Changes to building operations, including the operation of heating, ventilating, and air-conditioning systems, can reduce airborne exposures". Therefore, engineering or control via ventilation is critical and provides a higher order control.

Question	Yes / No	Comments	Reference
Has the Hierarchy of Controls (HOC) been used to implement physical distancing, appropriate engineering, administrative, and personal protective equipment (PPE) options in that order (Refer to CDC worker protection tool 1) based on a risk assessment?			1.
Ask about the status of the HVAC system. For example: Is it running properly? What service does it need? Are its parts clean? Does anything need to be done to make the system work more effectively? Are the Plans and Specifications available for review, just in case? Is there anything else to know?		Check in with the person in charge of the day to day operation of the heating, ventilating and air conditioning (HVAC) system.	9.





Question	Yes / No	Comments	Reference
Can the ventilation system be modified to increase ventilation rates or the percentage of outdoor air that circulates into the system?		In buildings with mechanical ventilation systems extended operation times are recommended. Change the clock times of system timers to start ventilation at nominal speed at least 2 hours before the building usage time and switch to lower speed 2 hours after the building usage time.	1.
		Where in-demand ventilation systems cannot be converted: change CO2 set point to lower, 400 ppm value, in order to assure the operation at nominal speed (where applicable).	
		Preferably keep the ventilation on 24/7, with lowered (but not switched off) ventilation rates when people are absent. In buildings that have been vacated due to the pandemic (some areas offices rooms) it is not recommended to switch ventilation off, but to operate continuously at reduced speed.	
		Exhaust ventilation systems of toilets should always be kept on 24/7, and make sure that underpressure is created, especially to avoid the faecal-oral transmission (10). Open windows in toilets with passive	





Question	Yes / No	Comments	Reference
		stack or mechanical exhaust systems may cause a contaminated airflow from the toilet to other rooms, implying that ventilation begins to work in reverse direction.	
		Open toilet windows then should be avoided. If there is no adequate exhaust ventilation from toilets and window airing in toilets cannot be avoided, it is important to keep windows open also in other spaces in order to achieve cross flows throughout the building (10).	
Ensure the integrity of the water supply system after a prolonged shutdown since standing water may lead to microbial contamination of the HVAC system.			1.
What are the air changes per hour (ACH) for each room?			1.
Does the ventilation rate meet minimum ventilation rates as per ASHRAE 62.1 2019?			1.
Can outdoor air ventilation be increased (disable demand-controlled ventilation and open			1.



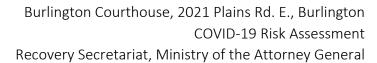


Question	Yes / No	Comments	Reference
outdoor air dampers to 100% as indoor and outdoor conditions permit)?			
Can the ventilation rate be increased by providing more outside (fresh) air to more highly (continuously) occupied rooms?			General
Ensure all supply and return grilles and registers to be sure they are open, operating properly and that air is flowing through them when the system fan is on and locations are located on drawings.			9
Ensure outdoor air intakes are clean, open and not blocked by bushes, defective louvers, etc.			9
Is special attention being given to ventilation in toilets?		Keep toilet ventilation 24/7 in operation6. Avoid open windows in toilets to assure the right direction of ventilation. Instruct building occupants to flush toilets with closed lid.	10
Can the airflow direction be transferred from less occupied spaces (courtrooms) to public areas such that the courtrooms are under positive pressure?			11





Question	Yes / No	Comments	Reference
Can demand control ventilation (DCV) be disabled so that there is a constant supply?			General
Can filters be upgraded to MERV 13 or higher filter rating?			General
Can more windows be opened allowing natural and fresh outside air without impeding relative humidity and temperature?  (With the exception of toilets where exhaust fans are operating).			General
Are the filters appropriately installed?			General
Has a check been carried out to make sure there is a seal around the edge of the filters to ensure that there is no by-pass (short-circuit) of air?			General
Are the filters within their service life?			General
Can the system be run for longer hours, 24/7, to enhance air changes in the building space?			General
Where possible ensure that offices are not occupied by more than one person or if this is			General





Question	Yes / No	Comments	Reference
not possible provide appropriate distancing and/or physical barriers.			
Is the RH maintained between 40% and 60% which according to scientific literature generally reflects the most unfavorable survival for microorganisms			4
Can portable room air cleaners be added with HEPA or high-MERV filters with due consideration to the clean air delivery rate if required?			4
During shut down the HVAC systems should not be completely shut down in any building where the building is being unoccupied for any length of time if the intent is to re-occupy the building in the future.			5
Is there a program of duct cleaning?		The standard ANSI/ASHRAE 180-2018, Standard Practice for Inspection and Maintenance of Commercial Building HVAC Systems, covers good practices for inspecting and maintaining HVAC systems and AHE for the purpose of providing good air quality. The standard can help determine whether cleaning should be performed.	7





Question	Yes / No	Comments	Reference
Where duct cleaning is required, is the company a qualified to properly clean the HVAC system.		According to the Federation of European Heating and Ventilation and Air Condition Associates (REHVA, April 2020 (10)) -Duct cleaning has no practical effect: "There have been over reactive statements recommending to clean ventilation ducts in order to avoid SARS-CoV-2 transmission via ventilation systems. Duct cleaning is not effective against room-to-room infection because the ventilation system is not a contamination source if above guidance about heat recovery and recirculation is followed. Viruses attached to small particles will not deposit easily in ventilation ducts and normally will be carried out by the air flow. Therefore, no changes are needed to normal duct cleaning and maintenance procedures. Much more important is to increase fresh air supply, avoid recirculation of air according to the recommendations above".	7
Has a risk assessment been carried out and are their proper health and safety procedures in place for contractual / maintenance personnel working on HVAC systems.			12





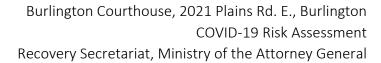
Burlington Courthouse, 2021 Plains Rd. E., Burlington COVID-19 Risk Assessment Recovery Secretariat, Ministry of the Attorney General

#### References

- 1) Resuming Business Toolkit CDC Coronavirus Disease (2019), including "Restart Readiness Checklist".
- 2) https://www.ashrae.org/technical-resources/bookstore/standards-62-1-62-2
- 3) AHSRAE Coronavirus (COVID) 19 Preparedness https://www.ashrae.org/technical-resources/resources
- 4) Environmental Health Committee (EHC) Emerging Issue Brief: Pandemic COVID-19 and Airborne Transmission.
- 5) ASHRAE Position Document on Infectious Aerosols (April, 2020).
- 6) <u>Does ASHRAE have any recommendations for building owners for how to "mothball" their buildings for an undetermined amount of time and how to operate the HVAC systems during the shutdown</u>
- 7) What's Up with Duct Cleaning? Air Handling Equipment Must Be Inspected, Cleaned, and Maintained to Provide Good IAQ BY D. JEFF BURTON (2012).
- 8) ANSI/ASHRAE 180-2018, Standard Practice for Inspection and Maintenance of Commercial Building HVAC Systems
- 9) Burton, J 2020, Back-to-Work Ventilation-Related Checklist for OEHS Professionals.
- 10) REHVA COVID-19 guidance document, April 3, 2020
- 11) INFECTION CONTROL IN ONTARIO COURTHOUSES: THE ASSOCIATION OF ONTARIO JUDGESSERVICES RESUMPTION PLAN Prepared by: ECOH ECOH Project No.: 25857 May 29, 2020
- 12) REFCOM Building Engineering Services Association, 2 April 2020, Technical Bulletin TB/048/2: COVID-19 and air conditioning systems.

#### Other:

https://www.engineeringtoolbox.com/air-change-rate-room-d 867.html

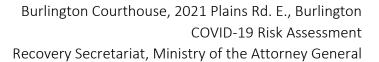




#### APPENDIX B: MENTAL HEALTH RESOURCES

The following resources are available to employers, workers and their families. This list was compiled by Occupational Health Clinics for Ontario Workers (OHCOW).

- 1. Taking care of your mental health: Government of Canada
- 2. COVID-19 and Mental Health: Canadian Mental Health Association (CMHA)
- 3. Mental Health and the COVID-19 Pandemic: Centre for Addiction and Mental Health (CAMH)
- 4. MHCC COVID-19 Resources: Mental Health Commission of Canada
- 5. https://stressassess.ca/: CCOHS/OHCOW
- 6. Mental health, wellness and addictions support: Government of Ontario
- 7. OHCOW Mental Injury Toolkit: Occupational Health Clinics for Ontario Workers (OHCOW)
- 8. Mental Health / Addictions: 211 Ontario. 211 Ontario is a helpline and online database of Ontario's community and social services.
- 9. Working Remotely During COVID-19 Your Mental Health and Well-being: Centre for Workplace Mental Health
- 10. Effectively Managing Financial Strain: Public Services Health and Safety Association (PSHSA)
- 11. Staying Productive While Working From Home: Public Services Health and Safety Association (PSHSA)
- 12. Activities for Kids While at Home: Public Services Health and Safety Association (PSHSA)
- 13. <u>Coping With COVID-19</u>: Anxiety Canada. Anxiety Canada has hosted online 'town hall' meetings with experts answering questions on anxiety-related topics
- 14. COVID-19 Mental Health Resources: Workplace Safety and Prevention Services (WSPS)
- 15. Mental Health First Aid COVID-19 Self-Care and Resilience Guide: Mental Health First Aid
- 16. Manage Anxiety and Stress: Centres for Disease Control (CDC)
- 17. Mental Health Considerations during COVID-19 Outbreak: World Health Organization (WHO)
- 18. <u>Wellness Together Canada</u>: Wellness Together Canada provides tools and resources that include modules for addressing low mood, worry, substance use, social isolation and relationship issues.





- 19. Mental health at home and the workplace during covid-19 recorded webinar: Canadian Partnership for Women and Children's Health
- 20. Talking to Children About COVID-19 (Coronavirus) A Parent Resource: National Association of School Psychologists (NASP) -