



*Provincial Court
of Alberta
Pandemic Plan*
COVID-19

1. Purpose

The Pandemic Response Plan (“Plan”) is developed and implemented for situations in which the Provincial Court of Alberta must restrict its operations to essential functions. This plan is developed for dealing specifically with a COVID-19 pandemic.

The goals of this Plan are to:

- Maintain and preserve the rule of law
- Protect the health and well-being of staff, the judiciary, and the public
- Identify, prioritize and continue the Court’s essential functions and operations
- Facilitate decision-making processes, including identifying the chain of command at a court location
- Develop a communications protocol
- Reduce or mitigate disruption to normal Court operations
- Recover and resume regular Court operations when possible to do so

All of the steps under this Plan fall within the authority of the Chief Judge to set the sittings of the Court. It is expected that this Plan will be executed in conjunction with steps taken by the Ministry of Justice and Solicitor General, and the Ministry will be advised of all steps taken by the Court.

2. Assumptions

This Plan is based on information obtained from Alberta Health Services and Health Canada. It relies on the following assumptions:

- During a pandemic it is appropriate for employers and the judiciary to plan for significant absenteeism during the peak period with lower rates in the preceding and subsequent periods.
- Staff and judiciary may be absent either because they are quarantined, self-isolated, ill, because they need to attend to family members who are ill, or because they have children who must remain at home due to school closures.
- Typically, the incubation period is 2 weeks (14 days). Every person who becomes ill or requires quarantine may miss 15 days of work or more. Individuals may also need to self-isolate for periods of 2 weeks or more.
- Many Judges and Justices of the Peace are part of a vulnerable population because of their age or pre-existing health conditions. Proactive steps to reduce risk may be appropriate.

3. Applicability and Scope

This Pandemic Plan applies to the Provincial Court of Alberta at all of its locations including its base and circuit court locations, the Edmonton and Calgary Courthouses, Hearing Offices in Edmonton and Calgary, and the Office of the Chief Judge.

The Plan applies to all Judges, Justices of the Peace, and judicial staff of the Provincial Court of Alberta.

4. Decision Makers

The key decision makers for the Provincial Court of Alberta are:

- The Chief Judge of Provincial Court¹, who will consult with the Court Emergency Management Team “Team”.
- The Team is composed of:
 - The Deputy Chief Judge and Assistant Chief Judges; and
 - The Executive Director and Executive Legal Counsel of the Provincial Court.

The Team will assign a representative to communicate the needs of the Provincial Court on the Resolution Court Administrative Services (RCAS) Response Team. This representative will work closely in conjunction with the executive leadership of RCAS and Alberta Crown Prosecution Services (ACPS) to ensure continuity of service across the Alberta Justice system.

Key items to be addressed immediately by the RCAS Response Team:

1. Assessment of any Alberta Health/Government of Alberta guidelines or orders, and the extent to which RCAS can align/apply;
2. What steps need to be taken to protect staff in both the short- and long-terms;
3. Identification of key priorities and how resources/processes will be modified to meet those priorities;
4. Succession plans for RCAS administrative leadership and the judiciary, should members become ill or absent; and
5. Establishment of a regular meeting and communication schedule.

¹ If the Chief is unable to act the following will act:

- i. Deputy Chief Judge designated by the Chief Judge to act in the event the Chief Judge is unable to do so
- ii. Other Assistant Chief Judges as required

Once the Provincial Court Plan is activated, the Team will continually assess the situation and respond with a clear operational plan to maintain public and staff safety while balancing the critical nature of the justice system.

5. Communications Strategy

It is important to notify staff and key justice system participants of the Court's status as quickly and accurately as possible.

A list of provincial stakeholders and contact numbers will be maintained. Each ACJ is required to compile information on courthouses located in their Region – including stakeholder contact names and numbers.

The specific content of Court communications will depend on the Stage of the Plan. The ACJs will liaise with the OCJ to determine the appropriate Communications message to circulate, what parties should be notified, and how.

The Provincial Court of Alberta's website <https://www.albertacourts.ca/pc/home> will be used as a means to communicate general information with staff, external clients and the public in times of emergency. Personal or confidential information and messages for the judiciary or staff will be communicated via email or other electronic means. The Plan and any updates to it will be posted on the Judicial Education page of the Court's internal website and will be circulated by email.

Judiciary contact lists will be provided to the Chief, Deputy Chief, Assistant Chiefs, and the Executive Director. This list will be updated and maintained by the Executive Director. The ACJs will request a master staff contact list for each court location from court managers, and will provide the Office of the Chief Judge with these lists.

Disruptive events, especially pandemics with widespread community impacts, can provoke anxiety and fear in judiciary and staff. The Team will work to ensure that information is passed at frequent intervals as well as provide opportunities to access leadership and ask questions. The Team will also support leadership to ensure staff know how to access Employee and Family Assistance Programs for all personal and mental health related needs.

6. Essential Functions

During a pandemic, the Court may not have the resources to maintain normal operations. Reduced resources from other stakeholders/partners may also impact the Court's ability to function. In this situation, the Court will need to

restrict its activities to those functions deemed essential to performing the Court's mission. A list of the Court's essential functions is included in **Appendix A**.

7. Implementation Process

The procedures set out in this Plan are intended to ensure ease of implementation to reduce stressful events that could hinder critical decisions and activities from occurring in a timely fashion. The procedures are intended to identify the person responsible for making specific decisions and actions at different points in the process. The implementation process should be followed as closely as possible; however, communication and flexibility are necessary as circumstances will change and procedures may need to be abbreviated or modified.

The Plan is intended to be read in a progressive fashion. It is assumed that any steps taken in one stage will continue fully into every next stage. Only new procedures implemented at each escalating step are explicitly added to each stage of the Plan.

The Plan will have **5 Stages**. It is possible that different regions of the province or specific court locations will be in different stages of the Plan at any given time. The stages may move in a non-linear fashion, returning to previous stages multiple times before the pandemic response is considered concluded.

The 5 Stages are:

- Stage 1: Prevention/Containment/Preparation**
- Stage 2: Moderately Reduced Court Operations due to Staff Shortages or local/community outbreak**
- Stage 3: Significantly Reduced or Modified Court Operations**
- Stage 4: Suspension of Public Hearings**
- Stage 5: Resumption of Normal Operations**

Stage I: Prevention/Containment/Preparation

Stage 1 will be triggered when, in the determination of the Chief Judge, in consultation with the Team, there is an outbreak of a pandemic illness, with sustained human transmission, with direct impacts in Alberta.

At this stage, the Court will work closely with the Ministry of Justice and Solicitor General and the OCJ to ensure that all judiciary and the workforce who provide services to the judiciary are supported during a pandemic. Hand sanitizers, tissues and information regarding precautionary measures and health updates will be distributed to all judiciary and judicial staff.

During the activation of this Plan, all judiciary and judicial staff are expected to stay at home and obtain medical assistance if they are ill with flu-like symptoms. If found to have COVID-19, the individual may not return to work until they have been medically cleared to return, so as to avoid spreading the virus.

Judiciary and judicial staff who have or may have come into direct contact with an individual who has COVID-19 will be expected to follow all instructions from Alberta Health Services, including self-isolation, social distancing, and remote work adaptations (where possible).

Those with impacted family members or who are unable to physically attend work for other reasons should discuss with their leadership whether working remotely is feasible or how else their needs and those of the Court may be addressed.

With respect to all business and personal travel, judiciary and judicial staff are expected to follow the advice of the Chief Medical Officer, which is kept up to date on Alberta Health Services website. These instructions may change over time but currently recommend that travel plans be carefully considered having regard to the possibility of being exposed to the virus; and that anyone over the age of 65 or with a chronic health condition not travel outside of Canada.

ACJs and the Executive Director should be advised of all travel plans made (both personal and professional, including domestic travel within Alberta) until such time as the Plan is no longer in use. All Judges and staff are strongly encouraged to carefully evaluate travel plans, with a view to reducing the risk to themselves and others.

The Chief Judge and ACJs may be required to exercise their discretion with respect to when to schedule judges returning from travel.

All Judges and staff will ensure that they have agreed upon lines of communication and know how to rapidly share information. This includes contact information when working remotely as well as when staff are on personal time for emergency contact.

The Executive Director or designate will ensure that critical staff have laptops and access to VPN.

Stage 2 Moderately Reduced Court Operations due to Staff Shortages or local/community outbreak

Stage 2 is triggered when, in the determination of the Chief Judge in consultation with the Team, there is:

- A significant increase in community transmission of the pandemic illness;
- Any warning or declaration from Alberta Health Services, the Chief Medical Officer for the Province of Alberta; or Health Canada relevant to the operational practices of the Court, and/or
- Reported rates of absenteeism in the Court’s workforce or the workforce of a critical partner (such as RCAS or the Sheriffs) are increasing such that the Court’s ability to function may be impacted; and/or

Stage 2 will have the following impacts:

Access:	Courthouses open to public – normal operating hours
Services:	Normal services but some services may have time frames adjusted; or require assistance from other court locations. Increased use of audio, video, and teleconference is encouraged. The Hearing Office may be available to assist on some matters, in the event of judicial shortages
Communication:	Internal message sent staff and judiciary only External message posted on Website

Stage 3 Significantly Reduced or Modified Court Operations

Stage 3 is triggered when, in the determination of the Chief Judge in consultation with the Team, there is:

- A significant increase in community transmission of the pandemic illness;
- Any warning or declaration from Alberta Health Services, the Chief Medical Officer of Health for the Province of Alberta, and/or Health Canada relevant to the operational practices of the Court; and
- Absenteeism that significantly interferes with Court operations, or poses a direct risk to the health and safety of the Judges, staff, or the public;

Stage 3 will have the following impacts:

Access:	Courthouses may be open to the public; variable across Province.
Services:	Restricted to most essential functions as set out in Appendix A; use of fax, telephone, videoconferencing as much as possible; court schedules and services restricted, compressed or delayed. Non-essential matters will be adjourned and may, at the discretion of the Chief Judge in consultation with the ACJs, be phased back in if and when circumstances permit. The Hearing Office may be available to assist in the event that any courthouses are closed.
Communication:	Internal message sent staff and judiciary only. External message posted on Website

Stage 4 Suspension of Public Hearings

Stage 4 is triggered when, in the determination of the Chief Judge in consultation with the Team, there is:

- A significant increase in community transmission of the pandemic illness;
- Any warning or declaration from Alberta Health Services, the Chief Medical Officer of Health for the Province of Alberta, and/or Health Canada relevant to the operational practices of the Court.
- Absenteeism rates or risk such that the Court, across the Province, cannot sit in person to hear matters.

Stage 4 will have the following impacts:

Access:	Closed.
Services:	Essential functions only, as set out in Appendix A.
Communication:	Internal message sent to staff and judiciary. External message sent justice system users and posted on website; general public and media will be advised by additional electronic means.

Stage 5: Resumption of Normal Operations

The Chief Judge will determine, in consultation with the Team and with Deputy Minister of Justice and Solicitor General, when sufficient resources are available to return to normal operations.

Announcements regarding the resumption of normal operations will be posted on the Court's website and communicated to the Judiciary, staff and the public via electronic means.

Once services have returned to normal, each ACJ will be required to complete a Post Incident Review Form, to be submitted to the Executive Director of the Provincial Court for delivery to the Team for discussion and review within two weeks of resumption. The Team will hold a debrief with the key decision makers and contacts to determine what procedures/directives worked and what did not, and make any necessary modifications and improvements to the Plan. A Post Incident Review Report will be prepared and distributed to the Team.

6. Plan Maintenance

Email communications will familiarize ACJs and judicial staff with the Plan, roles and procedures. They will focus on questions of coordination, assignment and responsibilities.

Appendix A

Essential Functions

1. Bail hearings for adults that can't be handled by the Hearing Office, and Youth Release hearings
2. In-custody docket appearances, including summary dispositions — particularly where an individual is likely time served.
3. In-custody trials or preliminary inquiries.
4. Warrants on urgent basis by JP and PCJ
5. Child Apprehension Orders, as required by PCJ or JP; and return from apprehension where required on an urgent basis
6. Review of and Apprehension Orders on an urgent basis under PChAD, Drug Endangered Children Act, Protection of Sexually Exploited Children Act, and Mental Health Act.
7. Emergency Protection Orders
8. Emergency applications (ie. Firearms)
9. Family Court Matters that are urgent eg. Absconding with a child.
10. Landlord Tenant Matters where the Landlord is evicting a Tenant.
11. Initial custody hearings under s. 21.1 of the Child Youth and Family Enhancement Act