

WSIAT Code of Conduct for Representatives

- 1.0** This Code recognizes that any person representing a worker or an employer has certain obligations and responsibilities toward their client, the Tribunal, and the opposing party. The Code sets out, broadly, the standards of behaviour that the Tribunal expects from any representative, whether paralegal or lawyer.

This Code does not apply to friends or family who may be present as moral support or to assist in an informal and unpaid manner. However, all persons who participate in hearings before the Tribunal must be respectful to all participants and to Tribunal members and staff.

2.0 Standards of Conduct

- 2.1** Representatives appearing before the Tribunal, whether or not they are required to have a licence under the *Law Society Act*, are expected to:

- honestly represent their clients; they must not knowingly put forward any information known to be untrue, or assist or encourage a party to mislead or misrepresent the facts.
- be knowledgeable concerning the relevant legislation (the *Workers' Compensation Act* and/or the *Workplace Safety and Insurance Act, 1997*)
- be aware of and comply with the Tribunal's practice directions and appeal procedures
- be prepared to present the case at hand; this includes carefully reviewing the case materials and relevant Board policies, and promptly consulting with their clients as to their directions and instructions so that they may comply with the Tribunal's preparation and disclosure requirements.
- throughout the appeal process to behave courteously and respectfully to the opposing party (if present), to any witnesses called during the proceedings, to the Vice Chair or panel hearing the appeal and to Tribunal staff
- respect the confidentiality of information disclosed during the Tribunal's processes and use that information for other purposes only with the consent of the parties and of the Tribunal
- refrain from behaviour that the Tribunal considers to be an abuse of process.

3.0 Remedies

- 3.1 If a representative refuses or fails to comply with the requirements of this *Code*, the Tribunal may make comment on or take official notice of such behaviour. In noting this behaviour, the Tribunal will remind the representative that such behaviour may result in the representative being suspended from appearing before the Tribunal for a specified period of time or may result in a referral to the Law Society of Upper Canada.
- 3.2 If the conduct is serious, or if there is a pattern of behaviour that continues over time without the representative being able to provide a reasonable explanation for his/her behaviour, the Tribunal Chair may suspend the representative from appearing at the Tribunal or the conduct may be referred to the Law Society of Upper Canada.

Dated at Toronto, Ontario this first day of October, 2007
Workplace Safety and Insurance Appeals Tribunal
I.J. Strachan, Tribunal Chair