

Pre-Hearing Conference/Pre-Hearing Telephone Conference Calls

1.0 This Practice Direction:

- explains what a pre-hearing conference is
- explains situations where the Tribunal may schedule a pre-hearing conference before the scheduled date of the appeal hearing.

2.0 Pre-Hearing Conference

2.1 A pre-hearing conference is a discussion between a Tribunal Panel or Vice-Chair and the parties to the appeal. The Tribunal Panel or Vice-Chair may provide direction for the further processing of the appeal, or determine the way in which the hearing will proceed on its scheduled hearing date.

2.2 The Tribunal expects hearings to proceed as scheduled and requires the parties to notify the Tribunal about any evidentiary or procedural issues that need to be resolved before the hearing.

2.3 Issues that may be resolved at a pre-hearing conference include:

- procedural matters (e.g. whether to give notice to certain parties)
- issue agenda (e.g. what issues will be decided at the hearing) or
- evidence issues (e.g. attendance of witnesses, whether a document is admissible).

2.4 Either a party to an appeal or Tribunal staff may request a pre-hearing conference. A pre-hearing conference may take place in person or by way of a telephone conference call.

3.0 Requests for a Pre-Hearing Conference

3.1 A party must request a pre-hearing conference in writing and explain the reasons for the request and whether the other parties agree to the request. They must send a copy of the request to any other participating party. The party should make the request as soon as it identifies the issue so that the Tribunal has sufficient time to review the request and schedule it.

3.2 The Tribunal will consider the request and, depending on the circumstances, may allow or deny the request.

4.0 Scheduling of a Pre-Hearing Conference or Telephone Call

- 4.1 The Tribunal consults with the parties to the appeal to schedule pre-hearing conferences.
- 4.2 The same Panel or Vice-Chair who conducts the pre-hearing conference will **generally** also hear the merits of the appeal.
- 4.3 The Tribunal gives the Panel or Vice-Chair a copy of the pre-hearing conference request and any other relevant material prior to the scheduled pre-hearing conference.
- 4.4 After completing the pre-hearing conference, the Panel or Vice-Chair will issue instructions for the further processing of the appeal if necessary.

Effective date: July 1, 2014
Workplace Safety and Insurance Appeals Tribunal