

## Representatives

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### 1.0 This Practice Direction:

- recognizes that parties have the right to be represented by another person before the Appeals Tribunal
- describes who can represent a party before the Tribunal and how they are to provide notice of representation
- provides for a Code of Conduct for representatives who appear before the Tribunal
- does not apply to friends or family who may be present as “moral support” or to assist in an informal and unpaid manner.

### 2.0 Licence Requirements

- 2.1** Parties may represent themselves, or may choose to retain a representative to assist them with their appeal. Representatives who appear before the Tribunal must be licensed by the Law Society of Upper Canada or authorized to provide legal services in accordance with the *Law Society Act* and its regulations and by-laws.
- 2.2** The Law Society sets out Rules of Conduct for lawyers and paralegals.
- 2.3** If the Law Society status of a representative is unclear, Tribunal staff may request additional information from the representative to confirm that s/he is eligible to represent parties at the Tribunal.
- 2.4** If the Law Society status of a representative continues to be unclear at the time of the hearing, the Vice-Chair or Panel may question the representative to determine his/her status for the purposes of the hearing.

### 3.0 Notice of Representation

- 3.1** When a party retains a representative for an appeal, the party must notify the Tribunal in writing in the prescribed form at the earliest opportunity.
- 3.2** This notification must include the representative’s postal address, telephone and fax numbers and licence number issued by the Law Society of Upper Canada (or reason for exemption from the licence requirement).

**3.3** If a representative ceases to act for a party, the party or the representative must promptly file a written notice with the Appeals Tribunal and send a written notice to every other party. This written notice must be provided at least two working days before the scheduled hearing date.

**3.4** A representative who has not filed a written notice that he or she has ceased to act for a party within the time specified must attend the hearing to withdraw from representation.

#### **4.0 Code of Conduct for Representatives**

**4.1** The Tribunal may establish a *Code of Conduct for Representatives* setting out expectations for the conduct of representatives appearing before the Tribunal, whether or not they are required to have a licence under the Law Society Act.

**4.2** If a representative refuses or fails to comply with the requirements of this Practice Direction or the *Code of Conduct for Representatives*, the Tribunal may 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 remedial action, including a temporary or permanent suspension from appearing before the Tribunal or a referral to the Law Society of Upper Canada.

**4.3** 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 take remedial action, including a temporary or permanent suspension from appearing at the Tribunal or a referral to the Law Society of Upper Canada. The representative will be given notice and an opportunity to make submissions to the Tribunal Chair.

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