



Practice Direction #14

Pre-Hearing Conferences

1.0 This Practice Direction explains

- what a pre-hearing conference is
- situations where the WSIAT may schedule a pre-hearing conference before the scheduled appeal hearing date

2.0 Pre-Hearing Conference

2.1 A pre-hearing conference is a discussion between a Vice-Chair or Panel and the parties to the appeal. The Vice-Chair or Panel may give directions for the processing of the appeal. Or, they might determine the way the hearing will proceed on its scheduled hearing date.

2.2 The WSIAT expects hearings to proceed as scheduled. The WSIAT requires the parties to notify it about any issues that need to be resolved before the hearing.

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

- procedural matters like whether to give notice to certain parties
- issue agenda matters like what issues will be decided at the hearing
- evidence issues like attendance of witnesses or if a document is admissible

2.4 A party to an appeal or WSIAT staff can request a pre-hearing conference. A pre-hearing conference can take place

- by telephone
- by videoconference
- in person

3.0 Requests for a Pre-Hearing Conference

- 3.1 A party must request a pre-hearing conference in writing. They must explain
- the reasons for the request
 - if the other parties agree to the request
- 3.2 They must send a copy of the request to any other participating party. The party should make the request as soon as they identify the issue. This is so the WSIAT has enough time to review the request and schedule it.
- 3.3 The WSIAT will consider the request. Depending on the circumstances, the WSIAT will allow or deny the request.

4.0 Scheduling of a Pre-Hearing Conference

- 4.1 The WSIAT will consult with the parties to the appeal to schedule a pre-hearing conference.
- 4.2 The same Vice-Chair or Panel who conducts the pre-hearing conference will usually hear the merits of the appeal.
- 4.3 The WSIAT gives the Vice-Chair or Panel a copy of the pre-hearing conference request. The WSIAT also provides any other relevant material prior to the scheduled pre-hearing conference.
- 4.4 After the pre-hearing conference, the Vice-Chair or Panel will give instructions for processing the appeal if necessary.

5.0 References and Resources

5.1 Legislative Authority

Workplace Safety and Insurance Act, 1997, section 131 (the WSIAT can determine its own practice and procedure)

5.2 **Related Practice Directions**

#4 – How to Prepare an Appeal at the WSIAT

#8 – Disclosure

#9 – Evidence

#36 – Delivery and Filing Documents