



Practice Direction #18

Notice of Hearing and Failure to Attend

1.0 This Practice Direction

- outlines the process for setting hearing dates
- describes what happens when a party fails to attend a hearing

2.0 Responsibility for Address Information

2.1 Representatives and participating parties are responsible for providing the WSIAT with their correct

- address
- contact information

2.2 Representatives and participating parties must notify the WSIAT as soon as possible if their address or contact information changes.

3.0 Setting a Hearing Date

3.1 The hearing date will be confirmed in writing and sent to

- the appellant and their representative
- any participating responding parties and their representatives

3.2 If the parties cannot agree to a hearing date after 2 dates are offered, the WSIAT will set a hearing date.

3.3 The hearing date will be confirmed in the Confirmation of Hearing Notice.

3.4 The WSIAT will assign the hearing length based on the information in the file. For example, the hearing length will depend on the number of witnesses expected to attend.

4.0 Confirmation of Hearing Notice

4.1 The WSIAT will send out a Confirmation of Hearing Notice to

- the appellant and their representative
- any participating responding parties and their representatives

It will be sent to the last address the WSIAT has on file for those parties.

4.2 The WSIAT usually sends a Confirmation of Hearing Notice several months before the hearing date.

4.3 The Confirmation of Hearing Notice has

- the statutory authority for the hearing
- the case name and WSIAT Number
- the purpose of the hearing
- the hearing date, time and estimated length
- the hearing location
- the language and dialect for interpretation, if applicable
- the list of parties and addresses
- a statement about not attending – if a party does not attend, the WSIAT may proceed and the party will not be entitled to any further notice

4.4 The WSIAT expects parties and their representatives to attend the hearing.

4.5 The hearing will start at the time stated on the hearing notice.

4.6 If a respondent agrees to a hearing date and then decides not to attend, they need to contact the WSIAT before the hearing date to confirm they will not be participating.

5.0 Failure to Attend – Representative or Respondent

5.1 If a responding party or a representative of any party does not attend within **30 minutes** of the hearing start time, the hearing may start without them.

- 5.2 A party or representative must contact the WSIAT on the day of the hearing if there is something preventing them from attending.
- 5.3 The WSIAT may not contact a party on the date of hearing or after the hearing if that party does not attend within the time provided above.

6.0 Failure to Attend – Appellant

- 6.1 If the appellant does not attend within **30 minutes** of the time stated on the hearing notice, the Vice-Chair or Panel may
- decide the case from the written materials before them
 - direct the case to be made inactive for 3 months – if the WSIAT is not contacted within that time, the case may be deemed withdrawn or abandoned
 - make any other order they consider appropriate

7.0 References and Resources

7.1 Legislative Authority

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

7.2 Related Practice Directions

#19 – Hearing Assignments

#20 – Interpreters

#21 – Who May Attend a Hearing

#23 – Adjournments and Withdrawals

#24 – Inactive Appeals