



Practice Direction #28

Representatives

1.0 This Practice Direction

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

2.0 Licence Requirements

- 2.1 You can represent yourself. Or you can use a representative to assist you with your appeal. Representatives who appear in a hearing must be licensed by the Law Society of Ontario (Law Society). Or they must be authorized to provide legal services in accordance with the *Law Society Act* and its regulations and by-laws, in particular the exemptions listed in By-Law 4.
- 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, the WSIAT may request additional information from the representative. This is to confirm that they are eligible to represent parties at the WSIAT.
- 2.4 The Law Society status of a representative might continue to be unclear at the time of the hearing. In this case, the Vice-Chair or Panel may question the representative to determine their status for the purposes of the hearing.

3.0 Notice of Representation

3.1 You must notify the WSIAT if you are using a representative for an appeal. You must use one of the WSIAT's forms as soon as possible. These forms can be found on the WSIAT website and include

- Notice of Appeal for Workers Form
- Notice of Appeal for Employers Form
- Worker Authorization to Represent Form
- Employer Authorization to Represent Form
- Request for Reconsideration / Clarification Form
- Reconsideration / Clarification Response Form

3.2 Your notice must include your representative's

- mailing address
- phone number
- email address
- licence number given to your representative by the Law Society of Ontario (or reason why your representative is exempt from the licence requirement)

3.3 If your representative stops acting for you, you or the representative must notify the WSIAT and every other party immediately in writing. This written notice must be provided at least 2 business days, not including holidays, before the scheduled hearing date.

3.4 If a representative does not file written notice at least 2 business days, not including holidays, before the scheduled hearing date, they must attend the hearing to withdraw from representation.

4.0 Code of Conduct for Representatives

4.1 The WSIAT has a Code of Conduct for Representatives. It sets out expectations for the conduct of representatives at hearings. This is for all representatives, whether they are required to have a licence under the *Law Society Act* or not.

4.2 If a representative refuses or fails to comply with the requirements of this Practice Direction or the WSIAT's Code of Conduct for Representatives, the WSIAT may comment on or take official notice of the behaviour. The WSIAT will remind the representative the behaviour may result in remedial action, including

- mentoring or training options
- a temporary or permanent suspension from appearing at WSIAT hearings
- a referral to the Law Society of Ontario

4.3 The Chair may take remedial action if the conduct

- is serious
- demonstrates a pattern of behaviour that continues over time without a reasonable explanation

The representative will be given notice. They will have an opportunity to make submissions to the Chair.

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)

Law Society Act

5.2 Related Practice Directions

#1 – How to Start an Appeal at the WSIAT

#18 – Notice of Hearing and Failure to Attend

#27– Reconsiderations

#29 – WSIAT Code of Conduct for Representatives

#35 – Calculation of Time