



## Practice Direction #29

### WSIAT Code of Conduct for Representatives

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#### 1.0 The WSIAT Code of Conduct for Representatives (the Code)

- explains that anyone representing a worker or an employer has certain obligations and responsibilities toward
  - their client
  - the WSIAT
  - the other party
- lists the standards of behaviour that the WSIAT expects from any representative
- does not apply to friends or family who are present as a support person or observer or to assist in an informal and unpaid manner
- explains that everyone who participates in the appeal process must be respectful to all participants, staff and decision-makers

#### 2.0 Standards of Conduct

2.1 Representatives who appear in a hearing must be licensed by the Law Society of Ontario. 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. All representatives are expected to

- represent their clients honestly – they must not share information known to be untrue, or assist or encourage a party to misrepresent the facts
- be knowledgeable about the legislation that is relevant to the case – this includes
  - the *Workplace Safety and Insurance Act, 1997*
  - prior legislation that applies to accidents before January 1, 1998
  - related regulations and statutes
- be comfortable using technology – they must be able to

- file and receive materials electronically
- conduct electronic hearings
- protect confidential information using relevant technology
- be aware of and comply with the WSIAT's Practice Directions and appeal procedures
- be prepared to present the case at hand including
  - reviewing the case materials and relevant Board policies carefully
  - identifying any missing evidence or outstanding issues
  - consulting with their clients promptly about their instructions to comply with the WSIAT preparation and disclosure requirements
- behave courteously and respectfully throughout the appeal process to
  - the opposing party (if present)
  - any witnesses called during the proceedings
  - the Vice-Chair or Panel hearing the appeal
  - WSIAT staff
- respect the confidentiality of information disclosed during the WSIAT's processes and use that information for other purposes only with the consent of the parties and the WSIAT
- refrain from behaviour that the WSIAT considers an abuse of process (the misuse of the WSIAT's procedures that would be unfair to a party or would hinder justice). Examples of abuse of process are
  - attempting to re-litigate the same issue that was already decided
  - failing to respond to the WSIAT's requests and directions leading to inordinate delay

### **3.0 Remedies**

- 3.1 The WSIAT may take official notice of behaviour if a representative refuses or fails to comply with the requirements of this Code. The WSIAT will remind the representative that the behaviour may result in remedial action including

- mentoring or training options
- a temporary or permanent suspension from acting as a representative
- a referral to the Law Society of Ontario

### 3.2 The Chair may take remedial action if

- the conduct is serious
- or
- there is a pattern of behaviour that continues over time without a reasonable explanation for their behaviour

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

## 4.0 References and Resources

### 4.1 Legislative Authority

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

*Law Society Act*

### 4.2 Decisions

*WSIAT Decision No. 2924/18* (abuse of process)

*Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 (abuse of process)

### 4.3 Related Practice Directions

#5 – Hearing Formats

#18 – Notice of Hearing and Failure to Attend

#21 – Who May Attend a Hearing

#28 – Representatives

#36 – Delivery and Filing Documents