



## Practice Direction #34

### Role of the Tribunal Counsel Office at the WSIAT

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#### 1.0 This Practice Direction

- explains the role of Tribunal Counsel Office at the WSIAT

#### 2.0 The Role of the Tribunal Counsel Office in Appeals and Applications before the WSIAT

- 2.1 Tribunal Counsel Office (TCO) offers neutral assistance to the WSIAT for appeals and applications. They may provide assistance before, at, and after a hearing. The Vice-Chair or Panel may request TCO assistance. TCO may also assist by processing the most complex appeals and applications.
- 2.2 Requests for TCO assistance are made by a Vice-Chair or Panel. They are confirmed in writing and communicated to parties. They are placed on the record.
- 2.3 TCO does not take a position on the outcome of an appeal or application.
- 2.4 TCO does not provide representation to parties participating in an appeal or application.
- 2.5 TCO can
- assist with questioning witnesses at a hearing, or prior to a hearing with a Court Reporter
  - make submissions about legal or procedural issues identified by the Vice-Chair or Panel before, at, or after a hearing
  - process the most complex appeals and applications. Processing complex appeals could include liaising with parties. TCO can streamline processes. They can clarify and resolve procedural and legal issues that happen during the hearing process.
  - assist as requested by the Vice-Chair or Panel

2.6 TCO also provides legal advice to WSIAT staff. This is for general appeals and applications.

### **3.0 Other Work of Tribunal Counsel Office**

3.1 TCO provides corporate legal advice and assistance to the WSIAT. This is for issues that are not related to appeals or applications.

3.2 TCO also represents the WSIAT. This could be for litigation matters and related proceedings, including in applications for judicial review.

### **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)

#### **4.2 Related Practice Direction**

#21 – Who May Attend a Hearing