



Practice Direction #37

WSIAT Hearing Recordings and Transcripts

1.0 This Practice Direction explains

- who can record WSIAT hearings
- how to get a recording of a hearing
- how long the WSIAT keeps a recording of a hearing
- how to get a transcript of a hearing

2.0 Recording WSIAT Hearings

- 2.1 The WSIAT usually makes audio recordings of hearings. The WSIAT is not required to record hearings. This is under the *Workplace Safety and Insurance Act, 1997* sections 57 to 59. In unusual circumstances, the WSIAT uses a Court Reporter to record hearings. In right to sue cases, parties can arrange and pay for a Court Reporter to record the hearing.
- 2.2 Parties are not allowed to record hearings. This could be using any device controlled by a party that is capable of making audio or visual recordings.
- 2.3 Audio recordings of hearings are kept for workplace safety and insurance purposes only. The WSIAT cannot guarantee that an audio recording will be available if it is requested. Sometimes a recording is not made or kept because of error or technological issues.
- 2.4 The WSIAT keeps an audio recording for 10 years after the appeal has closed. After 10 years, the WSIAT destroys the audio recording.

3.0 Requests for an Audio Recording from a Party to the Hearing for Workplace Safety and Insurance Purposes

- 3.1 Parties to an appeal can ask for an audio recording of their hearing. They do this by completing a Request Form for Audio Recordings and sending it to the WSIAT.

- 3.2 The party requesting the audio recording must agree to use it for workplace safety and insurance purposes only. It must be kept confidential.
- 3.3 The WSIAT usually approves these requests from parties after it gets the completed request form. In unusual circumstances, the Vice-Chair or Panel that heard the appeal may give directions about audio recordings.
- 3.4 The WSIAT may or may not charge a fee for the audio recording. The WSIAT will tell you when a fee may apply.

4.0 Requests for an Audio Recording from Non-Parties or from Parties for Other Purposes

- 4.1 Requests for audio recordings from
- a person who is not a party to the appeal or application (or an authorized representative)
 - anyone wanting to use a recording for reasons other than workplace safety and insurance purposes

must be made under the *Freedom of Information and Protection of Privacy Act*, unless otherwise required by law.

5.0 Transcripts of Hearings

- 5.1 In this Practice Direction, “transcript” means a typed version of the recorded hearing from a qualified professional (authorized court transcriptionist).
- 5.2 The *Workplace Safety and Insurance Act, 1997* does not require the WSIAT to provide transcripts of hearings. The WSIAT does not generally produce or use transcripts of hearings.
- 5.3 If you want a transcript you should order an audio recording. You can then bring the audio recording to an independent authorized Court Transcriptionist.
- 5.4 Parties who want to submit a transcript to the WSIAT must use an authorized Court Transcriptionist.

- 5.5 To find a Transcriptionist, go to the Authorized Court Transcriptionists for Ontario website (<https://courttranscriptontario.ca>).
- 5.6 Transcripts are expensive. You may want to ask for a cost estimate before ordering a transcript. Your provider will make arrangements for delivery and payment.
- 5.7 If more than one party requests a transcript, the WSIAT encourages the requesting parties to share the cost.

6.0 References and Resources

6.1 Legislative Authority

Workplace Safety and Insurance Act, 1997, sections 57, 58, 59 (access to records sections) and 131 (the WSIAT can determine its own practice and procedure)

Freedom of Information and Protection of Privacy Act

6.2 Related Practice Directions

#5 – Hearing Formats

#17 – Right to Sue Applications

#36 – Delivery and Filing Documents