

Tribunal Hearing Recordings and Transcripts

1.0 This Practice Direction:

- explains who may record Tribunal hearings
- explains how to obtain and pay for a transcript of a Tribunal hearing
- explains how to obtain and pay for a recording of a Tribunal hearing
- identifies how long the Tribunal keeps a recording of a Tribunal hearing.

2.0 Recording Tribunal Hearings

- 2.1** Under the *Workplace Safety and Insurance Act*, there is no requirement for the Tribunal to record hearings.¹ The Tribunal usually makes audio recordings of its hearings. The Tribunal uses a court reporter to record hearings only in unusual circumstances. In right to sue cases, parties may arrange at their own expense for a court reporter to record the hearing.
- 2.2** Parties are not permitted to record Tribunal hearings. Any device controlled by a party that is capable of making audio or visual recordings is not permitted to be used as a recording device on Tribunal premises.
- 2.3** Audio recordings of hearings are kept by the Tribunal for workplace safety and insurance purposes only.
- 2.4** The Tribunal cannot guarantee the audio quality of copies of audio recordings, as they are re-recorded from recordings made at hearings.
- 2.5** An audio recording is kept for five years from the date of each recorded hearing. After five years, the recording is destroyed.

3.0 Transcripts of Tribunal Hearings

- 3.1** There is no requirement under the Act that the Tribunal provide transcripts of hearings. The Tribunal generally does not produce or use transcripts of its hearings.

¹ See sections 57 to 59 of the *Workplace Safety and Insurance Act*

3.2 A transcript of a Tribunal hearing may be produced:

- upon written request from a party to the hearing or
- upon written request from others.

4.0 Requesting a Tribunal Audio Recording or Hearing Transcript Requests from a Party to the Hearing for Workplace Safety and Insurance Purposes

4.1 Parties to an appeal may request an audio recording or a transcript of their hearing by completing either a WSIAT Request Form for Audio Recording or WSIAT Request Form for Transcripts of Recorded Hearings and sending it to the Tribunal. These forms may be obtained from the Tribunal’s website (www.wsiat.on.ca) or by request.

4.2 The requesting party must agree to use the audio recording or transcript for workplace safety and insurance purposes only and to keep it confidential.

4.3 The Tribunal usually approves audio recording and transcript requests from parties upon receipt of a completed Request form. In unusual circumstances, the Tribunal Vice-Chair or Panel that heard the appeal may issue specific directions about transcripts or recordings.

Requests from Non-Parties or For Other Purposes

4.4 Requests for hearing transcripts and audio recordings from:

- a person who is not a party to the appeal (or the authorized representative) or
- anyone wanting to use a transcript for 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 The Cost of Audio Recordings and Payment

5.1 Anyone requesting audio recordings must submit the completed WSIAT Request Form for Audio Recording and include a cheque or money order to cover the cost of the copy. (Please see the form for details).

5.2 Once the request is approved and payment has cleared, Tribunal staff prepares

the copy of the audio recording and sends it.

6.0 The Cost of Transcripts and Payment

- 6.1 Anyone requesting hearing transcripts must submit the completed WSIAT Request Form for Transcripts of Recorded Hearings.
- 6.2 Once the request is approved, the Tribunal will advise whether a transcript has already been prepared or if one would need to be created.
- 6.3 If a transcript has already been prepared, a copy will be sent free of charge.
- 6.4 When no transcript has been prepared of a **hearing audiotape**, Tribunal staff arrange for a transcript to be prepared and provide a cost estimate if requested.
- 6.5 Tribunal staff do not prepare transcripts; a transcript service provider does this. Once the transcript has been prepared and payment has cleared, the transcript is sent.
- 6.6 When no transcript has been prepared of a **hearing recorded by a court reporter**, the Tribunal will tell the requesting party(ies) how to contact the court reporter. The court reporter will give a cost estimate and make delivery and payment arrangements.
- 6.7 If more than one party requests a transcript, the Tribunal encourages the requesting parties to discuss sharing the cost.

Effective date: July 1, 2014
Workplace Safety and Insurance Appeals Tribunal