

## Tribunal Hearing Recordings and Transcripts

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### 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.<sup>1</sup> 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.

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<sup>1</sup> 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](http://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