



Practice Direction #29

WSIAT Code of Conduct for Representatives

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](#)

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