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The Chief Appeals Commissioner has a series of Practice Guidelines to help people who are involved in an appeal to the Appeals Commission. Please contact us for additional Practice Guidelines, *Appeal Rules*, or other information.

For more information, contact the Appeals Commission for Alberta Workers' Compensation at:

Edmonton	Calgary
1100, 10405 Jasper Avenue	2300, 801 – 6 th Avenue SW
Edmonton, AB T5J 3N4	Calgary, AB T2P 3W2
Tel: 780-412-8700	Tel: 403-508-8800
Fax: 780-412-8701	Fax: 403-508-8822

or, through our web site at www.appealscommission.ab.ca

Let us know if:

- your address or contact information changes
- you choose a representative or your representative changes
- you are no longer a representative for a party to or participant in an appeal

This guideline sets out the minimum standards of behaviour we expect from representatives and participants, as well as, witnesses and observers.

Because representatives act on behalf of others, we expect them to be role models for those they represent and to guide them in their behaviour.

A. If You Appoint a Representative

If you want someone to represent you on the appeal, you must ask them to agree to do this. To authorize a representative, you must either complete section 2 on the *Notice of Appeal* form or complete a separate *Notice of Representation* form. These are the Appeals Commission's prescribed forms and we will not accept alternative formats. The *Notice of Representation* form must include your signature and must be dated within thirty (30) days of being submitted to the Appeals Commission. This gives us the authorization to work with your representative and ensures that the authorization is current.

If you are appealing on behalf of someone who is deceased, you must prove you are authorized to act on behalf of the deceased's estate.

When a representative stops representing you

As soon as your representative stops representing you on an appeal or application, you or your representative must notify us and every other party in writing. (See *Appeal Rule 1.9*)

Appeal Rules 1.7, 1.8, and 1.9 deal with appointing a representative.

B. Expectations and Standards of Conduct for Appeal Participants

Act honestly

The conduct of a participant should always be characterized by truth and fairness.

Act properly and in a timely way

All participants must meet deadlines for written submissions and for scheduling oral hearings.

Be prepared

All participants must be prepared. This includes being familiar with the issue on the appeal, as well as the relevant Workers' Compensation Board (WCB) files and the relevant law, policy, and decisions.

A participant must observe the *Appeal Rules* and Practice Guidelines.

Behave respectfully

All participants must behave courteously and respectfully to the other parties and participants, representatives, witnesses, observers, WCB participants, the hearing panel, Commission staff, and any other people permitted to attend the hearing. All participants must also behave courteously and respectfully in all written correspondence. Respectful behaviour includes enabling our staff to contact him or her easily.

A participant's conduct and demeanour should not be influenced by ill feelings between a worker and an employer, or with regard to the WCB, including previous decision-makers.

Raise appropriate concerns about bias or lack of procedural fairness

A participant who has information that raises reasonable apprehension of bias or conflict of interest on the part of a panel member has a duty to bring that information forward at the earliest opportunity. Allegations of bias must be made in accordance with *Practice Guideline #3A – Protocol for Determining Bias Issues*.

Allegations of bias or conflicts of interest should not be made frivolously or in a way that diminishes confidence in the integrity of the Commission's decision-making. Personal attacks on members or staff are not allowed.

A participant should raise concerns about a possible breach of procedural fairness as soon as practicable. If a participant fails to do so, we may consider them as having waived the right to raise an objection. If the decision has been issued, we may refuse an application for reconsideration on the basis that the participant has waived his or her right. If a participant raises the concern about procedural fairness during the hearing and the panel does not accept it, the participant should continue to participate in the hearing. Continued participation will not be interpreted as a waiver.

Respect confidentiality

Information disclosed during the proceedings is confidential. A participant must not use that information for other purposes without the consent of the parties and the WCB (see Section 147 of the *Workers' Compensation Act*).

Do not contact panel members directly

A participant should not try to contact a panel or individual panel member outside the hearing process, unless the panel invites or instructs him or her to do so. A participant should communicate through the assigned Appeals Officer. Due to security concerns, a participant must not contact us by e-mail.

A participant must not write to or otherwise contact the panel or a panel member after the decision. Any request for clarification, correction, addendum for a missed issue, or reconsideration application must be sent to our main office, where it will be processed using appropriate procedures.

C. Expectations and Standards of Conduct for Representatives

In addition to the above guidelines for all participants, representatives must also:

Act honestly

Representatives must discharge their duties to their clients resolutely and independently.

A representative must honestly represent the client and not put forward any information known to be untrue, or knowingly help or encourage a party or participant to be dishonest or misrepresent facts.

Obtain proper instructions

A representative must have proper instructions from his or her client before taking any significant step, including starting or withdrawing an appeal. The representative should be prepared to provide authorization to proceed in the client's absence if the client fails to attend the hearing.

Act properly and in a timely way

Representatives must meet deadlines for written submissions and for scheduling oral hearings. A representative should not represent a client unless he or she will be able to provide such representation in a timely fashion.

Guide the client on appropriate conduct

A representative should instruct his or her client and witnesses about appropriate conduct in a hearing and in written correspondence. He or she should also inform his or her client and witnesses that they are required to be courteous and civil to all hearing participants, including the panel and staff. A representative must take the necessary steps to prevent clients and witnesses from disrupting a hearing.

D. How the Appeals Commission Will Deal with Unacceptable Conduct

The Appeals Commission may address unacceptable conduct at any time during the processing of a matter. Unacceptable conduct may be addressed either orally and/or in writing and either directly with a participant or through his or her representative.

The Chief Appeals Commissioner or delegate will deal with unacceptable conduct while an appeal is being processed through the Commission. When a panel has already been assigned when the inappropriate conduct occurs, the hearing panel Chair will deal with it.