

Employment and Assistance Appeal Tribunal
Guideline for Members

Considerations in Granting an Adjournment

December 2008

Tribunal Practices and Procedures 4.4(c) “Adjournments” states that if a party requests an adjournment within (1) business day prior to the hearing, the request must be made to the panel at the hearing and may be made notwithstanding that a prior request was not consented to.

The decision on adjournment must then be made by the panel. Panel members should consider overall principles of fairness, keeping in mind that one objective of the legislation is to provide a speedy appeal hearing.

The *Administrative Tribunals Act*, section 39, suggests that a tribunal may adjourn if satisfied that the adjournment is required to permit an adequate hearing to be held. The panel may consider:

- the reasons for adjournment
- whether the adjournment would cause unreasonable delay
- the impact of refusing the adjournment on the parties
- the impact of granting the adjournment on the parties
- the impact of the adjournment on the public interest.

Panels may take into account in exercising their discretion to grant an adjournment request, whether:

- there were previous adjournments
- the request made at the earliest opportunity
- if reasonable efforts were made to avoid the request for an adjournment
- there are circumstances that could not have been foreseen
- the other party’s interests are prejudiced by the delay
- the need for an adjournment is caused by the party requesting it
- the request relates to a significant part of the hearing, such as the unavailability of a witness to give testimony.