

Employment and Assistance Appeal Tribunal
Guideline for Members

Introduction by Panel Chair

July 2008

It is very important that the people who come before you are made to feel comfortable. Appearing before a panel can be stressful and intimidating and the atmosphere created may influence the appellant's perception that a decision is fair and just. However, there is a need to maintain a professional atmosphere.

At the start of a hearing the panel chair will tell the parties that the hearing will begin and explain what the hearing is about and how the hearing will proceed. The following is an example of what a panel chair would say at the start of a hearing. Familiarize yourself with this so that you can personalize the introduction. Please note that the text shown in *italics* is meant to be spoken – regular text is intended for information, direction and to provide clarity.

- *Hello everyone. I'd like to get this hearing started.*
- *My name is (insert name). I am panel chair for this appeal. The other panel members are (insert name) and (insert name).*
- *I want to inform you that we are independent of the ministry; we are not public servants; we are members of the community.*
- *I would at this time ask the parties or their representatives to identify themselves.*
- *How would you like to be addressed? Mr. / Ms. / or...?*

Following the introductions, the panel chair will make a brief statement concerning the matter under appeal and provide a basic overview of the process that will be followed. This can be done in any manner the panel chair considers appropriate, provided it results in a fair hearing. For example:

This hearing is about an appeal filed by (insert name of appellant) who disputes the ministry's decision of (state the date of and the reconsideration decision) to (state the outcome of the reconsideration decision).

NOTE: It is important to note that the "decision being appealed" refers to the decision following the request for reconsideration – not the original decision. The original decision and the reconsideration decision may vary. At the reconsideration decision, the appellant may provide new information, which may result in a different analysis and/or a different decision than the original.

- *We must also follow the Tribunal Practices and Procedures established by the Tribunal Chair of the Employment and Assistance Appeal Tribunal. Before we begin, I'd like to give a brief overview of the hearing process we intend to follow today.*
- *This hearing is intended to be informal. If you have any questions about the procedure, please do not hesitate to raise them at any time.*
- *We will hear first from (insert appellant's name) and the appellant's witnesses (if any) and then we will hear from the ministry.*

[Section 5(2)(b)(ii) of the Tribunal Practices and Procedures states that the appellant has the right to present evidence and make arguments first, followed by the Ministry.]

- *Each party will get a chance to question the other party (and their witnesses) once the other party and/or the other party's witness has finished.*
- *If any witnesses are present, they must leave the room until called (unless they are expert witnesses).*
- *We can admit evidence that was before the ministry when the decision being appealed was made as well as evidence that is "in support of", or directly related to, the information and records that were before the ministry when the decision being appealed was made.*
- *We will always ask the other party if they object to the admission of the evidence presented.*

[The panel can determine the admissibility of the evidence now or reserve that decision until deliberations once the hearing process is completed.]

- *If you have a concern about the conduct of this appeal you may make a complaint by writing to the Tribunal Chair. Be sure to include your name, address and the particulars of your complaint, as well as the Tribunal appeal number and the date of the appeal.*
- *We will allow ___ hours for this hearing, and generally will allot ½ of that time to each of you. However, we can amend this if we think there is a good reason to do so.*
- *Are there any other procedural questions or issues that we should address before we begin?*
- *At this point then, I'd like to ask if (insert appellant's name) intends to call any witnesses?*

[appellant responds]

- *(Insert appellant's name), please tell us why you think the ministry's decision is unreasonable and provide or refer to any evidence that supports your position.*

[The appellant will then address the panel.]

Panels should generally let each party present their evidence and arguments without interruption and in the manner that they consider most appropriate. The parties may wish to provide some form of opening statement, but this is not required.