

In Focus

The Newsletter of the Workplace Safety and Insurance Appeals Tribunal

New Regulations for Paralegal Representatives

As a result of changes in legislation, the Law Society of Upper Canada is now responsible for the regulation of most persons who provide paralegal services such as representing a party in an appeal or application before the Tribunal. In the future, only those who have completed an approved legal services education program in Ontario will be eligible to apply to the Law Society for a licence to act as a paralegal.

In the meantime, the Law Society has accepted applications for paralegal licences from experienced representatives (“grandparent applicants”) or certain graduates of existing post-secondary paralegal courses (“transitional applicants”). These applicants must pass a licensing exam that will be given in early 2008 in order to obtain a licence to provide legal services as a paralegal. They are required to have errors and omissions insurance as required by the Law Society, and to comply with the **Paralegal Rules of Conduct** established by the Law Society of Upper Canada.

The deadline for grandparent applicants to make an application to the Law Society was October 31, 2007. **After that date, only those representatives who are candidates for licensing may act as paralegals in appeals before the Tribunal.** You may find out whether a representative is a candidate for licensing by consulting the Paralegal Candidate Directory on the Law Society’s website at www.lsuc.on.ca.

see NEW REGULATIONS on page 4

2007 WSIAT Practice Directions Now Available

Over the past year the Tribunal has reviewed and revised its existing practice directions and drafted new practice directions to ensure that its appeal procedures are thoroughly documented. Throughout this process, we made a concerted effort to draft the practice directions in an accessible and easy-to-read style.

The result is a set of more than 30 practice directions that document Tribunal processes to enhance transparency and accessibility. A complete set of the 2007 Practice Directions is now available in both English and French on the WSIAT website at

the following addresses: English: www.wsiat.on.ca/english/wsiatDocs/pracdir_2007/index.htm and French: www.wsiat.on.ca/french/wsiatDocs/pracdir_2007/findex.htm.

The 2007 Practice Directions are effective October 1, 2007 and repeal and replace earlier practice directions on the same subject. If the adoption of the 2007 Practice Directions has occurred during the course of a Tribunal proceeding, the Vice-Chair/Panel may make any rulings

see PRACTICE DIRECTIONS on page 4

AN UPDATE ON THE WSIAT WEBSITE (www.wsiat.on.ca)

About Appeals

Content on the About Appeals section has been significantly rewritten. This has been brought about by the development of a new set of Practice Directions which took effect on October 1, 2007. Text from the Practice Directions was used to rewrite the About Appeals section to ensure that the Tribunal's appeals procedures are documented in a manner consistent with how the information is presented in the Practice Directions. New to each About Appeals section is a list of related documents at the end of each section. This list contains a reference to relevant Practice Directions, legislation and forms. The About Appeals section is now organized under the following headings:

- **Tribunal – General**
- **Representatives**
- **Pre-hearing Process**
- **The Hearing**
- **Post-hearing**

- **Technical Guidelines**
- **Tribunal Services**

Two New Sections: WSIAT Documents and Other Links

The major navigational links on the left-hand side of the home page and at the top of each web page show two new sections added to the website called WSIAT Documents and Other Links. These two sections replace the former Resources section and contain information that used to be in Resources. This change was made to streamline information and to provide quick access to frequently used documents such as the Practice Directions, medical discussion papers and publications which all have direct links from the WSIAT Documents section. The Other Links section contains links to legal and medical resources and other agencies.

For questions or comments about the website, please contact the WSIAT webmaster by e-mail at webmaster@wst.gov.on.ca.

TRIBUNAL MEMBERS

Since the update published in the previous issue of WSIAT In Focus (May 2007), **Kumail Karimjee**, **Rosemary Muzzi**, **Shirley Netten** and **Angus Patterson** were appointed as part-time Vice-Chairs; **Kelly Hoskin** was appointed as a part-time Member.

Also during this period, Vice-Chair **Andrew Baker** and Member **Mary Christie** had their appointments converted from part-time to full-time for the remainder of their terms.

Julia Noble and **Susan Peckover** were reappointed as full-time Vice-Chairs. **Maureen Doyle**, **Robert Gale**, **Bernard Kalvin** and **David Mullan** were reappointed as part-time Vice-Chairs; Vice-Chair **Rosemarie McCutcheon**'s appointment was converted to part-time for the remainder of her term.

Richard Briggs and **Joseph Donaldson** were reappointed as part-time Members.

WSIAT Counsel to Chair, Carole Prest Receives 2007 Soar Medal

The Workplace Safety and Insurance Appeals Tribunal is pleased to announce that Counsel to the Chair, **Carole Prest**, is the recipient of the 2007 SOAR (Society of Ontario Adjudicators and Regulators) Medal. The SOAR medal is awarded annually to those individuals who have made an outstanding contribution to the administrative justice community.

In addition to serving as Counsel to the Tribunal Chair, Ms. Prest also acts as the Tribunal's Freedom of Information and Protection of Privacy Coordinator. Prior to joining the Tribunal in 1988, Ms. Prest specialized in legal research as a partner at a Toronto law firm.

Throughout her career, Ms. Prest has been an active member at SOAR. She co-chaired SOAR's Rules of Practice Committee and co-authored *Ontario Rules – A Model for Administrative Justice Agencies*. She also served on SOAR's SPPA Working Group and the SOAR/Attorney General Joint Committee on rules. In addition, she coordinated SOAR's response to the Agency Reform Commission. Ms. Prest has taught administrative law to new appointees, participated in SOAR's effective decision-writing seminars and assisted in planning several COBA conferences.

Ms. Prest has also been active in the Ontario Bar Association. She was a member of the Annual Institute Program Planning Committee for a number of years and served as Chair of the OBA Administrative Law Section for two terms. She is currently Past Chair of the Section.

Ms. Prest has lectured on Public Law and Research for the Bar Admission Course and spoken and written about administrative law and workers' compensation for various continuing legal education programs and conferences. She recently served as a member of Ontario's Agency Modernization Advisory Council.

Ms. Prest received the SOAR Medal at the SOAR Medal Dinner, which was held in Toronto on November 1, 2007.

On September 27, 2007, Tribunal Vice-Chair **Bernard Kalvin** and Associate Counsel to the Chair **Ann Somerville** taught a session on decision-writing at the SOAR adjudicator's training course.

On October 16, 2007 special projects counsels **Garth Dee** and **Susan Adams** were presenters at a Continuing Legal Education tele-seminar, organized by the Law Society of Upper Canada, on the Right to Sue.

On November 1, 2007, Associate Counsel to the Chair **Ann Somerville** chaired a panel on paralegal regulation at the COBA conference in Toronto. The session was entitled "Paralegals – Making the Legislation Work on the Ground." The panelists were **Zeynep Onen** from the Law Society of Upper Canada, **Mike Johnson** from the WSIB, **David Draper** from the Financial Services Commission of Ontario, and **Lois Figg** from the Immigration and Refugee Board.

On November 8, 2007, special projects counsel **Garth Dee** and **Gillian Shaw**, a lawyer with the Tribunal Counsel Office, took part in a Lancaster House presentation in Toronto. Mr. Dee provided an update on legislative changes that came into effect on July 1, 2007 and Ms. Shaw participated in a panel that discussed occupational disease.

TRIBUNAL STAFF ACTIVITIES

On May 17, 2007, **Alison Colvin**, Director Information Services participated in the panel "The Outside World – How Do Other Professionals Use KM [Knowledge Management]?" at the Arc Group Conference "Moving Beyond KM Technology."

New Regulations *continued from page 1*

Representatives who have not complied with the requirement to apply for licensing as a grandparent or transitional applicant must arrange for the transfer of their files to a person who is authorized to act as a paralegal. The Tribunal will work with these representatives to ensure that this happens.

Only the following representatives may continue to provide legal services to workers and employers with cases at the Tribunal:

- **Lawyers**
- **Registered Paralegals**
- **Individuals exempt from the LSUC's licensing requirements**

Please contact the Law Society of Upper Canada for information about persons who are exempt from licensing. Tribunal staff cannot provide you with this information.

You may obtain more information about paralegal licensing from the Law Society website. You may also call the Law Society at 416-947-3315 or 1-800-668-7380.

Standards of Conduct for Representatives

Representatives who are not required to have a licence from the Law Society to work as a lawyer or paralegal are not bound by its Rules of Conduct, but the Tribunal also has a Code of Conduct for Representatives that applies to all representatives. It recognizes that any person who represents either a worker or an employer has certain obligations and responsibilities to their client and to the Tribunal. The Code sets out the minimum standards of behaviour that the Tribunal expects from any representative who appears before it. You can obtain a copy of the Code from the Tribunal's website or from the Tribunal's Library.

Practice Directions *continued from page 1*

necessary to ensure fair process (please see *Practice Direction: Powers of Practice and Procedure*, Item 3.0).

The 2007 Practice Directions are organized under the following headings:

- **General**
- **Representatives**
- **Pre-hearing Appeal Process**

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Tribunal Chair: Ian Strachan

Tribunal Director: Marsha Faubert

Publications Co-ordinator: David Beattie

Editor: Dawn Tam Patterson

Contributors: Susan Adams, David Beattie, Alison Colvin, Maria Erskine, Marsha Faubert, Melinda Reyes, Ann Somerville

French Version: Véronique Lavoie-Naster

Subscriptions: Mary Pavic

**Workplace Safety and Insurance
Appeals Tribunal**
505 University Ave., 7th Floor
Toronto, Ontario
M5G 2P2

Telephone: (416) 314-8800

Fax: (416) 326-5164

Web Site: <http://www.wsiat.on.ca>

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- **The Hearing**
- **Post Hearing**
- **Technical Practice Directions**

The Tribunal thanks all stakeholders and representatives who took time to review the draft practice directions to provide balanced and thoughtful feedback. A number of changes were made to the drafts as a result of these consultations.