

## What is an Oral Hearing?

An oral hearing is an opportunity to tell us in person why you disagree with an order or penalty or tell us why an order should be imposed.

The purpose of the hearing is to supplement the review file. It is conducted so a Review Officer can hear submissions, gather **new** information or **clarify existing evidence** in a thorough, fair and courteous manner.

## What Happens at a Hearing...

An oral hearing is not as formal as a court proceeding. All participants meet in the same room. Once the hearing starts, witnesses other than the parties will usually be asked to remain outside the hearing room until they give their evidence.

The Review Officer will decide how hearings are to be conducted. All of our oral hearings are recorded. At a typical hearing:

- The Review Officer will introduce themselves and explain the hearing process. Everyone participating will be asked to introduce themselves. The Review Officer will identify the orders or penalty under review.
- The applicant or their representative will have the opportunity to tell the Review Officer why they disagree with an order or penalty and the result they would like. All evidence is usually given under oath or affirmation. The applicant's representative may ask the applicant questions. The Review Officer may ask questions after the applicant has given their evidence and may also allow other participants to ask questions.
- After the evidence of any other witnesses attending with the applicant is given, the other parties and their witnesses will give their evidence. Again, the Review Officer may ask questions and may allow the other participants to do so too.
- Board Officers will be asked to contribute relevant information or respond to new information by the Review Officer. The Review Officer and any of the participants can also ask questions.
- After everyone has presented their evidence, the parties will have an opportunity to give a closing submission. Your submission should explain the outcome you want and the evidence or reasons which support that result.

## Answers to Frequently Asked Questions...

### ➤ When will the hearing date be set?

The date is usually set after disclosure of the WorkSafeBC documents related to your review have been sent out and the deadline to provide submissions has passed. A hearing is usually scheduled for 1 to 2 hours. The initial scheduling of an oral hearing may be done without consultation with the parties but you will have several weeks notice of the hearing date.

### ➤ Can I change the date you have set for the hearing?

If you were not consulted about the hearing date before it was set, you have 14 days to request a change to the hearing date. After that, we will only change the dates of hearings in exceptional circumstances.

### ➤ Who will be present at the hearing?

The applicant and any representative, any participating parties such as an employer, union or joint committee member, and any others the Review Officer may invite will be present. The Review Officer usually invites the Occupational Safety Officer and either an Investigations Legal Officer or a Senior Practices Advisor. Witnesses may also attend.

### ➤ Do I need to attend the hearing?

The hearing will not usually proceed if the applicant does not attend unless that was agreed to before the hearing. The Review Officer will make the decision whether to proceed.

### ➤ Can I cross-examine the Occupational Safety Officer?

No cross-examination of any participant in the hearing is allowed. Questions to obtain information and to seek clarification are acceptable.

### ➤ Can my travel expenses be paid?

Parties or witnesses may be reimbursed for the out-of-pocket expenses for attending the hearing. If you think you will have some travel costs, you should contact the Review Division and request reimbursement for these costs a minimum of 30 days prior to the hearing.

## Do You Have New Information for the Review?

If you have a written report from an expert, you should provide that report to the Review Division as soon as you receive it so that it can be disclosed to all participants.

If you are calling an expert as a witness and they have prepared a report, the report must be provided to the Review Division a minimum of 21 days prior to the hearing.

If you would like to submit other written information, it should be provided to the Review Division well in advance of the hearing. This way that information can be disclosed to all the participants.

If you are bringing a witness to the hearing, please send us the names of those witnesses no later than 14 days prior to the hearing.

## Need More Information?

You can find more information about the review process and oral hearings in our *Practices and Procedures* (starting at page B20) available at our website:

[http://www.worksafebc.com/claims/review\\_and\\_appeals/review\\_division/assets/pdf/PracticesProcedures.pdf](http://www.worksafebc.com/claims/review_and_appeals/review_division/assets/pdf/PracticesProcedures.pdf)

You can also contact the Review Division directly at **1-888-922-8804**

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