

CHIEF ADJUDICATOR'S GUIDANCE PAPER ATTENDANCE AT TELECONFERENCES

Notice of teleconferences

1. Where a teleconference is to be held, notice will be given to:
 - a. the parties entitled to attend the hearing, if the hearing has not been held; or
 - b. the parties who attended the hearing, if the hearing has been held.

Claimant representation at teleconferences

2. Claimants who are represented by legal counsel have the right to attend teleconferences, but are not normally expected to attend.
3. Claimants who are unrepresented must attend teleconferences, so that important decisions regarding their claim are not made on an *ex parte* basis.
4. The Adjudication Secretariat will assist in notifying unrepresented Claimants of teleconferences and encouraging their attendance. In most cases, an IAP Support Provider will participate with the unrepresented Claimant. A unrepresented Claimant may also invite support persons and/or health supports to sit in on the call

First failure to attend

5. If a party who is expected to attend a teleconference fails to attend on the first occasion, the Adjudicator will postpone the teleconference and ask the Adjudication Secretariat to reschedule it.

Second or subsequent failure to attend

6. If a party who is expected to attend a teleconference fails to attend on a second or subsequent occasion:
 - a. in the case of a represented party, the Adjudicator will contact the representative to request that the representative show cause why the teleconference should be rescheduled a third (or subsequent) time; or
 - b. in the case of an unrepresented Claimant, the Adjudicator will ask the Adjudication Secretariat to provide a report outlining the measures taken to notify the unrepresented claimant of the teleconference and encourage their attendance. The IAP Support Provider will be asked to contact the unrepresented Claimant and the Claimant will be asked to show cause why the teleconference should be rescheduled a third (or subsequent) time.
7. The Adjudicator will then consider the information provided and the relevant factors, including the factors listed in section 8, and decide whether to:
 - a. proceed with any subsequent teleconference regardless of the participation of the party; or
 - b. direct that the teleconference be rescheduled, with or without conditions.

- c. refer the claim to another process within the IAP.

Factors for the Adjudicator to consider

8. Relevant factors the Adjudicator may consider include the following:
 - a. Was the teleconference scheduled appropriately, and did the absent party receive notification of the teleconference?
 - b. Are there any unusual circumstances surrounding the teleconference that may have made it difficult for the party to attend?
 - c. Have there been any previous cancellations or failures to attend, and what were the circumstances?
 - d. Has the absent party provided an appropriate reason for failing to attend?

Conditions that may be imposed if a teleconference is rescheduled

9. If the Adjudicator directs that the teleconference be rescheduled, the Adjudicator may impose one or more of the following conditions:
 - a. The Adjudicator may specify that there will be no further postponements.
 - b. The Adjudicator may require the party to agree in writing that they will attend the teleconference on a specific date.
 - c. The Adjudicator may direct that further notices to the party be sent by signature-required mail.
 - d. Any other reasonable condition the Adjudicator finds appropriate.
 - e. If the agreed-upon conditions are not met, the Adjudicator may waive or modify conditions and/or impose new conditions as may be necessary.

Outcomes if teleconference proceeds in the absence of a party

10. If a teleconference proceeds in the absence of the party, the Adjudicator must record the teleconference and provide brief written reasons in any decision or report that results from the teleconference.
11. For greater certainty, a teleconference proceeding in the absence of a party may result in the dismissal of a claim only if dismissal is authorized by the IAP or a directive issued under it.¹ The normal rights of review apply to any such dismissal.

Definition

12. In this Guidance Paper, “party” means counsel for a party (or, in the case of a defendant party, their employee), or the Claimant if unrepresented.

¹ For example, Incomplete File Resolution procedure sections 22.7 and 22.8; CAD-9 (Procedures for Jurisdictional Review in the IAP) section 3(d)(ii).