

Are you filing an Application Under the *Employment Standards Act* during the COVID Pandemic? (Updated September 2020)

Below is a summary of the Board's Notices to Community announced during the COVID Pandemic as they apply to applications filed under the *Employment Standards Act*. If there is a conflict between this document and the Board's Notices to Community, the Board's Notices to Community apply.

The Board will continue to accept applications/ responses/ interventions and other submissions and materials. However, all such filings must be made electronically through the Board's e-filing system. At this time, the Board is unable to accept applications or any other materials that have been mailed, emailed, couriered or faxed. (Notice to Community March 25, 2020)

- **FILING AN APPLICATION, SUBMISSIONS AND OTHER MATERIAL** - All applications, other submissions and material must be filed through the Board's e-filing process, not regular e-mail, mail, courier, hand delivery or fax. (**Notice to Community March 25, 2020**)
- **REQUIRED CONTACT INFORMATION** - An Application must provide an email or fax number for each party to a proceeding or the matter may not be processed further by the Board. (**Notice to Community March 29, 2020**)
- **DELIVERY OF APPLICATION** - Applications may be delivered in a manner set out by the Board's Rules of Procedure and as of April 21, by way of email. Any party relying upon delivery by email will need to complete and attach to the application Form A-139 (which can be found on the Board's website). This form requires confirmation to the Board that the email used for delivery is one which can be relied upon for effective notice to the responding party and/or affected party, and to explain the basis for that confirmation. Where applicable, the party will also be required to confirm that the employer is continuing to operate and carry on business, and to explain the basis for that confirmation. (**Notice to Community April 21, 2020**)
- **MEDIATION** - Mediations will continue to be held by alternate means (video or teleconference), unless an in-person mediation is specifically directed by the Board. (**Notice to Community August 23, 2020**)
- **VIDEO HEARINGS** – For information on video hearings please consult the new Information Bulletin, "Information Bulletin 37, Video Hearings." (**Notice to Community, May 14, 2020**)
- **IN PERSON HEARINGS** - The presumption will continue to be that matters will proceed by video hearing, unless an in-person hearing is specifically directed by the Board. The parties may consult with each other about any request for an in-person hearing/ mediation and, where possible, will make the request on consent of all parties. While the Board will consider requests

made on consent, not all such requests will be granted. There are other factors to be considered including but not limited to the health and safety of the Board's staff and the availability of hearing/ mediation rooms. Parties may make submissions to the Board where they believe that an in-person proceeding is required, whether or not on consent. Generally, the holding of an in-person hearing or mediation will be determined by the Registrar's Office and communicated by way of Notice of Hearing or Notice of Mediation, and reasons will not be provided. **(Notice to Community August 23, 2020)**