

Ontario Labour Relations Board

505 University Avenue
2nd Floor
Toronto, Ontario M5G 2P1
Telephone: 416-326-7500
Facsimile: 416-326-7531

Commission des relations de travail de l'Ontario

505, avenue University
2^e étage
Toronto (Ontario) M5G 2P1
Téléphone: 416-326-7500
Télécopieur: 416-326-7531

**ONTARIO LABOUR RELATIONS BOARD****Policy for the Resumption of In-Person Hearings**

In advance of any in-person hearing, a Case Management Hearing may be held by teleconference or videoconference technology. The purpose of the Case Management Hearing is to address the logistics of the in-person hearing including the number of participants, and the handling of documents and exhibits. Directions may be made as a result of the Case Management Hearing in addition to or in the alternative to the directions set out in this protocol.

Parties may be expected to identify at any Case Management Hearing any person who will attend the in-person hearing, both on behalf of the party and as witnesses. Parties are expected to keep the number of representatives/ advisors to a minimum and not to bring individuals to the hearing who are not essential to the proceeding.

The directions in this document are in addition to those found in the Board's document **COVID-19: Protocol for the Re-opening OLRB Facilities**, which describes general measures in place to protect everyone who attends at the Board, including enhanced cleaning, hand sanitizer stations, barriers, physical distancing, personal protective equipment, masks and/or face coverings.

Start of the Hearing

Pay attention to the start time of the hearing. Efforts will be made to stagger the commencement of hearings, in order to reduce congestion. Start times may deviate from start times which are normal at the Board.

Arrive early. Additional time may be needed as a result of elevator restrictions and screening measures.

When arriving at 505 University, attend at the 2nd floor reception area to submit a screening questionnaire. After screening, check the monitor on the 2nd floor which will direct you to your hearing or mediation room. Attend at your assigned hearing room directly and wait there for the start of the hearing or mediation. Do not wait in the reception area, hallways or other common areas.

In your hearing room, sit in your designated space and do not circulate. Continue to practice physical distancing, practice frequent and proper hand hygiene and wear a mask or face covering, except when testifying or making submissions.

Appearance Sheets

The Board's practice of circulating and requiring completion of in-person appearance sheets is discontinued until further notice. At the start of a hearing, the Vice-Chair will record the names of all participants.

Settlement and Other Discussions

Two break-out rooms (i.e., a companion hearing room) will be assigned to each hearing. Notice will be posted on the hearing room door as to which rooms have been assigned as the break-out rooms. The parties are to use the break-out rooms for settlement and other discussion. Do not use the reception area, hallways or other common areas for such discussions. Note that the Board's smaller meeting and witness rooms are closed until further notice.

Witnesses

All witnesses who have been summoned or otherwise ordered to attend at the Board for a hearing scheduled to proceed at 505 University must attend at the hearing on the scheduled date unless the party who summoned them advises that their attendance is no longer necessary.

If you are a witness and have any questions or concerns about your summons or about an upcoming hearing date, please contact the person listed on the summons or on the correspondence you received with your summons. If there is no contact information on or with your summons, please contact the Board's Solicitors [[contact link](#)].

Witnesses who are waiting to testify and/or who are excluded from the hearing room will wait in the designated break-out room.

Hand sanitizers and wipes will be placed at the witness table. In addition to enhanced cleaning measures, witnesses will be asked to wipe down the table and chair arms before and after their testimony.

Handling of Documents and Exhibits

Parties are reminded of the Board's Rules of Procedure 8.3 and 8.4:

8.3 Each party must file with the Board not later than ten (10) days before the first date set for hearing or consultation one (1) copy of all documents upon which it will be relying in the case. At the same time, each party must deliver copies of those documents to each of the other parties.

8.4 Documents filed with the Board must be arranged in consecutively numbered pages and must be accompanied by a table of contents describing each document.

Documents must be e-filed at this time. As part of a Case Management Hearing, the Board may issue alternate and/or additional directions about the filing and handling of documents and exhibits.

If a document is to be presented to a witness, a copy of the document must be placed on the witness table before the witness sits at the witness table, i.e., prior to the start of his or her testimony. Witnesses will be permitted to wear gloves and/or use hand sanitizer when asked to handle any document.

Hand hygiene should be practised before and after handling documents or exhibits.

Electronic Filing

Directions concerning e-filing follow those set out in the Board's Information Bulletin No. 37, "Video Hearings." The Board's Rules stipulate the manner and restricted size of e-filing submissions and documents. Documents that are properly filed will usually be available to the Vice-Chair to use during the hearing. However, if the material is lengthy, the Vice-Chair may direct the parties to prepare the material in a specific manner for the purpose of the hearing.

A party seeking to rely on a significant number of documents or voluminous material may request permission by writing to the Registrar's office to use a third-party Cloud tool (such as Drop Box, Google Drive, or Microsoft OneDrive) to share with the Vice-Chair and the other parties. If necessary, a participant may contact the Registrar's office for direction on how to share the link with the Vice-Chair. It is the party's responsibility to ensure that the use of the third-party Cloud tool is simple and straightforward for the Vice-Chair and the other parties to access. All documents and other material shared with the Vice-Chair in this manner for the hearing must also be filed with the Board in accordance with its Rules of Procedure.

If utilizing a third-party Cloud tool, a Vice-Chair may download the documents to his/her computer even prior to such documents being marked as exhibits. This may be necessary to ensure a smooth process and an organized utilization of the documents. A Vice-Chair will only download documents saved as PDFs, Microsoft (e.g. word or excel) formats, images and videos. Vice-Chairs will not download file types that could be harmful to their computers or network.

Documents should be labelled in a manner that identifies them clearly for the Vice-Chair so that it is not necessary to open the document to understand what it is.

Lengthy documents must be clearly page-numbered so that specific pages can be easily accessed by the Vice-Chair and the parties.

Breaks and End of Hearing

At break times and the close of the hearing, the Vice-Chair will direct participants to exit the hearing room in a manner that respects physical distancing.

A Vice-Chair has the discretion to adjourn a hearing where there is any concern about health and safety.