

PAY EQUITY HEARINGS TRIBUNAL

SERVICE STANDARD POLICIES

The Tribunal falls under the administrative auspices of the Ontario Labour Relations Board. The Tribunal and the Board have developed and published the following policies:

- customer service under the *Accessibility for Ontarians with Disabilities Act*
- openness and privacy
- after-hours practice
- complaints
- travel (hearings)

These policies are attached.

Pay Equity Hearings Tribunal

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

Tribunal de l'équité salariale

505, avenue University
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Toronto (Ontario) M5G 2P1
Téléphone: 416-326-7500
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***PAY EQUITY HEARINGS TRIBUNAL
ACCESSIBILITY POLICY***

Policy on accessibility standards for customer service

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, the Tribunal has established the following policies, practices and procedures governing the provision of its services to persons with disabilities. The services are designed to conform with Ontario Regulation 191/11, *Integrated Accessibility Standards*.

The Tribunal makes every effort to ensure that its policies, practices and procedures are consistent with the principles described in the Regulation, namely:

- The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.
- The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.
- Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services.
- When communicating with a person with a disability, the Tribunal shall do so in a manner that takes into account the person's disability.

Assistive devices

Persons with disabilities who rely on assistive devices will be permitted access to and benefit from their devices when they are using the Tribunal's services. If necessary, the Tribunal will provide other measures to enable a person with a disability to obtain, use or benefit from the Tribunal's services.

Service animals

Persons with disabilities, including members of the public or third parties, who rely on guide dogs or other service animals, will be permitted to enter the Tribunal's premises and keep their animal with them, unless the animal is otherwise legally excluded from the premises. If the animal is legally excluded, the Tribunal will provide other measures to enable a person with a disability to obtain, use or benefit from the Tribunal's services.

Support persons

Persons with disabilities who are accompanied by a support person will be permitted to enter the Tribunal's premises with their support person, and the Tribunal will ensure that the person with a disability is not prevented from having access to their support person while both are at the Tribunal.

Temporary disruptions

If the Tribunal is required to disrupt its particular facilities or practices that usually accommodate a person with a disability, the Tribunal will provide notice to the public of the disruption, including the reasons for it, the duration of the disruption, and a description of alternative facilities or services that may be available.

Training

Tribunal staff will be trained in the provision of services to persons with disabilities. The training shall include:

1. how to interact and communicate with persons with various types of disability, including those who rely on assistive devices, service animals or support persons;
2. how to use any of the Tribunal's equipment that is available for persons with disabilities; and
3. what to do if a person with a disability is having difficulty accessing the Tribunal's services.

The Tribunal will maintain a record of its training efforts.

Feedback

Persons who wish to comment on the Tribunal's provision of services for persons with disabilities may do so by contacting the Registrar/Director at:

Catherine Gilbert, Director/Registrar
Pay Equity Hearings Tribunal
2 – 505 University Avenue
Toronto, Ontario M5G 2P1 T:
416-326-7500
Toll free: 1-877-339-3335
TTY: 416-212-7036
F: 416-326-7531
E: catherine.gilbert@ontario.ca

This document is available in French.

Copies of this policy

If the Tribunal is required to provide a copy of this policy to a person with a disability, the Tribunal will give the person this document, or the information contained in it, in a format that takes into account the person's disability. Alternatively the person with a disability and the Tribunal may agree on a different format for the document or information.

PAY EQUITY HEARINGS TRIBUNAL
POLICY ON OPENNESS AND PRIVACY

Open Justice

The Tribunal falls under the administrative auspices of Ontario Labour Relations Board.

This document outlines the Tribunal's policy on the openness of its processes and describes how the Tribunal handles issues relating to privacy rights.

The concept of "open justice" is a significant principle in our legal system. The *Statutory Powers Procedure Act*, which governs the conduct of most administrative decision-makers in Ontario, provides that oral hearings are to be open to the public, save for exceptional circumstances. Because of its mandate and the nature of its proceedings, the Tribunal maintains an open justice policy to foster transparency in its processes, accountability and fairness in adjudication.

The Tribunal's website, notices, information bulletins and other publications advise parties and the community that Tribunal hearings are open to the public. Parties who engage the Tribunal's services should be aware that they are embarking on a process that presumes a public airing of the dispute between them, including the publication of decisions. Parties and their witnesses are subject to public scrutiny when giving evidence before the Tribunal and they are more likely to be truthful if their identity is known. Tribunal decisions currently identify parties and their witnesses by name, and may set out whatever information about them that is relevant to the determination of the dispute.

At the same time, the Tribunal acknowledges that in some instances the disclosure of an individual's personal information during a hearing or in a written decision may have an impact on that person's life. Privacy concerns arise most frequently when identifying aspects of a person's life are made public. The Tribunal endeavors to include this information only to the extent necessary for the determination of the dispute.

With the advances in technology and the availability of electronic dissemination of material—including PEHT decisions—the Tribunal recognizes that in some instances it may be appropriate to limit the concept of openness as it relates to the identity and circumstances of individuals who are parties or witnesses in proceedings before the Tribunal.

In exceptional circumstances, the Tribunal will depart from its open justice principles and in doing so, the Tribunal may grant requests to maintain the

confidentiality of specific evidence and tailor Tribunal decisions to accommodate the protection of an individual's privacy (including depersonalizing the identity of parties or witnesses or holding a hearing in private).

The Tribunal considers its policy to be consistent with the protocol adopted by the Heads of Federal Administrative Tribunals Forum¹ (endorsed by the Council of Canadian Administrative Tribunals) and the principles found in the Canadian Judicial Council's *Use of Personal Information in Judgments and Recommended Protocol*.²

Access to Tribunal decisions

Requests by third parties for access to files maintained by the Tribunal are handled consistent with [Procedures on Access to Documents and Exhibits Contained in Tribunal Adjudication Files and the Tribunal Adjudicative Records Act \(where applicable\)](#).

Full text of PEHT decisions are available in hard or electronic copy through the Ontario Workplace Tribunals Library (www.owtl.on.ca, photocopying fees apply), or in electronic format on public websites (<http://www.canlii.org>).

Challenges to compliance with this policy may be addressed to:

Catherine Gilbert, Director/Registrar
Pay Equity Hearings Tribunal
505 University Avenue, 2nd Floor
Toronto, ON M5G 2P1
T: 416-326-7442

¹ <http://www.hfatf-fptaf.gc.ca/declaration-web-eng.php>

² http://cjc-ccm.gc.ca/cmslib/general/news_pub_techissues_UseProtocol_2005_en.pdf

PAY EQUITY HEARINGS TRIBUNAL

AFTER HOURS PRACTICE

The Tribunal falls under the administrative auspices of the Ontario Labour Relations Board.

The Tribunal's normal business hours of operation are 8:30 a.m. until 5:00 p.m. Monday to Friday. The Tribunal is closed on weekends and statutory holidays. In the normal course all applications will be dealt with during this time.

In those unusual circumstances where a party anticipates requiring the Tribunal's services during non-business hours, the applicant will arrange, or attempt to arrange, during normal business hours, for service and notice to the other prospective parties via phone/email/ physical service in advance of the request for Tribunal services during non-business hours.

Once the Tribunal receives the request a determination will be made by the Tribunal, and notice will be provided to all the parties, setting out if, how, and when, the application will proceed.

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PAY EQUITY HEARINGS TRIBUNAL COMPLAINTS RESOLUTION POLICY

Service commitment

Pay Equity Hearings Tribunal is a quasi-judicial adjudicative tribunal committed to fulfilling its mandate in an independent, fair, consistent and accessible manner. The Tribunal operates within the context of a professional and accountable public service dedicated to continuous improvement and integrity. The purpose of this policy is to create a transparent and fair method for dealing with public complaints. The Complaints Resolution Policy is not to be used for reviewing adjudicative decisions.

The Tribunal is responsible to assist parties in the resolution of their disputes either through mediation or, where parties are unable to resolve their disputes, through adjudication of the dispute. The Tribunal may decide the case based on the parties' written submissions or may hold a consultation or hearing where the parties attend in person. It is not the role of the Tribunal to protect the interests of any party or to assist one party over another. The Presiding Officer, Deputy Presiding Officer or panel will issue a written decision.

This Complaints Resolution Process addresses concerns about the quality of service provided by the Tribunal's staff including administrative staff and mediators. All service related complaints will be treated expeditiously and every reasonable effort made to resolve complaints to the satisfaction of the complainant. The Tribunal is committed to providing the highest quality of service to the public and takes its obligations in this regard very seriously.

Important information about making a complaint

- ***If you choose to file a formal complaint, you must do so in writing by mail, fax or courier. Complaints sent by email are not accepted and no response will be provided.***
- Dissatisfaction with the conduct or procedural decisions of a Presiding Officer or Deputy Presiding during the course of a hearing (such as allowing or refusing to hear testimony from a witness or a document to be filed or putting time limits on testimony or

arguments) or with any written decision of the Tribunal is **not a complaint** within the meaning of this Policy.

- ***If you feel a decision in your case and/or during a hearing was wrong, and should be changed, you must follow the Tribunal's Rules of Procedure and the relevant legislation and apply to the Tribunal for reconsideration of the decision or make an application to court for a judicial review.***
- If your complaint concerns an ongoing case, you should raise it during the mediation or hearing process or file written submissions with the Tribunal pursuant to the Rules of Procedure.
- Since the Tribunal is an adjudicative agency, a response to your complaint may be delayed if you have an ongoing proceeding until, in the Presiding Officer's opinion, the timing is appropriate in order to protect the fairness and impartiality of the proceeding.
- The Tribunal may not accept a complaint or repeated or continuing correspondence if you have already made a similar complaint which has been answered or if the Tribunal determines the complaint to be frivolous, vexatious or made in bad faith.

Making a complaint

If you are unsure whether your concern falls under this policy, please contact the Tribunal's Client Services Coordinator at the number below.

When making a formal complaint, it must be in writing. Please explain the reasons for your complaint (who, what, where, when), the steps you think should be taken to resolve the complaint and the outcome you are seeking. If your complaint is about a Tribunal file, please provide the file number.

Where to send your written complaint

- Send written complaints about the quality of service of the Tribunal's staff

to: Normand Roy, Client Services Coordinator
Pay Equity Hearings Tribunal
505 University Ave., 2nd Floor
Toronto, Ontario
M5G 2P1

416-326-7474

- Send written complaints about a Deputy Presiding Officer or a panel member of the Tribunal (**which do not relate to the adjudicative process or a Tribunal decision**) to the Presiding Officer of the Tribunal:

David Ross
Presiding Officer, Pay Equity Hearings
Tribunal 505 University Ave., 2nd Floor
Toronto, Ontario
M5G 2P1

- Complaints about the Presiding Officer of the Tribunal should be raised with the Minister of Labour.

What can you expect?

- If a person is the subject of the complaint, he/she will almost always be kept informed through the review process and given a copy of the complaint.
- A response will be provided within 15 working days of receipt of the complaint. If further action is necessary, or if the Tribunal requires more time to investigate the complaint, the Tribunal will tell you how much additional time it requires.
- This policy does not affect your right to raise your concerns with the Ombudsman of Ontario.

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GENERAL INFORMATION LINE:
416-326-7500
TOLL FREE: 1-877-339-3335
FAX: 416-326-7531
TTY: 416-212-7036
WEB SITE: <http://www.peht.gov.on.ca>

CLIENT SERVICES COORDINATOR:
Normand Roy 416-326-7474
505 University Avenue, 2nd Floor
Toronto, Ontario
M5G 2P1

PAY EQUITY HEARINGS TRIBUNAL

TRAVEL POLICY

Hearings

The Tribunal falls under the administrative auspices of Ontario Labour Relations Board.

In these times of economic restraint and uncertainty, the Pay Equity Hearings Tribunal (the "Tribunal") is constrained to deliver services in the most economical and efficient manner possible. As a result, in-person hearings are generally held at the Tribunal in Toronto, regardless of the location of the parties. Video hearings are also considered on a case-by-case basis and used where appropriate to do so

There are exceptions to this policy, **in a limited number of cases**, where the workplace parties are located over 250 km from the Tribunal. In those cases, the Tribunal may travel to regional centres located in Ottawa, Sudbury, Thunder Bay, North Bay, Sault Ste Marie, Timmins and Windsor in an in-person hearing is directed.

Where matters are scheduled initially in Toronto, the parties may ask the Tribunal to change the hearing venue to one of the regional centers or to a video hearing after the first two days of hearing and where a lengthy hearing is anticipated. The Tribunal, where it considers it advisable, may schedule continuation hearing dates out of town as requested.

This policy is consistent with the Tribunal's practice over the past few years.

February, 2021