



CANADA

Representative's Bulletin

This newsletter is targeted primarily at appellants' representatives who regularly appear before Review Tribunals. It will keep you informed of recent developments at the OCRT. It will also spell out our expectations of appellants and their representatives in the process leading up to the hearing date. As a result, you will be able to better serve the interests of your clients.

An ongoing dialogue with appellants' representatives is critical to ensure that we can provide high quality service and make the hearing experience as valuable as possible for all participants. A regular series of discussion sessions across Canada also forms part of the efforts undertaken recently to assist in meeting this goal. I hope that as many of you as possible will be in attendance.

Philippe Rabot,
Commissioner

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Appeals Management Process

NANCY LEPITRE, TRIBUNAL OPERATIONS AND COMMUNICATIONS

In January 2009, the OCRT introduced its Appeals Management Process to improve the way we help appellants and their representatives prepare for Review Tribunal hearings. The new process features earlier and more frequent contact with appellants and their representatives. The goal is to help everyone start preparing earlier and to ensure all parties are ready for the hearing. A smart design with many benefits, this process will result in hearings where parties present all documents on time, know the issue to be decided and test to meet, and are ready to proceed at the scheduled time.

Definitions: For the purposes of the new Appeals Management Process we have defined 'frequent' and 'infrequent' as:

- Frequent Representatives: attended seven or more hearings in the last two years.
- Infrequent Representatives: attended less than seven hearings in the last two years.

Design Based on Testing

In a pilot project conducted in 2007, we learned that early, frequent, and personalized contact helped appellants prepare for their hearing in a timely fashion. We identified that a different approach is required for those with or without representation. We also found that among representatives, the amount of contact that was required varied. Those with less experience before a Review Tribunal required more detailed information and more personal contact. We designed the Appeals Management Process with these lessons in mind.

How to contact us

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Key Features of the Appeals Management Process

Frequency and Method of Contact

With this process, the amount of times we contact appellants and their representatives depends on whether the appellant is represented and the experience of the representative before a Review Tribunal. Unrepresented appellants and those with 'infrequent' representatives receive counselling calls more often. This includes an acknowledgment call as soon as we receive the appeal. We also follow up each counselling call with a letter summarizing what was discussed to help to reinforce key issues and information.

Appellants with 'frequent' representatives receive more contact from our office in the form of correspondence as personalized counselling is not necessary.

Scheduling of the Hearing

Early in the process, we provide you with a tentative hearing month. We expect that you will notify us immediately if this time is not convenient. Approximately four months in advance of the hearing, we call you to confirm the date and time of the scheduled hearing.

Two Hearing Files

You and the appellant will receive two Hearing Files. You will receive the first Hearing File approximately two months after we have received the appeal. It will contain all the information Human Resources and Skills Development Canada (HRSDC) used to make its decision. We will also include a Hearing Preparation Workbook for appellants to assist them in reviewing the file.

Approximately two months before the hearing date, we send the second Hearing File with all the information we have received since the first File was distributed.

If the appellant retained you following the submission of his appeal to a Review Tribunal, we will update you on the appeal by sending you a copy of all the correspondence we have already sent to the appellant.

A Phased Approach

The Appeals Management Process will be implemented in phases. This will allow adjustments to be made based on what works and what needs to be improved.

Implementation – Phase 1: January 1, 2009
Appeals Affected: Canada Pension Plan Disability appeals received after January 1, 2009.
Locations Involved:

- All hearing locations in British Columbia;
- All hearing locations in Nova Scotia, Prince Edward Island; and
- The North York, Etobicoke and Ottawa hearing locations.

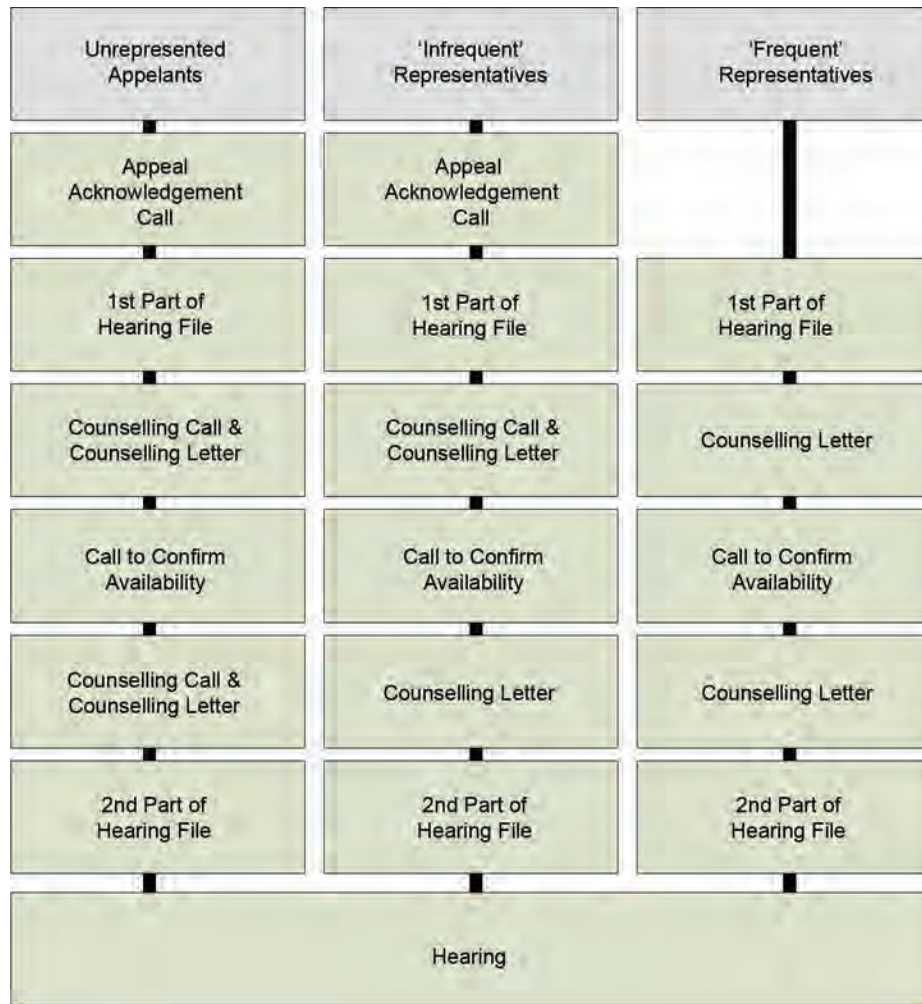
Our goal is to implement the Appeals Management Process in all locations across Canada by the end of 2010.

What This Process Means for You

As a representative, your knowledge and expertise are essential in helping appellants understand the issues and what is expected of them at a Review Tribunal hearing.

We anticipate that this process will allow you to begin your case preparation earlier. There will be an opportunity to identify early on in the process whether additional documentation is required. The need to obtain additional documentation is a common reason for postponements and adjournments and we expect that with earlier preparation and collection of key information, more hearings will proceed as planned.

The Appeals Management Process at a Glance



Getting it Right

As the new process is phased in, we are depending on you for feedback. We will provide you with regular updates as implementation progresses. As representatives, you will have direct experience with the new process and will be able to help us understand what is working and what needs to be modified. Together we can build a process that is as efficient, effective and as fair as possible. We look forward to your comments and suggestions.

Contact Nancy LePitre, Director, Tribunal Operations and Communications at 1-800-363-0076 or nancy.lepitre@ocrt-bctr.gc.ca with your comments, suggestions and questions.

Tips To Prepare for a Hearing

Authorization

For privacy reasons, we need the appropriate authorization before we can begin working with a representative.

Your Responsibility:

- Send us the OCRT Authorization to Disclose form as soon as possible. This is different than HRSDC's authorization form. You can find a copy on our website at www.ocrt-bctr.gc.ca.
- Name an individual and not an organization as a representative. We need a contact to arrange the hearing.

Planning

One of the OCRT's primary functions is to schedule hearings. To schedule efficiently, we need your input.

Your Responsibility:

- Let us know your preferred method of contact – email or phone.
- Advise us of your availability as early as possible.
- Respond to our phone calls or emails as soon as possible. The matter is almost always time sensitive.
- Tell us right away if your client has special needs for the hearing so that we can accommodate them.
- Inform us if there will be witnesses. We need to allocate the appropriate amount of time for the hearing.
- Notify us of requests to postpone as much in advance as possible. Do so in writing where possible.

Materials

The Hearing File is essential to any appeal. We need to provide adequate time to appellants to compile information for their appeal. We also need time to organize the information and to distribute it to all parties to the appeal.

We send you and the appellant the first Hearing File approximately two months after we receive the appeal. We will send the second Hearing File about two months before the confirmed hearing date. If you were not retained at the beginning of your client's appeal process and once we have received the Authorization to Disclose form, we will send you a copy of the material already sent to the appellant.

Your Responsibility:

- Review the Hearing File as soon as possible to determine what additional information should be provided. Submit any new material as early as possible and at least 30 days before the hearing.
- Send the new information by fax or by mail (not both).
- We do not recommend waiting until the day of the hearing to submit information. If this cannot be avoided, bring six copies of the information to the hearing.
- Do not bind the information or use tabs.
- Leave the File intact. We organize the File for ease of reference at the hearing.

Interpretation Services at Review Tribunal Hearings

It is a basic tenet of administrative justice that the adjudicative process must be accessible for whom it is intended. Accommodation must be made for persons with different abilities and for persons who do not speak one of Canada's official languages. The OCRT provides and pays for interpretation services. We believe that providing professionally-accredited interpreters is the best way to ensure competent, impartial and accurate interpretation.

To ensure the confidentiality of hearings, the OCRT requires that interpreters sign a Statement of Confidentiality. This obligates them to respect the confidentiality of documents, evidence and submissions presented at the hearing. We also provide each interpreter with the Interpreter Handbook prepared by the OCRT which outlines the behaviours that are expected. The OCRT also takes steps to minimize the risk of an interpreter being acquainted with the appellant. This is especially important in small communities. We will incur the related travel expenses if an interpreter must be brought from a different community.

We believe that to guarantee reliability and professionalism of interpretation services, over-the-phone interpretation should not be permitted. If an interpreter cannot be present in person, the hearing is likely to be adjourned unless the Review Tribunal concludes that interpretation services are not required.

Requesting an Interpreter

If you will need an interpreter for the appellant or a witness in a language other than English or French, please notify the Client Services Officer (CSO) assigned to the appeal as early as possible. Advise them of the language and if applicable, the dialect needed. By alerting the Client Service Officer of this requirement as early as possible, and in any event, at least 14 days before the hearing, the CSO can ensure that interpretation services are provided for the hearing.

OCRT Information Sessions for Representatives and Legal Counsel – CPP Disability Appeals to a Review Tribunal

In November 2008, the OCRT launched its first information session in Toronto for individuals representing CPP disability appellants before a Review Tribunal. Senior OCRT staff shared information on OCRT processes, key legal issues as well as some of its current initiatives. The half-day session also included a popular discussion by former Review Tribunal members on effective advocacy before a Review Tribunal. Over 70 people attended and the reviews were great! A second session is scheduled for March 2009 for Vancouver. The session was expanded to add an opportunity for participants to be part of small group discussions for more informal dialogue with the OCRT staff and Panel Members attending.

We are planning sessions in other locations across Canada for the coming year. Stay tuned or if you want additional information contact Nancy LePitre, Director, Tribunal Operations and Communications (telephone: 1-800-363-0073 or at nancy.lepitre@ocrt-bctr.gc.ca)



Contact Us

By telephone:

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- 1-866-203-7625 - free of charge in Canada and USA
- Outside of Canada and USA, call collect 1-613-954-5178 - 7:30 a.m. to 6 p.m. Eastern Time

When you call us, please have the Appeal Number ready.

By fax:

- 1-866-263-7918 – free of charge in Canada and USA

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