

## ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

### Remote Proceedings Guidelines

Due to the recent COVID-19 pandemic, in-person proceedings before the Electrical Safety Authority's Review Panel ('Review Panel') have been discontinued until further notice. Effective immediately, all Review Panel proceedings, including pre-hearings, case management conferences and motions, will be conducted by videoconference, or where determined to be appropriate by the Review Panel, teleconference and/or in writing. These guidelines will apply to remote proceedings before the Review Panel (with necessary modifications as required). Notwithstanding the guidelines set out below, nothing herein shall limit the discretion of the Review Panel to make particular orders or directions as it deems appropriate in any given case.

#### 1. Scheduling

1.1 The default mode for all proceedings will be via video conference on the Zoom platform, except where a Review Panel is satisfied that a video conference would not be appropriate pursuant to section 19.3 of the *Rules of Procedure for Reviews and Appeals*, in which case the matter will either proceed via teleconference, in writing, or be held in abeyance until such time as an in-person proceeding can be scheduled.

1.2 The Manager of Reviews and Appeals ('MRA') will work with the Review Panel and the parties in the normal course to arrange for the scheduling of all proceedings.

#### 2. Documents

2.1. Each party shall deliver to every other party and the Review Panel at [ESA.Appeals@electricalsafety.on.ca](mailto:ESA.Appeals@electricalsafety.on.ca) by email only, every document they intend to rely on during the proceeding.

2.2. Documents should be provided in searchable PDF format with sequentially numbered pages, an index or table of contents and bookmarks separating out different sections of the PDF document. Where parties intend to rely on authorities, they should provide electronic copies of the authorities, preferably in the form of a brief. Parties are also encouraged to include hyperlinks in their written submissions for any authorities that are available on the internet.

2.2. During a proceeding, the parties or the Review Panel may use the screen-sharing functionality to refer to electronic exhibits and documents.

2.3. The MRA shall maintain the exhibits and exhibits list. The parties are responsible for ensuring that all documents intended to be marked as exhibits are provided to the MRA electronically and for providing any assistance that may be requested by the MRA to ensure the exhibits and exhibit list are accurate and complete

#### 3. Witnesses

3.1 It is the responsibility of the party calling the witness, or their Representative, to ensure the witness is aware they are expected to:

- keep their camera and microphone on while giving evidence unless instructed otherwise by the Review Panel or MRA;
- position the camera so that their face and hands can be seen clearly;
- access the hearing using a stable internet connection; and
- be in a private, quiet location for the duration of their attendance at the proceeding.

3.2 The party calling the witness, or their Representative, must also ensure the witness is aware that during the course of their testimony they are not permitted to:

- refer to or consult any documents or notes, other than those documents or notes they are asked by the examining party or the Review Panel to refer to or examine;
- read from a script;
- communicate (*by email, text, in-person discussions, etc.*) with any other person(s) apart from the party of Representative asking them questions; or
- access information or documents via the Internet or otherwise.

#### **4. Video Conference**

4.1 Participants shall join the Zoom videoconference at least fifteen (15) minutes prior to the scheduled start time.

4.2 The MRA will utilize a waiting room for participants to remain until allowed into the proceeding room.

4.3 Participants' screen name will be their surname followed by their given name and then their preferred name, if they have one, (i.e. Smith, Julianna (Julie)). When invited by the Review Panel or the MRA, participants should introduce themselves. Inappropriate profile pictures or background photos must not be used.

4.4 The same etiquette and conduct required at in-person proceedings is expected at remote proceedings. Participants are expected to:

- be courteous and minimize interrupting or talking over others. (*Keep in mind there may be a lag between when someone is speaking and when it is heard by others. Use the "hand raise" function and wait to be addressed when speaking out of turn*);
- be in a private, quiet space for the duration of the proceeding;
- dress appropriately (*i.e. business casual or casual work wear, etc.*); and
- keep the video function turned on and microphone functions turned off unless:
  - asking or responding to a question;
  - making an argument or submission;
  - questioning a witness; or
  - giving evidence/testimony.

4.5 Participants shall not use the Zoom chat functionality for any private discussions. However, the Zoom chat functionality may be used by the Review Panel or MRA to share information intended to be disseminated to one or more of the participants (*i.e. a document, a password to a document, etc.*).

#### **5. Recording**

5.1 Where required under the *ESA's Rules of Procedure for Reviews and Appeals*, a court reporter will make a recording of the proceeding. The transcript can be ordered by the parties in the normal course.

5.2 Audio and video recording of the proceeding is not permitted without advance permission of the Review Panel, which may only be obtained if the Review Panel is satisfied there is a compelling reason or need to do so.

#### **6. Connectivity**

6.1 If a participant is experiencing technical difficulties and cannot continue to participate in the proceeding in a meaningful way or is disconnected from the videoconference and is unable to reconnect, they must contact the MRA immediately.

6.2 If the issue cannot be resolved and the participant is unable to rejoin, the Review Panel will consider the progress of the case and the matters outstanding and make a determination as to the next steps. In some cases, the Review Panel may adjourn the matter to another date and time if they decide it cannot proceed fairly.

#### **7. Access**

7.1 The Review Panel recognizes that it is important to uphold the principle of transparency by ensuring that members of the public can access proceedings where appropriate. To request information on how to access a remote proceeding, please contact the Reviews and Appeals office at [ESA.Appeals@electricalsafety.on.ca](mailto:ESA.Appeals@electricalsafety.on.ca). Please identify the request with the subject line 'Review Panel Hearing - Access Request'. Please also include the case name and file number of the proceeding you wish to attend, as well as your name, your company name (if applicable) and your contact information.

*IN ACCORDANCE WITH THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005, THE REVIEW PANEL MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE CONTACT THE REVIEWS AND APPEALS OFFICE IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.*