

Workshop #4
We Pack Your Parachute!

Moderator: Lynda Tanaka, Licence Appeal Tribunal
Speakers: Joanne Hayes, Ontario Municipal Board
Carol Kiley, Landlord and Tenant Board
Wendy Reynolds, Ontario Workplace Tribunals Library

Lynda Tanaka began with an overview of the issues that arise between staff and adjudicators in tribunals. It is easy for adjudicators to ignore the organization of the tribunal and it is easy for staff members to never attend a hearing. It is easy for one group not to understand the role of the other. Staff are responsible for the tribunal's relationship with the public from the moment the file is opened. Staff need to understand the importance of their own role.

OICs frequently don't get it. They do not understand the importance of forms and procedures and that other people in the organization are depending on the information they provide. Many tribunals have an overabundance of OICs and not enough staff. Part time OICs in particular can miss out on understanding the background organization of the Tribunal.

To address some of these problems, Lynda and some other senior staff have developed best practices for the tribunal.

Joanne Hayes described the organization and function of the Ontario Municipal Board. She addressed the role of staff. It takes both staff members and adjudicators to make the tribunal work. Many matters heard before the OMB are issues of public interest. Few cases are composed of one party on each side. The public's access to information is through the staff. The staff at the OMB often have a related background in environmental or land use issues. Staff carry out many functions including providing notice, screening, streaming and scheduling.

Staff members also must understand administrative law and natural justice. Staff deal with parties that are often confused and frustrated. There is often a real or perceived imbalance of power between parties at the OMB. Staff members must remain professional and provide information but not advice. There is one staff member on a case so that parties have one consistent point of access to information about their case.

Ms. Hayes described the OMB's case management system. The OMB will be switching to paperless hearings and providing the public with electronic access to the status of a case. Files will also be accessible on the member's Blackberries. These are currently works in progress at the OMB.

Carol Kiley spoke about her experience with the Landlord and Tenant Board. The Board's mandate is to resolve disputes and to provide information to the public. The Board has 8 offices around the province and approximately 350 staff members. They receive approximately 70,000 applications every year and they do not have a backlog.

The intention of the staff is that adjudicators are presented with cases that are ready to adjudicate and litigants who are informed and ready to be heard.

Ms. Kiley described the Board's case management system. When a person files an application anywhere in the province it is scanned into the system and produces a notice of hearing on the spot. Hearings are scheduled within 12 to 14 days of the filing. The screening process occurs at the counter. The program used can pick up on things such as time or calculation problems with the application. Everyone at the Board has access to the case management system and everyone works from the same system.

Mediation generally happens on the day of the hearing. The focus of mediation is on the more difficult files. This process educates and informs clients and it helps to bring a focused and complete file before the adjudicator. Staff are trying to perfect files so they are ready to be heard.

The LTB has various tools to ensure its success. There are performance measures for everything from the time a staff member spends on a phone call to the time it takes to write a decision. The LTB strives for a culture of excellence and accountability. They use an integrated team approach.

Wendy Reynolds discussed recent innovations made at the Workplace Safety and Insurance Appeals Tribunal. The Tribunal has approximately 15 full time and 65 part time OICs and 200 staff members. As part of the information branch of the WSIAT, Ms. Reynolds works with information products to support adjudicators and staff in creating timely and quality decisions.

Ms. Reynolds described the case management system in place at the WSIAT. The mailroom is the beginning of the process. Documents are scanned into the system and eventually form the case record. Staff can keep track of their files on the system and managers can monitor staff workloads.

Adjudicators and staff have different information needs. OICs are more interested in content and substantive law. They rely on different databases. The Tribunal has developed a new information portal which provides a single interface for resources for adjudicators. Some information is available to OICs only. The portal was developed with new software and was recently launched at the Tribunal. It provides a search interface. OICs can submit expense claims and keep track of their workload online. Information on the OIC portal is drawn from the general case management system.