

## Before you start preparing for your hearing, you should know that:

The Tribunal is not the Ministry. You must contact the Tribunal about your appeal not the Ministry.

The Tribunal can only determine if the Ministry's decision was reasonable. The test for this set out in the legislation is:

*Whether the ministry's decision is a reasonable application of the legislation in your circumstances or whether the facts **reasonably** support the decision.*

## NEED HELP?

### You don't need to do this alone

You can ask a family member, a friend, or an advocate to come with you to the hearing. If you need help finding an advocate you may wish to look at PovNet's website: [www.povnet.org](http://www.povnet.org). The website lists advocates near you. If you have found somebody to help you, fill out and send us a Release of Information Form. This form lets us know that this person has your permission to speak for you. You can get this form by calling the Tribunal or its website.

### Interpreters and other support

Let us know if you need an interpreter or any other supports for your hearing (ie. wheelchair accessible hearing room, assistance reading, etc.). We will do our best to fulfill your needs.

## Types of Hearing

You can have your hearing in person, via tele-conference or in writing. We will do our best to hold the type of hearing you request. Sometimes we are unable to do so. If that is the case, we will let you

know. In most cases a panel of three members of the Tribunal will hear your appeal.

There are four different kinds of hearings:

### Written Hearing



A written hearing is a hearing held by the exchange of written submissions and evidence. The Tribunal will forward any material you send us to the ministry, and they will reply in writing. You will receive a copy of anything the ministry sends to the Tribunal. The panel will look at the documents the ministry had when it made its decision. The panel will also look at any new material submitted by the parties. The panel will not speak with you, any witnesses or the ministry. After reviewing the material, the panel will make its decision. We will send you a letter setting out a schedule for sending us your evidence and submissions.

### Teleconference Hearing



A teleconference hearing is a hearing held by telephone. At the hearing, the panel will listen to the parties and any witnesses. They will also look at any written material or submissions that you have sent to the tribunal. You may ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. After the hearing, the panel will make its decision. We will send you a letter with the time of your hearing and the phone number to dial to join the teleconference.

### In-Person Hearing



An in-person hearing is where the parties and the panel members hearing the appeal meet in person. At the hearing, the panel will listen to the parties and any witnesses. The panel will also look at any written material or submissions sent to the tribunal. You will have an opportunity to ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. The ministry representative or a panel member might attend the hearing by telephone. After the hearing, the panel will make its decision. We will send you a letter setting out the time and location of an in-person hearing.

### Video-conference Hearing



A video-conference hearing is a hearing by video-conference. At the hearing, the panel will listen to the parties and any witnesses. They will also look at any written material or submissions that you have sent to the tribunal. You may ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. After the hearing, the panel will make its decision. You will need to have a computer or mobile phone that can do video-conferencing. We will send you an email with the time of your hearing and a link to join the video-conference.

## Need to move your hearing or don't want to have a hearing anymore?

### Moving your hearing to a later date - Adjournments

If you cannot make it to the hearing or if you need more time to prepare you can ask us to move your hearing to a later date. To make this request you need to fill out the Appeal Adjournment Request Form and send it to the Tribunal. The Tribunal will then forward the Form to the Ministry and Tribunal Chair for their consent.

If it is less than one business day before your scheduled hearing, you must go to the hearing. You can ask for the adjournment at the hearing. It is up to the panel whether they will agree to your request or not.

### Not having a hearing - Dismissing Your Appeal

At any time before a decision is made, you can request that the Tribunal dismiss your appeal. If this happens the Tribunal will not make a decision about your appeal. To make this request, you need to notify the Tribunal that you do not want to continue the appeal. The Tribunal will make an order dismissing the appeal and will send a copy of this order to you and the Ministry. This will close your file with the Tribunal.

## Your Hearing Preparation Checklist



Use the Internet to visit the Tribunal's website at [www.eaat.ca](http://www.eaat.ca) to:

- Review the appeal record** that we send you. This record includes the material the ministry had when it made its decision.
- Review the ministry's decision** and prepare to tell the panel why you disagree with that decision.
- Think about whether extra evidence** would help your case.
  - \* Extra evidence must be relevant to the issues in your appeal.
- Think about whether a witness** would help your case.
  - \* Any witness will remain outside the hearing room until it is their turn to speak to the panel.
  - \* Afterwards, they will leave the room unless you ask that they stay.
  - \* If the witness stays, they can only support you and cannot provide further evidence.
- Review the legislation** that applies to your appeal
- Read other decisions** made in other hearings. Reading other decisions will give you a sense of what the Tribunal has decided in other cases. The Tribunal might not make the same decision in your hearing though as each case is different.
- Review the Tribunal Practices & Procedures** for more information on the appeal process
- Watch videos** to learn about the hearing process
- Download** tribunal forms

\* **Keep an eye on your mailbox or inbox for information from the Tribunal about your hearing.**

If you have changed your mind about the type of hearing you want to have it is not too late to request a change. To do so, fill out the **Request To Change Type of Hearing Form** and send it to the Tribunal. You can get the forms on our website at [www.eaat.ca](http://www.eaat.ca) or by calling the Tribunal.

## After Your Hearing

After the hearing, the panel will make its decision and we will send you their written decision. The panel will either confirm or rescind the ministry's decision. Confirming means that the ministry's decision stays in place. Rescinding means that your appeal was successful.

Decisions of the Tribunal are final decisions. If you have a complaint about your hearing or the decision you have three options:

1. Judicial Review - you can file a petition in the BC Supreme Court asking a judge to review the decision.
2. Complaint to the Tribunal - you can call or write to the Tribunal Chair.
3. Office of the Ombudsperson - you can contact the Office of the Ombudsperson if you feel that we were unfair.

## Contact:

### Employment and Assistance Appeal Tribunal British Columbia

 Toll free 1-866-557-0035  
In Victoria 250-356-6374

 Email [eaat@eaat.ca](mailto:eaat@eaat.ca)

 Website [www.eaat.ca](http://www.eaat.ca)

## Prepare for Your Hearing

In this brochure you will find the following information:

- How to prepare for your hearing;
- The types of hearings you can have;
- How to move your hearing to a later date or cancel your appeal; and
- What happens after your hearing.

Employment and Assistance Appeal Tribunal British Columbia