



## **ALBERTA LABOUR RELATIONS BOARD – GUIDELINES FOR REMOTE PROCEEDINGS**

The Guidelines for Remote Hearings (the “Guidelines”) provide guidance for remote proceedings conducted by the Alberta Labour Relations Board (the “Board”). These Guidelines apply to all hearings, appeals, and resolution conferences conducted by the Board where part or all of the proceeding is conducted remotely (“Remote Proceeding”). The Board has the discretion to adapt the Guidelines as appropriate to promote the fairness and integrity of its Remote Proceedings.

### **Part 1: General**

1. The Board uses the Zoom platform to conduct Remote Proceedings.
2. Parties shall make sure they have the equipment necessary to effectively participate Remote Proceedings, which includes access to a computer or tablet; a camera and microphone, whether built-in or external; and a stable, secure internet connection. Public Wi-Fi should not be used for Remote Proceedings.
3. Participants may join the audio portion of the Remote Proceeding using their computer or tablet, or they may use a telephone (preferably a landline) to connect. The Board recommends using a telephone to connect to the audio portion of the Remote Proceeding in situations where a participant has limited internet bandwidth. Dial-in information will be circulated with the invitation to the Remote Proceeding.
4. The Board will not record Remote Proceedings. The recording or broadcasting of a Remote Proceeding by any party, witness, or other participant is strictly prohibited. This prohibition includes taking, posting and sharing any screenshots of the Remote Proceeding. Members of the media may publish live updates during a Remote Proceeding, but they may not record or disseminate any photographs or screenshots of the Remote Proceeding. Members of the Media and those wishing to observe Board proceedings should also review Part 6 of these Guidelines: Observers of Remote Proceedings.

## **Part 2: Before the Remote Proceeding**

1. Parties are expected to do what is required to ensure they and their witnesses have downloaded Zoom to the computer or device they will be using during the Remote Proceeding, and that they have taken appropriate steps to adequately test and familiarize themselves with the Zoom platform in advance of the Remote Proceeding. Please see Part 7 of the Guidelines for links to additional information about the Zoom platform.
2. If the parties and their counsel intend on connecting to the Remote Proceeding from a boardroom or similar setting, but while using separate computers or devices, they are encouraged to test the audio before to ensure there is no feedback or interference with the use of multiple microphones.
3. The Board may schedule one or more case management meetings before the Remote Proceeding.
4. The parties are encouraged to work together before the proceeding to resolve and simplify the issues. For example, the parties are strongly encouraged to:
  - a. Consider the use of an Agreed Statement of Facts;
  - b. Determine whether any issues can be effectively addressed through written submissions; and
  - c. Prepare a book of agreed exhibits.
5. The parties must provide the Board a list containing the names, email addresses, and telephone number for all participants and witnesses in the Remote Hearing. This information is required for the Board to prepare the invitation to the Remote Proceedings.
6. The Board will circulate an invitation via email at least one day before the Remote Proceeding. Parties must not share the invitation to the Remote Proceeding without the Board's authorization. If additional participants need to join the Remote Proceeding, parties must notify the Board, provide the appropriate contact information, and the Board will issue an invitation.
7. The Board recommends that parties familiarize themselves with these Guidelines before the Remote Proceeding, and review Part 7: Etiquette for Remote Proceedings with their witnesses or other participants.

## **Part 3: During the Remote Proceeding**

1. Participants should plan to join the Remote Proceeding 15 minutes before the start time identified in the invitation.

2. Once they have joined the Remote Proceeding, participants should ensure their screen name is accurate. Participants may also wish to add additional information about their role in the Remote Proceeding, i.e. Employer Counsel, Union Advisor, etc.
3. If the parties intend to use the “Screen Share” function in Zoom to refer documents to a witness during a Remote Proceeding, it is the responsibility of the parties or their counsel to share and navigate the document(s).
4. The Board may, at its discretion, determine whether the Chat function in Zoom will be enabled during a Remote Proceeding. If Chat is enabled, it may only be used to alert the Board and other participants to technical difficulties, or, with the Board’s authorization, for the limited purpose of sharing a document. If any documents shared in this manner are entered as an exhibit, the party entering the exhibit is responsible for providing the Board and the parties with a PDF copy of the document as soon as possible. See also: Part 5 - Documents, Briefs and Authorities.

#### **Part 4: Witnesses**

1. The parties or their counsel may make arrangements for witnesses to testify from their offices, provided that all physical distancing requirements are maintained and other public health guidelines are adhered to.
2. Witnesses not testifying from offices of parties or their counsel should testify from a quiet, private location and make best efforts to minimize background noise and interruptions.
3. While testifying, witnesses must keep their camera and microphone on unless the Board directs otherwise, and their face and hands should be visible.
4. Witnesses must not, without the Board’s approval, communicate with anyone other than the Board and examining counsel during their testimony. Witnesses may not leave their computer or device during their testimony without the Board’s approval.
5. If during the course of a Remote Proceeding a witness needs to be excluded (for example, pending the ruling on an evidentiary issue) the witness or participant will be placed in a Waiting Room.
6. When their testimony has concluded, witnesses will be directed to leave the Remote Proceeding unless they are an advisor to one of the parties, or the Board otherwise grants permission for them to stay.

7. If witnesses experience technical difficulties during their testimony, they should contact counsel or their party representative immediately. Parties must provide their witnesses with this information before they testify.
8. Parties are encouraged to do a “test run” with their witnesses in advance of the Remote Proceeding to identify and troubleshoot any technical difficulties.

#### **Part 5: Documents, Briefs, and Authorities**

1. All documents that are required for a Remote Proceeding must be provided to the Board and other parties in hard copy format at least three clear business days before the start date of the Remote Proceeding, or as otherwise directed by the Board. (For example, if the Remote Proceeding is scheduled to start on a Wednesday, the deadline for providing the documents to the Board would be the previous Thursday by 4:30 pm, assuming no statutory holidays). The Board requires four hard copies.
2. Parties are strongly encouraged to provide their documents in a joint book of exhibits wherever possible.
3. Parties are responsible for providing their witnesses with electronic and/or hard copies of the appropriate documents in advance of the hearing, and for making sure that their witnesses can access the documents as required during the hearing.
4. Written submissions may be provided to the Board in PDF format. It is not necessary to provide hard copies or electronic copies of authorities referenced in the written submissions. Instead, the parties are asked to include hyperlinks in the written materials themselves, or to attach a hyperlinked Table of Authorities along with their submissions. Authorities should be hyperlinked to CanLii.org where possible, and otherwise, to LexisNexis Quicklaw or WestlawNext Canada. Parties relying on unreported decisions should provide a PDF copy to the Board and the parties.

#### **Part 6: Observers of Remote Proceedings**

1. As Board proceedings are open to the public, the Board has developed the following rules for those who wish to observe Remote Proceedings (“Observers”).
2. Observers must submit a request via email to ALRB.EDM@gov.ab.ca. The request email must clearly specify the Observer’s name, organization (if applicable), and the date and description of the Remote Proceeding.
3. Zoom invitation links to the Remote Proceeding will be issued to Observers on a first come, first served basis. Observers may not share or forward the Zoom invitations.
4. The Board has limited the number of Zoom invitation links for Observers to a maximum of 30, subject to extenuating circumstances where the Board may exercise its discretion to either

increase or decrease this number. This maximum refers to the number of Zoom invitation links the Board will issue, not the maximum number of people who may observe a Remote Proceeding. For example, multiple people may observe a Remote Proceeding from a conference room using the same Zoom invitation link.

5. At any time during a Remote Proceeding, where it becomes necessary to do so as a result of bandwidth limitations or low internet quality, the Board may otherwise limit the number of Observers or may direct the Observers to leave the Remote Proceeding.
6. Observers must join the Remote Proceeding no later than 15 minutes before the start time indicated on the Zoom invitation link, or any other time specified by the Board. In order to minimize disruption, Observers who attempt to join a Remote Proceeding after it has started will not be admitted.
7. Before joining the Remote Proceeding, Observers must change their display name to "OBSERVER". Observers may also provide their name or organization in their display name, but this is not required.
8. After joining the Remote Proceeding, Observers must mute themselves and turn off their cameras. Observers must remain muted with their cameras off for the duration of the Remote Proceeding.
9. In order to minimize disruptions, Observers who exit a Remote Proceeding once has begun it will not be permitted to re-join. This does not apply to Remote Proceedings that take place over multiple days, in which case Observers will be permitted to join each day before the Remote Proceedings begin.

## **Part 7: Etiquette for Remote Proceedings**

The Board offers the following guidance for participants in Remote Proceedings:

1. Participate from a quiet, private space, and take all appropriate steps to minimize background noise.
2. Place your computer or device beside a window or other light source. Side lighting will provide better visibility than back-lighting (i.e. where the sun or light is behind the participant).
3. Speak slowly and clearly and be aware of the potential for brief delay in audio transmission.
4. Look into the camera when speaking, not your screen, as this will improve eye contact.
5. When you are not speaking, mute your microphone. This is especially important if you plan on typing notes during the Remote Proceeding.
6. It is best to wear plain clothing, as patterns and prints can be distracting to other viewers.

7. Close other applications on your computer and ensure that any notifications are muted or turned off to minimize disruptions during the proceeding.
8. Remember that when your video feed is enabled, your face and facial expressions are visible to all participants.

#### **Part 7: Additional Information about the Zoom Platform**

The Board refers participants to the following resources for additional information about the Zoom platform:

##### **Zoom Help Center:**

<https://support.zoom.us/hc/en-us>

##### **Joining a Zoom Meeting:**

<https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

##### **Sharing Documents/Screen Sharing in Zoom:**

<https://support.zoom.us/hc/en-us/articles/201362153-Sharing-your-screen-in-a-meeting>