

The appellant and SATCC representative shall appear at the hearing concurrently.

No decision of the Appeals Committee shall be released except by the Board Secretary, either verbally, or in writing. The Board Secretary shall provide the written decision to the appellant and the SATCC.

The SATCC shall keep a record of all appeals, showing name of appellant, date filed, date heard, and committee decision.

Procedures

The *Appeal Hearing Procedures, Roles and Responsibilities* document is attached as Appendix A. It sets out the sets out the roles and responsibilities of those involved in an appeal hearing. It will be sent to all participants in an appeal hearing.

Related documents:

The Apprenticeship and Trade Certification Act, 1999 (the Act) - Sections 27 to 30 provide the authority for the SATCC to make decisions regarding an individual's apprenticeship and the right of an individual to appeal those decisions of the SATCC.

Ad hoc Appeals Committee Terms of Reference – sets out the membership, roles and responsibilities of members, reporting and confidentiality requirements for the Committee members.



Appeal Hearing

Procedures, Roles and Responsibilities

The following document explains the procedures, roles and responsibilities for a Saskatchewan Apprenticeship and Trade Certification Commission (SATCC) appeal hearing.

Preamble

The Apprenticeship and Trade Certification Act, 1999 (the *Act*) provides SATCC with the authority to make decisions regarding an individual's apprenticeship.

The *Act* allows SATCC employees to make these decisions on behalf of SATCC.

SATCC employees are responsible for making fair decisions, to the best of their ability.

SATCC employees are required to provide written rationale supporting their decisions to those who are affected by those decisions (apprentices or tradespersons).

Right To Appeal

Section 27(1) of the *Act* sets out which type of decisions can be appealed to the SATCC Appeals Committee.

Section 28 (1) of the *Act* gives a person the right to appeal a decision.

Section 28(2) of the *Act* requires appeals have to be made within 6 months of a decision. The appeal must:

- Be in writing.
- Explain why the person is appealing.
- What outcome the person is seeking.

Section 30 of the *Act* allows the person making the appeal to appeal the decision of the SATCC Appeals Committee. This must be to the court on a question of law or jurisdiction. This appeal to the court must be within 30 days after the person receives the written reasons for the Appeals Committee's decision.



Purpose Of The Appeal Hearing

The ad hoc Appeals Committee will listen to evidence from both sides. The Committee will then make a decision to up hold or overturn the original decision. The hearing is conducted and based on the principles of administrative justice.

Composition Of The Appeals Committee

The committee members are appointed by the SATCC Board Chairperson.

Role Of The Appeals Committee

The Appeals Committee makes decisions to ensure the integrity of the Saskatchewan apprenticeship system. Members of the Committee do not represent, nor advocate, for employees and management of SATCC or for the person making the appeal.

Role Of The Person Making the Appeal (Appellant)

To prepare written reasons why they disagree with the decision.

To contact his own witness(es) to invite them to the hearing and to let the Board Secretary know that a witness will be attending the hearing. Children are not allowed in the hearing room.

Where an appellant fails to attend the scheduled hearing, the Committee will try to contact the appellant to find out whether or not he can appear.

- If the Committee reaches the appellant and the appellant says he does not intend to appear, he will be told the hearing will proceed in his absence and a decision will be rendered.
- If the Committee reaches the appellant and the appellant requests an adjournment, the Committee will decide whether or not to grant the adjournment. The reasons for why an adjournment was or was not granted must be written.
- If the Committee cannot reach the appellant, the Committee will hold the hearing and make a decision.



Appellant Representation

From time to time an appellant may be unable to present their own case. In such situations, the appellant may have another person present their reasons for appealing. In order to make sure there is no conflict of interest, representatives may not be:

- A member of the Appeals Committee
- An employee of SATCC

Witness' Function

Appellants may ask the Board Secretary to schedule the witness(es).

Witness(es) must have first-hand knowledge of the decision being appealed.

Witnesses will speak only when asked questions by the Committee. Witness responses are to be made to the Committee.

Role of the SATCC Representative

To provide the Board Secretary with written information about the appeal.

At least 7 days before the appeal hearing, the SATCC representative shall provide the Board Secretary with an electronic copy of their appeal brief.

Observers

Appeals are not open to the public. The SATCC CEO may observe the proceedings but cannot participate in the appeal in anyway.

Role of Appeals Committee Chairperson

The Chairperson:

- Shall ensure the hearing is run in a business-like manner. The Chairperson has the authority to move the hearing along in the event that information is repetitious, or not relevant to the decision under appeal. The Chair must focus the presentation on information relevant to the decision under appeal and may limit the length of question and answer period on the decision. The Chairperson is able to stop the hearing for a break.



- Shall ensure that the question period does not become a debate, it is to be question and answer, both without interruption.
- Has authority to, and shall excuse any person whose behaviour is considered inappropriate.
- May stop the proceedings in the event that an appeal hearing is running longer than scheduled.

Role of Board Secretary

As soon as the appeal is received, the Board Secretary:

- Shall notify the SATCC Board of Directors Chairperson and the SATCC CEO.
- Shall gather information including the decision that is being appealed and any rationale the appellant provided to date.
- Request information related to the appeal from the SATCC representative.
- Determine whether or not an appeal can be made to the Committee.

The Board Secretary, in writing, will acknowledge that the request for an appeal has been received. Once it has been determined that an appeal can be made, the SATCC Board Chair, appellant and the SATCC representative are informed.

The Board Secretary will arrange a date for the hearing whereby all participants are able to attend in person.

Once the appeal has been scheduled with the Appeals Committee, the Board Secretary will notify the appellant and the SATCC representative, of the date, time and place of the hearing. The Board Secretary shall attempt to schedule in such a way so as to allow 30 days' notice.

The Board Secretary will notify both the appellant and the SATCC representative that they must submit written rationale 7 days prior to the hearing.

Five (5) days in advance of the hearing, the Board Secretary shall provide all parties with electronic copies of the the appellant's appeal rationale, and the SATCC representative's rationale and appeal brief.

Only the Committee and Board Secretary shall be present during deliberations of the Committee.



Procedures During The Appeal Hearing

1. Preliminary

- The Chairperson will call the appellant, SATCC representative and any witnesses into the hearing room.
- The Chairperson shall make sure everyone is introduced, including witnesses.

2. Procedures

- There shall be no discussion by Appeals Committee members with either party (the appellant or SATCC representative) prior to the appeal hearing.
- Once an appeal hearing is in progress, there shall be no use of cell phones or any other communication devices by anyone attending the appeal.
- The appellant and SATCC representative shall appear at the hearing at the same time.
- An appellant, in absentia, may be represented by a nominee designated in advance by the appellant.
- The appellant shall present first. At this time the appellant may question their witness, if applicable. The witness may only respond to matters relevant to the proceedings.
- The SATCC representative will have an opportunity to counter this presentation.
- After presentation by both parties, a question period to clarify evidence will be allowed. Questions may be asked by any member of the Committee, the appellant, or the SATCC representative, as directed by and through the Chairperson.
- This will be followed by a summation from the SATCC representative and then by the appellant.
- Before excusing participants and witnesses, Committee members shall refrain from making statements, comments, or stating personal opinions as to evidence.



3. Deliberations

- The Chairperson will excuse the SATCC representative and appellant, witnesses after presentation of all appeal information.
- If the Committee requires further information during their deliberation, both the appellant and the SATCC representative can be called back to the hearing room for clarification.
- The Committee shall provide written rationale for any decision it makes.
- No results are to be released by the Committee members, except by the Board Secretary, and Committee members are not to discuss their decision with an appellant at any future date.

Release of Decisions

No decision of the Appeals Committee shall be released, except by the Board Secretary, either verbally, or in writing.

The Board Secretary shall provide the written decision to the appellant and the SATCC.

Decisions of the Committee may be appealed to the court as specified in the *Act*.

Records

The SATCC shall keep a record of all appeals, showing name of appellant, date filed, date heard, and committee decision.

