

Alberta Human Rights Tribunal

Protocol for virtual hearings

Background

This protocol outlines how certain complaints will be heard virtually by video conference so that matters may be addressed more efficiently and effectively. This protocol is divided into five parts to guide the participants of a virtual hearing:

[Part 1](#) - The basic structure of virtual hearings

[Part 2](#) - What you need to participate

[Part 3](#) - How the hearing will work

[Part 4](#) - Preparing documents and witnesses

[Part 5](#) - Other useful information and references

Part 1: The basic structure of virtual hearings

a) General information

The Tribunal will generally use the Zoom Business video platform. The platform is widely used by Courts, tribunals and business, and provides flexibility and high levels of [security and privacy](#). It is also easy to use, and participants do not need a Zoom account.

The Tribunal takes responsibility for setting up the virtual hearing and acts as the Host. All parties, representatives, witnesses and other participants simply sign into the Zoom platform using the information provided by the Host.

b) Participants

The Tribunal will send all participants a Notice of Hearing prior to the hearing, which will include a link (via email) to the virtual hearing. In order for a participant to join the video conference, the participant simply clicks on the link in the email, and follows the on-line instructions (see [Part 2](#) for information on what is needed to join the virtual hearing).

c) Virtual rooms

In setting up the virtual hearing, the Host will set up a number of virtual rooms. These will include:

- The virtual hearing room: this is where the hearing, and all questioning of witnesses, will take place. All parties in the room can see and hear each other.
- A waiting room: this is where participants are placed when joining the video conference, or where witnesses wait before entering the virtual hearing room. When in the waiting room, participants cannot talk to, see or hear one another.
- Breakout rooms for parties: these are rooms where the different parties can communicate privately during breaks. Only the participants in the same breakout room can see and hear one another.

- A breakout room for counsel or representatives: the Host will generally set up a room where counsel and representatives can discuss matters privately. Only participants in the same breakout room can see and hear one another. Parties may also choose to talk to one another on the phone when there is a break.

Note: only the Host can move participants in and out of waiting and breakout rooms. It is important not to leave a waiting room or breakout room by clicking “leave meeting” since you may not return directly to the breakout room, once you sign on again.

Note: when a participant is in a breakout room, they must ask to leave and return to the virtual hearing room. They can do this by clicking the “ask for help” button on the Zoom controls. If there are still difficulties, participants can always contact the Host through email or phone.

Note: the Host may join a breakout room, but will always announce their arrival before joining. The announcement will appear at the top of the screen before the Host joins the room.

d) Settings

The Host will establish certain rules through the Zoom settings function. These cannot be changed by participants. However, there may be a number of ways to personalize some other settings on a participant’s Zoom application, such as the microphone and speaker settings.

The main settings that the Host will set up in the hearing room are:

- Recording of hearing: The Tribunal will record the hearing (but not the communications in the breakout rooms). This recording is the official record of the proceedings, and will be used only if the matter is appealed to the Court. Parties are not entitled to receive a copy of this recording. The recording functions for participants will be disabled, so no participant will be able to record the proceedings through the Zoom application (see the [Practice Direction on Recordings and transcripts of proceedings](#) for general rules about recording hearings and privacy).
- Chat: Zoom has a feature that permits participants to chat privately among themselves during a video conference. This feature will be disabled by the Host. Parties and their counsel or representatives, if not in the same physical location, may use email, text or phone to communicate during the virtual hearing. However, no private communication is permitted with a witness while they are giving testimony, or where an exclusion of witnesses has been ordered.
- Audio and video: the Host may mute (turn off) a participant’s audio or video at certain times in the meeting. For instance, when the Tribunal Chair is giving opening remarks, the Host may mute the other parties.

e) Privacy and security

There are a number of important privacy features and rules that must be followed when participating in a virtual hearing.

- Meeting link: Each virtual hearing is set up with a unique meeting link, ID and password. Ensure that you keep this information confidential to prevent unauthorized access to the hearing. The Zoom link that you receive from the Tribunal in advance of the hearing must not be shared with anyone else.
- Admission into the virtual hearing room: all participants joining the video conference are automatically placed into the waiting room. The only way they are admitted into the virtual hearing room is if the Host admits them. This means no one else can join the hearing, and ensures privacy and security.
- Internet connection: it is important that all participants ensure that they have a stable, private internet connection. Participants should never use a public connection, such as at a coffee shop. Participants should also make sure that they are in a private, secure location, where no one other than those entitled to be at the hearing can see or hear the virtual hearing. You will be required to attest that you are in a private location, that no one else is present or can hear or see the hearing, and that you are not recording the virtual hearing.

f) Trouble shooting

- If you are not admitted to the virtual hearing room at the appropriate start time:
 - Wait for a few minutes. The start time may have been delayed, or the Host may be assisting another participant. You should see a message “please wait, the meeting host will let you in soon.”
 - If you cannot connect, or if there is a long delay, contact the Tribunal at the email or phone number that was provided.
- If you experience problems with your connection:
 - First, sign out and then try to sign into the Zoom hearing again with the same link, meeting ID and password.
 - If you still can not connect to the Zoom hearing, contact the Tribunal immediately at the email or phone number that was provided.
- When a participant leaves or is disconnected from the virtual hearing room, the Host will receive an alarm, which indicates a participant has left the meeting. At that point, the Host will pause the hearing until the participant can be reconnected.
 - The Tribunal Clerk will also have the participants’ contact information, and may contact them when they notice they have left the hearing unexpectedly.
- If a participant is told, or becomes aware, that another participant has unexpectedly left the meeting, they:
 - should cease speaking immediately;
 - remain in the virtual hearing; and

- wait for instructions from the Host.

Part 2: What you need to participate

a) Technology and equipment

- A secure and stable internet connection. It can be broadband wired or wireless.
- A desktop, laptop or tablet computer with a webcam, microphone and speakers or headset. Please do not use a mobile phone to view or attend the virtual hearing. The screen will be too small to view the hearing and the documents.
- You may also use a second screen, iPad or tablet in order to view documents throughout the hearing.
- A connection to private Wi-Fi in your home or office; not public Wi-Fi.

b) Technology settings

- Your computer must be plugged into a wall outlet to avoid battery failure.
- Turn off auto-sleep and power-saving settings.
- Do not use any virtual background or blurring function.
- Keep your video setting on, unless instructed otherwise by the Tribunal Chair.
- Mute your microphone, unless you are speaking, or are instructed by the Tribunal Chair to unmute. The Host can also mute participants' microphones, and may do so if appropriate (e.g. to remove background noise when another participant is speaking).

c) Location

An ideal setting to participate in the virtual hearing:

- will be a quiet room with a door that is closed to exclude all other people;
- will avoid a bright background, such as, a window directly behind you;
- should display you in a place where there are no private items or other distracting items in view of the video camera; and
- will ensure that no one else can hear or see the hearing, without permission of the Tribunal Chair.

Part 3: How the hearing will work

a) Before the hearing date

- When the matter is ready to proceed to a hearing, a 30-minute pre-hearing will be scheduled by telephone with the Tribunal Chair and the parties. This is a step that happens before every hearing, virtual or in-person.

- Hearing dates will be scheduled at the pre-hearing teleconference.
- In advance of the hearing, parties will receive confirmation of the date and time of the hearing and will be emailed a unique Zoom meeting ID and password to be used to connect to the hearing.
- The Clerk will organize a test run of the technology with each of the participants, before the hearing. The purpose of this test run will be to:
 - ensure that the technology is functioning properly;
 - test the video and audio quality of each participant's setup; and
 - practice using Zoom functions, such as the waiting room, breakout rooms, and mute.

Note: It is strongly recommended that the parties participate in this test run and arrange for any witnesses they are calling to participate as well.

- The Clerk will provide the Tribunal's contact email and phone number to each participants and will collect each participant's email and phone number to contact them if there are any technical issues during the hearing.

Note: A member of the public will not generally be able to attend the hearing via video conference. In exceptional cases, the Registrar may permit a non-party to attend the virtual hearing if they make a written request at least 21 days before the hearing, including their name, reason for wanting to attend and days they are requesting access.

b) Signing into the virtual hearing

Each participant will log into the Zoom video conference at least 15 minutes in advance of the start time. Witnesses may also login to the hearing at the outset to hear the opening remarks of the Tribunal Chair.

Each participant who logs onto the Zoom hearing will initially be placed in the waiting room and will not be able to see or hear any other participant. The Host will admit participants into the virtual hearing room a few minutes before the start of the hearing.

c) Start of the virtual hearing

- All participants will be asked to confirm their agreement with this protocol covering virtual hearings and witnesses will be asked to agree to a set of [preliminary questions](#) found in Part 5.
- The Tribunal Chair will make a few introductory remarks.
- Witnesses who joined to hear the opening remarks and who are not immediately testifying will be excused after the initial remarks of the Tribunal Chair and asked to return at an appointed time.
- The first witness will be placed in the waiting room.
- Opening arguments will proceed in the usual way.

- The Clerk will bring the first witness into the virtual hearing room. The Clerk will take the affirmation of the witness in the usual way.
- Direct and cross-examination (questioning of the witness) will proceed as usual.

d) Etiquette and civility during the virtual hearing:

- Participants should speak, one at a time.
- If it becomes apparent that a participant is speaking over another participant, both people are asked to immediately suspend argument to address the problem. If there is a lag time in speaking, the Host will resolve the problem.
- Witnesses are asked to wait to hear a complete question before answering.
- If there is an objection to a question:
 - The person seeking to make the objection should make it after the complete question is asked;
 - The person making the objection may raise their hand on screen, temporarily unmute their audio (if it is muted), and state “objection” in order to get the attention of the Tribunal Chair;
 - The witness should not answer a question until the objection is resolved;
 - The parties should wait for instructions from the Tribunal Chair.
- Where a witness must leave the room during questioning so a legal or procedural question can be discussed, the Host will place the witness temporarily in the waiting room.

Note: The Host may mute the audio of all participants other than the questioner and the witness. A participant whose audio is muted may temporarily unmute by pressing and holding the spacebar, or can click “unmute” on the Zoom controls.

e) Breaks and consultations

- If a party wishes to have a break, they should request one from the Tribunal Chair. If granted, each party and their counsel or representative will be placed into their respective breakout room by the Host. While in the breakout room, only participants in that room can communicate with each other
- The Host may set a timer on the break, in which case, participants will automatically be brought back into the virtual hearing room at the end of the break. The Host may also set a break without an automatic time return, in which case the Host will bring participants back into the virtual hearing room manually.

Note: when a participant is in the virtual hearing room, they should understand that anything said is public, and may be heard by anyone who is part of the Zoom meeting.

f) Conclusion of the virtual hearing

- If the hearing will continue on another day, participants will join at the agreed time using the same Zoom link and password that was originally sent to them.
- If the hearing is concluded that day, closing arguments will proceed in the usual way.

Part 4: Preparing witnesses and documents

a) Witness testimony

- It is the responsibility of the party who is calling the witness, to ensure the witness is present at the virtual hearing at the scheduled time. The party who requested that the witness appear will contact them by phone, email, or text if the time for their testimony changes.
- Witnesses must be ready to join the hearing 15 minutes before the time that the party or representative has requested the witness to testify. When the witness joins Zoom, they will be placed in the waiting room and will not be able to see or hear anything until admitted to the virtual hearing room by the Clerk.
- Once a party is ready to examine a witness, a message will appear on the screen in the Zoom waiting room that informs the witness they will be brought into the hearing room shortly. The Clerk will then admit the witness into the virtual hearing room.

b) Direct examination and cross-examination

- When a witness is being examined or cross-examined regarding a document:
 - They will be asked to view the document on the Zoom screen through the screen sharing feature.
 - The Host will put the requested document on the screen so that all participants are viewing the same document.
- During a witness' testimony, the witness must not have any other documents or notes in front of them, except those placed before them by a party or representative.

c) Electronic submissions and document exchange

The preferred format for document exchange is in PDF. Where a party does not have the technology to create a PDF exhibit book, that party will discuss their options with the Registrar as far in advance of the submission deadline as possible. Regardless, all documents in a virtual hearing must be submitted electronically.

- All documents, including joint books of exhibits, witness and expert witness information, and any other documents, must be provided to the Tribunal electronically, preferably in an electronic PDF format (See [Instructions on creating electronic documents](#)).

- A new document that was not disclosed in advance of the hearing, as per the timelines agreed upon, will not be admitted into evidence without approval of the Tribunal Chair.
- Documents are to be emailed electronically to the Tribunal Registrar AHRCTribunal@gov.ab.ca **by the filing dates** provided at the pre-hearing teleconference.
- All documents must be provided in advance, except with permission of the Tribunal.
- The parties are expected to discuss in advance which documents will be entered by agreement in a joint electronic PDF exhibit book, and arrange for this electronic file to be created.
 - The joint electronic PDF exhibit book will include all documents to be entered as exhibits by agreement of the parties;
 - Each party will submit their own PDF exhibit book of disputed documents, where one party wishes to enter the document as an exhibit, and the other party has not agreed.
- Format of the PDF exhibit book:
 - Each page should be numbered sequentially and bookmarked to identify separate documents.
 - The PDF exhibit book should be searchable.
- A party may request that the Host share an electronic document on the screen in order to refer to a specific document or section of a document.
- Participants in Zoom can also review any documents on their own Zoom screen. This information would not be shown on the shared screen unless the Host places the document on the shared screen. For instance, a representative may review the documents they will be using for the next witness.
- Witnesses under oath must only view documents that are put before them.

Part 5: Other useful information and references

a) Preliminary questions to be asked of the witness while under oath

1. Do you agree to be questioned by way of video conference and that the testimony you give will be used as evidence in these proceedings?
2. Do you agree to comply with, and be bound by, this Protocol for Virtual Hearings?
3. Do you agree that neither you, nor anyone at your location, will record or broadcast these proceedings?
4. Do you agree that during these proceedings you will not view any documents or information on any device, other than those presented to you in the virtual hearing, or those available in the documents put before you?
5. Do you agree that you will not discuss your testimony with any other person while you are testifying as a witness?
6. Have you closed all other windows on your computer in preparation for your witness testimony?
7. Is anyone else in the room or in hearing or sight distance of this virtual hearing?

b) Instructions on creating electronic documents

- Documents must not be password protected;
- The preferred format for documents is PDF;
- Each document must not exceed 100MB;
- Documents must be searchable and where a document has attachments, the PDF file should be bookmarked with a short description of each bookmark (e.g. Exhibit 1 – Complaint);
- Where possible, hyperlinks should be used to help navigate the document;
- Names of PDF documents must be descriptive. For instance, “Termination notice” or “Email July 10 2019”;
- PDF file names must not exceed 25 characters;
- Avoid using the following characters in the file name: ! @ # \$ % ^ * & ' ` ~ + = , . : ; () [] { } / | \ ? . < > ;
- When referring to case law, provide a summary of the case citations with each case hyperlinked to CanLII.

c) Our contact information:

Email: AHRCTribunal@gov.ab.ca
Phone: 780-638-4635

d) Reference information:

- 1) Zoom information on [joining a meeting](#)
- 2) Zoom [frequently asked questions](#)
- 3) [Privacy and security](#) for Zoom video
- 4) Downloading [Zoom Client for Meetings](#)
- 5) Accessibility Audiobook: [Meet Me Accessibly – A Guide to Zoom Cloud Meetings from a Blindness Perspective](#)