

## **GUIDELINES FOR APPLICATIONS FOR REVIEW OR REVOCATION**

### **1. Context**

Applications for review or revocation are exercised by a motion regarding decisions or orders rendered by the Tribunal in matters relating to any of its divisions.

### **2. Purpose**

The purpose of these guidelines is to define and convey the Tribunal's procedure for processing applications for review or revocation.

They support a harmonized, consistent, and efficient processing of these applications.

### **3. Legal framework**

These guidelines are based on a set of legislative and regulatory provisions, in particular sections 49, 50 and 51 of the *Act to establish the Administrative Labour Tribunal (AEALT)* and sections 1, 2 and 6 of the *Rules of evidence and procedure of the Administrative Labour Tribunal*. These provisions read as follows:

#### ***Act to establish the Administrative Labour Tribunal***

*49. The Tribunal may, on application, review or revoke a decision or an order it has rendered or made:*

- (1) if a new fact is discovered which, had it been known in sufficient time, could have warranted a different decision;*
- (2) if an interested party, owing to reasons considered sufficient, could not make representations or be heard; or*
- (3) if a substantive or procedural defect is of a nature likely to invalidate the decision.*

*In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the member who rendered or made it.*

*50. An application for review or revocation is brought by a motion filed with the Tribunal within a reasonable time after the decision concerned or after the discovery of a new fact that could warrant a different decision. The motion must specify the decision concerned and state the grounds in support of the motion. It must also contain any other information required by the rules of evidence and procedure.*

*Subject to section 17, the party filing the motion must send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it*

*or, if the decision was rendered under Chapter V.1 of the Labour Code (chapter C-27), within the time limit specified by the president of the Tribunal.*

*The Tribunal proceeds on the record unless a party asks to be heard or the Tribunal, on its own initiative, considers it appropriate to hear the parties.*

*51. The Tribunal's decision is final and without appeal, and the persons concerned must comply with it immediately.*

[...]

### **Rules of evidence and procedure of the Administrative Labour Tribunal**

*1. These rules apply to all the matters brought before the Tribunal.*

*Their purpose is to ensure the simple, flexible and prompt processing of applications, particularly with the cooperation of the parties and their representatives and the use of available technological means by the parties and the Tribunal, in accordance with the rules of natural justice and the equality of parties.*

*2. At any stage, the proceedings and the presentation of evidence must be proportionate to the nature and complexity of the matter.*

*6. The Tribunal may require a party to explain or clarify the party's contentions in writing, file documents or present evidence within the time period it determines.*

*It may also require a party to provide a list of the witnesses the party intends to call at the hearing, as well as a summary of their testimony.*

## **4. Scope**

These guidelines apply to any application for the review or revocation of a decision or order rendered by the Tribunal.

## **5. Content of the motion requesting a review or revocation**

The motion must be sufficiently detailed to be able to identify:

- the ground(s) for the application under section 49 of the AEALT;
- depending on the ground(s) for the application: the new fact invoked, the reasons that prevented a party from making representations or being heard, or the substantive or procedural defect raised;
- the record number(s) concerned by the motion when the decision under review or revocation involves several records;
- the division(s) concerned by the decision that is the subject of the motion;
- the grounds invoked to justify filing the motion beyond the 30-day delay, as established by case law, if necessary.

To file a motion, use the [revision or revocation form](#).

## **6. Processing the application**

### 6.1 Principle

The Tribunal proceeds on the record unless it deems appropriate to hold a hearing. A party who wants a hearing must submit a written request.

Hearings are held virtually unless the Tribunal decides otherwise. A request to change the mode of hearing must be submitted in writing, in accordance with the [Policy on Change of Mode of Hearing at a Party's Request](#).

### 6.2 Evidence

The parties cannot bring forward new evidence or call witnesses, except:

- when the motion is based on the discovery of a new fact which, had it been known in sufficient time, could have warranted a different decision;
- when the motion is based on the fact that an interested party, owing to reasons considered sufficient, could not make representations or be heard;
- to explain the time elapsed before filing the motion.

### 6.3 Hearing procedure

When a hearing is held, the time allotted to each party to make their representations is as follows:

- 30 minutes for the requesting party;
- 15 minutes for the other parties;
- 10 minutes for the requesting party's reply.

The administrative judge who holds the hearing can, however, change the allotted times when deemed necessary.

### 6.4 Conciliation

Except for the Labour Relations Division, the parties cannot use the conciliation service.

**7. Application for the review or revocation of an interlocutory decision, including a decision granting or refusing a postponement**

Interlocutory case management decisions, including those granting or refusing a postponement, are reviewed only exceptionally. These decisions are within the exercise of the administrative judge's power to manage a matter. A party who is dissatisfied with such a decision can contest it by filing a motion for review or revocation of the decision rendered on the substance of the case, if desired.

An application for the review or revocation of such a decision does not result in a suspension of proceedings, and therefore does not prevent holding or continuing a scheduled hearing.

**8. Coming into effect**

These guidelines come into effect on April 15, 2024.