



TRIBUNAL
ADMINISTRATIF
DU TRAVAIL

STANDARDS
FOR EXPERTS

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1. PURPOSE

- 1.1 In clarifying its expectations with respect to the role of experts, the Tribunal aims to improve the quality of their contribution to its mission.
- 1.2 These standards have no bearing on the Tribunal's rules for assessing evidence.

2. SCOPE

- 2.1 The standards apply to experts whose services are retained by a party in order to provide testimony or a report. The expert, whose status is recognized by the Tribunal, must provide an opinion on a scientific, occupational or technical matter in order to inform the Tribunal during the decision-making process.
- 2.2 These standards do not apply to certificates or reports issued by the physician in charge of a worker pursuant to the *Act respecting industrial accidents and occupational diseases*, CQLR, c. A-3.001.

3. ROLE

The expert's role is to help the Tribunal assess the evidence within his or her recognized field of expertise. Experts must be objective, impartial and thorough in fulfilling their mission.

4. ADMISSIBILITY

To be admissible, expert evidence must be relevant, necessary and provided by a person with the appropriate qualifications.

5. RECOGNITION

- 5.1 To be recognized as an expert, a person must demonstrate knowledge in a relevant field of activity.
- 5.2 The person must be able to provide information on his or her education and professional, scientific or technical experience.
- 5.3 The person must also demonstrate that he or she is capable of fulfilling the role of expert in an independent, objective and impartial manner.
- 5.4 Recognized experts may provide opinion evidence to the Tribunal.
- 5.5 The Tribunal weighs the quality of the expert evidence (its probative value) in the same way as any other evidence to be considered for the purpose of rendering a decision.

6. GENERAL STANDARDS

- 6.1 The Tribunal requires experts to:
 - be competent;
 - be independent, objective and impartial;
 - observe the highest scientific, professional and technical standards;
 - cooperate with the Tribunal in meeting its objective of timeliness by providing their reports with diligence and being prepared to testify;
 - be aware of the legal context within which their opinion is required.
- 6.2 The Tribunal also requires experts to comply with all the other requirements of their professional order or association.
- 6.3 Experts must bear in mind that their first duty is to the Tribunal.
- 6.4 Experts must take care not to act as representatives of the party that retains their services and must refrain from commenting on the rules of law that apply to a case.
- 6.5 Experts must be prepared to reconsider an opinion, where warranted by the circumstances.
- 6.6 When aware of a scientific theory that differs from the theory on which his or her analysis is based, the expert must inform the Tribunal if called to testify in support of the one he or she chose.
- 6.7 Experts must use plain language and communicate clearly.

7. SPECIFIC STANDARDS WITH RESPECT TO THE DIVISION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

- 7.1 The Tribunal expects the expert's report to comply with the requirements of the professional order or association of which he or she is a member.
- 7.2 The Tribunal requires experts to pay special attention to the following:
 - the issues submitted for analysis;
 - the case history;
 - the relevant information to be collected;
 - the formulation of an unbiased statement based on the information collected;
 - an analysis of the information collected in order to support the conclusions;
 - a list of references to the literature that was consulted.
- 7.3 Experts physicians must also include the following information in their reports:
 - a description of the circumstances of the injury;
 - a description of the risk factors that relate to the injury;
 - the relevant medical history, including a description of the symptoms and their evolution;
 - relevant history and lifestyle habits;
 - an in-depth description of the objective examinations the worker underwent, both physical and mental;
 - a detailed description of the tests or manoeuvres that were done, the results – both positive and negative – and the interpretation criteria;
 - the differential diagnosis, where the diagnosis itself is in dispute.

These standards are for individuals who are preparing to provide a report or testify at a hearing before the Tribunal administratif du travail (the Tribunal).

They serve as a reminder of experts' impartial, objective role in cases before the Tribunal, no matter who retains their services.

These standards are based on jurisprudence, the rules of conduct of relevant associations and professional orders, and publications on the role of experts by the Collège des médecins and the Ministère de la Santé et des Services sociaux.

Some of the obligations stated herein are legal or professional requirements for experts. By making them available in a single document, the Tribunal wants to make the information widely available and ensure that the standards are applied consistently.

TO REACH US

For additional information, contact the Tribunal office nearest you.

You will find a host of information and answers to many questions on our website. Online services are also available to facilitate your dealings with the Tribunal. Please check our website regularly.

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Original in French.

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