

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-002 USE OF ARTIFICIAL INTELLIGENCE

[2026-07-01]

PART 1 - GENERAL

1. PURPOSE AND DEFINITIONS

- 1.1. This Practice Directive sets out the Tribunal's requirements respecting the use of artificial intelligence (**AI**) tools in Tribunal proceedings governed by the Employment Standards Act (**ESA**) and/or the Temporary Foreign Worker Protection Act (**TFWPA**).
- 1.2. In this Practice Directive, the term "Artificial Intelligence" or "AI" means artificial intelligence technologies that take inputs such as text, images, audio or video and creates or generates content from such inputs. This Practice Directive does not apply to AI tools that lack the ability to generate or create content.

PART 2 - TRIBUNAL MEMBERS' USE OF AI

2. AI NOT TO BE USED FOR DECISION MAKING

- 2.1. Tribunal Members will not use AI tools to generate, draft, or write reasons for decision or to reach findings of fact, assess credibility, weigh evidence, or determine the outcome of any matter.
- 2.2. All decisions will be made independently by the Panel based on the evidentiary record, the submissions of the parties, and applicable law.
- 2.3. Tribunal Members are fully accountable for their decision-making.

PART 3 – PARTIES' USE OF AI

3. GENERAL PRINCIPLES

- 3.1. Parties remain **fully responsible** for the content, accuracy, completeness, and integrity of all materials they file with the Tribunal, regardless of whether AI tools were used in their preparation.
- 3.2. The use of AI does **not** diminish a party's obligations under the Tribunal's **Rules of Practice and Procedure**, Practice Directives, the ESA and/or the TFWPA.

4. USE OF AI IN PREPARING SUBMISSIONS

- 4.1. AI tools may be used to assist with drafting, organizing, summarizing, translating, or formatting submissions, provided that the party:
- independently reviews the materials; and
 - confirms their factual accuracy and legal correctness before filing.

5. DISCLOSURE OF AI USE TO TRIBUNAL

- 5.1. A party must disclose the use of AI **where AI was used in a substantive way** to generate content included in a submission or to create or alter evidence. Substantive use includes using AI to draft, summarize, translate, analyze, or materially revise content that is filed with the Tribunal.
- 5.2. Disclosure must be made **at the time of filing** and must briefly describe:
- the nature of the AI tool used; and
 - the purpose for which it was used.
- 5.3. Disclosure is not required for limited or purely technical uses of AI, such as spell-checking, basic grammar review, or document formatting.

6. PROHIBITED USES OF AI

- 6.1. AI tools must not be used to:
- generate false, altered or misleading information, evidence, or documents;
 - simulate witness testimony;
 - fabricate or alter investigative records or documents purportedly from another source;
 - misrepresent the status of legal authorities.
- 6.2. Automated AI recording, monitoring, transcription, or attendance tools (for example, automated note-taking bots or virtual attendees) must not be used during Tribunal proceedings **without prior approval of the Tribunal**.

7. TRIBUNAL REQUESTS FOR INFORMATION

- 7.1. The Tribunal may require a party to provide further information about the use of AI, including clarifying:
- the role of AI in preparing a submission; or
 - whether specific content was generated or altered using AI.
- 7.2. Failure to provide requested information may be treated as non-compliance with this Practice Directive.

8. CONSEQUENCES OF NON-COMPLIANCE

- 8.1. Failure to comply with this Practice Directive may constitute non-compliance with the Tribunal's Rules.
- 8.2. Where non-compliance is found, the Tribunal may take any action authorized by statute or the Rules, including:
 - requiring correction or re-filing of materials;
 - excluding submissions, documents or information;
 - proceeding without allowing further submissions; or
 - dismissing an appeal or application where authorized.
- 8.3. The Tribunal will determine the appropriate consequence having regard to the nature and seriousness of the non-compliance.

PART 4 – EFFECTIVE DATE AND APPLICATION

9. EFFECTIVE DATE AND TRANSITIONAL APPLICATION

- 9.1. This Practice Directive applies to all proceedings before the Tribunal on and after July 1, 2026, unless the Tribunal orders otherwise.