



Witness Guide

This guide contains general information but does not provide legal advice.

You can find explanations of terms used in this guide in the [Glossary](#) and [FAQs](#) and more general information in the [Guide to the Tribunal Process](#) on this website.

The Tribunal provides accommodation to hearing participants where required by the [Human Rights Code](#). See the [Terms of Use](#) on this website. Please tell us about your accommodation request as soon as possible. You may need to provide documentation to support your request.

What is a witness?

Witnesses are people who have relevant information about the issues the Tribunal must decide and who are asked to testify in the hearing.

What is a summons?

Parties will often serve witnesses with a summons to witness, although a witness can testify before the Tribunal without being formally summonsed.

The summons to witness tells you where the hearing is being held, when you must attend to give evidence, the name of the registrant who is the party to the hearing and the name of the person who summonsed you. It may also include a list of things or documents you must provide when you testify. When the hearing is held by videoconference, the party that summonsed you will provide the connection information.

You may wish to show the summons to your employer if you need to arrange time off.

If you are summonsed, you are entitled to an attendance allowance of \$50 for every day you must attend to testify, a travel allowance if you must travel and, if you have to stay overnight, an overnight accommodation and meal allowance.



You should receive these allowances from the party that summonsed you when you are served with the summons. The Tribunal's Practice Direction on how to summons a witness provides more information about attendance money.

What if I cannot attend on the hearing date?

If you were properly served with a summons you must attend the hearing at the required day and time or face legal consequences for failing to appear. If you have a scheduling conflict, speak to the person who summonsed you about alternative arrangements as soon as possible.

What can I expect if I am a witness in a hearing?

You may be allowed to sit and watch the hearing until it is your turn to testify. However, witnesses are often "excluded" from the hearing until they complete their testimony. That prevents a witness from being influenced by the testimony of others. If a witness exclusion order is made, you will be asked to wait in a virtual waiting room. When it is your turn to testify, you will be invited into the hearing.

The hearing panel is usually made up of five members, one of whom – the chair – is responsible for managing the hearing. The lawyer(s) or other representative for the College, the registrant and (unless self-represented) the registrant's lawyer or other representative, will be on the screen.

Complainants or other witnesses in sexual abuse cases may prefer to testify without seeing the registrant on their screen. You can speak to College counsel or the Tribunal about arranging for this.

What is an affirmation?

Before you start to testify, the chair will ask you the following questions:

1. Do you solemnly promise that the evidence you are about to give is the truth, the whole truth and nothing but the truth?



2. Do you solemnly promise that no one else is with you, that you will tell me if anyone comes into the room during your testimony, and that you will not communicate with anyone in any way while you are testifying unless I give you permission?
3. Do you solemnly promise you will not look at documents, notes, electronic devices or other materials we don't know about?
4. Do you understand that this is a legal proceeding and that intentionally breaking any of your promises is a punishable offence under the *Criminal Code*?

How do I testify?

The representative or party who asked you to attend the hearing will ask you questions. This is called “examination-in-chief.” The other party or their representative may also ask you questions. This is called “cross-examination.” Either representative may show you documents and ask you questions about them. The panel members may also ask you questions.

If one of the parties makes an objection about a question, wait for the panel to decide before answering. You may be asked to leave the room while the objection is discussed.

When you complete your testimony, the chair will excuse you. If there was an order excluding witnesses, you must not talk about your testimony with anyone.

How does the Tribunal protect sensitive health information?

A publication ban that prohibits the publication or broadcast of the name and any other identifying information of a patient/client, as well as patient/client health records and personal health information is automatic. If the patient/client does not want a ban on their name or information, it can be lifted by an order of the Tribunal.



Where information that may identify a patient/client, patient/client health records or personal health information is included in a document filed with the Tribunal, the information will not be public. In some situations, the party filing the document will file two versions. The version which is made part of the Tribunal's public record of the proceeding has identifying and health information removed.

What if I require accommodation?

The Tribunal provides [accommodation to hearing participants](#) where required by the [Human Rights Code](#). Please tell us about your accommodation request as soon as possible. You may be asked for documentation to support your request.

Under the Tribunal's Rules of Procedure, the panel may make orders to support vulnerable witnesses. If you would like to take advantage of one of these supports, you should first speak to the lawyer for the party that called you as a witness.

What is an expert witness?

An expert witness provides opinion evidence based on their specialized training and experience. They must be impartial and complete the HPDT's Form 12C acknowledging their duty to be fair and impartial. The other party may challenge the expert's qualifications or impartiality. The Tribunal decides whether to accept the expert as a witness and what areas their expert testimony can cover.

Modified: September 1, 2026