

WORKERS' COMPENSATION
APPEALS TRIBUNAL

APPEALING A HEARING OFFICER'S DECISION



NOVA SCOTIA

The Workers' Compensation Appeals Tribunal is independent and operates separately from the Workers' Compensation Board.

An appeal to the tribunal is made after going through the internal appeals process at the board and receiving a hearing officer's final decision.

Who can appeal?

- a worker
- a deceased worker's dependant
- a deceased worker's estate
- an employer wishing to challenge a compensation or an assessment decision

How to appeal

Call our office or visit our website to obtain an appeal form.

Fill out the form explaining why you are appealing the decision and sign the form.

Include a copy of the hearing officer's decision being appealed.

Return the form and the copy of the decision to the address listed on the back of this pamphlet.

Send the appeal form to the other participants as well (the worker, the employer, and the board).

When to appeal

The appeal form should be sent to the tribunal within 30 days of receiving the hearing officer's decision. If you cannot meet the 30-day deadline, or if it has already passed, contact us to request an extension.

If you have new evidence addressing the issues you wish to appeal but the deadline has passed, send the evidence to the board and ask them to reconsider the issues.

How to get information

If you are a worker and need a copy of your file, contact the board.

If you are an employer participating in a worker's appeal, you can request a copy of the board's claim file from the tribunal. See our *Employer Participation in Worker Appeals* pamphlet.

Employers appealing an assessment decision should have access to their board files through the board.



What happens next

The tribunal will acknowledge receipt of your appeal.

The tribunal will provide confirmation of the participants and their representatives.

When the appeal is ready to proceed, the tribunal will determine if the appeal will be dealt with by written submission (review of the written record) or by oral hearing (participants may meet with the appeal commissioner in person, by telephone, or video conference).

The appeal is usually considered by one appeal commissioner, but in some cases there is a panel of three.

After the tribunal considers the appeal, all participants, including the board, will receive a written decision.



Representation

Everyone is entitled to a representative of their choice, subject to the tribunal's guidelines. A representative does not need to be a lawyer. Many participants do not have a representative.

The Workers' Advisers Program provides free representation to workers and workers' dependants. Call one of the following numbers to find out if you are eligible:

Halifax

902-424-5050

Mainland *toll free*

1-800-774-4712

Sydney

902-563-2302

Cape Breton *toll free*

1-800-890-6786

CONTACT US

For more information about appealing a Hearing Officer's decision, or anything else about the tribunal, please visit our website or contact our office.

Web: www.novascotia.ca/wcat

Phone: **902-424-2250**

Toll free: **1-800-274-8281**

Fax: **902-424-2321**

Workers' Compensation Appeals Tribunal

1465 Brenton Street

Suite 201

Halifax, Nova Scotia

B3J 3T4