

WORKERS' COMPENSATION
APPEALS TRIBUNAL

THE APPEAL PROCESS

A guide to oral
and written
submissions



NOVA SCOTIA

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

Appeals filed with the tribunal will proceed in one of two ways: by oral hearing or by written submission.

This pamphlet will explain both processes. Both processes will result in the tribunal issuing a written decision.

See the Tribunal's online *Practice Manual* for detailed information.

Oral Hearings

The tribunal will hold an oral hearing when we believe that meeting with the participants will help us decide an appeal.

Oral hearings may be held in person, by telephone, or video conference.

The same process applies to all hearings.

Who attends

The person who filed the appeal should attend the hearing. The person who is responding to the appeal may also attend.

Any participant can bring a spouse or friend for moral support. If the spouse or friend will be speaking at the hearing, they are treated as a witness.

All participants, including the Workers' Compensation Board, may have a representative at the hearing. Representatives do not need to be lawyers.

Any person who gives information (oral evidence) to the tribunal is called a witness. All witnesses are required to confirm that they will tell the truth.

The tribunal should be advised before the hearing if you are bringing a witness.

If you want someone to be a witness but they refuse, contact us. We can order individuals to attend a hearing. If you have trouble getting evidence you think is necessary, contact us. The tribunal may be able to order that the evidence be provided.

No participants, including witnesses or representatives, will be reimbursed for costs, such as travel expenses, to attend the hearing.

Before the hearing

Before the hearing you will receive a letter confirming the date, place, and time of the hearing.

If you have new documents that are not already in the board's files, such as medical reports, you should send those to the tribunal and the other participants as soon as possible or by the date set by the tribunal. If we do not receive them before the hearing, this may cause a delay.

If you cannot meet a deadline, or if you receive additional evidence after the deadline, contact us as soon as possible.

If you need special equipment or a translator at the hearing, let us know in advance.

If you need to reschedule the hearing, contact the tribunal right away.

All requests to reschedule hearings will be assessed by the Registrar or Appeal Commissioner.

What to bring

Bring copies of medical reports or other evidence that is important for your appeal.

The appeal commissioner has access to the board's files, so it is not necessary to bring a copy to the hearing.

You may bring notes or a written statement to help present your appeal.

The hearing

General Information

Most often there is one appeal commissioner, but occasionally there is a panel of three. The appeal commissioner or panel will greet everyone and explain the process.

The participant who filed the appeal form will address the appeal commissioner first and may be asked questions by the other participants and by the appeal commissioner. All participants will have an opportunity to address the appeal commissioner and may be required to answer questions.

Only the issues addressed in the decision being appealed to the tribunal will be discussed at the hearing.

The hearing is recorded by the tribunal. No other recording is permitted.

In-person Hearings

All participants meet in the same room.

Hearings are informal; you can dress casually and comfortably. Uncontested hearings are usually scheduled for 1½ hours with breaks taken when needed.

Telephone Hearings

You will receive a scheduling letter that gives a dial-in number and code for you to use. If no dial-in number is provided, the appeal commissioner will call you directly.

Video Hearings

Video hearings may be offered if the participants have the technological capability to use MS Teams. The Tribunal does not provide technical support.

Written Submissions

We will proceed by written submission (file review) when we believe that the issues under appeal can be resolved by receiving written evidence and arguments.

The participants do not meet with the appeal commissioner.

The tribunal will set deadlines for sending in evidence (medical reports and sworn statements) and submissions (arguments based on the evidence).

If you have trouble getting evidence you think is necessary, contact us. The tribunal may be able to order that the evidence be provided.

If you cannot meet a deadline, or if you receive additional evidence after the deadline, contact us as soon as possible.

The appeal commissioner will review any evidence or submissions filed by the participants, together with the board's files.

All requests to reschedule submissions will be assessed by the Registrar or Appeal Commissioner.

CONTACT US

For more information about oral hearings, written submissions, 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