

## Your Right to Appeal

*Find out how you can appeal premium, industry classification and compensation decisions.*



## You Have the Right to Appeal

In the interest of fairness and service, you have the right to appeal the premium you're assessed, the classification of your business, and compensation claims. Workers and their dependants also have the right to appeal decisions related to their compensation claims.

Appeals are made to the Appeals Tribunal and heard by an Appeals Panel.

### Appealing Your Assessment or Classification

1. Ensure all relevant information has been given to our Assessment Services Department.
2. Write to Assessment Services and request a re-examination of the initial decision.
3. Request an appeal to the tribunal if you're still not satisfied.

### Appealing a Compensation Claim

Before submitting an application of appeal for a compensation claim to the tribunal, you must provide all relevant information to the original decision-maker. This will avoid unnecessary delays and ensure you receive all the services to which you are entitled. The original decision-maker is the person who signed the letter informing you of the compensation decision.

#### **Deadline to Appeal:**

One year from the date of the decision  
(excludes decisions made before June 1, 2001)

### Appeals Tribunal, Panel and Hearing

The Appeals Tribunal is an administrative tribunal operating on the premise of natural justice and at arm's length from the WHSCC. The decision, order or ruling of the tribunal is final.

An Appeals Panel consisting of either one or three persons conducts the appeal hearing. Hearings are structured, fair, and designed to collect necessary information. You can make your presentation to the hearing orally or in the form of a written submission.

- Witnesses on your behalf can appear at the hearing.
- You must advise the tribunal in writing of any witnesses three weeks before the hearing date.
- All relevant information should be submitted to the original decision-maker.
- Should the aforementioned not be possible, you may submit documents to the tribunal at least three weeks before the hearing.
- New documents presented at the hearing are subject to the acceptance of the panel.

### Submitting an Appeal

No forms are required to file for an appeal. All you have to do is submit the following information in writing to the Appeals Tribunal Registrar:

- Your name, address and claim or employer number.
- Date of decision being appealed.
- Issue being appealed and your request to appeal.
- Reasons supporting your appeal.
- Preferred official language.

### Appealing a Decision

You have two options if your appeal is not accepted.

- 1. Reconsideration:** Decisions may be reconsidered only when new, substantial information is submitted.
- 2. Court of Appeal:** You may appeal to the Court of Appeal on questions of jurisdiction or law. If you intend to go to the Court of Appeal you must apply to the Appeals Tribunal for a Statement of the Facts within 30 days of notice of the Appeals Tribunal's decision, order or ruling.

#### To contact the Appeals Tribunal:

Toll Free: 1 800 222-9775      Tel: 506 632-2200

Fax: 506 633-3989

E-mail: [appeals@whscc.nb.ca](mailto:appeals@whscc.nb.ca)

### No-cost Advocates for Employers

Employers' Advocates offer a free service that can help you with the appeals process and matters concerning the *Workers' Compensation Act*. Advocates are employees of the Department of Training and Employment Development and are independent of the WHSCC.

Employers' Advocates:

- Determine if a claim problem can be resolved through an appeal.
- Help prepare an appeal.
- Appear with you, or as your representative, at Appeals Panel Hearings.
- Advise on actions to take.
- Help gather necessary information.
- Provide general information about the workers' compensation system, policies, and procedures.

To enlist the services of an Employer Advocate, call the Office of the Employers' Advocate nearest you.

Fredericton: 506 457-3510

Moncton: 506 856-3176

Bathurst: 506 547-2267