

WCB Appeals Tribunal

Information Pamphlet

Purpose

The purpose of this information pamphlet is to provide applicants to the WCB Appeals Tribunal with an understanding of the process of an appeal.

There are two levels in the WCB appeal process. The first is the Review Committee which may uphold, reverse or vary the original decision. The Appeals Tribunal is the second and final level of the appeals process. It can only hear appeals of decisions reached by the Review Committee. The Appeals Tribunal may uphold, reverse or vary the Review Committee's decision.

Procedure Before the WCB Appeals Tribunal

1. How do you request an appeal of a WCB Review Committee decision?
 - You must contact the Appeals Registrar to advise of your decision to appeal, either by telephone or in writing. The Appeals Registrar will send you the required appeal forms.
2. Who can appeal a Review Committee decision to the Appeals Tribunal?
 - a worker
 - a deceased worker's dependant
 - an employer wishing to challenge a compensation issue
 - an employer wishing to challenge an assessment issue
3. What are the steps in the appeal process before the WCB Appeals Tribunal?
 - You must advise the Appeals Registrar of your decision to appeal
 - You must complete the "Request for Appeal" form that the Appeals Registrar will send to you.
 - The appeal will be registered once the form is received or the Appeals Tribunal reviews a written request and all necessary information.
 - The Appeals Registrar will notify all affected persons of the issue under appeal and advise them of their right to make submissions to the Appeals Tribunal.
 - The Appeals Registrar will notify you in writing once the hearing has been scheduled.
 - Appeals are heard by a panel of three members of the Appeals Tribunal including an employer representative, a worker representative and the Minister's appointee.
 - Unless the Appeals Tribunal requires the appellant to appear at the hearing, all travel expenses and all associated costs are the appellant's responsibility.
 - The Tribunal will also conduct oral hearings if requested by the appellant.

- The Appeals Tribunal may uphold, reverse or vary the Review Committee's decision. You will receive a written copy of the Tribunal's decision.

4. Do I need to be legally represented at the Appeals Tribunal hearing?

- You do not need to be legally represented and you may choose to represent yourself at the hearing.
- You may choose to have the Workers' Advisor represent you before the Appeals Tribunal. The Workers' Advisor's services are provided free of charge and the Workers' Advisor will accept collect telephone calls. The Workers' Advisor can help you file your appeal forms and advise you about your case.
- You may choose to have legal representation at the hearing. However, any legal fees that you incur are your responsibility.
- It is important to note that the Appeals Tribunal does not provide funds for any type of preparation for the hearing or any legal fees. Therefore, any legal fees or preparation costs are your responsibility.

5. The Rules of Procedure for the WCB Appeals Tribunal

- The Rules of Procedure for the WCB Appeals Tribunal govern how an appeal will be conducted.
- You may request a hard copy from the Appeals Registrar or you may download an electronic copy from the website www.wcb.nt.ca. It is important to review the Rules of Procedure prior to the hearing of the appeal.

6. How long does it take for the Appeals Tribunal to make its decision?

- The Appeals Tribunal will release its decision within a reasonable amount of time after the conclusion of the hearing unless new information or further clarification is required. If so, the appellant will be contacted.

Answers to Frequently Asked Questions

- The Appeals Tribunal is independent from the Workers' Compensation Board.
- Your appeal will be heard by a panel of the Appeals Tribunal in Yellowknife, N.W.T. However, you may participate in the hearing of the appeal in person, or via telephone or video conference.
- The WCB Appeals Tribunal process is less formal than court process and is non-adversarial in nature.

For More Information

Contact the Appeals Registrar at:

Workers' Compensation Board of
the N.W.T. and Nunavut Appeals Tribunal
Box 8888
Yellowknife, NT X1A 2R3

Phone: (867) 669-4420 or 669-4411

Toll Free: 1-800-661-0792

Fax: 867-766-4226

Contact the Workers' Advisor at:

#19, 4817-49th Street Yellowknife NT X1A 3V8

Phone: (867) 873-4345

Toll Free: 1-877-816-0166

Fax: (867) 873-4349