

## Board Appeal Tribunal for Employers

You can ask our Board Appeal Tribunal (the Tribunal) to review any decision made by the Appeals Department or the Assessment Committee. The Tribunal is the WCB's final level of appeal. It is made up of two or more Board Members who are unbiased and who will be responsive to the needs of both workers and employers.

The Tribunal has full authority in all matters arising from [The Workers' Compensation Act, 2013](#). It has the same powers as the Court of Queen's Bench. It can ask witnesses to appear and to give statements under oath. It can ask that evidence be produced. The Tribunal is not bound by legal precedent but will make its decisions on the real merits of each case to be fair and reasonable. The Tribunal must base its decisions through the language of *the Act*.

Since the Tribunal has full authority to review all matters, they can reconsider every decision previously made and are not required to uphold prior decisions if they believe them to be incorrect. All matters will be reviewed and reconsidered when an appeal is submitted. The Tribunal completes a total review of the case.

### Filing an Appeal

Your appeal must be in writing. You must give your reasons for the appeal and send any supporting documents. Please indicate if you wish to have a hearing (see Types of Appeals below.) Mail your written appeal to the address at the top of this page to the attention of the Board Services Department.

We will tell you when we have received your appeal. We will look at your appeal to make certain that it is a concern that can be reviewed by the Tribunal. Our staff also may offer advice to help you with your appeal.

If the appeal is about an injury claim, we will advise both you and your worker. All information relating to a claim may only be used for the purpose of an appeal. Both of you will have an opportunity to provide information that supports a position.

With some injury claims, an employer may ask to take part in a worker's appeal, or a worker may ask to take part in an employer's appeal. The Tribunal decides this on a case-by-case basis. If it agrees, any written submissions by one party will be given to the other party. All personal or medical information not related to the claim will be removed before being released to you.

### Types of Appeals Processes

There are two types of appeal processes. One process includes a hearing, the other does not (this is called a paper review). In both cases the Tribunal follows an inquiry model where they can gather additional information if needed. For information about the hearing process, see our [Board Appeal Tribunal Hearing Fact sheet](#) on the website.

#### Non-Hearing Appeal Process (Paper Review)

- The Tribunal reviews your appeal and any submissions it has received.
- The Tribunal may ask for other information it feels is necessary.
- The Tribunal reviews all information and makes its decision.
- You receive a written copy of the Tribunal's decision. Other parties to the appeal will receive a copy, too.



### Hearing Appeal Process

- We will schedule a hearing and advise you of the date and location. (Hearings can be held either in Regina or Saskatoon.)
- An assistant to the Tribunal will be at the hearing to take notes. The Tribunal will arrange for a court reporter at the hearing if the Tribunal believes official transcripts are needed.
- We do not pay your travel expenses or the expenses of any one at the hearing on your behalf.
- The Tribunal considers information on file, information provided at the hearing, and information that may be provided after the hearing. Any information gathered after the hearing will be shared with the person who filed the appeal so they may comment on it.
- A video conference may be an option for you if you are from the northern part of the province. You would attend our Saskatoon office and the Tribunal would be in Regina, able to see and hear you. This option may provide you with an earlier hearing opportunity. (See our [Board Appeal Tribunal Hearing/Video Conference Fact Sheet](#) on the website.)

### **Information about Worker Appeals**

- You cannot have a copy of the worker's claim file if the worker requested the appeal.
- You cannot ask for a hearing if the worker did not ask for one. You can, though, send us a written submission concerning the claim. A copy of the submission will be given to the worker.
- The Tribunal will decide whether you can attend a hearing that was requested by the worker.
- The Tribunal will consider the nature of the appeal and whether you have information that helps the Tribunal reach a decision.

### **Filing an Appeal on a Worker's Claim**

- You can receive a copy of a worker's injury claim if you are appealing a decision on the claim. You may not receive updates of the claim because of time constraints.
- The worker can also attend if you asked for a hearing on your appeal. Workers do not attend hearings on cost relief because this usually has no impact on their entitlement.

### **Appealing a Decision about your Employer Account**

- We will give you copies of the information used to make the decision. You can request the information by contacting [Employer Services](#). Your appeal may be directed to the Assessment Committee.

### **Decisions by the Tribunal**

We will send you our written decision. Your letter will be more general if you did not get a copy of the claim file. The letter will give you the Tribunal's decision but will avoid unnecessary references to the worker's personal or medical information. If we did give you a copy of the claim file, your letter will include the personal and medical information used by the Tribunal to make its decision.

### **Fair Practices Office (FPO)**

The FPO receives complaints and questions about the WCB practices in all areas of service delivery. It cannot review issues that are under appeal. For more information on the FPO office, please refer to the detailed [fact sheet](#) found on our website.