

Board Appeal Tribunal for Workers

You can ask our Board Appeal Tribunal (the Tribunal) to review any decision made by the Appeals Department. The Tribunal is made up of two or more members of the Board 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 also can ask that evidence be produced. The Tribunal is not bound by any 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 on your file, 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 you submit an appeal. Included in the decision will be any other entitlements you may have, but did not get before. The Tribunal completes a total review of your 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 look at your appeal to ensure it is an issue that has been dealt with at the Appeals Department level first. We will tell you in writing that your appeal will be reviewed by the Tribunal. We may also provide you with advice necessary to help you with your appeal.

Your employer will be told of your appeal and allowed to submit information to the Tribunal. With some injury claims, an employer may ask to take part in your appeal. The Tribunal will decide if they will allow this on a case-by-case basis and will let you know their decision. If you have previously requested your claim file information, any written submissions by the employer will be provided to you. All information relating to a claim may only be used for the purpose of an appeal.

Types of Appeals

There are two types of appeal processes. One process requires 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. Any new information gathered is shared before a decision is made.

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.
- Your employer will receive a brief explanation of the decision.



Hearing Appeal Process

- We will schedule a hearing and advise you of the date and location. (Hearings can be held in either 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 it believes official transcripts are needed.
- You may receive travel expenses to attend the hearing if you live within Canada. The Tribunal will decide if it will meet with you. If you live outside Canada, payment is decided on a case-by-case basis.
- Travel expenses will not be paid for doctors or people acting on your behalf.
- 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.)

Your employer does not have the right to get a copy of your injury claim file when you file an appeal. However, you can get a copy of your file to help you prepare your appeal. If you have previously obtained your file information you will get a copy of your updated file before your hearing date. If you have asked the Office of the Workers' Advocate to represent you, they have electronic access to see your claim.

If you did not ask for a hearing for your appeal, your employer cannot ask for one either. Your employer can only provide a written submission concerning your appeal, which you will be able to read.

If you asked for a hearing for your appeal, the Tribunal will decide whether or not to allow your employer to attend. Their decision will be based on the nature of your appeal and whether their information will help the Tribunal make a decision.

Decisions by the Tribunal

We will send you our written decision. It will outline the information considered before reaching a decision and provide reasons about how all the information was applied to make the decision.

The Tribunal will also contact your employer by letter. The letter will state that either:

- There has been no change to your entitlement, or
- There has been a change to your entitlement. If this happens the letter will outline, in general terms, the decision made avoiding any unnecessary reference to personal and medical information in your file.

If you disagree with the Tribunal's decision, and the issue revolves around a medical question, there is a process for examination by a Medical Review Panel. Their decision would be binding on both you and the Tribunal. See the [Medical Review Panel fact sheet](#) for more details.

Office of the Workers' Advocate

You can also ask the Office of the Workers' Advocate to give you free and independent advice about your claim and your appeal.

Workers' Advocate contact information:

400 – 1870 Albert Street

Regina, S4P 4W1

Phone: 306.787.2456 or **toll free:** 1.877.787.2456

Fax 306.787.0249

Website: www.saskatchewan.ca

Fair Practices Office (FPO)

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

FPO contact information:

Phone 306.787.8651 or toll free: 1.888.787.8651

Fax: 306.787.6751 or toll free fax: 1.866.787.6751

Email: fairpracticeoffice@wcbask.com