

## **Respondent's Guide**

## WHAT IS A RESPONDENT?

When the Workers' Compensation Appeal Tribunal (WCAT) receives an appeal from a worker or employer, we invite anyone who may be directly affected by the appeal to participate in it as a respondent.

For example, an employer can choose to participate as a respondent in a worker's appeal. Another type of respondent might be an organized group of employers or an Employers' Adviser that WCAT has allowed to participate in place of an employer who has gone out of business. Likewise, a worker or union may choose to participate as a respondent in an employer's appeal.

## WHAT INFORMATION DOES A RESPONDENT RECEIVE FROM WCAT?

We provide all possible respondents with the following information, even if they choose not to participate in the appeal:

- Notice that an appeal has been filed at WCAT
- An invitation to participate in the appeal
- A copy of any information and evidence that the appellant sent to us before we invited you to participate in the appeal
- A copy of our final decision on the appeal

## HOW DO I REGISTER AS A RESPONDENT?

If we receive a notice of appeal involving you, we will send you the following:

- A letter inviting you to participate in the appeal

- The *Notice of Appeal* form or letter of appeal we received
- A *Notice of Participation* form that provides you with the opportunity to become a respondent and allow someone else to represent you

You will then have **14 days** to complete and send in the *Notice of Participation* form telling us you wish to be a respondent and whether you will use a representative to assist you.

If you choose to participate in the appeal as a respondent, we will also provide you with the following:

- Notice of the date, time, and location of an oral hearing, if one is going to be held
- A copy of the WorkSafeBC file concerning the appeal
- The opportunity to participate in the oral hearing by making oral submissions (arguments) and by bringing witnesses to testify
- A copy of documents that the appellant sends to us or we obtain
- The opportunity to provide us with written submissions and evidence

Of course, the appellant will also receive all of this information.

## WHAT HAPPENS AFTER I REGISTER AS A RESPONDENT?

We will ask WorkSafeBC to send you disclosure (either a full or an updated copy of the WorkSafeBC file). You should read it when it arrives. You will then know what evidence and policies WorkSafeBC or the

Review Division relied on to make the decision under appeal. You can then decide what new evidence you might want to provide us. You should begin gathering your new evidence and information now.

If the appeal proceeds by oral hearing, we will let you know the date and time so that you can attend. We hold oral hearings in many locations throughout British Columbia. We usually hold hearings in person, but sometimes we use teleconferences instead. Our *Oral Hearing Guide* describes this method of appeal in detail.

If you do not attend the oral hearing, we will not send you any more information about the appeal, including any evidence we receive at or after the hearing. However, we will send you a copy of our final decision on the appeal.

If the appeal proceeds by written submissions, we will send you a copy of the appellant's written submission and evidence. We will also invite you to provide us with your own written submission and evidence. Our *Written Submission Guide* describes this method of appeal in detail.

### DO I HAVE ANY OBLIGATION TO INVOLVE MYSELF IN THE APPEAL?

No. You are not required to participate as a respondent in an appeal.

Even if you do not choose to participate in an appeal as a respondent, we may ask you to provide relevant evidence to us.

### WHAT IF I WANT TO RAISE DIFFERENT ISSUES THAN THE APPELLANT?

WorkSafeBC or Review Division decisions often contain many issues. We usually make our decision only on the issues raised by the appellant in the *Notice of Appeal* and the written or oral submissions. However, you may want us to decide an issue that the appellant has not raised. In that case, you should file your own appeal (cross appeal) to ensure that we consider your issue. Otherwise, if the appellant later drops (withdraws) their appeal, you will have to apply for an extension of time, running the risk that this might not be granted.

***Note: We cannot decide any issue or question that was not contained in the WorkSafeBC or Review Division decision. If you want a decision on something new, you must ask WorkSafeBC for it.***

### HOW LONG DOES AN APPEAL TAKE?

You can expect us to decide an appeal within six months from the date that WorkSafeBC gives you disclosure. It is therefore important that you provide your written submission to us promptly when we ask for it and attend any oral hearing on the scheduled date.

If we conduct the appeal through written submissions, we will ask you to provide your written submission within 21 days of our request.

If we grant the appellant more than the usual 21 days to provide a submission (up to an extra 45 days), you may ask for the same amount of extra time without having to give us any reasons for your request.

If the appeal is complicated, reaching a decision may take us more than six months.

## DO I NEED SOMEONE TO REPRESENT ME?

You may respond to an appeal on your own, of course, but you might also want to ask for assistance from someone familiar with the workers' compensation system, such as a compensation consultant, a lawyer, an employers' association, or a union representative.

Free help for employers is available from the employers' advisers (see the end of this Guide for contact information).

Free help for workers is available from the workers' advisers (see the end of this Guide for contact information).

To protect your privacy, we will not discuss the appeal with anyone but you unless you authorize a representative on the *Notice of Participation* form that gives us permission to do so.

## WHERE CAN I FIND MORE INFORMATION?

You will find more information about us on our website ([www.wcat.bc.ca](http://www.wcat.bc.ca)).

For further information about WorkSafeBC or the Review Division, please contact:

**WorkSafeBC:** 1 888 967-5377

**Review Division:** 1 888 922-8804

## WHERE CAN I GET MORE HELP?

You can get free help responding to an appeal from an employers' or workers' adviser at one of these locations:

### EMPLOYERS' ADVISERS

Website: [www.labour.gov.bc.ca/eao](http://www.labour.gov.bc.ca/eao)

#### VANCOUVER/LOWER MAINLAND REGION

##### **Abbotsford**

207 - 32555 Simon Avenue  
Abbotsford, BC V2T 4Y2  
Telephone: 604 870-5492  
Fax: 604 870-5498  
Toll Free within BC and  
Alberta: 1 866 870-5492

##### **Richmond**

620 - 8100 Granville Avenue  
Richmond, BC V6Y 3T6  
Telephone: 604 713-0303  
Fax: 604 713-0345  
Toll Free within BC and  
Alberta: 1 800 925-2233

#### VANCOUVER ISLAND REGION

##### **Nanaimo**

404 - 495 Dunsmuir Street  
Nanaimo, BC V9R 6B9  
Telephone: 250 741-5500  
Fax: 250 741-5508  
Toll Free within BC and  
Alberta: 1 866 827-2277

##### **Victoria**

400 - 3960 Quadra Street  
Quadra Centre  
Victoria, BC V8X 4A8  
Telephone: 250 952-4821  
Fax: 250 952-4822  
Toll Free within BC and  
Alberta: 1 800 663-8783

#### INTERIOR REGION

##### **Kamloops**

101 - 70 Second Avenue  
Kamloops, BC V2C 6W2  
Telephone: 250 828-4397  
Fax: 250 828-4563  
Toll Free within BC and  
Alberta: 1 866 301-6688

##### **Kelowna**

102 - 1726 Dolphin Avenue  
Kelowna, BC V1Y 9R9  
Telephone: 250 717-2050  
Fax: 250 717-2051  
Toll Free within BC and  
Alberta: 1 866 855-7575

##### **Nelson**

503 - 310 Ward Street  
Nelson, BC V1L 5S4  
Telephone: 250 354-6139  
Fax: 250 354-6138  
Toll Free within BC and  
Alberta: 1 877 877-5524

##### **Prince George**

206 - 1577 7th Avenue  
Prince George, BC V2L 3P5  
Telephone: 250 565-4285  
Fax: 250 565-4288  
Toll Free within BC and  
Alberta: 1 888 608-8882

## WORKERS' ADVISERS

Website: [www.labour.gov.bc.ca/wab](http://www.labour.gov.bc.ca/wab)

### VANCOUVER/LOWER MAINLAND REGION

#### Abbotsford

204 - 32555 Simon Avenue  
Abbotsford, BC V2T 4Y2  
Telephone: 604 870-5488  
Fax: 604 870-5494  
Toll Free within BC:  
1 888 295-7781

#### Richmond

500 - 8100 Granville Avenue  
Richmond, BC V6Y 3T6  
Telephone: 604 713-0360  
Fax: 604 713-0311  
Toll Free within BC:  
1 800 663-4261

### VANCOUVER ISLAND REGION

#### Campbell River

205 - 1040 Shoppers Row  
Campbell River, BC V9W 2C6  
Telephone: 250 830-6526  
Fax: 250 830-6528  
Toll Free within BC:  
1 888 643-0013

#### Nanaimo

504 - 495 Dunsmuir Street  
Nanaimo, BC V9R 6B9  
Telephone: 250 741-5504  
Fax: 250 741-5516  
Toll Free within BC:  
1 800 668-2117

#### Victoria

403 - 3960 Quadra Street  
Victoria, BC V8X 4A3  
Telephone: 250 952-4393  
Fax: 250 952-4399  
Toll Free within BC:  
1 800 661-4066

### INTERIOR REGION

#### Kamloops

102 - 70 Second Avenue  
Kamloops, BC V2C 6W2  
Telephone: 250 371-3860  
Fax: 250 371-3820  
Toll Free within BC:  
1 800 663-6695

#### Kelowna

101 - 1726 Dolphin Avenue  
Kelowna, BC V1Y 9R9  
Telephone: 250 717-2096  
Fax: 250 717-2010  
Toll Free within BC:  
1 866 881-1188

#### Nelson

310 Ward Street  
Second Floor  
Nelson, BC V1L 5S4  
Telephone: 250 354-6933  
Fax: 250 354-6944  
Toll Free within BC:  
1 866 354-6933

#### Prince George

208 - 1577 7th Avenue  
Prince George, BC V2L 3P5  
Telephone: 250 565-4280  
Fax: 250 565-4283  
Toll Free within BC:  
1 800 263-6066

## WCAT INFORMATION GUIDES

*Appealing a Review Division Decision -  
Worker's Guide\**

*Appealing a Review Division Decision -  
Employer's Guide\**

*Respondent's Guide\**

*Oral Hearing Guide\**

*Written Submission Guide\**

*Medical Evidence Guide\**

*Post Decision Guide\**

*Judicial Review Guide*

*Legal Action Guide  
(Section 257 Certificate)*

*Direct Appeal Guide for Workers*

*Direct Appeal Guide for Employers*

\* These Guides are also available on our website in Punjabi, Chinese (Traditional) and Chinese (Simplified)

## WCAT CONTACT INFORMATION

Website: [www.wcat.bc.ca](http://www.wcat.bc.ca)

Telephone: 604 664-7800

Fax: 604 664-7898

Toll Free within BC: 1 800 663-2782

Mailing Address:

Workers' Compensation Appeal Tribunal  
150 - 4600 Jacombs Road  
Richmond, BC V6V 3B1