

This information explains how to collect evidence that's useful to support your side of the appeal. Find more information on our website: [wcat.bc.ca](http://wcat.bc.ca). Or feel free to call our team to ask for help: 604-664-7800 or 1-800-663-2782.

## What is evidence?

Before making a decision, the vice chair considering your appeal will look at information, statements and documents. This is called evidence. Here are some examples:

**Oral testimony.** A witness can provide evidence at a meeting called an oral hearing. They say what happened and answer questions. Since you will probably be the main witness for your case, you should plan how you will explain what happened. Make a list of all the points you want to cover.

**Written statements.** Witnesses can also give evidence in writing. They could write a signed letter or provide an affidavit, which is a written statement they make under oath or affirmation.

**Expert evidence.** An expert, such as a doctor or an occupational therapist, can provide evidence. Usually, it's a written report.

**Other documents.** Any other documents or files can be used as evidence to support your position in the appeal. For example, you could use photos, workplace investigation reports, first aid reports or financial records. You can also use emails or text messages as long as you include the entire text or email conversation.



**You do not need to provide information that is already on the WorkSafeBC file.** The vice chair already has that evidence. The WorkSafeBC file also includes anything that was provided to the Review Division.

## Do you need more evidence?

You only need to get new evidence if you think the information already on the WorkSafeBC file isn't complete or doesn't fully support your position in the appeal. Consider...

- ✓ What evidence will help to explain what happened?
- ✓ What facts do you need to prove? What evidence will prove those facts?

If you don't have new information to share, contact WCAT to let them know you won't be sending anything else.



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## Evidence from witnesses

Think about whether you need evidence from witnesses. For example, if WorkSafeBC doesn't accept your statement about what happened, witnesses may be able to provide facts about what happened.

Think of people who have personal knowledge of the facts you want to prove. For example:

- ✓ Who was there and saw the event?
- ✓ Are there people who can confirm what happened?

This evidence is more reliable and will help your case more than evidence from people who can only tell what they heard from someone else.

You may also have a witness who did not actually see an event, but they saw the result. For example, they saw a worker lying on the ground at the bottom of a ladder. From this, it could be inferred that the worker fell from the ladder.

**Remember:** Witnesses need to provide facts. Their opinions about what happened are not helpful.



Visit our website to find tips on how to collect and prepare evidence: [WCAT.BC.CA](https://www.wcat.bc.ca) > [APPEAL A DECISION](#) > [PREPARE YOUR CASE](#) > [COLLECT EVIDENCE](#)

## Expert evidence

Expert evidence is an opinion from someone with specialized education, training or experience in a specific area. For example, a health care professional, vocational rehabilitation consultant, engineer or accountant.

Written reports or documents from experts can be submitted as evidence. They do not need to attend an oral hearing.

**You don't need expert evidence to prove some facts.** For example, you could:

- ✓ Give evidence about your symptoms and how they affect you, but only a doctor can diagnose those symptoms
- ✓ Give evidence about how a job is done, but an ergonomic specialist, like a kinesiologist, would explain any risk of soft tissue injury from the job duties



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**Medical evidence** is a type of expert evidence from a health care professional such as a doctor, psychologist, chiropractor, physiotherapist, kinesiologist, occupational therapist or dentist.

An expert's medical report may include:

- A diagnosis of a condition and an opinion on whether a work event or activity caused that diagnosis
- An opinion about physical or psychological disability

Medical evidence isn't just medical reports. It can include:

- Chart notes from anyone who has provided treatment, including hospital records
- Imaging reports like CT scans, MRIs or x-rays

## How to get evidence from an expert

**Step 1:** Ask to meet with the expert or write them a letter. Explain how information or an opinion from them could help. Give them information to describe the situation. For example:

- ✓ Specific questions about your medical condition that need to be answered
- ✓ The decisions from WorkSafeBC and the Review Division that are being appealed
- ✓ Information from the WorkSafeBC file about the appeal that could help form their opinion, such as relevant medical evidence on the WorkSafeBC file

**Step 2:** Explain how information or an opinion from them could help. Ask them to explain:

- ✓ Their qualifications
- ✓ How they know you and how familiar they are with the case
- ✓ The facts that their opinion is based on
- ✓ Their opinion on the specific questions about your medical condition and the reasons for their opinion
- ✓ If their opinion is different from other expert evidence, an explanation of why
- ✓ Any other information or opinions that may be helpful



**GET HELP.** You can authorize someone to help you explain your side of the appeal, or get free help from an advisor. For more information visit: [WCAT.BC.CA](https://www.wcat.bc.ca) > **ASK FOR HELP WITH THE APPEAL PROCESS**



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