

Get a final decision

After the hearing or written submissions, WCAT will issue a decision. WCAT usually issues the decision within 6 months of the time you received disclosure of the claim file. Sometimes it may take longer, particularly if the matter is complex or if the vice chair needs to take extra steps, such as an investigation.

WCAT will send its final decision to all parties using the same method that it used to correspond with them during the appeal – usually by mail or through WCAT Online Services. When WCAT makes a decision, it will either:

- Vary – The previous decision or order is changed by WCAT. If the person appealing is successful on some, but not all of the issues they appealed, the decision will be varied “in part.”
- Confirm – The previous decision or order does not change.
- Cancel – The previous decision or order is cancelled.
- Dismiss – WCAT dismisses the appeal on an early basis, usually without dealing with the main argument. WCAT has authority to do this if, for example, it does not have jurisdiction (legal authority) to address the matter, or for other reasons permitted by law. WCAT will ask parties for their position before it dismisses an appeal.

Get more information: [Manual of Rules of Practice and Procedure \(MRPP\) Chapter 17: WCAT Decision Making](#)

What can you do after a final decision?

WCAT is the last level of appeal in the workers' compensation system, and its decisions are final. WCAT has very limited powers to change or reconsider its own decisions.

If the WCAT decision is different than WorkSafeBC's decision, WorkSafeBC will then implement the decision. [Contact the WorkSafeBC claim officer or department](#) with any questions about this step.

Get a decision corrected or clarified

WCAT can correct small errors, like typographical or mathematical errors, after a decision is issued. It can also issue clarifications if something in the decision is not clear. Clarifications cannot change the decision.

If you want a correction or clarification, [send a letter or email to the Tribunal Counsel Office at WCAT](#) within 90 days. The vice chair will decide whether to grant a correction or clarification. One of the factors the vice chair may consider is whether you asked within 90 days.



LEARN MORE ONLINE: [WCAT.BC.CA > APPEAL A DECISION > GET A FINAL DECISION](#)



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Richmond, BC V6V 3B1



Call 604-664-7800 or
1-800-663-2782 (toll-free in B.C.)



Online
wcat.bc.ca

Apply for a reconsideration of a decision

Any party to an appeal can apply for reconsideration. There is no time limit to apply. However, WCAT will only reconsider decisions in very limited circumstances.

WCAT will reconsider decisions in very limited circumstances:

1. When new evidence is available

A reconsideration application on the basis of new evidence can only be successful if the new evidence:

- did not exist at the time the appeal hearing, or
- if it did exist, was recently discovered and could not have been discovered earlier with reasonable efforts.

For example, a new medical opinion that supports your appeal will likely not be considered “new” if you could have asked for it during your appeal. However, if you got new information that was not available during your appeal, like a new test that was not available, that could meet the requirements for a reconsideration based on new evidence.

2. When there was a jurisdictional error

You can also apply for a reconsideration if WCAT made a jurisdictional error. For example, WCAT may have made a jurisdictional error if it:

- Decided a matter outside WCAT's jurisdiction in that appeal – for example, if WCAT made a decision about something it had no power to decide.
- Failed to decide a matter that it was required to decide – for example, if the WCAT did not address an issue that it had the power to decide and the person who appealed the decision asked it to be addressed.
- Was procedurally unfair during the decision-making process – for example, if WCAT did not give all parties the opportunity to be heard and make submissions.

To apply for a reconsideration, send the application form or a letter with your grounds for reconsideration to the Tribunal Counsel Office at WCAT.

[WCAT.BC.CA > FORMS > APPLICATION FOR A RECONSIDERATION OF A WCAT DECISION](#)

If you are applying on the basis of new evidence, be sure to provide the new evidence you will be relying on. If you had more than one appeal joined together, specify which appeals you want to have reconsidered.

There is no time limit for a reconsideration. You can only ask for a reconsideration once on each ground (new evidence or jurisdictional error).



Once you apply for a reconsideration:

- WCAT Tribunal Counsel Office will assess your application to see if you have laid out potential grounds for reconsideration.
- If so, your application will proceed. WCAT will invite the other parties to the appeal to respond to your application.
- WCAT will issue a written decision about whether your reconsideration application is allowed.
- Only if WCAT allows your reconsideration application will it rehear your appeal and decide it again. The fact that you are successful at the first stage does not necessarily mean your appeal will be successful.

Ask for a judicial review

The courts can review WCAT decisions, but its powers to do so are limited. This is called a judicial review.

If you want a judicial review, you must file your petition within 60 days of the decision date, though the court has discretion to grant extensions.

A judicial review is not an appeal. The judge may allow a review if:

- The WCAT decision contained a “patently unreasonable” error of fact or law, or exercised its discretion in a “patently unreasonable way”.
- WCAT acted in a way that was procedurally unfair.

It is not enough that a different vice chair might have decided the appeal differently.

If a judicial review is allowed, the courts usually not make a new decision about the appeal. In almost all cases, WCAT will be asked to redo the appeal.

Apply for a judicial review

- File your judicial review petition within 60 days.
- You must serve the petition and affidavit on WCAT, the Attorney General of British Columbia, WorkSafeBC, and the other appeal parties. Courier documents to WCAT or drop them off with the receptionist.
- As a courtesy, WCAT shares the entire appeal record with all parties and the court, so you do not have to include this in your supporting affidavit.

Find out how to serve documents to other parties: [Supreme Court of British Columbia Guidebooks > Starting a Proceeding by Petition \(PDF, 774KB\)](#). If the petition is not served to all parties, the court may delay your hearing or dismiss the petition.

Get more information on judicial reviews from [the Supreme Court of British Columbia registry](#). You may also wish to seek legal advice.



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JUSTICE ACCESS CENTRE

[Supreme Court Self-Help and Information Services](#)

- Surrey: 604-501-3100
- Vancouver: 604-660-2084
- Nanaimo: 250-741-5447 or 1-800-578-8511
- Victoria: 250-356-7012

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[Community Legal Assistance Society](#) | 1-888-685-6222[Access Pro Bono](#) | 1-877-762-6664[Law Students' Legal Advice Program](#) | 604-822-5791

GET MORE INFORMATION

[Supreme Court of British Columbia Guidebooks > Defending a Proceeding Started by Petition \(PDF\)](#)[CLAS BC Judicial Review Self-Help Guide](#)[Judicial Review Package – Supreme Court of British Columbia \(PDF\)](#)

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