

**WCAT** Workers' Compensation  
Appeal Tribunal

# Annual Report

For the year January 1 to December 31, 2017

# 2017

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March 14, 2018

The Honourable Harry Bains  
Minister of Labour  
Room 138 - Parliament Buildings  
PO Box 9071 Stn Prov Govt  
Victoria, BC V8W 9E9

Dear Minister Bains:

**Re: 2017 Annual Report of the Workers' Compensation Appeal Tribunal (WCAT)**

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I am pleased to provide you with the 2017 WCAT Annual Report for the year ended December 31, 2017. This report has been prepared for your review pursuant to section 234(8) of the *Workers Compensation Act*.

Sincerely,

Andrew Pendray  
Chair

AP/ct

## CHAIR'S MESSAGE

I am pleased to present the 2017 Annual Report for the Workers' Compensation Appeal Tribunal (WCAT). This report provides an overview of WCAT's operations in 2017.

WCAT is an independent appellate tribunal and the final level of appeal for many issues in British Columbia's workers' compensation system. WCAT has jurisdiction over workers' compensation matters including compensation claims, employer assessments, some occupational health and safety matters and certificates for the courts regarding the status under the *Workers Compensation Act* (Act) of parties to litigation. The majority of the appeals and applications we received in 2017 were appeals regarding benefits under compensation claims.

In 2017 workers and employers filed 3,662 appeals and applications. Our vice chairs decided 3,365 appeals and applications on the merits, and addressed 991 through various summary decisions, for a total output of 4,356 decisions.

While the above numbers reflect the fact that WCAT continues to be a high volume appellate tribunal, intake of new appeals and applications was significantly decreased as compared to 2016. With the vast majority of appeals to WCAT coming from decisions of the Review Division of the Workers' Compensation Board (Board), change at the Review Division has a direct impact on the total intake of appeals at WCAT. 2017 saw a decrease in the total output of decisions from the Review Division, as well as a decrease in the rate of Board decisions confirmed by the Review Division. WCAT's reduced intake of new appeals for 2017 was reflected in those changes.

WCAT remains committed to providing quality decision making consistent with the Act, policy and WCAT precedent decisions in a timely and efficient manner. A continued focus in 2018 will be on reducing the timeframe from the date an application for appeal is received to the date a decision has been issued. The hiring of a number of new vice chairs in October 2017 will assist in this process.

In 2018, WCAT will also be focused on implementing a process to enable electronic filing of notices of appeal and participation in order to further our ability to provide prompt and responsive client service.

I would like to take this opportunity to thank all of WCAT's employees and appointees for a successful year. I look forward to continuing to improve our service to British Columbians in 2018.

Andrew Pendray  
Chair

## TABLE OF CONTENTS

<b>1. WCAT’S ROLE WITHIN THE WORKERS’ COMPENSATION SYSTEM .....</b>	<b>4</b>
<b>2. STATUTORY FRAMEWORK.....</b>	<b>4</b>
a) Changes in 2017 .....	4
b) Timeliness .....	4
c) Consistency .....	5
d) Finality .....	5
e) Practice and Procedure .....	6
<b>3. COSTS OF OPERATION FOR THE 2017 CALENDAR YEAR .....</b>	<b>6</b>
<b>4. EDUCATION AND OUTREACH.....</b>	<b>6</b>
4.1 Internal Education .....	6
4.2 External Education and Outreach Activities.....	8
<b>5. PERFORMANCE EVALUATION.....</b>	<b>8</b>
<b>6. STATISTICS.....</b>	<b>8</b>
6.1 Overview of Appeals Inventory.....	8
6.2 Time to Decision .....	10
6.3 Appeals and Applications.....	11
a) Intake.....	11
b) Merit Decisions .....	12
c) Summary Decisions.....	14
d) Requests for Extensions of Time .....	14
e) Top Five Issue Groups for WCAT Appeals .....	14
6.4 General.....	14
a) Appeal Paths .....	14
b) Locations of Oral Hearings .....	15
c) Appellants and Applicants.....	15
d) Representation .....	16
<b>7. PRECEDENT PANEL DECISIONS .....</b>	<b>16</b>
<b>8. REFERRALS OF POLICY TO THE CHAIR (SECTION 251).....</b>	<b>16</b>
<b>9. NOTEWORTHY WCAT DECISIONS.....</b>	<b>17</b>
9.1 Summaries of Noteworthy WCAT Decisions .....	17
<b>10. WCAT RECONSIDERATIONS.....</b>	<b>18</b>
10.1 Reconsideration on the Basis of Jurisdictional Error .....	19
<b>11. JUDICIAL REVIEW OF WCAT DECISIONS .....</b>	<b>19</b>
11.1 Judicial Review Applications .....	20
11.2 Judicial Review Decisions.....	20
a) <i>Branch v. Workers Compensation Appeal Tribunal, 2017 BCSC 97</i> <i>(January 23, 2017).....</i>	20
b) <i>Northern Thunderbird Air v. British Columbia (Workers’ Compensation</i> <i>Appeal Tribunal), 2017 BCCA 60 (February 1, 2017).....</i>	20
c) <i>Van Dam v. Workers’ Compensation Appeal Tribunal, 2017 BCSC 227</i> <i>(February 14, 2017).....</i>	21

- d) *Pomponio v. Workers' Compensation Appeal Tribunal, Oral Reasons, Courtenay S09037 (February 27, 2017)*.....21
- e) *Edwards v. British Columbia (Workers' Compensation Appeal Tribunal), 2017 BCSC 582 (April 7, 2017)*.....22
- f) *Kerr v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1245 (June 29, 2017)* .....22
- g) *Encinger v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1483 (August 8, 2017)* .....22
- h) *Sacky v. British Columbia (Workers' Compensation Appeal Tribunal), 2017 BCSC 1541 (August 30, 2017)*.....23
- i) *Air Canada v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1609 (September 12, 2017)*.....23
- j) *Goik v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1756 (September 29, 2017)*.....24
- k) *Chmielewski v. Workers' Compensation Appeal Tribunal et al, 2017 BCSC 1245 (November 7, 2017)* .....24
- l) *Denton v. Workers' Compensation Appeal Tribunal et al, 2017 BCSC 403 (November 23, 2017)*.....25

**12. WCAT MEMBERS..... APPENDIX A 26**

## 1. WCAT'S ROLE WITHIN THE WORKERS' COMPENSATION SYSTEM

WCAT is an independent appeal tribunal external to the Workers' Compensation Board, operating as WorkSafeBC (Board). WCAT's mandate is to decide appeals brought by workers and employers from decisions of the Board. WCAT receives compensation, assessment, and occupational health and safety appeals from decisions of the Review Division of the Board (Review Division). WCAT also receives direct appeals from Board decisions regarding applications for reopening of compensation claims and complaints regarding discriminatory actions. In addition, it receives applications for certificates for court actions.

Some decisions of the Review Division are final and not subject to appeal to WCAT such as decisions respecting vocational rehabilitation.

## 2. STATUTORY FRAMEWORK

The statutory framework governing the operation of WCAT is found in Part 4 of the *Workers Compensation Act*, sections 231 to 260. Part 4 resulted from the passage of the *Workers Compensation Amendment Act (No. 2), 2002* and came into force by regulation on March 3, 2003. WCAT is also subject to the *Administrative Tribunals Act*. Section 245.1 of the *Workers Compensation Act* provides that the following sections of the *Administrative Tribunals Act* apply to WCAT:

- Parts 1; 3; 8; 9 (except section 59); and,
- Sections 7.1; 11; 13; 14; 15; 28; 29; 30; 31; 32; 35(1) to (3); 37; 38; 42; 45; 46.3; 48; 49; 52; 60(1)(a), (b) and (g) to (i) and (2); and 61.

### a) Changes in 2017

There were no significant amendments to the *Workers Compensation Act* (Act) or to the *Administrative Tribunals Act* in 2017. A minor amendment was made to section 5.1(4) of the *Workers Compensation Act*, as a result of the *Health Professions Amendment Act, 2017*, S.B.C. 2017, c.15. The section was amended to remove the reference to the "College of Psychologists of British Columbia" and to replace it with a reference to "the college responsible for carrying out the objects of the Health Professions Act in respect of the health profession of psychology".

The definition of "employee" in section 2(e) of the federal *Government Employees Compensation Act* was amended to include officers and employees of the office of the Parliamentary Budget Office (see section 171 of *An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures, 2017 c. 20*).

### b) Timeliness

WCAT is required to decide new appeals within 180 days from the date that WCAT receives from the Board the records relating to the decision under appeal.

This time frame may be extended by the chair or the chair's delegate to a maximum of 90 days if the appellant requests and receives additional time to make submissions or submits new evidence and WCAT grants to the other parties a similar opportunity. The chair or the chair's delegate may also extend time on the basis of complexity. Lastly, an appeal may be suspended

and the appeal clock stopped if WCAT is waiting for either a pending Board determination that was requested by a WCAT panel with respect to a matter that it considers should have been, but was not, determined by the Board, there is a pending report from an independent health professional, or a pending Board decision respecting a matter that is related to an appeal.

The time limit for appealing a Review Division decision to WCAT is 30 days. A 90 day time limit applies to the limited matters for which there is a right of appeal directly to WCAT from a Board officer's decision. The chair or the chair's delegate has the discretion to grant an extension of time to appeal where it is found that special circumstances precluded the timely filing of the appeal and an injustice would otherwise result.

In combination with the 90 day appeal period for filing a request for review by the Review Division and the 150-day time frame for decision-making by the Review Division, the overall time frame for most matters to go through the review and appeal bodies is 15 months (apart from the time required to obtain file disclosure and any extensions or suspensions on the grounds permitted by the Act).

### **c) Consistency**

WCAT must apply the policies of the Board of Directors of the Board that are applicable in an appeal unless the policy is so patently unreasonable that it is not capable of being supported by the Act and its regulations. Under section 251 of the Act there is a process by which issues concerning the lawfulness of policy may be referred to the chair and the Board of Directors of the Board for resolution. This means that all decision-makers within the workers' compensation system apply the same policy framework in making decisions.

As well, the chair has authority under section 238(6) of the Act to establish precedent panels consisting of three to seven members. Pursuant to sections 250(3) and (3.1) of the Act, a decision by a precedent panel must be followed by other WCAT panels unless:

- the circumstances of the matter under appeal are clearly distinguishable from the circumstances in the panel's decision;
- subsequent to the panel's decision, a policy of the Board of Directors relied upon in the panel's decision is repealed, replaced or revised; or,
- the prior decision has been overruled by another panel appointed under section 238(6).

The authority of a precedent panel to overrule a prior precedent panel came into effect on May 14, 2015. The authority to establish precedent panels provides another means of promoting consistency in decision-making within the workers' compensation system.

### **d) Finality**

WCAT decisions are final and conclusive. There is no further avenue of appeal. There is a limited avenue for reconsideration on application by a party. WCAT may reconsider a decision on the basis of new evidence which is substantial and material and which did not previously exist, or which previously existed but could not have been discovered through the exercise of reasonable diligence. WCAT may also set aside a decision involving a jurisdictional error and provide a new decision.

### e) Practice and Procedure

The rules, practices, and procedures to be followed by WCAT are established by the chair. They are found in WCAT's Manual of Rules of Practice and Procedure (MRPP). The MRPP is available on WCAT's website, [www.wcat.bc.ca](http://www.wcat.bc.ca), by clicking on the link called "Manual of Rules of Practice and Procedure (MRPP)".

In 2017, item #6.6.7 of the MRPP was amended, effective March 30, 2017. The amendments clarified the role of the Board in WCAT proceedings, particularly in relation to the role of Board officers who attend WCAT hearings. The amendment was made by the Chair's Decision No. 24, which can be found on WCAT's website.

## 3. COSTS OF OPERATION FOR THE 2017 CALENDAR YEAR

Category	Cost
Salaries	8,566,083.04
Employee Benefits and Supplementary Salary Costs	2,130,708.96
Per Diem – Boards and Commissions	921,780.74
Travel	56,231.13
Centralized Management Support Services*	906,678.35
Professional Services	424,836.17
Information Technology, Operations and Amortization	1,346,398.33
Office and Business Expenses	418,026.88
Building Service Requests and Amortization	1,415.07
<b>TOTAL EXPENDITURES**</b>	<b>\$ 14,772,158.67</b>

\* These charges represent Building Occupancy and Workplace Technology Service charges.

\*\* This includes coroner's inquest costs.

## 4. EDUCATION AND OUTREACH

### 4.1 Internal Education

WCAT is committed to excellence in decision-making, and strives to provide decision-making that is predictable, consistent, efficient, independent, and impartial. We also strive to provide decisions that are succinct, understandable, and consistent with the Act, policy, and WCAT precedent decisions. These guiding principles are set out at item #1.4 of WCAT's MRPP.

WCAT recognizes that professional development is essential to achieving and maintaining the expected standards of quality in decision-making. Accordingly, WCAT has pursued an extensive program of education, training, and development, both in-house and externally, where resources permit.

In 2017, the WCAT education group, led by the Vice-Chair Quality Assurance, organized a wide variety of educational and training sessions. Members of WCAT attended these sessions both as participants and as educators or facilitators. WCAT is registered as a continuing professional development provider with the Law Society of British Columbia.

WCAT is also represented on the Inter-Organizational Training Committee, which is composed of representatives from the Board (including the Review Division), WCAT, and the Workers' and Employers' Advisers' Offices. The Committee's goal is to provide a forum for the various divisions and agencies to cooperate with each other, to share training ideas and materials, and to organize periodic inter-organizational training sessions.

The following is a list of sessions organized by WCAT for vice chairs during 2017:

February 2	<ul style="list-style-type: none"> <li>• Workplace Bullying and Harassment review</li> <li>• Mental disorder appeals: bullying and harassment</li> </ul>
March 2	<ul style="list-style-type: none"> <li>• Suspension of appeals under section 252 WCA</li> <li>• Review of Truth and Reconciliation Commission Report</li> </ul>
April 6	<ul style="list-style-type: none"> <li>• Communicating effectively with culturally different people (inter-organization education conference)</li> </ul>
April 11	<ul style="list-style-type: none"> <li>• Roundtable discussion on privileged information and redacting to protect privacy</li> </ul>
April 27	<ul style="list-style-type: none"> <li>• Assisting distressed clients, and navigating difficult conversations</li> </ul>
May 4	<ul style="list-style-type: none"> <li>• Missing Board medical evidence and where to find it in CMS</li> <li>• Permanent Functional Impairment examinations</li> <li>• Reopening to cure jurisdictional error</li> </ul>
June 15	<ul style="list-style-type: none"> <li>• Constitutional questions and Charter values</li> <li>• Analyzing and evaluating medical evidence</li> </ul>
September 14	<ul style="list-style-type: none"> <li>• Causation issues:               <ul style="list-style-type: none"> <li>○ Aggravation of pre-existing conditions</li> <li>○ Mental disorders</li> </ul> </li> <li>• Treatment of chronic pain</li> </ul>
October 5	<ul style="list-style-type: none"> <li>• Electronic disclosure of Board records</li> <li>• Post-decision feedback</li> </ul>
November 2	<ul style="list-style-type: none"> <li>• Interacting with distressed people</li> </ul>
November 23	<ul style="list-style-type: none"> <li>• Roundtable discussion on decision writing skills</li> </ul>
December 5	<ul style="list-style-type: none"> <li>• Overview of psychiatric medications</li> <li>• Health effects of cannabis and cannabinoids.</li> </ul>

In addition, many WCAT vice chairs attended the Council of Canadian Administrative Tribunals (CCAT) annual symposium on May 28-30, 2017, BC Council of Administrative Tribunals (BCCAT) annual education conference on October 16, 2017, the Continuing Legal Education (CLE) Society Administrative Law Conference on November 15, 2017, or a CLE live webinar on Psychiatric and Neuropsychological Evidence on January 20, 2017.

## 4.2 External Education and Outreach Activities

As the final level of appeal in the British Columbia Workers' Compensation system, WCAT plays a role in ensuring that stakeholders and those appearing before it are well informed regarding its operations and practices.

In 2017 WCAT met with various stakeholder groups including the Employers' Forum, the Canadian Labour Congress, the Canadian Association of Workers' Advisors and Advocates. WCAT also provided a full day educational session for individuals who regularly represent parties before the tribunal.

## 5. PERFORMANCE EVALUATION

Section 234(2)(b) of the Act provides that the WCAT chair is responsible for establishing quality adjudication, performance and productivity standards for members of WCAT and regularly evaluating the members according to those standards. Accordingly, the chair has established performance standards and a performance evaluation process. All vice chairs seeking reappointment go through the performance evaluation process. The performance of vice chairs will continue to be regularly evaluated on an ongoing basis.

## 6. STATISTICS

### 6.1 Overview of Appeals Inventory

This section contains two charts providing a high level overview of the status of our appeals inventory for 2017. WCAT records appeals by their date of initiation.

The first chart (Number of Active Appeals) provides the number of appeals in our inventory at the end of each quarter of 2017. WCAT's total active inventory at December 31, 2017 was 2,695 appeals compared to 3,399 at the end of 2016.

The second chart (Total Intake and Output) provides monthly statistics regarding our intake of appeals (including reactivated appeals) and our output which includes completed appeals, rejected appeals, and appeals that were dismissed, withdrawn, or suspended. We received 3,662 new appeals in 2017, representing a 19% decrease from the 4,513 new appeals received in 2016. Intake in 2017 is the lowest WCAT has received since inception (2003).

The reduction in the number of new appeals is related largely to two factors. The first is the number of decisions issued by the Review Division, which decreased by 11% compared to 2016. The second factor is the percentage of those decisions in which the Review Division has confirmed the initial decision of the Board. Historically, the Review Division has confirmed approximately 64% of initial Board decisions<sup>1</sup>. In 2017, the Review Division confirmed only 55% of the reviews it heard. As approximately 62% of Review Division "confirm" decisions are appealed to WCAT, the reduction in the number of those decisions led directly to a reduction in the number of new appeals in 2017.

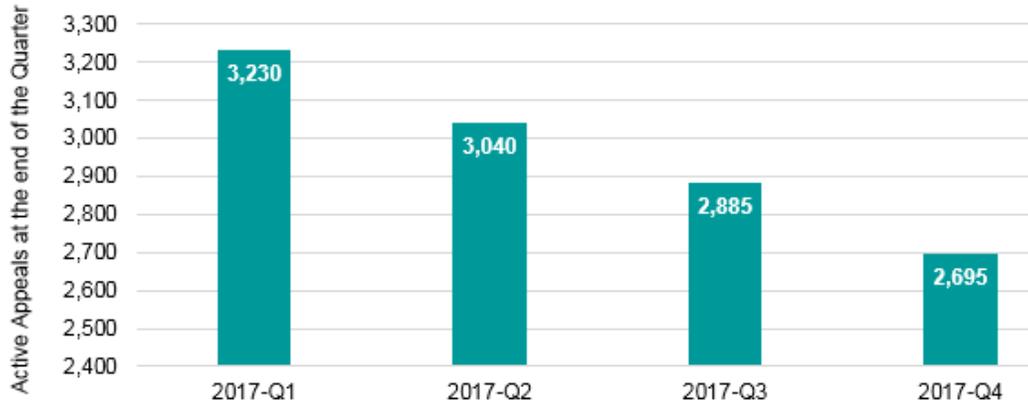
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<sup>1</sup> 2012: 64%, 2013: 64%, 2014: 66%, 2015: 65%, 2016: 60%

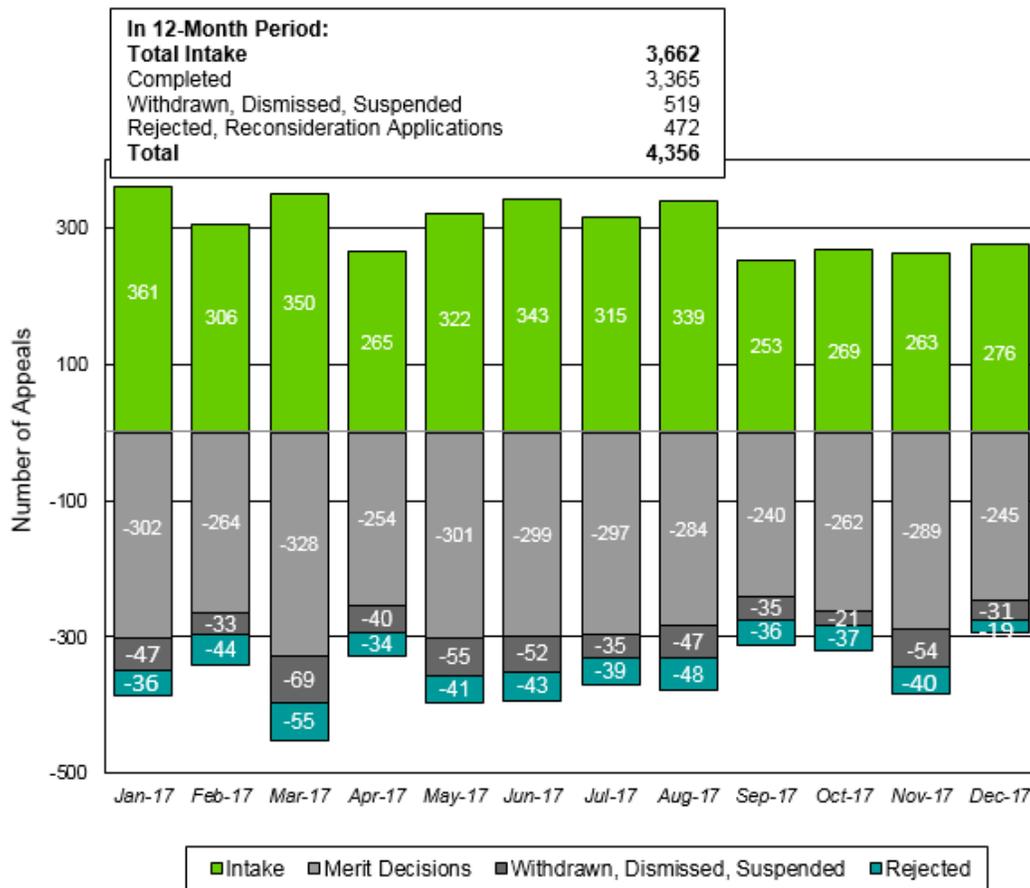
WCAT’s forecast for 2018, based on intake of new reviews at the Review Division as well as the number of initial Board decisions confirmed by the Review Division, calls for a similar number of new appeals as received in 2017.

Our output of summary and merit decisions and determinations in 2017 was 4,356. That output led to a reduction in the number of active appeals held in inventory of approximately 9%.

### Number of Active Appeals in Inventory



### Total Intake and Output in Each Month



## 6.2 Time to Decision

WCAT is required to decide new appeals within 180 days from the date that WCAT receives from the Board the records (disclosure) relating to the decision under appeal. It is only once that disclosure is received from the Board that the appeal submission process commences.

This 180 day statutory time frame may be extended by the chair or the chair’s delegate to a maximum of 90 days if the appellant requests and receives additional time to make submissions or submits new evidence and WCAT grants to the other parties a similar opportunity (additional time for submissions).

The chair or the chair’s delegate may also extend the statutory time frame on the basis of complexity (additional time for decision). For example, additional time may be required where a WCAT panel finds it necessary to pursue further investigations.

Lastly, an appeal may be suspended in situations where WCAT is waiting for any of the following:

- a pending Board determination that was requested by a WCAT panel with respect to a matter that it considers should have been, but was not, determined by the Board;
- a pending Board decision respecting a matter that is related to an appeal; or,
- a pending report from an independent health professional.

The 180 day statutory time frame clock is stopped in such situations.

The table below illustrates the average number of days for completing appeals in 2017, taking into account the various situations described above.

Time to Decision	
Description	Average Number of Days
<b>Appeals With No Additional Time:</b> Time from the date of receipt of disclosure from the Board to the date the final decision is issued (excluding appeals where there was either additional time for submissions or additional time for decision).	124
<b>All Appeals:</b> Time from the date of receipt of disclosure from the Board to the date the final decision is issued for all appeals (including those where additional time for submissions and additional time for decision was granted).	209
<b>Notice of Application:</b> Time from the date of receipt of the notice of appeal to the date the final decision is issued.	299

As part of its strategic plan, one of WCAT’s goals is to provide timely decision making. In 2018 WCAT will be taking steps to reduce the time from the date the notice of appeal is received to the date that disclosure is received by increasing the number of resources assigned to the assessment phase of an appeal. Improved forecasting of upcoming appeal intake should further assist in ensuring optimum timeliness for file assignment and completion.

### 6.3 Appeals and Applications

Appeals and applications comprise of:

- appeals to WCAT from decisions made by review officers in the Review Division and direct appeals from decisions of other Board officers;
- applications for certificates for court actions; and,
- applications for reconsideration of WCAT decisions.

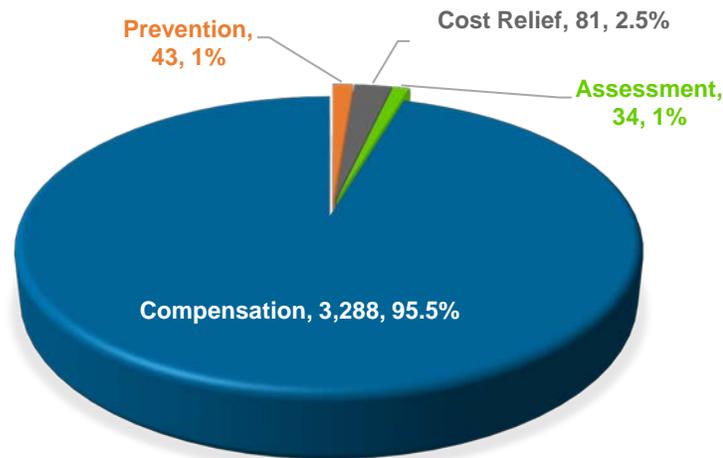
The Act provides that parties may appeal to WCAT from compensation, assessment, and occupational health and safety decisions of the Review Division. The Act also provides that some Board decisions are appealable directly to WCAT without being reviewed by the Review Division, and that some other applications are made directly to WCAT. These direct appeals and applications include reopenings on application, discriminatory action complaints, requests for reconsideration of WCAT decisions, and applications for certificates for court actions.

#### a) Intake

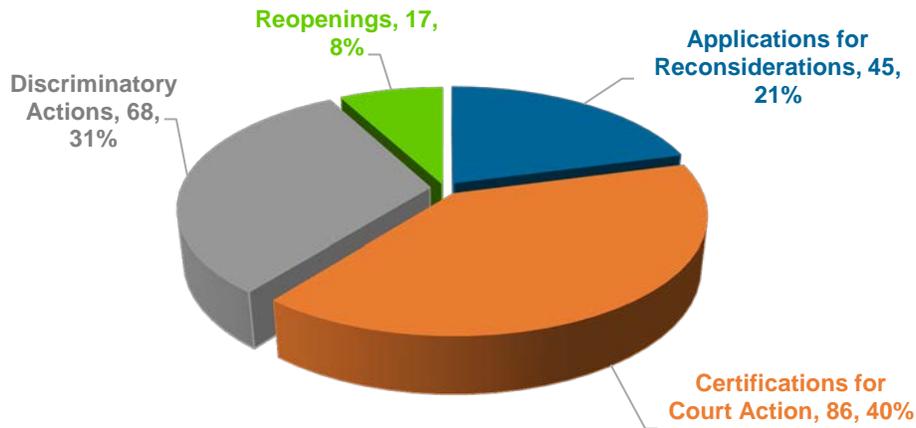
WCAT received 3,662 appeals and applications in 2017. Of these, 3,446 appeals (94%) arose from decisions of Board review officers and 216 were direct.

The following two charts show the breakdown of the types of appeals and applications we received in 2017:

**APPEALS FROM REVIEW DIVISION BY TYPE**



### DIRECT APPEALS AND APPLICATIONS BY TYPE



#### b) Merit Decisions

WCAT made 3,365 merit decisions on appeals and applications in 2017, 48 of which concerned applications for certificates for court actions. The remaining 3,317 merit decisions concerned appeals from decisions of the Review Division or Board officers, which may be varied, confirmed, or cancelled by WCAT.

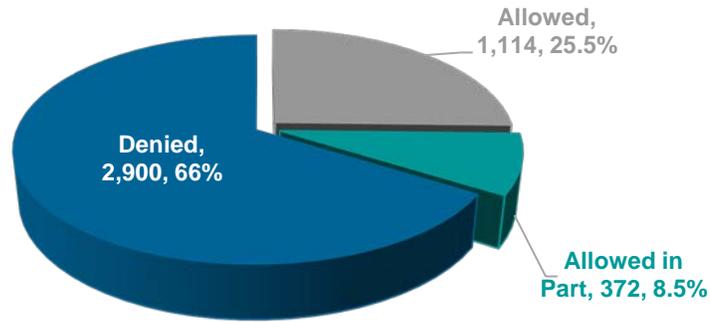
“Vary” means that WCAT varied the previous decision in whole or in part. Accordingly, whether WCAT has fully granted the remedies requested by the appellant on all issues arising under the appeal or merely changed a minor aspect of the previous decision, the decision is considered to have been “varied.” “Confirm” means that WCAT agreed with all aspects of the previous decision. “Cancel” means that WCAT set aside the previous decision without a new or changed decision being provided in its place.

The table below shows the percentages of WCAT’s merit decisions that varied or confirmed the decision under appeal. Appeals from Review Division decisions regarding reopenings are included as compensation appeals.

Appeal Type	Number of Decisions	Outcome		
		Varied	Confirmed	Cancelled
Compensation	3,117	38%	60%	1%
Relief of Costs	67	16%	84%	0%
Discriminatory Actions	46	24%	74%	2%
Prevention	38	37%	50%	13%
Assessments	32	31%	66%	3%

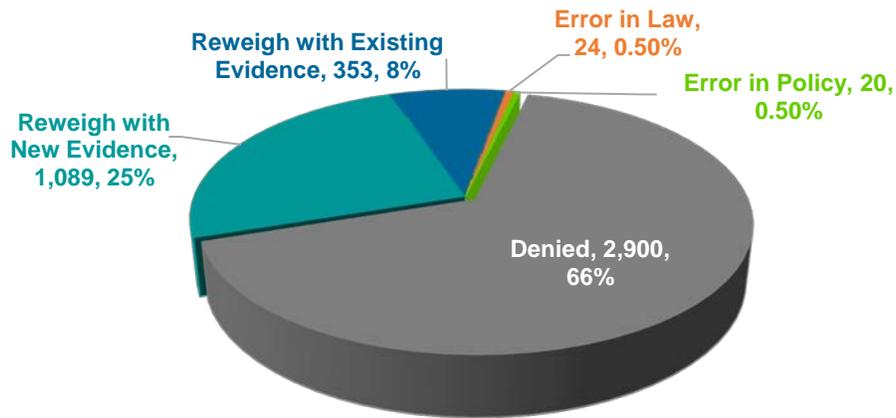
An appeal may raise numerous issues and WCAT may allow or deny the appeal on each issue. In 2017, WCAT decided 4,386 issues that arose out of the 3,365 appeals that led to merit decisions. The following chart shows the percentage of issues for which the appeals were allowed, allowed in part, or denied.

### ISSUE OUTCOMES



The following chart shows the percentage of the issues where the appeals on those issues were denied and, if the appeals on those issues were allowed or allowed in part, the reasons for allowing the appeals on those issues.

### REASONS FOR ISSUE OUTCOMES



**c) Summary Decisions**

WCAT made 991 summary decisions on appeals and applications. In 731 of these decisions, WCAT dismissed the appeal or confirmed that the appellant had withdrawn it. WCAT rejected 187 appeals and applications because there was no appealable issue or the decision under appeal was not appealable to WCAT and 73 were denied requests for extension of time to appeal.

**d) Requests for Extensions of Time**

WCAT decided 178 requests for extensions of time to appeal; allowing 106 and denying 72.

**e) Top Five Issue Groups for WCAT Appeals**

Appeal Issue	Merit Decisions	Percentage of Total Decisions	Allowed / Allowed in Part	Denied
Section 5 – Compensation For Personal Injury	1,365	31%	28%	72%
Section 23 – Permanent Partial Disability	830	19%	46%	54%
Section 30 – Temporary Partial Disability	386	9%	34%	66%
Section 6 – Occupational Disease	304	7%	41%	59%
Section 21 - Healthcare	265	6%	32%	68%

**6.4 General**

**a) Appeal Paths**

WCAT decides appeals and applications in one of two ways:

- 1) after an oral hearing; or,
- 2) if the appellant does not request an oral hearing or WCAT determines that an oral hearing is not necessary to fully and fairly consider the matter, after reading and reviewing the Board’s records, any new evidence, and the submissions of the parties.

In 2017, WCAT decided a total of 3,365 appeals and applications on the merits. WCAT decided 1,368 (41% of the total) after convening an oral hearing and decided 1,997 appeals and applications (59% of the total) by written submission.

**b) Locations of Oral Hearings**

In 2017, WCAT held oral hearings in 12 locations around the province. The following table shows the number of oral hearings held in each location.

Location	Number of Hearings
Castlegar	18
Courtenay	53
Cranbrook	21
Fort St. John	14
Kamloops	50
Kelowna	61
Nanaimo	74
Prince George	45
Terrace	16
Victoria	88
Williams Lake	13
<b>Total outside Richmond</b>	<b>453</b>
Richmond	788
<b>Grand Total</b>	<b>1,241</b>

**c) Appellants and Applicants**

The vast majority of appeals and applications that WCAT received were from workers. The following table shows the percentage of appellants and applicants by the type of appeal or application. The percentages refer to all appeals and applications that were active at some time during 2017. The table does not include assessment or relief of costs appeals as the appellant is always the employer.

Type of Appeal or Application	Appellant / Applicant		
	Worker	Employer	Dependant
Compensation	87.2%	12.4%	0.4%
Direct Reopening	95.5%	4.5%	0%
Discriminatory Action	58.8%	41.2%	0%
Prevention	7%	93%	0%
Reconsideration	84.4%	15.6%	0%

#### d) Representation

The following table shows the percentage of appeals and applications for which the appellant or applicant had a representative. Representatives may be workers' or employers' advisers, lawyers, consultants, family members, or friends. The percentages relate to all appeals and applications that were active at some time during 2017.

Type of Appeal	Percent Represented where Appellant / Applicant is:		
	Worker	Employer	Dependant
Assessment	n/a	58.1%	n/a
Compensation	65.2%	82%	42.9%
Direct Reopening	4.7%	20%	n/a
Discriminatory Actions	35.4%	86.4%	n/a
Prevention	n/a	91.2%	n/a
Reconsiderations	61.1%	n/a	n/a
Relief of Costs	n/a	87.6%	n/a

## 7. PRECEDENT PANEL DECISIONS

Pursuant to section 238(6) of the Act, if the chair of WCAT determines that the matters in an appeal are of special interest or significance to the workers' compensation system as a whole, the chair may appoint a panel of up to seven members to hear the appeal (a precedent panel).

Pursuant to sections 250(3) and (3.1) of the Act, a decision by a precedent panel must be followed by other WCAT panels unless:

- the circumstances of the matter under appeal are clearly distinguishable from the circumstances in the panel's decision;
- subsequent to the panel's decision, a policy of the Board of Directors relied upon in the panel's decision is repealed, replaced or revised; or,
- the prior decision has been overruled by another panel appointed under section 238(6).

WCAT did not issue any precedent panel decisions in 2017 and no precedent panel decisions were pending at the end of 2017.

## 8. REFERRALS OF POLICY TO THE CHAIR (SECTION 251)

Pursuant to section 251(1) of the Act, WCAT may refuse to apply a policy of the Board of Directors of the Board only if the policy is so patently unreasonable that it is not capable of being supported by the Act and its regulations. If, in an appeal, a WCAT panel considers that a policy should not be applied, that issue must be referred to the chair, and the chair must determine whether the policy should be applied.

Pursuant to section 251(4) of the Act, if the chair determines that the policy should be applied, the chair must refer the matter back to the panel and the panel is bound by that determination. However, if the chair determines that the policy should not be applied, the chair must send a notice of this determination, including the chair's written reasons, to the Board of Directors of the Board and suspend any appeal proceedings that the chair considers to be affected by the same policy. The Board of Directors has 90 days to review the policy and determine whether WCAT may refuse to apply it. After making that determination the Board of Directors must refer the matter back to WCAT, and the tribunal is bound by that determination.

There were no new referrals, under section 251(1) of the Act, to the chair in 2017.

## 9. NOTEWORTHY WCAT DECISIONS

Noteworthy WCAT decisions are decisions that have been selected by WCAT staff because they may provide significant commentary or interpretative guidance regarding workers' compensation law or policy, or comment on important issues related to WCAT procedure. Decisions are also selected as noteworthy on the basis that they may serve as general examples of the application of provisions of the Act and regulations, the policies of the Board of Directors of the Board, or various adjudicative principles.

Noteworthy decisions are not binding on WCAT. Although they may be cited and followed by WCAT panels, they are not necessarily intended to become leading decisions. It is open to WCAT panels to consider any previous WCAT decision in the course of considering an appeal or application.

WCAT decisions, including noteworthy decisions and their summaries, are publicly accessible and searchable on the WCAT website at [http://www.wcat.bc.ca/search/decision\\_search.aspx](http://www.wcat.bc.ca/search/decision_search.aspx). The website contains documents listing all noteworthy WCAT decisions organized by subject and date.

### 9.1 Summaries of Noteworthy WCAT Decisions

This section provides summaries of the decisions WCAT identified as noteworthy in 2017.

#### a) A1606855

**Decision Date:** February 6, 2017

**Panel:** W Hoole

The criteria WCAT will consider in an application for a stay of a decision of the Workers' Compensation Board are:

1. Whether the appeal, on its face, appears to have merit;
2. Whether the applicant would likely suffer serious harm if the stay were not granted;
3. Which party would likely suffer greater harm or prejudice from granting or denying a stay; and
4. In the context of occupational health and safety, whether granting a stay would likely endanger worker safety.

Whether or not the employer could "afford" to pay the remedy is of little relevance to whether it would suffer irreparable harm for the purposes of the stay analysis. It is not the magnitude of the

harm potentially suffered but the nature of the harm that must be irreparable. Irreparable harm is harm that either cannot be quantified in monetary terms or which cannot be cured, usually because the party suffering the harm cannot recover anything from the other party.

**b) A1603799**

**Decision Date:** April 24, 2017

**Panel:** W Hoole

WCAT has the authority at common law to deal with constitutional matters, following *Nova Scotia (Workers' Compensation Board) v. Martin*, 2003 SCC 54. WCAT's authority is limited by section 45 of the *Administrative Tribunals Act* (ATA) but not by section 44 of the ATA, with the result that WCAT has authority to deal with constitutional questions other than questions relating to the *Canadian Charter of Rights and Freedoms* (Charter). Where the constitutional question raised in the appeal concerns the division of powers between federal and provincial governments, but does not concern the Charter, WCAT has jurisdiction to consider the constitutional question.

**c) A1700289**

**Decision Date:** August 15, 2017

**Panel:** J. Sheppard

A permanent partial disability award for loss of taste that is not due to facial nerve injury, is not a "scheduled" award subject to the limitation on WCAT's jurisdiction in section 239(c) of the Act. Loss of taste due to facial nerve damage is included in the Permanent Disability Evaluation Schedule (PDES) and has a range of impairment of less than 5% in relation to loss of taste. Where the injury resulting in loss of taste does not involve the specific pathophysiology set out in the PDES, the resultant permanent partial disability award is not a "scheduled" award.

## 10. WCAT RECONSIDERATIONS

WCAT decisions are "final and conclusive" pursuant to section 255(1) of the Act, but are subject to reconsideration based on two limited grounds:

- new evidence under section 256 of the Act; and,
- jurisdictional error.

Applications for reconsideration involve a two-stage process. The first stage results in a written decision, issued by a WCAT panel, about whether there are grounds for reconsideration of the original decision. If the panel concludes that there are no grounds for reconsideration, WCAT takes no further action on the matter. If the panel decides that there are grounds for reconsideration, the original decision is reconsidered.

On an application to reconsider a WCAT decision on the new evidence ground, the panel will determine whether the evidence is substantial and material to the decision, and whether the evidence did not exist at the time of the hearing or did exist at that time, but was not discovered and could not through the exercise of reasonable diligence have been discovered. If the panel determines that there is new evidence that meets those criteria, WCAT will reconsider the original decision on the basis of the new evidence.

On an application to reconsider a WCAT decision on the basis of a jurisdictional error, a panel will determine whether such an error has been made. If the panel allows the application and finds the decision void, in whole or in part, WCAT will hear the affected portions of the appeal afresh.

During 2017, WCAT received 45 applications for reconsideration and issued 17 stage one decisions. Of the stage one decisions issued, four determined that reconsideration grounds existed. The outcomes of the stage one reconsideration decisions were as follows:

Type of Reconsideration	Number of Reconsideration Decisions	Allowed	Denied
Jurisdictional Defect	9	2	7
New Evidence	8	1	7
Both Grounds Alleged	0	0	0
<b>TOTAL</b>	<b>17</b>	<b>3</b>	<b>14</b>

### 10.1 Reconsideration on the Basis of Jurisdictional Error

In deciding whether WCAT has made a jurisdictional error by breaching the rules of procedural fairness, WCAT considers whether, in all of the circumstances, WCAT acted fairly. WCAT applies the same test for unfairness as the courts do on judicial review (*Administrative Tribunals Act*, section 58(2)(b)).

In deciding whether WCAT has made an error in respect of its narrow jurisdiction, WCAT considers whether it decided a matter that it had no power to decide or failed to decide a matter that it was required to decide.

In 2017, WCAT allowed two applications for reconsideration on the ground of jurisdictional error. Of those allowed applications, one was allowed on the basis of a breach of procedural fairness and one was allowed on the basis of an error in respect of a narrow question of jurisdiction, in this case a missed issue.

## 11. JUDICIAL REVIEW OF WCAT DECISIONS

A party may apply to the BC Supreme Court for judicial review of a WCAT decision. On judicial review, the court examines the decision to determine whether the decision, or the process used in making the decision, was outside of WCAT's jurisdiction. The remedy request will therefore be granted only in limited circumstances. A judicial review is not an appeal and does not involve an investigation into the merits of the decision.

Pursuant to section 57(1) of the Administrative Tribunals Act (ATA), an application for judicial review of a final decision of WCAT must be commenced within 60 days of the date the decision is issued. Under certain circumstances, the court may extend the time for applying for judicial review.

## 11.1 Judicial Review Applications

In 2017, WCAT was served with 26 applications for judicial review of WCAT decisions, two appeals of BC Supreme Court judicial review decisions, and one appeal of a BC Court of Appeal judicial review decision. WCAT commenced appeals of two BC Supreme Court judicial review decisions.

## 11.2 Judicial Review Decisions

The following court decisions were issued in relation to judicial review applications in respect of WCAT decisions and related appeals<sup>2</sup>.

**a) *Branch v. Workers Compensation Appeal Tribunal, 2017 BCSC 97 (January 23, 2017)***

**Decision under review: WCAT-2014-03141**

The worker was injured by a falling cable. The Workers' Compensation Board (Board) accepted his claim for compensation. The question before WCAT was the extent of the conditions arising from the injury. The WCAT panel found that the Board should have but did not consider whether a number of symptoms or conditions arose from the injury, and referred the matter back to the Board to make determinations respecting those conditions. The Board determined that the worker's cervicogenic headaches were compensable, but C7 radiculopathy, right C7 denervation, aggravation of pre-existing cervical spondylosis, and depression were not compensable. WCAT confirmed the Board's determinations.

On judicial review the worker argued that WCAT had ignored relevant evidence regarding his neck conditions, and had ignored symptoms of depression. The court denied the worker's petition with respect to symptoms of depression because the worker had not raised an issue respecting those symptoms in his appeal before WCAT. The court denied the worker's petition with respect to aggravation of spondylosis, finding that WCAT did not fail to consider relevant evidence. The court allowed the worker's petition with respect to C7 radiculopathy and

denervation, finding that the decision was patently unreasonable because WCAT failed to consider medical evidence indicating that those conditions resulted from the worker's accepted injury. The court quashed the decision and returned the matter to WCAT to be heard again.

**b) *Northern Thunderbird Air v. British Columbia (Workers' Compensation Appeal Tribunal), 2017 BCCA 60 (February 1, 2017)***

**Decisions under review: WCAT-2015-00533, WCAT-2015-00534**

Northern Thunderbird Air (NTA) owned and operated an aircraft that crash-landed, injuring the respondents who were a group of CEOs and executives heading to a weekend retreat run by The Executive Committee (TEC). The respondents brought civil actions against NTA. NTA argued that the respondents' injuries arose out of and in the course of their employment, and therefore the bar to civil action in section 10 of the Workers Compensation Act (Act) applied. The parties to the civil action applied to WCAT for a determination under section 257 of the Act about whether the respondents' injuries arose out of and in the course of their employment. NTA argued that participation in TEC, which was a coaching and mentoring group, involved business development, strategic planning, and other activities normally performed by a CEO or executive. WCAT determined that the respondents were

<sup>2</sup> The full text of these decisions can be found on the Courts of British Columbia website at: <http://www.courts.gov.bc.ca/>.

workers at the time of the accident, but their injuries did not arise out of and in the course of their employment because the retreat was best characterized as a course for the respondents' own benefit. WCAT applied the general rule in policy item C3-21.00, which says that compensation coverage generally does not extend to training courses.

On judicial review NTA argued that WCAT did not adequately explain the basis for its determination, and did not deal with a critical issue, leaving its reasoning unclear. The BC Supreme Court dismissed NTA's petition for judicial review, finding that the WCAT decision read as a whole demonstrated careful consideration and weighing of the evidence, and application of the facts to the applicable statutory and policy provisions. On appeal, NTA advanced essentially the same argument. The BC Court of Appeal found that WCAT was aware of the ways that the executives used TEC to enhance their performance, and that WCAT's reasons adequately addressed the connection between the TEC functions and the executives' jobs. The court found that WCAT's findings of fact must be given significant deference, and the decision was not patently unreasonable.

**c) *Van Dam v. Workers' Compensation Appeal Tribunal, 2017 BCSC 227 (February 14, 2017)***

**Decision under review: WCAT-2014-00524**

The petitioner (worker) was a nurse in a hospital extended care facility. An elderly resident that she cared for fell and subsequently died. The actions of a second resident contributed to the resident's death. The worker claimed compensation under section 5.1 of the Act for a mental disorder. WCAT found the resident's fall and subsequent death did not constitute traumatic events within the meaning of section 5.1, but the fall, death, and management response to the events were part of a series of significant work-related stressors that together were the predominant cause of an aggravation of a pre-existing mental disorder. WCAT found

that decisions of the employer relating to the worker's employment caused the aggravation of her pre-existing condition with the result that section 5.1(1)(c) of the Act applied to exclude compensation.

The worker applied to WCAT in December 2014 for reconsideration of its decision. A short time later, the BC Court of Appeal rendered its decision in *Fraser Health Authority v. Workers' Compensation Appeal Tribunal*, 2014 BCCA 499 in which it held that WCAT cannot reconsider its own decisions on patent unreasonableness grounds. In April 2015 WCAT determined that as a consequence of the *Fraser Health* decision, the application for reconsideration could not proceed. In May 2015, the worker filed a petition for judicial review in the BC Supreme Court more than 60 days after the WCAT decision. The Court of Appeal denied an extension of time under section 57(2) of the Administrative Tribunals Act, finding that the worker had not provided a reasonable explanation for her delay in filing the petition, and that she had failed to establish serious grounds for relief.

**d) *Pomponio v. Workers' Compensation Appeal Tribunal, Oral Reasons, Courtenay S09037 (February 27, 2017)***

**Decision under review: WCAT-2014-02119**

The petitioner (worker) was injured at work and permanently disabled when he was 60 years old. In a 2006 decision, WCAT determined that the worker's permanent partial disability benefits would terminate when he turned 70. The worker continued to work past the age of 70 and, at age 72, applied to WCAT for reconsideration of the 2006 decision, citing the fact that he was still working as new evidence. WCAT held that the issue before it in 2006 was whether before the time of the compensable injury the worker was likely to have worked beyond age 65. On the reconsideration application, WCAT found that the evidence the worker provided was not material to the issue, because it addressed the worker's circumstances long after the injury. On judicial review, the BC

Supreme Court held that WCAT's reasons were consistent with section 23.1 of the Act and therefore could not be said to be patently unreasonable.

**e) *Edwards v. British Columbia (Workers' Compensation Appeal Tribunal), 2017 BCSC 582 (April 7, 2017)***

**Decision under review: WCAT-2014-01189**

In an earlier decision WCAT had found that the petitioner (worker) was entitled to compensation because either he had contact dermatitis caused by work or work had aggravated pre-existing psoriasis. The Board subsequently determined that the worker's compensable condition had resolved. WCAT confirmed that the condition had resolved.

On judicial review, the worker argued that WCAT fell into a true error of jurisdiction by failing to accept that the earlier WCAT panel had found his condition to be compensable. The BC Supreme Court held that the only conceivable true jurisdictional question that could attract a correctness standard of review would be whether the second WCAT panel had the authority to hear the worker's appeal. The court held that the effect of the first WCAT decision was within the tribunal's exclusive jurisdiction in the second appeal, and therefore the deferential standard of review, patent unreasonableness, applied. The court held that WCAT is presumed to be aware of the applicable law and policy, and its failure to specifically reference applicable policy did not render the decision patently unreasonable.

The worker also argued that WCAT's procedure was unfair for not holding an oral hearing. The court noted that WCAT has a discretion under section 246 of the Act to proceed with or without an oral hearing. Where credibility is not in issue and the decision turned on weighing medical evidence, the decision to proceed by way of written submissions was not unfair.

**f) *Kerr v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1245 (June 29, 2017)***

**Decision under review: WCAT-2016-00123**

The petitioner (worker) tripped and fell while she was walking to her car after work. At the time, the worker was discussing work-related matters with a student she was mentoring as part of her employment. The worker challenged WCAT's decision that her injuries did not arise out of or in the course of her employment.

On judicial review, the worker argued that because she had a supervisor, she was being supervised at the time of injury, that WCAT had erred by referring to evidence that she was not on the employer's premises in considering whether her activities at the time of injury were part of her job, and that WCAT had unreasonably analogized her activity to two co-workers discussing work in a pub after work hours. The BC Supreme Court rejected the argument that the worker was being supervised at the time of injury. The court held that it was not patently unreasonable for WCAT to consider whether the worker was on the employer's premises when considering whether the activity was for the employer's benefit or part of the worker's job. The court found that the pub analogy was used solely as an illustration, and was not critical to WCAT's conclusion. In dismissing the petition, the court held that the WCAT reasons were transparent and disclosed the basis for the decision; therefore, considered as a whole were not patently unreasonable.

**g) *Encinger v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1483 (August 8, 2017)***

**Decision under review: WCAT-2011-03305**

The petitioner (worker) injured her hip and leg while working as a nurse. She had hip surgery but her condition continued to deteriorate. The worker researched other orthopaedic surgeons and found Dr. V in the United Kingdom. She travelled to England to consult Dr. V, and again for a diagnostic

procedure. Dr. V recommended a second hip surgery. The worker again travelled to England for that surgery. The Board reimbursed the worker's medical expenses in the amount set in the British Columbia fee schedule, but refused to reimburse her for medical expenses above that amount or for travel to England.

On appeal to WCAT the worker asked for an oral hearing unless WCAT was willing to accept as true two written statements respecting the unavailability of the surgery in British Columbia. The WCAT panel denied the request for an oral hearing on the basis that the issue before it required consideration of largely undisputed medical evidence, and the application of law and policy. The panel found that the worker could have received adequate treatment in British Columbia; consequently, she was not entitled to reimbursement for travel to England or the additional cost of the treatment she obtained there.

On judicial review, the BC Supreme Court found that WCAT was procedurally unfair in denying an oral hearing because it was apparent from the worker's written statement and her submission that the facts giving rise to her obtaining treatment in England were squarely in dispute, and credibility would probably also be in dispute. The court quashed the decision and returned the matter to WCAT to be heard again.

***h) Sacky v. British Columbia (Workers' Compensation Appeal Tribunal), 2017 BCSC 1541 (August 30, 2017)***

**Decision under review: A1601055**

The petitioner (worker) injured his right knee at work. The Board ended payment of temporary disability benefits when it concluded that the petitioner's injury had resolved without permanent disability. WCAT confirmed the Board's decision.

On judicial review the worker argued that the opinion of a Board medical advisor was outdated and so insufficient that it was patently unreasonable for WCAT to rely on it,

that it was patently unreasonable for WCAT to prefer the Board medical advisor's opinion over the opinions of the worker's treating physicians and gave insufficient reasons for doing so, and that it was procedurally unfair for WCAT to not exercise its discretion to obtain further medical evidence. The BC Supreme Court found that WCAT had expressly identified the issues in the appeal, summarized the evidence, set out the applicable law and policy, and explained its conclusion on each issue. In particular, WCAT explained why it preferred the Board medical advisor's opinion over the other medical opinions. The court concluded that the reasons fell well above the minimum requirement for sufficiency of reasons in administrative law. The court noted that the worker had not asked WCAT to obtain additional medical evidence, and found that WCAT had considered whether the medical advisor's opinion was outdated, but concluded that it was not. The fact that WCAT did not find the medical evidence the worker submitted to be persuasive did not mean it ought to have independently sought further medical evidence before reaching a conclusion adverse to the worker.

***i) Air Canada v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1609 (September 12, 2017)***

**Decision under review: A1603285**

The worker, a flight attendant, lived in another province but worked out of Vancouver International Airport. The worker claimed compensation for a mental stress injury arising from events that began while she was working on a flight from Asia returning to Vancouver. The Board accepted the worker's claim. On appeal by the employer, WCAT concluded that if the worker was injured, the injury occurred outside British Columbia; consequently, section 8 of the Act applied and because the worker did not reside in British Columbia, she was not entitled to compensation.

On judicial review, the BC Supreme Court rejected WCAT's argument that the employer

and the worker were raising new arguments for the first time on judicial review, contrary to a principle established in earlier court decisions. The court also allowed the worker and the employer to introduce evidence in the judicial review proceeding which had not been before WCAT, finding that the evidence fell within one of the limited exceptions to the general rule because it merely provided general background information which assisted the court in understanding the issues. The court held that WCAT's decision was patently unreasonable because it did not consider policy which says that in some circumstances, where the worker was performing their main job functions, and those functions are normally performed within the province, an injury to the worker outside British Columbia may be compensable without consideration of section 8.

Additionally, WCAT did not consider evidence that the alleged injury might have happened inside the province. The court quashed the decision and returned the matter to WCAT to be heard again.

**j) *Goik v. Workers' Compensation Appeal Tribunal, 2017 BCSC 1756 (September 29, 2017)***

**Decision under review: *WCAT-2015-02534***

The petitioner (worker), a stone finisher, was diagnosed with pulmonary fibrosis. Eventually he received a double lung transplant. He claimed compensation for occupationally induced silicosis leading to the need for a lung transplant. It was accepted that the worker was exposed to silica dust in the course of his employment. The transplant surgeon gave an opinion that the worker had severe silicosis which caused respiratory failure and necessitated the transplant. Biopsy of the worker's (removed) lungs indicated that he had "end stage lung fibrosis of unclear origin" and possibly early stage nodular silicosis. The Board denied the worker's claim. The worker appealed to WCAT seeking acceptance of silicosis as a compensable occupational disease. The WCAT panel stated that the worker was not

really seeking acceptance of silicosis, a condition which, as a result of the lung transplant, he no longer had, but was in fact seeking reimbursement of the cost of the lung transplant. The panel found that the lung transplant was not necessitated by silicosis and therefore denied the worker's appeal.

On judicial review the court quashed the WCAT decision and returned the matter to be heard again. The court found that there was no evidence that the petitioner was not seeking acceptance of his claim for silicosis, and on that point the WCAT decision was patently unreasonable. The panel conflated the issue appealed, the compensability of silicosis, and one of the many possible consequences that may result from silicosis. The court found that the issue of whether the worker had compensable silicosis and the issue of what consequences flowed from that were inextricably linked and must be considered as a whole.

**k) *Chmielewski v. Workers' Compensation Appeal Tribunal et al, 2017 BCSC 1245 (November 7, 2017)***

**Decision under review: *A1603921***

The petitioner (worker) drove a multi-axle dump truck hauling shale to road construction projects. At the time of the injury, he was staying at a work camp in northern British Columbia. He finished eating dinner at a restaurant across the street from the work camp, walked outside, and fainted, striking his face on the ground. His claim for compensation was denied on the basis that his injuries did not arise out of and in the course of employment. On appeal WCAT found that the worker was in the course of his employment when the injury occurred, and the presumption in section 5(4) of the Act applied. WCAT then went on to find that the presumption in section 5(4) was rebutted because the evidence before it did not support work causation. The worker had a longstanding history of vasovagal (fainting) episodes, without a clear cause, and there was nothing in the evidence to support work causation.

On judicial review, the court concluded that WCAT was patently unreasonable when it found the presumption in section 5(4) was rebutted because it relied upon an absence of evidence to rebut the presumption, instead of evidence showing that the worker's injury was not caused by work. The matter was returned to WCAT to be heard again.

***l) Denton v. Workers' Compensation Appeal Tribunal et al, 2017 BCSC 403 (November 23, 2017)***

**Decision under review: WCAT-2014-02522**

The petitioner (worker) claimed compensation for a mental disorder under section 5.1 of the Act. WCAT concluded that the worker's claim did not meet the requirements of subsections 5.1(a)(ii) or (c) because the work-related stressors she was exposed to were not significant, and because the stressors constituted decisions of the worker's employer relating to her employment.

The worker did not file her petition for judicial review within 60 days of the WCAT decision as required by section 57 of the Administrative Tribunals Act. The worker applied to the BC Supreme Court for an extension of time. The court noted the worker's evidence that she had intended to request reconsideration of the WCAT decision but had not done so when the BC Court of Appeal rendered its decision in *Fraser Health Authority v. Workers' Compensation Appeal Tribunal* in which it held that WCAT cannot reconsider its own decisions on patent unreasonableness grounds. The court also noted that the worker did not file her petition for judicial review for five months after the Court of Appeal issued its decision. The court concluded that the worker had not provided a reasonable explanation for the delay in filing her petition. The court further concluded that there were no serious grounds for relief set out in the petition. The petitioner had argued that WCAT's interpretation of section 5.1 was inconsistent with the equality rights granted under section 15 of the *Charter of Rights and Freedoms* and that WCAT had failed to

appreciate that the petitioner's equality rights were "implicated" by its decision. The court found that WCAT did not fail to balance the petitioner's equality interests with its duty to consider statutory objectives. On appeal, the Court of Appeal found that the chambers' judge did not err in exercising his discretion not to extend the time for filing. The court rejected the petitioner's argument that the judge failed to consider whether failing to extend time would have a negative impact on the functioning of the workers' compensation system in general or WCAT in particular and her argument that the judge failed to consider the adverse effect on the petitioner of denying an extension. The petitioner had noted that WCAT did not impose a time limit on reconsideration and argued that the strategy of waiting for the outcome of the reconsideration was reasonable.

The court found that the chambers' judge had considered the evidence and the arguments and concluded that the judge did not err in principle in his exercise of judgment. He took into account and weighed relevant considerations and did not fail to consider relevant considerations. As there was no reasonable explanation for the delay the court found it unnecessary and inappropriate to consider the question of whether the judge erred in concluding there were no serious grounds for relief.

The BC Supreme Court also found that the aspects of the petition raising a section 15 *Charter* challenge to section 5.1 of the Act and related policies of the Board's Board of Directors had no reasonable likelihood of success because the worker had not raised those challenges before the Review Division. The court found that the Review Division is an adequate alternative forum despite the fact that WCAT did not have jurisdiction to consider *Charter* challenges on appeal. On appeal, the Court of Appeal agreed with the chambers judge's conclusion that the petitioner could not proceed with her petition in respect of the *Charter* challenge to the Act or policy.

## 12. WCAT MEMBERS

Executive and Vice Chairs with Special Duties as of December 31, 2017		
Name	Position	End of Term
Andrew Pendray	Chair (OIC #780)	November 7, 2019
Luningning (Ning) Alcuítas-Imperial	Senior Vice Chair and Registrar	February 28, 2021
David Newell	Senior Vice Chair and Tribunal Counsel	January 31, 2020
James Sheppard	Vice Chair, Quality Assurance and Training	February 28, 2019
David Bird	Vice Chair and Deputy Registrar	January 5, 2020
Lesley Christensen	Vice Chair and Deputy Registrar	February 28, 2021
Warren Hoole	Vice Chair and Team Leader	September 30, 2019
Randy Lane	Vice Chair and Team Leader	February 29, 2020
Susan Marten	Vice Chair and Team Leader	February 28, 2023
Debbie Sigurdson	Vice Chair and Team Leader	February 28, 2019

Vice Chairs as at December 31, 2017			
Name	End of Term	Name	End of Term
Cathy Agnew.....	August 31, 2018	Adam Doherty .....	October 15, 2020
Beatrice K. Anderson.....	February 28, 2021	William J. Duncan .....	February 28, 2019
W. J. (Bill) Baker .....	February 28, 2021	Andrew J. M. Elliot .....	August 31, 2018
Anand Banerjee .....	October 15, 2020	Scott Ferguson.....	June 21, 2018
Jacqueline Barnes .....	June 21, 2018	Sherelle Goodwin.....	January 5, 2020
Hélène Beauchesne.....	March 31, 2019	Tamara Henderson.....	October 15, 2020
Sarwan Boal.....	February 28, 2020	Janice Hight .....	January 5, 2020
Dana G. Brinley.....	February 28, 2021	Nora Jackson .....	February 28, 2019
Kate Campbell .....	September 5, 2022	Kevin Johnson .....	February 28, 2022
Larry Campbell.....	October 15, 2020	Cynthia J. Katramadakis.....	March 31, 2021
Grace Chen.....	January 5, 2020	Joanne Kembel .....	February 28, 2023
Melissa Clarke .....	September 30, 2020	Brian King.....	August 31, 2018

Vice Chairs as at December 31, 2017 - continued			
Name	End of Term	Name	End of Term
Rob Kyle.....	February 29, 2020	Guy Riecken.....	February 28, 2019
Darrell LeHouillier .....	October 31, 2020	Ellen Riley .....	January 5, 2020
Lori Leung .....	June 21, 2018	Simi Saini .....	September 5, 2020
Deborah Ling.....	June 21, 2018	Shelina Shivji.....	March 31, 2022
Jane MacFadgen .....	February 29, 2020	Debe Simpson .....	January 5, 2020
Julie Mantini .....	February 28, 2019	Tim Skagen .....	March 31, 2020
Chad McRae .....	October 15, 2020	Tony Stevens .....	February 29, 2020
Renee Miller.....	April 30, 2019	Hilary Thomson.....	October 15, 2020
Herb Morton .....	February 29, 2020	Andrew Waldichuk .....	February 29, 2020
Barbara Murray .....	October 15, 2020	Teresa (Terri) White.....	December 31, 2019
Elaine Murray.....	August 31, 2019	Kim Workun.....	January 5, 2020
Paul Pierzchalski.....	June 21, 2018	Sherryl Yeager .....	February 28, 2021
Dale Reid .....	February 28, 2019	Terry Yue .....	January 5, 2020
Deirdre Rice .....	February 28, 2019	Lyall Zucko.....	January 5, 2020

Vice Chair Departures in 2017		
Name	Original Appointment Date	Departure Date or End of Term
Shelley Lopez	March 1, 2012	February 16, 2017
Lois Williams	March 3, 2003	October 23, 2017