



## 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 invited 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 the respondent 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. You can send us the *Notice of Participation* form by email, fax or mail.

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
- Online access to 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 and will be given the same opportunities.

### 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 right away.

## RESPONDENT'S GUIDE

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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?

In most cases, you can expect us to decide an appeal within six months from the date that WorkSafeBC gives you disclosure. If the appeal is complicated, reaching a decision may take us more than six months.

It is 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.

### 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).

# RESPONDENT'S GUIDE

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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 from a workers' or employers' adviser at:

### Workers' Advisers Office

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

Toll-free phone number: 1 800 663-4261

### Employers' Advisers Office

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

Toll-free phone number: 1 800 925-2233

## WCAT INFORMATION GUIDES

(available on our website – if you do not have access to the internet, call us and we will send you a copy)

- *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

Mailing Address:

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

Telephone: 604 664-7800

Email: [appeals@wcat.bc.ca](mailto:appeals@wcat.bc.ca)

Fax: 604 664-7898

Toll Free within BC: 1 800 663-2782

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

If you have a smart phone, scan this code to access our website.

