



## APPEALING A REVIEW DIVISION DECISION – WORKER'S GUIDE

As a worker, or a dependant of a deceased worker, you can appeal most Review Division decisions to us at the Workers' Compensation Appeal Tribunal (WCAT). This guide shows you how.

**You need to ensure that we receive your appeal within 30 days of the date of the Review Division decision. Do not wait for new information that you want to include in your appeal. After your appeal is filed, we will give you more time to provide further information.**

### WHAT KIND OF REVIEW DIVISION DECISIONS CAN I APPEAL TO WCAT?

You can appeal most decisions from the Review Division to us. Here are some typical examples of decisions you can appeal:

- Whether you were injured on the job
- Whether you suffer from an occupational disease caused by your job
- How long you should receive short-term disability benefits
- How WorkSafeBC calculated your average earnings or wage rate
- Most permanent disability awards
- Whether WorkSafeBC should reopen your claim.

*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.*

### WHAT MATTERS CAN'T I APPEAL?

You cannot appeal some Review Division decisions to us. Here are some typical examples of decisions you cannot appeal:

- A decision about vocational rehabilitation assistance
- A decision about whether or not to refer a decision back to WorkSafeBC
- A decision not to give more time to bring a review to the Review Division
- The way a review officer handled a review, such as choosing not to hold an oral hearing, if the Review Division decision cannot otherwise be appealed to WCAT
- A request for a lump-sum award (that is, to commute an award) for a permanent disability.

### HOW DO I START MY APPEAL?

You have **30 days** to appeal a Review Division decision to us. You can start your appeal in one of these ways:

1. Fill out a *Notice of Appeal* from Review Division (Compensation Decision) form online at [www.wcat.bc.ca](http://www.wcat.bc.ca). You will find the form under the **Forms** tab. If you are not familiar with our appeal process, this form will help you enter all the required information successfully. Send the completed form to us by email, fax, or mail.
2. Print a blank *Notice of Appeal* from Review Division (Compensation Decision) form from [www.wcat.bc.ca](http://www.wcat.bc.ca), fill it out, sign it, and send it to us.

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3. Telephone us and we will send you a *Notice of Appeal* form. In order to keep your appeal active, you need to ensure that we receive your completed form by the deadline set out in our letter (usually **21 days**).
4. Send a letter telling us why you think the decision you are appealing is wrong. State the specific results you want from WCAT, such as more compensation. Include your name, address, telephone number, claim number (WorkSafeBC file number), the date of the decision you are appealing, and your signature.

Please include a copy of the first page of the Review Division decision with your *Notice of Appeal* form or letter.

You will find our telephone, email, fax, and mailing address at the end of this guide.

*Note: WCAT must receive your Notice of Appeal or letter within 30 days of the Review Division decision or your appeal will be late. Do not wait for new information that you want to include in your appeal. After your appeal is filed, we will give you more time to provide further information.*

### WHAT HAPPENS AFTER I SEND YOU MY APPEAL FORM OR LETTER?

We will send you a letter confirming that we have received your appeal and giving you an appeal number. We may also ask you for more information if your appeal form or letter is not complete. In order to keep your appeal active, you need to ensure that you give us all the information we request within **21 days**.

Call us if you do not receive this letter within 21 days from the date you sent in your appeal.

We will notify your employer of your appeal and invite them to participate in it.

We will then ask WorkSafeBC to send you “disclosure” (an updated copy of your claim file). WorkSafeBC will send you an email with instructions for online access when it is available. If your employer is participating in your appeal, WorkSafeBC will also give them disclosure.

You should start gathering your information and evidence now because it may take some time to get it, especially medical evidence.

### WHAT IF I APPEAL TOO LATE?

If your appeal is late, you may be able to get an extension. We'll ask you if special circumstances prevented you from appealing within the time limit. You can read more about acceptable reasons for extensions on our website. See items 8.2 and following in our *Manual of Rules of Practice and Procedure* (MRPP). You will find it on our website ([www.wcat.bc.ca](http://www.wcat.bc.ca)) under the **MRPP** tab.

If you require an extension, please explain your reasons for appealing late on the *Extension of Time to Appeal Application: Review Division Decision* form (available on our website under the **Forms** tab) or in your letter of appeal. If you don't give us an explanation, we will mail you an *Extension of Time to Appeal Application* form to fill out and return. In order to keep your appeal active, you need to ensure that we receive your completed form within **21 days**.

### WHO CAN PARTICIPATE IN WCAT APPEALS?

- You, along with your representative or adviser
- Your employer, along with their representative or their adviser.

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## HOW WILL MY APPEAL PROCEED?

You will make your appeal either verbally (at an oral hearing) or in writing (through written submissions). You can ask for the method you prefer, though we will make the final decision.

Normally, we use oral hearings for appeals involving credibility, where there are significant disagreements about the facts, or when a vice chair thinks it would provide the best way to fully understand an appeal. Oral hearings are also often used where an appellant finds it challenging to communicate easily in written English.

The other method of appeal is by written submissions. This method is often suitable for appeals that deal with medical, legal, or policy issues.

To learn more about both oral and written submission appeals, please ask us for the relevant guide, or look for it on our website under the **Information Guides** tab.

## HOW LONG WILL MY APPEAL TAKE?

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

If we ask you to present your appeal to us verbally, we will give you a specific time and date for an oral hearing. Please tell us immediately if you need a different date than the one we set for you.

If we ask you to give us a written submission to support your appeal, you have 21 days to send it to us. If you need more time, you may ask for up to 45 more days. If you do receive more time, any other participating party may also receive the same amount of extra time to provide their written submission.

## DO I NEED SOMEONE TO REPRESENT ME?

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

You can get free help with your appeal from a workers’ adviser (see the end of this Guide for contact information).

To protect your privacy, we will not discuss your appeal with anyone but you unless you authorize a representative on the *Notice of Appeal* form. You can also file an *Authorization of Representative* form that gives us permission to do so. You will find both forms on our website under the **Forms** tab.

## HOW CAN I SPEED UP MY APPEAL?

WCAT receives thousands of appeals each year. Your appeal will proceed more quickly if you:

- Include your WorkSafeBC claim number and your WCAT appeal number on everything you send to WCAT.
- Write to us if you change your address or your representative.
- Send us new evidence that supports your appeal as soon as possible.
- Answer any questions we may have about your appeal as soon as possible.
- Attend your oral hearing on the scheduled date, or send us your written submission by the deadline we give you.

## WHERE CAN I FIND MORE INFORMATION?

You will find more information about starting an appeal, including the *Notice of Appeal* form, on our website ([www.wcat.bc.ca](http://www.wcat.bc.ca)) under the **Starting an Appeal** tab.

For further information about a WorkSafeBC claim or a review at the Review Division, please contact:

**WorkSafeBC:** 1 888-967-5377

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

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## WHERE CAN I GET HELP WITH MY APPEAL?

You can get free help with your appeal from the Workers’ Advisers Office. To receive assistance with an appeal please visit their website [www.labour.gov.bc.ca/wao](http://www.labour.gov.bc.ca/wao) and click Start a New Inquiry.

If you are not able to access a computer please call the Workers’ Advisers toll-free number: 1 800 663-4261.

## 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.

