

# ANNUAL 2024 REPORT

## CHAIR'S MESSAGE

On behalf of the Workers' Compensation Appeal Tribunal (WCAT), I am pleased to present our 2024 Annual Report.

In 2024, we continued to experience many of the trends and face the operational challenges from previous years. We continue to receive high volumes of new appeals and applications, many of which are complex, while facing the need to recruit, train, support, and retain qualified vice chairs in a tight labour market. Some challenges became more prominent, particularly increases of 5 to 20 days in the average time to decision, and the need to manage caseloads to reach reasonable levels for vice chairs.

At the same time, 2024 represented some stabilization in WCAT's work. For example, we are proud to say that the volume of appeals and applications involving self-identified Indigenous parties is stable. This indicates that the navigator program and our adapted processes for Indigenous parties are a permanent part of WCAT. Other changes engendered by the pandemic are now default features of WCAT's operating environment, such as our hybrid work arrangements, meetings and videoconferences, and communication with parties via our Online Services portal.

WCAT and its people continue to adapt and respond to the demands of a highly dynamic workers' compensation system in British Columbia. Our strength lies in the dedication of WCAT's people to process and render quality decisions based on the merits and justice of the case in a fair and neutral manner. I thank them for carrying out WCAT's statutory mandate as an external, independent, and quasi-judicial tribunal. Day in and day out, they ensure that the workers, employers, and dependants of workers of British Columbia are served within our guiding principles.

I hope that you find this report a helpful overview of our operations, our plans, and our people.

A handwritten signature in black ink, appearing to read "Luningning-Alc", with a stylized flourish at the end.

Luningning Alcuitas-Imperial  
Chair

# Territorial Acknowledgment

WCAT serves all communities in British Columbia. Our office is located on the traditional, ancestral and unceded territory of the hənǵəminəm speaking Musqueam people, and our work spans the traditional territories of 204 First Nations and 38 Métis chartered communities across B.C.

We honour all our hosts and their welcome and graciousness toward our work and the people we serve.

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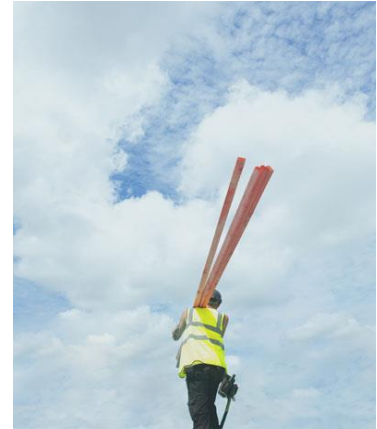
## TABLE OF CONTENTS

Our Role Within the Workers' Compensation System	5	
Statistics	6	Overview of Inventory Time to Decision Appeals and Applications Appeal Paths Method of Oral Hearing Appellants and Applicants Representation
Independent Health Professional	15	
Response to the Truth and Reconciliation Commission's Calls to Action	17	
Accessibility	22	
Noteworthy Decisions	23	
Reconsiderations	24	
Judicial Review Decisions	25	
Professional Learning and Development	26	
Outreach	28	
Update on Legislation and Procedures	29	
Trends and Plans	30	
Costs of Operation	36	
Vice Chairs	37	

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## OUR 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 and applications brought by workers, employers, and dependants of workers 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 prohibited 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.

WCAT is an independent appeal tribunal external to WorkSafeBC.

As the external independent appeal body in the worker's compensation system, WCAT strives to provide:

- predictable, consistent, and efficient decision making
- independent and impartial decision making
- succinct, understandable, and high quality decisions
- consistency with the *Workers Compensation Act* (Act), policy, and WCAT precedent decisions
- transparent and accountable management
- communication within the workers' compensation system while safeguarding WCAT's independence
- accountability through performance management
- appropriate balance between efficiency (timeliness and stewardship of scarce resources) and effectiveness (quality decision making)
- prompt, knowledgeable and responsive client service and
- interpretative guidance for the workers' compensation system

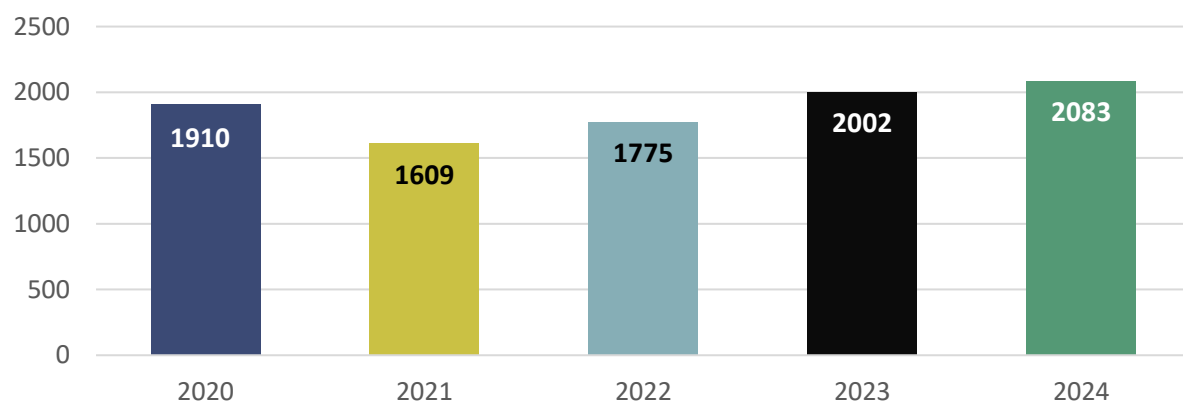
# STATISTICS

## Overview of Inventory

This section contains three charts providing a high-level overview of the status of our active appeals and applications inventory for 2024. WCAT records appeals and applications in the inventory by their date of initiation.

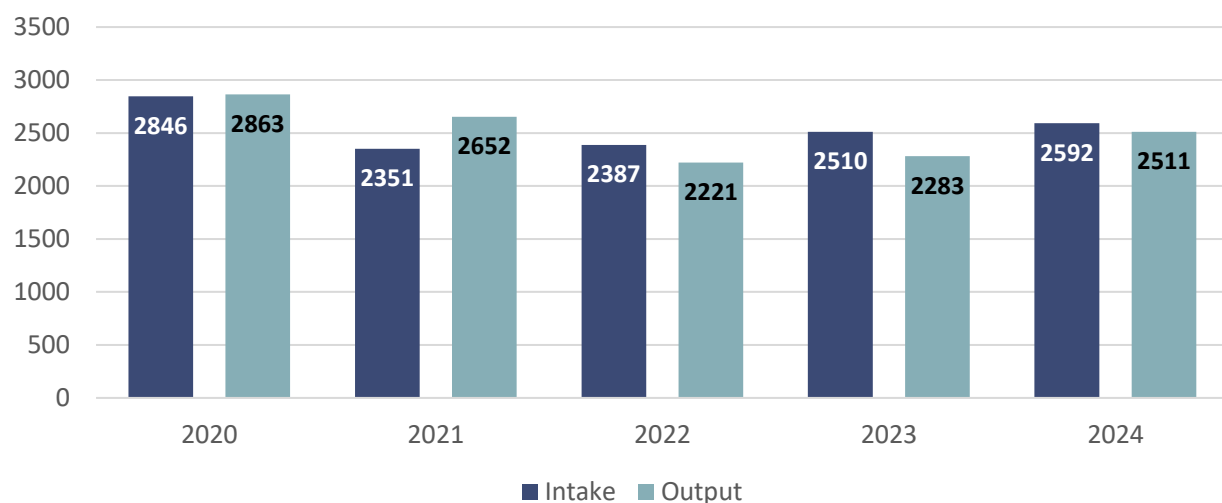
WCAT's total inventory on December 31, 2024 was 2,083 active appeals and applications compared to 2,002 at the end of 2023. This represents a 4% increase.

### ACTIVE APPEALS AND APPLICATIONS IN INVENTORY



WCAT received 2,592 new appeals and applications in 2024 representing a 3% increase from the 2,510 new appeals and applications received in 2023.

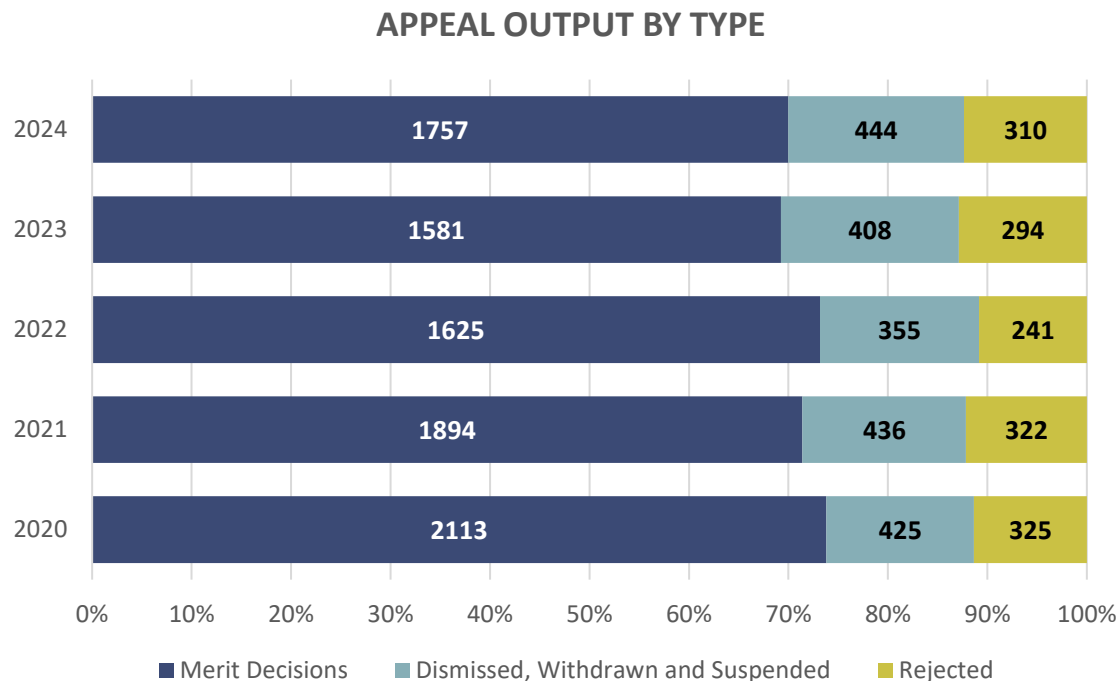
### TOTAL ANNUAL INTAKE AND OUTPUT



The output of summary and merit decisions and determinations in 2024 was 2,511, a 10% increase from 2023.



Most of the output, as shown below, consisted of merit decisions. There was an 11% increase in the output of merit decisions from 2023.



Summary decisions are appeals and applications that are closed or dismissed without a full hearing for a variety of reasons. For further reference, please see [Get a Final Decision](#).

More analysis of WCAT's intake, inventory, and output is contained in the trends and plans section of this report.

### Time to Decision

Section 306 of the Act requires WCAT to decide new appeals within 180 days from the date that WCAT receives from the Board the records (or disclosure) relating to the decision under appeal.

The chair or the chair's delegate may extend the 180-day statutory timeframe up to a maximum of 90 days if the appellant requests and receives additional time to make submissions or submit 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 timeframe based on 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
- a pending report from an independent health professional

The 180-day statutory timeframe clock is stopped in such situations.

In 2024, there were increases in average days (from 5 to 20 days) for completing appeals in the various situations described below.

<u>Notice of Appeal</u>	<u>All Appeals</u>	<u>Appeals With No Additional Time</u>
Average days from the date of receipt of the notice of appeal to the date the final decision is issued.	Average days 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).	Average days 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).
325	233	122

## Appeals and Applications

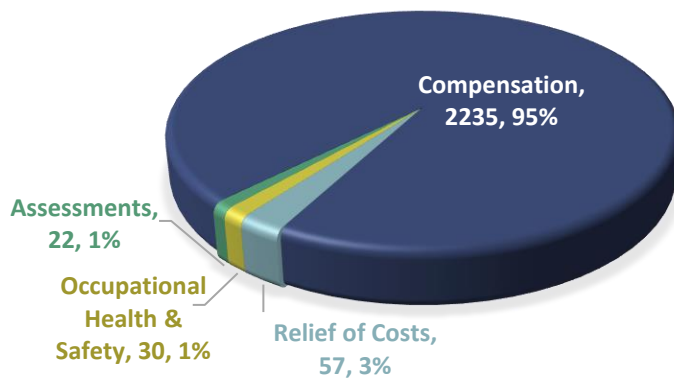
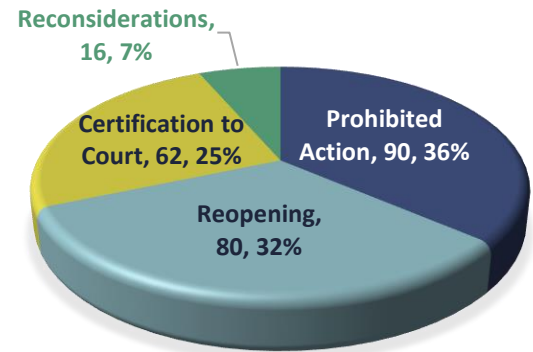
Appeals and applications to WCAT comprise:

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

### a) Type of Appeal

Of the 2,592 appeals and applications received by WCAT in 2024, 90% (2,344) arose from decisions of Board review officers and 10% (248) were appeals that came directly from decisions of Board officers or were direct applications to WCAT. Most WCAT appeals relate to compensation matters. The two charts below show the breakdown of the types of appeals and applications received in 2024.



**APPEALS FROM REVIEW DIVISION  
BY TYPE****DIRECT APPEALS AND APPLICATIONS  
BY TYPE**

#### b) Merit Decisions

WCAT made 1,757 merit decisions on appeals and applications in 2024, 43 of which concerned applications for certificates for court actions.

#### c) Merit Decision Outcomes

WCAT has the statutory authority to vary, confirm, or cancel the appealed decision or order.

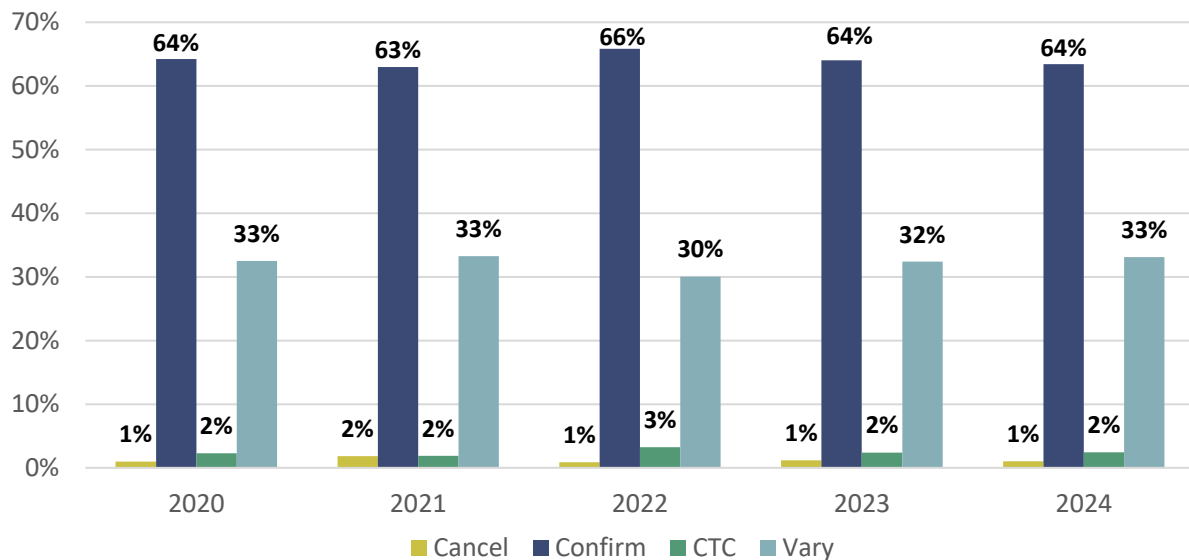
“Vary” means that WCAT changed the previous decision in whole or in part. WCAT has fully granted the remedies requested by the appellant on all issues arising under the appeal or changed a minor aspect of the previous decision.

“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.

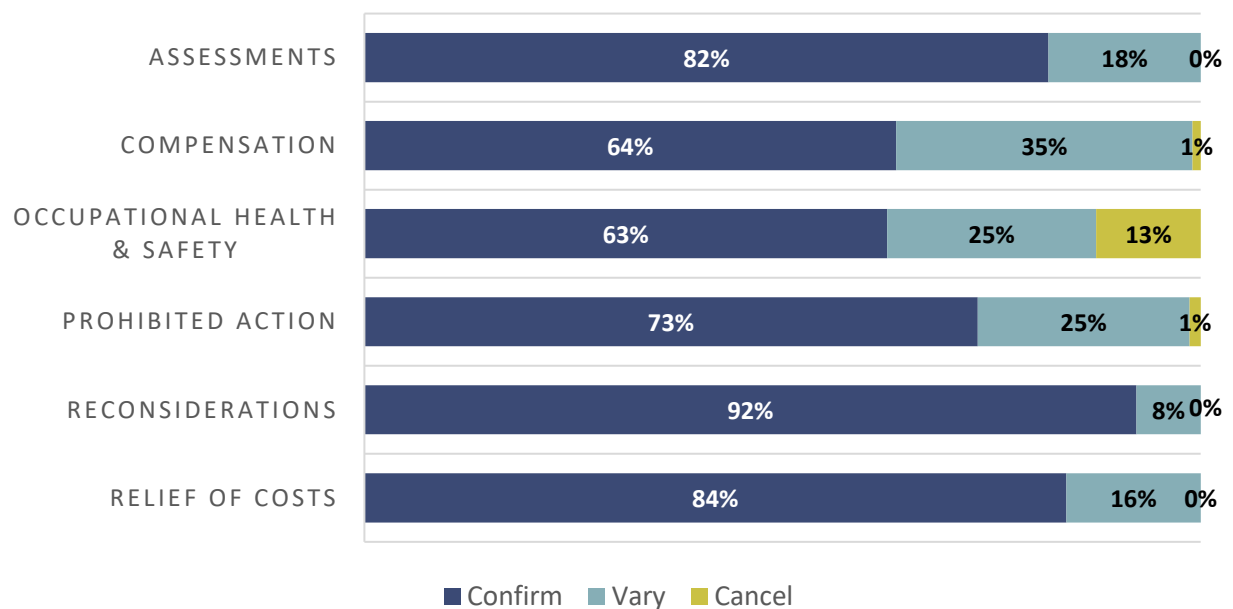
Overall, in 2024, WCAT merit decision outcomes were 33% varied, 64% confirmed, 1% cancelled, and 2% involved certifications to court. The chart below shows WCAT’s merit decision outcomes over a five-year period. The outcomes remain consistent over this time.

### MERIT DECISION OUTCOMES



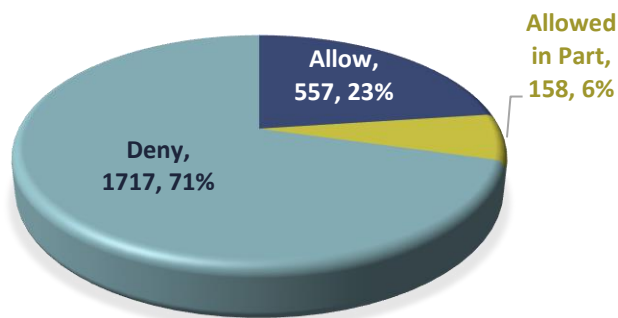
The graphic below shows the decision outcomes for different types of appeals and applications in 2024.

### TYPES OF MERIT DECISION OUTCOMES

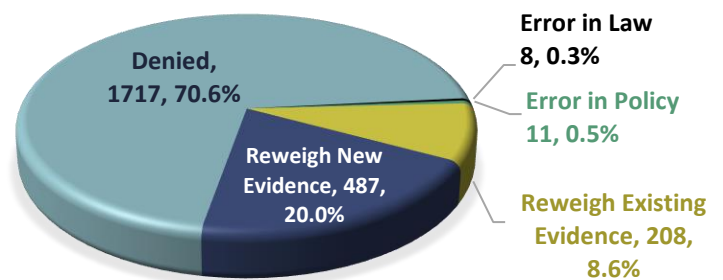


An appeal may raise numerous issues. WCAT may allow or deny the appeal on each issue. In 2024, WCAT decided 2,432 issues that arose out of the 1,757 appeals that led to merit decisions.

ISSUE OUTCOMES



REASONS FOR ISSUE OUTCOMES



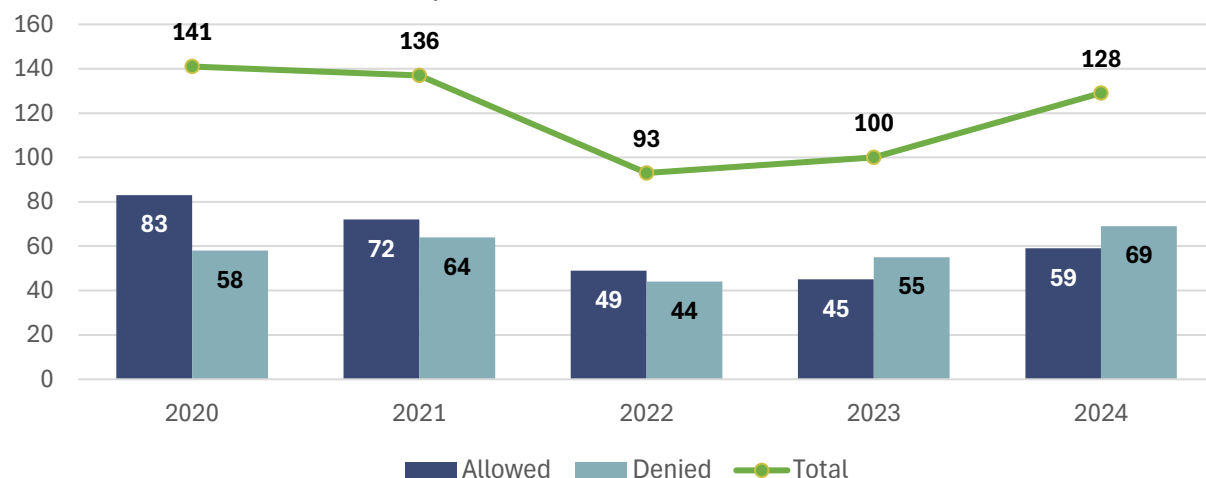
d) Top Five Issue Groups (with Outcomes) for WCAT Appeals

Appeal Issues	Total	Allowed/ Allowed in Part	Denied	% of Total Issues
Personal Injury	704	27.70%	72.30%	28.95%
Permanent Partial Disability	377	42.18%	57.82%	15.50%
Temporary Partial Disability	222	26.58%	73.42%	9.13%
Occupational Disease	201	33.83%	66.17%	8.26%
Health Care	151	32.45%	67.55%	6.21%

e) Requests for Extensions of Time

WCAT decided 128 requests for extensions of time to appeal: allowing 59 and denying 69.

REQUESTS FOR EXTENSION OF TIME

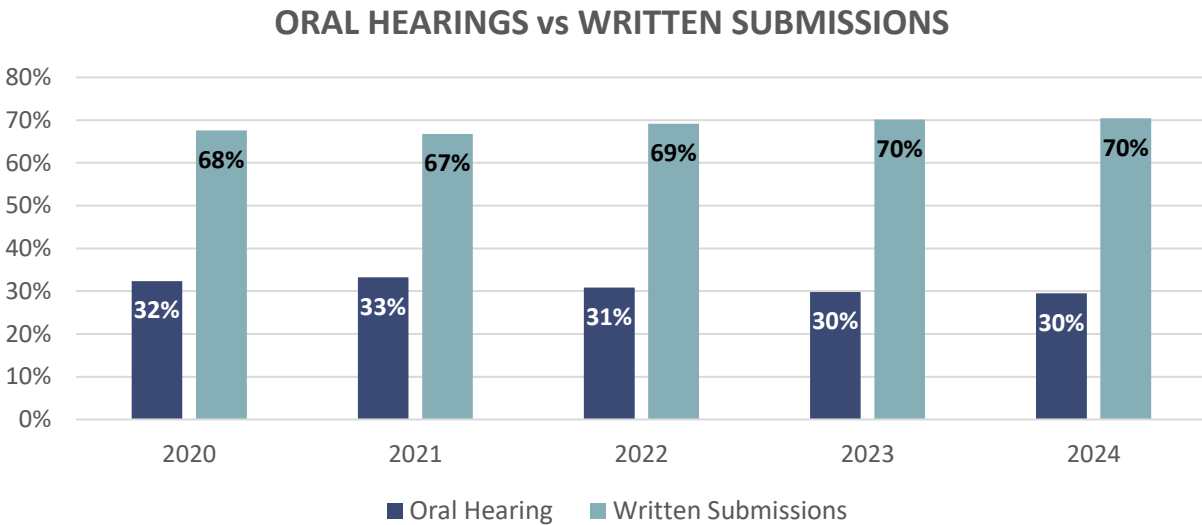


## Appeal Paths

WCAT decides appeals and applications in one of two ways:

- 1) after an oral hearing
- 2) after reading and reviewing the Board's records, any new evidence, and the submissions of the parties (written submissions)

Most appeals and applications were decided by way of review of the written submissions in 2024.



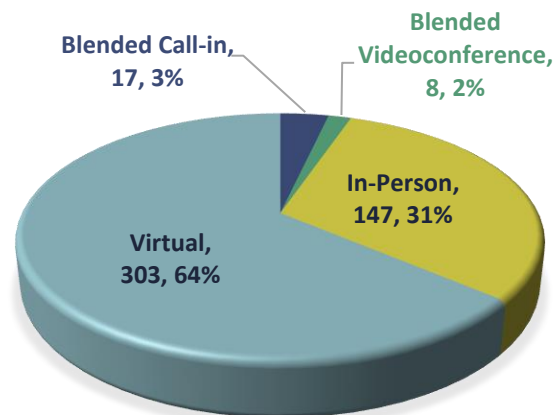
## Method of Oral Hearing

In 2024, WCAT held 475 oral hearings.

WCAT holds oral hearings in various formats: in person, virtual (with all participants joining by videoconference or teleconference), blended videoconference (with some participants attending in person and others by video conference) and a blended call-in (with some participants attending in person and others by teleconference).

The total number of oral hearings conducted in 2024 decreased by 8.8% compared to those in 2023. As noted above, this decrease did not significantly affect the proportion of appeals and applications heard by oral hearing versus written submissions.

### METHOD OF ORAL HEARING



### Appellants and Applicants

A majority (86%) of the appeals and applications received in 2024 were from workers. The following table shows the percentage of appellants and applicants by the type of appeal or application. The table does not include assessment or relief of costs appeals, as the appellant in those appeals is always the employer.

Type of Appeal or Application	APPELLANT/APPLICANT		
	Worker	Employer	Dependant
Compensation	85.9%	13.9%	0.2%
Direct Reopening	98.8%	1.2%	0%
Prohibited Action	70.0%	30.0%	0%
Reconsideration	87.5%	12.5%	0%
Occupational Health and Safety	6.7%	93.3%	0%

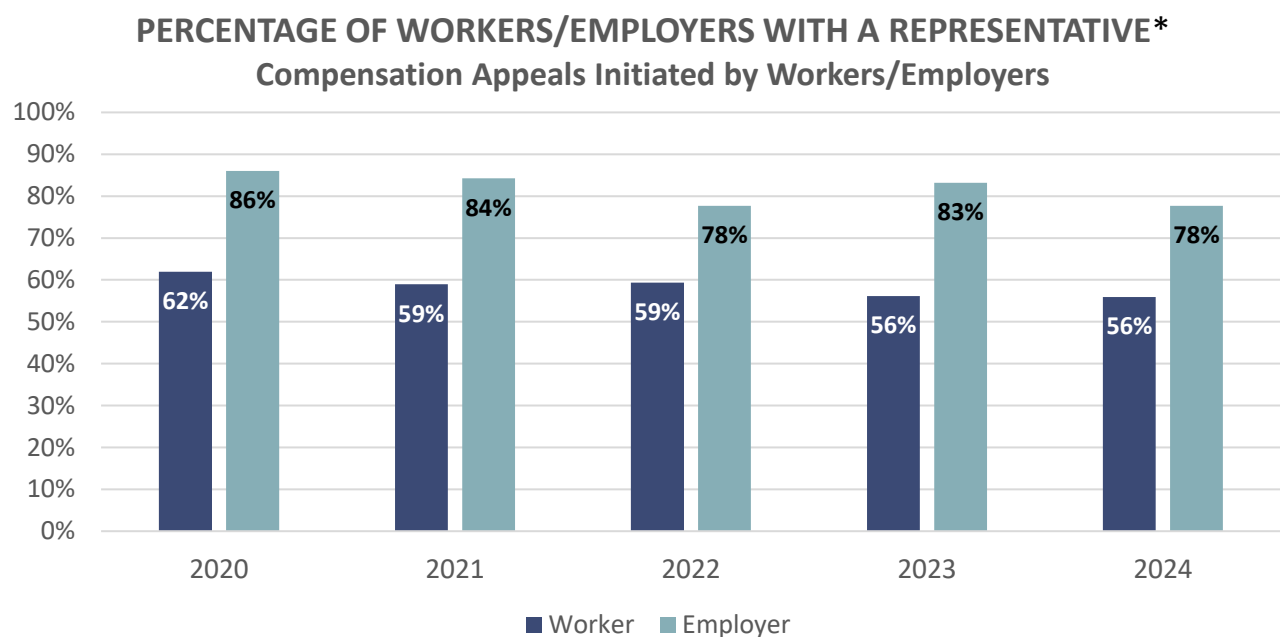
### Representation

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. In assessment and relief of costs appeals, the employer is always the appellant/applicant.

Type of Appeal or Application	PERCENT REPRESENTED WHERE APPELLANT/APPLICANT IS:*		
	Worker	Employer	Dependant
Assessment	0%	42.1%	0%
Compensation	56.3%	78.2%	62.5%
Reconsiderations	23.1%	0%	0%
Prohibited Action	34.9%	74.3%	0%
Occupational Health and Safety	50.0%	61.9%	0%
Relief of Costs	50.0%	91.4%	0%

\* Data corrections have been made, resulting in changes to data from previous years.

As compensation appeals make up the vast majority of WCAT's intake, the chart below looks at representation rates for workers and employers when they initiated compensation appeals over a five-year period.



\* Data corrections have been made, resulting in changes to data from previous years.



## INDEPENDENT HEALTH PROFESSIONAL

The Act was amended in 2022 (*Workers Compensation Amendment Act (No. 2), 2022*) to permit an employer, worker, or dependant of a worker to make a written request that a WCAT panel retain a health professional to provide independent assistance or advice in an appeal. This amendment came into force on April 3, 2023.

The WCAT panel receiving a request must retain an independent health professional (IHP) if the medical condition of the worker is at issue in the appeal, and the panel determines that the independent assistance or advice would assist in reaching a decision on the appeal.

In addition to parties requesting IHPs, the panel may determine that independent assistance or advice would assist in reaching a decision on the appeal and commence the IHP process on their own initiative.

### IHP Requests from Parties

In 2024, WCAT received 41 requests from parties for an IHP. This chart illustrates which party requested an IHP.

In 2024, WCAT responded to 55 requests – 10 requests were allowed, 40 requests were denied 3 requests were summarily closed and 2 were withdrawn.

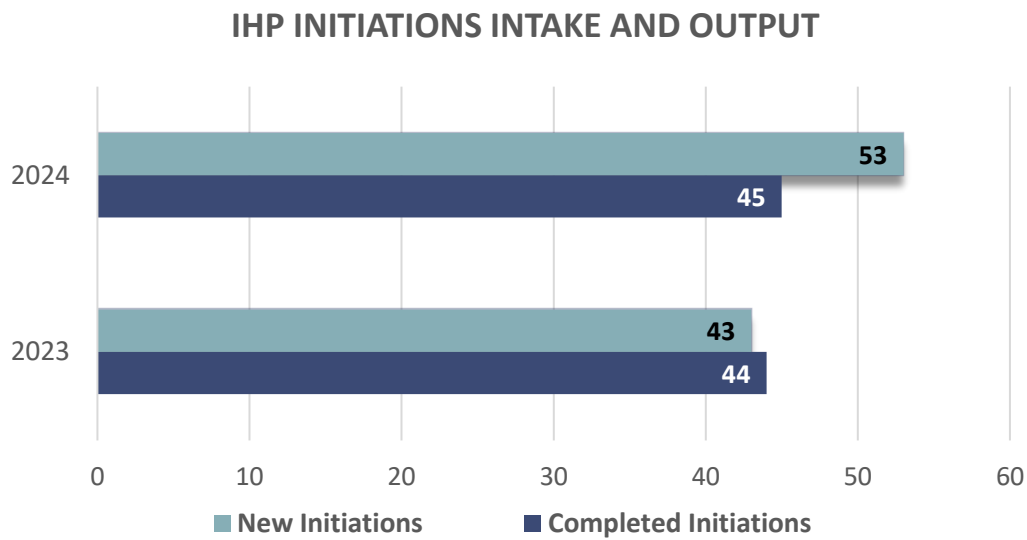
Of the 40 denied requests, WCAT determined 39 were not required to decide the appeal, and one request did not involve a medical condition in the appeal.

### INDEPENDENT HEALTH PROFESSIONAL REQUESTS



### IHP Process Commenced

In 2024, the IHP process was commenced in 53 appeals. The majority of those were commenced on the panel's own initiative.



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## RESPONSE TO THE TRUTH AND RECONCILIATION COMMISSION'S CALLS TO ACTION

In 2019, WCAT initiated its response to the Calls to Action (CTA) contained in the Truth and Reconciliation Commission (TRC) Report. Our response also considers the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In 2024, WCAT continued to act on its commitment to respond to the CTA. WCAT has a CTA Committee which leads WCAT's reconciliation work. As well, WCAT has vice chairs and navigators assigned to appeals and applications where the appellant and/or respondent have self-identified as Indigenous.

A self-identified Indigenous party is offered the option to work with a WCAT navigator. Since 2019, 88% of Indigenous parties opted to work with a WCAT navigator.<sup>1</sup>

A WCAT navigator works with the Indigenous party to ensure they are treated in a welcoming and culturally sensitive manner. The WCAT navigator also works to ensure that WCAT's appeal processes are open and responsive. The navigator works to build a relationship of trust that is culturally appropriate. A WCAT navigator helps throughout the entire appeal, including explaining the appeal process, detailing how to get access to file disclosure, and assisting with accessing oral hearings. For example, the navigator may help by finding suitable hearing locations and noting cultural processes a party may wish to have included in the hearing process.

In 2024, WCAT's CTA Committee continued to discuss, monitor, and chart the progress of WCAT's work towards reconciliation. The CTA Committee also continued to take specific actions towards improvements such as:

- Recruiting Indigenous doctors and psychologists to work as independent health professionals
- Hiring an Indigenous co-op student from the University of Victoria Joint Indigenous Degree (JD/JID) Law program. This was the third year of WCAT's Indigenous co-op student program. In 2024, the student assisted with data review and analysis from five years' work on reconciliation. As well, the student provided an educational session on the JD/JID program. The student also updated a database of WCAT's CTA decisions for internal reference and provided critical insight into WCAT's efforts towards reconciliation.

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<sup>1</sup> Some of the reasons why Indigenous parties may not opt to work with a navigator include they already have a representative, their application is a certification to court matter that does not generally require a navigator, or they have gained familiarity with WCAT's processes due to work with a navigator on a previous appeal or application.

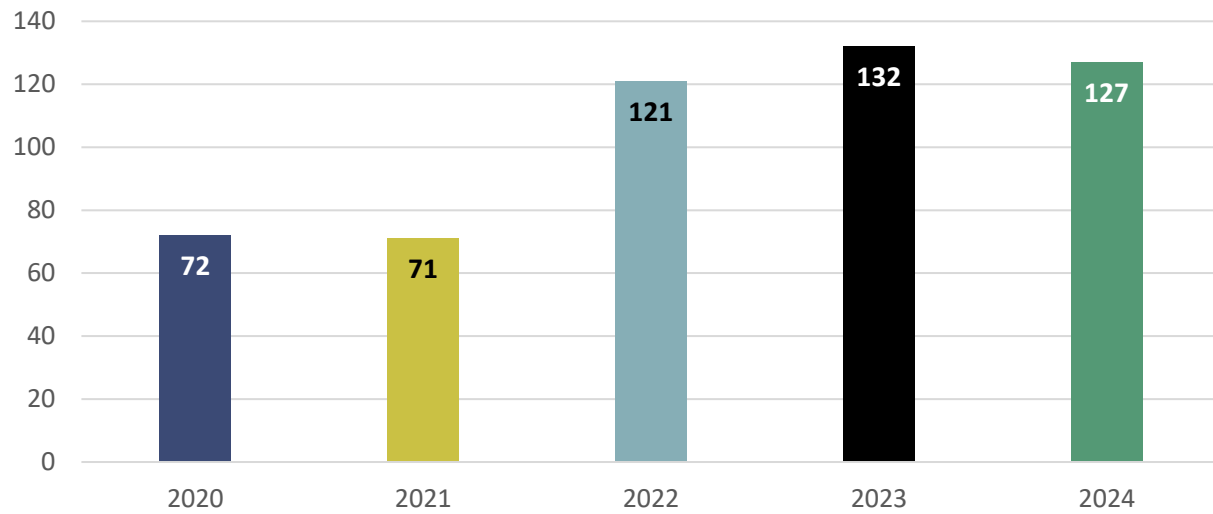
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- Liaising with administrative tribunals (provincial and federal levels) to discuss reconciliation initiatives, including sitting on a national TRC committee with the Council of Canadian Administrative Tribunals (CCAT)
  - Liaising with WorkSafeBC and the Workers' Advisers Office (WAO) about WCAT's CTA response and their Indigenous Relations strategies
  - Liaising with Legal Aid BC and the BC First Nations Justice Council to support reconciliation in the workers' compensation appeal context
  - Sharing our experience through presentations, such as a CCAT Connections session and the BC Council of Administrative Tribunals (BCCAT) roundtable on Indigenous navigators
  - Organizing training sessions for WCAT panels and navigators on Indigenous trauma-informed practice, Indigenous-informed appeal and application processes, and Indigenous-informed decision making/writing
  - Engaging with an external Indigenous consultant to expand WCAT's reconciliation approach and Indigenous-informed processes
  - Reflecting part of WCAT's Equity, Diversity, and Inclusion (EDI) initiative, WCAT reviewed our hiring practices for vice chairs to consider barriers for Indigenous applicants. This review work was completed with the assistance of an external consulting firm. The firm provided information to Indigenous professionals and interviewed them to obtain their suggestions and observations on WCAT's existing hiring practices.

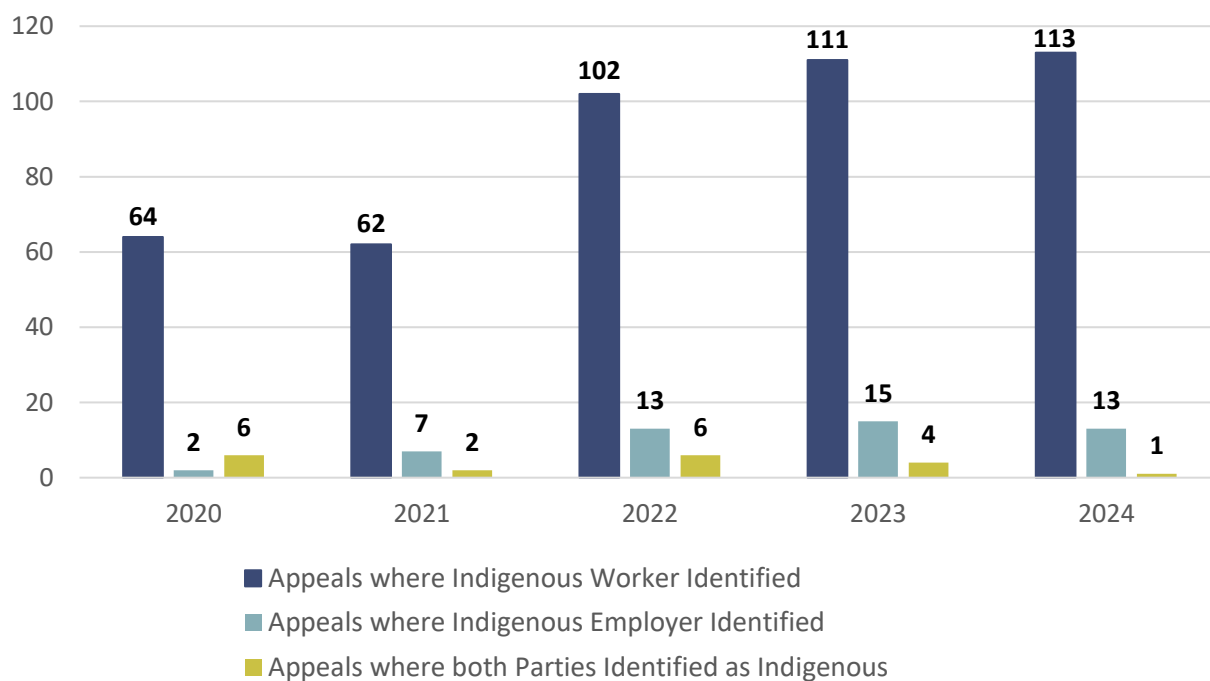
In 2024, WCAT continued to survey Indigenous parties who participate in the navigator program. The survey helped WCAT gain feedback about their experience working with a navigator, as well as their oral hearing experience. The CTA Committee regularly reviews the survey results with a view to continuously improving WCAT's services and eliminating institutional barriers. Survey results continue to be consistent with the highlights reported in our [2023 Annual Report](#).

The following are statistical highlights about the appeals and applications involving a self-identified Indigenous party:

- The inventory at the end of 2024 was 127. This represents a 11.3% decrease since year-end 2023, as output increased in 2024 (see below).
  - WCAT received 127 appeals and applications, reflecting a 3.8% decrease from 2023
  - WCAT decided 126 appeals and applications, reflecting a 48.2% increase compared to 2023
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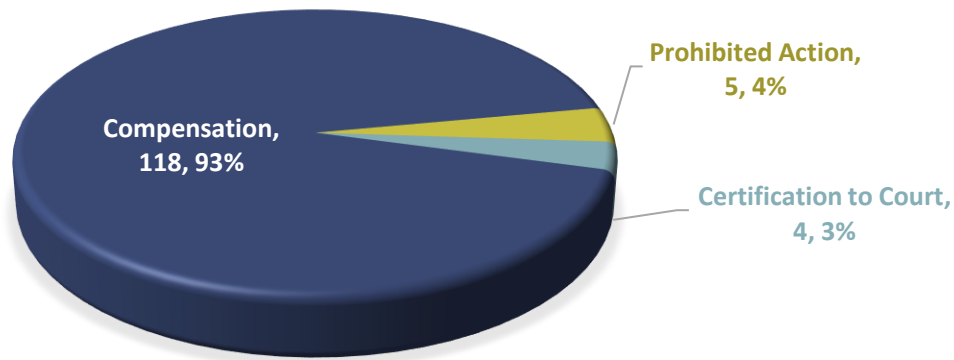
**CTA APPEALS AND APPLICATIONS RECEIVED BY YEAR**

- Most of the Indigenous parties were workers

**INDIGENOUS PARTIES APPEALING TO WCAT**

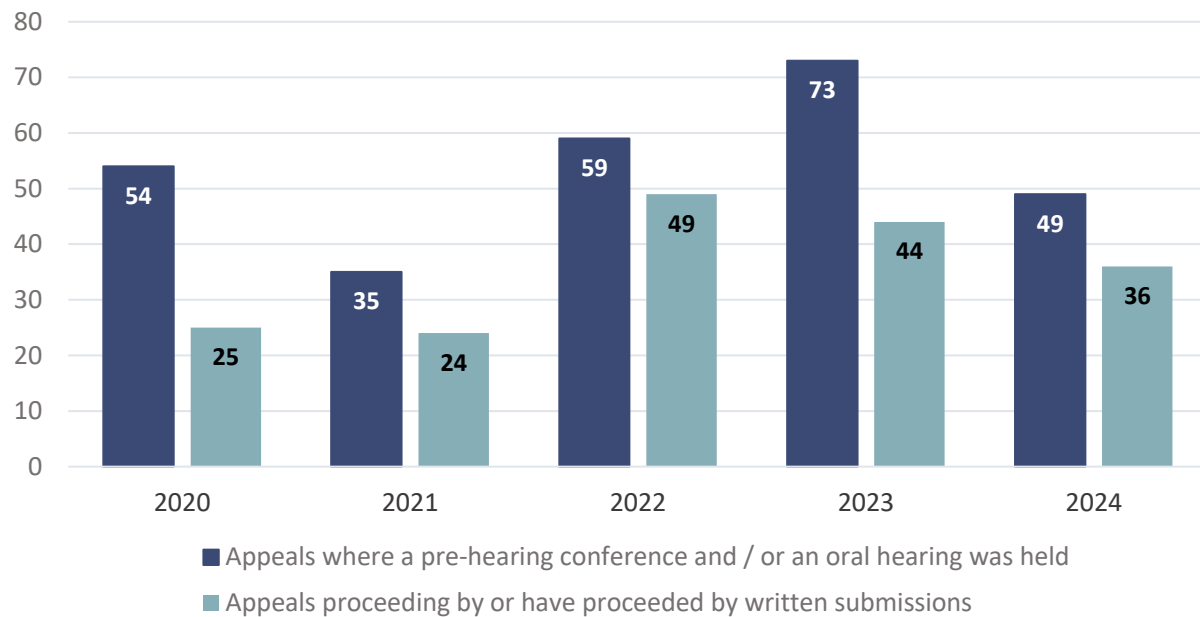
- Most of the matters involving Indigenous parties were compensation appeals

### TYPES OF CTA APPEALS AND APPLICATIONS



- Most of the matters involving Indigenous parties proceeded by oral hearing

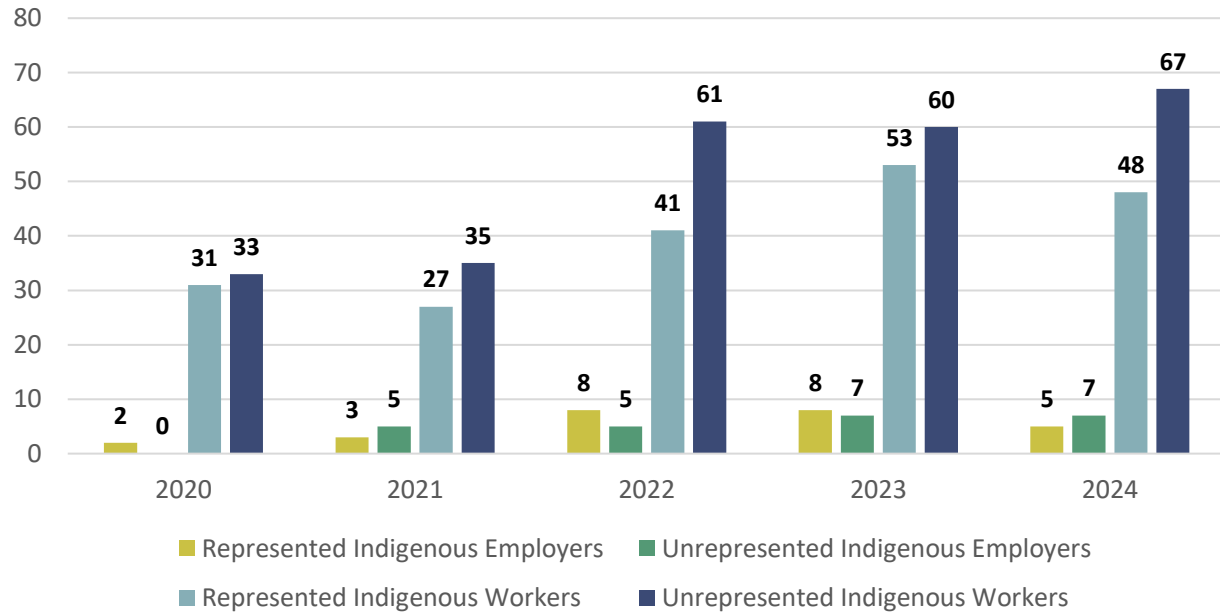
### METHOD OF CTA APPEALS AND APPLICATIONS





- There were slightly more Indigenous employers with representation, than those with no representation. It was the opposite situation for Indigenous workers.

### REPRESENTATION ON CTA APPEALS AND APPLICATIONS



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## ACCESSIBILITY

In 2021, the government of British Columbia passed the *Accessible British Columbia Act* to promote accessibility across British Columbia. The *Accessible British Columbia Act* provides a framework for organizations like WCAT to develop accessibility plans, identify and remove barriers, and establish a feedback mechanism.

While WCAT is not yet required by law to have an accessibility committee, an accessibility plan, or a feedback mechanism, WCAT recognizes the importance of achieving the goals of the *Accessible British Columbia Act*. WCAT hears appeals and applications from workers, employers, and dependants of workers around the province, many of which relate to providing services or benefits to workers with disabilities. The population we serve includes a significant number of people with disabilities.

In 2024 WCAT formed its Accessibility Committee, composed of eight individuals from within WCAT. In keeping with the requirements of the *Accessible British Columbia Act* for accessible organizations, at least half of the members of the committee are persons with disabilities, or individuals who support, or are from organizations that support, persons with disabilities. At least one member is an Indigenous person.

WCAT is committed to making sure that all parties who appear before us can access our services and participate fully in their appeals and applications. All individuals have the right to equal protection and equal benefit under the law, including people with disabilities. In 2024 the Accessibility Committee took several steps towards developing a three-year accessibility plan, with a focus towards improving access to our services for full participation in appeals and applications. In 2025 WCAT will finalize its accessibility plan and take steps towards implementation of the plan. Once the plan is implemented, WCAT will review it annually.

WCAT hired two summer students in 2024 who assisted the Accessibility Committee by researching accessibility initiatives at other tribunals in British Columbia and Canada. The summer students also assessed WCAT's current approach to accessibility and made recommendations, following review of the draft Accessible BC standards on employment and service delivery. The summer students' work was foundational in informing the Accessibility Committee on actionable items for development of WCAT's first accessibility plan.

WCAT also implemented new accessibility feedback mechanisms, including a new dedicated phone line and webform to receive feedback, and began reviewing and acting on the feedback. Disability inclusion and awareness training was provided in 2024, with continued training planned in 2025.

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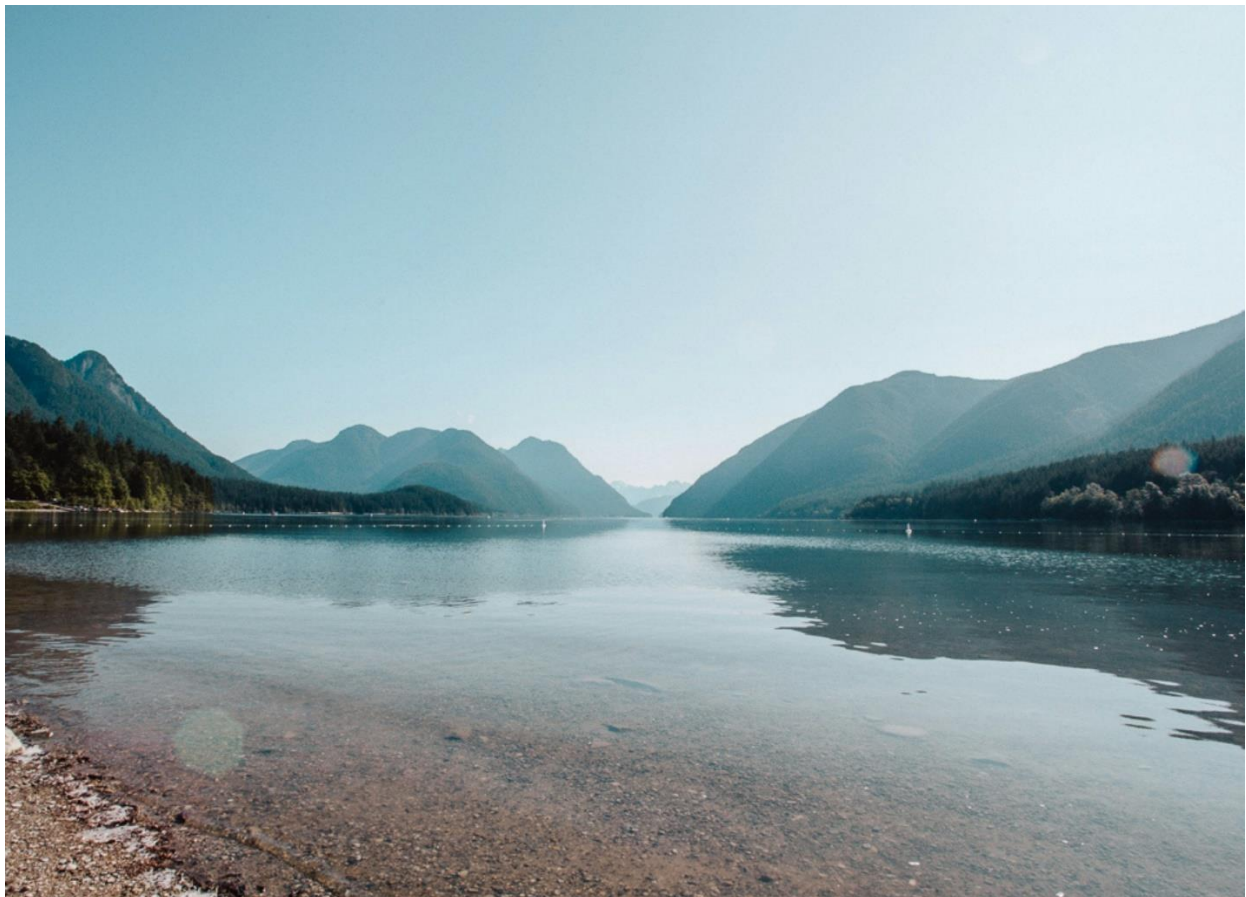
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## NOTEWORTHY DECISIONS

Noteworthy WCAT decisions are those identified 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 while considering an appeal or application.

WCAT decisions, including noteworthy decisions and their summaries, are publicly accessible and searchable on the [WCAT website](#). The website contains an index listing all noteworthy WCAT decisions organized by subject and date.



## RECONSIDERATIONS

WCAT decisions are “final and conclusive” under section 309(1) of the *Workers Compensation Act* (Act), but may be reconsidered based on two limited grounds:

- new evidence under section 310 of the Act
- jurisdictional error

Applications for reconsideration involve a two-stage process:

- The first stage results in a 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 second stage is engaged, and the original decision is reconsidered

The analysis in the first and second stages of the process differs depending on the grounds argued by the party applying for a reconsideration.

On an application to reconsider a WCAT decision on the new evidence ground, a panel:

- determines whether there is new evidence that meets the requirements of section 310 of the Act (stage 1)
- reconsiders the original decision based on the new evidence (stage 2)

On an application to reconsider a WCAT decision based on a jurisdictional error, a panel:

- determines whether a jurisdictional error has been made (stage 1)
- reopens the decision to cure the error by hearing the affected portions of the appeal afresh (stage 2)

WCAT issued 13 stage 1 reconsideration decisions in 2024. Of the stage 1 decisions issued, one determined that reconsideration grounds existed. The outcomes of the stage 1 reconsideration decisions were as follows:

Type of Reconsideration	Number of Reconsideration Decisions	Allowed/ Allowed in part	Denied
Jurisdictional Error	4	1	3
New Evidence	8	0	8
Both Grounds Alleged	1	0	1
TOTAL	13	1	12



# JUDICIAL REVIEW DECISIONS

## Judicial Review Applications

In 2024, WCAT was served with 21 applications for judicial review of WCAT decisions and one appeal of a decision of the Supreme Court of British Columbia in a judicial review.

## Judicial Review Decisions

A party may apply to the Supreme Court of British Columbia for judicial review of a WCAT decision.

A judicial review is not an appeal and does not involve an investigation into the merits of the decision.

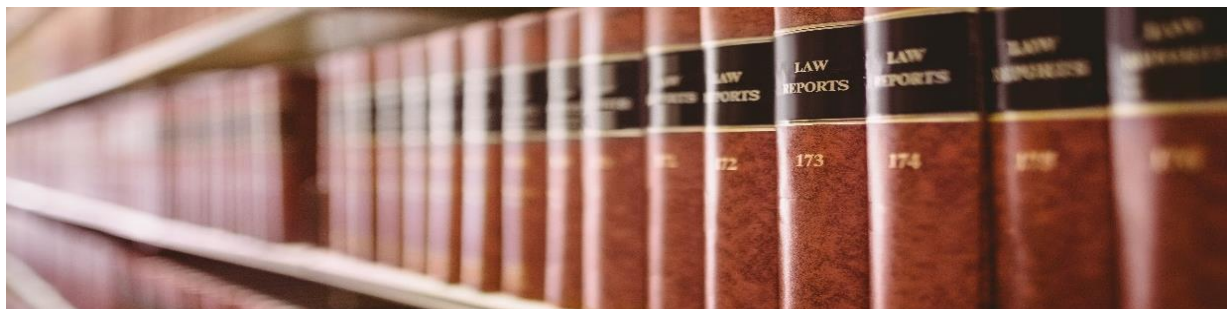
On judicial review, the court examines the decision to determine whether the decision was patently unreasonable, or the process used in making the decision was unfair. The usual remedy is for the court to void the WCAT decision in whole, or in

part, and refer the matter back to WCAT to be decided afresh. In limited circumstances the court may grant the remedy that was requested in the WCAT decision under review.

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

The following court decisions were made in 2024 in relation to judicial reviews of WCAT decisions and related appeals and applications. A complete list of court decisions involving WCAT is provided on WCAT's website, with summaries, at [Judicial review decisions](#).

- *King v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2024 BCSC 476
- *Otuomagie v. Workers' Compensation Appeal Tribunal*, unreported, July 24, 2024
- *Baun v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2024 BCCA 195
- *J.T. v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2024 BCSC 994
- *C.A.S. v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2024 BCCA 315
- *Scotland v. Workers' Compensation Appeal Tribunal*, unreported, March 7, 2024



## PROFESSIONAL LEARNING AND DEVELOPMENT

WCAT recognizes that professional learning and development is essential to achieving and maintaining the expected standards of quality in decision-making. To support this, WCAT has pursued a broad program of education, learning, and development opportunities, both in-house and externally.

In 2023, WCAT established a Professional Learning and Development Committee to report to the chair and provide WCAT's executive team with recommendations on the purpose, scope, and methodology of WCAT's professional learning and development policy for vice chairs. In 2024, the executive team reviewed and implemented some of the recommendations made by Committee, which include creating a new department with two new positions: vice chair, professional learning and development and coordinator, professional learning and development. In 2024, adjustments were made to allow for more flexibility in scheduling learning opportunities, with continued efforts to enhance the professional learning and development program.

WCAT members participated in the following opportunities either virtually or in-person, both as participants and as educators or facilitators. WCAT is registered as a continuing professional learning and development provider with the Law Society of British Columbia.

The following is a list of the professional learning and development opportunities offered to members of the WCAT in 2024.

Date	Training Topic
February 1	Lunch and Learn: Unrepresented parties (workers, employers, and dependants of workers) at an oral hearing
February 29	Registry Update and Mandatory WCAT-CMS Training
April 4	Lunch and Learn: Late evidence received before and after an oral hearing
April 25	Tribunal Counsel Office (TCO) Connection Session: Section 151 - Time limits for filing a mental disorder claim
May 2	Vice Chair Conference <ul style="list-style-type: none"> <li>Return to Work Obligations: Duty to Cooperate and Duty to Maintain Employment</li> <li>Fair Practices Commissioner for WorkSafeBC</li> <li>Indigenous Peoples: Cultural Competency and Trauma-Informed Practice Workshop</li> </ul>
June 7	Inter-Organizational Conference <ul style="list-style-type: none"> <li>Gender Pronouns and Cultures of Respect</li> <li>Health and Wellness Topics</li> </ul>
July 18	Lunch and Learn: Appeal Expenses
August 22	Lunch and Learn: Reconsideration – New Evidence



Date	Training Topic
September 12	Vice Chair Conference <ul style="list-style-type: none"> <li>Assessing Credibility and Reliability in the Absence of an Oral Hearing</li> <li>Medical Evidence / Investigations - Practical Tips and Pitfalls</li> <li>Long Covid Pension Decisions</li> </ul>
September 26	Lunch and Learn: Cultural Background
October 3	Lunch and Learn: Productivity/Case Management Tips
October 25	Tribunal Counsel Office (TCO) Connection Session
October 29/31	Equity, Diversity, and Inclusion (EDI) Benchmark Information Session
October 30	Cultural Competency / Truth and Reconciliation Commission (TRC) Awareness Training
November 5 & 6	BC Council of Administrative Tribunals (BCCAT) 2024 Virtual Annual Conference - Modern Adjudication: Practical Tools and Techniques
November 7	Lunch and Learn: Statutory Interpretation
November 14	Session for Representatives <ul style="list-style-type: none"> <li>Overview of WCAT appeals practice &amp; procedure</li> <li>Truth and Reconciliation Commission (TRC) Calls to Action update</li> <li>Panel discussions on appeals related to prohibited actions and permanent psychological loss of function benefits</li> </ul>
November 21	Continuing Legal Education (CLE) Administrative Law Conference 2024 <ul style="list-style-type: none"> <li>Year in Review: Administrative Law in the Supreme Court of Canada</li> <li>Year in Review: BC Case Law</li> <li>United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Implementation in Administrative Processes and Decision-Making</li> <li>Maybe You Can Fight City Hall, After All: Review of Local Government Bylaws After Vavilov</li> <li>Charter Values in Administrative Decision Making</li> </ul>
December 5	Vice Chair Conference <ul style="list-style-type: none"> <li>Mental Disorder Appeals</li> </ul>

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## OUTREACH

As the final level of appeal in the British Columbia workers' compensation system, WCAT seeks to ensure that stakeholders and those appearing before it, are well informed about our operations and practices.

In 2024, WCAT attended meetings with the following groups and provided information about important initiatives and general operational updates. WCAT also received constructive feedback about our processes and took questions about our initiatives.

- BC Nurses' Union
- Employers' Advisers Office (EAO)
- Employers' Forum
- Workers' Advisers Office (WAO)

As well, WCAT participated in the Canadian Labour Congress Winter School as a presenter providing an overview of WCAT to advisers at the Workers' Advisers Office. WCAT also joined a discussion panel at the BC Council of Administrative Tribunals (BCCAT) Annual Conference and shared about hearing skills.



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## UPDATE ON LEGISLATION AND PROCEDURES

### Statutory Changes in 2024

Section 4 of the *Workers Compensation Amendment Act (No. 2)* was brought into force, effective January 1, 2024. This added Division 3.1 – Return to Work and Other Duties in Relation to Injured Workers to Part 4 of the *Workers Compensation Act*.

Sections 8, 9 and 10 of the *Labour Statutes Amendment Act, 2023* were brought into force, effective September 3, 2024. This added the definition of “online platform worker” to section 1 of the *Workers Compensation Act* (Act), and added section 1.1 to the Act, which deems an online platform worker to be a worker, and the operator of the online platform to be an employer. The effect of these amendment was to bring ride-hailing service and food delivery service drivers within workers’ compensation coverage.

### Practice and Procedure

There were no amendments to the WCAT *Manual of Rules of Practice and Procedure* (MRPP) in 2024.

### Section 304 Lawfulness of Policy Referrals

Section 304 of the Act (formerly section 251) states that WCAT may refuse to apply an applicable policy of the board of directors of WorkSafeBC only if the policy is so patently unreasonable that it is not capable of being supported by the Act and its regulations. If a WCAT panel determines that a policy should not be applied, the issue is referred to the WCAT chair for review. The appeal is suspended until the chair, or the board of directors decides whether the policy should be applied or not.

There are two referrals to the chair, which remain under consideration.

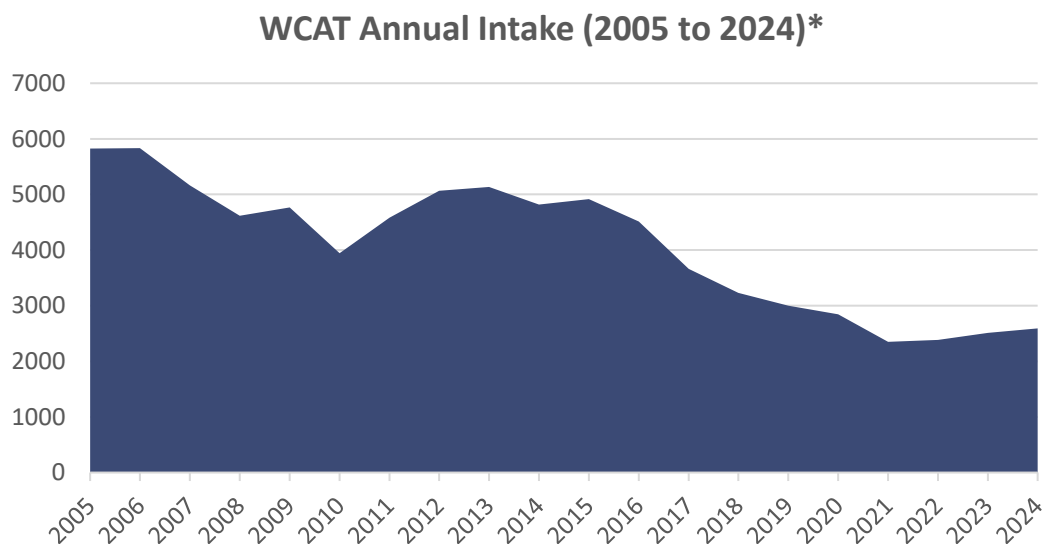


## TRENDS AND PLANS

### Trends

The trends identified below are based on statistical and other information gathered in 2024. As well, given the benefit of over 20 years of data, some metrics are analysed from a longer-term perspective.

1. Growth in intake in 2024; growth anticipated to continue in 2025 but at a slower rate than in previous years



\* 2003 to 2004 is not included in this chart to avoid skewing the analysis. That period represented the transition period to the new review and appeal system established in 2002.

As seen in this chart, WCAT's annual intake has increased by 10.25% since 2021. The rate of increase was 1.53% in 2022, then 5.15% in 2023. In 2024, the rate of increase slowed somewhat to 3% compared to the previous year.

Based on an analysis of historical intake and appeal rates, the volume of new appeals and applications in 2025 is expected to be between 2,600 and 2,700. This is based on a forecasted rate of increase of 3.5%. It is likely that WCAT's intake will be closer to the higher end of the forecasted range, given that there are indications of continued volume increases of WorkSafeBC claims and Review Division reviews.

It appears that annual intake at WCAT may reach pre-pandemic levels of 2,800 new appeals and applications in 2025 or 2026. However, it is difficult to predict whether this trend will continue such that the annual intake would return to pre-2016 levels of 3,000 appeals and applications or more.

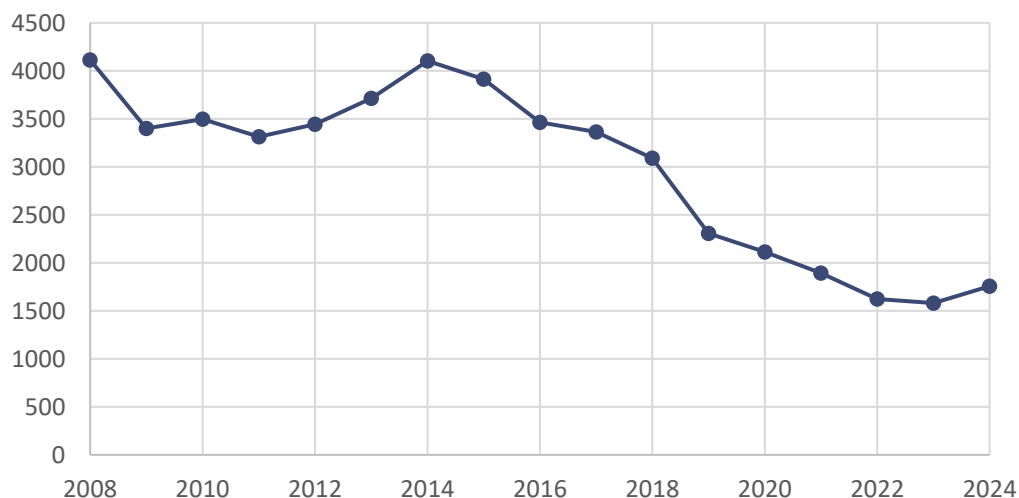
2. Growth in inventory in 2024; growth anticipated to continue in 2025 but at a slower rate than in previous years

WCAT's inventory of active appeals and applications continued to grow in 2024. Since 2021, WCAT's inventory has grown by 29%. The rate of increase was 10% in 2022, then 13% in 2023. In 2024, the rate of increase slowed somewhat from the previous year to 4%.

The increase in inventory since 2021 aligns with the corresponding increase in annual intake over the same period. This increase also corresponds to high attrition rates of vice chairs in that period. There is more analysis on the numbers of vice chairs below. While intake is expected to increase in 2025, the merit decision output is also expected to continue to increase. This will assist with keeping the growth rate of WCAT's inventory to a lower level in 2025.

3. Merit decision output increased in 2024; expected to continue to increase at a higher rate in 2025.

**WCAT Annual Merit Decision Output (2008 to 2024)\***



\* 2003 to 2007 is not included in this chart to avoid skewing the analysis. That period represented the elimination of WCAT's backlog of appeals and applications inherited from the previous review and appeal system.

As shown in this chart, WCAT's merit decision output decreased year-over-year from 2014 until 2023. The biggest decrease in output occurred in 2019, when merit decision output dropped by 25%.<sup>2</sup>

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<sup>2</sup> Merit decision output is the focus of analysis here, as these are final decisions issued by adjudicative vice chairs on the merits (substance) of the appeal or application. Summary decisions are appeals and applications that are closed or dismissed without a full hearing for a variety of reasons. For further reference, please see [Get a Final Decision](#).

The downward trend in merit decision output, particularly since 2019 corresponds with high attrition rates of vice chairs in the period. The average annual attrition rate from 2019 to 2022 was 18.6%. The factors underlying the high attrition rate were retirements, semi-retirements, exits to other tribunals and workplaces, and the impact of the pandemic. With a smaller vice chair complement, the merit decision output correspondingly decreased.

The attrition rate slowed to 4.4% in 2023 and 12.04% in 2024. In 2024, for the first time since 2014, WCAT's merit decision output increased from the previous year. The year-over-year increase from merit decision output in 2023 was 11% in 2024.

This can be attributed to increased retention of vice chairs due to improved remuneration rates under a new [\*Treasury Board Directive 1/24\*](#) (TBD 1/24) and a reclassification of the tribunal from Level 4 to Level 5. As well, there was a slowdown in retirements and semi-retirements in a post-pandemic environment. Most importantly, attrition was significantly offset by new hires in 2021, 2023 and 2024. Since 2021, WCAT has appointed 13 new vice chairs.

With a larger vice chair complement and careful succession planning and retention efforts, the merit decision output is expected to continue to increase in 2025 and beyond. As well, WCAT is engaged in recruiting new vice chairs at the time of the writing of this report. Newly appointed vice chairs are expected to reach full productivity after a training and learning period of approximately two to three years. This depends on their level of previous experience as decision makers in quasi-judicial settings and/or in the workers' compensation system.

However, there must be a note of caution made against predicting a complete reversal in the downward trend of merit decision output prior to 2024. A good portion of WCAT's work remains complex. There is no indication from other parts of the workers' compensation system that the complexity of WCAT's work will diminish in 2025 and beyond. This factor may somewhat militate against WCAT's ability to significantly increase its merit decision output.

4. Little change in composition of WCAT's work and the decision and issue outcomes. This will continue in 2025 and beyond.

Over 20 plus years of its operations, 90% of WCAT's appeals and applications arose from decisions of Board review officers, with the remaining 10% coming directly to WCAT from decisions of Board officers or because of direct applications to WCAT. Most appeals and applications throughout WCAT's history concern compensation matters and are mostly initiated by workers. It is expected that these historical trends will continue in 2025 and beyond.

As well, WCAT's decision and issue outcomes have remained stable over a long period of time. This is expected to continue in 2025 and beyond.



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5. Little change in the quality of WCAT's work as evidenced by reconsiderations and judicial reviews (low volume plus low overturn rate). This will continue in 2025 and beyond.

WCAT's guiding principles include striving to produce high quality decisions that meet the [Hallmarks of Quality Decision Making](#) (set out in item #17.2.1 of the WCAT's MRPP). One indicator of high quality decisions is the low volume of reconsideration applications and judicial review petitions, as well as the low "overturn" rate on these applications and petitions.

Looking at aggregate statistics from the last 10 years (2015 to 2024):

- Reconsideration applications represent 0.7% of WCAT's merit decisions in the same period
- The "overturn" rate on reconsideration applications (reconsidered on either new evidence or jurisdictional defect grounds, or both) was less than 0.1% of WCAT's merit decisions in the same period
- Judicial review petitions received represent 1.2% of WCAT's merit decisions in the same period
- The "overturn" rate on judicial review (WCAT decision overturned by the court) is 0.2% of WCAT's merit decisions in the same period

It is expected that these trends will continue in 2025 and beyond.

6. Time to decision increased along all categories; very slight improvement expected in 2025

As noted above, in 2024, there were increases in the average days (from 5 to 20 days) for completing appeals in the three described situations. The largest increase of 7% from the previous year was in the category calculating the average days from the date of receipt of the notice of appeal to the date the final decision is issued. 4% increases from the previous year were recorded in the other two situations.

WCAT's time to decision statistics significantly increased in 2020 and 2021, primarily due to impacts of the pandemic. The rate of increase has somewhat slowed since then but continues to be of concern due to increased intake, increased complexity of appeals, high vice chair caseloads, and the need to right-size the vice chair complement.

As WCAT's merit decision output is expected to continue to increase as noted above, very slight improvement in these statistics is anticipated in 2025.

7. Appeal path stable – majority decided after a review of written submissions; when oral hearing held, preference for videoconference continues. This will likely continue in 2025 and beyond.

Since 2010, WCAT has decided most appeals and applications after a review of the written submissions. This trend became more pronounced in 2019 and 2020. This appears to have stabilized since the onset of the pandemic and is expected to continue

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in 2025 and beyond. WCAT's rule about appeal method is contained in item #7.5 of the MRPP.

The number of in-person oral hearings increased dramatically in 2023 corresponding with increased confidence with in-person interactions at the end of the pandemic. In 2024, the number of in-person oral hearings remained stable. It appears that the strong preference for videoconferences will continue amongst parties and their representatives in 2025 and beyond.

WCAT will continue to explore ways to improve the information available to parties about the oral hearing process. As well, WCAT will continue to discuss the issue of appeal path with our stakeholders.

#### 8. Impact of IHP amendment remains unknown; more analysis needed in 2026

The amendment concerning requests for an IHP came into force only in the spring of 2023. The 2026 and 2027 Annual Reports will report on the impact of the amendment and will hopefully provide us more information on trends about this important adjudicative tool available to WCAT.

#### 9. Volume of appeals and applications involving Indigenous parties now relatively stable and expected to continue; while majority of Indigenous parties work with a navigator, majority of workers are not represented

The rate of intake of appeals and applications involving Indigenous parties has remained relatively stable over the past three years. It is anticipated that the average volume of 126 appeals and applications per year will continue in 2025 and beyond. Indigenous parties at WCAT, who are mostly workers, continue to opt to work with a WCAT navigator at a very high rate.

Most Indigenous workers continue to be unrepresented on compensation appeals at WCAT. Since 2020, an average of 51% of Indigenous workers are not represented on their compensation appeals. This appears to be different from the representation rate of all appellant workers on compensation appeals, where only 44% are not represented.

### Plans

The WCAT chair is responsible for the general operation of WCAT. Section 280(2)(c) of the Act also outlines that the chair's responsibilities include developing a three-year strategic plan and an annual operations plan for the appeal tribunal.

WCAT is in the process of developing its three-year strategic plan for 2024 to 2027. Our 2025 annual operations plan will address the trends noted above, as well as other factors in our environment that impact WCAT's operations.

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Aside from some plans mentioned above, further highlights of our 2025 plan include:

1. Recruit and retain qualified vice chairs as a priority means to address increasing intake, time to decision, and other operational challenges

WCAT continues to experience operational challenges in maintaining an adequate number of vice chairs. The plans outlined in our 2023 Annual Report will be continued in 2025. As of the writing of this report, we are undergoing another round of recruitment for additional vice chairs. The training of the vice chairs hired in 2023 and 2024 continues in earnest.

As well, the tribunal is making a dedicated effort to carry out succession planning to train and assign newer vice chairs to areas of WCAT's jurisdiction that are complex but have low volume. In 2025, it is expected that more than half of the vice chair complement will consist of vice chairs with less than 10 years of experience, with the majority only having less than 5 years of experience. The newly created Professional Learning and Development department is assisting in the efforts to train and support our newer colleagues or colleagues who are adjudicating in new areas. As well, quality loops and communication within the workers' compensation system are being improved to assist with training and efficiency.

2. Continual improvement of WCAT Online Services and other enterprise systems

In 2025, WCAT is actively working on the next iteration of our Online Services portal, which will allow parties and their representatives to start new appeals and applications with WCAT digitally.

As well, planned improvements to WCAT's Scheduler application will continue in 2025. This application is key to the scheduling of WCAT's oral hearings, as well as assignment of work.

3. Deepening our commitment to reconciliation

As the volume of appeals and applications involving Indigenous parties stabilizes, WCAT continues to maintain several trained panels and navigators to be assigned to these appeals and applications. In 2024, WCAT deepened its understanding and commitment through continued training and extending cultural accommodation to include hosting a smudging ceremony at an oral hearing. This was the first ceremony of its kind held in 2024 inside our building. As well, WCAT was honoured to have a weaving by renowned Musqueam weaver and artist, Debra Sparrow, placed on the round table in Hearing Room #5, whose colours and artwork reflect the unique heritage of the Coast Salish people.

In 2025, WCAT will retain a recruiting firm experienced in Indigenous recruitment. Working with this firm, WCAT will more fully consider and implement the recommendations made by Inclusive Excellence Strategy Solutions Inc to remove barriers in the vice chair recruitment and retention process for Indigenous people.

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WCAT will also discuss the representation rate for Indigenous parties with stakeholders and other parts of the workers' compensation system.

#### 4. Equity, Diversity, and Inclusion (EDI) and other workplace culture improvements

In 2024, Inclusive Excellence Strategy Solutions Inc made recommendations to WCAT to improve the recruitment process for vice chairs and decrease/eliminate barriers for equity-deserving groups. Some of these recommendations are being implemented in the recruitment process underway as of writing of this report. As well, in 2024, WCAT underwent its first workplace inclusion survey. The results are to be shared in Q2 2025 with all WCAT vice chairs and staff, with a plan for structures of accountability and projects to be developed.

#### 5. Accessibility plan

In 2025, WCAT's newly formed Accessibility Committee will finalize WCAT's three-year accessibility plan and start actioning these items. The Committee will continue training for vice chairs and administrative staff in conjunction with the support of the Professional Learning and Development department.

## COSTS OF OPERATION FOR THE 2024 CALENDAR YEAR

Category	Cost
Salaries	11,434,176.76
Employee Benefits and Supplementary Salary Costs	2,940,694.75
Per Diem – Boards and Commissions	854,931.47
Travel	72,266.62
Centralized Management Support Services*	1,616,824.25
Professional Services	425,542.58
Information Technology, Operations, and Amortization	1,991,584.01
Office and Business Expenses	388,592.44
Building Service Requests and Amortization	59,677.80
TOTAL EXPENDITURES**	\$19,784,290.68

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

\*\* The costs of operations include forestry coroner's inquest charges.

## VICE CHAIRS

Section 280(2)(b) of the Act provides that the chair is responsible for establishing quality adjudication, performance, and productivity standards for vice chairs, and regularly evaluating the vice chairs 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 continues to be regularly evaluated on an ongoing basis.

EXECUTIVE AND VICE CHAIRS WITH SPECIAL DUTIES AS OF DECEMBER 31, 2024		
Name	Position	End of Term
Luningning Alcuítas-Imperial	Chair (OIC #407)	December 31, 2028
David Newell	Tribunal Counsel	January 31, 2030
Debbie Sigurdson	Registrar	February 28, 2029
James Sheppard	Vice Chair, Quality Assurance, Training	February 28, 2029
Beatrice K. Anderson	Deputy Registrar	February 28, 2029
Lesley Christensen	Deputy Registrar	February 28, 2029
Hilary Thomson	Deputy Registrar	October 15, 2025
Sherryl Yeager	Deputy Registrar	February 28, 2029
Randy Lane	Vice Chair and Team Leader	February 28, 2030
Susan Marten	Vice Chair and Team Leader	February 29, 2028
Terry Yue	Vice Chair and Team Leader	January 5, 2030
Warren Hoole	Vice Chair and Team Leader	September 30, 2029
Shelina Shivji	Vice Chair and Team Leader	March 31, 2027

VICE CHAIRS AS OF DECEMBER 31, 2024			
Name	End of Term	Name	End of Term
Anand Banerjee .....	October 15, 2025	Julie Mantini.....	February 28, 2027
Hélène Beauchesne .....	March 31, 2027	Ryan McFarlane.....	July 21, 2027
Sarwan Boal .....	February 29, 2028	Cheryl McKitrick .....	May 28, 2026
Larry Campbell .....	October 15, 2028	Chad McRae .....	October 15, 2028
Melissa Clarke .....	September 30, 2025	Kathleen Mell .....	July 21, 2027
Jyoti Dasanjh .....	September 12, 2029	Renee Miller .....	April 30, 2027
Scott Ferguson .....	June 21, 2029	Anthony Moffatt .....	May 28, 2026
Willa Forbes .....	May 28, 2026	Herb Morton .....	February 28, 2030
Sherelle Goodwin .....	January 5, 2030	Barbara Murray.....	October 15, 2028
Janice Hight .....	June 2, 2027	Elaine Murray .....	August 31, 2029
Cynthia J. Katramadakis.....	March 31, 2029	Kristina Nelles.....	September 12, 2029
Joanne Kembel.....	February 29, 2028	Jennifer Perry .....	July 21, 2027
Renee Koizumi .....	July 21, 2027	Christopher Ramsay ....	September 12, 2029
Rob Kyle .....	April 1, 2027	Dale Reid .....	February 28, 2030
Courtney LeBourdais .....	May 28, 2026	Deirdre Rice .....	February 28, 2027
Lori Leung .....	December 21, 2027	Ellen Riley .....	January 5, 2028
Deborah Ling .....	June 21, 2028	Dawn Shaw-Biswas .....	September 12, 2027
Iain Macdonald .....	June 2, 2027	Andrew Waldichuk .....	April 30, 2029
Meghan Maddigan .....	July 21, 2027	Lyall Zucko.....	January 5, 2030

VICE CHAIR DEPARTURES IN 2024	
Name	Departure Date or End of Term
William (Bill) Baker	February 29, 2024
William (Bill) Duncan	November 20, 2024
Simi Saini	December 30, 2024
Anthony Stevens	December 31, 2024