

APPEAL TO COURT

	APPEAL TO COURT	Section of Act	Policy (if any)	Related links (if any)
AB	In Alberta, effective September 1, 2002, the Board or any person who has a direct interest in a decision of the Appeals Commission may appeal the decision to the Court of Queen's Bench on a question of law or jurisdiction. The originating notice of motion must be filed and served on the Appeals Commission and the other parties to the appeal within six months of the decision of the Appeals Commission.	Workers' Compensation Act (s. 13.4)		
BC	In British Columbia a decision of the Appeals Tribunal is final and conclusive and is not open to question or review in any court.	Workers Compensation Act (s. 255)	Policy item C13-102.00, Reviews and Appeals – Workers' Compensation Appeal Tribunal, of the RS&CM, Volume II	Review and appeal
MB	The Act has limited the role of the courts in workers compensation matters. It contains a "privative clause" that restricts the court's ability to review WCB decisions. The court will consider an application for judicial review where the WCB has acted outside its authority, acted without authority, or failed to perform its duties.	Workers Compensation Act (s. 60(1), 60(2))		
NB	New Brunswick provides for a party directly affected by a decision, order or ruling of the Appeals Tribunal to appeal to the Court of Appeal. Within 30 days of receipt of a decision, order or ruling of the Appeals Tribunal, the party must request a statement of facts on the grounds taken by the Appeals Tribunal in making the decision, order or ruling. Within 30 days of receipt of the information, the party must file a Notice of Appeal. The Board may also take a question of law or jurisdiction to the New Brunswick Court of Appeal.	Workplace Health, Safety and Compensation Commission Act (s.23)		
NL	In Newfoundland & Labrador, the Commission may, of its own motion or upon application of a party, state a question of law for the opinion of the Trial Division.	Workplace Health, Safety and Compensation Act (s. 35)	N/A	N/A
NT/ NU	In Northwest Territories & Nunavut, a decision of the Appeals Tribunal may not be reviewed or questioned in any court. This is subject to the implicit understanding that judicial review of a decision may be taken where the decision is patently unreasonable, either as a result of the Appeals Tribunal exceeding its jurisdiction or failing to follow the principles of natural justice.	Workers' Compensation Act (s. 133)	Policy 08.01, Reviewing and Appealing a Decision	N/A

Source: Association of Workers' Compensation Boards of Canada – 2011

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NS	Nova Scotia allows for a party to appeal to the Nova Scotia Court of Appeal from any final decision of the Appeals Tribunal upon a question of jurisdiction, or a question of law, with permission of that court. Such permission must be applied for within 30 days of the Appeals Tribunal decision. The Appeals Tribunal, the WCB and all participants of record in the matters being appealed, must be notified in writing that permission to appeal is being applied for at least 4 clear days before the application is heard. If permission to appeal is granted by the court, the Appeals Tribunal, the Board, and any other party to the appeal, must be given notice within 10 days after the permission has been granted. Also, the Appeals Tribunal or the Board may take a question of law to the Nova Scotia Court of Appeal as a stated case.	Workers' Compensation Act (s. 256, 206)		
ON	The Ontario Act does not contain provisions which allow questions of fact or law to be reviewed by a court.	No reference		
PE	A person directly affected by a final decision of the Appeal Tribunal may appeal the decision to the Court of Appeal on a question of law or jurisdiction with leave of the Court.	Workers Compensation Act (s. 56.2)	POL-88 Workers Compensation Appeal Tribunal Decision Implementation	
QC	In Quebec, it is possible to make a request for a judiciary revision before the Superior Court where there is a denial of natural justice or abuse of jurisdiction on the part of the Commission des lésions professionnelles (CLP).	Act Respecting Industrial Accidents and Occupational Diseases (s. 429.59)		
SK	The Saskatchewan Act does not contain provisions which allow questions of fact or law to be reviewed by a court.	No reference		
YT	Either the appeal tribunal or the board may apply to the Supreme Court for a determination of whether a policy or appeal decision is in keeping with the Act.	Workers' Compensation Act (s. 59)		

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