

GENERAL APPEAL INFO

GENERAL APPEAL INFO.												
	AB	BC	MB	NB	NL	NT/NU	NS	ON	PE	QC	SK	YT
<u>Powers of Board of Directors</u>												
(A) May direct rehearing or re-determination? (B) May direct ONLY if policy/Act not considered or applied.	No	- ¹	B, s. 60.9	-	-	B	No	- ²	-	No	A	B ³
May stay decision pending rehearing?	No	-	Yes, s. 60.9	-	-	Yes	Yes ⁴	-		No	-	Yes
May be asked to make determination?	No	-	Yes, s. 60.9 ⁵	-	-	No	No	-		No	Yes	No
May require a medical examination?	No	-	-	-	-	-	No	-		No	Yes ⁶	No
<u>Court involvement in appeals</u>												
Where denial of natural justice or an excess of the Board's jurisdiction, court may substitute its decision for that of final appeal body?	No	No	No ⁷	Yes WHSCCA s. 23	-	Yes	-	No ⁸	Yes	No	No ⁷	Yes
Upon a question of law:												
• Client may appeal to the Court?	Yes	No	No	Yes WHSCCA s. 23	No ⁹	No	Yes	No	No ¹⁰	No	No	No
• Board and/or Appeal Board may refer to the Court?	Yes ¹¹	No	No	Yes WHSCCA s. 23(7)	Yes ⁹	No	Yes	No	Yes	No	No	Yes
<u>Medical Review Procedures</u>												
See ' Review on Medical Grounds ' for additional information					-					12		
WCB/Commission has a means to appeal or request a review of a medical decision	13	No	Yes, s. 67(3)	No	-	No	Yes ¹⁴	No	-		-	Yes
The review or appeal can be initiated by:												
• the Board (of Directors)	No	N/A	Yes ¹⁵	-	-	N/A	-	N/A	-	N/A	-	N/A
• the WCB/Commission	Yes	N/A	Yes	-	-	N/A	Yes ¹⁴	N/A	-	N/A	-	Yes
• the worker	No	N/A	Yes	-	-	N/A	-	N/A	-	N/A	Yes, s. 60	Yes
• the employer	No	N/A	Yes	-	-	N/A	-	N/A	-	N/A	-	Yes
• an appeal body	Yes	16	Yes	-	-	N/A	Yes ¹⁴	N/A	-	N/A	-	Yes
There is a medical review panel	Yes	No	Yes, s. 67	No	-	No	Yes ¹⁴	N/A	-	N/A	Yes, s. 60-66 ¹⁷	No

- = No reference found in Act.

N/A means not applicable or not available. Contact individual [WCBs/Commissions](#) if you require further information or clarification.

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

**These tables have been designed for general information purposes only. The AWCBC makes no representations as to the completeness or accuracy of the information (which is not exhaustive) and individual workers' compensation boards/commissions should be contacted for specific or additional information and clarification. For links to legislation, see: [here](#). For links to policy, see: [here](#).

-
- 1 The Chief Review Officer has the power to direct a reconsideration of a decision by the Review Division. (Section 96.5)
 - 2 The WSIB has the power to reconsider any decision made by it at any time if it considers it advisable to do so (see s. 121).
 - 3 Beyond this power, the Board has the authority to examine, inquire into and hear any matter that it has dealt with previously.
 - 4 Chair may postpone or adjourn an appeal and appeals raising similar issues for a period of time (s. 200, 248 & 250).
 - 5 The panel's decision must be rendered within 60 days after the hearing is held. The Board of Directors may set aside a decision of the Appeal Commission where the Appeal Commission has not properly applied the Act, Regulations or policy of the Board. The Board of Directors will only exercise its powers where a written request is received within 90 calendar days of release of the appeal decision or the request is the result of an application for judicial review, or a referral from the Chief Appeal Commissioner or Provincial Ombudsman. If an error has been identified, all parties with a direct interest have 30 calendar days to submit a written submission.
 - 6 In Saskatchewan, this is not strictly a part of the appeals process. The worker can be requested by the board to undergo an examination at any time (ss. 57 and 104).
 - 7 In actuality, the Courts do give judicial review for denial of natural justice or lack of jurisdiction.
 - 8 In actuality, the Courts do give judicial review for denial of natural justice or lack of jurisdiction.
 - 9 Client cannot appeal directly to the court, however, the Commission may, of its own motion, or upon the application of a party, state a case for the opinion of the Trial Division.
 - 10 Not directly – must go through the appeal process.
 - 11 Effective Sept. 1, 2002 the Appeals Commission may seek the opinion of the Court on any question of law or jurisdiction arising in the course of the proceedings before it.
 - 12 In Quebec, contestations of a medical nature are decided by the Bureau d'évaluation médicale (BEM, medical assessment office).
 - 13 The decision of the Medical Panel is final and binding.
 - 14 Act allows for it but an MRC to date has not been established.
 - 15 In limited circumstances.
 - 16 The external appeal tribunal may, however, obtain non-binding health professional advice and assistance in the course of dealing with matters before it. (Section 249)
 - 17 Saskatchewan's legislation dealing with the medical review panel provides that the Chairperson of the panel is appointed by the Board, in consultation with the Saskatchewan Medical Association. Members of the panel are selected, by the person requesting the review, from a list of names (including specialists) provided by the board. The decision is final and binding upon the board and the worker.

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

**These tables have been designed for general information purposes only. The AWCBC makes no representations as to the completeness or accuracy of the information (which is not exhaustive) and individual workers' compensation boards/commissions should be contacted for specific or additional information and clarification. For links to legislation, see: [here](#). For links to policy, see: [here](#).