



Hearing and Decision

The Northwest Territories & Nunavut Workers' Compensation Appeals Tribunal is the final level of appeal of Review Committee decisions. The Tribunal can only hear appeals of decisions made by the Commission's Review Committee.

These instructions are intended to provide general assistance only with the appeal process. For a more information, please refer to the Tribunal's **Regulations** which can be downloaded from the Tribunal's website at www.appealstribunal.ca or contact the Tribunal.

The Hearing

A hearing before the Appeals Tribunal is normally heard by a single member of the Appeals Tribunal, however the Chairperson of the Appeals Tribunal may appoint a panel of three members to hear an appeal. In most cases, The Tribunal will schedule the type of hearing (written or in-person) requested by the Appellant. The Tribunal may however determine what type of hearing is appropriate for the appeal.

What to Expect at the Hearing

Written Hearing

The Tribunal Member(s) hearing the appeal will review the documents in the Appeals Package and any other written materials submitted by the parties. In a written hearing, the parties do not attend the hearing. The parties do not give oral submissions and witnesses are not present. A decision is made soon after the hearing date.

In-person Hearing

The Tribunal Member(s) hearing the appeal will review the documents in the Appeals Package and any other materials submitted by the parties prior to the hearing date.

The parties appear in person at the location, time, and date scheduled for the hearing. Each party is given the opportunity to present their case and respond to the other parties' case.

If the Appellant is a worker, the other parties at the hearing may include the accident employer and the Workers' Safety & Compensation Commission. Tribunal staff may also be present at the hearing.

Generally, hearings are not open to the public. If witnesses are present, they will be asked to wait outside the hearing room until they are called.

The person making the appeal is known as the Appellant. The Appellant will be asked to start by explaining why he or she is appealing and what evidence is to be presented. If there are other parties to the appeal, they will also be asked to present their information.

Parties to an appeal are not allowed to bring their own recording devices to a hearing. Beverages (other than water) and food are not permitted in the hearing.

Suggestions for Preparing for a Hearing

- Make sure you have all the documents with you at the hearing that you will need to explain your appeal. This should include the Appeal Package sent to you by the Tribunal.
- Beforehand, make yourself notes to follow during the hearing. List all of the important points about your appeal.
- If you intend to call a witness(es), make sure they know where and when the hearing will be taking place.
- If you are bringing a friend or family member to the hearing for support, remind them that they will not be able to speak unless they are called as a witness.
- Plan to be at the hearing location at least 15 minutes before the start time. This will allow you time to get organized before the hearing starts.

Decisions

Rarely will a decision be made at the hearing. Normally, the Tribunal Member(s) hearing the appeal will want time after the appeal to review all of the documents and oral evidence. The Tribunal must issue its decision within 3 months of receiving all of the evidence, however the time is most often much shorter.

Additional Information

After the hearing, the Tribunal Member(s) hearing the appeal may need more information. This may include sending the Appellant to see a medical specialist, or having an expert review some of the evidence. If this happens, all of the parties who were at the hearing will be given the opportunity to review the additional information and provide comments to the Tribunal.



In person

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