



Filing an Appeal

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.appealtribunal.ca or contact the Tribunal.

Time Limit

An appeal must be filed with the Tribunal within 3 years of the date of a Review Committee decision. If the Tribunal receives an appeal after three years, the Appellant must show a justifiable reason for the delay and the Tribunal will consider an extension of time to appeal.

Starting an Appeal

All appeals start with the filing of a *Notice to Appeal* form. The Notice of Appeal form can be obtained by calling the Tribunal or downloading a copy of the form from the Tribunal's website.

Filing your Appeal

When you have completed the Notice of Appeal form, it can be filed with the Tribunal by:

- sending it by mail (ordinary, or registered);
- sending it by courier;
- dropping it off at the Tribunal office; or
- by faxing it to the Tribunal

The Tribunal's contact information is found at the end of this guide.

Please Note: The Tribunal does not accept appeals submitted by email.

Filling out the Notice of Appeal

Step 1 – Type of Appeal

Worker Appeal

If you are a worker who wants to appeal a Review Committee decision, check the “Worker Appeal” box.

Employer Appeal

If you are an employer wanting to appeal a claim decision check the “Employer Appeal” box.

If you are an employer and have received a Review Committee decision regarding:

- The classification of the employer and the determination of its claims experience;
- The liability for, or amount of an assessment;
- The entitlement to, or the amount of, a safety discount;
- The liability for, or the amount of, a penalty or hazard premium;
- Whether the person is an employer;
- Whether a person is a worker of the employer;

And you want to appeal that decision, check the “Assessment Appeal” box.

Step 2 – Worker or Employer Appellant

If you are filing an appeal, you are the “Appellant”. Complete the Worker Appellant or Employer Appellant section. Please provide complete contact information.

Step 3 – Representation

There are two kinds of representative:

- a legal representative, or
- a personal representative.

A legal representative is a lawyer. Any legal costs associated with your appeal will be your own responsibility. If your lawyer practices law outside of the NWT or Nunavut, he or she must be a member of the NWT or Nunavut Law Society (depending where the hearing will take place) in order to represent you before the Tribunal.

A personal representative can be the Workers’ Advisor or a family member or friend but is always someone you do not pay to represent you. The Worker’s Advisor Office is a free service to assist and represent injured workers with their WSCC claim including assisting with an appeal before the Appeals Tribunal. The Workers’ Advisor Office can be contacted toll-free at 1-866-333-9961 or through its website at www.workersadvisor.ca.

Step 4 – Appeal

Provide information about the Review Committee decision you want to appeal. Include the Claim number and date of the decision. It is helpful to include a copy of the decision you are appealing with your Notice of Appeal form.

Step 5 – Appeal Issues & Reasons

It is important to identify what specific issue(s) from the Review Committee decision you are appealing. For each issue of appeal, identify what the issue is and on what page of the Review Committee decision the issue is identified. Include your reasons why you believe the Review Committee decision is incorrect.

Step 6 – Acknowledgement

The Appellant must sign the Notice of Appeal even if the Appellant has legal representation. By signing the Notice of Appeal form, the Appellant acknowledges that the other parties to the appeal (e.g. the accident employer, the Commission) will receive a copy of all appeal documents if they choose to participate.

Appeal Process

Intake

When the Tribunal receives the completed *Notice of Appeal*, the Tribunal's Registrar will determine:

- if all of the required information has been provided or whether additional information is required;
- if the Tribunal has jurisdiction to hear the appeal, e.g. Has the Review Committee made a decision; and
- if an extension of time to appeal is required;

When all of the requirements have been met, the Appellant will be informed by mail that the *Notice of Appeal* has been received.

Normally, the Appellant will be informed that the *Notice of Appeal* has been received within **14 days**.

Notice of Intention

For appeals filed by a worker, the other parties such as the accident employer and the Commission are notified of the appeal. The accident employer and the Commission are sent by mail a *Certificate of Intention to Participate* form. If either the accident employer or the Commission want to participate in an appeal, the *Certificate of Intention to Participate* form must be returned to the Tribunal by a date set by the Tribunal.

Normally, the *Certificate of Intention to Participate* form is mailed to the accident employer and Commission within **14 days** of receiving the *Notice of Appeal*. Generally the accident employer and Commission are given **21 days** to reply.

For appeals filed by an employer, if the appeal deals with a compensation matter, the worker and the Commission will receive the *Certificate of Intention to Participate* form. If the appeal is about an assessment issue, only the Commission is informed.

For more information about appealing a Review Committee decision, you can contact the Appeals Tribunal by:



In person

Suite 1002
10th Floor Precambrian Building
4920-52nd Street
Yellowknife, NT



Mail

NWT & NU Workers' Compensation Appeals
Tribunal
Suite 1002
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4920-52nd Street
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X1A 3T1



Fax

(867) 766-4226
Toll-free 888-777-8166



Telephone

(867) 669-8354
Toll-free 888-777-8167



Website

WWW.appealstribunal.ca