

**This pamphlet gives you, the employer, information concerning appeals to the Workers' Compensation Appeals Tribunal. The Tribunal is independent and operates separately from the Workers' Compensation Board (Board). Both the Tribunal and the Board are governed by the Workers' Compensation Act of Nova Scotia.**

**The Tribunal hears appeals from final decisions of hearing officers with the Board. You are entitled to be a participant before the hearing officer, and you can appeal the hearing officer's decision to the Tribunal.**



### **Assessment appeals**

A hearing officer decision dealing with any aspect of your assessment may be appealed to the Tribunal. The Board may choose to participate in the appeal. The Tribunal may also add, as a participant, any other person who has a direct and immediate interest in the matter.

The Tribunal will consider the information in the Board's Firm file and will also consider any other evidence and submissions received from the participants.

### **Worker appeals**

When the hearing officer's decision deals with the benefit entitlement of one of your employees, you or your employee may appeal the decision to the Tribunal. Again, the Board may choose to participate, and the Tribunal may add as a participant any other person who has a direct and immediate interest in the matter.

We will consider information in the Board's files for the employee and any other evidence and submissions received from the participants.

### **Rights**

You have the following rights, even if you have chosen not to participate in the appeal:

- to receive notice that an appeal has been filed with the Tribunal
- to advise the Tribunal of an intention to participate in the appeal
- to comment on whether the appeal should proceed by written submission or oral hearing
- to receive a copy of the Tribunal's decision
- to appeal the Tribunal's decision to the Court of Appeal

If you have chosen to participate, you also have the following rights:

- to receive notice of the date, time, and location of an oral hearing
- to participate in the hearing by making oral submissions and by bringing witnesses to testify
- to receive a copy of documents in the Tribunal's possession that are relevant to the appeal
- to provide the Tribunal with written submissions and evidence

### **Notice of Intention to Participate in worker appeals**

When the Tribunal receives notice of an appeal from one of your employees, we will notify you. You will be given an opportunity to comment on how the appeal should proceed – by oral hearing or by written submission.

You will also be sent a Notice of Intention to Participate form that you will need to complete and return to us if you wish to participate in the appeal. If you do not complete and return the form by the date set by the Tribunal, we will assume that you do not wish to participate in the appeal.

If you indicate on the form that you do not wish to participate, or if you do not return a completed form, we will not send you any further information or notices concerning the appeal. However, you will receive a copy of the final decision on the appeal.

Even if you have previously indicated that you do not intend to participate in an appeal, your rights before the Tribunal are never completely waived. If you advise us later that you wish to participate, you still have the right to testify at a hearing, to file evidence, and to provide submissions.

The Notice of Intention to Participate form is available on our website and includes a request for access to documents.

## Access to documents

If you are appealing an assessment decision you should have access to all of your Firm files through the Board. We will provide you with copies of all documents and relevant information in our possession.

For access to documents in an appeal by one of your employees, you must specify on the Notice of Intention to Participate form that you intend to participate. If you wish to receive copies of documents on file with us, you must agree, in writing, not to use or disclose the documents for any purpose other than participation in the appeal. You must also agree to keep the documents confidential and secure.

A Board Claim file may contain personal information relating to medical, dental, psychiatric, or psychological conditions unrelated to the appeal. Therefore, unless there has been written consent to the disclosure from your employee, we will only disclose the material that is necessary for your full participation in the appeal.

We charge \$25 for a copy of files or documents relating to a worker's appeal.

## Deadlines

Once an appeal is ready to proceed, we will advise you and the other participants of the hearing date or submission/evidence deadlines. If you are unable to attend the hearing or are unable to meet the submission/evidence deadlines, you must call or write us immediately.

## Representation

You may represent yourself in an appeal to the Tribunal. You may also choose to be represented by a lawyer or any other person. If you have a representative, we generally send copies of correspondence only to your representative.



## For more information

For more information, please consult our other pamphlets: *Appealing a Hearing Officer's Decision*, *A Guide to Appeals Proceeding by Written Submission*, and *A Guide to Oral Hearings*. You may also visit our website or contact our office.

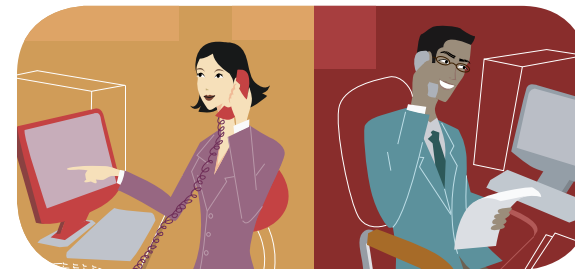
[www.gov.ns.ca/wcat/](http://www.gov.ns.ca/wcat/)

Phone (902) 424-2250

Toll Free 1-800-274-8281

Fax (902) 424-2321

Workers' Compensation Appeals Tribunal  
5670 Spring Garden Road  
10th floor, Suite 1002  
Halifax, Nova Scotia B3J 1H6



# Employer Participation



  
**NOVA SCOTIA**  
Workers' Compensation  
Appeals Tribunal