

After you have filed an appeal with the Tribunal, we will tell you how your appeal will proceed – by oral hearing or written submission. This pamphlet explains our process for oral hearings.

Why an oral hearing?

We will hold an oral hearing when we believe that meeting with the participants in person would help to ensure a fair and understandable process for the participants and the Tribunal.

Who attends the hearing?

The participant who has begun the appeal (the worker or employer) should always attend the hearing. Any participant can bring a spouse or friend for moral support. If that person will be speaking at the hearing, they are referred to as a witness.

The participant responding to the appeal may also attend the hearing. They may be accompanied by a representative who need not be a lawyer. The Tribunal makes an effort to notify everyone before the hearing if another participant, such as the employer, is attending.

The Workers' Compensation Board occasionally sends a representative to the hearing.

Any participant, including the Workers' Compensation Board, may bring witnesses to the hearing or give evidence in support of their case. Notify the Tribunal before the hearing if you want to bring a witness. The hearing will usually be conducted by one Appeal Commissioner. A panel of three Commissioners may conduct the appeal if it is a complicated one.

If required, we can arrange for a translator to attend the hearing.

Before the hearing

You may receive a phone call from us shortly after you notify us of your appeal. The purpose of this phone call is to discuss your appeal and to set a date for the hearing if one has not already been set.

Before the hearing you will receive a letter confirming the time, date and place of the hearing. Hearings are held in various locations around the Province.

If you have medical reports or other evidence that you want us to consider, send these to us and to the other participants two weeks before the hearing, if possible. If we do not receive it before the hearing, this may cause a delay.

If you are bringing a witness to give evidence at the hearing, tell them of the date, place and time of the hearing. You must also tell us that you are bringing a witness at least 2 weeks before the hearing, if possible.

If the person will not agree to attend the hearing as a witness, contact us. We have the power to order an individual to come to a hearing to be a witness.

If you wish to use special equipment, such as a VCR, let us know in advance.

What to bring to the hearing

Bring copies of any current medical reports or other evidence that is important for your appeal.

We will have a copy of the Board's claim file. However, if there is any particular evidence that you want to ensure that we consider, please give copies to us as soon as possible.

If an issue on appeal involves the rate of your pay, periods when you received payment from your employer or your income, give us copies of pay stubs, T4s or other documents as evidence.

What happens at the hearing

All participants meet in the same room. The Appeal Commissioner or Panel will greet everyone and explain the hearing proceedings. Usually the participant who has appealed (or their representative) presents their case first. There may be questions from the other participants and also from the Appeal Commissioner. Then, the other participants present their case and again there may be questions. You may summarize your case at the end of the hearing.

- The hearing will be recorded by the Tribunal. No other recording equipment is allowed.
- Dress at the hearing is informal and breaks may be taken as required.
- Water is available in the hearing room.
- Hearings are usually scheduled for 1½ hours.

Participants at the hearing will not be reimbursed for costs connected with the hearing, such as travel expenses.

All witnesses will be required to confirm that the evidence they give is the truth.

If you cannot attend the hearing

If you need to postpone a hearing, write or call us as soon as possible. Tell us why you would like to reschedule the hearing. We will grant your request for a postponement if we find that it is reasonable. We have guidelines to determine when it is reasonable to postpone a hearing. The guidelines are on our website. We can also mail or fax these to you.

If you do not notify us that you are unable to attend the hearing or that you wish to postpone the hearing, then we may review the written evidence and render a decision without you.

After the hearing

Occasionally, a participant is asked to file additional evidence, such as medical reports. After the hearing, and after any additional information has been filed, we will mail a written decision to each participant.

We also send a copy of the written decision to the Board. The Board will implement the decision.

For more information

For more information about oral hearings, or other information about the Tribunal, please visit our website or contact our office.

www.gov.ns.ca/wcat/

Phone (902) 424-2250

Toll Free 1-800-274-8281

Fax (902) 424-2321

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A Guide to Oral Hearings

NOVA SCOTIA
Workers' Compensation
Appeals Tribunal

