

Stakeholder Update

Date: March 30, 2021



Changes to Rules, Forms and Practice Guidelines

As a result of:

- Upcoming changes to the *Workers' Compensation Act* (WCA) effective April 1, 2021;
- Changes in our communication practices and increased use of electronic technology to conduct hearings in response to the COVID-19 pandemic;
- Ongoing feedback from our stakeholders; and
- Continuous review of our processes to determine whether they can be amended to better serve our stakeholders;

Updates to our Appeal Rules, Forms and Practice Guidelines will be made effective April 1, 2021. A summary of amendments is as follows.

Rules

- *Appeal Rule 1.3(2)* has been removed so that the rules more accurately set out the Appeals Commission's jurisdiction.
- *Appeal Rules 1.7(3)(c), 2.11(2)(b), 6.1(2) and (3), 6.3 (1), 6.4, and 6.5 (1)* have been amended to reflect our updated practice of accepting e-mail filing and communications.
- *Appeal Rules 1.10 (d), 2.3(1), 2.3(1.1) and 4.6(1)* have been updated and/or added to reflect upcoming changes to the WCA regarding the section creating the WCB review body, the appointment of vice chairs, and the changes to the limitation period to file an appeal.
- *Appeal Rule 1.11(c)* has been added to clarify that the Appeals Commission has the jurisdiction to request from the Workers' Compensation Board evidence and submissions relevant to an appeal.
- *Appeal Rule 1.14* has been amended to clarify how to communicate with the Appeals Commission.
- *Appeal Rule 3.12(b)* has been added to clarify that the Appeals Commission's recording of a hearing is the only and official recording.
- *Appeal Rule 4.3(2)* has been updated to reflect that in-person hearings might not be held in a hearing room at the offices of the Appeals Commission, but rather, may also be held by teleconference and video conference. *Appeal Rule 4.3(3)* has been amended to clarify that the Chief Appeals Commissioner or delegate may restrict access to the Appeals Commission to a person who is disruptive, disrespectful or threatening to Appeals Commission staff.

- *Appeal Rule 4.19(3), (4) and (5)* have been added to clarify what happens to a decision published on CanLII which has been reconsidered.
- *Part 5: Reconsideration of Decisions* has been updated to reflect upcoming changes to the WCA regarding reconsiderations and also to clarify the process of reconsideration on own motion.
- *Rules 6.9 and 6.10* have been amended to state that the June 1, 2020 rules are repealed, and the rules come into force April 1, 2021.
- Definitions of “*record*” and “*review body*” have been updated to reflect upcoming changes to the WCA.

Forms

- *All forms* have been amended to state that they can be filed by e-mail.
- *Application for Extension of Time* form has a revised reference to the decision being appealed.
- *Notice of Appeal* form:
 - Has a revised reference to the decision being appealed.
 - Has been revised to include the option of a teleconference or video conference type of hearing.
- *Notice of Representation* form no longer provides an option to state that a party plans to get a representative.
- *Notice of Participation* form:
 - Has been revised to clarify when the Appeals Commission presumes a party is not participating.
 - Has been revised to include the option of a teleconference or video conference type of hearing.
- *Application for Interim Relief for Workers* form has been revised to include the option of a teleconference or video conference type of hearing.
- *Application for Interim Relief for Employers* form has been revised to include the option of a teleconference or video conference type of hearing.
- *Application for Reconsideration* form has been revised to include a new section allowing applicants to select the type of hearing they would prefer.

Practice Guidelines

All Practice Guidelines have been reviewed and amended where necessary to reflect our updated practice of accepting e-mail filing and communications.

In addition, specific amendments are as follows.

- *Practice Guideline #1* has been amended to:
 - Clarify who can appeal and what can be appealed, and the Appeals Commission's jurisdiction.
 - Update the information about the limitation period in accordance with the upcoming changes to the WCA.
 - Update the type of hearing available to include teleconference and video conference, and provide more information about selecting the type of hearing.
- *Practice Guideline #2* has been amended to provide more information about filing additional documents and submissions. It has also been amended to provide more information and clarify what happens when documents and submissions are received by the Appeals Commission within four days of the hearing.
- *Practice Guideline #3* has been updated to provide more information regarding teleconference and videoconference hearings, as well as the use of electronic devices at those types of hearings.
- *Practice Guideline #3B* has been updated to clarify expectations and standards of conduct for representatives. It has also been amended to clarify how the Appeals Commission will deal with unacceptable conduct.
- *Practice Guideline #4* has been amended to update the information about the limitation period in accordance with the upcoming changes to the WCA.
- *Practice Guideline #5* has been amended to:
 - Update the reconsideration process in accordance with the upcoming changes to the WCA.
 - Include criteria from the recent Supreme Court of Canada decision in *Vavilov*, 2019 SCC 65 (CanLII), regarding sufficiency of reasons.
- *Practice Guideline #6* has been amended to include a new section E regarding storing digital information.

These revisions will be published on our website at www.appealscommission.ab.ca on April 1, 2021. If you have any questions or concerns please contact Laura Ebborn, Manager, Appeals Services at laura.ebborn@gov.ab.ca.

Advisor Office and Medical Panels Program

Additionally, please note that on April 1, 2021, as a result of amendments to the WCA, the Appeals Commission for Alberta Workers' Compensation will take on responsibility for two independent and arm's length programs within Alberta's workers' compensation system.

Advocacy services previously offered by the Fair Practices Office will continue as a program called the Advisor Office for Alberta Workers' Compensation. Medical panel services will continue as the Medical Panels Program for Alberta Workers' Compensation. There will be no delay or disruption of services, which will remain free-of-charge. For more information about the programs, please see the [Advisor Office](#) and [Medical Panels Program](#) websites.

For more information about the steps we are taking to ensure independence, please see our *Governance and Independence Framework*, which will be posted on our website on April 1, 2021.