

May 29, 2020

To whom it may concern:

Re: Updates to Appeal Rules, Practice Guidelines & Forms

At the Appeals Commission, we continually review our processes to determine whether they can be amended to better serve our stakeholders.

To that end, through ongoing stakeholder consultation and as a result of our own review, we have identified where adjustments to our Rules, Forms and Practice Guidelines are necessary.

As of June 1, 2020, our most recent amendments will become effective*.

*Regarding these amendments, please note:

- They include changes to our Rules to allow for online submissions of Forms through our website. These amendments have been made in anticipation of that option becoming functional on our website this summer. Please check our website for status updates on when this option will be operational.
- In response to COVID-19, we have been waiving our Rules and accepting Forms by e-mail. However, we have not yet amended our Rules to allow for e-mail submission of Forms (note that online submissions of Forms through our website is not the same as an e-mail submission to an email address). We anticipate that future changes to the Rules will likely be made to allow for e-mail submission of Forms on a permanent basis, but we did not want to rush into making such changes in the midst of the current situation.

Amendments will be made as follows:

Rules:

- *Appeal Rules 5.3(a) and 5.4(2)* - These rules have been amended to reflect that one or more commissioners hear a preliminary review in an Application for Reconsideration.
- *Appeal Rule 6.1(3)* - The previous version of 6.1(3) has been renumbered and is now 6.1(4). A new rule 6.1(3) has been added to permit online filing of the Appeals Commission's prescribed forms through the Appeals Commission's website.

- *Appeal Rule 6.1(5)* - This rule has been added to clarify when a document will be considered received by the Appeals Commission, including documents submitted online through our website.
- *Appeal Rule 6.6* - This rule has been added to allow for electronic signatures whenever our rules or forms require a signature.

Forms:

- All forms -
 - Have been amended to state that they can be filed electronically through our website, as well as by mail, fax, personal delivery or courier to our offices.
 - Have been revised to remove gender and marital status identifiers.
 - Have an updated “Collection, Use and Disclosure of Personal Information” section.
 - Will look a little bit different. They have been refreshed and made suitable for submission both by paper copy and online through our website.
- *Application for Extension of Time* form - Has been amended to include a representation section. Parties are asked to indicate whether they have or plan to get representation, and are advised to submit a *Notice of Representation* form if or once they have a representative.
- *Notice of Appeal* form -
 - Has an amended representation section. Parties are asked to indicate whether they have or plan to get representation, and are advised to submit a *Notice of Representation* form if or once they have a representative.
 - Has been amended to allow parties and participants to request reasonable accommodations to meet their needs during the appeal process.
- *Notice of Representation* form - Has been amended to allow the form to be valid for two (2) years.
- *Notice of Participation* form - Has been amended to:
 - Include a representation section. Parties are asked to indicate whether they have or plan to get representation, and are advised to submit a *Notice of Representation* form if or once they have a representative.
 - Allow parties and participants to request reasonable accommodations to meet their needs during the appeal process.
- *Application for Interim Relief for Workers* form - Has been amended to:
 - Provide more detail on the type of evidence relevant to applications for interim relief.

- Allow workers to request the type of hearing they prefer.
- *Application for Interim Relief for Employers* form - Has been amended to:
 - Provide more detail on the type of evidence relevant to applications for interim relief.
 - Allow employers to request the type of hearing they prefer.
- *Application for Reconsideration* form - Has been amended to include a separate representation section. Parties are asked to indicate whether they have or plan to get representation, and are advised to submit a *Notice of Representation* form if or once they have a representative.

Practice Guidelines:

- *Practice Guideline #1* - Has been amended to:
 - Include information about filing the *Notice of Appeal* form online.
 - Reflect changes to the *Notice of Representation* form and to advise parties to submit a separate *Notice of Representation* form if they have representation.
 - Include information about requesting reasonable accommodations that parties might need during the appeals process.
- *Practice Guideline #3* - Has been amended to include information about the Fair Practices Office when providing guidance on what to do when a party is dissatisfied with a decision. [Our *Frequently Asked Questions* document has also been amended to include that information.]
- *Practice Guideline #3B* - Has been amended to reflect changes to the *Notice of Representation* form to be submitted with every appeal or application where a party has a representative. Parties are also advised that the *Notice of Representation* form is valid for two (2) years from the date signed, and that they can be submitted for any number of appeals or applications during the two years it is valid.
- *Practice Guideline #4* - Has been amended to include information about filing the *Application for Extension of Time* form online.
- *Practice Guideline #5* - Has been amended to:
 - Include information about filing the *Application for Reconsideration* form online.
 - Include information about representation.
 - Advise that one or more commissioners hear a preliminary review in an application for reconsideration.
 - In addition, the *Application for Reconsideration* form will no longer be part of the Practice Guideline #5, and will be a separate form.

OUR MISSION

*To provide a timely, fair and independent
appeals process consistent with legislation,
policy and the principles of natural justice.*

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- *Practice Guideline #7* has been amended to:
 - Include information about filing the *Application for Interim Relief* forms online.
 - Include information about the type of evidence relevant to applications for interim relief.
 - Advise that applications for interim relief will be shared with the WCB, but that the WCB will not be making submissions about the applications.
 - Provide information about electing to have an in-person or documentary hearing.

These revisions will be published on our website at www.appealscommission.ab.ca on June 1, 2020. If you have any questions or concerns please contact George Wright, Manager, Appeals Services at (780) 412-8763.

Yours truly,

Dale Wispinski
Chief Appeals Commissioner & CEO