

**Contents**

**A. The Hearing ..... 2**

**B. What to Expect ..... 2**

    • Documents-only hearing ..... 2

    • In-person hearing ..... 2

**C. Electronic Devices at Hearing ..... 3**

**D. The Decision ..... 3**

**E. Publication of the Decision ..... 3**

**F. Transcript ..... 4**

**G. Dissatisfied With the Decision? ..... 4**

The Chief Appeals Commissioner has a series of Practice Guidelines to help people who are involved in an appeal to the Appeals Commission. Please contact us for additional Practice Guidelines, *Appeal Rules*, or other information.

For more information, contact the Appeals Commission for Alberta Workers' Compensation at:

<p><b>Edmonton</b>          1100, 10405 Jasper Avenue          Edmonton, AB T5J 3N4          Tel: 780-412-8700          Fax: 780-412-8701</p>	<p><b>Calgary</b>          2300, 801 – 6<sup>th</sup> Avenue SW          Calgary, AB T2P 3W2          Tel: 403-508-8800          Fax: 403-508-8822</p>
---	--

or, through our web site at [www.appealscommission.ab.ca](http://www.appealscommission.ab.ca)

Let us know if:

- your address or contact information changes
- you choose a representative or your representative changes
- you are no longer a representative for a party to or participant in an appeal

## A. The Hearing

We appoint a panel made up of one Hearing Chair and at least one, but normally two, Commissioners.

Participants can request an in-person hearing (including teleconference in appropriate circumstances) or a documents-only hearing. In most cases, we will schedule the requested type of hearing. However, in some circumstances we may need to decide on the appropriate style of hearing. In that event, we consider if the appeal involves:

- significant factual issues
- circumstances that may affect a participant's opportunity to present his or her case
- issues of credibility
- safety or security issues
- unique or complex issues of law or fact
- representatives for some or all of the participants

We also consider the quantity and nature of the documentary evidence.

## B. What to Expect

### Documents-only hearing

If you request a documents-only hearing, we will:

- notify each of the participants of the deadline for filing all written submissions
- share your submissions with the other participants and give you instruction about what follows

In a documents-only hearing, the participants do not attend in-person, do not present witnesses, and do not make oral submissions.

The panel will review the documents in the Appeal Documents Package, along with any other written material the parties have submitted. The panel will meet to consider the evidence, submissions, and responses and will decide the appeal's outcome.

Generally, the panel will hear the matter as soon as possible after receiving the final written submissions from the participants and will issue a written decision after completing the hearing.

### In-person hearing

We will advise the participants of the date and time for the hearing. The participants appear in person at the Appeals Commission office, or attend by teleconference in appropriate circumstances. Each participant will present his or her case and can respond to the other participant's submissions.

The panel will then meet, without the participants present, to consider all of the evidence and submissions before it decides on the appeal.

The procedure for the hearing is the same if one or more participants attend by teleconference. We pay the cost of teleconference calls. We encourage participants in hearings by teleconference to use land lines, rather than cellular telephones.

All hearings at the Appeals Commission are recorded.

## C. Electronic Devices at Hearing

Electronic device means any device capable of transmitting and/or recording data or audio, including smartphones, cellular phones, still and video cameras, laptops, tablets, notebooks, personal digital assistants and other similar devices. At the discretion of the Hearing Chair, participants in a hearing may be permitted to utilize electronic devices, provided that:

- Any such use is consistent with Appeals Commission Rule 4.2: Private hearings and observers;
- Electronic devices must be in silent mode and used in a discreet manner;
- Electronic devices must not:
  - Interfere with hearing decorum or procedure;
  - Interfere with recording equipment or other hearing room technology;
  - Be used for voice communication;
  - Be used to audio record hearings; or
  - Be used to video record or take photographs.

Anyone using an electronic device in a manner inconsistent with this section or in violation of the direction of a Hearing Chair may be:

- Required to turn the device off;
- Required to forfeit the device while in the hearing room; or
- Required to leave the hearing room.

Nothing in this section affects the authority of the Hearing Chair to determine what use, if any, can be made of electronic devices at a hearing.

## D. The Decision

After the panel has reviewed all of the evidence and submissions, it will decide the result of the appeal. The panel will then prepare written reasons for the decision.

Each participant will receive a copy of the panel's written decision, usually within six weeks of the last date of the hearing. The decision may be delayed if the panel requires further information from the participant, or directs further investigation. The appeal is complete once the decision is signed and it is sent to the parties.

*Rule 4.6 of the Appeal Rules* describes in detail what we must consider when making a decision. We must consider:

- the records of the claims adjudicator and the review body relating to the claim
- the records and information available to the WCB relating to the matter under consideration
- all relevant evidence submitted by a participant that relates to the appeal

## E. Publication of the Decision

We routinely publish all decisions on the website: [www.CanLII.org](http://www.CanLII.org). The published decision does not contain personal identifiers, to protect the privacy of all parties. If the removal of personal identifiers is insufficient to protect the privacy of the parties, we may determine that it is appropriate not to publish the decision.

## F. Transcript

A party can order a transcript of the hearing. An approved transcription service will prepare the transcript at the request and expense of the requesting party.

## G. Dissatisfied With the Decision?

Parties that are dissatisfied with a decision of the Appeals Commission have the following options:

- Pursuant to section 13.4 of the *Workers' Compensation Act*, appeal to the Court of Queen's Bench on a question of law or jurisdiction within six months of the date of our decision.
- Pursuant to Rule 3.15 of the Alberta *Rules of Court*, make an application for judicial review within six months of the date of our decision.
- File a Reconsideration Application within six months of the date of our decision. See *Practice Guideline #5 – Application to Reconsider a Decision* for more information. Note that applications for reconsideration do not extend the six month limitation period to the Courts.
- Contact the Fair Practices Office for help or to file a complaint.
- File a complaint with the Office of the Ombudsman.