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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:

Edmonton
 1100, 10405 Jasper Avenue
 Edmonton, AB T5J 3N4
 Tel: 780-412-8700
 Fax: 780-412-8701

Calgary
 2300, 801 - 6th Avenue SW
 Calgary, AB T2P 3W2 Tel:
 403-508-8800
 Fax: 403-508-8822

or, through our web site at 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. Disclaimer and Notice

This is not legal advice. This guideline provides information on how to challenge Appeals Commission decisions in court. It is recommended that you get legal advice before going to court. The Appeals Commission cannot give you legal advice or represent you or your interests in court.

There are many options if you disagree with your Appeals Commission decision (see [Post-Decision FAQ](#)).

Note that both [Reconsiderations on significant defect](#) and court actions each have a 6-month time limit. You can apply for both at the same time. **Important:** asking for a reconsideration does not stop the court action time limit or give you more time to start a court action.

Court actions can take a long time to resolve. It may take 8 to 16 months from the time you start a court action to have your hearing and another 3 to 6 months to receive a decision.

B. Introduction

If you disagree with your Appeals Commission decision, you can challenge it in court at the Court of King's Bench of Alberta. Two types of court actions are available to challenge the decision. These are:

- Statutory appeal: A statutory appeal under the [Worker's Compensation Act](#) is generally concerned with errors of law or jurisdiction in the decision. It is a right granted under the *Worker's Compensation Act*.
- Judicial review: A judicial review is generally concerned with whether the Appeals Commission's process was fair and reasonable, and within the Appeals Commission's authority. Judicial review is part of the court's core responsibilities.

These court actions do not give you the chance to re-argue your case. Instead, the court reviews how and why the Appeals Commission made its decision. If the court finds the Appeals Commission decision or process was unfair, unreasonable or incorrect, the court will send it back to the Appeals Commission for a new hearing with a new Appeals Commission panel.

If you decide to go to court, you must file and serve your court documents on all required parties within **6 months** of your Appeals Commission decision. The court's timelines are very strict. If you miss the deadline, your court action might not continue.

C. Statutory Appeal and Judicial Review

How to start a court action

Court actions must be filed with the Court of King's Bench according to the court's rules, which are called the [*Alberta Rules of Court*](#).

- To start a statutory appeal, you must file an Originating Application ([Form 5](#)) (see: [*Workers' Compensation Act*](#), section 13.4).
- To start a judicial review, you must file an Originating Application ([Form 7](#)) (see: Rule 3.15 of the *Alberta Rules of Court*).
 - A Notice to Obtain Record of Proceedings ([Form 8](#)) must be filed with your Form 7.

You must let all required parties know about your court action by sending them a filed copy of the court documents within **6 months** of your decision. This is called serving your court documents.

Alberta Rules of Court, Rule 3.15 and section 13.4 of the *Workers' Compensation Act* tell you who you need to serve with your court action.

The rules for how you need to file and serve your court documents are in the *Alberta Rules of Court*.

In most cases, you must serve your filed court documents on:

- The Appeals Commission
- The Workers' Compensation Board – Alberta
- Your employer at the time of the accident if you are the injured worker
- The injured worker if you are the employer
- The Minister of Justice for Alberta
- Any other party directly involved in your WCB claim (for example, an insurance company)

How do I serve the Appeals Commission with court documents?

You can serve the Appeals Commission by delivering the documents by hand to one of our offices or by registered mail or courier. You can find our address on the cover page of this practice guideline.

The Appeals Commission also explicitly consents to service by email at: AC.AppealsCommission@gov.ab.ca

For proof of service requirements, please see the *Alberta Rules of Court*.

What happens after court?

The court typically does not award compensation, benefits or damages on judicial review or statutory appeal.

Generally, if your court action succeeds, the Appeals Commission will hear your appeal again with a new panel. If your court action fails, your Appeals Commission decision stays the same.

Where to get help with court actions

It is recommended you get legal advice and retain a lawyer to help with your court action.

The Law Society of Alberta has a directory that helps you find a lawyer. The directory is available here: <https://www.lawsociety.ab.ca/public/lawyer-referral/>

If you cannot hire a lawyer and need assistance filling out court forms, you can contact court services here: <https://www.alberta.ca/support-preparing-court-forms>

Other options for free help are available here: <https://www.lawsociety.ab.ca/resource-centre/public-resources/approved-legal-services-providers-for-the-public/>