

Relevant sections of the Workers' Compensation Act and Regulations

Regulations

- 11** A person with a direct interest in a claim or an assessment may be represented by legal counsel or another agent in
- (a) a review under section 46 or 120 of the Act, or
 - (b) an appeal referred to in section 13.2(1).

Act


- 46 (1)** Where a person has a direct interest in a claim for compensation in respect of which a claims adjudicator has made a decision, that person may, within one year from the day the decision was issued by the claims adjudicator, seek a review of the decision by the review body appointed under section 45.
- (4)** Unless otherwise allowed by the review body a request for a review must be in writing and must
- (a) set out the date and place of the accident and the claims number,
 - (b) identify the decision or issue that is to be reviewed, and
 - (c) set out the reasons as to why the decision or issue should be reviewed.
- (5)** The review body
- (a) must receive the representations, if any, made on behalf of any one or more of the interested parties, and
 - (b) may confirm, vary or reverse any decision made in respect of the claim.

46.1 (1) Where it considers it appropriate to do so, the Board or the Appeals Commission may, in the course of evaluating a claim for compensation under this Act, refer any medical issue relative to the claim to a medical panel to be dealt with under this section.

- 13.1 (1)** Subject sections 13.2(11) and 13.4, the Appeals Commission has exclusive jurisdiction to examine, inquire into, hear and determine all matters and question arising under this Act and the regulations in respect of
- (a) appeals from the decisions under section 46 made by a review body appointed under section 45,
 - (b) appeals from decisions under section 120 made by a review body appointed under section 119,
 - (c) appeals from determinations of the Board under section 21(3), and
 - (d) any other matters assigned to it under this or any other Act or the regulations under this or any other Act,

and the decision of the Appeals Commission on the appeal or other matter is final and conclusive and is not open to question or review in any court.

"...my advisor has assisted me by having my WCB claim brought to a very fair conclusion.... I felt she had my best interests in mind, and was able to bring success to all involved."

Office 
of the
Appeals
Advisor
on workers' compensation matters



independent **advice**

expert **assistance**

professional **advocacy**



How can an appeals advisor help you?

Through their training and certification in Tribunal Administrative Justice (CTAJ) from the Foundation of Administrative Justice, appeals advisors have expertise in administrative

law and its role in the review and appeals process. This is in addition to their ability to interpret and apply the *Workers' Compensation Act* and WCB policies. They are able to determine whether you have grounds for review, or they may suggest alternatives to filing an appeal. Only decisions regarding entitlements under legislation are appealable and your appeals advisor will accompany and represent you at appeals hearings.

There is no charge for these services.

Do appeals advisors act independently of WCB?

WCB's Board of Directors approved policy 01-07 stating:

The Office of the Appeals Advisor (OAA) is established to provide independent advice, assistance and advocacy services for injured workers, or their dependants, with respect to their entitlements under the *Workers' Compensation Act* and in a manner set out in this policy. These services are available exclusively to injured workers, or their dependants, who wish to seek a review or an appeal of an entitlement decision made by WCB, or who wish to appeal a determination under section 21(3).

What do I need to do to start resolving my claim?

Contact the Office of the Appeals Advisor in either Edmonton or Calgary.

Edmonton:

500, 10621-100 Avenue
P.O. Box 1893
Edmonton, Alberta T5J 2P3
Phone: (780) 498-8640
Fax: (780) 498-7870

Calgary:

602, 1701 Centre Street North
Calgary, Alberta T2E 7Y2
Phone: (403) 517-6220
Fax: (403) 517-6221

E-mail:

appealsadvisor@workeradvocates.ca

Toll-free in Alberta:

dial 1-866-922-9221, then the area code and seven digit number of the office nearest you.

Out-of-province: 1-800-661-9608

For more information, visit

website: www.workeradvocates.ca

You will need to provide the OAA with your claim number and a signed Request for Advisor Assistance form as your first order of business. You will be assigned an appeals advisor who will obtain a copy of your file. We will make arrangements to discuss the best approach to deal with your entitlement issues.

If the issue is not resolved at this point, your appeals advisor can assist you in preparing and presenting your case for review by WCB and the Dispute Resolution and Decision Review Body (DRDRB).

Should the decision by the DRDRB not be acceptable to you, your appeals advisor can also prepare your appeal to the Appeals Commission and make written or oral representations on your behalf. Reporting to the Minister of Alberta Employment and Immigration, the Appeals Commission is the final level of appeal for WCB claims.

How long do I have to request a review of the WCB decision?

You have one year from the date of the decision you disagree with to submit a written request to the DRDRB for review. Appeals to the Appeals Commission must also be in writing. If the DRDRB decision is dated prior to Sept. 1, 2018 you have one year to submit your appeal to the Appeals Commission. If it is dated on or after Sept. 1, 2018, you have two years to submit your appeal.

