



# WCAT In Focus

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## ALTERNATIVE HEARING STREAM

The Alternative Hearing Stream (AHS), described in the *Tribunal's Restructuring, Phase II, Decision Document*, will no longer be continued as an individual stream within the organisational structure of the Tribunal. The AHS was mandated to experiment with innovative approaches in the pre-hearing preparation of cases and in the conduct of hearings to develop reforms aimed at improving the efficiency, effectiveness and acceptability of the Tribunal's processes.

Originally named the Vocational Rehabilitation Team (VRT), the AHS arose from the Tribunal's recognition that it is in the interest of the system and the parties to ensure early resolutions to vocational rehabilitation cases. The AHS also applied its mandate to cases concerning return-to-work issues, FEL benefits, and commutations. The AHS consisted of two standing Panel chairs, a standing roster of two worker members and two employer members, and three members of the Tribunal Counsel Office (TCO).

The alternative approaches developed by the AHS resulted in important improvements in the Tribunal's management of particular types of appeals.

At the pre-hearing stage, parties to appeals were encouraged by TCO to focus on their interests and how their interests might be better accommodated through alternative dispute resolution techniques.

## WCAT BECOMES WSIAT

On January 1, 1998, the *Workplace Safety and Insurance Act, 1997* replaces the *Workers' Compensation Act*. As a result, the name of the Workers' Compensation Appeals Tribunal (WCAT) will change to the **Workplace Safety and Insurance Appeals Tribunal (WSIAT)**. The Tribunal's address, telephone number and fax number will remain the same.

The Tribunal will continue to hear appeals from final decisions of the Workplace Safety and Insurance Board (previously the Workers' Compensation Board) and to determine whether the right to bring an action in court is taken away with respect to certain work-related injuries.

It is important to note, that there will be strict new time limits placed on appeals from decisions of the Board to the Tribunal. You must give notice of your appeal within six months of the decision of the Board, unless the Tribunal permits a longer time. The notice must be in writing.

Another change, under the new Act, is that appeals to the Tribunal will usually be heard by a single decision-maker, rather than by a panel of three.

For full details about the changes, refer to the *Workplace Safety and Insurance Act, 1997* or you may consult an experienced representative.

The AHS hearing process advanced the Tribunal's use of a fact-finding format. In some cases, this approach increases the likelihood that parties can come to a common understanding of the case. With the consent of the parties, the Panel can engage them in open discussion about the nature of the appeal and issues in dispute. A consequence of this alternative approach to the traditional hearing format is to shift the emphasis of the hearing away from points of disagreement to points of agreement. After narrowing the points of disagreement on the facts, the resolution of the appeal may also become a matter of agreement between the parties.

## EARLY RESOLUTION STREAM

The Tribunal's Early Resolution (ER) stream, in which Appeals Resolution Officers provide mediation aimed at reducing or eliminating the need for an oral hearing, will continue. At present, most cases in the ER stream are selected by Tribunal staff. However, starting in early 1998, parties filing appeals at the Tribunal will be given an opportunity to apply to have their cases included in the ER stream.

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In recognition that alternative approaches to the pre-hearing process and hearing format can be utilised in a broad range of appeals, in addition to vocational rehabilitation cases, the Tribunal will no longer limit these approaches to one specialised stream. With the consent of the parties, alternative approaches advanced by the AHS will now be available to all appropriate cases as a component of the Tribunal's overall appeals procedures.

## REVISED PRACTICE DIRECTIONS

The Tribunal's Practice Directions have been revised to reflect the changes arising from the coming into force of the *Workplace Safety and Insurance Act, 1997*, on January 1, 1998. These changes will not substantially affect the content of the Practice Directions.

However, three of the Practice Directions have been revised in order to make procedural clarifications, in addition to the changes required by the new Act. They are: "Access to Workers' Files", "Applications Concerning the Right to Sue" and "Reconsiderations".

The revised package of all the Practice Directions will be available from the Tribunal's Publication Department, in January 1998, at a cost of \$10. An Order Form relating to all Tribunal publications is enclosed.

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## CASE RECORDS AND ADDENDA

In the past, where a party has had a representative, the Tribunal has sent a separate copy of the Case Record and of any Addendum to both the party and the representative.

Due to the volume of appeals being received and the cost of photocopying the materials, the Tribunal has changed its practice. When a party has named a representative, the Case Record and any Addendum will be sent to the representative only. If the party wants to obtain a separate copy of the materials, this should be obtained from the representative.

The covering letter forwarding the Case Record or Addendum to the representative will continue to be copied to the party.

## WCAT REPORTER

### **Consolidated Index, Volumes 1-38 (1985-1996)**

The **Consolidated Index** volume for the **WCAT Reporter**, covering all the decisions in Volumes 1-38 (1985-1996), is now available. It makes the decisions in the Reporter more accessible and makes research much easier and faster.

This 500-page special volume contains the following:

- Consolidated Table of Cases
- Consolidated Keyword Index (English and French)
- Consolidated Index to Subject Matter (English and French)
- Consolidated Proceedings Related to Reported Decisions (English and French)

The price of the Consolidated Index volume is \$65. To order, please contact the Publications Department.

## PHOTOCOPY SERVICE FOR TRIBUNAL DECISIONS

As of October 1997, the Publications Department has made improvements to the **Photocopy Service** for Tribunal decisions. These improvements consist of added service on both the Standard and Rush Service, and price reductions on the Rush Service. Service by FAX is now available on the Standard Service. The cost of the Standard Service remains unchanged. On the Rush Service, the limits on the number of decisions have been increased and the service charges have been lowered. *See the enclosed insert for pricing details.*