

**Workplace Safety and Insurance
Appeals Tribunal**

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**Tribunal d'appel de la sécurité professionnelle
et de l'assurance contre les accidents du travail**

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WSIAT Plain Language Glossary

The Act

The Workplace Safety and Insurance Act, 1997. It replaced the Workers' Compensation Act.

Appeal

An appeal is when you ask that a decision about your case be looked at by a higher-level decision maker to make sure it is correct.

Addendum

After the Tribunal makes a Case Record, any new documents that need to be added are put together in a booklet called an addendum. An addendum is used at a hearing in the same way as a case record so that everyone is able to look at the same information.

Adjournment

Sometimes someone taking part in the appeal may not be able to come on the day it is scheduled. Sometimes after an appeal hearing is started, information that is needed may not be ready. When these things happen, a hearing can be stopped and moved to another date. When this happens, the Tribunal calls it an adjournment.

Adjudication

Adjudication means deciding a case. It is when the people who will decide a case hear the arguments of the people involved in the case and make a decision.

Adjudicator

An adjudicator is a person who decides a case. At the Tribunal, a case is usually decided by one adjudicator (a Vice-Chair). Sometimes it is decided by three adjudicators (a Vice-Chair, a Worker Member and an Employer Member).

Alternative Dispute Resolution (ADR)

Some kinds of appeals can be settled without going to an appeal hearing. Alternative Dispute Resolution is a way of settling an appeal by talking about it and sometimes meeting with the other people involved in the appeal. Tribunal staff can sometimes help with this by bringing everyone together and trying to get them to agree to a way of settling the appeal.

Appellant

An appellant is the person who makes the appeal to the Tribunal.

Case Record

A case record is a booklet, prepared by the Tribunal that contains the important documents and information from your appeal. It also contains documents from your WSIB claim file. Case Records are used at hearings so that everyone is able to look at the same information.

Claim

This is what the Workplace Safety and Insurance Board calls a request for compensation benefits.

Decision

At the end of a hearing, the person deciding the appeal writes a decision. It tells everyone involved in the appeal whether or not the appeal is allowed or denied. It also gives the reasons why the appeal was allowed or denied.

Entitlement to Benefits

Some workers who have suffered a work-related injury or disability may receive money from the Workplace Safety and Insurance Board. If it is decided that they deserve this money it is called “entitlement to benefits”.

Evidence

All the documents, medical opinions and statements which are required in order to make a decision in an appeal.

Hearing

A hearing is a meeting where the adjudicators who will decide the appeal get together to listen to the arguments of each side. Some hearings are done in writing, where you write down your argument and send it to the adjudicators who will make the decision. Some

hearings are done in person, where you come to a meeting with the person who will make the decision, and tell them your argument and answer their questions.

Inactive

Sometimes an appeal is not ready to go ahead to a hearing because the people involved in it are not ready, or because information is missing. When this happens, the Tribunal can make an appeal “inactive”. This means that the appeal will not move forward to hearing until the information that is needed is given to the Tribunal.

Mediation

Mediation is a way of settling an issue without going to a hearing. Everyone who is part of the appeal meets and talks with a mediator about how they would like the appeal to be settled. If everyone can agree, the agreement goes to a Vice-Chair who may write a decision approving the agreement. The appeal can then be closed.

Member

A Member is a person from the Tribunal who helps to decide appeals. There are members for both workers and employers. In some appeals they work with Vice-Chairs at hearings to talk to the people involved in the appeal and help write the decision. The Ontario Government appoints members to the Tribunal.

Notice

Notice means telling someone about something. For example, by giving someone “notice of appeal”, you are letting him or her know that you are starting an appeal at the Tribunal.

OIC

An Order-in-Council (OIC) is an order made by the government of Ontario. Each Vice-Chair and Member of the Tribunal is named to their position through an Order-in-Council appointment. Vice-Chairs and Members are sometimes also called “OICs”.

OEA

Office of the Employer Adviser. It helps smaller employers with workplace safety and insurance claims and appeals.

OWA

Office of the Worker Adviser. It helps workers who are not members of unions with workplace safety and insurance claims and appeals.

Party

A party is worker or employer who has decided to become involved in an appeal. Usually, only people who may be affected by how the appeal is decided can become involved. No one has to take part in an appeal if they do not want to, but the Tribunal can still decide the appeal.

Panel

A panel is the people who will decide an appeal. A Vice-Chair, a Worker Member and an Employer Member, decide some appeals that are more complicated. Together, these three people are called a panel.

Policy

The written rules the Workplace Safety and Insurance Board uses to interpret and apply the Act to individual cases.

Practice Direction

The Tribunal has the power to decide the rules it will use for appeals. Sometimes the Tribunal writes “practice directions” as a guide for persons taking part in appeals. The practice directions explain how to deal with the different steps of an appeal.

Proof of Service

The Tribunal needs to know that some of the papers that you give to the Tribunal have also been given to the other people involved in the appeal. This is done by giving proof that they have been “served” with or given this material. Things such as a fax confirmation form or receipt from a courier can be used as written proof.

Reconsideration

Sometimes, after an appeal has been decided, the Tribunal can look at its decision again to make sure that it was right. If new information comes up that might change the case, or if you feel the person who decided your appeal made a serious mistake, you can ask for reconsideration. You must give your reasons in writing. If the Tribunal feels that a reconsideration is needed it will look at the appeal again and may change the decision.

Representative

Most people who take part in an appeal at the Tribunal have a person who knows about workers’ compensation help him or her. This representative person is called your

representative. The representative deals with the Tribunal for you and presents your case at the hearing.

Respondent

A person who starts an appeal at the Tribunal is called the appellant. The other person or people involved in the appeal are called respondents. For example, when a worker starts an appeal, the employer is usually the respondent. When an employer starts an appeal, the worker is usually the respondent

Submissions

Presenting arguments on law, a policy or facts about a case, either in person or in writing to a decision-maker.

Time Extension

You have 6 months to start an appeal with the Tribunal after you get a final decision from the WSIB. If you miss this deadline, you can ask for a time extension to start your appeal. This means you have to tell the Tribunal in writing why you were late starting your appeal and why you should be allowed to appeal.

Transcript

When you come to a hearing at the WSIB or Tribunal, everything discussed in the room is recorded. If you wish, you can ask for a written copy of this recording, called a transcript. There are costs for making the transcript, which you must pay.

Vice-Chair

A Vice-Chair is the person from the Tribunal who will hear your appeal and write the decision. For some types of appeals Vice-Chairs work with Worker Members and Employer Members to hear and decide the case. The Ontario Government appoints Vice-Chairs to the Tribunal.

WCA

Workers' Compensation Act.

WSIA

Workplace Safety and Insurance Act, 1997. The law of the province of Ontario that provides benefits and services to eligible workers after a work related injury.

WSIB

Workplace Safety and Insurance Board, (formerly the Ontario Workers' Compensation Board), is a public organization, created by the government that decides who is entitled to benefits and services under the law. The WSIB also provides these benefits and services.

WSIAT

The Workplace Safety and Insurance Appeals Tribunal. The final level of appeal in the workplace safety and insurance system. It is separate from and independent of the WSIB.

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