

## Starting an Appeal at the Tribunal (Notice of Appeal Process)

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### 1.0 General

1.1 This Practice Direction describes how to start an appeal from a final decision of the Workplace Safety and Insurance Board.

### 2.0 Notice of Appeal Form – Worker’s and Employer’s Notice of Appeal Form

2.1 Persons who want to appeal a final decision of the Workplace Safety and Insurance Board must provide notice of their appeal in writing to the Workplace Safety and Insurance Appeals Tribunal, and indicate why the decision is incorrect or should be changed (the *Workplace Safety and Insurance Act*, (the Act) section 125(2)).

2.2 An appellant must file a Notice of Appeal (NOA) form. There are different forms for workers and employers to use to start an appeal.

2.3 Appellants must provide a copy of the Board’s final decision (usually from an Appeals Resolution Officer) with this form.

2.4 If the appellant is a worker, the worker or the representative may sign the Worker’s NOA form.

2.5 If the appellant is an employer, the employer must sign the Employer’s NOA form and undertaking of confidentiality.

2.6 The worker-appellant must sign the section about releasing a file to the employer.

2.7 If the appellant fails to complete the NOA form in a timely manner, the Tribunal may close the appeal file and any further appeal would be subject to the time limits under the Act.

### 3.0 Time Limits

3.1 An appeal must be filed with the Tribunal within 6 months after the Board final decision (usually from an Appeals Resolution Officer).

3.2 If the appeal is filed after 6 months, see *Practice Direction: Time Extension Applications*.

#### 4.0 Related Practice Directions:

- Closing Appeals by the Tribunal
- Time Extension Applications
- Access to Workers' Files – WSIB
- Access to Workers' Files – Tribunal
- Tribunal's Powers to Determine its Practice and Procedure
- Representatives

Dated at Toronto, Ontario this first day of October, 2007  
Workplace Safety and Insurance Appeals Tribunal  
I.J. Strachan, Tribunal Chair