

WORK SAFE. FOR LIFE.
WORKERS' COMPENSATION BOARD OF NOVA SCOTIA

When you have a question about your decision

A guide to the WCB appeals process



Nova Scotians – safe and secure from workplace injury



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EVERY YEAR IN NOVA SCOTIA, workplace injury takes an unacceptable human and financial toll. Injury is not a cost of doing business – one Nova Scotian hurt on the job is one too many.

Workplace injury can be prevented. But unfortunately, it is still a reality in the workplace of today. When it occurs, the WCB of Nova Scotia supports those whose lives it touches by fostering timely and safe return to work, and by giving Nova Scotians and their families some security from the impact of workplace injury.

Experiencing an injury is a difficult thing. Beyond the physical impact, you probably have many questions and concerns about how the injury will affect your life. Naturally, you want to ensure your best interests are looked out for as you go through this trying time.

As an employer, you also have many questions and concerns. You want to ensure what's best for your employee, and you also need to think about the stewardship of your business.

Whether you are a worker or an employer, this brochure is intended to help you understand your options, and to explain the process when you have questions or concerns about a decision of the WCB.

One Nova Scotian hurt on the job
is too many

How are decisions on my claim made?

When you've been injured on the job, the injury will be reported to the WCB, who will also receive health care information as you receive treatment. The WCB makes a decision about whether or not the claim is covered under the *Workers' Compensation Act*.

This involves an in-depth look at all information surrounding the claim, including medical records.

The WCB also determines if you are entitled to benefits, and what those benefits may be. Other decisions may also be made throughout the claim process.

If you are an employer and you are appealing a decision regarding a claim of one of your employees, you may request a copy of the relevant information from the worker's claim file.

Are decisions final? Can I appeal?

At any point, as a worker or as an employer, if you have questions or concerns about a decision, talk to us.

If you still disagree with a claim decision after discussing it with your Case Worker, you may file an appeal within 30 days of receiving the written decision. It's important to note that the appeals process is not intended as a reconsideration of the entire claim. The process exists to review specific errors or oversights in the claim decision. It is important that appeals be as specific as possible.

Employers may also appeal a decision with respect to their assessment rate, classification or any penalties. The procedure outlined on page 3, and the 30-day deadline, also applies to these appeals.

I want to appeal a decision. How do I do that?

For both workers and employers wishing to appeal a decision, the process starts with a form called a Notice of Appeal to Hearing Officer.

Step 1. If you do not already have one, request a Notice of Appeal to Hearing Officer by contacting the WCB through the general information line: 1.800.870.3331 in mainland Nova Scotia, 1.800.880.0003 in Cape Breton. You may also download the form online at wcb.ns.ca under “Forms.”

Step 2. Fill out the form in as much detail as possible. Provide any and all information pertaining to your appeal. Be specific about why you are appealing.

IMPORTANT: Your Notice of Appeal to Hearing Officer must be received within 30 calendar days of the date you receive the written decision. After this point, the decision is final.

Step 3. Send the form and all documentation by mail or fax to:
WCB Internal Appeals Department
WCB of Nova Scotia
PO Box 1150 Halifax, NS B3J 2Y2
Fax: 902.491.8801

When we receive your appeal, we determine how it is best handled – as either a paper review or an oral hearing. We then advise all relevant parties, in writing, how the appeal will proceed. In either case, your appeal will be handled by a Hearing Officer – a specialist in workers’ compensation law and policy.

In a paper review, the Hearing Officer reviews all of the documentation relating to the appeal. In an oral hearing, the Hearing Officer meets with relevant parties in an informal setting to discuss the issues of the appeal and any new information.

When the review or hearing is complete, the Hearing Officer will issue a decision. This is the final decision of the WCB.

What if I receive new information?

If you receive new information at any point regarding your decision, or on a claim or assessment matter, you may present this information to us.

New evidence – not just new arguments on evidence already filed – may mean a decision will be reviewed in light of that new information.

I disagree with the outcome of an internal appeal. Do I have other options?

Yes. The Workers' Compensation Appeals Tribunal (WCAT) is an independent body to which final decisions of the WCB may be appealed.

The WCAT reports to the Minister of Justice, and is separate from the WCB.

An appeal to the WCAT must be filed within 30 days of being notified of the WCB Hearing Officer's decision.

Workers' Compensation Appeals Tribunal
Toll-free 1.800.274.8281
902.424.2250

Is assistance available for my appeal?

The WCB will be pleased to answer any questions workers or employers may have about a WCB decision. Beyond that, the Workers' Advisers Program (WAP) is available and may be able to assist workers in filing an appeal or handling their claim through legal advice, assistance and representation.

Workers' Advisers Program: Toll-free 1.800.774.4712
902.424.5050

This isn't clear to me. I still have questions. Can I speak with someone?

The WCB of Nova Scotia exists to support those whose lives are touched by workplace injury. Our goal is to reduce the human and financial toll workplace injury takes in Nova Scotia through injury prevention and return to work.

At any point, do not hesitate to contact us. We will do our best to provide the information you need.

WCB Nova Scotia

Halifax: 902.491.8800

Toll-free: 1.800.870.3331 (includes Internal Appeals)

Sydney: 902.563.2444

Toll-free: 1.800.880.0003

For more information about WCB coverage, claims and decisions, visit our website at wcb.ns.ca



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Halifax Office

5668 South Street
P.O. Box 1150
Halifax, NS B3J 2Y2
Tel: 902.491.8999
Toll-free: 1.800.870.3331
General Fax: 902.491.8002
Injury Reporting Fax:
902.491.8001
E-mail: info@wcb.gov.ns.ca

Sydney Office

336 Kings Road
Suite 117
Sydney, NS B1S 1A9
Tel: 902.563.2444
Toll-free: 1.800.880.0003
Fax: 902.563.0512

Corporate site:

www.wcb.ns.ca

Interactive prevention tools:

www.worksafeforlife.ca

Employer account access:

my-account.ns.ca

