INTERVIEW QUESTIONS - WORKERS' COMPENSATION
INTERNAL APPEALS POLICY AND PROCESS

JURISDICTION: ONTARIO

1. STRUCTURE OF APPEAL PROCESS

*Please review and confirm the information in the attached summary of information on the appeal structure and process in your jurisdiction.*

*In addition, if not already covered in the excerpt, can you please provide the following information:*  

- **Who sits on the Appeal Body?**  
  The internal Appeals System in Ontario is staffed by Appeals Resolution Officers who are employees of the board.  

- **Is the internal appeal process required by legislation?**  
  Yes.

2. SCOPE OF APPEAL AND TIME LIMITS

*If not covered in the summary of your jurisdiction's appeal process:*

- **Do employers have the same options as workers to an internal appeal? If not, what differences are there in access to appeal and the appeal process for employers and workers?**  
  Employers and workers have the same access to internal appeal and follow the same process.

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1 Appeal Resolution Officers are normally selected and appointed from the senior ranks of board adjudicators. Average level of experience with the board is between 12 and 15 years.

2 Inherent in the fact that the legislation establishes time limits for review and appeal is that fact that a person aggrieved by a decision is entitled to appeal.

3 In 1995, the early resolution or PARD process and other changes were introduced as a way to address the tremendous increase in requests for appeal in the early 1990s. Prior to these changes, about 25% of
Interview Questions - Workers’ Compensation System
Appeals Process - ONTARIO

[Attached for reference is a copy of the January 1998, Principles and Procedures for the Ontario Workplace Safety and Insurance Board Appeal System.]

- **Is there a time limit for bringing an appeal? Is there a time limit imposed on the appeal body for the hearing of an appeal? If there are time limits, to what extent are these time limits achieved at the present time?**

  The legislation establishes a six month time limit for bringing an appeal to the internal Appeals System for all decisions of the board except Return to Work decisions where an appeal must be brought within 30 days.

- **What is the nature of decisions allowed for internal appeal?**

  Any decision of the board is appealable.

3. **PRACTICE AND PROCEDURES**

**How would you describe the basic approach to appeals in your jurisdiction (for example, is it based on an inquiry or an adversarial approach)?**


**Is the internal review a review and reconsideration of information in the files or are oral hearings held? Is the original adjudicator interviewed as part of the internal review process?**

When an request for an appeal is received, the case is reviewed and based on the nature of the issue under appeal, a decision is made as to whether the appeal will be internal appeal cases were sent back to the original adjudicator for readjudication, now only about 2% of cases are sent back for readjudication (see Part II, question 6 of the Compensation Services and Adjudication Survey Questions for a more detailed description on PARD process). Further changes to the reconsideration and internal review appeal process were introduced in January 1, 1998 with the proclamation of the new legislation.

4 The new Act implemented January 1, 1998 provided for retroactive time limits - any person aggrieved by a decision of the board had until June 30, 1998 to appeal. This created huge practical and workload issues for both the internal and external appeal systems. The internal Appeal System was able to address this issue by bookmarking appeals. The internal Appeals System has noticed a rise in volumes in the last few months, but the overall rate is still less than under the former system (i.e., pre PARD and introduction of early resolution and other changes) even with the higher rates resulting from the transitional provisions of the new Act.
considered through an oral hearing or a paper or documentary review. There are three basic categories of review:

1. **Review Stage** - straightforward, documentary review (may contact parties by phone) - accounts for about 45% of all appeals;

2. **Enquiry Stage** - non hearing inquiry where additional information or facts need to be gathered and considered - accounts for about 30% of appeals;

3. **Hearing Stage** - oral hearing (where there are complex facts and credibility issues) - accounts for 25% of appeals.

An appellant may also choose a "fast track" process or "60 day option". Under this option the appellant is guaranteed a decision in 60 days, but the appeal will be considered on the basis of a file review and any further information that the appellant may provide and will not be subject to an oral hearing or further inquiry. This is a self selection process providing some flexibility to appellants who are satisfied that all information is available or who simply want to proceed to appeal through the Appeals Tribunal.

**Are the results of the decisions of the internal appeal body public? Is the internal appeal body required to report publicly on its activities?**

Aggregate information on the Appeals Branch is made available to the public in statistical reports and through the board’s Annual Report. Decisions of the internal Appeal System are not public.

**Do appellants have complete access to claim files and information in the internal review process (is access right in WCB legislation or a result of Freedom of Information and Protection of Privacy Act). Is further information found in sub-files which do not form part of the claim file? And if so, are sub-files disclosed?**

"Is relevancy of material in a board file a prerequisite to its disclosure to the affected worker or employer? If so, who determines whether the information is relevant and on what basis? Does the worker or employer have the right to object to the relevancy of the information after it has been disclosed?"

The workers' compensation legislation provides for the release of information.

A worker has access to everything in their claim file except "harmful" healthcare information.

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5. There is a public perception that the Appeals branch does not do enough appeals through oral hearings, but the view of the board is that the internal appeals system should not replicate the work of the independent Appeals Tribunal which generally undertakes its appeals through oral hearings.

6. These cases are extremely rare and the worker will be advised to contact their doctor.
An employer is entitled to all relevant information in the claim file of an injured worker subject to approval by the worker of the release of health care information. The legislation requires that the worker be notified of the request for information by the employer and gives them the worker the right to object to the release of healthcare information (sections 58 and 59). If the worker objects to the release of the health care information the board tries to resolve the issue, but it may ultimately go for appeal to the Appeals Tribunal. Certain other information relating to the administration of the claim may also not be released to the employer.

Generally, by the time the issue is appealed to the internal Appeals branch the parties to the appeal have obtained and received a copy of the information to which they are entitled.

4. STUDIES AND STATISTICS

Are there any studies respecting client satisfaction with the internal appeals process in your jurisdiction. Are the results of any surveys or reports publicly available?

No client satisfaction surveys specific to the internal appeals system are currently available.

Statistics:

1997 Outcomes for Decisions Made (a decision can deal with more than one issue):
   Allowed - 4,785
   Allowed in Part - 1,153
   Denied - 10,899

   Allow/Disallow Rate - 35.3% allowed in whole or part/ 64.7% disallowed

See attached "Appeals Branch Entitlement - Activities for 1997".
WORKPLACE SAFETY & INSURANCE BOARD

APPEAL SYSTEM

PRINCIPLES & PROCEDURES

EFFECTIVE
January 1998
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I. BACKGROUND

- **Until October 1995**, the Board’s appeal system took an issue by issue approach to resolving objections. It also involved two separate levels of review and placed the responsibility for dealing with disputes entirely on its various appeal areas. These factors contributed to large appeal volumes, a great deal of double handling of claims and resulted in outcomes which were often fragmented and incomplete. The system was marked by backlogs and delays at all levels.

- **In October 1995**, major changes were made to the appeal system. These changes took into account the interdependencies which exist in the entire adjudication system and reflected the need for the application of dispute resolution approaches at key points throughout the adjudication process. The changes also established greater accountability for the Board and its customers. The major changes included: dialogue by the frontline decision-maker; early file access for the dissatisfied party; the requirement that the party provide written reasons for the objection; reconsideration by the original decision-maker; and a single appeal review offering a variety of resolution methods aimed at achieving more complete outcomes.

- **Effective January 1998**, a further restructuring of the appeal system occurred and a single stream system was established. The previous system had been divided into two streams based on the type of issue under appeal (Mediation Stream for vocational rehabilitation and return to work issues/Entitlement Stream for all other issues). The new single stream system combines principles from both the old Mediation Stream and the old Entitlement Stream. Although the entry requirements and the methods of resolution are consistent with the old Entitlement Stream, the resolutions themselves can include consensual agreements similar to old Mediation Stream outcomes. A single position of Appeals Resolution Officer (ARO) was created to replace the positions of Mediator, Reinstatement Officer and Appeals Officer which existed under the old system.

- The reasons for the restructuring include the recent legislative changes which remove mandatory mediation functions from appeals and place them in the front lines of Operations. As well, the changes are consistent with the move to a comprehensive adjudicator approach occurring in the Business Units. The change will also facilitate the realignment of appeal teams by industry sector, consistent with the Board’s new service delivery model. The creation of a larger single stream permits greater industry specialization than was possible under the two smaller streams. In addition, a one stream system simplifies the appeal rules, making the system easier for the workplace parties to understand and to participate in.
II. KEY FEATURES

The key features of the integrated appeal system are as follows:

1. BETTER COMMUNICATION

To reduce the number of cases where an objection is required, early dialogue occurs between the party and the frontline decision-maker to ensure that misunderstandings do not occur and that the reasons for a decision are clearly and carefully explained.

2. TIME LIMITS

- To comply with new statutory requirements, the objecting party must confirm in writing, within specific time periods, an intention to appeal.

3. SELF RELIANCE

- To ensure the dissatisfied party is fully aware of the information upon which the decision was based, access to the claim or firm file is provided. At the same time, the party is sent an Objection Form.

- To help focus the nature of the objection and to assist the Board to reach an early resolution, the party objecting to a decision must complete and return the Objection Form.

4. RECONSIDERATION

- To ensure that every opportunity is given for early resolution, the decision-maker reconsiders the original decision based on the information in the file and the Objection Form and any enquiries made based on information identified in the Objection Form.
5. ALTERNATIVE DISPUTE RESOLUTION

- To recognize the diversity of issues appealed, a variety of dispute resolution approaches are made available in the Appeals Branch (AB). The approach chosen is geared to the nature of the issues under objection. Approaches range from informal to more formal and from expedited to more time-consuming, depending upon the complexity of the issues to be resolved.

III. EARLY RESOLUTION PROCESS

THE HANDLING OF DISPUTES BY THE BUSINESS UNITS

1. DIALOGUE / DECISION STAGE

- Before issuing a written decision, the decision-maker will ensure that: there are no other issues that need to be addressed; all necessary information has been obtained; and the position of the parties has been clarified. All issues should be dealt with, to the extent possible, in a single decision letter.

- When a decision is made, the decision-maker will invite the adversely affected party to contact the decision-maker to discuss any concerns the party may have with the decision. The decision letter will also advise the party of the time limits for appealing the decision.

Please see APPENDIX “A” for rules about time limits.

- If concerns are raised about the decision, the decision-maker will review the concerns with the party and explain the rationale for the decision and address any new information which may be provided.

- If the decision is not changed and the party has indicated in writing a desire to appeal the decision (Notice of Objection), the decision-maker will refer the file to the access area.

2. ACCESS / OBJECTION FORM STAGE

- The access area will provide the party/representative with access to the claim file (minus medical information where the objection is raised by the employer/employer representative), along with an instruction sheet and an Objection Form.
• In the case of revenue objections, access to the firm file is not provided automatically, but the employer/representative is given the opportunity to obtain access if they choose. The contents of a firm file are comprised primarily of correspondence between the Board and the employer, which makes the need for access to that information less likely.

• The party/representative will be required to complete the Objection Form and return it to the decision-maker if they choose to proceed with an objection.

• The completed Objection Form will contain: reasons why the decision is felt to be incorrect; any new information not considered by the decision-maker; and a summary of the further benefits or services which are requested.

• The access area will also send a letter to the non-objecting party/representative along with a Participant Form to be completed and returned if the party wishes to participate in the event the case proceeds to an appeal.

3. RECONSIDERATION STAGE

• If the objecting party returns a completed Objection Form, the decision-maker will review the form for completeness and will also review any new information which is provided. Where appropriate, the decision-maker will reconsider the original decision. Where new issues are raised in the Objection Form, the decision-maker will address those issues as well, including obtaining additional information where required.

• If the decision is not changed and all outstanding issues have been addressed, the decision-maker will refer the file to the AB.

• The Team Leader in the Business Unit will review the file to confirm that all presenting issues have been ruled on before the file is sent to Appeals.

4. REFERRAL STAGE

• A dual referral is made. The file is simultaneously referred to the access area and to the AB (Desk: T8000). The access area will provide access updates to the objecting party/representative and will also provide access to the non-objecting party/representative where they have indicated an intention to participate in the appeal. This “secondary” access function ensures that when the parties/representatives are contacted by the ARO, they will be in a position to discuss the objection in an informed manner.
EARLY RESOLUTION PROCESS

THE HANDLING OF DISPUTES BY THE BUSINESS UNIT

OVERVIEW

Dialogue Occurs
Before and
Decision Issued
After Decision Issued

Notice of Objection
Received by Board
within Time Limits

Access & Objection Form
Sent to Party

Participant Form
Sent to other Party

Reconsideration
Based on contents of returned Objection Form

Where No Resolution - Referral to Appeals Branch
IV. APPEAL PROCESS

THE HANDLING OF APPEALS IN THE APPEALS BRANCH

A. OVERVIEW OF RESOLUTION METHODS & PROCESS

- All cases entering the AB are dealt with by Appeals Resolution Officers (ARO’s). Outcomes are reached using a variety of methods determined by the nature of the issue under appeal. The following is a summary of the methods used.

1. 60-DAY DECISION OPTION

- The 60-day decision option is intended to be utilized for more straightforward cases. Upon entering the AB, the objecting party/representative is given the opportunity to choose the 60-day decision option.

- Where this option is chosen, a decision is made within 60 days based on information contained in the claim file and any additional information submitted by the parties in writing. This approach provides all objecting parties with the opportunity to choose an expedited process of review and places the onus on the objecting party/representative to gather any new information to be relied upon.

2. REVIEW / ENQUIRY / HEARING OPTIONS

- The review/enquiry/hearing options represent the most common approaches to resolving objections.

- In cases where a 60-day decision option is not chosen, the case is assigned to an ARO who contacts the parties, confirms the issues and determines the most appropriate method of resolving the objection. If it is agreed at this point that the case can be resolved on the basis of submissions alone, the parties are ordinarily given 21 days to make submissions. Once submissions are received, the case goes to the Resolution Stage for a final outcome.

- If one or both parties wish to submit further evidence, the case goes from the Review Stage to the Enquiry Stage. Once the additional evidence and submissions are received, the case goes to the Resolution Stage for a final outcome.
• A case which is more complicated and requires an in-person hearing, goes from the Review Stage to the Scheduling and Hearing Stages before a resolution can be reached.

3. **SPECIAL ADR PROJECTS**

• Special Alternative Dispute Resolution (ADR) projects are offered by the AB. Appeal cases arising from larger employers are sometimes dealt with through special projects which are aimed at reaching outcomes more efficiently and more consensually. These projects depend upon the willingness of the employer and the union to seek constructive ways to resolve appeals.

• Each project is developed in consultation with the employer and union and procedures vary based on the needs of the parties.

• The ADR project between Stelco and the United Steelworkers of America (Local 1005), for example, involves a dedicated ARO who provides a written “view” or opinion of the case to the employer and union representatives. A meeting is held where as many as 15 cases are considered. The discussions centre around the “view” and most cases are resolved through an agreed upon outcome. A small number of cases actually proceed to a hearing following one of these sessions. In some cases, additional enquiries may be identified as necessary before a resolution can be reached.

• Projects of this kind have been used most often in the steel industry but have also worked effectively in the mining and retail food industries. An ADR project involving a major automobile manufacturer and the CAW will begin in 1998 and may lead to a model for resolving disputes arising from claims in that industry.

• More information about the opportunity to develop employer-specific ADR projects should be raised with the Director of the AB.
APPEAL PROCESS

THE HANDLING OF APPEALS BY THE APPEALS BRANCH

OVERVIEW

ASSIGNMENT
to Appeals Resolution Officer

60 DAY DECISION OPTION

REVIEW STAGE
Discussion with Parties to determine Issues & Method of Resolution

SPECIAL ADR PROJECTS

RESOLUTION

ENQUIRY STAGE

SCHEDULING STAGE

RESOLUTION

HEARING STAGE

RESOLUTION
B. ROLE OF THE APPEALS RESOLUTION OFFICER

- ARO's are responsible for achieving resolutions to objections. In discharging their responsibilities, ARO's shall comply with the following code of conduct:

1. To act in a fair and impartial manner and avoid any conflicts of interest.

2. To be diligent and conscientious in the performance of their duties.

3. To treat all parties and participants in the appeal process with courtesy, dignity and respect.

4. To approach every objection with an open mind capable of fairly assessing and weighing evidence and to avoid doing or saying anything that would cause a well informed, reasonable party to think otherwise.

5. To conduct such enquiries as may be necessary to properly resolve an objection in recognition of the non-adversarial nature of the Board's system of adjudication and to ensure appropriate protection for unrepresented parties.

6. To reach conclusions based on objective and independent assessments of fact, in accordance with the Act and Board policy.

C. APPEAL STAGES

1. ASSIGNMENT STAGE

- Upon entering the AB, a file will be assigned to the appropriate industry sector team. Cases are assigned to individual ARO's on a monthly basis in the order received in the branch.
• The assignment of cases based on industry sector is consistent with the alignment of the Business Units and is aimed at developing greater knowledge of and familiarity with specific industries and their associated occupations and work processes. This will assist in improving the quality of the resolutions which are reached and will improve overall efficiencies by strengthening relationships between the appeal teams and the workplace parties.

• For all objections entering the AB, the objecting party/representative will be forwarded a 60-day decision option form. If the form is completed and returned, an ARO will be assigned promptly and a decision will be reached within 60 days of the completed option form being received.

Guidelines for 60-day decision option cases are contained in the attached APPENDIX “B”.

• Files which have been allocated to teams but are not yet allocated to ARO’s are the responsibility of the Team Manager and the team support staff, who will respond to questions about status and will deal with requests for priority service.

2. REVIEW STAGE

(a) Participants

• The objecting party is a participant in the proceeding. The non-objecting party is also a participant where they have completed the appropriate Participant Form.

• Where the non-objecting party has chosen not to participate, there is no obligation to include that party in any of the proceedings; however, the party will be sent a copy of any decision or agreement which is reached at the conclusion of the proceeding.

• Where a party does not complete a Participant Form but subsequently advises the Board of an intention to participate in the appeal process, they will be included in all discussions and communications which occur.
Third parties may be included in certain circumstances. Where, for example, it is alleged that a successor company may bear responsibility for the costs of a claim or for a re-employment obligation arising from the accident, that company will be given notice of the proceeding and a full opportunity to participate.

(b) Appeals Resolution Officer Contact

- The ARO reviews the file to determine the facts, the nature of the issues under objection and the identity of the participating parties.

- The ARO contacts the participating parties/representatives in order to explain the objection process and the role of the ARO. This contact normally occurs by telephone.

- Discussions occur at this stage to identify the issues under objection, the appropriate method of resolution and possible enquiries which may be needed.

- If the parties agree to an outcome through these discussions, or if it is agreed that no additional information is required and the ARO may proceed with a decision, the case proceeds to the Resolution Stage.

(c) Setting the Issue Agenda

- One of the key features of the appeal system is a comprehensive review of the file by both the Business Unit and the AB. Before qualifying for consideration by the AB, the objecting party will have first completed an Objection Form which identifies all issues in dispute and ensures that all presenting issues are addressed in the Business Unit.

- Additional issues may still present themselves at the appeal stage. Where additional issues do present themselves but have not been ruled on by the Business Unit, they will be added to the issue agenda for resolution by the ARO, where:

  - the participating parties agree to have the issues added and

  - information necessary to resolve the issues is available to the ARO without extensive additional enquiry.
There may be cases in which the ARO identifies a downside risk in the case. In such circumstances, the ARO must advise the party/representative of the downside risk.

Situations may occur where an issue not raised by either party is determined by the ARO as necessary to deal with in order to give proper effect to the real merits and justice of the case. The ARO has the authority to add such issues to the issue agenda but must notify the parties/representatives of this.

In all cases, the benefits which flow from a decision will be considered part of the issue agenda and the ARO will be responsible for ruling on benefits to the extent that reliable information is either contained in the file or readily available to the ARO on this issue. Therefore, where the ARO accepts entitlement for impairment or for a period of disability, the ARO will also resolve the nature, level and duration of benefits to the extent that available information permits.

(d) **Requests for Representation**

In cases where either party requests that the ARO delay the proceedings in order for a representative to be arranged, a delay of up to 21 days will be granted.

In the case of a request by the objecting party, if no representative has been arranged within 21 days, the party will be given the option of proceeding without a representative or having the objection treated as withdrawn. Where the case is withdrawn, it can re-enter the appeal system as a new appeal at a later date but will not be given priority status and will be assigned to the same ARO.

In the case of a non-objecting party who has been unable to arrange for a representative within 21 days, the ARO will proceed with the case. The non-objecting party will be free to continue efforts to arrange for a representative as the case proceeds.
(e) **Outcomes**

i. **Proceed to Resolution Stage**

- Where the ARO and the parties/representatives are satisfied that additional enquiries are not necessary, and a consensual agreement cannot be reached, final submissions will be requested and the case will move directly to the Resolution Stage.

ii. **Proceed to Enquiry Stage**

- If it is determined that additional information is required, which can be obtained through non-hearing enquiries, the case will proceed to the Enquiry Stage.

iii. **Proceed to Scheduling Stage**

- If it is determined that an in-person hearing is required, the ARO will discuss with the parties the appropriate location for the hearing, any witnesses that may be required and any additional information that should be obtained prior to the hearing.

iv. **Returns**

- Where a file is returned to the Business Unit for further action without a resolution being reached, significant delays occur in the process causing much distress to the parties. The new appeal system is designed to reduce instances where “returns” occur.

- A return will not be made without a discussion first occurring with the parties. Where a return does occur, the ARO will complete a memo outlining the reasons for the return. The “return” memo will be sent to the Team Leader in the Business Unit and a copy will also be sent to the parties/representatives and to the appropriate Appeals Manager.

- Returns will generally only occur for the following reasons:

  - another claim (prior or subsequent injury) is identified which would likely impact on the issue in dispute and that claim was not reviewed by the Business Unit prior to reaching its decision. This is to be distinguished from situations where prior or subsequent relevant
claims were reviewed but simply not referred with the file under objection. In those cases, the ARO will arrange to have any additional relevant files obtained without the necessity of the case being returned to the Business Unit;

or

- a relevant entitlement issue has not been ruled on by the Business Unit and the ARO is unable to add it to the issue agenda (see “Setting the Issue Agenda” on Page 11).

- Where a return does occur and the action required to be taken by the Business Unit is completed, the file will be sent back to the AB and assigned to the same ARO on a priority basis.

v. Withdrawals

- Where the objecting party/representative indicates to the ARO that they do not wish to proceed or are not ready to proceed with the objection, a letter will be sent to the parties confirming this and the AB activities will be closed.

- In cases where the objecting party/representative does not return telephone messages or correspondence from the ARO, a letter will be sent advising that if no reply is received within two weeks, the objection will be treated as withdrawn.

- Where a case is treated as withdrawn, it can re-enter the AB at a later date. If the case does re-enter the AB, it will not be given priority status and the same ARO will be assigned to the case once it reaches the top of the assignment queue.

3. ENQUIRY STAGE

(a) Choosing the Method of Enquiry

- It is recognized that a variety of methods are available to obtain information including:
  
  - telephone / teleconferencing
  - letter / fax
  - informal meetings
- investigations conducted by Board staff
- assessments, tests and opinions obtained from internal and external health care, ergonomic and industrial hygiene specialists

- It is the ARO’s responsibility to determine what information is needed to resolve the case and to choose the most efficient and timely method of obtaining that information. Generally, the best way to obtain information is through the parties themselves. For example, where copies of medical records or reports are required, the worker or worker’s representative is likely able to obtain the documentation more efficiently than the Board.

(b) **Documenting Information Received**

- Most information received at the Enquiry Stage will be in written form, including reports, records, letters and Board memos; however, other information will be received orally, either over the telephone or through informal meetings. Information received orally must be appropriately documented.

(c) **Keeping the Process Moving & the Parties Informed**

- The ARO is responsible to follow-up on outstanding enquiries in order to ensure that information requests are responded to in a timely manner. It is also the responsibility of the ARO to keep the participating parties advised of the status of all enquiries being conducted.

(d) **Post-Enquiry Access & Submissions**

- New information that is received during the enquiry stage will be shared with the participating parties. Consent of the worker will be required before releasing medical reports/records to the employer.

- Parties will generally be given 21 days to provide post-enquiry submissions to the ARO. Shorter or longer periods may be given depending upon the complexity of the case and the circumstances of the parties/representatives.

- It is open to the ARO to arrange a conference call with the parties to receive final submissions if it is more expedient to do so.
(e) Outcomes

- Once all enquiries are completed and submissions received, the case will proceed to the Resolution Stage.

- There may be exceptional cases where the enquiries lead the ARO to proceed to an in-person hearing. This will be appropriate where significant credibility issues become apparent or where complex issues of fact arise as a result of the enquiries. In such cases, the ARO will refer the file to the Scheduling Stage.

- Withdrawals and Returns may also occur following the Enquiry Stage and the same principles and procedures apply at this stage as apply in the Review Stage described earlier.

4. HEARING STAGE

(a) Determining When a Hearing is Appropriate

- A fundamental objective of the appeal system is to provide every opportunity to resolve cases without a formal hearing. In-person hearings can contribute significantly to delays and to an adversarial relationship developing between the workplace parties.

- It is anticipated that most cases will be resolved without the need for an in-person hearing. Hearings will generally be required where:

  - the issue under objection involves a complex factual question which can only be properly assessed through a hearing (examples: occupational exposure, disablement and job suitability issues);

  or

  - the decision under objection turns on an issue of credibility which can only be properly examined through cross-questioning at a hearing (example: issues relating to proof of accident or compliance with re-employment obligation)

(b) Scheduling

- Once it is determined that an in-person hearing is required, the ARO will refer the file to a scheduler who will proceed to arrange for a mutually convenient hearing date.
• Once a date has been arranged, the scheduler will issue and send a notice of hearing to the parties setting out the date, time and place for the hearing.

• Where the non-objecting party indicates that they are not ready to set a hearing date or are not prepared to provide available dates consistent with usual scheduling time frames, the scheduler will set the date on the basis of the availability of the objecting party. If the objecting party refuses to cooperate in the scheduling of a hearing date, the case will be treated as withdrawn.

(c) **Ensuring Hearing Readiness**

• The Appeals Administrator (AA) is responsible for taking appropriate steps to ensure that all necessary documents and witnesses will be available at the hearing and for dealing with any procedural issues that may arise prior to the hearing.

• The AA will also receive and consider written requests by the parties for the production of additional information/documentation for the hearing. When considering whether or not to obtain information requested by the parties, the AA must determine whether the information is relevant and necessary in consideration of the issues under objection.

In determining whether or not to issue a subpoena, the criteria set out in APPENDIX "C" will apply.

• All documentary evidence submitted by the parties prior to the hearing should be received by the Board at least 14 days prior to the hearing.

• Where documentary evidence is submitted prior to the hearing, and the other party has not been copied, the AA is responsible for ensuring that access to these documents is provided to the other party.

(d) **Postponements**

• The AA will deal with all pre-hearing requests for postponements. The AA has the authority to grant a postponement request where it meets one of the following criteria:

  - sudden illness of the worker;
  - sudden illness of the worker's representative where no replacement is readily available;
- sudden illness of the employer in the case of a small business operation where the employer is to act as the representative;
- sudden illness of the employer's representative if no replacement is reasonably available;
- death of one of the parties or a member of his/her immediate family;
- adverse weather conditions on the day of the hearing or an accident while on route to the hearing.

- Where a postponement request is granted, the AA will notify all parties and will return the file to the scheduler to arrange for another hearing date.

(e) Procedures for In-Person Hearings

i. Guidelines

Set out in APPENDIX "D" are procedural guidelines for the conduct of in-person hearings.

- It is important to note that the circumstances of each case will determine the extent to which all procedures will be followed.

ii. Receiving Evidence

- Rules of evidence which apply in court proceedings do not apply at Board hearings.

- Evidence will be received by the ARO if it is relevant to the issues under objection and there is no statutory exclusion or privilege which applies to the evidence.

- It will be up to the ARO to determine how reliable the evidence is and what weight it will be given.

iii. Post-Hearing Information

- In exceptional cases, additional information will have to be obtained following the hearing.
Post-hearing enquiries should be conducted using the same methods, procedures and guidelines as apply at the Enquiry Stage.

Access to new information obtained through post-hearing enquiries will be provided to the parties and final written submissions invited.

iv. Withdrawals and Returns

Withdrawals and returns may also occur at the Hearing Stage and the same principles and procedures apply as were described for earlier appeal stages.

5. RESOLUTION STAGE

(a) Decisions

Decisions will be written in a clear and concise manner using plain language.

Where findings are made on the basis of credibility, reasons must be given for accepting or rejecting the credibility of an individual.

Written decisions should follow formats appropriate to the case. In all cases, the decision must set out: the issues under objection; a brief description of how the issues arose; the evidence considered and how it was weighed; the relevant law and policy; and the conclusion reached. Conclusions will be based on the real merits and justice of the case.

Once the decision has been signed, a copy will be sent to the parties and to the appropriate Business Unit.

In the covering letter sent with the decision, the parties will be advised of the relevant time limit for appeals to the Workplace Safety and Insurance Appeals Tribunal (WSIAT).
(b) **Agreements**

- Agreements are reached when the participating parties and the ARO agree on an outcome.

- The parties will be advised at the time of the agreement that the agreement constitutes a final decision of the Board.

- A memorandum confirming the agreement will be prepared by the ARO and written in a clear and concise manner. It will set out the nature of the agreement and how the outcome is consistent with the Act and Board policy. The memorandum will be placed on the claim file and copies will be sent to the parties.

- In the covering letter sent with the confirming memorandum, the parties will be advised of the relevant time limit for appeals to the WSIAT.
APPENDIX "A"

GUIDELINES FOR DEALING WITH APPEAL TIME LIMITS

1. OVERVIEW OF TIME LIMITS

   - A 30-day time limit on appealing a Board decision about Return to Work or a Labour Market Re-entry plan made on or after January 1, 1998.

   - A six-month time limit on appealing any other Board decision made on or after January 1, 1998.

   - A 30-day time limit starting from January 1, 1998 will apply on appealing any Board decision about Return to Work or Labour Market Re-entry plans made prior to January 1, 1998.

   - A six-month time limit starting from January 1, 1998 will apply on appealing any other Board decision made prior to January 1, 1998.

2. NOTICE OF OBJECTION

   - Where the Board issues an unfavourable decision, the adversely affected party will be advised in the decision letter of the applicable time limits for appealing. In order to meet the statutory requirements, the party must indicate in writing, before the expiry of the relevant time limit, a desire to appeal the decision.

3. PROCEEDING WITH THE OBJECTION

   - Because of the retroactive nature of the time limits, it is expected that a great many appeals will be brought forward in the first 6 months of 1998.

   - To help to offset the burden which may be placed on the system, and in recognition of the desire on the part of some parties simply to protect their rights of appeal, the decision-maker who receives a notice of objection will send a letter to the objecting party acknowledging that the statutory time limit has been met and asking the party to confirm when they wish to proceed.

   - If the party does not confirm a desire to proceed immediately, no further action will be taken at that time. If the party confirms a desire to proceed immediately, access and an Objection Form will be sent. Once the completed Objection Form is received, the Board will proceed with the appeal in the usual manner.

   - These procedures will create a low bar (letter confirming intent to appeal) to meet the time limits and a higher bar (completed Objection Form) to have the appeal proceed.
4. **RECONSIDERING DECISIONS AFTER EXPIRY OF TIME LIMITS**

- The Board has the authority under Bill 99 to reconsider any decision *at any time as it considers it advisable to do so*. This contemplates decisions being changed by the Board through reconsideration after the expiry of the statutory appeal period.

- Circumstances where the Board will exercise its authority to reconsider decisions outside of the appeal period are as follows:

**Mistakes**

- Where the Board finds that a technical error has been made which needs to be corrected (for example - an incorrect date has been used, incorrect earnings information was applied or an incorrect or out of date policy has been used), the decision-maker (or Team Leader) will have the authority to correct the mistake and issue an amended decision even where the matter is brought forward by the party beyond the appeal time limit.

**Substantial New Evidence**

- Where new evidence is submitted, which is substantial in nature, the decision-maker (or Team Leader) will have the authority to apply the new information and alter the original decision. This may arise as a result of additional medical testing, breakthroughs in medical science, or other information coming to light which was not reasonably available within the appeal period.

5. **EXTENDING THE TIME LIMITS**

- If reconsideration is not possible and the case has been brought forward for review after the expiry of the statutory time limit, the Board has the authority to extend the time limit in appropriate cases.

- Extensions will be granted by the decision-maker (or Team Leader) where exceptional personal circumstances have made it impossible for the party to appeal within the time limits.

- It is contemplated that circumstances giving rise to an extension of the time limits would include such things as serious health problems (experienced by the party or the party’s immediate family) or the party leaving the province/country due to the ill health or death of a family member.
APPENDIX “B”

GUIDELINES FOR 60 DAY DECISION CASES

1. GENERAL

- When a case is received in the AB, an option letter is sent to the objecting party/representative providing the option of an expedited decision.

- These are intended to be non-enquiry decisions made on the basis of information in the claim file and information submitted by the parties.

- The expedited decision process is activated when the signed option form is received by the AB.

2. PROCEDURES

a) In All Cases

- If the case is not allowable based on the contents of the claim file and any additional information submitted with the Option Form, a decision will be issued.

- If the case is allowable and no Participant Form has been received or the outcome has no consequences to the non-objecting party (i.e. some employer SIEF objections), a decision will be issued.

b) In Cases Where Participant Form Received

- If the case appears to be allowable, the non-objecting party will be contacted to determine if they have additional information to submit. If they do not, a decision will be issued. If they do have information to submit, the ARO will give the party/representative 21 days to provide the information. If this information may reasonably cause the ARO to deny the appeal, the objecting party/representative will be given an opportunity to reply.

- In exceptional cases, in-person hearings may be required in 60-day decision option cases. If this is the case, the hearing will be arranged on an expedited basis.

3. ISSUE AGENDA

- Issues not ruled on by the Business Unit will not be added to the issue agenda where the 60-day decision option is chosen.

- If additional issues are raised, they will be referred back to the Business Unit to rule on after the 60-day decision has been issued.
APPENDIX "C"

GUIDELINES FOR ISSUING SUBPOENAS

A. CRITERIA

1. In determining whether a subpoena is essential and should be issued, the following facts should be considered:

   a) whether the evidence is relevant to the issue in dispute;

   b) whether the evidence is likely to be significant to a determination of the issue in dispute;

   c) whether the request to subpoena a witness will be used for the bona fide purpose of giving evidence before the proceeding or whether it will likely be used to harass or inconvenience the witness;

   d) whether the oral or written evidence can be obtained in a more reasonable manner (i.e. from a party or witness already attending the hearing);

   e) whether the subpoena request is being used for the purpose of "fishing" in the hopes of obtaining relevant information;

   f) whether the person receiving the subpoena has access or control of information/documents, relevant to the case. The subpoena should be issued against the person with custody of the necessary documents;

   g) whether the prospective witness is compellable in the proceedings (Board policy has established that Board employees are not compellable witnesses and other statutes limit the compellability of certain witnesses).

2. In difficult cases, advise and direction in deciding if a subpoena should be issued may be sought from the director of the Branch.

B. PROCEDURES

1. A request to subpoena documents or a witness must be made in writing. In the case of documents, the request must identify the document and indicate in whose control it is in. The request should also state the relevance and likely significance of the document. The request in relation to a witness must indicate the name and address of the proposed witness and an indication as to the nature, likely significance and relevance of the evidence to be given by the witness.

2. If, on the basis of the above criteria, the evidence in question is considered essential, and voluntary production or attendance cannot be secured, then arrangements will be made for the issuing and service of a subpoena.

3. The AA will provide the secretary with all necessary information in a memo. This information will include the name and address of the witness and the particulars of any documents which the witness must produce.
4. The secretary will:
   a) type the subpoena;
   b) refer the document to the Branch Director for signing;
   c) take the signed subpoena to Corporate Records to have it sealed with the Board's corporate seal;
   d) prepare a memo to Investigations Branch and deliver the memo, the original subpoena, a copy of the original subpoena and a petty cash voucher (for the witness fee) to the Manager of the Investigations Branch.

5. The Manager of the Investigations Branch will arrange for an Investigator to serve the subpoena.

6. The Investigator will provide the Manager of Investigations with an Affidavit of Service which will be duly witnessed by a Commissioner.

7. Where the ARO concludes that the document or the proposed witness is not essential to a determination of the issue in dispute, the AA will communicate this to the parties in writing. This communication should also advise the party to raise the matter with the ARO at the hearing, in the event that the decision not to grant a subpoena is disputed.

8. At the hearing, should the subpoenaed document or witness not be produced or attend, as the case may be, or where the AA has refused to issue a subpoena, the ARO may:
   a) proceed without the evidence or the witness if it is determined that the evidence in question is not essential to a disposition of the issue in dispute;
   b) proceed with the hearing, indicating that a decision on the need for the production of evidence or attendance of a witness will be reserved until the conclusion of the hearing. Where, at the conclusion of a hearing, it is determined that the evidence in question is essential, the ARO will direct that the hearing be re-convened and that appropriate subpoenas be issued;
   c) decide at the outset that the subpoena should be issued and postpone the hearing for that purpose. This course of action should only be taken (over b) above) where the evidence in question is so critical as to make proceeding to hear the available evidence unreasonable.

9. If the subpoenaed witness does not attend and the ARO is satisfied the evidence to be given is essential, then the ARO may decide to re-issue the subpoena with instructions to the Investigator to communicate to the witness the necessity of attending a future hearing, or the ARO may direct that the Board proceed with contempt proceedings against the witness. Such a decision shall be made in consultation with the Branch Director and the Board's General Counsel.
APPENDIX "D"

GUIDELINES FOR CONDUCTING IN-PERSON HEARINGS

HEARING PROCEDURES

a) Purpose

• The purpose of a hearing is to gather information in a thorough, fair and courteous manner. In doing so, every effort should be made to create and maintain a non-adversarial atmosphere.

b) Prior To Entering The Hearing Room

Prior to entering the hearing room, the ARO shall:

i) make appropriate introductions;

ii) determine the presence of and identify all individuals who will be participating in the hearing and ascertain their roles;

iii) explain that witnesses will be excluded from the hearing room until they are required to give testimony. This does not apply to the worker or an individual designated by the employer as its resource person. These individuals are allowed to remain in the hearing room throughout the proceedings;

iv) decide whether or not observers will be permitted to be present at the hearing. As a general rule, Board hearings are held "in camera", which means they are not open to the public. However, the Board routinely permits observers to attend where both parties consent. These observers are almost always related to the parties in some way (i.e. relative, friend);

v) generally, unless there are compelling reasons for excluding observers (i.e. sensitive factual issues, matters of space, potential security problems), observers will be allowed to sit in. The ARO must make it clear to an observer that they are not entitled to participate in the hearing.

c) In the Hearing Room-Prior to Going on the Record

Before going on the record, the ARO shall:

i) arrange for appropriate seating of the parties and observers;

ii) outline the purpose of the hearing and how it will proceed (i.e. the order of presentations);

iii) discuss with the parties the issues to be dealt with and advise the parties of information or facts which are already established from the evidence and of the specific areas of enquiry which will be necessary in order to deal with the issues under objection;

iv) clarify with both parties what witnesses will be called and what the nature of their testimony will be. The ARO should not hear from witnesses whose evidence is irrelevant to the issue under objection or relates to non-contentious matters of fact already accepted by the ARO. If multiple witnesses are being called to provide the same information, the ARO should seek agreement from the parties with respect to those facts;
v) explain that the information received from the witnesses will be given under oath or affirmed as the witnesses prefer;

vi) indicate that a recording device will be recording everything that is said during the course of the hearing;

vii) if an interpreter is present, explain that the interpreter is not an employee of the Board and explain how the interpreter will be used;

viii) explain that a request for a postponement may be dealt with at this stage or as a preliminary matter on the record. The criteria for granting postponements is set out later in these guidelines;

ix) if the objecting party does not wish to proceed with the objection then the matter will be treated as withdrawn the principles and procedures outlined earlier in this document will apply;

x) if a question arises as to whether or not the matter should be returned to the operating area, the principles and procedures outlined earlier in this document will apply.

d) **The Hearing**

**OPENING THE HEARING-PRELIMINARY MATTERS**

The hearing shall proceed in the following manner:

i) the ARO shall state for the record the name, claim number, date of decision being objected to and whose objection it is;

ii) the ARO will indicate for the record who is in attendance at the hearing and what their capacity is;

iii) the ARO will identify the issues under objection;

iv) the ARO will determine if either party has any additional written documents to submit. Where they do, and that material is relevant, it will be received and marked as an exhibit. Exhibits are to be numbered and each will bear the worker's name, claim number, date received and the initials of the ARO;

v) written documents received at this time will obviously not meet the 14-day disclosure requirement of the Branch; however, it is inappropriate not to receive the information considering the statutory requirement to determine cases on their real merits and justice. The ARO will have to determine appropriate procedures for ensuring fairness to the receiving party. This may include delaying the start of the hearing to give the representative an opportunity to review and discuss the documents with the party and/or witnesses. The ARO may also offer an opportunity to make post-hearing submissions on any of the documents submitted. The ARO may also consider postponing the hearing where the prejudice to the receiving party is so significant that no other procedure can overcome the prejudice;
vi) the parties will be asked if there are any preliminary issues to be raised and the ARO will receive submissions and make rulings with respect to such matters. They may include requests for a postponement. Postponement requests at this stage will be dealt with on the basis of the criteria set out later in these guidelines. The ARO may also reserve ruling on any preliminary issues where a decision does not have to be made in order for the hearing to proceed. A request that a subpoena be issued, for example, may be deferred by the ARO until after all evidence has been heard at which time the necessity of the information in question may be clearer.

PRESENTATIONS

The ARO will receive the presentations of the parties in the following order:

i) each party/representative will be given an opportunity to make a brief opening statement which will be a summary of their respective positions. The objecting party will go first followed by the non-objecting party;

ii) the objecting party will be sworn/affirmed and give evidence through questioning by the party's representative, the opposite representative and then the ARO. Following the ARO’s questions, the opposite representative and the party's representative will have an opportunity to ask follow-up questions. The opposite party will ask questions which arise from the questions asked by the ARO while the party's representative will have an opportunity to ask questions arising from the questions of the ARO and the opposite representative;

iii) after the objecting party has testified, the other witnesses for the objecting party will be called, sworn/affirmed and questioned in the same order as above;

iv) the non-objecting party will then be given an opportunity to present information through its witnesses. The non-objecting party/representative will ask questions first, followed by the objecting party/representative followed by the ARO, with follow-up questions after that. It should be noted that for the employer's case, the decision on whether or not to call the resource person first is to be made by the employer's representative, but if that individual is not called first and remains in the hearing room while the other employer witnesses testify, the ARO should advise that in the event that credibility is an issue, the resource person's credibility may be compromised by not giving evidence first;

v) each witness should be sworn/affirmed when they enter the hearing room and before questions are asked;

vi) witnesses are dismissed from the hearing room (except worker and employer) after giving testimony;

vii) witnesses may remain as observers after they testify provided that no one objects to this and there is no possibility of them having to provide further testimony;

viii) the ARO must ensure that the questions asked of witnesses are relevant to the issues under objection and will refuse to permit questioning in relation to matters considered to be irrelevant;
APPENDIX “D”

As well, cross-examination is not permitted although cross-questioning is allowed. The distinction between cross-examination and cross questioning is discussed later in these guidelines;

ix) in appropriate cases, to be determined by the nature of the issue and the relative abilities of the representatives, the ARO may suggest to the parties that, having reviewed the contents of the claim file, the ARO wishes to clarify certain information in order to assist in focusing the enquiry. If parties agree to this approach, the ARO will proceed to question the worker/witnesses first. The parties/representatives will then follow with additional questions as may be necessary. If the parties/representatives object to this approach, the ARO will follow the normal hearing protocol set out above;

x) after all testimony has been received, the ARO will invite closing arguments from each representative/party with the objecting party going first followed by the non-objecting party;

xi) each representative may want to respond to the other representative's closing arguments. This is permissible as long as the representatives do not rehash old ground and limit themselves to responding to the specific areas covered by the other side that were not addressed in their own final arguments.

CLOSING THE HEARING

The ARO will conclude the hearing as follows:

i) explain that all evidence presented at the hearing as well as the information on file will be considered in reaching a decision;

ii) explain that a written decision will be made and sent to all parties and representatives;

iii) ask if there are any questions about the proceedings to date;

iv) if it is clear that additional information will be required before a decision can be made, advise the parties of the steps that will be taken to obtain the information and the likely duration of the delays involved;

v) if additional information will be obtained, indicate that the parties will receive post-hearing access and will be given an opportunity to make a submission before a decision is made;

vi) if any post-hearing inquiries will involve obtaining medical information, confirm with the worker their consent to release this information to the employer. If the consent is not given, the issue will have to be dealt with by the AA pursuant to s.58 of the Act;

vii) thank the parties for their attendance and tell them "the hearing is closed".
e) **After the Hearing**

Once the hearing has been closed, the ARO will attend to the following:

i) consider requests for the payment of expenses from the worker, the worker's witnesses and any subpoenaed witnesses. Travel, meal and accommodation expenses are paid to workers, their witnesses and subpoenaed witnesses who are required to attend hearings outside their area of residence or employment. Travel expenses are limited to travel within Ontario borders. Allowances are paid at the prevailing rates covered by the Board's Travel Expense Policy. Also, lost wages will be paid at a rate authorized by the Board;

ii) the expenses shall be recorded on a standard expense form which is to be signed by the party requesting the expenses and the ARO;

iii) professional witnesses will be paid a set fee as prescribed by the Board;

iv) for hearings held outside of Toronto, the ARO must complete a payment voucher for the payment of the interpreter's fees. This form is to be signed by the interpreter and the ARO following the hearing;

v) all completed expense forms and payment forms are to be submitted to the appropriate secretary within one week of the date of the hearing.

f) **Additional Issues**

**POSTPONEMENT REQUESTS**

- Postponement requests made at the hearing are to be ruled on by the ARO after giving a full opportunity to both parties/representatives to present arguments with respect to the request.

- The reasons for granting or denying requests for postponements must be communicated to the parties orally at the time of the hearing.

- The following criteria will be weighed by the ARO in determining whether to grant a postponement request. It should be noted that the consent of the other party does not, by itself, constitute sufficient reason to grant the postponement request.

  - was adequate and sufficient notice of the hearing date provided to the parties seeking the postponement;

  - was the hearing date arranged by mutual consent;

  - are the facts giving rise to the request for the postponement compelling and reasonable;

  - to what extent does the need for the postponement arise out of the intentional actions or neglect of the party/representative requesting the postponement;

  - what prejudice will result to both parties if the request is either allowed or denied;
- how long has the party requesting the postponement been aware of the facts giving rise to the request and what steps were taken prior to the hearing to remedy the situation and to inform the Board;

- can any procedural defects, such as the late receipt of written materials, be remedied through delaying the starting time of the hearing or permitting post-hearing submissions so as to minimize the prejudice of not granting a postponement.

CROSS-QUESTIONING VS. CROSS-EXAMINATION

- It is a long-standing practice of the Board not to permit cross-examination at hearings. Cross-examination is an integral part of the adversarial approach relied upon in the court system, but is not consistent with the enquiry-based adjudication approach of the Board.

- Rules of procedural fairness and the need to determine the justice and merits of the case require that an opposing party/representative be given an opportunity to question witnesses with adverse interests. The opposing party/representative is limited, however, to questions which seek to clarify information relevant to the case. The process of clarification is done through cross-questioning.

- Cross-examination represents a more adversarial approach to questioning which is reflected in efforts to badger, attack or argue with the witness. This approach may intimidate parties and witnesses from coming forward with information and participating in the proceedings. It also creates an atmosphere which is more formal and more confrontational and can result in a significant disadvantage to individuals who are unrepresented.
**APPEALS BRANCH - ENTITLEMENT**

Activities for 1997 - From ABTS (Appeals Branch Tracking System) Reports

**Objections Received/Resolved** (*ABTS Reports 25A & 18*)

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* Includes 2,109 objections resolved by temporary Blitz Team.

**Nature of Objections Received** (*ABTS Report 25A*)

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* Transition Objections were part of Pre-October 1995 DRB Inventory and re-entered the appeals system under transition rules (no time limits were placed on Option “B” cases).
**Nature of Resolutions** *(ABTS Report 18)*

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* Includes 452 agreements reached in DRO Project.

**Method of Resolution for Decisions Made** *(ABTS Report 18)*

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<th>Enquiry</th>
<th>%</th>
<th>Hearing</th>
<th>%</th>
<th>Total</th>
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<tr>
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<td>2,564</td>
<td>24.1</td>
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**Issue Outcomes for Decisions Made** *(ABTS Report 14C)*

*Note: A decision can deal with more than one issue*

<table>
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<tr>
<th>Period</th>
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<th>Allowed in Part</th>
<th>%</th>
<th>Denied</th>
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* Attached is breakdown by issue type (Report 14C)

**Case Inventory** *(As of January 15, 1998 - ABTS Report 19A)*

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<th>Status</th>
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**Average Time to ARO Assignment** *(ABTS Report 19B)*

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<th>Average Days to Assignment*</th>
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<td>1996</td>
<td>174</td>
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<tr>
<td>Q1 - 1997</td>
<td>148</td>
<td>(-) 26</td>
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<tr>
<td>Q2 - 1997</td>
<td>131</td>
<td>(-) 17</td>
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<tr>
<td>Q3 - 1997</td>
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<tr>
<td>Q4 - 1997</td>
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<td>(-) 33</td>
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* Calendar Days

**Prepared:** January, 1998
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<th>IN PART</th>
<th>% DENIED</th>
<th>% TOTAL</th>
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<td>Initial Entitlement</td>
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INTEGRATED APPEALS SYSTEM
DECISION EVENT ISSUE OUTCOME REPORT
FROM JANUARY 1, 1997 to DECEMBER 31, 1997

<table>
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<th>ISSUE DESCRIPTION</th>
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<th>% IN PART</th>
<th>% DENIED</th>
<th>% TOTAL</th>
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