

## New WSIAT Pre-hearing Process coming November 6, 2023

Effective November 6, 2023, the WSIAT will introduce its new pre-hearing process to reflect our commitment to efficiency, sustainability, and timely adjudication.

### Why are we making changes?

- Make our materials and processes clear and easy to understand
- Reduce the time to hearing
- Address issues and concerns that have been raised
- Integrate our processes with electronic communication (E-File/E-Share)

### What's changing?

- Revised and new forms including:
  - revised Notice of Appeal (NOA) and Response forms
  - a new Consent form to Release a Worker's Information
  - new Hearing Ready forms
  - a new Not Ready for Hearing form
- Default to electronic case materials for parties – paper copies will still be available for those that need it but we expect representatives to work electronically
- Introduction of navigation services for self-represented parties
- Elimination of the Readiness and Confirmation of Appeal (COA) forms
- Elimination of the 2-year notice period
- A revised disclosure period and elimination of the 3-week rule
- Revised process for closing **abandoned** appeals

### What's new on the revised Notice of Appeal (NOA) form?

- The option to indicate an interest in Alternative Dispute Resolution/Mediation has moved from the COA form to the NOA form so we can explore whether an appeal can be resolved earlier in the process
- We're asking parties if they have any outstanding issues or other proceedings related to their appeal at the WSIB or other agencies to determine the most appropriate way to move forward with the appeal
- The option for parties to indicate if they have a preference for an in-person, written, teleconference, or videoconference hearing. We'll consider a party's preference but the decision on hearing format will ultimately be up to the WSIAT.

- We're asking parties to identify any accommodation needed to access our services and participate in hearings

## New Consent form

- The "consent to release case materials" section has moved from the NOA form to its own form. This is so workers have the opportunity to review the case materials we intend to send to any participating parties **before** they provide their consent. We'll provide a copy of the case materials to both the worker and their representative.

## What is the purpose of the Hearing Ready form?

- The new Hearing Ready form asks parties to identify any evidence or witnesses that they want the WSIAT to consider in the appeal. This information allows us to schedule an appropriate hearing so that your appeal can be resolved as early and efficiently as possible.
- The Hearing Ready form also asks the parties to outline their case and identify important evidence. This helps the parties and our adjudicators understand the parties' positions so everyone can effectively prepare for the hearing.

## What is the purpose of the Not Ready for a Hearing form?

- The new Not Ready for a Hearing form gives parties the option to ask for more time if they're not ready for a hearing.
- The form asks parties to tell us why they're not ready and how long they need to get ready. This information helps us to determine the next steps in processing.
- If we agree that your appeal is not ready for a hearing, we'll place your file into inactive status, for a reasonable amount of time, to allow you time to prepare for your appeal.

## What are navigation services?

- We'll provide navigation services to people who don't have a professional representative like a lawyer, paralegal or union representative. Navigation services will help guide parties through the appeal process.
- Navigation services are offered at 2 stages in the pre-hearing process. The first stage focusses on starting an appeal and the consent process. The second stage focusses on preparing an appeal.

## What effect does eliminating the Readiness form and 2-year notice period have on the pre-hearing process?

- Cases will no longer age and become stale at the beginning of an appeal. We'll treat all cases as ready for the Case Record when a completed notice of appeal is received.
- If parties are not ready to proceed to a hearing, they can complete the Not Ready of a Hearing form later in the process.

## What's different with the pre-hearing closing process?

Previously, when parties did not respond to our letters, the Vice-Chair Registrar would send a Notice of Intent to Close letter asking for the required information within 60 days. In the new process, this letter will be sent by the Director of Appeal Services, or their designate, and will request the information within 30 days. However, staff will attempt to call the appellant before the letter is sent. Timelines for each stage in processing will also be included in every letter we send you. We will not close an appeal as long as parties are responding to our letters.

## What happens to appeals that are already in pre-hearing stages when these changes come into effect?

If your case is **18 months or older** and we're still waiting for your COA form, you'll still have until the 2-year deadline to file the old COA form. We'll send you a letter about the next steps in the new process when we receive your COA form.

If your case is **younger than 18 months**, we'll send you a letter to advise you of next steps in the processing of your appeal. This could take up to 6 months as we'll be moving cases into the new process gradually.

You don't need to wait for our letter to advance your appeal. Proceed as you would have in the old process. We'll respond and let you know the next steps.

Appeals that are with our Scheduling department to arrange the hearing will proceed under the old process. The 3-week rule for disclosure will continue to apply.