



Practice Direction #39

Fees and Expenses

1.0 This Practice Direction

- identifies who may be repaid for expenses to attend a hearing
- explains what expenses will be paid by the WSIAT
- explains when the WSIAT will pay
- identifies who decides what expenses will be paid

1.1 This Practice Direction does not apply to Right to Sue applications under section 31 of the *Workplace Safety and Insurance Act, 1997 (Act)* (review Practice Direction #17 – Right to Sue Applications).

2.0 Who Will Be Reimbursed for Expenses to Attend A Hearing?

2.1 The WSIAT pays certain expenses for attendance and participation at a hearing for

- injured workers and their witnesses
- survivors of deceased workers and their witnesses

2.2 The WSIAT pays certain expenses for a worker's attendance at a medical exam if it directs a worker to be examined by a doctor who prepares a report for the WSIAT.

2.3 The WSIAT does not pay expenses for employers or their witnesses. This is not provided for in the *Act*.

3.0 What Expenses will be Paid by the WSIAT?

3.1 The WSIAT holds in-person hearings in several cities in Ontario. Workers (or their survivors) and their witnesses may live outside the area where the hearing takes place. In these cases, they can claim allowable out-of-pocket expenses for their attendance at the hearing.

- 3.2 The WSIAT does **not** reimburse expenses for a worker (or their survivor) and their witnesses who live within the metropolitan area where the hearing is booked.
- 3.3 The WSIAT also offers videoconference and teleconference hearings. Workers (or their survivors) and their witnesses can claim allowable out-of-pocket expenses for their participation at these hearings.
- 3.4 To get repayment of expenses, a party must complete either a
- Hearing Expense Claim Form
 - Hearing Expense for Teleconference and Videoconference Claim Form

This must be sent to the WSIAT. It must have all the required receipts attached to the form.

- 3.5 Workers (or their survivors) and their witnesses can submit a claim for the following expenses. Review the Hearing Expense for Teleconference and Videoconference Claim Form or Hearing Expense Claim Form for more details.
- Phone – The WSIAT will reimburse for actual phone charges from attending a teleconference or a videoconference. You must submit a receipt to claim this expense.
 - Internet/Data – The WSIAT will reimburse for actual Internet or data expenses from a videoconference hearing. You must confirm that you do not have access to unlimited high speed wired or wireless Internet to claim these expenses.
 - Additional Expenses, including Equipment – The WSIAT will reimburse for reasonable expenses related to attending a teleconference or videoconference hearing up to a maximum with a receipt. For example, this could include a webcam.
 - Meal Allowances – The WSIAT will reimburse up to a daily and per meal maximum.
 - Parking – The WSIAT will reimburse up to a daily maximum with a receipt. Without a receipt, a minimum flat rate will be repaid.
 - Travel – The WSIAT will reimburse train or inter-city bus fare. You must submit a receipt to claim this expense. If you drive a car, mileage is paid based on a set rate.

- Witness Fees – The WSIAT will pay for lost wages on the hearing day(s) only if the worker (or their survivor) and their witnesses have lost wages in order to attend on the hearing day. This is subject to a daily maximum. If a summons has been served, any money already sent with the summons will be deducted from the amount to be paid for lost wages. Payments for witnesses' lost wages will be limited to the day or days that they testify, except in extraordinary circumstances.

3.6 In some cases, the WSIAT will pay for reasonable costs for hotel accommodation. This is for workers (or their survivors) and their witnesses to attend an in-person hearing. The WSIAT's Scheduling Department may help them arrange transportation and a hotel. Requests must be made at least **6 weeks** before the hearing date.

3.7 When making a decision about paying for transportation and hotel costs the WSIAT will consider

- whether the worker, survivor or witness must travel more than 200 kilometers one way to attend the hearing
- the time the hearing starts
- weather conditions

3.8 The WSIAT may pay for a portion of the travel expense to attend an in-person hearing for travel from outside Ontario. The WSIAT will generally pay expenses for travel from

- Winnipeg in the west
- Montreal in the east
- Windsor in the south

For example, if a worker or survivor travels by air from British Columbia, the WSIAT would reimburse them for the cost of a return airline ticket from Winnipeg to the location of the hearing.

3.9 If the WSIAT has arranged for a doctor to examine a worker, it will pay the worker's expenses for travel to the appointment. If a worker lost wages to attend a medical appointment, the WSIAT will pay lost wages for the day of the arranged appointment. The worker should send a request for this payment to the WSIAT Medical Liaison Office. The WSIAT will use the same rates as it does for hearing expenses.

- 3.10 A party who files an expert report pays for the report. This is except when it is requested by the WSIAT. A party who calls an expert as a witness pays the full fee of the expert. In exceptional circumstances, the WSIAT will pay the costs of an expert witness for a worker under the approved schedule of rates.
- 3.11 The WSIAT may publish its fee schedules from time to time. This sets out the allowable or maximum amounts to be paid for fees and expenses under this Practice Direction.

4.0 When the WSIAT Will Pay – Getting Approval

- 4.1 The WSIAT only reimburses expenses after the hearing. The WSIAT must receive a completed Hearing Expense or Hearing Expense for Teleconference and Videoconference Claim Form. Claimants must submit expense claims with receipts and information as required.
- 4.2 The WSIAT may issue a travel advance to a worker or survivor before the hearing date. This only happens in exceptional circumstances. A worker or survivor may ask for a travel advance. They do this by sending a written request for the advance to the WSIAT's Scheduling Department. This must be done **at least 6 weeks** before the hearing date. After the hearing, the worker or survivor must submit a completed Hearing Expense Claim form. It must have all the required receipts to account for the advance provided.
- 4.3 A worker or survivor can ask for advance payments for travel and hotel accommodation for travel from outside Ontario. They do this by making a written request to the WSIAT's Scheduling Department. This must happen **at least 6 weeks** before the hearing date.

5.0 Who Decides what Expenses will be Paid?

- 5.1 WSIAT staff will decide payment issues that are covered by this Practice Direction. Staff may request further information to assist with the decision-making process. In exceptional cases, staff may request a Vice-Chair or Panel decide an issue related to expenses.

6.0 References and Resources

6.1 Legislative Authority

Workplace Safety and Insurance Act, 1997, sections 131 (the WSIAT can determine its own practice and procedure) and 133 (payment of expenses of witnesses)

6.2 Related Practice Directions

#11 – Expert Evidence

#17 – Right to Sue Applications

#36 – Delivery and Filing Documents

6.3 Resources

WSIAT Fee Schedule

Hearing Expense Claim Form

Hearing Expense for Teleconference and Videoconference Claim Form