



Guide to Adding a Related Issue to an Appeal

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This Guide explains

- what a related issue is
- that the Workplace Safety and Insurance Appeals Tribunal (WSIAT) tries to hear related issues together
- how to ask to add a related issue to an appeal
- what factors the WSIAT will consider in deciding whether to add a related issue to an appeal
- what may lead to an adjournment in asking to add a related issue to an appeal
- the need for a final Workplace Safety and Insurance Board (WSIB) decision on the related issue

The information outlined in this guide may be varied as appropriate in any appeal in the sole discretion of the Chair, Vice-Chair or Panel assigned to hear your appeal.

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Table of Contents

Overview.....	1
What is a Related Issue?.....	1
Adding a Related Issue	1
Factors Considered	2
Adjournments	3
Final Decision of the WSIB.....	3
If You Have a Final WSIB Decision	3
If You Need a Final WSIB Decision	4

Overview

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) supports “whole person” adjudication. This means that when possible, all issues related to the same person and injury should be decided at the same time. Deciding related issues separately can lead to incomplete, inconsistent, and unfair results. It can also result in the duplication of work and unnecessary delays.

The value of hearing related issues together must be balanced against other considerations.

What is a Related Issue?

A “related issue” is an issue that impacts the adjudication of another issue on appeal. Related issues may flow from the same benefits claim, or from separate benefits claims. Related issues may require consideration of the same

- evidence
- time period
- area of injury

Adding a Related Issue

The WSIAT needs time to complete steps to add a new decision to an existing appeal.

When adding a related issue you should know

- You, the parties, are responsible for identifying related issues and notifying the WSIAT.
- Identifying related issues should be done early in the pre-hearing process, before the disclosure period ends (see [WSIAT Practice Direction #8 - Disclosure](#)).

- A related issue cannot be added to an appeal at the WSIAT until there is a final decision on the issue from the Workplace Safety and Insurance Board (WSIB).
- When you have the final WSIB decision, you should send it to the WSIAT with a new Notice of Appeal Form.
- If you ask to add new related issues after the disclosure period has closed, your hearing date may be delayed. The hearing date may be adjourned so a new disclosure period can be opened for the new issue.

Factors Considered

Before adding an additional issue to an appeal, the WSIAT considers whether the additional issue is related to an issue in the original appeal, and whether or not the additional issue can be decided in a separate proceeding. Factors the WSIAT considers in deciding whether to add a related issue, make an appeal inactive, and/or grant an adjournment include

- the stage of the appeal
- whether a hearing date has been scheduled
- how connected the new issue is with the original issue of the appeal
- the potential for prejudice to a party (a negative impact on a party)
- availability of WSIAT resources
- any submissions from the parties
- any other relevant factors

The WSIAT will normally allow the request to add a related issue if

- there is a final decision of the WSIB (see section below)

- the WSIB’s final decision was appealed to the WSIAT within 6 months of its date
- the disclosure period is not closed

Adjournments

The WSIAT strives to process and adjudicate appeals quickly. If a hearing has already been scheduled when you request to add a related issue, the WSIAT may need to adjourn the hearing. Adjournments create delays in the hearing proceedings. Adjournments also waste WSIAT resources. The WSIAT has a strict adjournment policy. The WSIAT tries to avoid adjournments unless absolutely necessary. See [WSIAT Practice Direction #23 - Adjournments and Withdrawals](#).

Final Decision of the WSIB

A final decision of the WSIB is required before a related issue can be added to a WSIAT appeal. Normally this means a decision from an Appeals Resolution Officer (ARO) as the final level of appeal at the WSIB.

At the WSIB’s discretion, they may “deem” an operating level decision to be final. This may be a faster way to obtain a final decision from the WSIB. It may also avoid an adjournment at the WSIAT, if the request is received before the disclosure period closes.

Please contact the WSIB’s Appeals Services Division for more information on asking the WSIB to deem an operating level decision to be final.

If You Have a Final WSIB Decision

You must send the WSIAT a copy of the WSIB’s final decision and a completed Notice of Appeal (NOA) Form for the new decision. See [WSIAT Practice Direction #1 - How to Start an Appeal at the WSIAT](#).

If You Need a Final WSIB Decision

If the related issue has not yet been adjudicated by the WSIB, you may ask the WSIAT to make the appeal inactive. See [WSIAT Practice Direction #24 - Inactive Appeals](#). If a WSIAT hearing is scheduled, the WSIAT may adjourn the hearing. These steps will allow time for you to obtain a final decision from the WSIB on the related issue.

When the WSIAT adjourns a hearing and/or places an appeal in inactive status to allow you to pursue a related issue at the WSIB, you must

- diligently pursue the issue at the WSIB
- keep the WSIAT updated on the progress of the case at the WSIB

Once the WSIB makes a final decision on the related issue, you must contact the WSIAT and request to add the related issue. If the WSIAT appeal is inactive, you must ask to reactivate the appeal.