

Appeals

If you disagree with a decision in your workplace insurance claim, you can ask a different decision-maker to review the decision and decide whether it is correct. This review process is called an appeal.

There are two separate organizations that make decisions and decide appeals in workplace insurance claims. They are:

- the Workplace Safety and Insurance Board (WSIB)
- the Workplace Safety and Insurance Appeals Tribunal (WSIAT)

If you disagree with a decision in your claim, you must first appeal it within the WSIB to an internal branch called the Appeals Services Division (ASD). If you disagree with the decision made by the WSIB Appeals Services Division, you can appeal that decision to the WSIAT.

Overview of the Appeals Process

The chart below is a basic overview of the workplace insurance appeals process:



WSIB Operating Level

The Operating Level includes the front-line decision-makers at the WSIB. The initial decisions in a claim are usually made by WSIB staff at this level, including Eligibility Adjudicators, Case Managers, Return to Work Specialists and Work Transition Specialists.

If you disagree with a decision of the Operating Level, you can appeal it to the WSIB's Appeals Services Division.

WSIB Appeals Services Division

Decisions of the Appeals Services Division are usually made by Appeals Resolution Officers (ARO). The appeal process includes either a written or an oral hearing. After the ARO has reviewed the file material and considered any submissions, he or she will prepare a written decision explaining the result of the appeal. An ARO decision is generally considered the final decision of the WSIB.

Decisions about the method of resolution (i.e. written or oral hearing) and missed time limits are made by Appeals Registrars.

If you disagree with an ARO decision, you can appeal it to the WSIAT.

With the exception of decisions on the method of resolution, you can appeal a decision that you don't agree with from the Appeals Services Division to the WSIAT.

Workplace Safety and Insurance Tribunal (WSIAT)

The WSIAT is an independent organization and is separate from the WSIB. The WSIAT is the **final level** of appeal for workplace insurance matters. Decisions of the WSIAT are made by a single Vice-Chair or a three-person panel. Appeals to the WSIAT often include an oral hearing, but may be dealt with through written submissions alone. For more information, see [**Appeals at the WSIAT**](#).

In rare circumstances, decisions of the WSIAT may be reconsidered or judicially reviewed. Reconsideration decisions are made by the WSIAT at its discretion if a threshold test is met. Judicial reviews are made by the Ontario Superior Court of Justice, Divisional Court.

Time Limits

There are **strict time limits** to appeal any decisions of the WSIB. Most Operating Level decisions must be appealed within **six months**. For decisions about return to work, labour market re-entry or work transition, appeals must be submitted within **30 days**.

There are also strict time limits for appealing to the WSIAT. Final decisions of the WSIB (usually ARO decisions) must be appealed to the WSIAT within **six months**.

If you disagree with a WSIB decision and are not sure about the deadline to appeal, you should carefully check the decision letter you were sent. If you are still unsure of the deadline for appealing, you should seek help from a qualified representative and/or send in the proper [**appeal form**](#) as soon as possible.

If you have missed the time limit to appeal a decision, you can still file an appeal and request an extension of the time limit. For information on time limit extension requests at the WSIB and the WSIAT, please see

Filing an Appeal

In order to appeal a WSIB decision, you must complete and send the proper **appeal form**. The form you need to fill out and send is different for each level of appeal.

Decision of	Appeal to	Form	Send Form to
Operating Level (front-line decision makers)	Appeals Services Division	<u>Intent to Object Form</u>	WSIB
Appeals Services Division (ARO decision)	WSIAT	Notice of Appeal Form	WSIAT