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**POLICY NUMBER: POL-88**

**Chapter:**  
**GENERAL**

**Subject:**  
**WORKERS COMPENSATION APPEAL TRIBUNAL DECISION IMPLEMENTATION**

**Effective Date:**  
**April 1, 2002**

**Last Update:**  
**March 9, 2018**

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**REFERENCE:**

*Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 26, 29, 32, 56.1, 56.2.*  
*Workers Compensation Act Appeal Regulations, 1988, Section 1.*  
*Workers Compensation Board Policy, POL-83, New Evidence.*  
*Workers Compensation Board Policy, POL-48, Internal Reconsideration.*

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**DEFINITION:**

In this policy:

“Appeal Tribunal” means the appeal body appointed by the Lieutenant Governor in Council established to hear appeals of Internal Reconsideration Officer decisions and any other matter referred to it by the Workers Compensation Board.

“Person with a direct interest” means

- a) for employer assessment decisions:
  - the employer against whom the assessment is levied;
  - the Workers Compensation Board.
- b) for worker claim decisions:
  - the worker;
  - dependants of the deceased worker;
  - the accident employer, if it is determined by the Workers Compensation

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- Board that the accident employer has a direct interest in the matter;  
the Workers Compensation Board.
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**POLICY:**

1. A request for appeal may be made to the Court of Appeal within thirty (30) calendar days of the date of the Appeal Tribunal's decision, pursuant to Section 56.2 of the *Workers Compensation Act* and rules of the Supreme Court of Prince Edward Island.
2. The Appeal Tribunal decision will not be implemented until the expiry of 30 days from the date of the decision to allow time for persons with a direct interest to appeal.

Where no application for leave to appeal has been filed, the Workers Compensation Board will endeavour to implement the Appeal Tribunal decision within the next 30 days.

3. Where an application for leave to appeal is filed, the Workers Compensation Board will not implement the Appeal Tribunal decision until the Court of Appeal decision is rendered.
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**HISTORY:**

March 9, 2018 – Policy was reviewed by Chief Executive Officer and Director; no changes required.

December 16, 2010 - The policy was updated as a result of the 60 month policy review process. The name of the policy was changed from "Workers Compensation Appeal Tribunal" to "Workers Compensation Appeal Tribunal Decision Implementation." Sections that are within the jurisdiction of WCAT were removed from the policy.

April 26, 2005 - Amended to include the definition of "Employer Advisor".

May 26, 2003 - Amended to ensure the definitions of "Appeal Tribunal" and "Workers' Advisor" are consistent with the definitions provided in the *Workers Compensation Act*.

Board of Directors Approval Date: March 28, 2002

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