



THE APPEAL COMMISSION

THE WORKERS COMPENSATION ACT OF MANITOBA

APPEAL COMMISSION

RULES OF PROCEDURE

Table of Contents

1	Purpose, Interpretation, Definitions	5
	(1) <i>Authority</i>	5
	(2) <i>Purpose</i>	5
	(3) <i>Application</i>	5
	(4) <i>Dispensing with rules</i>	5
	(5) <i>Expansion of time</i>	5
	(6) <i>Rules not exhaustive</i>	5
	(7) <i>Conflict</i>	5
	(8) <i>Definitions.....</i>	5
2	Duties of Registrar.....	7
3	Referral	7
	(1) <i>Referral to second panel</i>	7
	(2) <i>Members of second panel</i>	8
4	Commencement of Matters.....	8
	(1) <i>Commencement of matters</i>	8
	(2) <i>Matters not invalid due to error.....</i>	8
	(3) <i>Interpreter.....</i>	8
	(4) <i>Accessibility.....</i>	8
	(5) <i>Withdrawal.....</i>	8
5	Motions and Adjournments	8
	(1) <i>Notice of motion</i>	8
	(2) <i>Disposing of motion</i>	9
	(3) <i>Adjournment</i>	9
	(4) <i>Reasons</i>	9
6	Hearings	9
	(1) <i>Natural Justice.....</i>	9
	(2) <i>Type of hearing</i>	9
	(3) <i>C.A.C to decider person who has direct interest</i>	9
	(4) <i>Appeal of decision of C.A.C.....</i>	9
	(5) <i>Hearings open to public only with consent</i>	10
7	Witnesses	10
	(1) <i>Witnesses.....</i>	10

(2) Orders	10
(3) Witness lists	10
(4) Examination of witnesses	10
(5) Exclusion of witnesses	10
(6) Affirmation of evidence	10
(7) Payment of witness fees.....	10
8 Filing Material.....	10
(1) Filing material for hearing	10
(2) Further evidence	11
(3) Written hearing	11
(4) Post-hearing	11
9 Evidence	11
(1) Evidence determined by panel	11
(2) Panel may receive evidence and information	11
(3) Submissions and evidence at hearing	11
(4) Exhibits	11
(5) Further evidence and submissions	11
10 Determination by WCB	11
(1) WCB may amend pending matter	11
(2) Result of change of determination by WCB	12
11 Notice and Service.....	12
(1) Notice of hearing	12
(2) Failure to appear at hearing	12
(3) Service of documents	12
(4) Service on representative	12
(5) Deemed service of documents	12
(6) Definition of "business hours"	13
12 Conduct	13
(1) Hearings chaired by presiding officer	13
(2) Conduct and decorum	13
(3) Appeal commission code of conduct	13
13 Record and Transcript	13
(1) Record	13

(2) <i>Copy of transcript</i>	13
(3) <i>Other recordings not permissible</i>	13
14 Issues to be Decided	13
(1) <i>Issues at hearing</i>	13
(2) <i>Additional issue</i>	13
(3) <i>Referral of additional issue to WCB</i>	14
15 Decision	14
(1) <i>Decision of appeal panel</i>	14
(2) <i>Where appeal panel does not make decision</i>	14
(3) <i>Registrar to provide copy of reasons</i>	14
Appendix 1: Applications to Appeal	15
Appendix 2: Notice of Withdrawal	23
Appendix 3: Request for Adjournment	24
Appendix 4: Witness List	25
Appendix 5: Request to File Additional Evidence	26
Appendix 6: Code of Conduct for Appeal Commissioners	27

1 PURPOSE, INTERPRETATION, DEFINITIONS

Authority

1(1) Section 60.7 of the Act gives the appeal commission the authority to determine the practice and procedure for the conduct of matters before the appeal commission.

Purpose

1(2) These rules are established to ensure that

- (a) all parties to an appeal have a full and fair opportunity to be heard;
- (b) evidence is disclosed and presented in a timely and efficient manner; and
- (c) appeal commission proceedings are conducted in ways to ensure they are accessible, informal, expeditious, and transparent.

Application

1(3) These rules shall be liberally applied by each appeal panel to the matter before it so as to advance the purposes set out in rule 1(2).

Dispensing with rules

1(4) An appeal panel may, on the motion of a party or on its own initiative, dispense with compliance with any rule where to do so would advance the purposes set out in rule 1(2).

Expansion of time

1(5) An appeal panel may expand the time prescribed by these rules for doing an act, filing a document or taking a proceeding.

Rules not exhaustive

1(6) An appeal panel may decide any procedural matter not provided for by these rules.

Conflict

1(7) If there is a conflict between these rules and the Act, the Act applies.

Definitions

1(8) In these rules,

"Act" means *The Workers Compensation Act*, C.C.S.M. c. W200;

"appeal commission" means the appeal commission established under s 60.2(1) of the Act;

"appeal commissioner" means a person appointed as an appeal commissioner under s 60.2(1) of the Act;

"appeal panel" means a panel established under s 60.3(1) of the Act;

"business day" means Monday to Friday, except a day that is a statutory holiday;

"Chief Appeal Commissioner" means the person designated as the Chief Appeal Commissioner under s 60.2(1)(c) of the Act;

"chief executive officer" means the person appointed as chief executive officer under s 59(1) of the Act;

"corporate secretary" means the individual formally appointed from time to time by the chief executive officer, on recommendation of the Chair in consultation with the Board;

"evidence" is any evidence, including hearsay, and including any oral testimony, documents or demonstrative evidence which the appeal panel considers relevant to the appeal.

"hearing" means an oral hearing or a written hearing of a matter, as decided by the Chief Appeal Commissioner under rule 6(2);

"person who has a direct interest" may include, with respect to an accident or other matter before the appeal commission, the following:

- (a) the worker whose claim for compensation is before the appeal commission,
- (b) the employer of the worker at the time of the accident,
- (c) any employer whose assessment is before the appeal commission,
- (d) any worker, employer, or third party who participated in the reconsideration at the WCB on the same matter that is before the appeal commission,
- (e) a person referred to in s. 9(1), 9(5), 9(7), 9(7.1), 9(8), 60(5) or 60(2.1) of the Act,
- (f) the Workers Compensation Board of Manitoba, where the chief executive officer requests standing,
- (g) a person who the Chief Appeal Commissioner decides under rule 6(3) is a person who has a direct interest, and
- (h) in the case of an accident that results in the death of a worker,
 - (i) a dependent of the worker,
 - (ii) any legal personal representative of the worker, and
 - (iii) a spouse of the worker;

"presiding officer" means the presiding officer of a panel appointed under s 60.3(1)(a) of the Act;

"registrar" means the senior administrative staff person to the appeal commission;

"submission" is written or oral argument presented to an appeal panel in support of a party's position on the issues in an appeal or regarding a procedural step.

"WCB" means The Workers Compensation Board continued by the Act.

2 DUTIES OF REGISTRAR

Duties of registrar

2 The duties of the registrar include the following:

- (a) to schedule hearings by appeal panels and, in respect of each matter set for hearing, to notify in writing any person who has been determined to have a direct interest in the matter;
- (b) to review the WCB claim file before the hearing of a matter,
 - (i) to identify the issues in a matter to be decided by an appeal panel,
 - (ii) to ensure that the file is complete with respect to the information required for the hearing,
 - (iii) to recommend to the Chief Appeal Commissioner the type of hearing most appropriate to the matter,
 - (iv) to advise the Chief Appeal Commissioner whether, with respect to a matter, an appeal commissioner has an actual or apparent conflict of interest or is a person who has a direct personal interest in the matter;
- (c) to seek out any information that an appeal panel decides is necessary or advisable for the purpose of a hearing, and on obtaining the information to provide, subject to the Act, a copy to the appeal panel and any person who has a direct interest in the matter; and
- (d) in respect of a decision of the appeal commission, to give notice to the corporate secretary and any person who has a direct interest in the matter, in accordance with these rules.

3 REFERRAL

Referral to second panel

3(1) Pursuant to s 60.3(2) of the Act, the Chief Appeal Commissioner may at any time refer a matter that is before one appeal panel to another appeal panel where

- (a) the first appeal panel does not render a decision in accordance with rule 15(1);

(b) an appeal commissioner on the first appeal panel is unable at any time to sit on the panel, or to continue to sit on the panel, for any reason, including an actual or apparent conflict of interest; or

(c) in the opinion of the Chief Appeal Commissioner, a referral to a second appeal panel is necessary for the proper disposition of the matter.

Members of second panel

3(2) Subject to s 60.3 of the Act and rule 15(2), when a matter is referred to a second panel, the second panel may include members of the original panel.

4 COMMENCEMENT OF MATTERS

Commencement of matters

4(1) Every matter before the appeal commission shall be commenced by filing an application in a form acceptable to the appeal commission. Applications should be made using the applicable form prescribed in Appendix 1: Applications to Appeal.

Matters not invalid due to error

4(2) No matter shall be dismissed because of an error in completing an appeal form, and any amendment required to correct an error may be made at the discretion of the Chief Appeal Commissioner or appeal panel.

Interpreter

4(3) A party who requires the services of an interpreter at a hearing shall notify the registrar. The appeal commission will arrange for and pay the costs of an interpreter.

Accessibility

4(4) A party who requires accommodation at a hearing due to an accessibility barrier shall notify the registrar as soon as the party becomes aware of the requirement.

Withdrawal

4(5) A person with a direct interest may withdraw their appeal at any time by providing the appeal commission with written notice of the withdrawal. Notice of withdrawal should be made in form prescribed in Appendix 2: Notice of Withdrawal

5 MOTIONS and ADJOURNMENTS

Notice of motion

5(1) Motions, including motions for an adjournment, shall

(a) be made as soon as is practicable;

(b) be in writing unless the appeal panel permits otherwise;

(c) set out the relief sought and the grounds relied upon; and

(c) include any consents of the other parties participating in the appeal.

Motions should be made in form prescribed in Appendix 3: Motion for Adjournment.

Disposing of motion

5(2) Upon receipt of a motion, the appeal panel

(a) shall ensure that the other parties are granted an opportunity to respond;

(b) may direct the time, manner and form of any response;

(c) may direct making of arguments and presentation of evidence by all parties; and

(d) shall dispose of the motion as it sees fit.

Adjournment

5(3) An appeal panel may adjourn the hearing of a matter for such time and upon such terms and conditions as the panel considers necessary or advisable.

Reasons

5(4) On determining a motion, the appeal panel shall provide the parties with oral or written reasons for its decision.

6 HEARINGS

Natural justice

6(1) Hearings of matters by the appeal commission shall be conducted fairly and in accordance with the rules of natural justice.

Type of hearing

6(2) The Chief Appeal Commissioner shall determine whether a hearing takes place by oral hearing, whether in person or by use of technology, or by file review, but the appeal panel may change the type of hearing where it determines at the hearing that another type of hearing is necessary or advisable for the proper disposition of the matter.

C.A.C. to decide person who has direct interest

6(3) Where a question arises in a matter before the appeal commission whether a person or party is a person who has a direct interest, the Chief Appeal Commissioner shall decide the question.

Appeal of decision of C.A.C.

6(4) A decision of the Chief Appeal Commissioner under rule 6(3) may be appealed to an appeal panel.

Hearings open to public only with consent

6(5) Hearings shall not be open to the public, but an appeal panel may allow a hearing to be open to the public with the consent of all persons who have a direct interest in the matter and who are present for the hearing.

7 WITNESSES

Witnesses

7(1) Pursuant to s 55 of the Act, an appeal panel may compel the attendance of witnesses, examine witnesses under oath, cause depositions of witnesses to be taken, compel witnesses to answer questions and compel the production of books, papers, documents and other things.

Orders

7(2) An order under rule 7(1) shall be issued only by the presiding officer upon order of the appeal panel.

Witness lists

7(3) Parties to an appeal who intend to bring witnesses to a hearing must provide a written list, at least 5 business days before the hearing, identifying the witnesses, together with a written summary of the anticipated testimony of each witness. A witness list should be made in form prescribed in Appendix 4: Witness List.

Examination of witnesses

7(4) The appeal panel may, in an oral hearing, permit the examination, cross-examination and re-examination of witnesses.

Exclusion of witnesses

7(5) In any oral hearing, the appeal panel may exclude a witness from the hearing until the witness is called to give evidence.

Affirmation of evidence

7(6) The appeal panel may require a witness in a hearing to affirm the evidence they provide.

Payment of witness fees

7(7) The appeal commission may pay fees and expenses of witnesses compelled to attend the hearing under rule 7(1), in accordance with applicable policies/guidelines. The appeal commission is not responsible for any costs associated with attendance of witnesses for the parties to the appeal.

8 FILING MATERIAL

Filing material for hearing

8(1) Subject to rules 8(2) and 8(3), any evidence or submission provided for consideration at the hearing shall be filed with the registrar not later than 5 business days before the hearing.

Further evidence

8(2) If further evidence becomes available after the filing deadline, the appeal panel may consider a request to file additional evidence at the start of the hearing. Requests should be made in form prescribed in Appendix 5: Request to File Additional Evidence.

Written hearing

8(3) In the case of a written hearing, any submission by a person who has a direct interest shall be in writing and filed with the registrar not later than 5 business days before the hearing.

Post-hearing

8(4) No additional evidence or submissions will be accepted by an appeal panel following the adjournment of a hearing unless specifically requested or agreed to by the appeal panel.

9 EVIDENCE

Evidence determined by panel

9(1) The appeal panel shall determine any questions respecting evidence, including the relevance of evidence to the matter before the panel.

Panel may receive evidence and information

9(2) The appeal panel may receive and consider evidence and information on affirmation, by affidavit or otherwise, whether or not the evidence or information is admissible in a court of law.

Submissions and evidence at hearing

9(3) Subject to rule 14, in a hearing, the appeal panel shall give any person who has a direct interest in the matter a reasonable opportunity to make submissions, and may allow the presentation of additional evidence.

Exhibits

9(4) Documents received as evidence at a hearing will be marked as exhibits and numbered and dated. Copies of exhibits will be provided to all persons who have a direct interest in the matter and who are present for the hearing.

Further evidence and submissions

9(5) At the conclusion of a hearing the appeal panel may request further evidence and/or submissions from the parties or from persons who are not parties to the appeal.

10 DETERMINATION BY WCB

WCB may amend pending matter

10(1) At any time before the disposition of a matter by the appeal commission, the WCB may rescind or amend any determination previously made by it, or make a further or supplementary determination, and the WCB shall immediately notify the registrar of any such determination.

Result of change of determination by WCB

10(2) Where a determination of the WCB is rescinded or amended by the WCB under rule 10(1),

- (a) a person who has a direct interest may appeal the determination to the appeal commission; and
- (b) any issue remaining before the appeal commission in the original matter shall be amended as required to take into account the change in the determination by the WCB.

11 NOTICE and SERVICE

Notice of hearing

11(1) Where a date is set for the hearing of a matter, the registrar shall give notice to any person who has a direct interest in the matter not less than 15 business days before the hearing, unless all persons who have a direct interest in the matter agree to reduce the time for notice.

Failure to appear at hearing

11(2) Where a person with a direct interest in the matter has been given notice of the hearing but does not attend the hearing, the appeal panel may:

- (a) hear and decide the appeal;
- (b) reschedule the hearing; or
- (c) dismiss the appeal without conducting the hearing.

Service of documents

11(3) For the purpose of these rules, a document may be served personally, by registered mail, by email or by facsimile machine.

Service on representative

11(4) If a person with a direct interest in the matter has an authorized representative, documents may be served on the representative.

Deemed service of document

11(5) A document is deemed to be served on a person

- (a) on the day the document is delivered to the person, or left with an adult person at the last known address of the person to be served;
- (b) if sent by registered mail, on the third business day following the day of mailing; or
- (c) if transmitted by email or facsimile machine,

- (i) on the day it is transmitted, where it is transmitted during business hours, or
- (ii) on the next business day following the day it is transmitted, where it is transmitted after business hours.

Definition of "business hours"

11(6) For the purpose of rule 11, "business hours" means 8:30 a.m. to 4:30 p.m. on a business day.

12 CONDUCT

Hearings chaired by presiding officer

12(1) The hearing shall be chaired by the presiding officer of the appeal panel.

Conduct and decorum

12(2) Conduct of and decorum at the hearing shall be at the discretion of the presiding officer.

Appeal commission code of conduct

12(3) The appeal commission's code of conduct will guide the conduct of appeal commissioners. The code of conduct is prescribed in Appendix 6: Code of Conduct for Appeal Commissioners.

13 RECORD and TRANSCRIPT

Record

13(1) The presiding officer of an appeal panel may direct that a record be made of the hearing.

Copy of transcript

13(2) Where a record is made of the hearing, a person who has a direct interest in the matter is entitled to a copy of a transcript of the record on written request and payment of any fee set by the Appeal Commission.

Other recordings not permissible

13(3) Parties to an appeal are not permitted to use their own equipment to record hearings.

14 ISSUES TO BE DECIDED

Issues at hearing

14(1) Subject to rule 14(2) and 14(3), an appeal panel shall decide only such issues as are identified by the registrar before the hearing.

Additional issue

14(2) Where at a hearing an issue that has not been identified by the registrar as an issue for determination by the appeal panel is raised, the presiding officer shall advise the Chief Appeal Commissioner who may

(a) pursuant to s 60.8(3) of the Act, refer the issue to the WCB for further investigation and, on completion of the WCB's investigation, may direct the appeal panel or another appeal panel to decide the issue; or

(b) direct the appeal panel to decide the issue.

Referral of additional issue to WCB

14(3) Notwithstanding rule 14(2), where the issue that is raised has not previously been determined by the WCB, the Chief Appeal Commissioner shall refer the issue to the WCB for determination.

15 DECISION

Decision of appeal panel

15(1) A decision of an appeal panel shall be rendered within 60 days of the completion of the hearing or the date on which all evidence and submission deadlines have expired, whichever is later, and the appeal panel shall immediately communicate the decision, together with written reasons, to the registrar.

Where appeal panel does not make decision

15(2) Where an appeal panel does not render a decision within the time stipulated under rule 15(1), the Chief Appeal Commissioner shall

(a) expand the time if the Chief Appeal Commissioner determines that an injustice would result if the time were not expanded; or

(b) refer the matter to a new appeal panel comprised of appeal commissioners who were not members of the first panel to hear and decide the matter.

Registrar to provide copy of reasons

15(3) On receiving notice of a decision under rule 15(1), the registrar shall immediately give notice of the decision to the corporate secretary and to any person who has a direct interest in the matter.

Appendix 1

Applications to Appeal



WORKER APPEAL OF CLAIMS DECISION

TO: THE APPEAL COMMISSION
1120 - 330 St. Mary Avenue
Winnipeg MB R3C 3Z5

Telephone: (204) 925-6110
Toll Free: 1 (855) 925-6110
Fax: (204) 943-4393
Email: appeal@appeal.mb.ca

Should you have any questions when completing this form, please contact the **Scheduling Assistant** at (204) 925-6116, toll free at 1 (855) 925-6110 or by email at appeal@appeal.mb.ca

A.

THIS APPEAL IS REQUESTED BY:

Worker Name: _____	Claim Number: _____	
Address: _____		
City/Town: _____	Province: _____	Postal Code: _____
Phone Number (home): _____	(work) _____	Email: _____

B.

Employer when injury/disease occurred: _____

C.

Name of Representative: (if applicable) _____	
Address: _____	
City/town: _____	Postal Code: _____
Telephone Number: _____	Email: _____

****If you will be represented on your appeal, you must provide a separate signed and dated authorization naming your representative****

D.

Any required interpretation services will be arranged by the Appeal Commission. Please check here if you require the services of an interpreter: <input type="checkbox"/> Please indicate the type of Language: _____ If you require accommodation at a hearing due to an accessibility barrier please let us know how we can help
--

Available in alternate format on request



E.

I wish to appeal the decision of the WCB Review Office dated: _____

The decision(s) I wish to appeal is (are):

I believe this decision of the WCB Review Office should be overturned for the following reasons:

NOTE:

If providing additional written evidence or submission, this must be sent to the Appeal Commission at least 5 business days prior to the hearing.

F.

METHOD OF APPEAL: Please refer to the attached brochure and indicate by which method you wish to pursue your appeal. (please check one):

VIDEOCONFERENCE ☐

IN OFFICE AT 330 ST. MARY AVE ☐

TELECONFERENCE ☐

FILE REVIEW ☐

If requesting an appeal other than file review, please state the reasons why you consider a hearing is necessary:



The Chief Appeal Commissioner has the final authority to determine the method of appeal.



SIGNATURE: _____ DATE: _____

Available in alternate format on request



EMPLOYER APPEAL OF CLAIMS DECISION

TO: THE APPEAL COMMISSION
1120 - 330 St. Mary Avenue
Winnipeg MB R3C 3Z5

Telephone: (204) 925-6110
Toll Free: 1 (855) 925-6110
Fax: (204) 943-4393
Email: appeal@appeal.mb.ca

Should you have any questions when completing this form, please contact the **Scheduling Assistant** at (204) 925-6116, toll free at 1 (855) 925-6110 or by email at appeal@appeal.mb.ca

A.

THIS APPEAL IS REQUESTED BY:

Employer Name: _____ Account Number: _____

Address: _____

City/Town: _____ Province: _____ Postal Code: _____

Telephone Number: _____ Email: _____

B.

Name of Worker: _____

Claim Number: _____

C.

Name of Representative:
(if applicable) _____

Address: _____

City/town: _____ Postal Code: _____

Telephone Number: _____ Fax Number: _____

****If you will be represented on your appeal, you must provide a separate signed and dated authorization naming your representative****

D.

Any required interpretation services will be arranged by the Appeal Commission.

Please check here if you require the services of an interpreter: ☐

Please indicate the type of Language: _____

**If you require accommodation at a hearing due to an accessibility barrier
please let us know how we can help**

Available in alternate format on request

E.

I wish to appeal the decision of the WCB Review Office dated: _____

The decision(s) I wish to appeal is (are):

I believe this decision of the WCB Review Office should be overturned for the following reasons:

NOTE:

If providing additional written evidence or submission, this must be sent to the Appeal Commission at least 5 business days prior to the hearing.

F.

METHOD OF APPEAL: Please refer to the attached brochure and indicate by which method you wish to pursue your appeal. (please check one):

VIDEOCONFERENCE ☐

IN OFFICE AT 330 ST. MARY AVE ☐

TELECONFERENCE ☐

FILE REVIEW ☐

If requesting an appeal other than file review, please state the reasons why you consider a hearing is necessary:



The Chief Appeal Commissioner has the final authority to determine the method of appeal.



SIGNATURE: _____ DATE: _____

Available in alternate format on request



APPEAL OF EMPLOYER ACCOUNT DECISION

TO: THE APPEAL COMMISSION
1120 - 330 St. Mary Avenue
Winnipeg MB R3C 3Z5

Telephone: (204) 925-6110
Toll Free: 1 (855) 925-6110
Fax: (204) 943-4393
Email: appeal@appeal.mb.ca

Should you have any questions when completing this form, please contact the **Scheduling Assistant** at (204) 925-6116, toll free at 1 (855) 925-6110 or by email at appeal@appeal.mb.ca

A.

THIS APPEAL IS REQUESTED BY:		
Name: _____		
Address: _____		
City/Town: _____	Province: _____	Postal Code: _____
Telephone Number (home or work): _____		Email: _____

B.

Name of Employer: _____
Account Number: _____

C.

Name of Representative: (if applicable) _____	
Address: _____	
City/town: _____	Postal Code: _____
Telephone Number: _____	Fax Number: _____

****If you will be represented on your appeal, you must provide a separate signed and dated authorization naming your representative****

D.



Any required interpretation services will be arranged by the Appeal Commission.	
Please check here if you require the services of an interpreter: <input type="checkbox"/>	
Please indicate the type of Language: _____	
If you require accommodation at a hearing due to an accessibility barrier please let us know how we can help	

Available in alternate format on request

E.

I wish to appeal the decision of the WCB Reconsideration Committee dated:
The decision(s) I wish to appeal is (are):
I believe this decision of the WCB Reconsideration Committee should be overturned for the following reasons:
NOTE: <i>If providing additional written evidence or submission, this must be sent to the Appeal Commission at least 5 business days prior to the hearing.</i>

F.

METHOD OF APPEAL: Please refer to the attached brochure and indicate by which method you wish to pursue your appeal. (please check one):	
VIDEOCONFERENCE <input type="checkbox"/>	IN OFFICE AT 330 ST. MARY AVE <input type="checkbox"/>
TELECONFERENCE <input type="checkbox"/>	FILE REVIEW <input type="checkbox"/>
If requesting an appeal other than file review, please state the reasons why you consider a hearing is necessary:	
 <i>The Chief Appeal Commissioner has the final authority to determine the method of appeal.</i> 	

SIGNATURE: _____ DATE: _____

Available in alternate format on request



THE APPEAL COMMISSION
The Victims' Bill of Rights

APPEAL OF VICTIM COMPENSATION DECISION

TO: THE APPEAL COMMISSION
1120 - 330 St. Mary Avenue
Winnipeg MB R3C 3Z5

Telephone: (204) 925-6110
Toll Free: 1 (855) 925-6110
Fax: (204) 943-4393
Email: appeal@appeal.mb.ca

Should you have any questions when completing this form, please contact the **Scheduling Assistant** at (204) 925-6116, toll free at 1 (855) 925-6110 or by email at appeal@appeal.mb.ca

A.

THIS APPEAL IS REQUESTED BY:		
Claimant Name: _____	Claim Number: _____	
Address: _____		
City/Town: _____	Province: _____	Postal Code: _____
Phone Number (home): _____	(work): _____	Email: _____

B.

Name of Representative: (if applicable) _____	
Address: _____	
City/town: _____	Postal Code: _____
Telephone Number: _____	Fax Number: _____

****If you will be represented on your appeal, you must provide a separate signed and dated authorization naming your representative****

C.



Any required interpretation services will be arranged by the Appeal Commission.	
Please check here if you require the services of an interpreter: <input type="checkbox"/>	
Please indicate the type of Language: _____	
If you require accommodation at a hearing due to an accessibility barrier please let us know how we can help	

Available in alternate format on request

D.

I wish to appeal the decision of the Program Director dated:	
The decision(s) I wish to appeal is (are):	
I believe the decision of the Program Director should be overturned for the following reasons:	
NOTE: <i>If providing additional written evidence or submission, this must be sent to the Appeal Commission at least 5 business days prior to the hearing.</i>	

E.

METHOD OF APPEAL: Please refer to the attached brochure and indicate by which method you wish to pursue your appeal. (please check one):	
VIDEOCONFERENCE <input type="checkbox"/>	IN OFFICE AT 330 ST. MARY AVE <input type="checkbox"/>
TELECONFERENCE <input type="checkbox"/>	FILE REVIEW <input type="checkbox"/>
If requesting an appeal other than file review, please state the reasons why you consider a hearing is necessary:	
 <i>The Chief Appeal Commissioner has the final authority to determine the method of appeal.</i> 	

SIGNATURE: _____ DATE: _____

Available in alternate format on request

Appendix 2

Notice of Withdrawal



NOTICE OF WITHDRAWAL

Name: _____ Claim/Firm Number: _____

Address: _____

City/Town: _____ Province: _____ Postal Code: _____

Telephone (home): _____ (work) _____ Email: _____

I withdraw my appeal with The Appeal Commission of Manitoba. I understand this means the Appeal Commission will not make a decision on my appeal and the WCB decision I appealed will remain in effect.

Signature

Date

Print Full Name

Appeal may be withdrawn

A party may withdraw an appeal at any time.

Filing the Notice

A party who withdraws an appeal must file a copy of the notice with the Appeal Commission.

Notifying the other parties

A party who withdraws an appeal must provide notice of this on all persons with a direct interest who are participating in the appeal.

Appendix 3

Request for Adjournment



THE APPEAL COMMISSION
THE WORKERS COMPENSATION ACT OF MANITOBA

REQUEST FOR ADJOURNMENT

Worker/Employer: _____ Claim/Firm Number: _____

Telephone (home): _____ (work) _____ Email: _____

I, _____, request that the appeal currently scheduled
(insert name)

for _____ be adjourned.
(insert date of hearing)

This adjournment is required because of the following circumstances:

Signature

Date

Filing the Request

A party who requests an adjournment must file a copy of the request with the Appeal Commission.

Notifying the other parties

A party who requests an adjournment must provide notice of the request on all persons with a direct interest who are participating in the appeal.

Appeal panel to decide

The appeal panel will decide whether to allow the adjournment and may provide oral or written reasons for its decision.

Appendix 4

Witness List



THE APPEAL COMMISSION
THE WORKERS COMPENSATION ACT OF MANITOBA

WITNESS LIST

Worker/Employer: _____ Claim/Firm Number: _____

Telephone (home): _____ (work) _____ Email: _____

Witness List of _____ *(insert name)*

Name of witness	Description of witness (fact witness, expert, other) Summary of expected evidence

Signature

Date

Filing the Request

A party who is bringing witnesses to a hearing must file the witness list with the Appeal Commission at least 5 business days before the hearing.

Notifying the other parties

A party bringing witnesses to a hearing must provide a copy of the witness list to all persons with a direct interest who are participating in the appeal at least 5 business days before the hearing.

Appendix 5

Request to File Additional Evidence



THE APPEAL COMMISSION
THE WORKERS COMPENSATION ACT OF MANITOBA

REQUEST TO FILE ADDITIONAL EVIDENCE

Worker/Employer: _____ Claim/Firm Number: _____

Telephone (home): _____ (work) _____ Email: _____

I, _____, request permission to file additional
(insert name)

evidence for the hearing scheduled for _____.
(insert date of hearing)

Description of additional evidence (e.g. healthcare provider report) and explanation why evidence should be accepted. **Do not provide the additional evidence unless asked to do so.**

Signature

Date

Filing the Request

A party who requests to file additional evidence must file the request with the Appeal Commission.

Notifying the other parties

A party who requests to file additional evidence must provide a copy of the request to all persons with a direct interest who are participating in the appeal.

Appeal panel to decide

The appeal panel will decide whether to accept the additional evidence and may provide oral or written reasons for its decision.

Appendix 6

Code of Conduct for Appeal Commissioners



THE APPEAL COMMISSION

THE WORKERS COMPENSATION ACT OF MANITOBA

CODE OF CONDUCT

for

APPEAL COMMISSIONERS

Table of Contents

1	Preamble	4
	<i>Mission</i>	<i>4</i>
	<i>Values.....</i>	<i>4</i>
2	General	5
	<i>Purpose of the Code.....</i>	<i>5</i>
	<i>Application of the Code.....</i>	<i>5</i>
	<i>Guiding Principles.....</i>	<i>5</i>
	<i>Duty to Report.....</i>	<i>5</i>
	<i>Discipline</i>	<i>6</i>
3	Standards of Service	6
	<i>General.....</i>	<i>6</i>
	<i>Professional Development.....</i>	<i>6</i>
	<i>Conducting Hearings</i>	<i>6</i>
	<i>Decision-Making</i>	<i>7</i>
	<i>Discussion and Debate.....</i>	<i>7</i>
	<i>Written Decisions.....</i>	<i>8</i>
4	Respect and Collegiality	8
	<i>Scope</i>	<i>8</i>
	<i>Respectful Work Environment</i>	<i>8</i>
	<i>Conducting Hearings</i>	<i>9</i>
5	Confidentiality.....	9
	<i>General.....</i>	<i>9</i>
	<i>Communication with Media.....</i>	<i>10</i>
6	Impartiality	10
	<i>General.....</i>	<i>10</i>
	<i>Conflicts of Interest.....</i>	<i>11</i>
	<i>Definition of Conflict of Interest.....</i>	<i>11</i>
	<i>Definition of Perceived Conflict of Interest.....</i>	<i>11</i>
	<i>Duty to Avoid Conflicts of Interest.....</i>	<i>11</i>
	<i>Duty Not to Use Confidential Information.....</i>	<i>11</i>
	<i>Notice to Chief Appeal Commissioner of a Conflict of Interest.....</i>	<i>12</i>

	<i>Where Member Has Not Been Assigned to the Hearing Panel.....</i>	<i>12</i>
	<i>Where Member Has Been Assigned to the Hearing Panel</i>	<i>12</i>
	<i>When a Party Alleges a Conflict of Interest.....</i>	<i>12</i>
	<i>Where a Member Appears Unaware of, or Has Failed to Disclose a Possible Conflict of Interest</i>	<i>13</i>
	<i>Conflicts of Interest Affecting the Chief Appeal Commissioner</i>	<i>13</i>
	<i>Administrative Bias</i>	<i>14</i>
	<i>Definition of Bias.....</i>	<i>14</i>
	<i>Reasonable Apprehension of Bias.....</i>	<i>14</i>
	<i>Examples of Bias</i>	<i>14</i>
	<i>Where a Question of Bias is Raised</i>	<i>15</i>
	<i>Political Activities</i>	<i>15</i>
	<i>Post-Separation Duties</i>	<i>16</i>
7	Appeal Commission Resources	16
8	Definitions	16

1 Preamble

- (1) The Appeal Commission's mandate is set out in its Mission and Values.

Mission

- (2) The Appeal Commission's mission is to ensure workers and employers continue to receive a full and impartial hearing of appeals in accordance with fairness and the rules of natural justice and that decisions of the Appeal Commission are a fair reflection of the facts of the case and the governing legislation.

Values

- (3) ***Quality Assurance***

The Appeal Commission maintains a consistent and high level of professional conduct, knowledgeable decision-making, and accountability, while respecting differing and shared values and perspectives.

- (4) ***Public Integrity***

The Appeal Commission is, and is seen to be, an independent body with integrity and a rational decision-making process.

- (5) ***Responsive to Change***

The Appeal Commission evolves in a proactive and creative manner by assuring a process of consultation and consensus around desired change.

- (6) ***Interdependence***

All appeal commissioners are committed to a high standard of professionalism in their duties to conduct fair and impartial hearings under *The Workers Compensation Act* and its regulations. As well as their individual responsibilities to become knowledgeable in the matters before them, the commissioners have individual and collective responsibilities to one another to ensure an atmosphere of mutual respect, tolerance of individual differences and opinions, freedom from pre-determined bias and a commitment to look for objective truth and sound decision-making.

- (7) ***Respectful Work Environment***

Appeal commissioners interact with staff and colleagues in a manner which promotes mutual respect as well as clarity and understanding of respective roles.

2 General

Purpose of the Code

- (1) The Appeal Commission is committed to foster and maintain the highest standards of professionalism and conduct among its members. This Code establishes rules of conduct governing the legal, professional and ethical responsibilities of the Appeal Commission's members.

Application of the Code

- (2) This Code applies to all members of the Appeal Commission from the dates of their appointment.
- (3) The duties and responsibilities in this Code:
 - (a) apply to a member's conduct as a member of the Appeal Commission and where applicable, to the member's private life; and
 - (b) continue, with respect to issues of confidentiality, after a member ceases to be a member of the Appeal Commission.

Guiding Principles

- (4) These principles are meant to guide the decisions and conduct of members. In all circumstances:
 - (a) Members will conduct themselves with impartiality and integrity.
 - (b) Members will uphold and act in accordance with the Appeal Commission's mandate.
 - (c) Members will place the public interest above their own private interests.
 - (d) In both their private and public lives, members will act in a manner that enhances the reputation and credibility of the Appeal Commission and that inspires public confidence in the Appeal Commission.
 - (e) Members will fulfil their duties in good faith and to the best of their ability.

Duty to Report

- (5) If a member becomes aware of any circumstance that contravenes, or may reasonably be perceived to contravene, this Code, the member will bring that circumstance to the attention of:

- (a) the Chief Appeal Commissioner; or,
- (b) if the circumstance relates to the conduct of the Chief Appeal Commissioner, to the Deputy to the Minister responsible for *The Workers Compensation Act*, or the Deputy's designate.

Discipline

- (6) Members who violate any provision of this Code will be subject to discipline, up to and including dismissal from office.

3 Standards of Service

General

- (1) Members will provide the public with a professional level of service by conducting themselves with patience, attentiveness, courtesy, respect and discretion.
- (2) Members will be familiar with:
 - (a) the role and mandate of the Appeal Commission;
 - (b) the statutes, regulations and rules of law that govern the Appeal Commission; and,
 - (c) the Appeal Commission's policies, procedures and guidelines.

Professional Development

- (3) Members will make reasonable and ongoing efforts to improve their knowledge and skills in order to fulfil their duties as members.

Conducting Hearings

- (4) Members are fully prepared to conduct the business before them, by having reviewed and become familiar with all available documents and background materials before the hearing.
- (5) Members will act expeditiously and without unreasonable delay.
- (6) Members will follow the applicable rules of procedure, and ensure proceedings are conducted in an open and fair manner.
- (7) Members will ensure hearings are reasonably accessible to the parties.
- (8) Members will maintain a professional distance from the parties, their counsel or representatives, and the dispute itself.
- (9) Members will only communicate with the parties "on the record". If a party contacts a member of the hearing panel directly, the member should refer the party to the Registrar. Correspondence to or from a party or their representative should be forwarded by the hearing panel to all of the parties.

- (10) Members will, at all times, treat all participants in a hearing with respect, courtesy and consideration.

Decision-Making

- (11) Members will decide each matter based on its merits and on the justice of the case.
- (12) Members will apply the law to the evidence in good faith and to the best of their ability.
- (13) Members will approach each matter with an open mind with respect to every issue and will avoid doing or saying anything that could cause any person to think otherwise.
- (14) Members will decide each matter free from bias, prejudice and conflicts of interest. (See **6 Impartiality**, below.)
- (15) When deciding a matter, members will not be influenced by unauthorized outside interests such as media or other public opinion, expectations of the parties or the government, or fear of criticism.

Discussion and Debate

- (16) Members of a hearing panel will make themselves reasonably available to discuss and determine procedural and substantive issues with their colleagues. They are free to disagree with one another, in private, and to discuss and debate the merits of the case with candour.
- (17) Members of a hearing panel will carefully consider the reasons of their colleagues. When expressing disagreement or dissent, they should do so in a respectful and professional manner with a view to facilitating a productive discussion of the issues.
- (18) If a member disagrees with a decision of the hearing panel after discussion and careful consideration, that member may prepare a reasoned and respectful dissenting opinion. However, members will not comment in public on the decision of another member, or of that member's conduct during a hearing.

Written Decisions

- (19) Members will render decisions and prepare written decisions in a timely manner.
- (20) Members will write decisions using clear, concise, accessible and bias-free language.
- (21) At a minimum, written decisions:
 - (a) identify the issues in dispute;

- (b) state the authority of the Appeal Commission to decide the issues in dispute;
 - (c) briefly and fairly summarize the positions of the parties;
 - (d) clearly identify any findings of fact or credibility;
 - (e) identify the laws, policies and principles that apply in the circumstances;
 - (f) apply the laws, policies and principles to the evidence; and,
 - (g) concisely state the Appeal Commission's ruling, order or disposition of the matter.
- (22) Members will make their decisions available in a format that meets any accessibility requirements of the parties.

4 Respect and Collegiality

Scope

- (1) Members will treat other members, Appeal Commission staff, the parties to a matter, witnesses and members of the public with courtesy and respect.

Respectful Work Environment

- (2) Members will promote and maintain a safe, professional and respectful work environment at all times.
- (3) Members will not engage in disrespectful behaviour toward any person. Disrespectful behaviour includes:
- (a) offensive or inappropriate remarks, gestures, material or behaviour;
 - (b) inappropriate jokes or cartoons including racial or ethnic slurs;
 - (c) grouping or isolating (for example, based on race or ethnic origin);
 - (d) yelling;
 - (e) belittling;
 - (f) reprimanding in front of others;
 - (g) aggressive or patronizing behaviour;
 - (h) embarrassing or humiliating behaviour;
 - (i) discrimination as defined under *The Human Rights Code*;
 - (j) sexual harassment;
 - (k) damaging gossip or rumours;

- (l) unwarranted or unwelcome physical contact; and,
- (m) covert behaviour, (for example, inappropriately withholding information, undermining, underhandedness).

Conducting Hearings

- (4) Members will treat the parties to a matter equally and will not unreasonably discriminate on the basis of the characteristics identified in *The Human Rights Code*.
- (5) Members will be sensitive to issues of gender, ability, race, sexual orientation, language, culture and religion which may affect the conduct of the hearing.

5 Confidentiality

General

- (1) Members will respect the confidentiality of information received in the performance of their duties.
- (2) Members must take reasonable precautions to ensure the security of information in their possession. Unauthorized persons (including family members and members of the general public) must not have access, whether accidental or intentional, to the information. Members must securely dispose of information once a matter has concluded or return the information to the Appeal Commission for destruction.
- (3) A member's duty of confidentiality continues after that member ceases to be a member of the Appeal Commission.
- (4) In appropriate circumstances, members may disclose to the public general non-confidential information about the Appeal Commission and its procedures.

Communication with Media

- (5) Members must not communicate with the media regarding:
 - (a) a matter that is currently before the Appeal Commission; or,
 - (b) a matter that may end up before the Appeal Commission in the future.
- (6) Enquiries from the media or the public regarding any matter, including a matter that has already been decided will be referred to the Chief Appeal Commissioner or the Registrar.

6 Impartiality (Bias, Conflicts of Interest, Etc.)

General

- (1) Members have an obligation to carry out their duties in an impartial manner. They also have an obligation to the Appeal Commission to carry out their duties in a

manner that avoids conflicts of interest. They have an obligation to the parties who appear before them to comply with the requirements of procedural fairness and natural justice, which includes an obligation to hear and decide matters before them in an unbiased manner.

- (2) Not only must members objectively strive to conduct themselves in a manner that will meet these obligations, they must be reasonably perceived to have done so. That is, would an objective third party, reasonably informed of the relevant facts, conclude that the member has a conflict of interest; or conclude in a hearing context that there is a real possibility the member may not be able to hear and decide the matter before him with an open mind?

Conflicts of Interest

- (3) Members must avoid any situation where their own personal and/or business/occupational/professional interests, or the interests of their immediate family, could impair their objectivity, or provide them or their immediate family with personal or private gain through the performance of their duties.

Definition of Conflict of Interest

- (4) A conflict of interest is any situation, circumstance, activity, association or relationship that is incompatible with a member's obligations to the Appeal Commission and includes placing themselves in a situation in any official matter where a private or personal interest (financial or otherwise) for themselves or persons with whom they are in a close personal or family relationship could put into question the member's ability to exercise his or her duties independently, impartially and objectively;

Definition of Perceived Conflict of Interest

- (5) A perceived conflict of interest is any situation, circumstance, activity, association or relationship that would cause a reasonable and fully-informed member of the public to believe that a member has a conflict of interest with respect to a particular matter.

Duty to Avoid Conflicts of Interest

- (6) Members will take every reasonable step to avoid actual, potential and reasonably perceived conflicts of interest.
- (7) A member shall declare any real or potential conflicts of interest as soon as the member is aware of them. Where appropriate, such declarations may be made at the outset of the member's tenure.
- (8) A member will not hear or decide any matter which creates a conflict of interest for that member.

Duty Not to Use Confidential Information

- (9) Members shall respect the confidentiality of information received in the performance of duties, as well as the confidentiality of the deliberations of the Appeal Commission, both during and after their tenure on the Appeal Commission. This includes a prohibition against using such confidential information for their own private purposes.

Notice to Chief Appeal Commissioner of a Conflict of Interest

- (10) If a member becomes aware of an actual or potential conflict of interest before or during a hearing, the member will immediately notify the Chief Appeal Commissioner.

Where Member Has Not Been Assigned to the Hearing Panel

- (11) If a member has a conflict of interest on a matter before the Appeal Commission, but which has not been assigned to that member:
- (a) the member will not participate in, or be present during, any discussions on that matter; and,
 - (b) the members of the hearing panel will not disclose any confidential information on the matter to the member who has the conflict of interest.

Where Member Has Been Assigned to the Hearing Panel

- (12) If a member assigned to the hearing panel subsequently becomes aware of an actual conflict of interest on a matter before the Appeal Commission, the member will notify the other members of the hearing panel and the Chief Appeal Commissioner and withdraw from the panel immediately.
- (13) If a member assigned to the hearing panel subsequently becomes aware of a potential conflict of interest, the member will advise the Chief Appeal Commissioner immediately. The Chief Appeal Commissioner will consider the matter and decide on whether the member may continue on the panel. The Chief Appeal Commissioner may ask the panel to hear submissions from the parties with respect to the alleged conflict before making a decision.

When a Party Alleges a Conflict of Interest

- (14) When a party to a matter alleges a member of the hearing panel has a conflict of interest:
- (a) if the member agrees that there is a real conflict of interest, the member will notify the other members of the hearing panel and the Chief Appeal Commissioner and withdraw from the proceeding immediately;
 - (b) if the member considers there is no conflict of interest or if there is an allegation of perceived conflict of interest, the member will notify the other

members of the hearing panel and the Chief Appeal Commissioner immediately. The Chief Appeal Commissioner will consider the matter and decide on whether a conflict of interest exists. The Chief Appeal Commissioner may ask the panel to hear submissions from the parties with respect to the alleged conflict before making a decision.

- (c) if the Chief Appeal Commissioner decides a conflict of interest exists, the member will withdraw from the panel; and
- (d) if the Chief Appeal Commissioner decides no conflict of interest exists, the member will continue with the hearing.

Decisions regarding an alleged conflict of interest should generally be made in writing.

Where a Member Appears Unaware of, or Has Failed to Disclose a Possible Conflict of Interest

- (15) If a member of a hearing panel becomes aware of a possible conflict of interest relating to another member which has not been disclosed, the member will bring this to the attention of the other member. If the other member fails to take the appropriate action under the Code, the member shall bring the matter to the attention of the Chief Appeal Commissioner.

Conflicts of Interest Affecting the Chief Appeal Commissioner

- (16) If the Chief Appeal Commissioner has a conflict of interest with respect to a matter in which the Chief Appeal Commissioner is not a member of the hearing panel:
 - (a) the Chief Appeal Commissioner will instruct Appeal Commission staff to direct all communications on the matter to a designated Presiding Officer;
 - (b) the Chief Appeal Commissioner will not have access to the Appeal Commission's files on the matter;
 - (c) the Chief Appeal Commissioner will not participate in, or be present during, decisions on the selection of the hearing panel, the schedule for the hearing, the conduct of the hearing, and the release of the decision; and,
 - (d) the Chief Appeal Commissioner will not participate in, or be present during, any panel consultations or procedural decisions on the matter.
- (17) If the Chief Appeal Commissioner is a member of the hearing panel, the procedures set out in (14) above are to be followed.

Administrative Bias

- (18) Members will avoid participating in a hearing where they may be subject to any bias that could impair or impugn the independence, integrity or impartiality of the Appeal Commission.

Definition of Bias

- (19) Bias is a notable lack of neutrality or impartiality on the part of a panel member regarding an issue before the panel. A biased decision-maker is one who is predisposed to decide a case based on considerations extraneous to the evidence, applicable law, policy or argument made in the case.

Reasonable Apprehension of Bias

- (20) A reasonable apprehension of bias exists where a reasonable observer, aware of all of the relevant facts, would have a real concern as to the member's ability to determine an issue with an open mind. A reasonable apprehension of bias may be as detrimental to the hearing process as actual bias.
- (21) Whether or not there is a reasonable apprehension of bias will be determined by the situation and the Appeal Commission's practices, procedures and enabling legislation.

Examples of Bias

- (22) Some examples are:
- (a) Actual bias or an apprehension of bias may exist where there is a previous or existing relationship between a member and a party to a proceeding. The bias could be either in favour or against a party.
 - (b) An apprehension of bias may exist where a member demonstrates possession of information not generated in the course of the proceeding itself which appears to have been gained through a prior involvement with a party or an issue relevant to the proceeding.
 - (c) An apprehension of bias may arise where a member expresses a predetermined view on an issue relevant to the proceeding.
 - (d) Actual bias or an apprehension of bias may arise from the manner in which proceedings are conducted. This may include a lack of impartiality or fairness in the proceedings.

Where a Question of Bias is Raised

- (23) The question of bias may be raised by members themselves, or by any party to a proceeding.
- (24) Where the member has raised the issue of his or her own possible bias, this generally occurs prior to the commencement of the hearing. The member notifies the Chief Appeal Commissioner at the earliest opportunity. After

reviewing the circumstances the Chief Appeal Commissioner will decide whether the member should continue to be assigned to the proceeding.

- (25) Where there are allegations of bias from one of the parties, after the hearing commences:
- (a) If the member recognizes the existence of an actual bias or reasonable apprehension of bias, the member will immediately withdraw from the panel.
 - (b) If the member believes that the allegation is without foundation or is made frivolously or with an improper purpose, it becomes the responsibility of the hearing panel to decide the matter:
 - (i) the panel may hear submissions from the parties with respect to the alleged bias, consider the submissions, and decide whether a bias exists;
 - (ii) the member may make a submission on the issue of alleged bias, but does not participate in the decision of his colleagues on the issue;
 - (iii) if the panel decides a bias exists, the member will withdraw from the proceeding; and
 - (iv) if the hearing panel decides no bias exists, the member will continue with the hearing.

Political Activities

- (26) Members may engage in political activities to the same extent as employees in the civil service or persons employed by any agency of the government as set out in *The Public Service Act* of Manitoba, but only to the extent their activities do not give rise to a reasonable apprehension of bias with respect to the performance of their duties.

Post-Separation Duties

- (27) Former members must not disclose any confidential information they obtained or became aware of in the course of their duties or use such information for their own private purposes.
- (28) Former members must not take improper advantage of their former positions after ceasing to be members of the Appeal Commission.
- (29) Former members must not appear before the Appeal Commission as representatives, expert witnesses or consultants until the later of:
- (a) 12 months after ceasing to be a member; and

- (b) the release of all outstanding decisions in which the former member took part.

7 Appeal Commission Resources

- (1) Members will be good stewards of the Appeal Commission resources.
- (2) Members will not spend any money on behalf of the Appeal Commission unless:
 - (a) the member spending the money is authorized to do so; and,
 - (b) the expense is reasonably necessary to advance the Appeal Commission's mandate.
- (3) A member will not conduct or authorize any transaction on behalf of the Appeal Commission if that member has an actual, potential or perceived conflict of interest.
- (4) Members will only use Appeal Commission resources for carrying out their duties as members.

8 Definitions

- (1) In this Code, these definitions apply unless the context requires otherwise:
 - (a) "Appeal Commission resources" means the Appeal Commission's assets, equipment, facilities, personnel and other resources.
 - (b) "Code" means this Code of Conduct.
 - (c) "former member" means a person who was a member of the Appeal Commission but is no longer a member.
 - (d) "hearing" includes matters decided on written submissions alone.
 - (e) "hearing panel" means the group of members responsible for hearing and deciding a matter.
 - (f) "matter" means a case, hearing or other proceeding before the Appeal Commission.
 - (g) "member" means any member of the Appeal Commission, including :
 - (i) the Chief Appeal Commissioner;
 - (ii) any Presiding Officer; and,
 - (iii) any Appeal Commissioner.
 - (h) "party" or "parties" includes an individual or organization determined to be a person who has a direct interest as defined in *Appeal Commission Rules*

of Procedure, and representatives of individuals and organizations appearing before the Appeal Commission.

- (i) “representative” means any person authorized to represent a party to a matter before the Appeal Commission.
- (j) “Registrar” means the senior administrative person to the Appeal Commission;
- (k) “written decision” means any decision, order or ruling in writing including any supporting reasons.

January 1, 2022

The Appeal Commission:

Karen Dyck
Chief Appeal Commissioner