

**POLICY NUMBER: POL-88**

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**Chapter:  
GENERAL**

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

**Effective Date:  
April 1, 2002**

**Last Update:  
December 10, 2020**

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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*

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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” related to a claim decision means the worker or dependants of the deceased worker, the accident employer where the decision has a direct financial, legal or operational impact on that employer, and the Workers Compensation Board.

“Person with a direct interest” related to an employer assessment decision means the assessed employer and 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:**

December 10, 2020 - Non-substantive changes to reflect revised definitions in policy, POL-48, Internal Reconsideration.

July 23, 2020 – Non-substantive changes to reflect reference changes.

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”

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are consistent with the definitions provided in the *Workers Compensation Act*.

Board of Directors Approval Date: March 28, 2002