



**New Brunswick  
Workers' Compensation  
Appeals Tribunal**

**Workers' Compensation  
Appeals Tribunal**

**2022-2023**

**Annual Report**





## Workers' Compensation Appeals Tribunal Tribunal d'Appel des Accidents au Travail

---

Hon. Trevor Holder  
Minister of Post-Secondary Education, Training and Labour  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Minister Holder,

The Workers' Compensation Appeals Tribunal is pleased to present its Annual Report for the fiscal year ending March 31, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Kelli Simmonds'. The signature is fluid and cursive.

Kelli Simmonds  
Chairperson

# Table of contents

Overview	4
Executive Summary	5
WCAT Members	6
Highlights	7
Statistics	8
Organizational Chart	11

## Overview

The Workers' Compensation Appeals Tribunal (WCAT) is a quasi-judicial administrative tribunal whose primary responsibility is to provide timely, fair, consistent, and impartial decisions when resolving appeals of decisions rendered by WorkSafeNB. WCAT is legally and administratively separate from WorkSafeNB to ensure we maintain our independence.

The members of WCAT are an independent group of qualified New Brunswickers who operate separate from the Government of New Brunswick and WorkSafeNB.

Under the legislative authority of the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act (WHSCC and WCAT Act)*, WCAT is mandated to hear appeals under the *WHSCC and WCAT Act*, the *Workers' Compensation Act*, the *Firefighters' Compensation Act*, and the *Occupational Health and Safety Act*.

All decisions, rulings, and orders of WCAT are based on the real merits and justice of the case. Any decision, order or ruling of WCAT is final, subject only to an appeal to the Court of Appeal involving any question as to its jurisdiction or any question of law.

For more information on WCAT see [About the Tribunal | NBWCAT \(nbwcat-taatnb.ca\)](https://nbwcat-taatnb.ca).

## Executive Summary

During the 2022-2023 fiscal year, WCAT continued to provide quality decision making consistent with our governing legislation and associated policies. While COVID-19 continues to impact New Brunswickers, WCAT has been able to carry a full caseload, as well as reduce our backlog of cases.

Some highlights of WCAT's actions/improvements include:

- reducing our inventory of appeals by 29.6%.
- the processing time from the hearing to the decision decreased by 7%.
- scheduling appeals three months in advance, thereby giving more notice to the parties involved in the hearing. This has, in turn resulted in reducing postponed appeals by 64.4%, meaning that we have had fewer cases to reschedule and/or cancel.
- a continued focus on financial need cases, resulting in faster resolution of these appeals.
- increased use of electronic Appeal Records by all of our vice chairpersons and clients (including 100 percent of the New Brunswick Court of Appeal), with the exception of injured workers who continue to favour paper copies.
- continued optimization of all options for hearing appeals (written submission, teleconference, video conference, in person) as appropriate for the parties.

WCAT's work on the organization, including internal processes continues. For example, we improved our internal processes by adding a high-speed scanner to meet the demand for electronic Appeal Records and implemented shared systems within WCAT to help ensure our internal workflow and processes are more accessible and efficient for staff.

As always, we continue to look at and test various other initiatives to improve our processes and manage our caseloads, including ongoing maintenance and improvement of our website ([New Brunswick Workers Compensation Appeals Tribunal \(nbwcat-taatnb.ca\)](https://nbwcat-taatnb.ca)). WCAT remains committed to having an inclusive approach to our website's content and design – making it easier for everyone to find and understand information about the appeal process or how to get help. Towards this, WCAT welcomes comments, suggestions, and feedback.

We are looking forward to continued success in 2023-2024.

Kelli Simmonds  
Chairperson

## WCAT Members

Kelli Simmonds is the Chairperson of WCAT.

On March 31, 2023, WCAT had eight vice-chairpersons. The maximum number of vice-chairpersons allowed under the legislation is 10.

The vice-chairpersons, who are appointed on a part time basis by the Lieutenant-Governor in Council, are practicing lawyers who represent the linguistic, gender and geographical realities of the province of New Brunswick.

On March 31, 2023, WCAT's vice-chairpersons included:

- Anik Bossé. K.C.
- Christine Drapeau
- Bernard T. LeBlanc
- Daniel Léger
- Trisha Perry
- Liza Robichaud
- Marc Roy
- Johanne Thériault Paulin

WCAT would also like to acknowledge and thank Erika Hachey, former vice-chairperson, for her dedication and service to the Tribunal between August 2020 to November 2022.

Additional information on our vice-chairpersons is available on WCAT's website: [About the Tribunal | NBWCAT \(nbwcat-taatnb.ca\)](https://www.nbwcat-taatnb.ca)

## Highlights

Topic	2022	2021
<i>Appeals received</i>	<b>676</b>	320
<i>Appeals resolved</i>	<b>673</b>	697
<i>Appeals initiated by:</i>		
<i>Worker</i>	<b>97%</b>	91%
<i>Employer</i>	<b>3%</b>	9%
<i>Time from the hearing to final decision</i>	<b>80 days</b>	86 days
<i>Appeal Results:</i>		
<i>Accepted</i>	<b>37%</b>	50%
<i>Accepted in part</i>	<b>3%</b>	3%
<i>Denied</i>	<b>60%</b>	47%
<i>Withdrawn (at hearing)</i>	<b>0%</b>	0%
<i>Hearings postponed</i>	<b>32</b>	90
<i>Hearings withdrawn</i>	<b>70</b>	66
<i>Appeals resolved by:</i>		
<i>Single member panel</i>	<b>286</b>	362
<i>Paper Review</i>	<b>94</b>	87
<i>Full Panel (Oral hearing)</i>	<b>0</b>	1
<b>WCAT Budget</b>		
	<b>\$2,001,000</b>	<b>\$2,001,000</b>

\*Note: Budgets are done on a fiscal year, not a calendar year

- The inventory of appeals decreased by 29.6% from the previous year. As stated in the Executive Summary above, WCAT continues working on a number of initiatives to reduce our backlog and improve our processing time.
- There is a legislated 90-day time limit to render a decision from the hearing. The processing time from the hearing to the decision being finalized decreased by 7% since last year. The time to render a decision from the hearing is dependent on the complexity of the issues under appeal. The average processing time from the hearing to the decision being finalized is at 80 days, down from 86 days in 2021-2022.

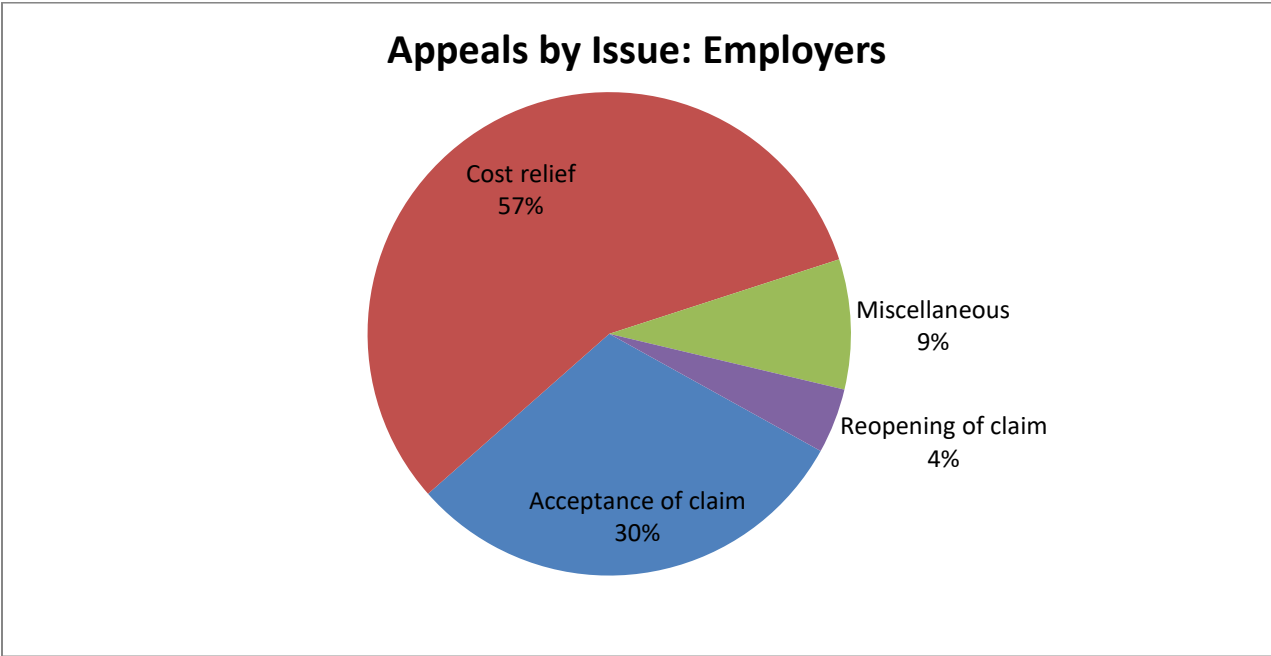
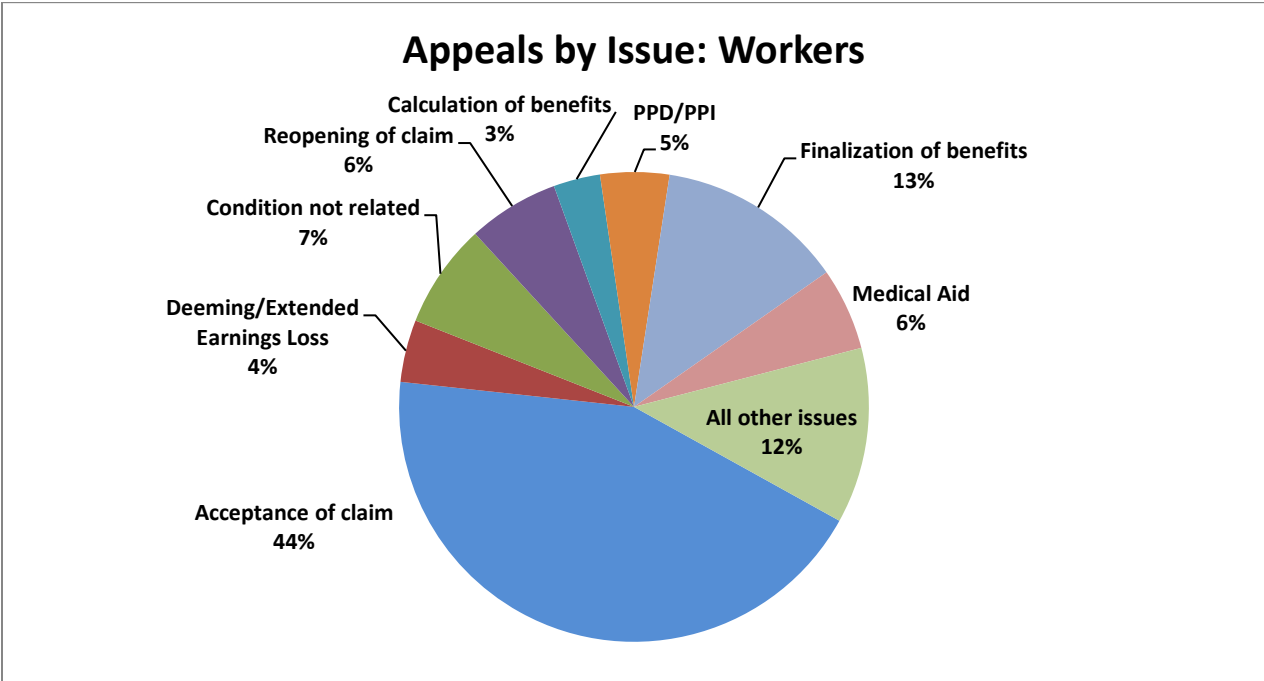
# Statistics

## APPEAL RESULTS

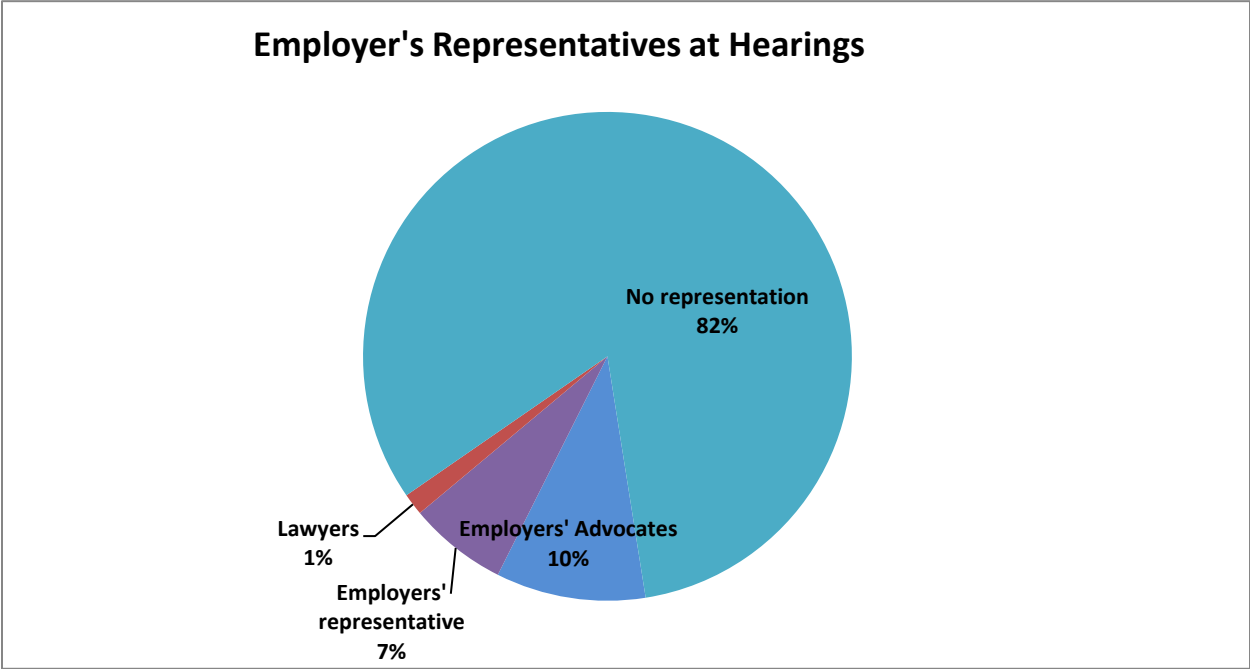
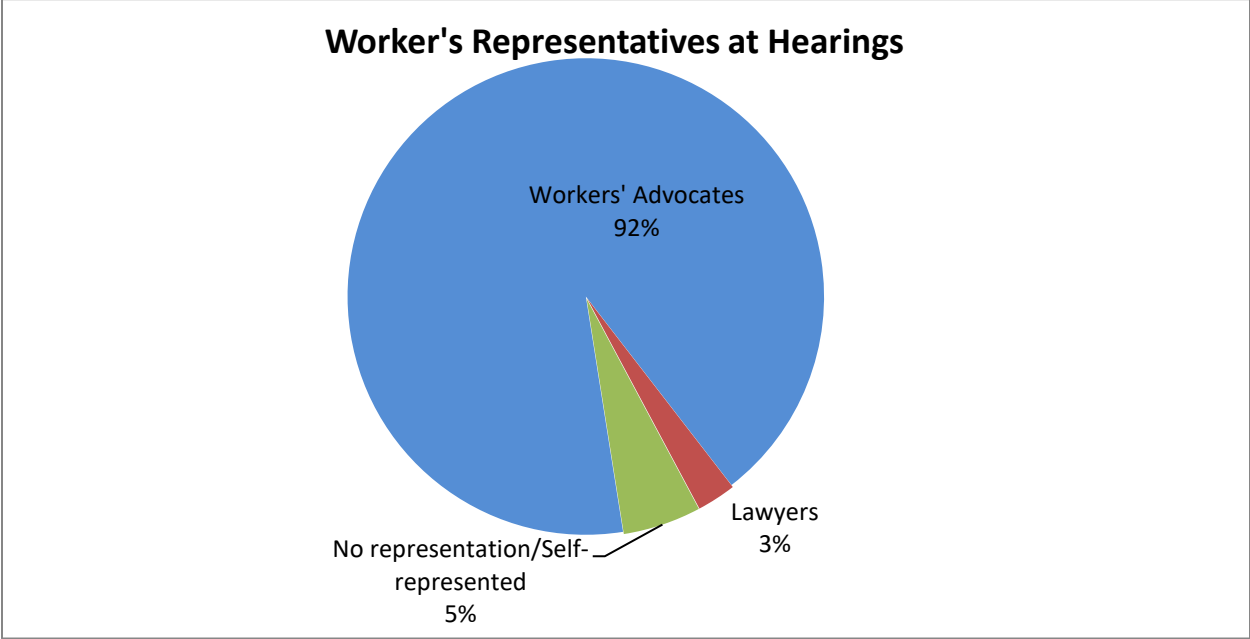
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<i>Accepted</i>	83%	85%	69%	43%	52%	46%	50%	37%
<i>Accepted in part</i>	5%	3%	3%	5%	3%	5%	3%	3%
<i>Denied</i>	12%	11%	27%	51%	44%	48%	47%	60%
<i>Withdrawn at hearing</i>	0%	1%	1%	1%	1%	1%	0%	0%



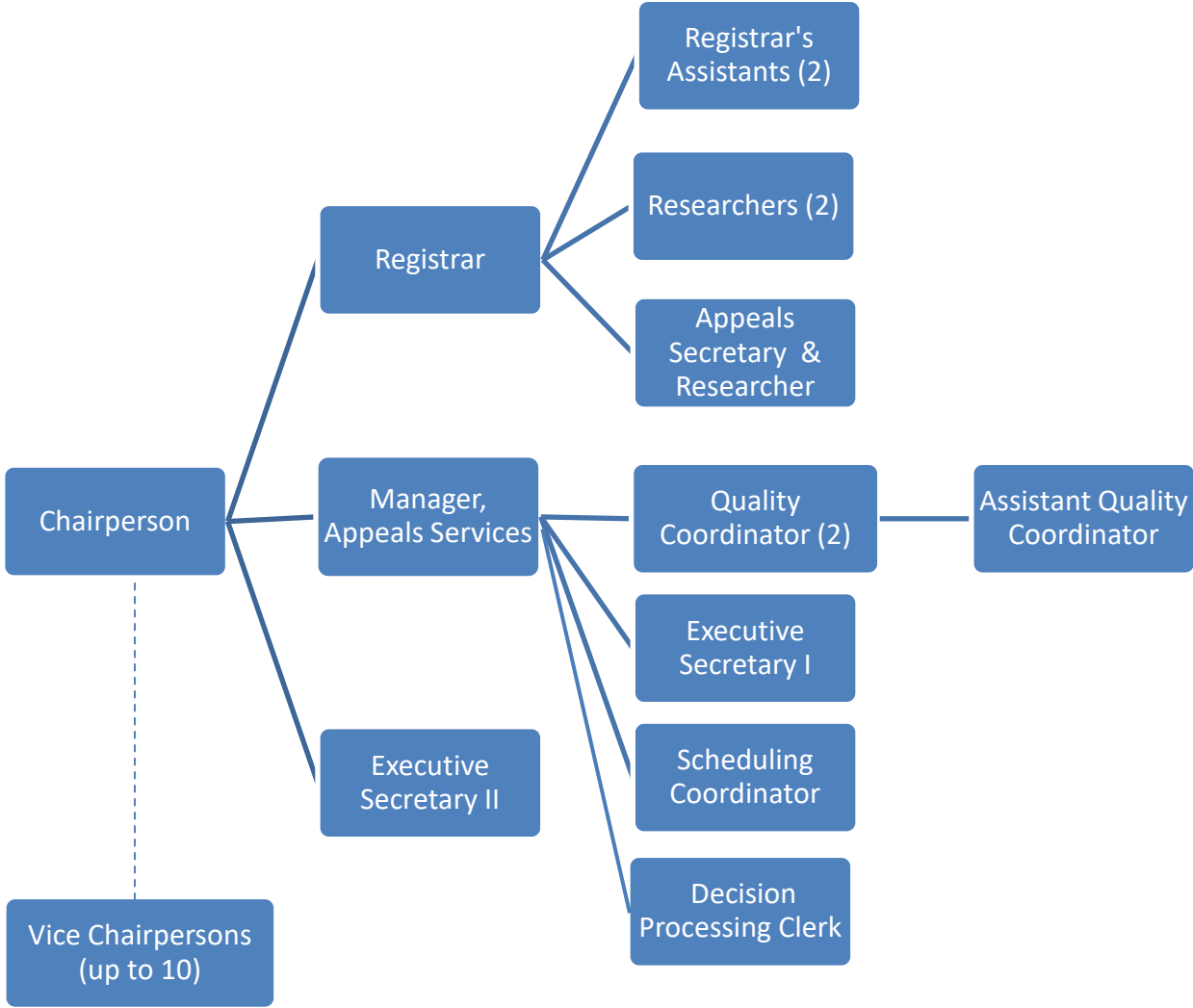
# Statistics



# Statistics



# Organizational Chart



**Note:** numbers in brackets ( ) represents the number of people in that role.