

## Board Appeal Tribunal General Principles

### Inquiry model

The Board Appeal Tribunal (the tribunal) follows the inquiry model when considering appeals. In this model, tribunal members ensure they have all the information considered necessary to make the best decision possible. In addition to the material in the WCB files and provided by the parties in the appeal, the tribunal may request other information. This may involve inquiries, investigations and medical assessments. The tribunal makes decisions on the merits of each case in order to be fair and reasonable to all parties.

### Burden of proof

There is no burden of proof on an appellant. Section 23(3) of [The Workers' Compensation Act, 2013](#) (the Act) states: "If, in the opinion of the board, the evidence in support of the opposite sides of an issue is approximately equal, the board shall resolve the issue in favour of the worker." The tribunal will also consider this section of the Act when dealing with employer appeals.

### Rules of evidence

The tribunal is not bound by strict rules of evidence. The tribunal will generally accept all evidence submitted and assign it the appropriate weight when making a decision on the appeal.

### Policy

The board has established policies that provide WCB staff with guidelines for the interpretation and administration of the Act. When circumstances warrant, the tribunal may make an exception to the policy on an individual case. The tribunal bases all decisions on the language of the Act.

For more information, please refer to our [website](#).

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