



Frequently Asked Questions About the Alternative Dispute Resolution (ADR) Process (1-Party Appeals)

This document applies to 1-party appeals. There is a separate frequently asked questions document for 2-party appeals.

Q1. Why does the WSIAT have ADR for 1-party appeals?

A. ADR allows us to explore ways of resolving appeals that are less formal and may suit the party's needs. It is part of the WSIAT's Early Intervention Program (EIP).

Q2. How can I tell if my appeal is suitable?

A. First, you must be the only party participating in the appeal. If the file information supports the outcome you think is fair and if testimony is not needed, your appeal may be suitable. The WSIAT decides if your appeal is suitable for ADR.

Q3. What happens if I ask for ADR but my appeal is not suitable?

A. A WSIAT staff member will write to you and explain that your appeal will be processed for an oral hearing or a hearing in writing.

Q4. How can I request ADR?

A. You can ask for ADR on your Notice of Appeal (NOA) form. If you have already sent us your NOA form, you can call or write us to ask for ADR. You can do this if your appeal has not already been scheduled for a hearing. The ADR department will then look at your file to see if it's suitable.

Q5. How do I know if my appeal has been accepted for ADR?

- A.** If your appeal is suitable, staff in the Alternative Dispute Resolution (ADR) department will contact you and ask you to sign a [Consent to Participate in ADR – 1-Party Appeals](#) form. When we receive your signed form, we will arrange a teleconference with you (and your representative if you have one) and a Dispute Resolution Officer (DRO).

Q6. What happens if the DRO and I agree on an outcome?

- A.** The DRO will send you a Proposed Resolution (PR) Agreement. This sets out the outcome you have agreed to. You (and your representative if you have one) must sign the PR and send it back to the WSIAT. The DRO will then refer the PR, the case materials, and a brief memo to an EIP Vice-Chair for review.

Q7. What happens if the DRO and I cannot come to an agreement?

- A.** The DRO will tell you and then send your appeal for an oral hearing or a hearing in writing. Your discussion with the DRO is confidential and will not be shared with anyone at the WSIAT.

Q8. What happens if an EIP Vice-Chair accepts the PR?

- A.** The EIP Vice-Chair will write a short decision setting out the reasons for accepting the PR. Like all WSIAT decisions, a decision from an EIP Vice-Chair is put into effect by the Workplace Safety and Insurance Board (WSIB).

Q9. What happens if an EIP Vice-Chair does not accept the PR?

- A.** The DRO will tell you and your appeal will be referred for an oral hearing or a hearing in writing. A different Vice-Chair or Panel will hear your appeal. All*

the details of your mediation will be kept confidential and not shared with the Vice-Chair or Panel hearing your appeal.

* If you gave the DRO any documentary evidence, such as medical reports, that information will be shared with the Vice-Chair or Panel hearing your case. (See below for more information.)

Q10. Who are the DROs and what do they do?

A. DROs are WSIAT staff members who have been trained in mediation techniques and assist in early resolutions of appeals. They are not advocates for parties. They must be satisfied that any PR sent to an EIP Vice-Chair has your informed consent. They must also find that your PR is supported by the evidence and consistent with any findings of fact that would be made by a Vice-Chair or Panel.

Q11. Is this process a confidential one?

A. Yes. Confidentiality is essential to the process. When you sign the [Consent to Participate in ADR – 1-Party Appeals](#) form, you promise to maintain confidentiality. Anything you say to the DRO is covered by confidentiality.* This means

- anything said does not form part of the WSIAT's formal record
- it will not be shared with any other party or institution without the consent of the party who communicated the information
- nothing said can be used in any other proceeding at the WSIAT or elsewhere.

* Confidentiality does not apply to anything that relates to illegal activity. It also does not apply to written evidence (such as medical reports) you provide during the ADR process.

Q12. What happens to any written evidence provided during ADR if an agreement is not reached?

A. Any information* sent to the WSIAT during ADR (such as medical reports, paystubs, or attendance records) will be included in the case materials and given to the Vice-Chair or Panel hearing the appeal.

* If you have prepared a chronology, or a summary of events to help with the ADR process, we do not consider this evidence and will not forward it to the Vice-Chair or Panel hearing the appeal.

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