



Guide to Medical Information and Medical Assessors

Visit www.wsiat.ca for Practice Directions, forms and additional information.

This Guide

- describes the types of assistance available for medical issues arising in appeals
- provides information about the Medical Liaison Office
- explains the roles of the Medical Counsellors and Medical Assessors

This document is a guideline. Processes may be varied as appropriate in any appeal. This is at the sole discretion of the assigned Vice-Chair or Panel.

This guide is meant to provide information only. The decisions referenced are not an exhaustive list of the relevant jurisprudence.

Effective Date January 1, 2020

Revised Date March 6, 2026

Table of Contents

Section	Page
1. <u>Introduction and Statutory Authority</u>	1
2. <u>Medical Liaison Office</u>	2
3. <u>Medical Counsellors</u>	3
4. <u>Medical Assessors</u>	5
5. <u>Impartiality and Avoiding Conflicts of Interest</u>	6
6. <u>Pre-Hearing Review with the Medical Liaison Office (MLO)</u>	8
7. <u>Medical Discussion Papers</u>	10
8. <u>Supplemental Medical Literature</u>	12
9. <u>At the Hearing</u>	14
10. Medical Assessor Assistance	
a. <u>Overview and Purpose of Medical Assessor Assistance</u>	16
b. <u>Factors Considered when Determining Whether to Seek Assistance from a Medical Assessor</u>	17
c. <u>Interim Decision</u>	19

d. <u>Additional Medical Information and Examination of Worker</u>	21
e. <u>Selection of Medical Assessor</u>	22
f. <u>Worker’s Consent</u>	23
g. <u>Preparation of Medical Assessor Brief</u>	25
h. <u>Medical Assessor Report</u>	27
i. <u>Party Request for Medical Assessor Assistance</u>	27
11. <u>Timelines</u>	28
12. <u>Key Contacts</u>	28

1. Introduction and Statutory Authority

Medical issues come up in most appeals. In many appeals, the medical issues are relatively straight-forward. In some appeals, the medical issues are quite complex.

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) controls its own proceedings. It determines its own practice. The *Workplace Safety and Insurance Act, 1997*, gives the WSIAT authority to get assistance from “health professionals”. A health professional is “a member of the College of a health profession as defined in the *Regulated Health Professions Act, 1991*”. The WSIAT gets assistance from “Medical Counsellors” and “Medical Assessors”. These are described in further detail in Sections 3 and 4. Assistance from Medical Counsellors and Medical Assessors is coordinated through the WSIAT’s Medical Liaison Office.

Assistance can include

- requesting additional medical information if a gap in the medical record is noted
- adding a WSIAT Medical Discussion Paper to the case materials
- adding “Supplemental Medical Literature” to the case materials
- requesting assistance from a Medical Assessor

The Medical Liaison Office, Medical Counsellors and Medical Assessors help the WSIAT achieve its goals. These are to provide quality adjudication and well-reasoned decisions.

If you have any questions or concerns with any part of the appeal process, please contact us as soon as possible.

2. Medical Liaison Office

The WSIAT's Medical Liaison Office (MLO) is part of the Office of the Vice-Chair Registrar (OVCR). The MLO Manager oversees the MLO and is assisted by MLO Officers. The MLO Manager and MLO Officers are all experienced registered nurses.

The MLO provides assistance for medical issues that arise in appeals. Some of the assistance that MLO provides includes

- providing guidance and direction to staff around medical issues in appeals
- coordinating assistance with Medical Counsellors and Medical Assessors
- overseeing the creation and review of the Workplace Safety and Insurance Appeals Tribunal's (WSIAT) Medical Discussion papers
- leading and supporting medically-focused educational activities for WSIAT staff and adjudicators

MLO does not interact directly with Vice-Chair or Panels. All directions from a Vice-Chair or Panel are sent to MLO from a WSIAT staff member. MLO also does not interact directly with parties or representatives.

Communications to and from parties or representatives are sent to MLO from a WSIAT staff member.

3. Medical Counsellors

Medical Counsellors are a group of highly qualified medical specialists. They are consultants to the Workplace Safety and Insurance Appeals Tribunal (WSIAT). They work closely with the Medical Liaison Office (MLO).

Currently there are 5 Medical Counsellors with expertise in the following areas

1. General Surgery
2. Neurology
3. Occupational Medicine
4. Orthopaedic Surgery
5. Psychiatry

Medical Counsellors are required to be impartial. For more information about this, review Section 5, “Impartiality and Avoiding Conflicts of Interest”. During the recruitment process, both the qualifications and impartiality of Medical Counsellors are assessed. This is to ensure that they satisfy the requirements of the role.

Medical Counsellors typically provide consulting services for a specified term. This can be extended if the Medical Counsellor

- continues to meet the necessary requirements of the role
- is interested in continuing to provide assistance to the WSIAT

Medical Counsellors

- review appeals where there are complex medical issues
- make recommendations about what additional medical information would be helpful
- suggest what supplemental medical literature should be added to the case materials
- decide if assistance from a Medical Assessor should be obtained

- assist in recruiting new Medical Assessors
- assist with the creation and review of WSIAT Medical Discussion papers
- lead and support medically-focused educational activities for staff and adjudicators

Medical Counsellors do not interact directly with Vice-Chair or Panels, parties or representatives. They communicate through the Medical Liaison Office (MLO).

All recommendations made by a Medical Counsellor are included in the Issues on Appeal Letter. This letter is sent to the parties and the Vice-Chair or Panel assigned to decide the appeal.

More information about the role of the Medical Counsellors is explained in other parts of this guide.

4. Medical Assessors

The role of the Medical Assessors is different from the role of the Medical Counsellors. Individuals cannot be both at the same time. But, it is not uncommon for former Medical Assessors to be recruited as Medical Counsellors.

Medical Assessors respond to specific requests made by a Vice-Chair or Panel in an individual appeal. The process for getting assistance from a Medical Assessor is described in Section 10 - “Medical Assessor Assistance”.

Medical Assessors sometimes assist with educational activities for WSIAT adjudicators and staff. They also sometimes create or revise WSIAT Medical Discussion Papers.

WSIAT Medical Assessors are “experts” as defined in WSIAT Practice Direction #11 – Expert Evidence. While most WSIAT Medical Assessors are “health professionals”, experts that do not strictly meet the definition of “health professional” in the *Workplace Safety and Insurance Act, 1997*, may also be WSIAT Assessors, such as

- medical professionals that practice outside of Ontario
- those who are not members of a College of a health profession, such as occupational hygienists

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) carefully assesses the qualifications and impartiality of all potential Medical Assessors. This is to ensure that they are highly qualified medical professionals in good standing. Those who agree to be nominated as candidates are considered by the WSIAT’s Medical Counsellors as well as the WSIAT’s Advisory Group. Like Medical Counsellors, Medical Assessors are retained for a specified term. This can be extended if both the WSIAT and medical professional agree.

WSIAT Medical Assessors do not interact directly with Vice-Chair or Panels, parties or representatives. The only exception is when a Medical Assessor examines the worker to provide their opinion. All communication with a Medical Assessor is through the Medical Liaison Office (MLO).

5. Impartiality and Avoiding Conflicts of Interest

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) is the final level of appeal in the Ontario workplace safety and insurance system. The WSIAT is completely separate and independent from the Workplace Safety and Insurance Board (WSIB). This is critical to ensure fair adjudication in line with the principles of natural justice.

Medical Counsellors and Medical Assessors are highly qualified medical professionals. Because of this, they sometimes provide medical assistance to organizations or individuals other than the WSIAT.

In this case, they must ensure that their medical and professional practice do not create potential conflict of interest. This could threaten the WSIAT's independence from the WSIB or the fairness of the WSIAT's adjudication.

They must consider if any assistance that they provide creates a potential conflict of interest that would threaten their impartiality. For example, providing advice to the WSIB or another similar organization around policy or governance positions could potentially create a conflict of interest.

Medical Assessors cannot provide assistance in a specific appeal if they have

- examined or treated the worker in the appeal
- treated a member of the worker's family

The only exception is with written consent of the parties.

A Medical Assessor is also restricted from providing assistance if they

- have consulted in the treatment of the worker
- acted as a consultant to the employer

This restriction is also for Medical Assessors who are a partner to another medical professional that has examined, treated or consulted with respect to

- the worker
- the worker's family
- the employer

This approach is set out in section 134(5) of the *Workplace Safety and Insurance Act, 1997* (WSIA).

It would not likely be a conflict of interest if they provide treatment to workers with active Workplace Safety and Insurance Board (WSIB) claims the same as they treat non-WSIB patients.

If you have questions about potential conflicts of interest, please write to the Workplace Safety and Insurance Appeals Tribunal's (WSIAT) General Counsel.

6. Pre-Hearing Review with the Medical Liaison Office (MLO)

Staff at the Workplace Safety and Insurance Appeals Tribunal (WSIAT) review appeals to decide if they are medically complex. This is part of the WSIAT's initial screening process. Staff are members of the Office of the Vice-Chair Registrar. Tribunal Council Office (TCO) lawyers also help with very complex appeals. Medically complex appeals involve

- occupational disease appeals
- new, rare or unique medical conditions

Medically complex appeals are sent to MLO for a pre-hearing review. In most cases, this review is completed by a MLO Officer. The MLO's pre-hearing review happens after the case materials have been created.

These appeals might also be reviewed by one (or sometimes more) of the WSIAT's Medical Counsellors. This happens before the hearing.

Following the review, MLO may

- a. identify more medical information or documents needed (review Practice Direction #13 - Medical Information Requested by the WSIAT)
- b. recommend that a WSIAT Medical Discussion paper be added to the case materials
- c. recommend that more medical literature be added to the case materials
- d. identify the potentially complex medical issues and/or medical areas of concern
- e. recommend that a Medical Assessor provide assistance

All recommendations from the Medical Liaison Office (MLO) are in the Issues on Appeal Letter. This is sent to the parties. It is also sent to the Vice-Chair or Panel assigned to decide the appeal.

7. Medical Discussion Papers

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) prepares Medical Discussion Papers. This is to make information about medical issues easily available to

- parties
- representatives
- Vice-Chair or Panels

Medical Discussion Papers provide a balanced, broad and general overview of a medical topic. The goal is to make them clear for individuals that are not medical professionals. Each Medical Discussion Paper is written by a qualified medical professional. They have been selected by the WSIAT for their specific expertise.

Medical Discussion Papers are based on the current medical knowledge available at the time of writing them. They are reviewed and updated on a periodic basis as needed. They are not intended to be the most up to date authority on a medical issue or topic. They are not peer reviewed. If specific, up to date medical information is needed in an appeal, the Vice-Chair or Panel can

- request supplemental medical literature
- seek assistance from a Medical Assessor

Medical Discussion Papers may be added to the case materials before the hearing. This is done by a Medical Liaison Office (MLO) Officer or Medical Counsellor. They can also be added by WSIAT staff members when certain medical issues arise in an appeal. The Vice-Chair or Panel may also ask that a Medical Discussion paper be added to the case materials. This may happen before or after the hearing. Parties may also submit Medical Discussion papers to be included in the case materials.

A Vice-Chair or Panel may consider and rely on the medical information in a Medical Discussion Paper. But, the WSIAT is not bound by a Medical Discussion Paper in any particular case. Parties can rely on or distinguish a Medical Discussion Paper or challenge it with alternative evidence. Parties may make these submissions in writing or orally during the appeal proceeding. This will be directed by the Vice-Chair or Panel. Workplace Safety and Insurance Appeals Tribunal's (WSIAT) Medical Discussion Papers are available in the Ontario Workplace Tribunals Library (OWTL). They are also available to the public through the WSIAT website.

8. Supplemental Medical Literature

In some cases, a Medical Counsellor may recommend that more medical literature be included in the case materials. This happens during the Medical Liaison Office's (MLO) pre-hearing review. Supplemental medical literature can include

- a medical text excerpt
- a medical article
- a study (for example, epidemiological)
- medical definitions

Supplemental medical literature may be added to the case materials to provide

- information about causation
- information about a worker's underlying medical condition
- more up to date medical information about a relevant medical issue in the appeal
- relevant epidemiological evidence
- information to supplement a Medical Discussion Paper

Supplemental medical literature is included for the benefit of

- the parties
- representatives
- the assigned Vice-Chair or Panel

A short description as to why the supplemental medical literature is being added to the case materials is included in the Issues on Appeal Letter. This is sent to the parties and the Vice-Chair or Panel. It includes a note that the supplemental medical literature has been selected by the MLO.

A Vice-Chair or Panel is not bound by supplemental medical literature. Parties can

- submit evidence in support of their case
- present their position with respect to the evidence

- make submissions about if the supplemental medical literature should be relied on by the Vice-Chair or Panel

A Vice-Chair or Panel can also request that supplemental medical literature be added to the case materials. This can happen before or after the hearing.

Supplemental medical literature can be an alternative to getting a Medical Assessor report. This happens when the medical issues in the case are generic and/or less complex. Complex cases require an opinion from a Medical Assessor.

A Vice-Chair or Panel sends a request for supplemental medical literature to WSIAT staff. This is in the form of a pre or post-hearing memo. WSIAT staff then refer the request to MLO. Medical Counsellors do a literature search. They provide supplemental medical literature to be added to the case materials.

When the MLO provides supplemental medical literature, parties can make submissions about it during the appeal proceeding. This is directed by the Vice-Chair or Panel.

9. At the Hearing

The Medical Liaison Office (MLO) Officers' and Medical Counsellors' recommendations are included in the Issues on Appeal Letter. This is sent to the parties and the Vice-Chair or Panel assigned to decide the appeal. Medical Discussion Papers and supplemental medical literature are also added to the case materials before the hearing.

The Vice-Chair or Panel will determine how a hearing will proceed. Regardless of the hearing format, parties can present evidence and make submissions in writing, orally or both. The Vice-Chair or Panel will consider the evidence presented and included in the case materials. They will also consider submissions of the parties. They will then make findings of fact, on which they will base their decision.

Parties should proactively prepare for hearings using the Issues on Appeal Letter. This makes it less likely to have to take steps after the hearing. This can prolong the appeal process. Parties should be prepared to address all medical evidence in the case materials at the hearing. This includes

- Medical Discussion Papers
- supplemental medical literature that has been added to the case materials

Parties can avoid delays if they are prepared at the hearing to discuss getting assistance from a Medical Assessor. For hearings where oral evidence is not required, parties can make these submissions in writing.

Ultimately, the Vice-Chair or Panel will decide if it is necessary to consult a Medical Assessor. They will also decide

- what questions should be asked
- what findings of fact are relevant
- the composition of the Assessor Brief

The Vice-Chair or Panel will always decide the best way for parties to make a submission in the appeal.

10. Medical Assessor Assistance

a. Overview and Purpose of Medical Assessor Assistance

Medical Assessors are experts retained by the Workplace Safety and Insurance Appeals Tribunal (WSIAT). They help the WSIAT fulfil its mission. They do this by ensuring that the Vice-Chair or Panel has the necessary information to make well-reasoned decisions.

The report of a Medical Assessor will be considered by the Vice-Chair or Panel. The Medical Assessor's report must be fair, objective and non-partisan. The Medical Assessor does not make the decision on appeal. The Vice-Chair or Panel makes the decision to allow or deny an appeal. The Courts have recognized that the Medical Assessor does not make the decision on appeal (*Hary v. Ontario (Workplace Safety and Insurance Appeals Tribunal)*, 2010 ONSC 6795 (CanLII) (Ont. Div. Ct.)).

The opinion of a Medical Assessor is not intended to determine an appeal. The issues in an appeal must be decided by the Vice-Chair or Panel based on all the evidence and relevant law. Parties to an appeal have the right to rely on, or to argue against, the opinion in a Medical Assessor report.

Getting a Medical Assessor report can be time-consuming and expensive. The WSIAT uses its resources responsibly. It is important the process set out here be used to

- be efficient
- ensure fairness
- get valuable Medical Assessor reports

Using this process will avoid unnecessary delays and the inefficient use of resources. The Vice-Chair or Panel can vary the process if needed.

Parties can sometimes have concerns or questions about the process for getting assistance from a Medical Assessor. In these cases, they should raise these as soon as possible with the appropriate individuals (see Section 12).

10. Medical Assessor Assistance

b. Factors Considered when Determining Whether to Seek Assistance from a Medical Assessor

The Vice-Chair or Panel decides to seek assistance from a Medical Assessor. Some of the factors that may be considered include

- a. if a Medical Counsellor has recommended getting the opinion of a Medical Assessor
- b. if there are conflicting medical opinions from different health professionals on record, including treating health professionals and other experts
- c. if there is uncertainty about the diagnosis
- d. if the medical condition at issue is rare or unique
- e. if the scientific evidence about the medical condition is still developing
- f. if there is enough medical evidence in the file about the condition being considered in the appeal
- g. the quantity and quality of the medical opinions in the claim record, including reviewing the qualifications and expertise of the health professionals who provided reports and if a Medical Assessor would be in a better position to assess the issues
- h. if the issues raised in the claim are novel

A Vice-Chair or Panel decides if assistance from a Medical Assessor is required.

Decision No. 2692/15 (December 30, 2015); *Decision No. 184/15* (March 2, 2015);

Decision No. 128/13I (September 6, 2013).

Once they have made the decision to get the opinion of a Medical Assessor, their instructions will be set out in an interim decision. .

10. Medical Assessor Assistance

c. Interim Decision

The interim decision will include

- relevant findings of fact
- questions for the Medical Assessor

The Vice-Chair or Panel will make relevant findings of fact for the Medical Assessor to rely on when preparing their report. This is so the Medical Assessor can provide a meaningful opinion about the questions asked. The relevant findings of fact can relate to the worker's accident history, previous medical history, etc. *Decision No. 128/13I* (September 6, 2013).

The Vice-Chair or Panel will also determine the questions they want the Medical Assessor to answer. Questions for a Medical Assessor must be read in context to each other, as well as the findings of fact. *Decision No. 2254/11IR* (August 13, 2013).

Questions for a Medical Assessor will be tailored to the specific facts of the appeal. A Vice-Chair or Panel can get assistance from the Medical Liaison Office (MLO) to draft the questions. They do this by submitting a written request to MLO to review or suggest questions. The written request, or post-hearing memo, will be provided to the parties.

The issues in an appeal must be decided by the Vice-Chair or Panel. They take into account the relevant evidence as well as the law. The questions sent from the Vice-Chair or Panel to a Medical Assessor will focus on medical issues. They will not focus on the legal issues to be determined in the appeal. *Decision No. 1731/07IR*, (February 12, 2008).

The findings of fact and questions for the Medical Assessor will be as concise and specific as possible. This is to use the Medical Assessor as efficiently as possible. It also maximizes the usefulness of the Medical Assessor report. Medical Assessors are

encouraged to ask the Vice-Chair or Panel to clarify the findings of fact and/or questions in the interim decision if there is any ambiguity. Requests for clarification and all other communication between the Medical Assessor and the Vice-Chair or Panel are through the Medical Liaison Office (MLO).

10. Medical Assessor Assistance

d. Additional Medical Information and Examination of Worker

In some cases, the Medical Assessor needs more information to complete their report. If more information is needed by the Vice-Chair or Panel, this direction is set out in the interim decision. A request for more information (separate from a request for assistance from a Medical Assessor) could also be set out in a post-hearing memo.

The Medical Liaison Office (MLO) may also identify additional information needed. In these cases, the Vice-Chair or Panel will be informed about the recommendation. They will provide direction as to if the information should be obtained.

In rare cases, it may be necessary for the Medical Assessor to examine the worker in order to complete their report. When a medical exam is required, MLO will connect with the Medical Assessor to make the necessary arrangements. They will also communicate with the Workplace Safety and Insurance Appeals Tribunal (WSIAT) staff.

10. Medical Assessor Assistance

e. Selection of Medical Assessor

Process

1. Medical Liaison Office (MLO) receives the interim decision from the Vice-Chair or Panel
2. MLO selects a Medical Assessor in an appropriate area of expertise
3. The Medical Assessor prepares the requested report

MLO selects a Medical Assessor based on the following factors

- a. the nature of the request
- b. the required expertise to respond to the Vice-Chair or Panel's questions, considering the criteria in s. 2.1 and 3.3 of Practice Direction #11 – Expert Evidence
- c. the availability of potential Medical Assessors
- d. the geographic location of the potential Medical Assessor – especially if the worker will need to be examined
- e. the need to avoid conflicts of interest

First, the MLO will search for a Medical Assessor on the Workplace Safety and Insurance Appeals Tribunal (WSIAT) roster. If there is not anyone appropriate, they will seek assistance from an off-roster medical expert. The Medical Counsellors provide guidance to MLO in these cases.

MLO recommends a Medical Assessor. That information and their curriculum vitae (“CV”) is then sent to

- the Vice-Chair or Panel for approval
- the parties

The Vice-Chair or Panel will make the final decision about the Medical Assessor. If parties have concerns about the selection of the Medical Assessor, they should raise them as soon as possible. Medical Assessors will not be removed without a compelling

reason. This could include as a prior relationship between the Medical Assessor and a party. *Decision No. 1263/10I* (October 2, 2012).

10. Medical Assessor Assistance

f. Worker's Consent

Workers must give their consent before any materials are sent to the Medical Assessor. The worker is asked to give consent to share their personal health information with the Medical Assessor for their report. Some appeals involve deceased workers. In this case, authorized parties acting on behalf of the worker's estate will be contacted. They will be asked to consent to share the worker's personal health information.

The Workplace Safety and Insurance Appeals Tribunal (WSIAT) will make every effort to get the consent from the worker. This is in all cases, regardless of whether the worker or the employer has initiated the appeal. This is even in circumstances when the worker is not participating in the appeal or is non-responsive. *Decision No. 1917/17I* (March 2, 2018).

A worker's personal information will only be shared with a Medical Assessor if they give their consent. The relevant information will only be provided to the Medical Assessor for the sole purpose of providing their opinion.

In rare cases, the worker does not give consent to disclose their information. The Vice-Chair or Panel will determine if the information should be ordered to be disclosed to the Medical Assessor. The Vice-Chair or Panel will consider the importance of the report from the Medical Assessor. They will also consider if the worker has objected to the release of the material and for what reason. *Decision No. 1917/17I* (March 2, 2018).

The worker will not be asked to sign another consent form when a Medical Assessor asks to examine the worker. The Medical Liaison Office (MLO) will contact the worker

to schedule the exam with the Medical Assessor. The exam will be scheduled at a convenient time for both the worker and the Medical Assessor.

If a worker refuses to be examined by the Medical Assessor, this will be referred to the Vice-Chair or Panel. They will make a decision in accordance with the *Workplace Safety and Insurance Act, 1997* (WSIA). A worker can be required to submit to an exam by a health professional. If a worker fails to comply or obstructs an exam without reasonable cause, the worker's payments under the insurance plan can be suspended. Also, the right to a final decision can be suspended while the non-compliance or obstruction continues.

10. Medical Assessor Assistance

g. Preparation of Medical Assessor Brief

The Medical Liaison Office (MLO) prepares a Medical Assessor Brief for all requests for Medical Assessor assistance.

The focus of the Medical Assessor Brief is medical information.

Materials included in a Medical Assessor Brief include

- the Interim decision
- **all** medical documents, including medical information in the case materials, supplemental medical material, text excerpts/literature, discussion papers, etc.
- Workplace Safety and Insurance Board (WSIB) memos about medical opinions from WSIB Consultants – this includes nursing assessments related to the medical injury
- all forms related to the medical issue
- any documents related to the job description, physical demands analysis (PDA), workplace reports related to the medical issue on appeal and occupational health reports
- all vocational rehabilitation reports related to the medical injury on appeal
- all reports related to the assessment/non-economic loss (“NEL”) quantum for the accepted permanent impairment (“PI”) (if applicable)

Duplicate copies of documents are not included in a Medical Assessor Brief. The best copy of any report is always included. The decision from the WSIB Appeals Resolution Officer (ARO) generally won't be included.

Information in the Medical Assessor Brief is generally organized in the following order

1. Interim decision
2. Correspondence
3. Medical Literature
4. WSIB Memos
5. Forms (Forms 6, 7, 8)
6. Medical Information
7. Non-Economic Loss (if applicable)
8. Vocational Rehabilitation/ Work Transition (if applicable)
9. Related Claim File (if applicable and organized as set out above)

A Medical Assessor Brief is not intended to provide a party with an opportunity to re-argue its position in an appeal. The Vice-Chair or Panel has the authority to weigh and select the evidence that's relevant for the Medical Assessor. *Decision No. 1149/0412*, (October 8, 2009).

In certain circumstances, the Vice-Chair or Panel may allow a draft of the Medical Assessor Brief to be sent to the parties. This is so that they can provide submissions about the contents of the Brief. In those cases, the draft Medical Assessor Brief and the submissions of the parties are sent to the Vice-Chair or Panel. They will then make a final decision about the contents of the Brief.

In most appeals, the Medical Assessor Brief will be prepared using the standard procedure. It will be unnecessary for the parties to be given an opportunity to provide submissions about the contents. A consistent process for preparing the Medical Assessor Brief helps to streamline the Medical Assessor process. This eliminates unnecessary delays.

10. Medical Assessor Assistance

h. Medical Assessor Report

Once the Medical Assessor completes their report, they send it to the Medical Liaison Office (MLO). The report is sent to the Vice-Chair or Panel. They will determine if the Medical Assessor's report is complete or if additional assistance is needed. If more information is needed, the Vice-Chair or Panel may list the necessary information in a post-hearing memo.

The Vice-Chair or Panel decides when the Medical Assessor's report is complete. Then, the parties have an opportunity to make submissions. Submissions can address the Medical Assessor report. They can also address any other issue identified by the Vice-Chair or Panel. This could include evidence in response to the Medical Assessor report. After submissions are received, the Vice-Chair or Panel will issue a final decision unless further post-hearing work is required.

10. Medical Assessor Assistance

i. Party Request for Medical Assessor Assistance

In some cases, a party or representative may request that the Workplace Safety and Insurance Appeals Tribunal (WSIAT) get assistance from a Medical Assessor. Parties should make these requests as early as possible during the appeal process. They will need to provide reasons for the request. The Vice-Chair or Panel determines if it is necessary to get assistance from a Medical Assessor.

Parties are encouraged to make every effort to get evidence that they believe is relevant and necessary. Parties should do this as early as possible during the appeal process. This will help to avoid unnecessary delays in the adjudication of the appeal. Parties can request assistance from the WSIAT if they have difficulty getting relevant evidence.

11. Timelines

There are many factors that impact how long the processes in this Guide will take to complete. In general, getting assistance from a Medical Assessor will usually take several months. This is because of the various steps involved including

- selecting a Medical Assessor
- getting consent from the worker
- preparing a Medical Assessor Brief
- receiving the final report from the Medical Assessor

This timeline can be longer for a number of different reasons including

- delays in getting consent from the worker and/or relevant medical documents
- a lack of available and appropriate Medical Assessors
- a request to examine the worker and the need for additional clarification

Any delays in the process will be shared with the Vice-Chair or Panel and parties.

Parties can reduce or eliminate delays by

- proactively preparing for hearings
- completing steps in the process
- raising questions or concerns as early as possible during the appeal process

12. Key Contacts

General questions or comments concerning this Guide can be directed to the Director of Appeal Services in writing. Questions or concerns relating to a specific appeal should be directed to the staff member in charge of the appeal.

Other inquiries can be directed to

Call Centre 416-314-8800

Toll-free in Ontario 1-888-618-8846

8:30 a.m. - 5:00 p.m., Monday - Friday