

# ANNUAL REPORT 1999

Worker's Compensation  
Review Division

## ***Our Goal***

**We are committed to providing a  
Timely and Impartial review process,  
And to Ensuring decisions made reflect  
A Thorough analysis of each case.**

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**Workplace, Health, Safety & Compensation Review Division  
1st Floor Ashley Building  
31 Peet Street,  
St. John's, NF  
A1B 3W8**

**Dept. Of Environment & Labour**

March 31, 2000

The Hon. Oliver Langdon  
Minister  
Department of the Environment and Labour

Dear Hon. Minister:

On behalf of the Worker's Compensation review Division, I am pleased to present the Annual Report for the calendar year ending December 31, 1999.

The Division was very successful in 1999 in its continuing efforts to reduce case turnaround times and to enhance the overall level of service provided to its clients.

I would like to acknowledge the efforts of the Chief Review Commissioner, Review Commissioners, and all staff of the Review Division for their contribution to the Division's success in 1999.

Sincerely yours,

**MARLENE NORMAN**  
Director

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# Annual Report 1999

Worker's Compensation Review Division

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## *Introduction*

This report provides an overview of the activities of the Workers' Compensation Review Division for the period January 1, 1999 to December 31, 1999.

The Workers' Compensation Review Division is the final level of appeal provided by the Workplace Health, Safety and Compensation Act for the review of final decisions of the Workplace Health, Safety and Compensation Commission relating to:

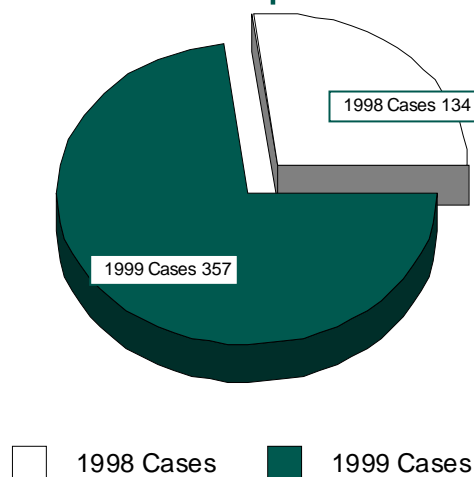
- compensation benefits and rehabilitation services and benefits;
- an employer's assessment;
- the assignment of an employer to a particular class or group; and
- an employer's merit or demerit rating.

## Caseload Overview in '99

### Applications for Review

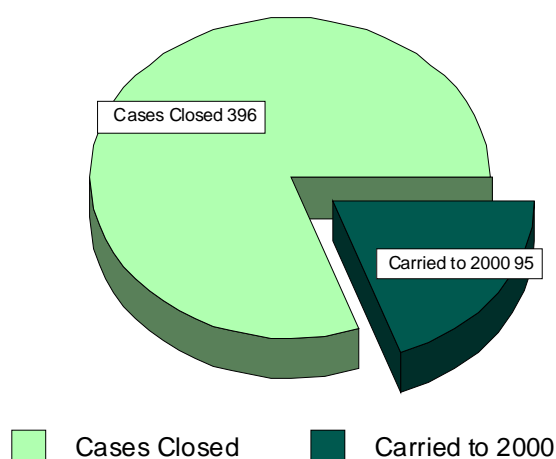
There was a decrease of 19% in the number of Applications submitted to the Division in 1999. The total number of new Applications received in 1999 was 357 compared to 440 Applications in 1998. In addition to a decrease in Applications submitted there was also a reduction in the number of cases the Division carried forward from 1998. Cases carried forward in 1999 totaled 134 down from 193 in 1998. The Division's total caseload for 1999 was 491 cases compared to 633 cases in 1998.

### 1999 Input



Approximately 9% of the overall number of Applications for Review in 1999 did not meet the Minimum requirements for acceptance with the Review Division, (ie, outside time limits; final decision from WHSCC not rendered; claim still active within WHSCC). Many of these Applications were forwarded to the Workplace Health, Safety and Compensation Commission for further follow-up.

### 1999 OUTPUT



# Hearings

The Review Division conducts hearings across Newfoundland and Labrador. In 1999, 317 hearings were conducted provincially. The hearing Process is an opportunity for all parties to the Review Application to present their case to the Chief Review

Commissioner/Review Commissioner. Review Division hearings are usually attended by the worker, the employer, and sometimes the WHSCC. Often parties are not ready to proceed with their Application when contacted for a hearing date. Rescheduling hearings is a very time consuming process and can often cause unnecessary delays in proceeding with a hearing.

**Approximately 68 hearings were rescheduled in 1999 as a result of parties not ready to proceed on the set dates.**

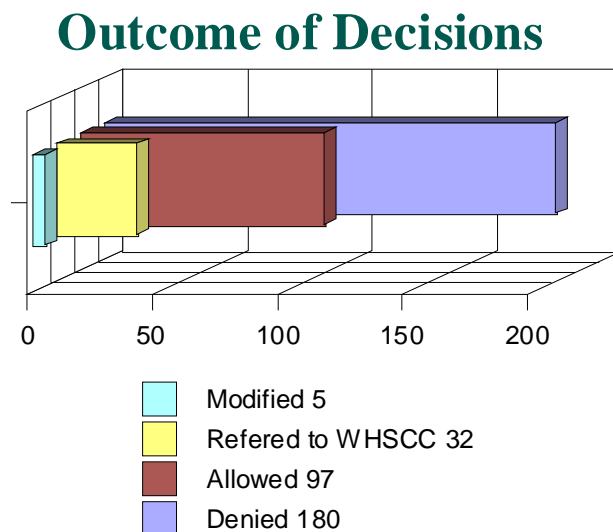
<b>Hearings Held by Region</b>	
St. John's	213
Corner Brook	44
Grand Falls-Windsor	14
Gander	44
Labrador	2
<b>Total</b>	<b>317</b>



## Decisions

As of December 31, 1999, the average turnaround time on Review Applications was 3.3 months compared to the average turnaround time in 1998 of 4.4 months. A reduction of 1.1 months off the average turnaround time in 1999 is the direct result of continued cooperation between workers, employers, the WHSCC and the Review Division.

The total number of decisions released in 1999 was 314. The following provides a breakdown of the outcome of these decisions.



## Applications for Reconsideration

Section 28.1(1) of the Workplace Health, Safety and Compensation Act, permits a party to apply to the Chief Review Commissioner for a Reconsideration of a previous decision of the Workers' Compensation Review Division. In 1999, 33 such applications were submitted and 6 were granted rehearing.

**20 Reconsideration Applications were submitted by Workers and the 13 others were submitted by the WHSCC.**

## Hearings and Decisions

Monthly Summaries of Hearings & Decisions		
Month	Hearings	Decisions
January	41	30
February	40	49
March	43	42
April	28	30
May	19	16
June	25	22
July	17	29
August	24	16
September	27	20
October	25	26
November	20	34
December	8	0
<b>TOTAL</b>	317	314

**83 Applications cited Permanent Functional Impairment Awards as an Issue under Review**

## ***Developments in 1999***

### **Divisional Objectives**

So that it may better serve its clients, the Review Division, in 1999, focused its attention and efforts on identifying specific objectives and developing an ongoing work plan to achieve those objectives. In conjunction with the planning initiatives of the Department of Environment and Labour, the Review Division, in consultation with staff, Review Commissioners and general feedback from some of its stakeholders, began the planning process for 1999-2000.

The plan encompassed all areas of client service and is completely aimed at improving the Division's response to the needs of its clients. The plan outlined objectives such as more timely release of decisions, pamphlets to educate and assist clients on procedures within the Division, online file imaging from the WHSCC, enhanced computer program abilities for the Division's Client Tracking System and its Decision Indexing System. The work of the Review Division throughout 1999 was centrally focused on its work plan, its objectives and the fulfillment of the Division's Goal.

The following are some of the results of the Division's planning initiatives for 1999. Many of these initiatives continue on into 2000.

- ◆ **A reduction of 1.1 months in Application processing from '98;**
- ◆ **Completion of the WHSCC/WHSCRD on-line file imaging project;**
- ◆ **Series of pamphlets for circulation to clients on the review process;**
- ◆ **Changes to the Division's computer programs to assist in monitoring turnaround times and the input and output flow of cases;**
- ◆ **Internet and e-mail access for staff;**
- ◆ **Approval for the creation of a Divisional Resource Centre.**

## R e s o u r c e   C e n t r e

The Review Division experienced a month of interruption in December due to renovations to existing office space. Additional space has been acquired due to extra staff and an initiative to reopen the Division's Resource Centre. The Resource Center will contain various medical texts, workers' compensation information from other areas of Canada, the Division's own volume of decisions, legislation and access to the Internet. Approval has been given to hire a librarian to manage its operation which is hoped to be in place by June 1, 2000. The Resource Centre will be open to all clients of the Review Division.

## BUDGET 1999-2000

Salaries .....	\$214,000
Employee Benefits .....	2,500
Transportation and Communications .....	20,000
Supplies .....	22,500
Professional Services .....	175,000
Purchased Services .....	28,500
Property, Furnishings & Equipment.....	2,500
Information Technology.....	<u>15,000</u>
<b>Total</b>	<u><b>480,000</b></u>

## *The Members of the Review Division*

### St. John's

Eric A. Gullage  
Chief Review Commissioner

Mary O'Brien  
Review Commissioner

### Central Newfoundland

Clayton Locke  
Review Commissioner

Jenesta Maloney  
Review Commissioner

### Western Newfoundland

Derrick Watton  
Review Commissioner