

Workplace Health, Safety and Compensation  
Review Division

*Annual  
Report*

*2000*

Province of Newfoundland

Annual Report

2000

Workplace Health, Safety and Compensation  
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## INTRODUCTION

The Workplace Health, Safety and Compensation Review Division (Review Division) considers review applications from final decisions of the Workplace, Health, Safety and Compensation Commission (WHSCC) under the Workplace Health, Safety and Compensation Act.

The Review Division is a separate and independent adjudicative entity and is the final level of review provided the Act. Its administrative and financial operations are governed by the Department of Labour.

This document contains an overview of the activities and a statistical breakdown of the Review Division for the year ending December 31, 2000.

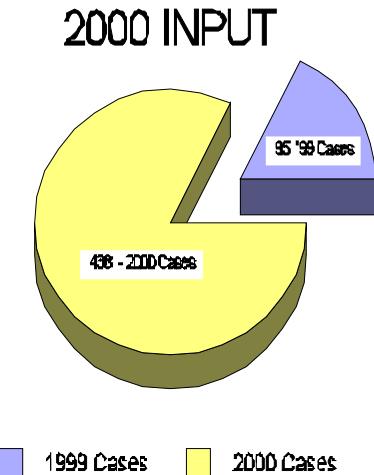
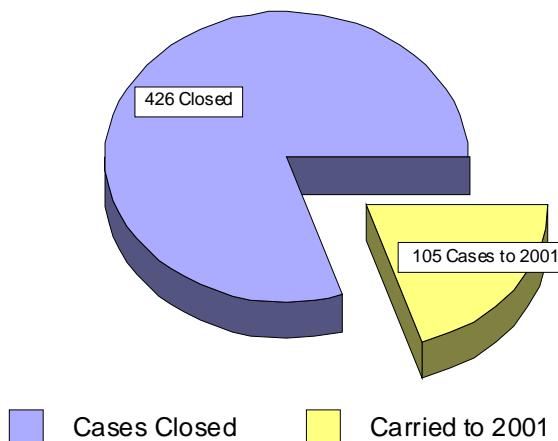
# REVIEW OF CASELOAD ACTIVITY

## *Applications for Review*

The total number of new Applications received by the Review Division in 2000 was 438, a slight increase over the 1999 total of 357.

The Review Division carried forward 95 of its 1999 cases into 2000. This created a total caseload for the 2000 year of 533 cases compared to 491 in 1999.

### 2000 OUTPUT



Throughout 2000 the Review Division closed 426 cases. By year end there were 105 cases carried into 2001.

## *Hearings*

The hearing process is an integral part of the review process for Review Commissioners. Clients who submit Applications for Review have a choice of attending a hearing or requesting a paper review of their file. Should a paper review be requested and with no other parties participating in the review process a hearing would not be scheduled.

The Review Division regularly schedules hearings in five major centers across the Province - St. John's, Corner Brook, Grand Falls-Windsor, Gander and Labrador City. As in previous years

In 2000, it took approximately 2.4 months to schedule a hearing.

scheduling parties for a hearing is a timely process and greatly contributes to increases in turnaround times.

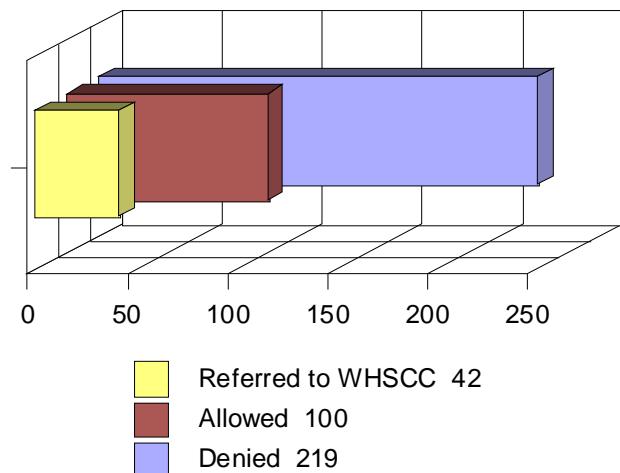
Hearings Held by Region	
St. John's	254
Corner Brook	41
Grand Falls-Windsor	17
Gander	52
Labrador	2
Total	366

As well, 72 hearings had to be rescheduled in 2000 because parties were not ready to proceed on scheduled

## *Decisions*

As of December 31, 2000, the average turnaround time on Review Applications had increased to 4.2 months compared to 3.3 months in 1999. This figure represents an “average” of cases and includes those cases where excessive delays were caused by scheduling difficulties. Some cases throughout 2000 took up to six months, while some other cases were concluded within six weeks. There were 361 decisions rendered in 2000.

### Outcome of Decisions



32% (115) of Decisions Rendered dealt with issues respecting Extended Earnings Loss benefits and the deeming process.

## *Hearings and Decisions*

<i>MONTHLY SUMMARY OF HEARINGS AND DECISIONS</i>		
Month	Hearings	Decisions
January	13	29
February	24	14
March	35	15
April	31	26
May	34	31
June	36	27
July	19	13
August	39	33
September	38	68
October	45	41
November	36	33
December	16	31
<b>TOTAL</b>	<b>366</b>	<b>361</b>

There were 11 Applications for Judicial Review filed with the Supreme Court in 2000 respecting Review Division Decisions.

## *Reconsideration Applications*

APPLICATION BY:	NUMBER OF REQUESTS	APPLICATION ALLOWED	APPLICATION DENIED
WHSCC	54	7	47
WORKER	22	1	21
EMPLOYER	1	1	0
TOTAL	77	9	68

Since its inception in 1994 the Review Division has reviewed 1711 Cases.

## HIGHLIGHTS OF 2000

In keeping with the Review Division's planning process the 1999 Annual Report had outlined some objectives and ongoing initiatives for 2000. The Review Division continued to focus in on client services and how to improve upon them. The Review Division's planning processes are always completed with its Goal at its core.

### *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.

### *Turnaround Times*

The Review Division has continued to monitor its turnaround times throughout 2000 in order to reduce waiting periods and to eliminate unnecessary delays. For 2000 the "average" turnaround time to process an application was 4.2 months. This is an increase over the 1999 turnaround time. The Review Division had set a target of less than three months turnaround. In analyzing the caseload it was found that it took an average of 2.4 months in 2000 to schedule parties for hearings and a further 1.8 months to render a decision.

The delays in scheduling are due in large part to the unavailability of clients' representatives. Once an Application for Review is accepted by the Review Division, internal mechanisms of the Case Management System for processing that Application allows for 1.5 months for preparation of the file and scheduling of a hearing. This process includes retrieving the file from the Commission, organizing, copying and distributing the file and finally scheduling a hearing. Scheduling occurs simultaneously with the preparation of the file. The Review Division's internal process respecting this aspect of Case Management is a very streamlined process and has been micro managed to reduce delays wherever possible.

There have been increasing efforts to reduce scheduling delays by working with clients and their representatives to encourage them to proceed as soon as their Application is accepted. Requests for delays or rescheduling are no longer permitted due to the introduction of new evidence.

As with the 1.5 months allocated for Phase 1 in Case Management, there is also 1.5 months allocated to the preparation and release of final decisions. In 2000 the turnaround time on this end of the process was noted at 1.8 months, only slightly off the target set for 2000. By working with Review Commissioners, the Review Division is expecting to achieve a decrease in this time frame for 2001.

## *WHS/Review Division On-Line Imaging Project*

The Review Division is very pleased with the results and the cooperation from the WHS/Review Division with respect to the on-line imaging project. It allows the Review Division to electronically retrieve clients' files from the database within the WHS/Review Division.

In November 2000 Review Division staff participated in a training session on the system, hosted by the WHS/Review Division. Implementation of the project is scheduled for early 2001.

### *Internet and E-Mail Access for Staff*

All staff with the Review Division are now equipped with internet access. More important, all staff have become users of the Government of Newfoundland and Labrador's e-mail system. This allows for increased and more efficient communication with the Department of Labour as well as other areas of Government.

## *GOALS FOR 2001*

The Review Division has established its objectives for 2001. The objectives are, as usual, aimed at providing increased services to clients as well as maximizing the resources within the Review Division to provide a more timely and effective review process.

The objectives include:

- \* Reduction in turnaround times to less than three months.
- \* Development of “Rules of Procedure and Evidence”.
- \* Distribution of Review Division decision by CD.
- \* Undertaking a review of the Decision Phase of the Case Management system so as to develop guidelines for Review Commissioners in writing their decisions. This initiative is aimed at ensuring more clarity and consistency in decision reasoning.
- \* Planning for the creation of a Review Division Web Page.

## *BUDGET 2000-2001*

<i>Account</i>	<i>Amount</i>
Salaries	221,700
Employee Benefits	3,500
Transportation & Communications	20,000
Supplies	21,600
Professional Services	207,700
Purchased Services	35,100
Property, Furnishings & Equipment	4,800
Information Technology	6,800
<b>TOTAL</b>	<b>503,200</b>

# 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

## Western Newfoundland

Derrick Watton  
Review Commissioner