

Client Services Procedure Manual

Procedure: 72.00

Subject: New Information

72:00 Introduction

Internal and external review processes are in place to ensure that written decisions made by WorkplaceNL under the Workplace Health, Safety and Compensation Act, 2022 (the Act) are fair, reasonable and consistent.

WorkplaceNL completes requests for internal review in accordance with Policy AP-01 Internal Review. The Workers' Compensation Independent Review Board (WCIRB) completes requests for external review. An external review can only be requested after the internal review process has concluded.

Internal and external review processes consider the information that is on file related to the decision under review and submissions received through the review process. Occasionally, new information may be identified during an internal or external review process that was not available when the original decision was made.

Section 74 of the Act provides WorkplaceNL the authority to reopen a decision when new information is received. When new information is received, the original decision maker must determine whether its quality justifies reexamining the decision in accordance with section 74 of the Act. Only after consideration by the original decision maker can the new information be considered during an internal or external review process.

This procedure establishes the process for handling new information to ensure its timely consideration and avoid delays in internal and external review processes.

72.01 New Information Identified - Internal Review

When new information is submitted with a request for internal review:

- An Internal Review Clerk will forward the information to the original decision maker.
- The original decision maker will conduct a preliminary examination and screening of the information within 10 business days to determine whether its quality justifies reopening the original decision.

If the original decision maker determines the new information does not meet the requirements of section 74 to reopen the decision:

- The decision maker will document the reason and promptly advise the Internal Review Clerk.
- An Internal Review Specialist will proceed to review the original decision and the new information will be considered as part of their review.

If the original decision maker determines the new information justifies reopening the original decision:

- The decision maker will promptly advise the Internal Review Clerk.
- The ongoing internal review will be canceled and the client will be notified.
- A new decision will be provided by the original decision maker, with the right to request an internal review of the new decision.

72.02 New Information Identified - External Review

When new information is submitted with a request for external review, or is identified by WCIRB during the review process:

- WCIRB will contact WorkplaceNL's Manager of Internal Review to advise of the new information.
- The Manager of Internal Review will contact the Manager of Claims Services to confirm whether the information is on the file and was previously considered.
- If it is confirmed to be new information, the Manager of Claims Services will ensure the original decision maker conducts a preliminary examination and screening of the information to determine whether its quality justifies reopening the original decision.

If the original decision maker determines the new information does not meet the requirements of section 74 to reopen the decision:

- The decision maker will document the reason and advise the Internal Review Clerk.
- An Internal Review Specialist will consider the new information and determine whether it impacts a review they previously completed.

If the new information does not change the internal review decision:

- Internal Review will provide WCIRB with an update:
 - Within five business days when WCIRB has scheduled a hearing.
 - Within 10 business days when no hearing has been scheduled.
- The update will be followed by a letter from an Internal Review Specialist to WCIRB. The letter will indicate the information can be considered as part of the external review process in accordance with section 4(2) of the Workplace Health, Safety and Compensation Review Board Regulations.

If the original decision maker or Internal Review Specialist determines the new information justifies reopening the original decision:

- The original decision maker will determine whether further investigation under section 69 of the Act is required prior to providing a new decision under section 70.
- The Manager of Claims Services will notify the Manager of Internal Review of the status of the new decision.
- Internal Review will advise WCIRB the original decision will be reopened.
- A new decision will be provided, with the right to request an internal review.
- WCIRB will be responsible for cancelling the external review of the previous decision.

Reference:

Policy AP-01 Internal Review

Workplace Health, Safety and Compensation Act, 2022, sections 69, 70 and 74

Workplace Health, Safety and Compensation Review Board Regulations, section 4(2)

Amendment History

Original Effective Date 2024 10 01