

## Client Services Procedure Manual

**Procedure: 67.00**

**Subject: Independence – Internal Review Process**

### 67.00 Introduction

There exists a two-tiered review process for WorkplaceNL decisions. Policy AP-01 Internal Review, provides the requirements for the first review of a written decision to ensure that decisions are fair, reasonable, and consistent. Individuals eligible to request an internal review will have been advised of this right in their decision letter.

Decisions entitled to a review may include those made on injured worker claims; employer assessment rates; industry code classifications; the status of independent operators; and refunds under PRIME, the safety incentive program.

WorkplaceNL decisions must be in accordance with the spirit and intent of the Workplace Health, Safety and Compensation Act, 2022 (the Act), regulations and WorkplaceNL policies, and have regard to the practices and principles of the Canadian workers' compensation system. Internal Review Specialists conduct an independent, internal review of a decision to ensure the spirit and intent has been fulfilled.

### 67.01 Conducting a Review

The internal review specialist has the autonomy to determine the most effective review strategy when conducting a review.

When a written internal review request is received, the Internal Review Specialist analyses all information to ensure relevancy and whether that the decision complies with the Act, regulations and policies.

While an internal review specialist primarily conducts paper reviews, they may contact any workplace party or health care provider to clarify existing information. New information cannot be considered or collected as part of the clarification process, unless the original decision-maker of WorkplaceNL weighs in on the new information.

The internal review specialist will provide a written decision within 45 calendar days from the date that WorkplaceNL receives the written request, as outlined in Policy AP-01 Internal Review.

### 67.02 Internal Review Decision-Making

The Internal Review Specialist will make an independent internal review decision.

Internal review decisions are guided by policy and legislation. The Internal Review Specialist will follow the guidelines of Policy EN-20 Weighing Evidence, to assess all relevant evidence

on either side of the issue. Weight is determined by the nature, credibility, and quality of the evidence. Where the evidence weighs equally, based on a balance of probabilities, the issue will be found in favour of the worker. The individual merits of a case are also considered if a policy cannot be applied or if applying a policy would have an unintended result, as outlined in Policy EN-22 Merits and Justice.

An internal review specialist has the authority to use resources from any source to arrive at their decision. In considering the opinions of a WorkplaceNL medical consultant, they may reach out to the consultant to request clarification on existing information. In considering these opinions, against other evidence on file, the Internal Review Specialist may determine that further review by the WorkplaceNL medical consultant is required. If so, the issue is referred back to the original decision maker to action.

### **67.03 Communicating a Decision**

The Internal Review Specialist's decisions may be reviewed by peers or the manager of the unit for support or quality assurance; however, management approval is not required prior to release. The Internal Review Specialist is accountable for the reasons, rationale, and outcome of the internal review decision.

All workplace parties will be notified of the internal review decision in writing within the 45-day timeframe. The notification will include the rationale for the decision and the right to request a second, external review, by an independent organization.

### **67.04 Objection to a Decision**

If any party involved with the review objects to the internal review decision, they have the right to request an external review (i.e., the second-tier review) by the Workplace Health, Safety and Compensation Division. Information regarding how to request external review is provided in the internal review decision.

**References:** Policies: AP-01 Internal Review  
EN-20 Weighing Evidence  
EN-22 Merits and Justice

### **Amendment History**

Original Effective Date 2022 06 02