

Client Services Policy Manual

Policy Number: AP-01
Subject: Internal Review of WorkplaceNL Decisions
Chapter: Internal Review

Policy Statement

The purpose of the internal review process is to ensure that written decisions made under the Workplace Health, Safety and Compensation Act, 2022 (the Act) are fair, reasonable, and consistent. Individuals eligible to request an internal review are advised of this right in their decision letter. Decisions subject 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.

A worker, dependent or employer may request an internal review of a specific decision by outlining their disagreement in writing and identifying the reason(s) for their disagreement. Applicants should understand that the request for an internal review is for that decision only; not a review of previous decisions on the file.

Internal Review Specialists conduct an independent, internal review to ensure decisions are made in accordance with the spirit and intent of the Act, regulations and WorkplaceNL policies. The review also has regard for the practices and principles of the Canadian Workers' Compensation System, such as universal coverage; mandatory, no-fault compensation; collective liability, exclusive jurisdiction; security of benefits for all injured workers; and independent administration of the system.

The aim of WorkplaceNL is always to render fair and just decisions with as little delay as possible. An internal review decision will be provided within 45 days from the date the written request for internal review is received. The Internal Review Specialist will provide a written internal review decision that includes the following information:

- The rationale for their decision; and
- The right to request an external review that is separate and independent from WorkplaceNL if there is disagreement with the internal review outcome.

This external review is completed by the Workplace Health, Safety and Compensation Review Division (WHSCRD).

1. Time Limits

Anyone requesting a review, must submit the request within 30 days from the date WorkplaceNL's written decision was received.

Client Services Policy Manual

Requests for review outside the 30-day time period will be considered in accordance with the provisions of section 74 of the Act.

2. Internal Review Process

WorkplaceNL supports an internal review process that is flexible and responsive.

Workplace parties may contact an Internal Review Clerk when further details on the process is required.

Once a review is registered, workplace parties will be given the option to provide a written submission to support their disagreement with a decision. The Internal Review Specialist will consider this submission during the internal review.

When an internal review request is received, the Internal Review Specialist conducts an analysis to ensure that all relevant information has been considered and that the decision complies with the Act, regulations and policies. The Internal Review Specialists conduct paper internal reviews; however, workplace parties may be contacted to clarify existing information. Contact is generally by telephone, but may include interviews and meetings.

The Internal Review Specialist will make an independent internal review decision and notify all workplace parties in writing.

3. Internal Review Decisions

Where there is no written policy or where the intent of policy is uncertain, the Internal Review Specialist will render a decision in accordance with the Act and the merits and justice of the case.

Merits and Justice

Where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22, Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Reference:

Workplace Health, Safety, and Compensation Act, 2022, Sections 17,18, 20, 32-44 and 74

Policy EN-22 Merits and Justice

Procedure 67.00 Independence – Internal Review Process

Client Services Policy Manual

Amendment History

Original Effective Date	1987 08 20
Revision # 5	2017 06 03
Revision # 6	2020 06 03
Revision # 7	2022 06 30

Next Review Date 2027 06 30