

RECONSIDERATION HEARING

Once a reconsideration hearing is scheduled, all parties are expected to be prepared to address the Request for Reconsideration.

The reconsideration hearing is conducted by a different Review Commissioner than the one who made the original decision. The focus of this hearing is to determine whether or not the decision of the previous Review Commissioner was made in error.

New evidence will not be reviewed at a reconsideration hearing. New evidence is considered to be any information such as a medical assessment report, physician's report, etc. which was not considered by the WHSCC or the previous Review Commissioner in making their decision. This information may be forwarded to the WHSCC for review to determine whether it impacts the status of the claim.

RECONSIDERATION DECISION

Following the reconsideration hearing, the Review Commissioner will provide a decision, with reasons, within four to six weeks to the person seeking the reconsideration, the Workplace Health, Safety and Compensation Commission (WHSCC) and others who participated in the reconsideration process.

For additional information on the review process, you may consult the following pamphlets:

- ▶ General Information
- ▶ Review Process
- ▶ Hearing Process
- ▶ Employer Participation
- ▶ Representation
- ▶ Witnesses and Subpoenas
- ▶ Access to Information

If you require additional information or assistance, please contact our office at:

**Workplace Health, Safety and
Compensation Review Division
2nd Floor, Dorset Building
6 Mount Carson Avenue
Mount Pearl, NL
A1N 3K4
Tel: (709) 729-5542
Fax: (709) 729-6956
Toll Free: 1-888-336-1111
E-mail: whscrd@gov.nl.ca**

or

Visit our website at:
www.gov.nl.ca/whscrd



Workplace Health, Safety and Compensation Review Division

RECONSIDERATION PROCESS



RECONSIDERATION PROCESS

Under authority of Section 28.1 of the *Workplace Health, Safety and Compensation Act (WHSCA)*, the Workplace Health, Safety and Compensation Review Division (WHSCRD) may reconsider any decision made by it and confirm, amend or revoke the decision.

If you were identified as a party in a WHSCRD review, you may submit a Request for Reconsideration to the Chief Review Commissioner.

The reconsideration process must not be perceived as another level of review. A reconsideration of a WHSCRD decision is only granted under certain circumstances such as:

- ▶ The Review Commissioner failed to apply the appropriate sections of the *WHSCA*, regulations and/or policies.
- ▶ When a Review Commissioner has exceeded the authority provided by the *WHSCA* in relation to the matter under review.
- ▶ A substantive defect in the decision-making process which may affect the outcome has been identified.

REQUESTING A RECONSIDERATION

There are no forms to fill out to submit a Request for Reconsideration. You may make a Request for Reconsideration in writing to the Chief Review Commissioner within 30 days of the original WHSCRD decision.

The Request for Reconsideration should state the reasons for making the request and identify any errors in law or jurisdiction that you believe the Review Commissioner made in rendering his or her decision. The fact that you simply disagree with the decision would not be considered grounds to merit a reconsideration.



REVIEWING THE REQUEST

Upon receipt of the reconsideration request, the WHSCRD will notify all parties that the Request for Reconsideration has been made and invite submissions as to whether the Request for Reconsideration should be granted.

Following submissions by the parties, the matter is reviewed by the Chief Review Commissioner who may decide as follows:

1. There was no error in the previous WHSCRD decision. The Request for Reconsideration is denied and the original WHSCRD decision remains the final decision.
2. There was an error in the decision and the Request for Reconsideration is granted.

If granted, the Chief Review Commissioner will determine whether the case requires a new hearing to be conducted.

There may be circumstances where a hearing is not required and the matter will be dealt with through correspondence to all parties.

If the Chief Review Commissioner determines that the case requires a rehearing, all parties will be contacted by the WHSCRD staff with the date, time and location of the reconsideration hearing.

Decisions made by the Chief Review Commissioner, are referred to another Review Commissioner for a decision as to whether the Request for Reconsideration is granted.