

ACCESS TO DOCUMENTS

When requesting a review of an assessment decision, the employer will have access to all documents and relevant information in the WHSCRD's possession including the employer's WHSCC file.

An employer's access to documents in an application filed by an employee is subject to certain restrictions under the *Access to Information and Protection of Privacy Act (ATIPPA)*. For access to documents, the employer must submit an *Employer's Notice of Intention to Participate* form and agree, in writing, not to use or disclose the documents for any purpose other than participation in the review proceedings. The employer must also agree, in writing, to keep the documents confidential and secure.

REPRESENTATION

An employer may choose to represent themselves in the review proceedings before the WHSCRD, or be represented by a lawyer, consultant, or any other person. If there is a representative, the WHSCRD will send copies of correspondence to both the employer and their representative.

For further assistance contact the Employers' Advisor at:

**Office of the Employers' Advisor
Newfoundland and Labrador
Employers' Council
129 Glencoe Drive
Mt. Pearl, NL
A1S 4S7
Tel: (709) 368-6532
Toll Free: 1-888-738-5900**

ADDITIONAL NOTES

- ▶ Participants at the hearing will not be reimbursed for costs associated with the hearing, such as travel expenses.
- ▶ It is not mandatory that an employer attend a worker's review. Employers are, however, encouraged to participate in the review process.
- ▶ Parties are responsible for any costs associated with calling witnesses.
- ▶ The employer must ensure confidentiality of all information provided on an employee's claim.

The following pamphlets are also available:

- ▶ General Information
- ▶ Review Process
- ▶ Hearing Process

For further information, access to WHSCRD forms and links to pertinent sites, visit our website at:

www.gov.nl.ca/whscrd

**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**



Workplace Health, Safety and Compensation Review Division

EMPLOYER PARTICIPATION



The Workplace Health, Safety and Compensation Review Division (WHSCRD) is an independent entity and operates separately from the Workplace Health, Safety and Compensation Commission (WHSCC). The WHSCRD and WHSCC are governed by the *Workplace Health, Safety and Compensation Act (WHSCA)* of Newfoundland and Labrador.

An employer may wish to request a review to:

1. Challenge a decision made with respect to their assessment, industry classification, penalties levied, etc.
2. Challenge a decision made on an employee's claim.

Request for Review application forms, as well as other pertinent WHSCRD forms, are available from the WHSCRD's office or website.

ASSESSMENT DECISIONS

Employers may request a review on various aspects of their assessment. The following should be noted:

- ▶ The WHSCC may choose to participate in the review proceedings.
- ▶ The WHSCRD will consider the relevant information in the employer's WHSCC file.
- ▶ New evidence will not be reviewed at the hearing. Any new evidence must be submitted to WHSCC for a decision before it will be accepted by the Review Commissioner.

ENTITLEMENT DECISIONS

When the WHSCC's decision deals with the benefits entitlement of an employee, both parties may request a review of the decision to the WHSCRD.

The WHSCRD will consider the relevant information in the employee's file.

PARTICIPATION IN WORKER APPLICATIONS

Upon acceptance of a *Request for Review* application from an employee, the WHSCRD will notify the employer by correspondence. A copy of the employee's *Request for Review* application form will be provided, along with an *Employer's Notice of Intention to Participate* form.

Employers are required to complete and return the form to the WHSCRD if they wish to participate in the appeal. If the form is not completed and returned within 14 days from date of correspondence, the WHSCRD will assume that the employer does not wish to participate in the proceeding and no further communication will occur.

NOTES ON THE REVIEW PROCESS

With respect to the review proceedings, an employer should note the following:

- ▶ Notice will be provided to the employer when a *Request for Review* application has been filed with the WHSCRD by one of its employees.
- ▶ An employer may participate in the review proceedings.
- ▶ The employer may wish to receive only a copy of the WHSCRD's decision, rather than participate in the review proceedings.

Employers who choose to participate in the review proceedings should note the following:

- ▶ Notice of the date, time and location of the hearing will be provided to the employer.
- ▶ The employer may participate in the hearing by making an oral or written submission.
- ▶ The employer will receive a copy of documents in the WHSCRD's possession that are relevant to the *Request for Review* application.

