## POSTPONEMENT REQUESTS

Due to the extensive coordination efforts often required to schedule a matter, postponements are not automatically granted. In addition, many postponement requests are often noted to be unnecessary. Please contact the WHSCRD to discuss the reason(s) for requesting a postponement as soon as concerns about proceeding with the hearing are noted.

Any request to postpone or reschedule a hearing should be made in writing to the WHSCRD office. The request should also outline the specific reason(s) for such a postponement.

If the WHSCRD is not notified that a participant is unable to attend or that they wish to postpone the hearing, then the review may proceed in their absence and a decision rendered.

## **DECISION PROCESS**

The Review Commissioner will provide a written decision within four to six weeks after a hearing. If a decision is in your favour, please follow up with the WHSCC for action on that decision.

## RECONSIDERATION PROCESS

An application for reconsideration of a WHSCRD decision may be made in writing to the Chief Review Commissioner within 30 days of receipt of a decision. The reconsideration process is not intended to be used because there disagreement with the decision; but rather, there must be legal grounds. For further information please contact the WHSCRD office.

## FOR MORE INFORMATION

For more information on the WHSCRD process, please consult the following pamphlets:

- Review Process
- ▶ Hearing Process
- ► Employer Participation

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

www.gov.nl.ca/whscrd

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



# Workplace Health, Safety and Compensation Review Division

# **GENERAL INFORMATION**



### INTRODUCTION

The Workplace Health, Safety and Compensation Review Division (WHSCRD) is separate and independent of the Workplace Health, Safety and Compensation Commission (WHSCC).

The WHSCRD is the final level of review for workers, dependents and employers dissatisfied with decisions of the WHSCC.

The WHSCRD reviews WHSCC decisions to ensure the decisions are in accordance with the Workplace Health, Safety and Compensation Act (WHSCA), regulations and policies established by the WHSCC's Board of Directors.

A review can be brought forward by:

- a worker.
- a deceased worker's dependent,
- an employer wishing to challenge a compensation decision, or
- an employer wishing to challenge an assessment decision.

The WHSCRD will accept applications only on issues that have received a final decision from the Internal Review Division of the WHSCC.

# **ROLE OF THE REVIEW COMMISSIONERS**

The WHSCRD consists of a Chief Review Commissioner (CRC) and a panel of Review Commissioners. The CRC and the Review Commissioners act as single adjudicators and conduct hearings in various regions of the Province.

A Review Commissioner will review decisions of the WHSCC as they apply to:

- compensation benefits,
- rehabilitation and return to work services and benefits.
- an employer's assessment,
- the assignment of an employer to a particular class or group,
- the employer's merit or demerit rating, and
- the obligations of an employer and a worker with respect to duty to co-operate in return to work planning.

Review Commissioners are responsible for



To initiate the review process, a completed Request for Review application form and a copy of the final decision must be forwarded to the WHSCRD within 30 days from the date of the WHSCC decision. This form, along with other relevant forms, are available from the WHSCRD's office or website.

All participants will be notified when the Request for Review application has been accepted. The WHSCRD will also send correspondence to all participants advising of the date, time and location of the review hearing. As well, a copy of the WHSCC file will be forwarded to the participants.

The WHSCRD will only accept a Request for Review application that is within 12 months from the WHSCC decision under review.

# **HEARING PROCESS**

Hearings are informal and are approximately one to three hours. Attending the hearing will be a Review Commissioner, the worker and/or their representative, the employer and/or their representative and the WHSCC may also have a representative.

The WHSCRD will not review new evidence at the hearing that has not been previously reviewed by WHSCC.

Hearings are held in St. John's, Corner Brook, Grand Falls-Windsor, Gander, Labrador City and Happy Valley-Goose Bay.

