

Workplace Health, Safety and Compensation Review Division (WHSCRD)

Annual Performance
Report 2016 - 17

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Message from the Chief Review Commissioner



In accordance with the reporting requirements of the Transparency and Accountability Act for a category 3 entity and the Workplace Health, Safety and Compensation Act (the Act), I am pleased to present the Workplace Health, Safety and Compensation Review Division's (WHSCRD) Annual Performance Report for 2016-17. As Chief Review Commissioner of the WHSCRD, I am responsible for the preparation of this report and accountable for the results contained within.

With the elimination of the hearings backlog in the 2015-16 fiscal year, the volume of WHSCRD hearings decreased in 2016-17. However, the total caseload increased again by the end of the reporting period as the number of review applications increased slightly and the number of Review Commissioners available decreased over the course of the year.

2016-17 marks the end of WHSCRD's 2014-17 planning cycle. During this cycle, WHSCRD successfully met its planning objectives by developing and expanding its client service framework while at the same time improving the timelines regarding its overall caseload processing. WHSCRD will continue to monitor and update its services as required.

The new 2017-20 planning cycle will find WHSCRD building upon its work to ensure its clients have continued access to the most accurate and up to date information both online and through its stakeholders. Increasing clients' knowledge of WHSCRD processes through information outreach sessions is a priority for the WHSCRD in the new planning cycle, as well as improving upon the timeliness of its service delivery.

I wish to also acknowledge and thank Review Commissioners and staff of the WHSCRD for their commitment, professionalism and ongoing contribution to the delivery of services to injured workers and employers. On behalf of Commissioners and staff, we consider it a privilege to offer our clients a prompt and responsive appeal process. We look forward to working with you in 2017-18.

A handwritten signature in black ink that reads "Marlene Hickey". The signature is written in a cursive, flowing style.

Marlene A. Hickey - Chief Review Commissioner

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WHSCRD Overview

INTRODUCTION

The Workplace Health, Safety and Compensation Review Division (WHSCRD) is the final level of review within the workers' compensation system in Newfoundland and Labrador. The WHSCRD is responsible for the review of decisions of WorkplaceNL. The WHSCRD may review such issues as:

- Compensation and medical aid benefits;
- Rehabilitation and return to work services and benefits;
- Employers' assessments and industry classifications; and,
- Obligations of an employer and a worker with respect to early and safe return to work and re-employment efforts.

FINANCIAL INFORMATION

Funding for the operations of the WHSCRD is recovered from the Injury Fund pursuant to Section 25 of the Workplace Health, Safety and Compensation Act. The WHSCRD's budgetary allocations are provided by the Government of Newfoundland and Labrador within the overall budget for Service NL and reports to the Minister responsible for WorkplaceNL. Unaudited expenditures for the WHSCRD in 2016-17 were \$1,105,661, as provided by the Department of Finance. Please refer to page 29 for more detailed financial information.

REVIEW COMMISSIONERS

The WHSCRD has a Chief Review Commissioner and a Panel of Review Commissioners. Up to seven Review Commissioners, including the Chief Review Commissioner, may be appointed to the WHSCRD. Review Commissioners conduct hearings in St. John's, Gander, Grand Falls-Windsor, Corner Brook, Happy Valley-Goose Bay and Labrador City.

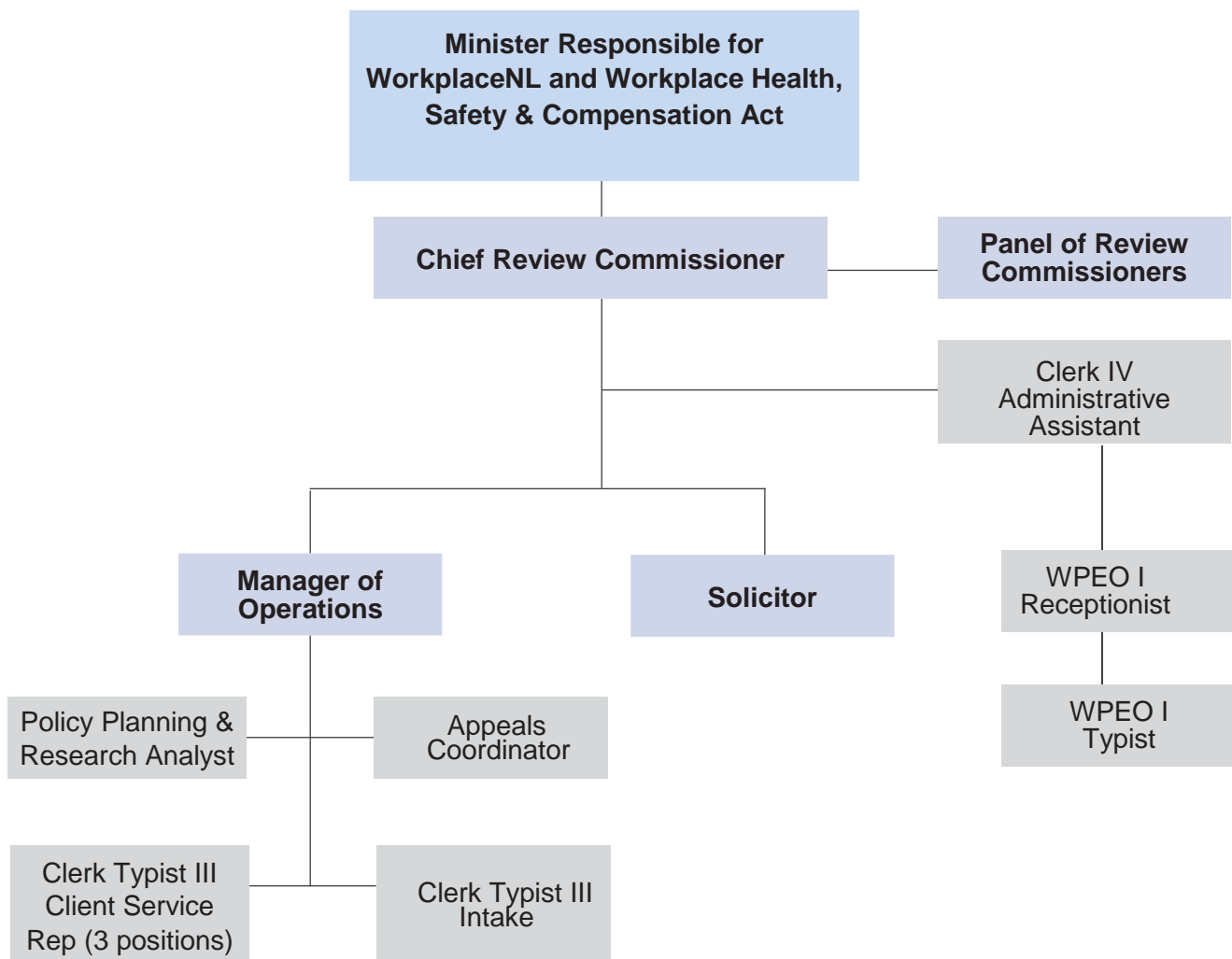
As of March 31, 2017, the WHSCRD's Panel of Review Commissioners consisted of Chief Review Commissioner, Marlene A. Hickey, with Erin Delaney, Keith Barry and Evan Kipnis as Review Commissioners. In 2016-17, the appointment term of Review Commissioner Gordon Murphy expired, and Review Commissioners Lloyd Piercey and Christopher Pike resigned. Please refer to page 30 for additional Review Commissioner information.

WHSCRD Overview continued

WHSCRD STAFF

The WHSCRD currently employs 11 staff (10 female and one male) in its office located in the Dorset Building, at 6 Mount Carson Avenue in Mount Pearl, NL.

WHSCRD ORGANIZATIONAL CHART



Highlights and Partnerships

While providing quality services to workers and employers of the province, and continuing to improve its practices and procedures, the WHSCRD completed the following in 2016-17:

New Review Commissioner Appointments and Training

During this reporting year, new Review Commissioners were appointed to the WHSCRD through the Provincial Government's Independent Appointments Commission. Erin Delaney was appointed to the full-time role, and Evan Kipnis to a part-time role. Additional details on the experience and qualifications of the new Review Commissioners can be found on page 30.

Given the highly technical and quasi-judicial nature of the work required of a Review Commissioner, candidates require considerable orientation in order to fulfill their role as Review Commissioner. Over the last quarter of 2016-17 the new Review Commissioners participated in an extensive training program at the WHSCRD office. The training agenda covered topics such as jurisdiction under the Workplace, Health & Safety Compensation Act, commonly appealed issues, benefit entitlement, WorkplaceNL policies, case study exercises, and a comprehensive two-day decision writing seminar.

Improved Decision Quality

Review Commissioners are tasked with conducting an independent, critical and rational analysis of facts to provide a clear and well-reasoned decision to clients. This requires a comprehensive treatment of the parties' arguments in relation to requirements under the Act, and an emphasis on clarifying the nature of the error and providing specific direction to WorkplaceNL where the nature of the claim requires. Through this process, Review Commissioners are supported by a staff team of proofreaders, typists and a solicitor.

WHSCRD's commitment to improving decision quality has resulted in fewer applications for reconsideration and judicial review. In the past six years, only nine applications for judicial review have been filed, of which only two have been overturned, with one decision pending. In the last two planning cycles, 2011-14 and 2014-17, the number of reconsideration requests decreased from 80 to 58, or 27.5 per cent, averaging 18 requests per year over the past two years (Table 10-page 27). The decrease in these applications is an indicator of the improved quality of WHSCRD decisions.

Highlights and Partnerships continued

Improved Overall Turnaround Time

Timely service provision is a standing priority of the WHSCRD. While the WHSCRD does not have control over the parties' readiness to proceed, WHSCRD has decreased the overall turnaround time of application process.

An important indicator used to measure the timeliness of WHSCRD's service provision is the time between receiving a request for review application and rendering a final decision. This period consists of the entirety of work conducted and challenges overcome at every level of case processing.

Based on decisions rendered, in this reporting period the WHSCRD improved upon its average overall turnaround time from the last reporting period by 18 per cent. This is a reduction in the average amount of time from application to decision rendered from 338 to 276 days.

Report on Performance

In its 2014-17 Activity Plan, Workplace Health, Safety and Compensation Review Division (WHSCRD) identified two primary strategic issues focused on providing the highest level of service possible to workers and employers of the Province, while maintaining a fair and impartial review process: 1. enhanced program and service delivery; and 2. processing request for review applications. The 2016-17 fiscal year marks conclusion of the 2014-17 strategic planning cycle and provides an opportunity for WHSCRD to report on its objective results for 2016-17 as well as its overall performance regarding these strategic issues and their respective goals.

Issue 1: Enhanced Program and Service Delivery

The 2016-17 fiscal year report on performance also marks the end of the 2014-17 planning cycle in which WHSCRD committed to focus its performance-based plans on Government's strategic direction to enhance program and service delivery through streamlined operations and improved access. In defining this commitment, WHSCRD identified the implementation of online service improvements as its annual performance and planning cycle's end objective for 2016-17.

WHSCRD's 2014-17 Activity Plan recognized the importance of access to information through online sources as a growing and critical means of reaching and interacting with workers and employers. Prior to 2014, the WHSCRD had made significant inroads in the use of online services through the development of its website. The website provided clients and stakeholders with immediate information on the review process, statistical information, annual and strategic publications, and a link to the WHSCRD's Decision Search System (DSS). However, based on user feedback and advances in information technology, it became apparent that the WHSCRD website could be improved.

WHSCRD's response to this issue was to enhance program and service delivery by focusing on the implementation of online service improvements, which is aligned with government's strategic direction. As outlined below, over the past three years, WHSCRD has coordinated its efforts in achieving this goal.

With the assistance of the Office of the Chief Information Officer (OCIO) an online service plan was developed from which three focus areas emerged: 1. upgrade the WHSCRD's DSS; 2. provide access to all WHSCRD forms in an online fillable format; and 3. enhance the website content. All of these enhancements improve stakeholder access to information on the services of WHSCRD and in turn help support workers, employers and dependents in better understanding

Report on Performance continued

their role and rights as participants in the review process.

The DSS upgrade was completed and is continually updated with new decisions and monitored through user feedback of their experience with the new system. Further online service improvements were implemented by providing online fillable forms in PDF format through WHSCRD's website at <http://www.gov.nl.ca/whscrd/forms>. This provides clients with the options to open, fill in, and save forms to their computer, or to print forms and fill them in by hand.

In addition, a review of WHSCRD's website content was conducted to assess the content's relevancy and accuracy. Through this process, updates to WHSCRD's many brochures and its Client Service Manual were identified as areas which would benefit clients the most. To date, proofs of the new brochures and Client Service Manual have been generated and are anticipated to be available in 2017-18. The new brochures and Client Service Manual will be available both online and in print through the WHSCRD office. Brochures will also be distributed to stakeholder offices.

Objective Results for 2016-17

Objective: By March 31, 2017, WHSCRD will have implemented online service improvements.

Measure: Online service improvements are implemented.

Indicators:

- Enhancements added to WHSCRD's website and Decision Search System (DSS) as required.
- Conducted ongoing monitoring of website and DSS as required.

Report on Performance continued

The following outlines the WHSCRD's progress and accomplishments achieved in 2016-17 towards improving the WHSCRD's online services:

Indicators	Performance for 2016-17
Enhancements added to WHSCRD's website and Decision Search System (DSS).	<ul style="list-style-type: none"> • The new DSS system was launched on March 30, 2016. The system allows users to view the most recent decisions and provides enhanced search capabilities. Users now have the ability to search by keyword, date range, decision outcome, Review Commissioner, issue, or by WorkplaceNL policy and legislation. The DSS is available through the WHSCRD's website at: http://www.gov.nl.ca/whscrd/search.html. • New decisions are added to the DSS on a monthly basis. WHSCRD conducts ongoing monitoring and evaluation of the DSS to ensure updates are applied when required.
Conducted ongoing monitoring of website and DSS as required.	<ul style="list-style-type: none"> • As of 2015-16, all current WHSCRD forms are available online in fillable PDF format at: http://www.gov.nl.ca/whscrd/forms. Clients can easily open, complete and save the forms to their computer and then print, fax, email, mail or hand-deliver them to WHSCRD's office. • A review of the WHSCRD's website content to identify areas for improvement is complete. The review included assessing current website material such as the WHSCRD's brochures and Client Service Manual, and identifying areas for updating the website where necessary. Updated brochures and Client Service Manual content have been formally drafted and are anticipated to be available online and in print during 2017-18. • New decisions are added to the DSS on a monthly basis. WHSCRD conducts ongoing monitoring and evaluation of the DSS to ensure updates are applied when required.

Report on Performance continued

Goal Results for 2014-17

Goal: By March 31, 2017, the WHSCRD will have improved online service delivery.

Measure: Improved online service delivery

Indicators:

- Online service projects implemented.
- Content and usability of the website is updated.
- DSS enhancements initiated.

The following table outlines WHSCRD's progress and accomplishments achieved through 2014-17 towards improving the WHSCRD's online services:

Indicators	Performance for 2014-17
Online service projects implemented.	<ul style="list-style-type: none"> • In 2015-16, consultations regarding the feasibility and use of online forms were conducted with OCIO. Discussions included the use of electronic services, ensuring the protection of clients' information, and the available resources of both WHSCRD and OCIO. It was recommended by OCIO that using fillable PDF forms would offer the best range of user interactivity for clients while continuing to provide information security. • As of 2015-16, all WHSCRD forms are available online in fillable PDF format at: http://www.gov.nl.ca/whscrd/forms. Clients can easily open, complete and save the forms to their computer and then print, fax, email, mail or hand-deliver them to WHSCRD's office. A free version of Acrobat Reader is also available on the WHSCRD website for clients. The original option to print and handwrite information on the forms continues to be available for clients.
Content and usability of the website is updated.	<ul style="list-style-type: none"> • A review of the WHSCRD's website content to identify areas for improvement is complete. The review included assessing current website material such as the WHSCRD's brochures and Client Service Manual, and identifying areas for updating the website where necessary. Updated brochures and Client Service Manual content have been formally drafted. Due to competing priorities and changes in overall online content and format, this material will be finalized by the end of 2017-18.

<p>DSS enhancements initiated.</p>	<ul style="list-style-type: none">• In conjunction with the OCIO in 2015-16, WHSCRD began enhancements to the DSS. A review was conducted to determine the requirements for a search system that would provide users with updated search functionality and access to the WHSCRD's most recent decisions.• An analysis of search systems currently in use by government entities and other similar jurisdictions was conducted. It was determined that a new decision search system similar to those used by the courts would be the best option for WHSCRD clients.• The new DSS system was launched on March 30, 2016. The system allows users to view the most recent decisions and provides enhanced search capabilities. Users now have the ability to search by keyword, date range, decision outcome, Review Commissioner, issue, or by WorkplaceNL policy and legislation. The DSS is available through the WHSCRD's website at: http://www.gov.nl.ca/whscrd/search.html.• New decisions are added to the DSS on a monthly basis. WHSCRD conducts ongoing monitoring and evaluation of the DSS to ensure updates are applied when required.
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Report on Performance continued

Issue 2: Processing Request for Review Applications

The WHSCRD's main line of business is the processing of Request for Review applications submitted by injured workers, their dependents and employers and coordination of a review process that includes a hearing before a Review Commissioner. WHSCRD is mandated to review final decisions of WorkplaceNL to ensure that those decisions are compliant with the *Act* and Regulations, as well as WorkplaceNL policies and to direct appropriate remedies where necessary.

During the 2016-17 reporting year, the WHSCRD carried out its activities to meet its objectives and duties under the *Act* and Regulations by conducting 165 hearings and rendering 172 decisions, many of which had complex issues and involved multiple parties.

As the WHSCRD's mandate does not change from year to year, the same objective has also been reported across the 2014-17 planning cycle. The WHSCRD will continue to focus on the efficient processing of Request for Review applications to provide clients with a fair and proficient review process that supports enhanced program and service delivery.

Objective Results for 2016-17

Objective: By March 31, 2017, WHSCRD will have commenced processing or finalized the processing of all Request for Review applications filed with WHSCRD.

Measure: All Request for Review applications have commenced processing or are finalized.

Indicators:

- Number of applications received.
- Number of applications in process.
- Number of applications finalized.

Report on Performance continued

The following table outlines the WHSCRD's progress and accomplishments in meeting its 2016-17 objectives. For comparative purposes, additional information is also provided in the Caseload Activity section on page 24 and the Statistical Overview section on page 25.

Indicators	Progress And Accomplishments
Number of applications received.	<ul style="list-style-type: none"> The WHSCRD received 265 Request for Review applications in 2016-17. In addition to the new applications, 176 applications were carried forward from the previous year totaling an overall annual caseload of 441 cases.
Number of applications in process.	<ul style="list-style-type: none"> At the end of the reporting period, the WHSCRD's caseload was 227 cases. This number consists of 215 active cases that are waiting for a hearing, waiting for a decision, or are temporarily on hold by request of the parties; plus 12 inactive applications that are pending some other action from the parties or have not yet been accepted for a review.
Number of applications finalized.	<ul style="list-style-type: none"> The WHSCRD finalized 214 cases in 2016-17. This includes: 172 decisions rendered, 26 cases that were withdrawn by parties, and 16 cases that were rejected by the WHSCRD as they did not meet the criteria for a review.

Report on Performance continued

Goal Results for 2014-17

Goal: By March 31, 2017, WHSCRD will have commenced processing or finalized the processing of all Request for Review applications filed with the WHSCRD.

Measure: All Request for Review applications have commenced processing or are finalized.

Indicators:

- Number of applications received.
- Number of applications in process.
- Number of applications finalized.

The following table outlines the WHSCRD's progress and accomplishments achieved through 2014-17 in processing Request for Review applications:

Fiscal Year	Number of applications received	Number of applications in process	Number of applications finalized
2014-15	274	261	262
2015-16	243	176	328
2016-17	265	227	214

Opportunities and Challenges Ahead

In keeping with the WHSCRD's Mission of an expanded client service framework that is responsive to the needs of clients, WHSCRD will continue to prioritize improvement upon the timeliness of its service delivery while maintaining quality of its client service. One challenge to achieving these goals is client readiness. Another challenge is client outreach.

Client Readiness

Client readiness for review hearings can be challenged by the complexity of the issue under review, a lack of familiarity with the review process, and difficulty in securing knowledgeable representation. These circumstances can lead to delays in WHSCRD's case processing and scheduling of hearings as clients require additional time to seek representatives with knowledge of the workers' compensation system and review process.

The WHSCRD has recognized the challenge posed by access to information and lack of client representation in other reporting periods and has sought, with success, to enhance its own client supports to alleviate some of the knowledge and access barriers associated with the inherent complexities of the review process. Most recently, in the 2015-16 reporting period, upgrades and enhancements to the WHSCRD's online Decision Search System and other online services were completed.

Client Outreach

In the upcoming reporting period and planning cycle, WHSCRD will be working to expand stakeholder knowledge of the review process by developing a review process information presentation to be presented through in-person information sessions with stakeholder groups such as MHAs, and worker and employer advisor groups. The goal of the sessions will be to increase stakeholder knowledge of the review process, so they are better informed and capable of presenting their own, or their clients' positions before a Review Commissioner.

Informed representation, coupled with access to existing online client service supports, is expected to benefit clients of WHSCRD and the timeliness of WHSCRD's service delivery. A more informed and prepared client and/or representative is expected to reduce scheduling delays, postponement requests, hearing adjournments, and result in efficiencies in Review Commissioners' management of the hearing procedure.

Opportunities and Challenges Ahead continued

Review Commissioner Recruitment and Retention

The WHSCRD Review Commissioner Panel may have up to seven Review Commissioners at a time including the Chief Review Commissioner. The remaining six positions are typically three year appointments of one full-time and five part-time positions. The nature of part-time appointments and the time it takes to recruit new candidates raises challenges for WHSCRD's ability to maintain long-term consistency in servicing its caseload.

Because of the highly technical and quasi-judicial nature of a Review Commissioners' work, candidate recruitment is challenging. Qualified candidates may be attracted to the part-time positions, but come to find that the extent and complexity of work required is too high. Part-time Review Commissioners often have competing priorities between their Review Commissioner position and full-time employment in other areas. Also, with no guarantee of reappointment, attracting and retaining experienced candidates is also a challenge.

In response to these challenges, WHSCRD recognizes it is necessary to be proactive with recruitment efforts and to continue to work with Government's Independent Appointments Commission. This will help WHSCRD ensure the most qualified and suitable candidates are appointed with little to no gaps between term expiries and the beginning of new term appointments.

Noteworthy Decisions

2016-17 NOTEWORTHY DECISIONS

The following WHSCRD decisions have been identified as noteworthy, as they articulate the outcome of a particular issue or the issue may be of interest to the general public and stakeholders. Additional decisions may be viewed at www.gov.nl.ca/whscrd.

DECISION 16074

Allowed

Compensable Injury – Arising Out of and in the Course of Employment – Parking Lots

ss.19(1), 43, 60(1), 61, Policy EN-19

A Worker was injured on a parking lot after finishing a shift. The worker was in the process of leaving the worksite. The Worker proceeded on a shuttle bus to a gate, in accordance with protocol established by the owner of the construction project. The Worker proceeded through the gate and onto a designated parking lot where workers were required to park their vehicles. The Worker tripped and fell before making it back to the vehicle. The Worker was not performing a specific job duty at the time. Also, it was not disputed that the injury resulted from the trip and fall. WorkplaceNL denied the claim on the basis that the Worker did not meet the requirements of Policy EN-19: **Arising Out of and in the Course of Employment** as it related to parking lots. It found that Employer, as a subcontractor, was neither the owner of the lot nor was responsible for maintaining the parking lot, so the Employer could not be held liable. The Worker's internal review was denied and the Worker proceeded to the Review Division.

Decision: The review was allowed. The Chief Review Commissioner found that, in the circumstances of the case, WorkplaceNL erred in the application of Policy EN-19: **Arising Out of and in the Course of Employment** and Section 43 of the Act. The Worker was still 'in the course of employment', which triggered the presumption in Section 61, and the weight of evidence demonstrated that the injuries arose out of the fall. The Chief Review Commissioner reviewed the evidence and the various parts of the Policy and concluded that the facts of the worker's claim were not looked at on their own merits and justice and WorkplaceNL had relied, in part, on evidence from another claim, as provided by the Employer, to decide this claim. The details concerning the ownership and maintenance structure were relevant to the relationship between the various Employers on the site but could not affect or limit the operation of the Act as it pertained to a worker's claim for compensation.

The Worker was observing a mandatory access protocol imposed by the project owner, which by extension formed part of the contract of employment with the injury Employer. The parking lot was a 'designated' parking lot which workers were required to use, and the workers did not have

Noteworthy Decisions continued

the latitude to park wherever they chose. The Chief Review Commissioner concluded the Worker was still subject to an employment obligation within the meaning of the general provisions of Policy EN-19: **Arising Out of and in the Course of Employment** and had not yet passed out of the ‘course of’ employment, due to the compulsory nature of the access and parking arrangements in this case. She found the strict application of the parking lot provisions in Policy EN-19: **Arising Out of and in the Course of Employment** might be appropriate for the majority of cases where the worker was provided with the option, or the permission, to park in a shared lot, but did not fully address the situation where the Worker was still under a degree of employment compulsion after a shift ended but prior to beginning a commute. The Worker’s review was allowed outright and the matter was sent back to WorkplaceNL for calculation of applicable benefits. **(Hickey, CRC)**

DECISION 16092

Allowed

Return to Work – Early and Safe Return to Work Plan - Worker Co-operation – Resignation
s. 60(1), 89, Policy RE-01, Policy RE-02

After the Worker sustained a neck injury, the Employer formulated a modified return to work plan. WorkplaceNL approved the plan and the Worker attempted the modified duties. The Worker was placed off work again after a symptom flare and was found to have more restrictions than previously believed. The Worker underwent further therapy and a Worksite Occupational Rehabilitation (WSOR) program was recommended. Another return to work plan was created and the Worker accepted it. The Worker’s treating physician refused to clear the Worker, but reconsidered once further clarification was provided. The Worker again presented for work, but experienced difficulties entering the site. The Worker made an outburst declaring resignation, and left the worksite. The Employer contacted WorkplaceNL advising that the Worker had quit and requested WorkplaceNL move to a non-cooperation finding. WorkplaceNL issued the Worker a one-week notice to remediate the non-cooperation. Immediately following this, it began to receive additional medical information suggesting the Worker required further diagnostic testing and referral. The one week notice period expired and when the Worker did not return to work, WorkplaceNL found the Worker in non-cooperation. The Worker’s earnings loss benefits ceased, and the worker unsuccessfully sought internal review of WorkplaceNL’s decision.

Decision: The review was allowed. WorkplaceNL’s decision violated the intent of Section 89 of the Act and the related provisions. The Chief Review Commissioner reviewed the claim history

Noteworthy Decisions continued

and found that the Worker had been co-operating over the months leading up to the 'quit', and she accepted that the resignation was a spontaneous outburst of frustration. She found that, in most cases, a resignation during an Early and Safe Return to Work program would violate Section 89(2) and justify a non-cooperation finding, especially where there is a pattern of obstructive conduct by the Worker leading up to it which could be construed as a non-cooperative intent. However, WorkplaceNL still has discretion to consider whether it will levy a consequence against the Worker, even if there is non-cooperation.

She found the Worker did not demonstrate a pattern of obstructive behavior, and he had been co-operating at the various stages of the Early and Safe Return to Work (ESTRW) Plan, despite its earlier failure. Secondly, there was reliable medical information being received by WorkplaceNL during, and after, the one week notice period, that suggested the Worker's condition still required further diagnosis and evaluation. This included a recommendation for further diagnostic imaging on the spine. She reviewed the provisions in relation to the compensatory model set out in the Act and concluded that the nature of the co-operation provisions was coercive, and were intended to promote participation in a program that would have the likely effect of restoring the Worker's earning capacity or reducing wage losses. She found the provisions were not punitive in nature, and WorkplaceNL erred in moving to non-cooperation on the Employer's notification of the quit, without considering all the facts surrounding the Worker's conduct, or how the emerging evidence may have affected the assumption the plan was still effective in promoting the intended result.

The Employer immediately accepted the Worker's resignation and moved to secure a non-cooperation finding, which WorkplaceNL knew the Worker could not remedy within the one week notice. WorkplaceNL erred under Section 89 and the return-to-work hierarchy contained in the policies by failing to manage the dispute and concluding that the employment matters between the Worker and the Employer automatically predetermined the co-operation decision without further inquiry. The Chief Review Commissioner found WorkplaceNL lost perspective in its handling of the co-operation issue in the larger context of the **Act** and Policies, removed the non-cooperation finding from the claim, and ordered that the Worker receive applicable earnings loss benefits, retroactive to the date of termination. **(Hickey, CRC)**

Noteworthy Decisions continued

DECISION 16105

Remitted

Medical Aid – Prescriptions – Drug Formulary – Medical Marijuana

ss.19(4), 60(1), 84(1), 85(1), Policy AP-01, Policy HC-11, Policy HC-13

The Worker sustained a work injury and was considered disabled from employment. The Worker was referred to a pain management clinic and diagnosed as having chronic pain syndrome. WorkplaceNL accepted the Worker required prescriptions for management of pain symptoms. The Worker was provided with a number of prescription medications, which caused side effects over time, which were themselves considered compensable. The Worker was encouraged to seek alternate forms of pain management and availed of dried marijuana. The Worker found it to be more effective, with few side effects, and requested that WorkplaceNL cover it.

On review, WorkplaceNL noted that medical marijuana was not recognized by the Drug Formulary in Policy HC-11, and referred the matter to one of its Medical Consultants for an individual evaluation of medical effectiveness. The Medical Consultant advised that there was no national consensus among the workers' compensation bodies on its use, and no Policy framework in place. Also, the Worker's prescription did not come from a licensed provider in the Province. The Consultant noted there were other prescription options available, notably Cesamet, which may also address the Worker's symptoms. WorkplaceNL concluded medical effectiveness of the dried form of marijuana had not been established and denied the request.

Decision: The decision was overturned and the matter referred back to WorkplaceNL. WorkplaceNL erred under Section 60(1) and 19(4) in not performing the claim specific analysis required when there was no specific Policy provision addressing the request. In the absence of a specific policy provision, WorkplaceNL was required to exercise its discretion, as provided in ss.84 and 85, according to the general principles in Policy HC-13: Health Care Entitlement.

In dismissing the request on the basis there was not yet a Policy provision, and not yet a consensus among the national association of workers' compensation agencies, WorkplaceNL failed to rule on the real merits of the request, according to its individual circumstances. The Chief Review Commissioner noted there was relatively little medical evidence on either side of the question, but there was no weighing of what little there was, in relation to 'medical effectiveness'. Also, the Worker's evidence concerning the claim-specific experience was relevant. It could not be accepted to the exclusion of medical opinion and evidence, but the experiential evidence concerning the beneficial effects of the drug could not be ignored as if it had no weight to the question of medical effectiveness.

Noteworthy Decisions continued

However, the Chief Review Commissioner found the matter had to be referred back to WorkplaceNL for a compliant decision. She did not have the evidentiary record that would allow her to conclude WorkplaceNL's discretion had to be exercised in a certain way, because there were still medical opinions to be obtained, and a weighing of that evidence was required. Also, the Chief Review Commissioner was not prepared to accept the Worker's position that Cesamet would be ineffective, as WorkplaceNL does consider that drug for pain relief. She discussed the relationship between the Act, regulations, and policies, and the discretionary nature of WorkplaceNL's medical aid jurisdiction, and determined that it was WorkplaceNL's role to determine what was necessary or advisable, and did not have to accede to the Worker's request simply because the Worker found the drug of choice beneficial. Since WorkplaceNL had yet to exercise its discretion in a compliant fashion, the matter was remitted back for WorkplaceNL to provide a decision in accordance with the Act, regulations, and policies. **(Hickey, CRC)**

DECISION 16118

Allowed

Return to Work – Early and Safe Return to Work Plan – Worker Co-operation – Employment Termination

ss. 54.1, 60(1), 73, 89, Policy RE-02, Policy EN-20

The Worker was injured in 2015 and presented a claim for a repetitive strain injury. The Employer offered the Worker light duties if the Worker was medically capable of performing them. The Worker declined. Several days later, the Worker was cleared for return to work, but with restrictions. The Employer reviewed the restrictions and advised it could not accommodate the Worker. The Employer stated that it remained open to the Worker returning to the pre-injury position if the Worker's condition improved. A month later, the Employer terminated the Worker. The Worker responded, stating the work injury was the reason for the termination. WorkplaceNL referred the Worker to a physiotherapist to assess the Worker's functional capacity. The Worker was found to have a four hour per day workday tolerance, with restrictions. WorkplaceNL contacted the Employer, and the Employer said the restrictions could have been accommodated, but it had already terminated the Worker. The Case Manager then advised the Worker that, within one week, the Worker was expected to engage in Early and Safe Return to Work (ESRTW), failing which there would be a finding of non-cooperation against the Worker. The Worker objected and appealed to Internal Review. The Worker did not become rehired by the Employer in the meantime, so the Worker did not engage in ESRTW. Internal Review upheld the Case Manager's decision that the Worker was in non-cooperation.

Noteworthy Decisions continued

Decision: The review was allowed. The finding of non-cooperation was removed. WorkplaceNL erred under ss.60 and 89 of the Act. The Employer alleged it was no longer willing to take the Worker back because there was cause to terminate the Worker based on events before the injury took place. The Case Manager found “when the actions of an injured worker result in termination of employment, upon clearance to participate in an ESRTW program it is said that the worker has removed themselves from the ESRTW program, and thus is non-cooperative.” The Review Commissioner found the Worker was not non-cooperative by reason of not having a job to return to. On experiencing a loss of earnings capacity, there is a right to earnings loss benefits under s.73, and s.89 sets out the obligations of a worker to co-operate in ESRTW. WorkplaceNL’s decision was not based on whether the Worker violated s.89 but rather on the fact the termination made it impossible for the Worker to participate in an ESRTW plan. The decision was not based on the Act, regulations, and policies and was overturned. **(Pike)**

DECISION 16149

Allowed

Compensable Injury – Arising Out of and In the Course of Employment – Presumption Clause

ss.43, 60(1), 61, Policy EN-19, Policy EN-20

Compensable Injury – Arising Out of and In the Course of Employment – Captive Worker

ss.43, Policy EN-19

Compensable Injury – Definition of Injury – Death as a Result of an Injury – Bacterial Infection

ss.2(1)(o), 60(1), Policy EN-20

The Worker was a deckhand on a vessel. Three days after going aboard, the Worker died. After an autopsy was conducted, it was determined the Worker died of a bacterial infection. The Worker’s spouse made a claim for dependency benefits. WorkplaceNL denied the claim. In **Decision 15015**, the Review Division referred the matter back to WorkplaceNL, finding that WorkplaceNL had disregarded the effect of the presumption clause in s.61 of the Act. Later in 2015, WorkplaceNL maintained its denial of the claim, ruling the death was not caused by a hazard of the employment. The Dependent sought Internal Review, which was unsuccessful.

Decision: The review was allowed. The Worker’s death was found to arise out of and in the course of employment. The Review Commissioner found the s.61 presumption was engaged by virtue of the Worker being considered a “captive worker” under Policy EN-19. As the Worker’s death was in the course of employment, a reverse onus applied to the issue of whether it was

Noteworthy Decisions continued

caused by employment. The evidence did not lead to the conclusion that it was probable the Worker's death was unrelated to employment. The Worker appeared to exhibit flu-like symptoms after boarding the vessel. The Chief Medical Officer concluded "the exact time of infection cannot be accurately determined" but found the Worker's death occurred within hours after the Worker became septic. The Review Commissioner reviewed the conflicting evidence and found the presumption assisted the Dependent, expressing doubt "it would ever be possible to rebut the presumption under Section 61 of the Act", based on the record. As the evidence did not disprove the work-relatedness of the infection and the death, on the balance of probabilities, WorkplaceNL erred in denying the claim. The Review Commissioner made a final order declaring the death was a compensable injury for the purposes of the Act. **(Pike)**

DECISION 16208

Remitted

Labour Market Re-entry – Suitable Employment and Earnings – Functional Capacity

ss.19(1), 19(4), 60(1), 74(1), 74(3), Policy RE-14, Policy RE-15, Policy EN-20

After a work injury, a Worker was assessed as having an eight (8) hour workday capacity at the sedentary level of strenuousness, subject to certain restrictions. The Worker was found to have four (4) suitable employment options upon labour market re-entry. WorkplaceNL identified one of them as the most suitable option and reduced the Worker's earnings loss benefits accordingly. The decision was set aside on Internal Review. The Case Manager reviewed the claim again and found the Worker still maintained the capacity to perform another of the identified options. A new decision was provided, again reducing the Worker's benefits due to the Worker having residual earnings capacity. The Worker again proceeded to Internal Review but was unsuccessful.

Decision: The review was allowed and the question referred back to WorkplaceNL for a compliant decision. The Review Commissioner rejected the Worker's argument that the Worker had to be matched to a specific occupation within NOC Minor Code 668, as opposed to the NOC Minor Group 662, in general. WorkplaceNL did not apply the 'factors other' provision in Policy RE-15 and the Review Commissioner found it would not be applicable. However, the Review Commissioner found the Worker had significant restrictions in the dominant hand. Voice recognition software was recommended for computer activity. The Worker had significantly reduced tolerances for fine hand movements, and while WorkplaceNL made the conclusion the Worker could be accommodated in an ergonomic set-up, it was not clear what type of ergonomic accommodations and assistive devices were recommended and how it would address the Worker's restrictions. The Review Commissioner found that the Worker's situation was "a

Noteworthy Decisions continued

borderline case at best” and there was some “duty of explanation” required with respect to the practicality of the accommodation. He found “the more invasive the injury is, and the more accommodation the worker requires, this becomes particularly important”. He found WorkplaceNL erred under s.60(1), as the major barrier to employment was the reduced capacity in the Worker’s dominant hand. The claim was remitted back to WorkplaceNL to confirm whether the ergonomic accommodation would enable the Worker to perform in suitable employment. **(Barry)**

DECISION 17002

Remitted

Labour Market Re-entry – Suitable Employment and Earnings – Aptitude

Labour Market Re-entry – Suitable Employment and Earnings – ‘Factors Other’ Provision

Labour Market Re-entry – Suitable Employment and Earnings – Three LMR Options

ss.60(1), 73, 74, 89.2, Policy RE-14, Policy RE-15

Proportionment – Extended Earnings Loss – Proportionment Rating

ss.2, 43.1, 60(1), Policy EN-02

After sustaining a work injury, a Worker was diagnosed with degenerative changes in the cervical spine. Seven months after the injury, it was concluded the Worker had reached maximum medical improvement, was unlikely to return to pre-injury employment, and referred to labour market re-entry. The Worker was initially found to have an eight hour workday at a sedentary level of strenuousness, and later at the light level of strenuousness, and was found capable of working and earning in a lighter duty position. The Worker’s earnings loss benefits were then proportioned at 25 per cent on the basis that the work injury was ‘moderate’ and the proportioning factor was ‘minor’. The Worker appealed both the suitable earnings and employment decision and the proportionment decision to internal review, where the reviews were denied. The Worker proceeded to the Review Division.

Decision: WorkplaceNL’s decisions on both issues were set aside and the claim was referred back for new decisions.

On the suitable employment and earnings issue, the Chief Review Commissioner found the Worker was officially considered capable of three suitable labour market re-entry options, but two of these were eliminated because the Worker was found to lack the skills were required to

Noteworthy Decisions continued

perform them. WorkplaceNL defaulted to the third option because it was direct entry in nature and did not require any retraining. The Chief Review Commissioner found the other two options were not suitable for the Worker because the Worker could not presently perform them and was not reasonably capable of acquiring the skills necessary to perform in the options. WorkplaceNL concluded there were intellectual barriers and the retraining, had the Worker been capable of it, would have lasted for two years of the remaining four year benefit earnings loss benefit period.

The Chief Review Commissioner discussed the definitions of “suitable employment” in Policy RE-15 and “suitable and available employment” in Policy RE-14 and confirmed that WorkplaceNL could consider an option suitable if the worker was not currently capable of performing the option, but was reasonably capable of acquiring the required skills via some form of labour market re-entry plan.

However, where WorkplaceNL concludes the worker is not presently capable of performing an option, and is unlikely to become capable of doing so, the option cannot be considered ‘suitable’ under either definition. The Worker only had one suitable option because the Worker was, in substance, prevented from participating in a reasonable and feasible Labour Market Re-Entry Plan due to factors other than the compensable injury. As such, WorkplaceNL was required to match the Worker at the occupational level rather than the group level. The claim was remitted back to WorkplaceNL to determine if the Worker was “capable of performing in one or more of the occupations in the laboring and elemental minor group.”

On the proportionment issue, there was a conflict in the evidence that needed to be resolved in relation to the methodology in the Policies. The Worker’s degenerative condition was referenced as being ‘advanced’ but was described as ‘mild’ in scans both before and after the work injury. Also, the opinion of the Medical Consultant did not address the expected effects of the proportioning factor on the Worker’s pre-injury earnings capacity, in the absence of the work injury. The Chief Review Commissioner also found that WorkplaceNL over-relied on the Disability Guidelines in assessing the expected effects of the work injury, and did not adequately consider the claim-specific evidence. The matter was referred back to WorkplaceNL for a new decision.
(Hickey, CRC)

2016-17 Caseload Activity

The following highlights the WHSCRD's caseload activity for 2016-17. For statistical tables and additional caseload information refer to the Statistical Overview section on page 25.

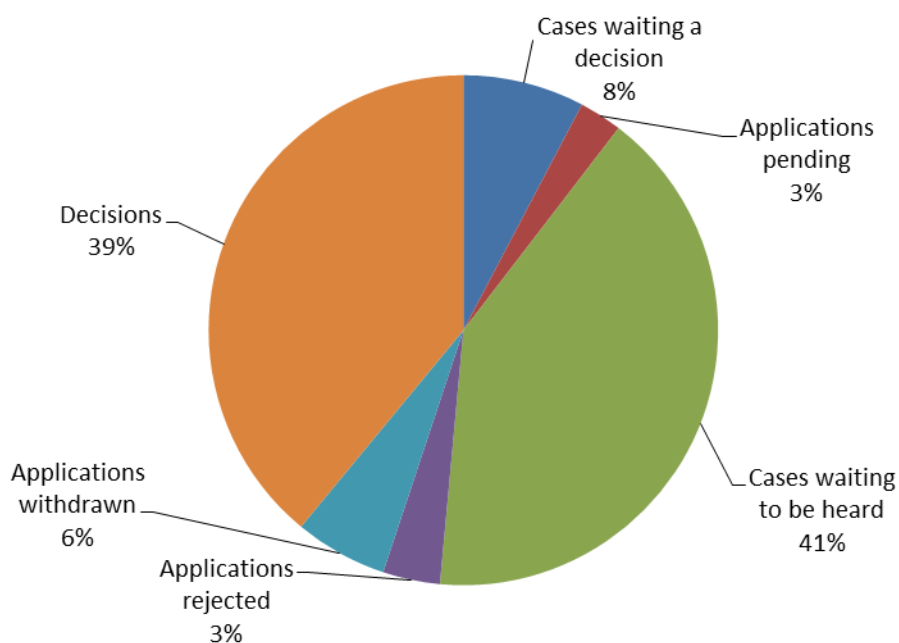
- The WHSCRD's overall annual caseload, including cases finalized, consisted of 441 cases representing a decrease of 12.5 per cent from the previous fiscal year (Figure 1-page 25).
- There were 265 Request for Review applications filed in 2016-17, an increase of 22 cases from the preceding year. The majority of these cases, 71 per cent, were filed within the St. John's region (Table 2-page 26).
- Workers and their dependents filed 227 Request for Review applications representing 86 per cent of the applications filed in 2016-2017. Employers filed 38 Request for Review applications, or 14 percent, representing an increase of 50 per cent from the preceding fiscal year. (Table 3-page 26).
- There were 165 hearings conducted this fiscal year. The majority of hearings (68 per cent) took place at the WHSCRD's office in Mount Pearl (Table 4-page 26). This aligns with the number of decisions by region with 65 per cent of decisions distributed in the Avalon region (Table 6-page 27).
- Review Commissioners found that approximately 38 per cent of WorkplaceNL decisions subject to review were either not consistent with the Act, the Regulations and policies of WorkplaceNL, or required additional review by WorkplaceNL. In these cases, Review Commissioners allowed the appeals or referred the cases back to WorkplaceNL for further review or investigation (Table 5-page 26).
- Workers participated in 90 per cent of the cases under review based on 172 decisions rendered (Table 7-page 27). Approximately 24 per cent of workers were self-represented, 28 per cent were represented either by their Member of the House of Assembly (MHA) or by private legal counsel and; 48 per cent were represented by their union, consultant, or other friends or family members (Table 8-page 27).
- Employers participated in 29 per cent of the reviews (Table 7-page 27) and were self-represented in 58 per cent of the cases based on the 172 decisions rendered (Table 9-page 27).
- The top three issues under review for workers were: Extended Earnings Loss benefits at 15 per cent, Claim Denied at 13 per cent, and Health Care Services at 11 per cent (Table 11-page 28).

2016-17 Statistical Overview

Table 1 - Annual Caseload

Caseload Breakdown	2015-16	2016-17
Appeals Carried Forward April 1st	261	176
New Applications	243	265
Annual Caseload	504	441
Less Finalized/Closed Cases:		
Decisions Rendered	256	172
Cases Withdrawn	62	26
Applications Rejected	10	16
Caseload March 31st	176	227
March 31st Caseload Consists of:		
Active Cases:	165	215
(cases waiting to be heard)	124	181
(cases heard and awaiting a decision)	41	34
Inactive Cases: (applications pending)	11	12

Figure 1 - Percent of Caseload by Disposition



Statistical Overview continued

Note: Due to rounding the total percentages may not equal 100 per cent.

Table 2 - Requests for Review by Region

Year	Mount Pearl		Gander		Grand Falls - Windsor		Corner Brook		Labrador		Total
	#	%	#	%	#	%	#	%	#	%	
2015-16	165	68	14	6	22	9	32	13	10	4	243
2016-17	187	71	16	6	27	10	26	10	9	3	265

Table 3 - Requests for Review by Claimant

Year	Worker		Employer		Dependent		Total
	#	%	#	%	#	%	
2015-16	216	89	19	8	8	3	243
2016-17	220	83	38	14	7	3	265

Table 4 - Hearings by Region

Year	Mount Pearl		Gander		Grand Falls - Windsor		Corner Brook		Labrador		Total
	#	%	#	%	#	%	#	%	#	%	
2015-16	185	67	27	10	29	11	34	12	1	0	276
2016-17	113	68	10	6	13	8	24	15	5	3	165

Table 5 - Decision Outcome

Year	Allowed		Denied		Referred Back to WorkplaceNL		Total
	#	%	#	%	#	%	
2015-16	51	20	155	61	50	19	256
2016-17	24	14	106	62	42	24	172

Statistical Overview continued

Table 6 - Decisions by Region

Year	Mount Pearl		Gander		Grand Falls - Windsor		Corner Brook		Labrador		Total
	#	%	#	%	#	%	#	%	#	%	
2015-16	177	69	22	9	23	9	33	13	1	0	256
2016-17	112	65	15	9	19	11	21	12	5	3	172

Table 7 - Party Participation by Decisions Rendered - Note: More than one party may be involved the review process; therefore, the number of parties may not correlate with the number of hearings held or decisions rendered.

Year	Total Decisions	Worker Participation		Employer Participation		WorkplaceNL Participation	
	#	#	%	#	%	#	%
2015-16	256	213	83	50	20	103	40
2016-17	172	154	90	50	29	62	36

Table 8 - Worker Participation by Representative Type

Year	Self		Consultant		Legal Counsel		MHA*		Union		Other		Total Worker
	#	%	#	%	#	%	#	%	#	%	#	%	
2015-16	67	29	15	7	18	8	43	19	55	24	31	14	229
2016-17	40	24	19	11	5	3	42	25	49	30	11	7	166

*Includes representation by a Member of the House of Assembly (MHA) or a Government Members Hearings Officer.

Table 9 - Employer Participation by Representative Type

Year	Self		Consultant		Legal Counsel		Total
	#	%	#	%	#	%	
2015-16	27	54	18	36	5	10	50
2016-17	28	58	15	31	5	10	48

Table 10 - Requests for Reconsideration by Client

Year	Total Requests	Worker Requests		Employer Requests		WorkplaceNL Requests	
	#	#	%	#	%	#	%
2015-16	17	12	71	1	5	4	24
2016-17	20	15	75	3	15	2	10

Statistical Overview continued

Table 11 – Issues Reviewed by Decision

Issues	Outcome			
	Objections	Allowed	Denied	Referred Back to WorkplaceNL
Worker/Dependent Appeals				
Canada Pension Plan	1	0	1	0
Charter of Rights and Freedom	1	0	1	0
Claim Denied	25	3	14	8
Compensation Denied	3	1	2	0
Compensation Rate	1	0	1	0
Dependency Benefits	4	1	3	0
Early & Safe Return to Work	5	3	2	0
Extended Earnings Loss Benefits	27	2	16	9
Health Care Services	20	3	12	5
Industrial Hearing Loss	12	3	8	1
Interest Payments	1	0	1	0
Internal Review Denied	2	0	2	0
Pension Replacement Benefit	3	0	3	0
Permanent Functional Impairment	17	2	13	2
Proportionment	13	3	5	5
Re-employment Obligation	3	0	1	2
Recurrence	12	1	5	6
Reinstatement of Benefits	5	4	0	1
Reopening	19	0	16	3
Wage Loss Benefits	8	1	6	1
Total	182	27 (15%)	112 (62%)	43 (24%)
Employer Appeals				
Cost Relief	4	2	1	1
Objection to a Worker's Claim	9	2	4	3
Total	13	4 (31%)	5 (38%)	4 (31%)
OVERALL TOTAL	195	31 (16%)	117 (60%)	47 (24%)

Note: Review applications may raise more than one issue for review; therefore, the above numbers may not correlate with the number of Review applications filed or Decisions rendered. Due to rounding the total percentages may not equal 100 per cent.

Financial Statement

Expenditures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended March 31, 2017. WHSCRD is not required to provide a separate audited financial statement.

Statement of Expenditures and Related Revenue UNAUDITED For Fiscal Year Ending March 31, 2017

	2016-17		
	Actual \$	Amended \$	Original \$
Workplace Health, Safety and Compensation Review Division			
01. Salaries	834,141	864,900	864,900
02. Operating Accounts:			
Employee Benefits	3,635	2,400	2,400
Transportation and Communication	27,662	30,000	30,000
Supplies	11,890	22,300	22,300
Professional Services	68,143	142,200	142,200
Purchased Services	157,577	167,200	167,200
Property, Furnishings and Equipment	2,613	3,500	3,500
	<u>\$1,105,661</u>	<u>\$1,232,500</u>	<u>\$1,232,500</u>
02. Revenue - Provincial	<u>(\$1,111,087)</u>	<u>(\$1,232,500)</u>	<u>(\$1,232,500)</u>
Total: Workplace Health, Safety and Compensation Review	(\$5,426)	-	-

Source: Department of Finance (unaudited)

Review Commissioners for 2016-17

Marlene Hickey, Chief Review Commissioner

Ms. Hickey is a resident of St. John's. She has been a member of the provincial public service since 1987. Ms. Hickey served as Director of the Workplace Health, Safety and Compensation Review Division since 1992 and also held the position of Director of Policy and Planning with the Labour Relations Agency from July 2005 to 2006. In 2006, she facilitated the efforts of the Statutory Review Committee on the Workplace Health, Safety and Compensation Act.

Christopher Pike, Review Commissioner (Resigned September 2016)

Mr. Pike is a resident of St. John's. Prior to his appointment as a Review Commissioner, he practiced insurance and personal injury law for 25 years. Mr. Pike graduated from the Faculty of Law at the University of New Brunswick in 1988. He is also a trained mediator and completed the Council of Canadian Administrative Tribunals course on adjudication in 2013. Mr. Pike is a past president of the Canadian Bar Association's (CBA) Newfoundland and Labrador Branch and has been active in community organizations including the Heart and Stroke Foundation of Newfoundland and Labrador and Scouts Canada. In 2012, the CBA (Newfoundland and Labrador Branch) presented him with its Distinguished Public Service Award. He was awarded the City of St. John's Building Healthy Communities Award in 2013 and received the Queen Elizabeth II Diamond Jubilee Medal that same year.

Keith Barry, Review Commissioner

Mr. Barry is a resident of St. John's. He is a retired provincial public servant, having served in various government departments over a 44-year career. Most recently, Mr. Barry served as Vice-Chair of the Public Service Commission. Prior to that he was the Director of Financial Administration for the Royal Newfoundland Constabulary and occupied various senior financial positions with the Fisheries Loan Board, Executive Council, etc. Mr. Barry was honoured with a fellowship with the Society of Management Accountants of Canada in 2004, and in 2006 was named Gonzaga Alumnus of the year.

Erin Delaney, Review Commissioner (Appointed December 2016)

Erin Delaney holds a Bachelor of Arts from St. Mary's University and a Bachelor of Laws from the University of New Brunswick. She has appeared before the Supreme Court and Territorial Court of the Northwest Territories on behalf of the Territorial Government, and appeared in labour arbitrations, collective agreement negotiations and mediations related to employment matters for the territorial government. More recently Ms. Delaney served as a Formal Complaints Reviewer and a Complaints Resolution Officer with the Law Society of Alberta. Since moving to the province she has worked for the Newfoundland and Labrador Board of Commissioners of

Review Commissioners Continued

Public Utilities on the Order for the 2013 Newfoundland and Labrador Hydro Amended General Rate Application hearing.

Evan Kipnis, Review Commissioner (Appointed December 2016)

Evan Kipnis earned a Bachelor of Laws degree from Dalhousie University in 1978 and was admitted to the Newfoundland Bar in 1979. He has worked as General Counsel for Newfoundland Telephone, later NewTel Communications, subsequently known as Aliant Telecom and now Bell Aliant, including service as a Director of AMI Offshore, an Aliant subsidiary. Mr. Kipnis is a general practice lawyer with the law firm of Perry & Power and his education includes labour relations, employment law, negotiation and mediation, and training as a labour arbitrator.

Gordon Murphy, Review Commissioner (Appointment Expired May 2016)

Gordon Murphy is a resident of St. John's. He is a retired career provincial public servant, having served all his 36 years with the provincial Department of Transportation and Works (and its various derivatives). He has held a number of positions in the department, most recently as Director of Human Resources and as a member of the department's Executive Committee. He has served as a member or as Chair of multiple Committees and Boards, most recently as Chair of the Management Classification Appeal Board. He has also worked as a consultant in human resources and labour relations within the province.

Lloyd Piercey, Review Commissioner (Resigned October 2016)

Mr. Piercey is a resident of Fortune, NL. He has a Bachelor of Arts and Bachelor of Education with Memorial University of NL. Most recently he served as Special Assistant to the former Member of Parliament for Random-Burin-St. George's. Mr. Piercey is a past Academic Department Chairperson for Eastern College, Burin Campus and facilitated the exploration of training and work options for displaced fishery workers following the cod moratorium. He has also worked as an Adult Basic Education Instructor, Continuing Education Coordinator, at Eastern College and as Coordinator for Job Corp. Program. Mr. Piercey has served on various committees with Eastern College and has served in various executive positions for groups and committees within the community.

Contact Information

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