

Annual Performance Report 2022-23



**Workplace Health, Safety and
Compensation Review Division**



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This document is available in alternate formats, upon request.

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 2022-23. As Chief Review Commissioner of WHSCRD, I am responsible for the preparation of this report and accountable for the results contained within.

I continue to be honored by the opportunity to lead a team of dedicated and professional staff and Review Commissioners, and will strive to further build upon recent improvements to service delivery.

WHSCRD remained fully operational throughout the transition as we moved out of the COVID-19 pandemic and we were able to offer our clients continued quality service.

I would like to thank the staff of WHSCRD once again for their exemplary professionalism and commitment to the delivery of services to injured workers and employers.

We look forward to working with you in 2022-23 as we continue to strive to uphold the principles of natural justice and provide exceptional client service.

A handwritten signature in blue ink that reads "Suzanne Hollett". The signature is written in a cursive, flowing style.

Suzanne Hollett

Chief Review Commissioner

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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. WHSCRD is responsible for the review of decisions of WorkplaceNL. WHSCRD may review such issues as:

- Compensation and medical aid benefits;
- Rehabilitation and return to work services and benefits; and,
- Employers' assessments and industry classifications.

Mandate

The mandate of the WHSCRD is to review decisions of WorkplaceNL to ensure compliance with the Act and Regulations, as well as with the policies of WorkplaceNL. The WHSCRD is also mandated to direct appropriate remedies where necessary.

Vision

The vision of the WHSCRD is an environment where workers and employers participate in an independent, timely and fair review process anchored in a culture of exceptional client service.

Lines of Business

The WHSCRD offers the following services to its clients:

- Review of decisions of WorkplaceNL. WHSCRD processes review applications submitted by injured workers, their dependents and employers in the province, as well as coordinates a review process that includes a hearing before a Review Commissioner.
- Information Services. WHSCRD provides information services to its clients by providing web-based distribution of its decisions, researching workers' compensation issues and collecting and maintaining statistical information relative to the review process.

Additional information on WHSCRD can be found on its website at <http://www.gov.nl.ca/whscrd>.

Financial Information

Funding for the operations of WHSCRD is reimbursed from the Injury Fund of WorkplaceNL pursuant to Section 25 of the **Workplace Health, Safety and Compensation Act**. In the 2022-23 fiscal year, WHSCRD's budgetary allocations were administered by the financial administration division under the Minister Responsible for WorkplaceNL. Unaudited expenditures for WHSCRD in 2022-23 were \$1,070,001 as provided by the Department of Finance. Please refer to page 27 for more detailed financial information.

Review Commissioners

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. Review Commissioners historically conduct hearings in Mount Pearl, Gander, Grand Falls-Windsor, Corner Brook, Happy Valley-Goose Bay, and Labrador City, with teleconference and videoconference options also available.

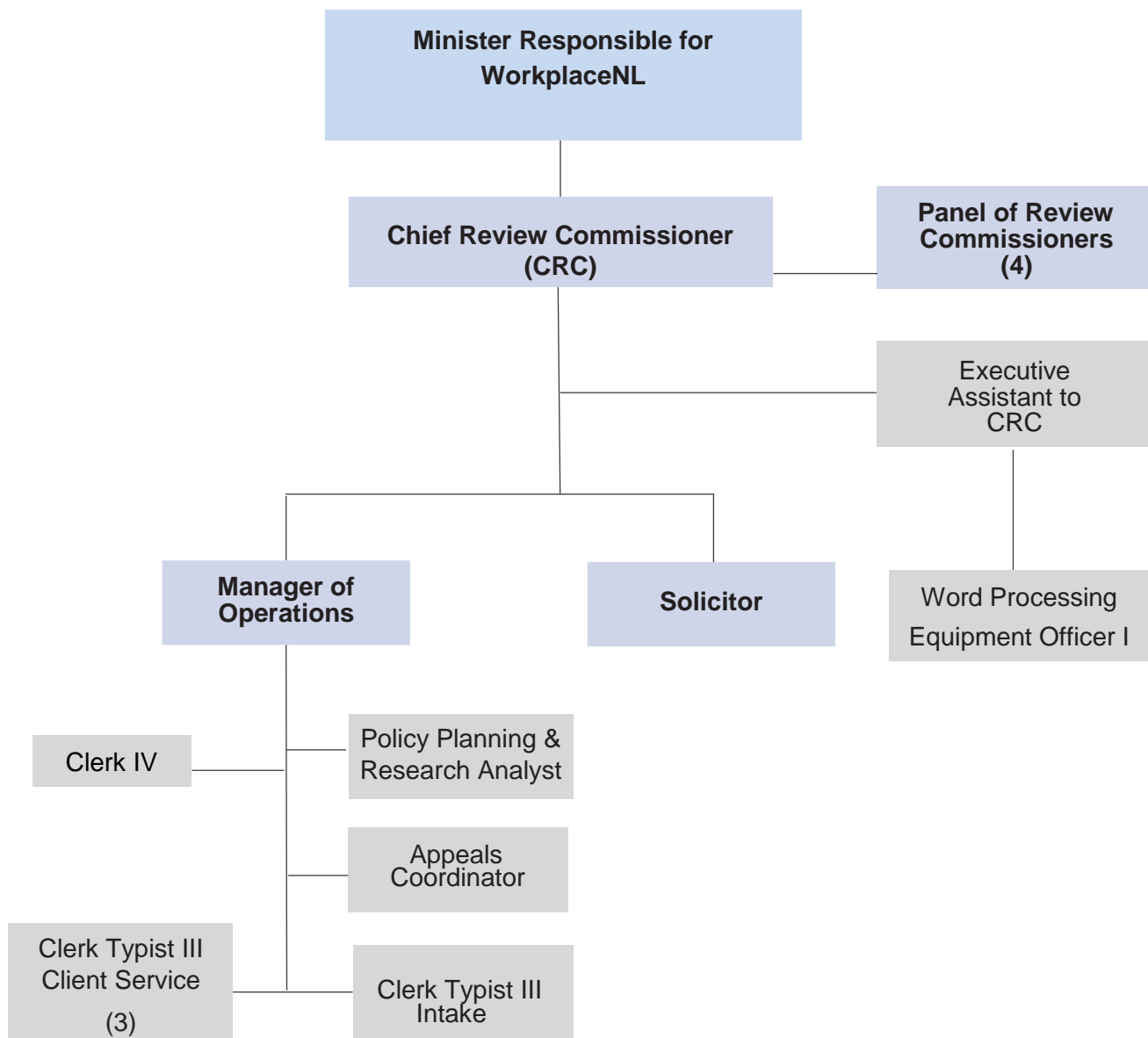
As of March 31, 2023, WHSCRD's Panel of Review Commissioners consisted of a Chief Review Commissioner and two full-time Review Commissioners, with recruitment ongoing for two additional Review Commissioners anticipated to be appointed early in the 2023-24 fiscal year. Please refer to page 28 for biographies of Review Commissioners that were active in 2022-23..

Overview continued

WHSCRD Staff

During the 2022-23 fiscal year, WHSCRD employed 15 staff in its office located in the Dorset Building, at 6 Mount Carson Avenue in Mount Pearl, Newfoundland and Labrador.

Organizational Chart



Highlights and Partnerships

Decision Search System

WHSCRD worked with the Office of the Chief Information Officer to redesign and implement a visual and functional upgrade to its online decision search system (DSS). The visual layout of the new DSS is now aligned with the recent layout upgrade of the whole of WHSCRD's website. Functionally, the new DSS offers a more user friendly interface by incorporating drop down menus for entering search criteria.

Report on Performance

In this third and final year of the 2020-23 planning cycle, WHSCRD continued its commitment to the issue of enhancing client service through increased electronic content and digitization of administrative workflow. This was aligned with government's strategic direction of a more efficient public sector and its ongoing efforts in digital government that served as guidance during the 2020-23 planning cycle.

Issue 1: Enhance client service through increased electronic content and digitization of administrative workflows.

WHSCRD's efforts to enhance client service through increased electronic content and digitization of administrative workflows continued in the 2022-23 fiscal year.

In 2022-23 WHSCRD continued its progress in expanding client-specific forms and applications for electronic submission. Working with OCIO, the project to provide an online Request for Review Application form was successfully completed and implemented on WHSCRD's webpage.

WHSCRD has continued digitization of new case files during the intake process and all files continue to move through administrative processes digitally. The continuation of paper to digital aligns with information management best practices in storing and accessing personal and sensitive client information.

Hewlett-Packard Records Manager (HPRM) training sessions were completed and two additional staff having received certification as HPRM Administrators. This positions us well for future HPRM workflow business processes.

Report on Performance continued

Work completed in meeting WHSCRD's 2022-23 objective is outlined in the following section.

Objective Results for 2022-23

Objective: By March 31, 2023 WHSCRD will have fully implemented digitizing its active intake and case management workflows through the Hewlett Packard Enterprise Records Manager (HPRM) system, and the identified client-specific forms and applications will be fully digitized for electronic submission.

Indicators	Progress and Accomplishments
Trained additional staff in HPRM Administrator Training as a required prerequisite for Workflow training as per direction from OCIO.	<ul style="list-style-type: none"> Two additional staff members successfully completed their HPRM administrator training after prior scheduling delays associated with COVID-19.
Trained designated staff in HPRM Workflow.	<ul style="list-style-type: none"> HPRM Workflow training was not available during this fiscal year as the HPRM administrator training was prioritized by the training provider. Staff will avail of this training as it becomes available. Senior HPRM administrator met with management and primary case management staff (clerical, intake, client service officers, and policy) to gather a thorough knowledge of existing workflow in preparation for transferring the process to HPRM once training is offered.
Developed testing for active case management workflow in development environment.	<ul style="list-style-type: none"> This will be implemented after HPRM Workflow training becomes available. WHSCRD utilized email and shared drives to move to digitized processes for the interim.

<p>Conducted audits in development environment on digitization of workflow processes.</p>	<ul style="list-style-type: none"> • This will be implemented after HPRM Workflow training becomes available. • Digitized material was continually audited as part of WHSCRD's established information management practices.
<p>Identified issues (if any) and implemented changes in development environment of digitization of active workflow processes, if required.</p>	<ul style="list-style-type: none"> • This will be implemented after HPRM Workflow training becomes available. • Audits of digitized material were largely successful with only a minor issue arising with naming conventions which was quickly highlighted and corrected.
<p>Implemented workflow through HPRM.</p>	<ul style="list-style-type: none"> • This will be implemented after HPRM Workflow training becomes available. WHSCRD utilized email and shared drives to move to digitized processes for the interim.
<p>Digitization for HPRM is complete.</p>	<ul style="list-style-type: none"> • This will be implemented after HPRM Workflow training becomes available. WHSCRD utilized email and shared drives to move to digitized processes for the interim.
<p>Implemented online submission option for request for review application.</p>	<ul style="list-style-type: none"> • Worked with OCIO to develop, test, and implement the electronic submission function for WHSCRD's Request for Review Application.

Opportunities and Challenges Ahead

Caseload

WHSCRD will continue to monitor the number of applications through the 2022-23 fiscal year and respond according to the demand and make any necessary recommendations to the Minister Responsible for WorkplaceNL.

2022-23 Caseload Activity

The following highlights WHSCRD's caseload activity for 2022-23. For statistical tables and additional caseload information refer to the Statistical Overview section on page 23.

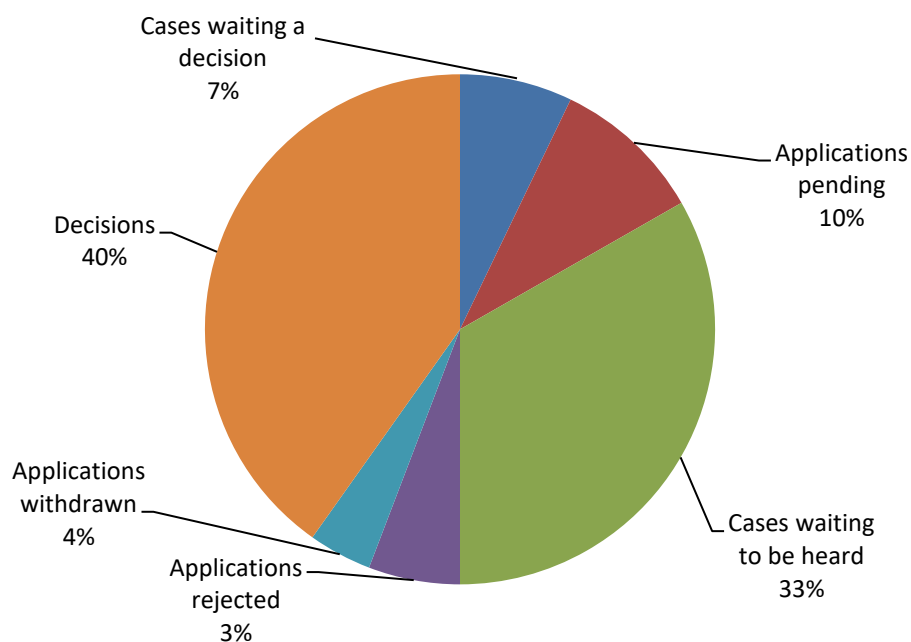
- WHSCRD's overall annual caseload consisted of 448 cases (Table 1-page 23).
- There were 225 new Requests for Review filed in 2022-23. The majority of these cases, 72 per cent, were filed within the Avalon region (Table 2-page 24).
- Workers and their dependents filed 194 Requests for Review representing 86 per cent of the applications filed in 2022-23. Employers filed 31 Request for Review applications, or 14 per cent (Table 3-page 24).
- There were 169 hearings conducted this fiscal year. The majority of hearings (66 per cent) were for applicants in the Avalon region (Table 4-page 24).
- Of the 180 decisions rendered, Review Commissioners found 57 per cent of WorkplaceNL's decisions were compliant with the **Act**; 43 per cent of decisions were either not consistent with the **Act**, the **Regulations** and policies of WorkplaceNL and were allowed, or were referred back to WorkplaceNL for further review or investigation. Review Commissioners also issued two reconsiderations this fiscal year (Table 5-page 24).
- Workers participated in 93 per cent of the cases under review based on 180 decisions rendered (Table 4-page 23). Approximately 39 per cent of workers were self-represented and 54 per cent utilized outside representation (Table 7-page 25).
- Employers participated in 15 per cent of the cases under review based on 180 decisions rendered (Table 6-page 25). Approximately 1 per cent of employers were self-represented, and 14 per cent utilized outside representation (Table 8-page 25).
- Hearing types related to the 180 decisions rendered are as follows: 67 in-person, 86 by teleconference, six by videoconference, and 21 documents only. A portion of these hearings employed more than one method of hearing delivery, e.g. some participants participated in-person while others participated via teleconference at the same hearing (Table 9-page 25).
- The top three issues under review were: Claim Denied, Extended Earnings Loss benefits, and Health Care Services (Table 10-page 26).

2022-23 Statistical Overview

Table 1 - Annual Caseload

Caseload Breakdown	2022-23
Appeals Carried Forward April 1st	219
New Applications (plus 4 reconsideration applications)	229
Annual Caseload	448
Less Finalized/Closed Cases:	
Decisions Rendered	180
Cases Withdrawn	18
Applications Rejected/Dismissed	26
Caseload March 31st	224
March 31st Caseload Consists of:	
Active Cases:	181
(cases waiting to be heard)	149
(cases heard and awaiting a decision)	32
(reconsideration decisions pending)	0
Inactive Cases: (applications pending + awaiting exhaustion)	43

Figure 1 – Per cent of Annual Caseload by Disposition



* Due to rounding, the total percentages may not equal 100 per cent.

Statistical Overview continued

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

Table 2 - Requests for Review by Region

Year	Avalon		Gander		Grand Falls-Windsor		Corner Brook		Labrador		Total
	#	%	#	%	#	%	#	%	#	%	
2021-22	177	72	23	9	15	6	27	11	3	1	245
2022-23	161	72	23	10	15	7	25	11	1	0.4	225

Table 3 - Requests for Review by Claimant

Year	Worker		Employer		Dependent		Total
	#	%	#	%	#	%	
2021-22	214	87	27	11	4	2	245
2022-23	191	85	31	14	3	1	225

Table 4 - Hearings by Region

Year	Avalon		Gander		Grand Falls-Windsor		Corner Brook		Labrador		Total
	#	%	#	%	#	%	#	%	#	%	
2021-22	116	67	16	9	20	12	18	10	3	2	173
2022-23	112	66	20	12	15	9	22	13	0	0	169

Table 5 - Decision Outcome

Year	Allowed and/or Allowed in Part		Denied		Referred Back to WorkplaceNL		Total	Reconsideration Decisions Issued
	#	%	#	%	#	%		
2021-22	37	22	106	64	23	14	166	8
2022-23	54	30	104	58	22	12	180	4

Statistical Overview continued

Table 6 - Party Participation by Decisions Rendered - Note: More than one party may be involved in 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	
	#	%	#	%	#	%
2021-22	166*		152	92	41	25
2022-23	180		167	93	27	15

*Representative of 173 applications for review.

Table 7 - Worker Representation

Year	Self		Representative		Total
	#	%	#	%	
2021-22	72	33	80	67	152
2022-23	59	32	108	68	158

Table 8 - Employer Representation

Year	Self		Representative		Total
	#	%	#	%	
2021-22	13	32	28	68	41
2022-23	4	17	23	83	27

Table 9 – Hearing Type by Decisions Rendered

Year	In-person	Teleconference	Videoconference	Documents Only
2021-22	25	120	13	8
2022-23	67	86	6	21

Statistical Overview continued

Table 10 – Issues Reviewed by Decision

Issues	Outcome			
	Worker/Dependent Appeals	Objections	Allowed	Denied
Baie Verte Mines	1	0	1	0
Claim Denied	43	16	20	7
Compensation Denied	4	2	2	0
Compensation Rate	3	3	0	0
Dependency Benefits	1	0	1	0
Early & Safe Return to Work	1	1	0	0
Extended Earnings Loss Benefits	31	7	15	9
Health Care Services	24	8	14	2
Industrial Disease	1	1	0	0
Industrial Hearing Loss	12	3	9	0
Internal Review Denied	5	3	2	0
Other	2	2	0	0
Overpayment	3	1	1	1
Permanent Functional Impairment	19	1	15	3
Permanent Partial Disability	2	0	1	1
Proportionment	5	3	2	0
Recurrence	8	5	1	2
Reinstatement of Benefits	1	0	0	1
Reopening	11	2	9	0
Retroactive Benefits	1	1	0	0
Temporary Earnings Loss Benefits	1	1	0	0
Wage Loss Benefits	12	5	6	1
Totals	191	65 (34%)	99 (52%)	27 (14%)
Employer Appeals	Objections	Allowed	Denied	Referred to WorkplaceNL
Assessment Rate	2	0	2	0
Classification Reassessment	3	1	2	0
Objection to a Worker's Claim	6	1	5	0
PRIME/PRIME Rebate	2	0	2	0
Temporary Earnings & Wage Loss Benefits	3	3	0	0
Totals	16	5 (31%)	11 (69%)	0 (%)
OVERALL TOTALS	207	70 (34%)	110 (53%)	27 (13%)

Note: Review applications may raise more than one issue/decision 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 unaudited 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, 2023. WHSCRD is not required to provide a separate audited financial statement.

Statement of Expenditures and Related Revenue UNAUDITED For Fiscal Year Ending March 31, 2023

	2022-23		
	Actual \$	Amended \$	Original \$
Workplace Health, Safety and Compensation Review Division			
01. Salaries	1,034,837	1,130,600	1,204,600
Operating Accounts:			
Employee Benefits	5,756	14,500	14,500
Transportation and Communication	15,730	62,200	62,200
Supplies	15,841	16,100	16,100
Professional Services	12,040	75,100	75,100
Purchased Services	15,488	40,300	40,300
Property, Furnishings and Equipment	9,210	4,000	4,000
	<u>\$74,065</u>	<u>\$212,200</u>	<u>\$212,200</u>
02. Revenue - Provincial	<u>(\$1,070,001)</u>	<u>(\$1,416,800)</u>	<u>(\$1,416,800)</u>
Total:	\$38,901	-	-

Source: Department of Finance (unaudited)

Active Review Commissioners 2022-23

Suzanne Hollett, Chief Review Commissioner (Appointed December 2021)

Suzanne Hollett graduated from the University of New Brunswick with a Bachelor of Laws in 2003. Having worked as both a lawyer and an analyst responsible for legislation pertaining to protection of privacy, access to information and personal health information, she has a broad range of experience in legal analysis, interpretation and dispute resolution.

Shane Hickey, Review Commissioner (Appointed January 2019)

Shane Hickey graduated from the Dalhousie Faculty of Law in 2011 and was called to the bar in 2012. He has extensive experience in administrative decision making at the adjudication level as well as the review and appeals levels. Most recently, Mr. Hickey was employed as the Director of Employment Standards and Residential Tenancies in the Yukon.

Heather Dunford, Review Commissioner (Resigned August 2022)

Heather Dunford graduated from Dalhousie University with a Bachelor of Science in Occupational Therapy in 1999. She has worked in both the private and public sector and has extensive experience in all areas of occupational rehabilitation including: functional capacity evaluation, adjudication assessment, clinic based rehabilitation, return to work consultation and disability case management.

Janet O'Reilly, Review Commissioner (Appointed August 2021)

Janet O'Reilly obtained her LL.B. from Dalhousie University in 1999 and was called to the Bar of Newfoundland and Labrador in 2000. Since that time Ms. O'Reilly has practiced law with Patterson Palmer; clerked at the Court of Appeal; worked as a Corporate Examiner with Johnson Insurance; and most recently, was an Access and Privacy Analyst with the Office of the Information and Privacy Commissioner. Ms. O'Reilly is also a director and actor in the local theatre community.

Contact Information

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