

# Annual Performance Report 2024-25



**Workers' Compensation  
Independent Review Board**



For more information, please contact:

Workers' Compensation Independent Review Board

2<sup>nd</sup> Floor, Dorset Building

6 Mount Carson Avenue

Mount Pearl, Newfoundland and Labrador A1N 3K4

Phone: 1-709-729-5542 Fax: 1-709-729-6956 Email: [wcirb@gov.nl.ca](mailto:wcirb@gov.nl.ca)

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 Workers' Compensation Independent Review Board's (WCIRB) Annual Performance Report for 2024-25. As Chief Review Commissioner of WCIRB, I am responsible for the preparation of this report and accountable for the results contained within.

This report represents WCIRB's second year of reporting in reference to its three-year activity plan (2023-26) as published under its former business name, the Workplace Health, Safety and Compensation Review Division (WHSCRD).

Each day, the administrative and adjudicative staff of WCIRB diligently strive to provide delivery of client centered services to injured workers and employers, and I would like to thank them for their dedication.

We remain committed to upholding the principles of natural justice, providing exceptional client service, and look forward to continued improvements in service delivery.

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

**Suzanne Hollett**

Chief Review Commissioner

# Table of Contents

<b>Overview</b>	<b>1</b>
<b>Highlights and Partnerships</b>	<b>4</b>
<b>Report on Performance</b>	<b>5</b>
<b>Opportunities and Challenges</b>	<b>11</b>
<b>2024-25 Additional Caseload Activity</b>	<b>12</b>
<b>2024-25 Statistical Overview</b>	<b>13</b>
<b>Financial Statement</b>	<b>15</b>
<b>Active Review Commissioners 2024-25</b>	<b>16</b>

# Overview

## Introduction

The Workers' Compensation Independent Review Board (WCIRB) is the final level of review within the workers' compensation system in Newfoundland and Labrador. WCIRB is responsible for the review of decisions of WorkplaceNL (WPNL). WCIRB 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 WCIRB is to review decisions of WorkplaceNL to ensure compliance with the Act and Regulations, as well as with the policies of WorkplaceNL. WCIRB is also mandated to direct appropriate remedies where necessary.

## Vision

The vision of the WCIRB 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 WCIRB offers the following services to its clients:

- Review of decisions of WorkplaceNL: WCIRB 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: WCIRB 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 WCIRB can be found on its website at <http://www.gov.nl.ca/wcirb>.

## Financial Information

Funding for the operations of WCIRB is reimbursed from the Injury Fund of WorkplaceNL pursuant to Section 36 of the **Workplace Health, Safety and Compensation Act**. In the 2024-25 fiscal year, WCIRB's budgetary allocations were administered by the financial administration division under the Minister Responsible for WorkplaceNL. Unaudited expenditures for WCIRB in 2024-25 were \$1,328,887 as provided by the Department of Finance. Please refer to page 15 for more detailed financial information.

## Review Commissioners

WCIRB 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.

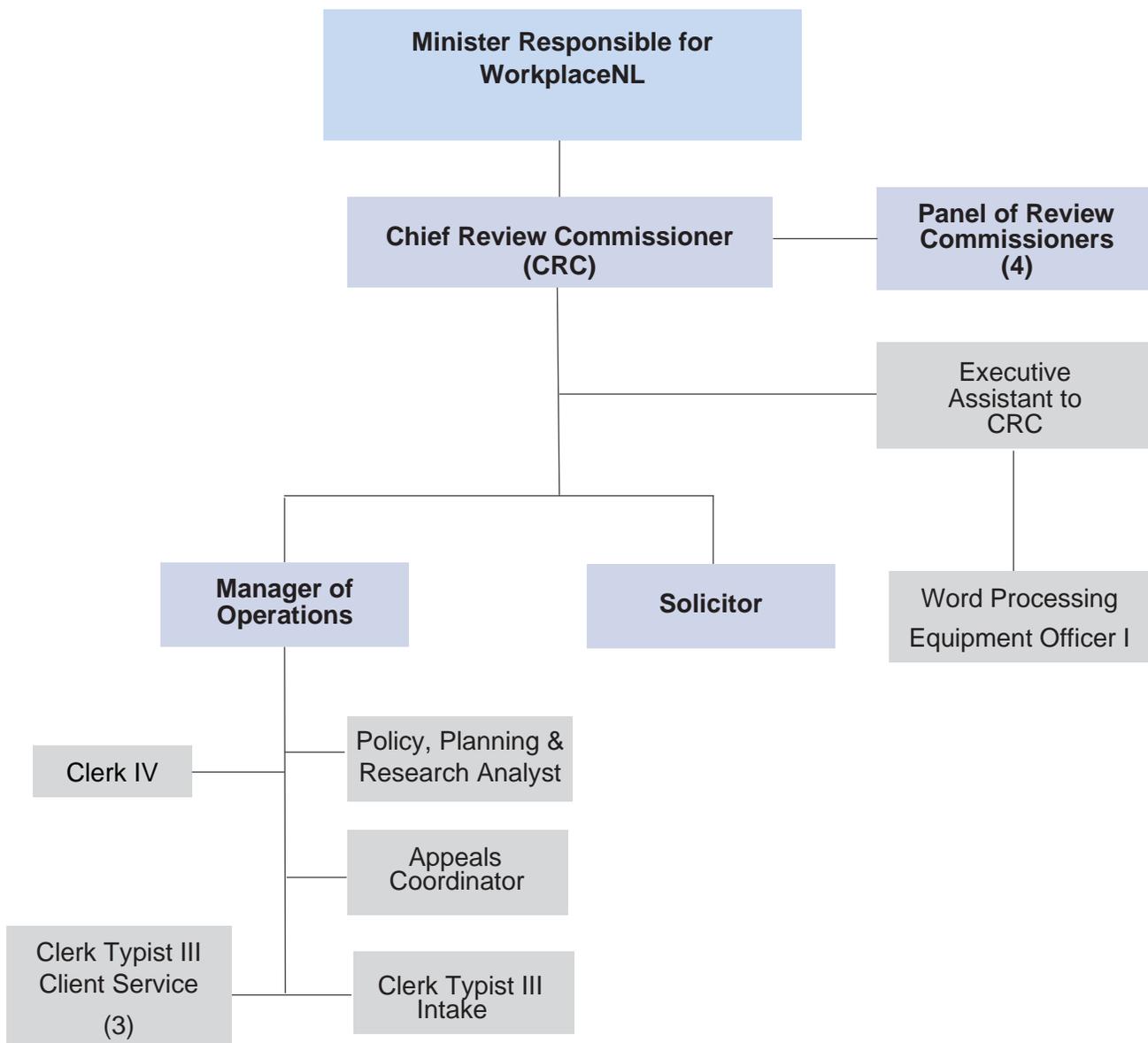
As of March 31, 2025, WCIRB's panel of review commissioners consisted of a Chief Review Commissioner and four full-time review commissioners. Please refer to page 16 for biographies of Review Commissioners that were active in 2024-25.

## Overview continued

### WCIRB Staff

During the 2024-25 fiscal year, WCIRB employed 16 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

### Joint Committee

As per recommendation 3.1 of the 2019 statutory review of the workers' compensation system in Newfoundland and Labrador, upon direction from the minister, WCIRB and WorkplaceNL formed a joint committee of representatives in 2023-24 to review, analyze and formulate operational solutions to issues surrounding consideration of additional and/or new evidence that may come forward during the external review process. The joint committee continued to meet quarterly during the 2024-25 fiscal year to build upon the success of the initial year. We are continuing to realize systemic improvements in case progression due to the work of this committee. 2024-25 saw a focus on reducing the number of cases 'on-hold' through improvements in WCIRB's Client Tracking System and the establishment of new caseload data communication processes.

## Report on Performance

Fiscal 2024-25 is the second year of the 2023-26 planning cycle, under the former WHSCRD, as referenced previously. WCIRB's 2023-26 Activity Plan outlines the issues and objectives for each year of the planning cycle and can be found, along with the subsequent annual reports, at [www.gov.nl.ca/WCIRB/Publications](http://www.gov.nl.ca/WCIRB/Publications). The results of WCIRB's work to meet its stated objectives for the 2024-25 fiscal year are laid out below.

### Issue 1: Review Application Processing

Review applications are processed through both administrative and adjudicative functions. WCIRB's administrative team receives and processes review applications to ensure all administrative requirements are met prior to scheduling a hearing for adjudication.

Cases are considered closed when a final decision has been issued, if the applicant withdraws their case, or if WCIRB determines it has to dismiss or reject an application due to an error.

WCIRB met its 2024-25 objective as outlined in the following section. WCIRB closed a total of 282 cases, representing a five per cent increase over the previous fiscal year (268 cases closed).

#### Objective Results for 2024-25

Objective: By March 31 of 2025, WCIRB will have collected all information on the standing of its review applications for reporting to the public and all other relevant parties.

Indicators	Progress and Accomplishments
Number of review applications carried over from previous year.	220
Number of new review applications received.	295
Number of review applications closed.	282
Number of reconsideration applications received.	3

## Report on Performance continued

### Objective for 2025-26

Objective: By March 31 of 2026, WCIRB will have collected all information on the standing of its review applications for reporting to the public and all other relevant parties.

Indicators:

- Number of review applications carried over from previous year,
- Number of new review applications received,
- Number of review applications closed; and
- Number of reconsideration applications received.

### Issue 2: Hearing Review Applications

With the case compiled by the administrative team, review commissioners are able to conduct hearings of review applications in-person, by video and teleconference, or a documents only (paper) review. At times applicants may request rescheduling for extenuating circumstances. In such cases, WCIRB attempts to reschedule hearings in a timely manner.

WCIRB met its 2024-25 objective as outlined in the following section.

## Report on Performance continued

### Objective Results for 2024-25

Objective: By March 31 of 2025, WCIRB will have collected all information on the standing of its hearings for reporting to the public and all other relevant parties.

Indicators	Progress and Accomplishments
Number of review applications scheduled to be heard.	35
Number of review applications waiting to be heard.	153
Number of review applications hearings rescheduled.	7
Number of review application hearings held by region.	<ul style="list-style-type: none"> <li>• Avalon 172</li> <li>• Central 32</li> <li>• West 33</li> <li>• Labrador 7</li> </ul>

### Objective for 2025-26

Objective: By March 31 of 2026, WCIRB will have collected all information on the standing of its hearings for reporting to the public and all other relevant parties.

Indicators:

- Number of review applications scheduled to be heard,
- Number of review applications waiting to be heard,
- Number of review application hearings rescheduled; and
- Number of review application hearings held by region.

## Report on Performance continued

### Issue 3: Decisions Rendered

WCIRB has the jurisdiction to review decisions of WorkplaceNL for correctness and error. This usually occurs through the hearing process. Upon completion of the hearing, review commissioners are responsible for conducting a thorough review and analysis of the issue(s) before them in order to render a timely decision according to the **Act**, based on the record of information, which includes the hearing.

Due to new, complex or emerging issues, WCIRB also selects several noteworthy decisions each year to highlight outcomes that articulate these emerging issues.

WCIRB met its 2024-25 objective as outlined in the following section.

#### Objective Results for 2024-25

Objective: By March 31 of 2025, WCIRB will have collected all information on the standing of its decisions for reporting to the public and all other relevant parties.

Indicators	Progress and Accomplishments
Number of decisions rendered.	235
Decision outcomes.	<ul style="list-style-type: none"> <li>• Allowed 42</li> <li>• Denied 143</li> <li>• Referred back to WorkplaceNL 33</li> <li>• Allowed in part or Summarily Dismissed 17</li> </ul>
Noteworthy decisions.	<p>WCIRB considers the decisions below to be noteworthy.</p> <p>Please visit our Decision Search System at the following link to read and/or download the noted decisions:</p> <p><a href="https://www.gov.nl.ca/whscrd/search-decision-system/search-decisions/">https://www.gov.nl.ca/whscrd/search-decision-system/search-decisions/</a></p>

## Report on Performance continued

### Noteworthy Decisions

#### **DECISION 2025055**

(Worker Application) – Stress as a mechanism versus stress as an injury. **Allowed**

**Applicable legislation, regulation, policy or procedure:**

ss. 2(1)(v), 7, 37, 39, 40, 50, 70, 71, Policies EN-04, EN-18, EN-19, EN-20, AP-01

#### **DECISION 2024198**

(Worker Application) – Interpretation of the former Pension Replacement Benefit provision (former s. 75, referred back to WCIRB on Judicial Review. **Allowed**

**Applicable legislation, regulation, policy or procedure (those prior to WHSCA, 2022):**

ss. 26(1) and (2), 26.1 and 28, 75

#### **DECISION 2024193**

(Worker Application) – Proportionment. **Allowed**

**Applicable legislation, regulation, policy or procedure (those prior to WHSCA, 2022):**

ss. 26(1) and (2), 26.1, 28, 43.1, 60(1), Policies EN-02, EN-20

#### **DECISION 2024188**

(Worker Application) – Suspension of wage loss benefits, intervening conditions. **Denied**

**Applicable legislation, regulation, policy or procedure:**

ss. 37, 39, 40, 50(1), 70, 82, 83, Policies EN-17, EN-20

#### **DECISION 2024114**

(Worker Application) – Mental Stress including whether Charter Values applied to this claim. **Referred back to WPNL**

**Applicable legislation, regulation, policy or procedure (those prior to WHSCA, 2022):**

s.2(1)(o), 2(2), 19(1), 19(4), 43(1), 60(1), 64, 92.6 Policies EN-18, EN-22

## Report on Performance continued

### Objective for 2025-26

Objective: By March 31 of 2026, WCIRB will have collected all information on the standing of its decisions for reporting to the public and all other relevant parties.

#### Indicators:

- Number of decisions rendered,
- decision outcomes; and
- noteworthy decisions.

## Opportunities and Challenges

### Caseload

The number of applications and total caseload for WCIRB continues on a gradual rise, which can present challenges in progressing the caseload in a timely manner. 2024-25 saw another caseload increase for a total annual caseload of 515 cases representing the highest number of cases in 10 years. Anecdotally, this appears to align with an increase in the number of internal reviews at WorkplaceNL. Staff of WCIRB have been successful in managing the caseload to date and will continue to monitor for any required adjustments in resource capacity.

## 2024-25 Additional Caseload Activity

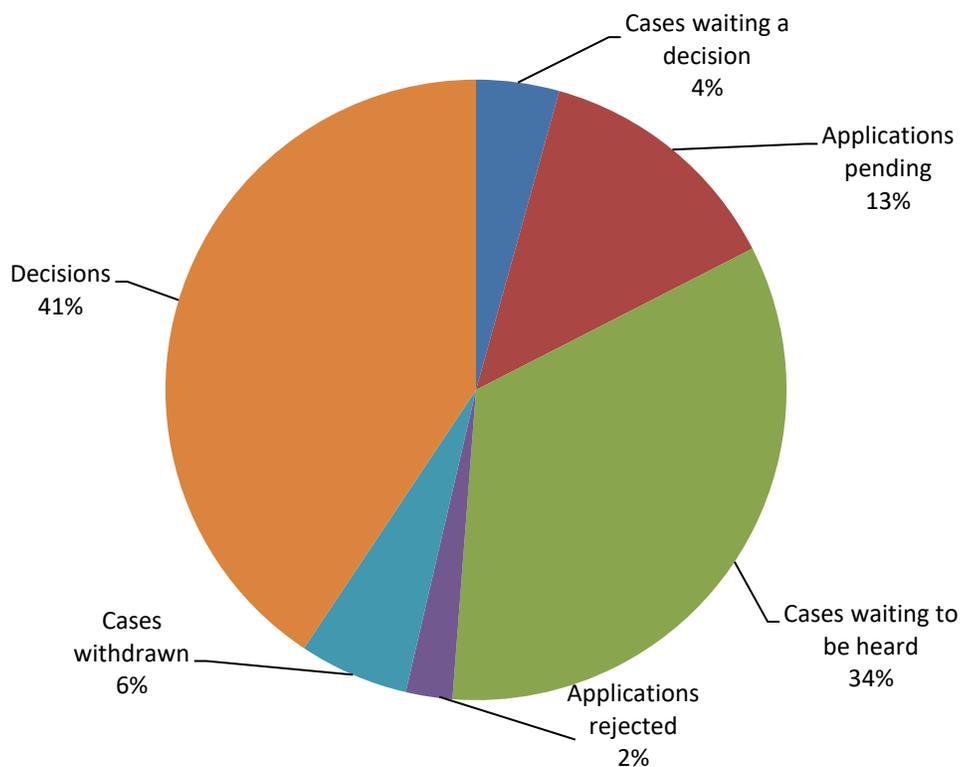
- WCIRB's overall annual caseload consisted of 515 cases (Table 1-page 13).
- Workers and their dependents filed 264 requests for review representing 89 per cent of the applications filed in 2024-25. Employers filed 33 request for review applications, or 11 per cent.
- The bulk of hearings are held in-person at the Mount Pearl office as 80 per cent of clients are located in the Avalon region. However, a growing number of clients and their representatives are also choosing to schedule their hearings via teleconference or videoconference if it means an expedited hearing date versus waiting for sufficient demand and scheduled hearings in their region.
- The top three issues under review were: Claim Denied, Extended Earnings Loss Benefits, and Permanent Functional Impairment rating (Table 2-page 14).
- The number of decisions rendered in fiscal 2024-25 (235) is up 10 per cent when compared to fiscal 2023-24.
- WCIRB decisions are legislatively required to be issued 60 days after a hearing. In fiscal 2024-25, WCIRB decisions were rendered an average of 56 days after the hearing date.
- The total number of closed cases in fiscal 2024-25 is 282. Closed cases are the sum of decisions rendered, cases withdrawn, rejected, and/or dismissed.
- Cases are typically scheduled in order of application date. However, WCIRB attempts to assess and triage issues having the most impact on an applicant's financial situation (i.e. wage loss situation) to expedite those cases where possible.

## 2024-25 Statistical Overview

Table 1 - Annual Caseload

Caseload Breakdown	2024-25
Appeals Carried Forward April 1 <sup>st</sup>	220
New Applications	295
<b>Annual Caseload</b>	<b>515</b>
<b>Closed Cases:</b>	
Decisions Rendered	235
Cases Withdrawn	33
Applications Rejected/Dismissed	14
<b>Total Finalized/Closed Cases:</b>	<b>282</b>
<b>Caseload as of March 31<sup>st</sup>, 2025</b>	<b>233</b>

Figure 1 – Year End Caseload by Disposition



## Statistical Overview continued

**Table 2 – Issues Reviewed by Decision**

Issues	Outcome			
	Objections	Allowed	Denied	Referred Back to WorkplaceNL
<b>Worker/Dependent Appeals</b>				
Aggravation of Pre-existing Condition	5	1	2	2
Claim Denied	52	13	32	5
Compensation Denied	1	0	1	0
Compensation Rate	5	1	3	1
Dependency Benefits	1	0	1	0
Early & Safe Return to Work	2	1	1	0
Extended Earnings Loss Benefits	34	11	18	5
Health Care Services	25	8	16	1
Industrial Disease	1	1	0	0
Industrial Hearing Loss	16	1	14	1
Internal Review Denied	3	0	2	1
Overpayment	4	2	2	0
Pension Replacement Benefit	2	0	2	0
Permanent Functional Impairment	27	4	16	6
Proportionment	10	5	4	1
Recurrence	12	3	6	3
Reinstatement of Benefits	3	1	2	0
Reopening	18	4	8	2
Wage Loss Benefits	13	5	5	3
<b>Totals</b>	<b>234</b>	<b>61 (26%)</b>	<b>135 (58%)</b>	<b>30 (13%)</b>
<b>Employer Appeals</b>	<b>Objections</b>	<b>Allowed</b>	<b>Denied</b>	<b>Referred to WorkplaceNL</b>
Claim Denied	2	0	2	0
Early & Safe Return to Work	1	0	1	0
Objection to a Worker's Claim	13	1	10	2
PRIME	1	0	1	0
<b>Totals</b>	<b>17</b>	<b>1 (6%)</b>	<b>14 (82%)</b>	<b>2 (12%)</b>
<b>OVERALL TOTALS</b>	<b>251</b>	<b>62 (25%)</b>	<b>149 (59%)</b>	<b>32 (13%)</b>

**Note:** Review applications may raise more than one issue/decision for review; case may also be withdrawn, rendered mute, or dismissed prior to a hearing. As a result, the above numbers may not correlate with the number of review applications filed, objection stated, 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, 2025. WCIRB is not required to provide a separate audited financial statement.

### Statement of Expenditures and Related Revenue UNAUDITED For Fiscal Year Ending March 31, 2025

	2024-25		
	Actual \$	Amended \$	Original \$
<b>Workers' Compensation Independent Review Board</b>			
01. Salaries	1,253,545	1,393,200	1,393,200
Operating Accounts:			
Employee Benefits	6,667	14,500	14,500
Transportation and Communication	25,524	62,200	62,200
Supplies	19,377	16,100	16,100
Professional Services	3,110	75,100	75,100
Purchased Services	13,940	40,300	40,300
Property, Furnishings and Equipment	6,733	4,000	4,000
	<u>\$75,342</u>	<u>\$212,200</u>	<u>\$212,200</u>
02. Revenue - Provincial	<u>(\$1,326,986)</u>	<u>(\$1,605,400)</u>	<u>(\$1,605,400)</u>
<b>Total:</b>	<b>\$1,900</b>	<b>-</b>	<b>-</b>

Source: Department of Finance (unaudited)

## Active Review Commissioners 2024-25

### **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.

### **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.

### **Stacey Pratt, Review Commissioner (Appointed June 2023)**

Stacey Pratt graduated from the University of New Brunswick, Faculty of Law in 2005 and was called to the bar in Newfoundland and Labrador in 2006. She practiced law with McInnes Cooper for a number of years, following which she spent over a decade specializing in legislative analysis and interpretation in the areas of access to information, protection of privacy and personal health information with the Office of the Information and Privacy Commissioner and the Newfoundland and Labrador Centre for Health Information. Following that time Ms. Pratt served as the Legislative Officer/City Clerk with the City of Mount Pearl.

### **John Goodland, Review Commissioner (Appointed June 2023)**

John Goodland graduated from the University of New Brunswick with a Bachelor of Laws in 1999 and was called to the Newfoundland and Labrador Bar in 2000. After ten years in private law practice with various sized law firms in the province, in 2010 Mr. Goodland joined the Office of the Public Trustee, Department of Justice and Public Safety. Before accepting the position as Review Commissioner, Mr. Goodland served as the Public Trustee for the Province of Newfoundland and Labrador for nearly eight years.

## Contact Information

Workers' Compensation Independent Review Board

2nd Floor, Dorset Building

6 Mount Carson Avenue

Mount Pearl, NL A1N 3K4

Telephone: (709) 729-5542

Fax: (709) 729-6956

Toll Free: 1-888-336-1111

E-mail: [wcirb@gov.nl.ca](mailto:wcirb@gov.nl.ca)

Website: [www.gov.nl.ca/wcirb](http://www.gov.nl.ca/wcirb)

