

August 12, 2019



Dear :

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: SNL-094-2019]**

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On July 26, 2019, Service NL received your request for access to the following records:

*June 2019 Workplace Health, Safety and Compensation Review Division briefing materials titled: - Caseload and Timelines - Recruitment of Review Commissioners*

I am pleased to inform you that a decision has been made by the Deputy Minister for Service NL to provide access to the requested information.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

The *Access to Information and Protection of Privacy Act* (the Act) requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days

after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-0071 or by e-mail at [FrankWalsh@gov.nl.ca](mailto:FrankWalsh@gov.nl.ca).

Sincerely,

A handwritten signature in blue ink that reads "Frank Walsh". The signature is written in a cursive, slightly slanted style.

**FRANK WALSH**  
ATIPP Coordinator  
Service NL

**Access or correction complaint**

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

**Direct appeal to Trial Division by an applicant**

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

**QP Issue Note**  
**Workplace Health, Safety and Compensation Review Division**

**ISSUE: Caseload and Timelines**

Concerns regarding caseload backlog and wait times for hearings have been raised consistently, and more frequently in the past year. Advocates for injured workers are dissatisfied with the current wait time of one year for an appeal.

**ANTICIPATED QUESTIONS:**

How many cases are waiting for a hearing?

What is government doing to address the backlog of cases?

**KEY MESSAGES:**

**The timely delivery of workers' compensation appeal services is a priority.**

**We recently appointed three additional full-time review commissioners to deal with an annual average caseload of over 460 cases.**

**These appointments will strengthen the ability of the Review Division to ensure a fair, effective and timely review process.**

**There are 24 cases currently scheduled.**

**There are approximately 217 cases waiting to be scheduled.**

**SECONDARY MESSAGING:**

- We recognize the importance of this service and have committed the resources necessary to advance the caseload.
- WHSCRD has a very streamlined approach to its case management strategies.
- Review commissioners are highly trained in their role in order to assess the claims and review the decisions of WorkplaceNL appropriately.
- Review commissioners have completed their training and the backlog of cases is being addressed.

**QP Issue Note**  
**Workplace Health, Safety and Compensation Review Division**

**ISSUE: Recruitment of Review Commissioners**

Advocates for injured workers often raise concerns that it takes too long for an appeal to be processed by the Workplace Health, Safety and Compensation Review Division. Vacancies on the panel are often cited as a cause.

**ANTICIPATED QUESTIONS:**

What is government doing to recruit Review Commissioners?

**KEY MESSAGES:**

**We recognized the need to ensure an efficient and accessible appeals process.**

**Full-time appointments were necessary to achieve the outcome.**

**The Review Division worked closely with the IAC to fill three vacancies with full-time review commissioners.**

**This approach helps strengthens the ability to ensure a fair, effective and timely review process.**

**SECONDARY MESSAGING:**

- Two full-time review commissioners were appointed effective January 7th and 8th, 2019; and a third full-time review commissioner was appointed effective March 4, 2019.
- The new full-time review commissioners possess the essential qualifications and competencies necessary for the role.
- WHSCRD engages in substantive and robust training with new review commissioners.
- We anticipate moving toward a significant reduction in the timelines within which cases are heard and decisions are rendered.
- The Review Division panel may have up to seven review commissioners at a time.
- With the recent appointments there is one full-time chief review commissioner, three full-time review commissioners and one part-time commissioner.