

WorkplaceNL Review Committee

April 27, 2020

It is stated in your review of WorkplaceNL, that comments related to the operation/performance of this Government department, are welcomed.

I have several issues. First of which is that they need to be accountable. They have legislation in place that states that they can choose to not follow legislation whenever they choose. As for their justification to allow non-justifiable claims, they say to appeal. Their "internal review specialist" will revert to the "it's a no-fault system". I have many examples of this happening.

I have examples of employees going to a doctor and bringing back a form 8/10 without reporting an injury. The medical professional accepts an injury happening without any proof. This has happened several times. This again defies their legislation, which leads to an appeal which leads to "this is a no-fault system". I had an employee report an injury 4 months after it supposedly happened, legislation states 3 months. This appeal went to the independent review commission and even she upheld their decision to allow the claim.

I have a case of an employee blatantly defy the OHS Act/Regs which led to an injury, This was a case of "serious and willful misconduct" by an employee. The internal review specialist disagreed and sited Policy EN-19 which states that his actions were a violation but the claim was accepted. This claim set a precedent that an employee has no responsibilities.

I have sent emails to the Minister of ServiceNL but this leads back to no accountability. This has to change. Employers are being penalized by excess charges generated by the commissions' acceptance of every claim, no matter what their legislation states. In my 7 years as OHS Manager, they have not denied a claim.

I have several and varying examples where WorkplaceNL can and does what they want. This is NOT "A Way Forward". Their legislation should state that no matter where, when, or how a worker injures him/herself, their claim will be accepted. I have the documented evidence to prove this.

Respectfully,

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