
Law

The *Workplace Safety and Insurance Act* provides:

s.121

The WSIB may reconsider any decision made by it and may confirm, amend or revoke the decision. The WSIB may do so at any time if the WSIB considers it advisable to do so.

s.131(4)

The Board or the Appeals Tribunal, as the case may be, shall promptly notify the parties of record of its decision in writing and the reasons for the decision. The Appeals Tribunal shall also notify the Board of the decision.

Policy

The WSIB may reconsider any decision, and confirm, amend, or reverse it.

The individual making the reconsideration decision is responsible for advising the worker and the employer of the decision.

NOTE

In this document, references to workers also include survivors.

Guidelines

Who can reconsider decisions?

- The original decision-makers
- Decision-makers in the Appeals Branch
- Decision-makers' managers
- The managers' managers
- Decision-makers in Regulatory Services

Management of claim/file

Reconsiderations in operating area

If a manager reconsiders a decision, the manager does not assume responsibility for the management of the claim or employer file. This responsibility remains with the original decision-maker.

Reconsiderations in Regulatory Services

When a decision-maker in Regulatory Services proposes to make a reconsideration, responsibility for the management of the claim or employer file may be removed from the operating area and/or Appeals Branch until a final decision is made.

**Operational
Policy**

Section
Adjudication Principles

Subject
Reconsiderations of Decisions

When a decision-maker in Regulatory Services proposes to reconsider a previous decision, the relevant parties are given notice and invited to participate in a reconsideration process. Participants may obtain access (see 21-02-01, Access to Claim File Information- Issue in Dispute), provide submissions and give sworn testimony at a Reconsideration Hearing.

The Regulatory Services decision-maker considers the response(s) received, if any, and confirms, amends or revokes entitlement. The time for resolution will depend upon the complexity and circumstances of each case. This is considered the WSIB's final decision.

Communicating decisions

If a decision-maker confirms, amends, or reverses a previous decision, a letter is sent to the relevant workplace parties:

- stating the decision
- explaining the rationale, including any applicable legislation and policy
- outlining the information used to make the decision, and
- advising both parties of their right to object.

Objecting to reconsiderations

Reconsiderations do not replace the right of workplace parties to object to a decision, and should not be viewed as an alternative to launching a formal objection.

Reconsiderations in operating area

The WSIB requires workers and employers who disagree with the outcome of a reconsideration to call the decision-maker and discuss their concerns. This should help to clear up any misunderstandings that may exist, and avoid unnecessary objections.

Workers and employers may object to any reconsideration made by the decision-maker. If the decision-maker cannot resolve the objection, they refer the objection to the Appeals Branch.

Reconsiderations in Regulatory Services

If a Regulatory Services decision-maker amends or revokes a previous decision, this determination is considered the WSIB's final decision. Objections must be directed to the Workplace Safety and Insurance Appeals Tribunal (WSIAT).

Application date

This policy applies to all reconsiderations of decisions made on or after December 1, 2001, for all accidents.

Document History

This document replaces 11-01-14 dated December 14, 2001.

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This document was previously published as:

01-01-07 dated August 27, 1997.

References

Legislative Authority

Workplace Safety and Insurance Act, 1997, as amended
Sections 119, 131

Workers' Compensation Act, R.S.O. 1990, as amended
Section 70

Minute

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