

DECISIONS/FINDINGS AND REASONS FOR DECISIONS

	DECISIONS/FINDINGS	Section of Act	Policy (if any)
AB	Alberta's Act gives a claim's adjudicator statutory authority to decide entitlement in a case in the first instance. The Alberta Act states that the employer and worker, or dependant, shall be advised in writing of the particulars of the determination, and shall, on request, be provided with a summary of the reasons, including medical reasons, for the determination.	Workers' Compensation Act (s. 35, 42, 44)	
BC	In British Columbia, there are limitations on reopenings or reconsiderations of previous decisions. With respect to reopenings, the WCB may, at any time, on its own initiative or on application, reopen a matter that has been previously decided by the WCB if there has been a significant change in a worker's medical condition that the WCB previously decided was compensable or if there has been a recurrence of a worker's injury. With respect to reconsiderations, the situation varies according to the subject matter of the previous decision. The WCB may, on its own initiative, reconsider compensation, rehabilitation or assessment decision within 75 days of the decision being made (unless there has been a request for a review or an appeal initiated in which case the authority to reconsider immediately ends). The WCB may, on its own initiative, vary or cancel an occupational health and safety decision or order at any time (unless there has been a request for a review or appeal initiated in which case the authority to vary or cancel immediately ends). The WCB may set aside any decision or order (compensation, rehabilitation, assessment or occupational health and safety) at any time if it resulted from fraud or misrepresentation.	Workers Compensation Act (s. 96, 113)	Chapter 14 of the RS&CM, Vol. II
MB	Upon the written request of a person with a direct interest in the matter, the Manitoba WCB and the Manitoba Appeal Commission shall provide a written summary of the reasons for the decision.	Workers Compensation Act (s. 60.1(4), 60.8(5))	Policy 21.00, Review Office Policy 21.05.10, Reconsideration Assessment Related Decisions
NB	Decisions of WorkSafeNB shall be upon the real merits of the case, and it is not bound to follow strict legal precedent.	Workers Compensation Act (s. 33, 34, 35)	
NL	Newfoundland & Labrador sets out four reasons for which the Commission may reconsider a claim or decision. They include where an injury has proven more or less serious than it was considered to be; new evidence has been presented; a change has occurred in the condition of a worker, or in the number, circumstances or condition of dependents or otherwise; or a worker not following medically prescribed treatment.	Workplace Health, Safety and Compensation Act (s. 64)	N/A
NT/ NU	In Northwest Territories & Nunavut each matter is to be decided according to the justice and merits of the case, and the Commission is to draw all reasonable inferences and presumptions in favour of the worker.	Workers' Compensation Act (s. 92(2))	Policy 00.08, Decision Making

Source: Association of Workers' Compensation Boards of Canada – 2011

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	DECISIONS/FINDINGS	Section of Act	Policy (if any)
NS	The decisions, orders and rulings of the Board shall always be based upon the real merits and justice of the case and in accordance with this Act, the regulations and the policies of the Board. Notwithstanding anything contained in the Act, on any application for compensation an applicant is entitled to the benefit of the doubt which means that, where there is doubt on an issue respecting the application and the disputed possibilities are evenly balanced, the issue shall be resolved in the worker's favour. Furthermore, the Board may reconsider any decision, order or ruling made by it and confirm, vary or reverse the decision, order or ruling. The criteria for "reconsideration" of a decision are set out in Board policy.	Workers' Compensation Act (s. 185, 186 and 187)	
ON	Ontario communicates its decisions, and the reasons, in writing to parties of record.	Workplace Safety and Insurance Act (s. 131(4))	Policy 11-01-02, Decision-Making
PE	The Board shall not reconsider a decision under this Act or the prior Act made after April 1, 2002, except on the written request of a person with a direct interest in the decision made not later than 90 days from the date of notification of the decision.	Workers Compensation Act (s.56(1))	POL-83 New Evidence POL-68 Weighing of Evidence POL-48 Internal Reconsideration
QC	In Quebec, the Commission shall render its decisions according to equity and upon the real merits and justice of the case. The Commission may reconsider its decision within 90 days, if the decision was not the subject matter of a decision rendered pursuant to a revision aiming at correcting an error. On its own initiative, or at the request of a party, and if the decision of the Commission has been rendered before an essential fact was known, the Commission may reconsider such decision within 90 days from the day when such fact became known. Before reconsidering a decision, the Commission shall advise the persons to whom it had notified the decision. The Commission may not reconsider a decision rendered on a financial issue.	Act respecting Industrial Accidents and Occupational Diseases (s. 351, 365 and 366)	
SK	Decisions by the Board are based upon the real merits and justice of the case. Claim decisions are communicated in writing.	Workers' Compensation Act (s. 25(1))	Policy & Legislation POL 04/1999, 13/91, 03/94
YT	Yukon's Act gives a claim's adjudicator statutory authority to decide entitlement in a case in the first instance. Decisions are communicated in writing.	Workers' Compensation Act (s. 15, 16)	

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	REASONS FOR DECISION	Section of Act	Policy (if any)
AB	Alberta provides that the Workers' Compensation Board must give notice of their determination to the worker and employer and, on request, provide a summary of reasons for the finding.	Workers' Compensation Act (s. 35, 44)	
BC	The British Columbia <i>Workers Compensation Act</i> requires that written reasons for decisions be provided in the following situations: on an application for a variance order under Part 3; an employer assessment; and a final decision by the appeal tribunal. In all other circumstances, Board policy provides that where a claim is allowed and there has been no protest, the Board will not provide reasons for the decision. Where a claim has been allowed but protested by an employer or an adverse decision made, the Board will notify the affected party of the decision and provide reasons.	Workers Compensation Act (s. 40, 169, 253)	
MB	Upon the written request of a person with a direct interest in the matter, the WCB and the Appeal Commission will provide a written summary of their reasons.	Workers Compensation Act (s. 60.1(4), 60.8(5))	
NB	WorkSafeNB may where deemed necessary, and shall on application of an employer, or worker interested in a decision, issue a certificate embodying the substance of such a decision.	Workers' Compensation Act (s. 35)	
NL	No specific legislative provision.	No reference	N/A
NT/ NU	Northwest Territories & Nunavut must give written notice of their decision to the worker and employer and the decision must contain reasons for the decision.	Workers' Compensation Act (s. 31(3),(4))	Policy 00.08, Decision Making
NS	WCB issues written decisions.	Workers' Compensation Act (s. 198(2))	
ON	Ontario's WSIB must supply reasons and decisions in every case.	Workplace Safety and Insurance Act (s. 131(4))	Policy 11-01-02, Decision Making
PE	Following reconsideration, the Board may confirm, vary or reverse its decision and shall, on the written request of a person with a direct interest in the matter, provide a written summary of its reasons.	Workers Compensation Act (s.56(5))	
QC	In Quebec, decisions of the Commission must be in writing, substantiated and notified to the interested parties as soon as possible.	Act respecting Industrial Accidents and Occupational Diseases (s. 354)	
SK	Saskatchewan is to give written reasons for unfavourable decisions.	Workers' Compensation Act (s. 49)	Policy & Legislation POL 04/1999
YT	Yukon's WHSCB ¹ must supply reasons and decisions must be written in plain language in every case.	Workers' Compensation Act (s. 58)	

1 With the exception of decisions relating to procedural matters.

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