



Guide to Sensitive Decision Release Process

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This Guide explains

- The Workplace Safety and Insurance Appeals Tribunal's (WSIAT) Sensitive Decision Release Process
- What factors the WSIAT will consider in deciding whether to release a decision utilizing this process
- The methods that may be used to release a decision under this process
- The roles of WSIAT adjudicators and staff during this process

This guide is meant to provide information only. Processes may be varied as appropriate in any matter at the sole discretion of the WSIAT.

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Overview

In the majority of cases, WSIAT decisions are released directly to parties and their representatives. However, in exceptional circumstances, decisions can be released to parties utilizing an alternative process. The WSIAT implements the Sensitive Decision Release Process in cases where the WSIAT has a reasonable basis to be concerned about the health and safety of a party receiving a decision.

This Guide outlines the WSIAT's Sensitive Decision Release Process.

Application

The Sensitive Decision Release Process is reserved for cases where there are reasonable concerns regarding the significant and harmful effects of releasing a decision on a party's health and safety. This process is not for cases where parties may be simply disappointed with the decision outcome.

Examples of situations warranting consideration of this process include:

- Adverse decision, or adverse in part, and the party has a history of self-harm;
- Adverse decision, or adverse in part, and the party has expressed intent to harm others; and
- Not an adverse decision but the party is in a fragile mental state.

Process

Concerns may be raised by WSIAT staff, external individuals, or representatives, which are referred to the assigned Panel or Vice-Chair for consideration.

The decision to initiate the Sensitive Decision Release Process will be made by the assigned Panel or Vice-Chair. The method of the decision release will be decided by the Panel or Vice-Chair in consultation with the Tribunal Counsel Office (TCO) and, if necessary, the Tribunal Chair.

While the WSIAT will make every effort to release a decision as quickly as possible, engaging the WSIAT's Sensitive Decision Release Process may cause some delay in the release of a decision. Efforts will be made to ensure that the party does not receive the decision on a Friday or over the weekend when support resources may be closed.

Represented Party

- Parties that are represented will be informed of the WSIAT's decision to engage the Sensitive Decision Release Process by a Tribunal Counsel Office (TCO) Lawyer.
- The TCO Lawyer will request that the representative receive the decision by courier, fax or E-share. The TCO Lawyer will request that the representative meet with the party to explain the decision and provide the party with a copy of the decision.
- In cases where the representative is unable to provide a copy of the decision to the party, the TCO Lawyer will request that the representative explain the decision to the party before the party receives their copy of their decision from the WSIAT by regular mail.
- While it cannot be guaranteed, the WSIAT will make efforts to release the decision on the representative's preferred date.

Unrepresented Party – Healthcare Provider Assistance

- In cases where a party does not have a representative, the WSIAT may seek assistance from the party's healthcare provider for decision review and delivery.
- The WSIAT's Medical Liaison Office (MLO) will review the file to identify which healthcare provider will be most appropriate to assist with releasing the decision.
- MLO will contact the healthcare provider and request that they receive the decision and book an appointment with the party to provide the decision to them.

Unrepresented Party – Tribunal Release

- When a representative and healthcare provider are unavailable, the WSIAT may consider whether it is appropriate to release the decision directly to the party, ensuring proper support and explanation.
- The WSIAT will courier the decision to the party, and also send the party a document outlining various resources and organizations the party can contact for additional support.
- Once the WSIAT receives confirmation that the party has received the decision, a TCO Lawyer will follow-up with the party by phone to explain the outcome of the decision.

Exceptional Cases – Wellness Check

- As a last resort, where other options are not feasible, the WSIAT may arrange a wellness check.

- A wellness check is arranged by emergency services or a community resource to ensure the party's well-being after receiving the decision. Where available, a mental health professional may conduct the wellness check.
- The WSIAT will only exercise this option where there is a high likelihood of harm to a party as a result of receiving the decision.
- The decision will be couriered to the party with a letter explaining that a wellness check has been arranged. Once the WSIAT receives confirmation that the party has received the decision, emergency services or a community resource will be asked to perform the wellness check.

If you are concerned about a party's health and safety while receiving a decision, please contact the WSIAT.

If you have any questions, concerns or feedback about the Sensitive Decision Release Process, please contact the WSIAT's Tribunal General Counsel.

Privacy and Confidentiality

The WSIAT is committed to respecting all party's privacy and recognize the importance of protecting personal information. The WSIAT will only disclose personal information as necessary in the circumstances, and in accordance with the [Workplace Safety and Insurance Act, 1997](#) and the [Freedom of Information and Protection of Privacy Act](#).

Questions about the disclosure of information should be directed to the Freedom of Information Coordinator at the WSIAT by calling 416-314-8800 or 1-888-618-8846 (toll-free), or 416-314-1787 (TTY).

Disclaimer

The WSIAT prioritizes the well-being of all parties and will use the Sensitive Decision Release Process in cases to mitigate potential harm.

Any party's reaction to a WSIAT decision is inherently unpredictable and beyond the WSIAT's control.

While this Guide sets out the WSIAT's good faith efforts to identify cases in which there is a reasonable basis to be concerned about a party's reaction to the decision, it must be recognized that such reactions are beyond the WSIAT's control and responsibility.