



YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD

SUBJECT: ACCESS TO INFORMATION


POLICY NO.: GC-13

BOARD APPROVAL: 

APPROVAL DATE: February 17, 2004

EFFECTIVE DATE: February 17, 2004

REVOKED

APR 26 2005 

POLICY STATEMENT

SECTION

REFERENCE: 108, 112 *Workers' Compensation Act R.S.Y.(2002)*

POLICY: **ACCESS TO INFORMATION**

Background

On December 11, 2002 the Information and Privacy Commissioner sent a letter to the Yukon Workers' Compensation Health & Safety Board. He stated that, in his opinion, the Yukon Workers' Compensation Health & Safety Board is not a public body as defined within the *Access to Information and Protection of Privacy Act* (ATIPP). This policy addresses the resulting gap in direction.

Principle

The Yukon Workers' Compensation Health & Safety Board is committed to upholding the principles of the Yukon ATIPP Act. The purpose of this policy is to ensure the Yukon Workers' Compensation Health & Safety Board releases information appropriately and in a timely manner while protecting personal privacy.

Application

This policy applies to all information requests filed with the Yukon Government under the ATIPP Act, the *Workers' Compensation Act* and the *Occupational Health and Safety Act*.

Policy

Roles and Responsibilities

Yukon Workers' Compensation Health and Safety Board will follow all the requirements as stipulated within the Yukon ATIPP Act. In the event of a conflict between the ATIPP Act requirements and the *Workers' Compensation Act*, or the *Occupational Health and Safety Act*, the *Workers' Compensation Act* or the *Occupational Health & Safety Act* will prevail. The receiving of

information requests and the preparation of responses will be coordinated through the Yukon Government's designated ATIPP office.

The role of the Information and Privacy Commissioner and his/her duties related to the handling of complaints, reviews and appeals will be done through a Board Inquiry Panel.

Requests for Review

Board Inquiry Panel

The Board Inquiry Panel will be composed of three (3) members from the Board of Directors: the chair or alternate chair, one (1) employer representative and one (1) worker representative, hereafter called the "Inquiry Panel".

Appeal Rights

All responses to applicants will include reference to this policy. Applicants will be told of their right to appeal a Workers' Compensation Health and Safety Board decision to the Inquiry Panel.

Jurisdiction of Inquiry Panel

The Inquiry Panel will have the same jurisdiction to hear appeals from applicants and requests from the YWCH&SB administration, as designed within the ATIPP Act to the Information and Privacy Commissioner.

How to Ask for a Review

To ask for a review by the Inquiry Panel, the applicant must deliver a written request to the President within:

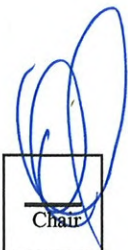
- 30 days after the applicant is notified of the decision they want reviewed, or
- 30 days after the date of the act or failure to act that they want reviewed, or
- by a third party, 20 days after notice was given in the case of a review to disclose personal information; or
- a longer period allowed by the Inquiry Panel.

The President may require the applicant to provide full details related to the review.

Inquiry by Inquiry Panel

The Inquiry Panel may try to settle or may authorize a mediator to investigate and try to settle a matter under review. If the matter cannot be settled, the Inquiry Panel will conduct an inquiry.

A Panel inquiry will be conducted in accordance with the same principles as an inquiry by the Information and Privacy Commissioner, as stated within the ATIPP Act.



Chair

The inquiry into a matter under review must be completed within 90 days after receiving the request for the review, or within an additional period of up to 60 days if the additional time is needed for mediation of the review.

Powers of Inquiry Panel in Conducting Review

The Inquiry Panel has the powers of the Information and Privacy Commissioner as stated in the ATIPP Act and as provided under the *Workers' Compensation Act*.

The acts or decisions of the Inquiry Panel are final and conclusive and not open to question or review in any court.

Inquiry Panel to Report

The Inquiry Panel will prepare a report of its findings, recommendations, and reasons for those findings and recommendations, to the President of the Corporation, the applicant, and the Board of Directors.

How Personal Information is Requested

Personal information must be collected from the individual directly unless another method of collection is authorized by the individual, the relevant legislation, or the Inquiry Panel.

Annual Inquiry Panel Report

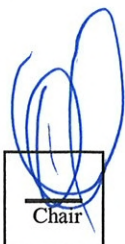
The Workers' Compensation Health and Safety Board Annual Report will include a report on the number and disposition of the complaints brought before the Inquiry Panel.

References:

Workers' Compensation Act

Occupational Health & Safety Act

Access to Information and Protection of Privacy Act



Chair