

**POLICY NUMBER: POL-62**

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**Chapter:**  
**CLAIMS**

**Subject:**  
**BENEFIT OF DOUBT**

**Effective Date:**  
**July 19, 2001**

**Last Updated:**  
**April 4, 2016**

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**REFERENCE:**

*Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Sections 17, 56(2).*  
Workers Compensation Board policy, POL-68, Weighing Of Evidence.

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**PURPOSE STATEMENT:**

This policy explains the benefit of doubt provision as it applies to decision making on applications for compensation benefits.

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**DEFINITION:**

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**POLICY:**

1. The decisions of the Workers Compensation Board are made in accordance with the real merits and justice of a case. The Workers Compensation Board is not bound to follow strict legal precedent.

In determining the merits and justice of a case the Workers Compensation Board must consider:

- all relevant information relating to the case in order to establish the facts and circumstances;
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- relevant provisions of the *Workers Compensation Act and Regulations*; and
  - relevant Workers Compensation Board policies.
2. A worker is not required to provide proof beyond any reasonable doubt in support of a claim for compensation. The Workers Compensation Board will assess and weigh all relevant evidence and make decisions based on a balance of probabilities - a degree of proof which is more probable than not.

Where, on any application for compensation, the Workers Compensation Board concludes the evidence for or against the issue is approximately equal in weight, the issue will be resolved in favour of the person claiming benefits. Where the benefit of doubt principle is applied, the decision must be supported by rationale for finding the evidence to be approximately equal in weight.

3. The principle of 'Benefit of Doubt' is not to be used:
- as a substitute for lack of evidence;
  - in a purely speculative sense; or
  - when the issue can be decided on the balance of probabilities.

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**HISTORY:**

April 4, 2016 - Amended to include a purpose statement and non-substantive changes.

July 28, 2011 - The policy was updated as a result of the 60 month policy review process. Amended to ensure the wording in this policy is consistent with the *Workers Compensation Act* and other Workers Compensation Board policies.

June 22, 2006 - The policy was updated as a result of the 60 month policy review process.

Board of Directors Approval Date: July 19, 2001