

Overheads from “The Art and Science of Decision Writing” : Nov. 20/98, 2:00 to 4:00 p.m.

Ann Somerville , Associate Counsel to the Chair

Workplace Safety and Insurance Appeals Tribunal

DECISION WRITING

A. WHY GIVE REASONS

1. Legislation/Courts/Your Agency's Practice
2. An Explanation To The Parties
3. Helps The Courts/Reviewing Bodies
4. Informs Broader Public
5. Helps The Decision-Maker

B. WHAT ARE REASONS?

- More than a result, order, bare conclusion
- An analysis or explanation of why and how, as opposed to simply what
- Parties entitled to know in a meaningful way why the decision was reached

C. AN ORGANIC MODEL OR STRUCTURE FOR REASONS

- 1) Identify The Issues
- 2) Findings of Fact
 - Evidence relevant to the issues
 - Address conflicts raised by evidence
 - Credibility
- 3) Identify Relevant Law
- 4) Apply The Law To The Facts -- leads to a conclusion