Alberta WCB Policies & Information

Chapter:
GENERAL POLICIES

Subject:
BENEFIT OF DOUBT

Authorization:	Date:
BoD Resolution 2018/01/03	**February 21, 2018**

REFERENCE: *Workers' Compensation Act, RSA 2000, Section 17*

POLICY: If the evidence for and against a decision on a claim is approximately equal, the *benefit of doubt* goes to the injured worker.

This policy is effective January 1, 2018.

INTERPRETATION:

1.0 Benefit of Doubt

A worker is not required to provide proof beyond any reasonable doubt in support of a claim for compensation. Adjudication is determined on the balance of probabilities, based on all the facts. If, however, there is doubt on any issue because the evidence is approximately equal in supporting one or more decisions, WCB will resolve the issue in the worker's favour.

The use of the term "approximately" reflects the fact that the process of weighing evidence is inherently subjective. Because this process does not involve assigning specific or precise numerical weight to the often complex and multifactorial evidence under consideration, it therefore involves "approximating" the weight of such evidence. Use of this term is not intended to mean that evidence, either collectively or individually, will be given more or less weight based on the application of benefit of the doubt, but only that where, in the assessment of the decision maker, the weight of the evidence for and against a specific issue is equally balanced, that issue will be resolved in favour of the worker.

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Benefit of Doubt (continued)

The principle of benefit of doubt is not to be used:

- as a substitute for lack of evidence, or
- in a purely speculative sense, or
- when the issue can be decided on the balance of probabilities.

Previous versions

- Policy 0103 Part I - February 2018
- Policy 0103 Part I - August 2015
- Policy 0103 Part I - January 2004
- Policy 0103 Part I - January 2002
- Policy 0103 Part I (consolidated manual 1st Issue) - February 1997

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