

CHAPTER 15

ADVICE AND ASSISTANCE

#109.00 INTRODUCTION

Workers or employers requiring advice or assistance on some aspect of a compensation claim are advised in the first instance to contact the Board. For difficulties that are not resolved by this procedure, the *Act* has established Workers' Advisers and Employers' Advisers.

A worker or employer may also obtain advice and assistance from other sources, for example, trade unions, and employers' associations.

EFFECTIVE DATE: June 1, 2009 – Delete references to Adjudicators, Claims Officer and Board officer.

APPLICATION: Applies on or after June 1, 2009

#109.10 Workers' Advisers

The duties of Workers' Advisers are to:

1. give assistance to a worker or to a dependant having a claim, except where a Workers' Adviser thinks the claim has no merit;
2. on claims matters, communicate with or appear before the Board or the Workers' Compensation Appeal Tribunal on behalf of a worker or dependant where an Adviser considers assistance is required; and
3. advise workers and dependants with regard to the interpretation and administration of the *Act* or any regulations or decisions made under it. (1)

A Workers' Adviser and staff shall have access at any reasonable time to the complete claims files of the Board and any other material pertaining to the claim of an injured or disabled worker; but the information contained in those files shall be treated as confidential to the same extent as it is so treated by the Board. (2)

EFFECTIVE DATE: March 3, 2003 (as to reference to the Workers' Compensation Appeal Tribunal)

APPLICATION: Not applicable.

#109.20 Employers' Advisers

The duties of an Employers' Adviser is to:

1. give assistance to an employer respecting any claim of
 - (a) a worker, or
 - (b) a dependant of a workerof that employer, except where an Employers' Adviser thinks the claim has no merit;
2. on claims matters, communicate with or appear before the Board or the Workers' Compensation Appeal Tribunal on behalf of an employer where an Adviser considers assistance is required; and
3. advise employers with regard to the interpretation and administration of the *Act* or any regulations or decisions made under it. (3)

An Employers' Adviser and staff have the same right of access to the Board's claim files as a Workers' Adviser and is subject to the same obligation of confidentiality. (4) In addition, section 94(5) specifically provides that "An employers' adviser must not report or disclose to an employer information obtained from or at the Board of a type that would not be disclosed to the employer by the Board."

EFFECTIVE DATE: March 3, 2003 (as to reference to the Workers' Compensation Appeal Tribunal)

APPLICATION: Not applicable.

#109.30 Ombudsman

The Ombudsman has the right to examine or copy material from claim files in the possession of the Board.

The Board regards the work of the Ombudsman's office as a forward step in the process of assuring fair and reasonable approaches to matters within the Board's jurisdiction. Full cooperation will therefore be extended to the staff of the Ombudsman's office in all matters.

NOTES

- (1) s.94(2)
- (2) s.95(3)
- (3) s.94(3)
- (4) s.95(3)

