

Claims review and appeal guide for employers

The claim decision process

We make many decisions throughout a claim and we're committed to ensuring each decision is consistent with the *Workers Compensation Act* (the "Act") and our policies.

When we accept or deny a worker's claim, we always send a copy of the decision letter to the employer. We also send employers copies of other decisions affecting the claim.

If you don't understand a decision, have a concern about any decision we make, or have new information that may affect a decision, you can:

- Ask us to explain and/or reconsider the decision
- Request a review of the decision
- Initiate an appeal of the decision

These three options are described in the next paragraphs.

Reconsidering the decision

We may reconsider a decision on a claim within 75 days of the date of the decision. You can contact the person who made the decision and they will explain the reasons for the decision and/or consider any additional information you provide. The decision maker must complete the reconsideration process within the 75-day period. If the decision contains an obvious error or omission we may be able to change the decision beyond the 75-day period.

We cannot reconsider a decision if a review or appeal has already been requested.

Requesting a review of the decision

If you still disagree after speaking with the decision maker, you can request a review by the Review Division within 90 days of the date of the decision.

The Review Division is an independent division of WorkSafeBC that provides impartial review of decisions made under the Act. Anyone directly affected by a claim (employers, workers, and dependants of deceased workers) can request a review.

To request a review, you can either:

- Visit worksafebc.com to request a review online
- Submit a paper-based Request for Review form (you can find this form on worksafebc.com, or call us and we will send you a copy)

Please be sure to submit your request before the 90-day deadline. If you miss the 90-day deadline, include your reasons for the delay on your Request for Review form and the Review Division will consider your request for the extension.

If a decision concerns vocational rehabilitation benefits or certain permanent disability benefits, the Review Division's decision is final. For most other matters, a Review Division decision can be appealed to the Workers' Compensation Appeal Tribunal (WCAT) (see the next paragraph).

Initiating an appeal of the decision

The Workers' Compensation Appeal Tribunal (WCAT) is the final level of appeal for those WorkSafeBC matters it is authorized to decide.

If you have a decision from the Review Division and you wish to appeal to WCAT, you have 30 days from the date of the Review Division's decision to appeal.

Where to get advice

You can contact the Employers' Advisers Office for advice on any part of the claims process, as well as prevention and assessment matters. Their office is independent of WorkSafeBC and they can provide advice and assistance at no cost.

Accessing a worker's claim file

You will receive a copy of a worker's claim file if you or someone else requests a review of the decision and you advise the Review Division or WCAT that you wish to participate in that review.

As an employer, you're entitled to access information related to a valid claim review or appeal, but are subject to restrictions. Except in certain circumstances, under section sections 235 and 353 of the Act, it's an offence to disclose information from a worker's claim file or use it for any purpose other than a review or appeal.

Claims costs and reviews

Once a claim has been allowed or reopened, your worker may be entitled to receive payments — even if you request a review or appeal. If your review or appeal reverses the decision, those payments will cease. However, we do not recover the money already paid to the worker unless there was fraud

or misrepresentation. Instead, we relieve your firm and your firm's rate group of these costs by distributing them across all rate groups. If a relief of some or all claim costs is allowed, it may affect your WorkSafeBC premium.

Contact information

Review Division

WorkSafeBC
PO Box 2071 Stn Terminal
Vancouver BC V6B 3S3
P 604.214.5411 | 1.888.922.8804 | F 604.232.7747

Workers' Compensation Appeal Tribunal

www.wcat.bc.ca
150 – 4600 Jacombs Road
Richmond BC V6V 3B1
P 604.664.7800 | 1.800.663.2782 | F 604.664.7898

Employers' Advisers Office

www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office
P 604.713.0303 | 1.800.925.2233 | F 1.855.664.7993
Email: eao@eao-bc.org

Office locations: Abbotsford, Kamloops, Kelowna, Nanaimo, Trail, Prince George, Richmond, Victoria

For more information, visit worksafebc.com.