

Claims review and appeal guide for workers and dependants

The claim decision process

When you apply for workers' compensation benefits, WorkSafeBC must decide whether to allow the claim and, if so, what benefits you'll receive. We base each decision about your claim on your individual circumstances, the *Workers Compensation Act*, (the "Act") and our policies.

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.

Please note that we cannot reconsider a decision if you or your employer has already requested a review or appeal has 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 at 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.

Once a review is initiated, you'll be given access to WorkSafeBC records related to your claim and will be asked to complete a submission form to provide additional information about your request for a review.

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

Initiating an appeal of the decision

The Workers' Compensation Appeal Tribunal (WCAT) is the final level of appeal for 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 Workers' Advisers Office for advice at any stage in your claim. They are independent of WorkSafeBC and can provide advice and assistance at no cost.

If you belong to a union and you're not sure how to have your claim reviewed or appealed, you can also contact your union representative.

Accessing your claim file

You can view your claim information online at worksafebc.com, or you can request a copy of your claim file by submitting a Request for Disclosure form (Form 25M13). You can find this form on worksafebc.com or call us and we'll send you a copy.

If you request a review or appeal, you'll automatically receive a copy of your claim file. If your employer decides to participate in a review or appeal that you've initiated or requests a review of a decision, information in your claim file will be given to your employer to support the review and appeal process. Except in certain circumstances, under the Act it is an offense for your employer to disclose information from your claim file to anyone not directly involved in the review and appeal process.

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

Workers' Advisers Office

gov.bc.ca/workersadvisers

Phone:

604.335.5931

Toll-free:

1.800.663.4261

For more information, visit
worksafebc.com/review-appeal,
or phone the Claims Call Centre
(604.231.8888 | 1.888.967.5377)