

WorkSafeBC

Review Division

Statistical Overview - 2018

The Review Division was created in 2002 as a result of amendments to the *Workers Compensation Act* ("Act") that made significant changes to the workers' compensation appeal process. These changes, which took effect on March 3, 2003, established two levels of review or appeal for most decisions made by the WorkSafeBC (Workers' Compensation Board) under the Act.

The first level is internal, involving an independent review of a decision by a Review Officer in the Review Division. The second level is to the external but also independent Workers' Compensation Appeal Tribunal ("WCAT").

The Review Division's mission is to effectively process reviews and to reduce disputes leading to reviews and appeals by providing:

- Clients with an opportunity to present their case;
- Participants with opportunities to understand and resolve disagreements;
- Clear, fair and consistent decisions; and
- Information and feedback about decision-making to WorkSafeBC management as part of the overall strategy to improve the quality of decisions.

This statistical overview report is issued at the end of each year. The report includes three sections:

- A. Incoming Requests for Review – Information about the volume of requests for review registered by the Review Division
- B. Completed Reviews – Information about the volume and outcome of completed reviews
- C. Completed Issues – Information about the volume and outcome of issues decided in completed reviews. A review may involve more than one issue.

This report is intended primarily for readers who are already familiar with the WorkSafeBC decision-making and the Review and Appeal processes. You may contact the Review Division directly by phone at: **604-214-5411**. Additional information about the Review Division can be found at:

<https://www.worksafebc.com/en/review-appeal>

A. Incoming Requests for Review

Reviews may be requested on decisions concerning Compensation, Prevention or Assessment matters. It is estimated that reviews are requested on only a very small percentage of decisions made by WorkSafeBC each year.

a. Volume Registered by Review Type

	2017		2018	
Compensation	13,893	96%	13,493	95%
Prevention	219	1%	256	2%
Assessments	370	3%	425	3%
Total Registered	14,482	100%	14,174	100%

Comments:

- 2018 incoming volume decreased 2% from 2017.
- The proportion of Prevention reviews increased while the proportion of Compensation reviews decreased from last year.

b. Processing Status of Requests for Review

Status		2017	2018
Outstanding balance beginning of period		3,825	4,023
Registered during period		14,482	14,174
Reactivated Reviews ¹		7	5
Less:	Abandoned	23	31
	Declined	686	673
	Discarded	411	459
	Rejected	213	198
	Withdrawn	2,256	2,011
	Completed	10,702	10,848
Outstanding balance end of period		4,023	3,982

Comments:

- The “drop-off” rate in 2018 decreased to 24.4% (from 25.2% in 2017). Reviews that “drop-off” includes ones that are abandoned, declined, discarded, rejected, or withdrawn.

c. Application Extension of Time by Decision Outcome

	2017		2018	
Allowed	285	38%	335	42%
Denied	465	62%	467	58%
Total	750	100%	802	100%

Comments:

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in 2018 was 6.9% higher than in 2017.
- The percentage of “allowed” extension requests this year increased to 42% (from 38% in 2017).

¹ Reviews that were previously rejected or declined and subsequently reactivated

B. Completed Reviews

a. Completed Reviews by Review Type

	2017		2018	
Compensation	10,268	96%	10,428	96%
Prevention	189	2%	172	2%
Assessments	245	2%	248	2%
Total Completed	10,702	100%	10,848	100%

Comments:

- The number of completed reviews in 2018 increased 1.4% from 2017 (10,848 vs 10,702).

b. Review Outcomes

Each Request for Review usually relates to a specific decision letter from one of the WorkSafeBC operating divisions. As shown in the table below, one of four possible outcomes was coded to each completed review:

Outcome for Completed Reviews	2017		2018	
Cancel	76	1%	93	1%
Confirm	5,905	55%	5,443	50%
Return to Board	1,453	14%	1,906	18%
Vary	3,268	31%	3,406	31%
Total	10,702	100%	10,848	100%

Comments:

- The “confirm” rate decreased 5% from 2017 to 50% in 2018 while the “return to Board” rate increased 4% to 18% (from 14% in 2017).

c. Review Outcomes by Review Type – 2018

2018 Reviews	Compensation	Assessments	Prevention		Total
			Orders	Penalties	
Cancel	64 (1%)	2 (1%)	18 (21%)	9 (10%)	93 (1%)
Confirm	5,227 (50%)	96 (39%)	51 (59%)	69 (80%)	5,443 (50%)
Return to Board	1,845 (18%)	61 (25%)	0 (0%)	0 (0%)	1,906 (18%)
Vary	3,292 (32%)	89 (36%)	17 (20%)	8 (9%)	3,406 (31%)
Total	10,428	248	86	86	10,848

d. Review Outcomes by Review Type – 2017

2017 Reviews	Compensation	Assessments	Prevention		Total
			Orders	Penalties	
Cancel	60 (1%)	6 (2%)	7 (7%)	3 (3%)	76 (1%)
Confirm	5,645 (55%)	128 (52%)	76 (74%)	56 (65%)	5,905 (55%)
Return to Board	1,394 (14%)	50 (20%)	3 (3%)	6 (7%)	1,453 (14%)
Vary	3,169 (31%)	61 (25%)	17 (17%)	21 (24%)	3,268 (31%)
Total	10,268	245	103	86	10,702

e. Workers' Compensation Appeal Tribunal (WCAT) Completed Appeal Outcomes on Review Division Decisions

Outcome for Completed Appeals	2017		2018	
Cancel	51	1%	29	1%
Confirm	1,977	61%	1,789	61%
Vary	1,234	38%	1,102	38%
Total	3,262	100%	2,920	100%

Comments

- The WCAT “confirm” rate on appeals of Review Division decisions was 61%, the same as last year.

f. Average Time to Complete a Review (in days)

	2017	2018
Overall time to complete	119	129
Reviews with extensions	194	195
Reviews with no extensions	114	123

Comments:

- The average number of days to complete a review in 2018 was 129 days (versus 119 days in 2017).

g. Completed Reviews by Applicant Type

Applicant Type	2017			2018		
	#	% of type	% of total	#	% of type	% of total
Worker Reviews						
Unrepresented	3,640	44%		3,726	44%	
Represented	4,723	56%		4,787	56%	
Total	8,363		78%	8,513		78%
Employer Reviews						
Unrepresented	780	33%		861	37%	
Represented	1,559	67%		1,474	63%	
Total	2,339		22%	2,335		22%
Grand Total	10,702		100%	10,848		100%

Total represented	6,282	59%	6,261	58%
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Comments

- Of the completed reviews in 2018, 78% of the reviews were initiated by workers. Of those workers, 56% had a representative, same as in 2017. Of the employer-initiated reviews, 63% of the applicants had a representative (down from 67% in 2017).
- Of all completed reviews in 2018, 58% had representatives.

C. Completed Issues

Within each decision letter reviewed, there will be one or more issues under review. The Review Division provides statistics on decisions concerning the overall reviews and on the issues under review. As shown in the table below, one of four possible outcomes is coded to each completed issue.

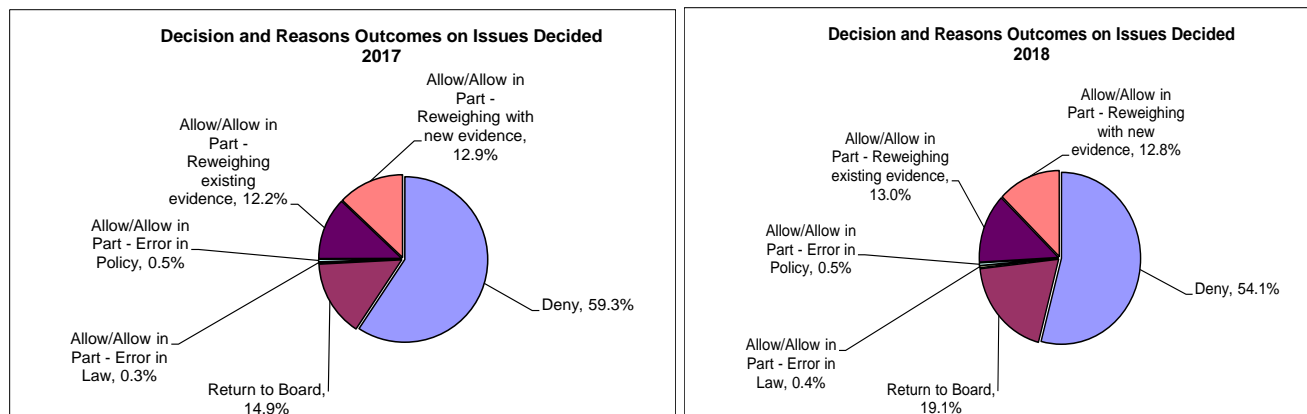
a. Issue Outcomes on Reviews

Issue Outcomes for Completed Reviews	2017		2018	
Deny	7,991	59%	7,264	54%
Allow	2,982	22%	3,190	24%
Allow in Part	492	4%	415	3%
Return to Board	2,003	15%	2,562	19%
Total	13,468	100%	13,431	100%

Comments:

- The “deny” rate decreased 5% to 54% from 59% in 2017.
- The “allow/allow in part” rate increased 1% to 27% from 26% in 2017.

b. Issue Outcomes and Reasons on Reviews



Comments

- In 2018, the main reason for allow/allow in part was due to ‘reweighing existing evidence’ (48.6% in 2018 vs 47.1% in 2017). In 2017, the main reason was due to ‘reweighing with new evidence’ (47.9% in 2018 vs 50.1% in 2017).

c. Workers' Compensation Appeal Tribunal (WCAT) Issue Outcomes on Review Division Decisions Appealed

Issue Outcomes for Completed Appeals	2017		2018	
Deny	2,869	66%	2,656	66%
Allow	1,107	25%	1,061	26%
Allow in Part	370	9%	312	8%
Total	4,346	100%	4,029	100%

Comments:

- The WCAT “deny” rate stayed the same as last year at 66%.

d. Reasons for Workers' Compensation Appeal Tribunal (WCAT) Allow and Allow in Part Issue Decisions

Reasons for Allow / Allow in Part	2017		2018	
Error in Law	23	2%	21	2%
Error in Policy	19	1%	24	2%
Reweigh Existing Evidence	354	24%	289	21%
Reweigh with New Evidence	1,081	73%	1,039	76%
Total	1,477	100%	1,373	100%

Comments:

- The main reason for WCAT allow/allow in part decisions continues to be due to “reweighing with new evidence”.
- The reasons due to “errors” increased 1% to 4% this year.

e. Top Issue Groups on Completed Reviews

Sec of the Act	Issue	2017		2018	
5	Comp. for Personal Injury	3,157	23.4%	3,137	23.4%
23	Permanent Partial Disability	2,163	16.1%	2,061	15.3%
30	Temporary Partial Disability	1,286	9.5%	1,329	9.9%
16	Vocational Rehabilitation	982	7.3%	954	7.1%
39	Relief of Costs	812	6.0%	812	6.0%
6	Occupational Disease	760	5.6%	682	5.1%
96	Jurisdiction of the Board	635	4.7%	639	4.8%
21	Health Care	641	4.8%	623	4.6%
7	Hearing Loss	350 ^{nt}	2.6% ^{nt}	472	3.5%
29	Temporary Total Disability	487	3.6%	444	3.3%
96(2)	Reopenings/Reconsiderations	442	3.3%	436 ^{nt}	3.2% ^{nt}
	Other sections	1,753	13.0%	1,842	13.7%
	Total Issues	13,468	100.0%	13,431	100.0%

Note: "Other sections" represents the total of all other issue groups. Table is sorted by # of issues in 2018. nt = Not in the top 10 issues.

Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 96.0% of all review issues completed in 2018 concern compensation-related matters.
- The top 4 most frequently coded issues remain the same as 2017, the most coded being *Section 5 – Compensation for Personal Injury*.
- *Section 7 – Hearing Loss* made the top 10 issue groups completed this year, while *Section 96(2) – Reopenings/Reconsiderations* dropped down the list.

f. Top Issue Groups on Completed Appeals

Sec of the Act	Issue	2017		2018	
5	Comp. for Personal Injury	1,362	31.0%	1,336	32.6%
23	Permanent Partial Disability	833	19.0%	702	17.1%
30	Temporary Partial Disability	389	8.9%	355	8.7%
6	Occupational Disease	305	6.9%	328	8.0%
21	Health Care	265	6.0%	224	5.5%
96	Jurisdiction of the Board	221	5.0%	220	5.4%
96(2)	Reopenings/Reconsiderations	190	4.3%	170	4.1%
29	Temporary Total Disability	181	4.1%	152	3.7%
29 & 30	Wage Loss Entitlement	98	2.2%	108	2.6%
7	Hearing Loss	74 ^{nt}	1.7% ^{nt}	79	1.9%
5.1	Mental Disorder	77	1.8%	69 ^{nt}	1.7% ^{nt}
	Other sections	399	9.1%	357	8.7%
	Total Issues	4,394	100.0%	4,100	100.0%

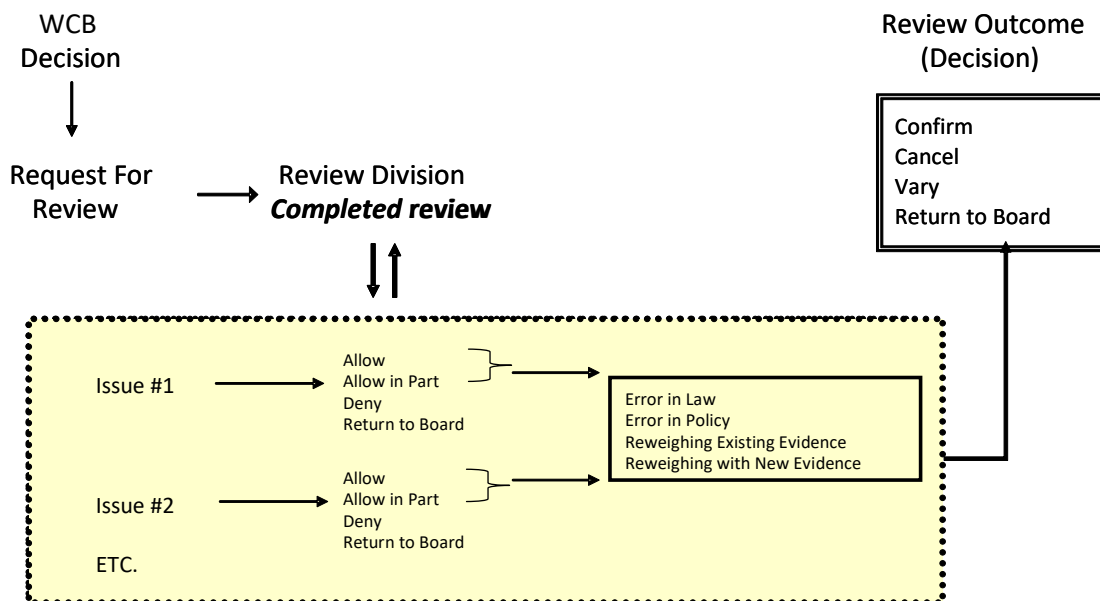
Note: "Other sections" represents the total of all other issue groups. Table is sorted by # of issues in 2018. nt = Not in the top 10 issues.

Comments:

- 96.2% of all appeal issues completed in 2018 concern compensation-related matters.
- The top 4 most frequently coded issues remain the same as 2017, the most coded being *Section 5 – Compensation for Personal Injury*.
- *Section 7 – Hearing Loss* made the top 10 issue groups completed this year, while *Section 5.1 – Mental Disorder* dropped down the list.

D. Appendix

1. Linkage of Decisions, Reviews and Issues



2. Definition of Terms

The Review Division of the Workers' Compensation Board ("Board") has authority under sections 96.2 to 96.5 of the *Workers Compensation Act* ("Act") to review decisions in specific cases made by officers in the Board's Compensation Services, Finance (Assessment decisions), and Prevention Divisions.

Pursuant to Section 96.2(3) of the *Act*, a Request for Review of compensation and assessment decisions must be filed within 90 days from the date when the Board decision. Requests for review of health and safety enforcement decisions must be filed within 45 days after the decision. Board decisions are normally communicated in a letter or other document that includes an explanation of the reasons for the decision. This letter or document should be submitted with the Request for Review form when initiating a review of the decision to the Review Division.

With each decision letter, one or more issues may be identified and each of these issues may be reviewed. Upon review, Review Officers will determine an outcome for each of the issues. Outcomes of issues may be one of the following four types:

Allow	The Review Officer disagrees with the determination made on an issue covered by a decision or order under review.
Allow in Part	The Review Officer disagrees in part with the determination made on an issue covered by a decision or order under review.
Deny	The Review Officer agrees with the determination made on an issue covered by a decision or order under review.
Return to Board	A referral of a decision or order back to the Compensation Services, Finance or Prevention Division of the Board so that the Division may make a further determination on one or more issues.

For each issue with the outcome of allow or allow in part, a reason must be provided for why. Reasons provided can be one or more of the following:

Error in law	The decision was inconsistent with the <i>Act</i> , a regulation under the <i>Act</i> , or some other law or regulation.
Error in policy	The decision was inconsistent with the published policy of the Board.
Reweighing existing evidence	The decision was changed because the Review Officer reached a different conclusion on the same evidence that was before the initial decision maker.
Reweighing with new evidence	The decision was changed because the Review Officer reached a different conclusion as a result of significant new evidence that was not before the initial decision maker.

Although each review may deal with one or more issues, an outcome for the whole review must be stated using the terms set out in Section 96.4(8)(a) of the *Act*. Outcomes on each review may be one of the following:

Confirm	The Review Officer agrees with the determinations made on every issue covered by a decision or order under review, though not necessarily with the reasons for those determinations.
Cancel	The Review Officer disagrees with the determinations made on every issue covered by a decision or order under review and determines that the decision should be withdrawn without a new decision being substituted.
Return to Board	A referral of a decision or order back to the Compensation Services, Finance or Prevention Division of the Board so that the Division may make a further determination on one or more issues.
Vary	Any decision by a Review Officer other than one that confirms or cancels a decision or order. This covers situations where the Review Officer (a) agrees with the determination made on one or more, but not all, the issues covered by a decision or order under review, or (b) disagrees with the determinations on all issues, and decides to substitute a new decision or order.