

# WorkSafeBC

## Review Division

### Statistical Overview – 4<sup>th</sup> Quarter 2022

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 Workers' Compensation Board ("Board"), which operates as WorkSafeBC.

The first level is internal involving an independent review of a decision by a Review Officer in the Review Division and 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 management as part of the overall strategy to improve the quality of decisions.

#### Purpose of this Report

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

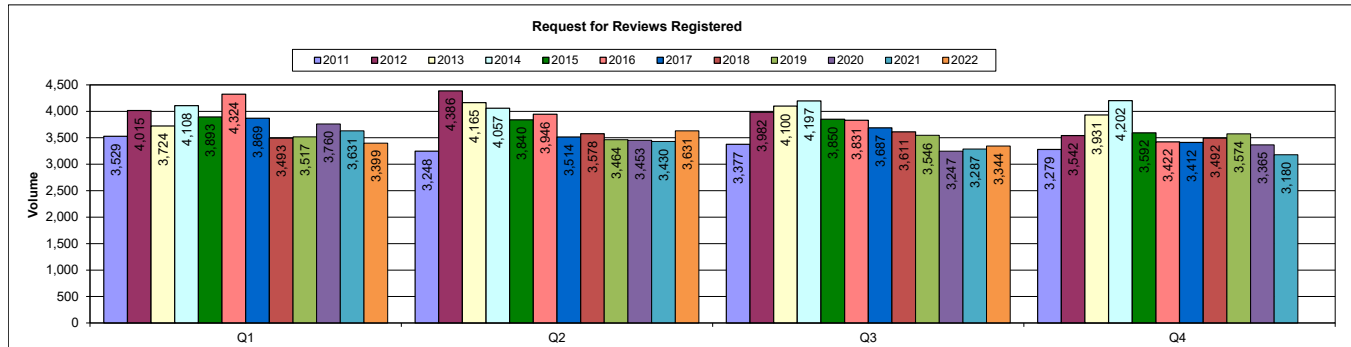
- A. Incoming Requests for Review – Information about the volume of requests for review received by the Review Division
- B. Completed Reviews – Information about the volume and outcome of completed reviews
- C. Completed Issues – Information about the volume and outcome of issues decided in completed 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 the Board each year.



### Comments:

- Q4 2022 incoming volume increased 4.2% from the previous quarter and increased 9.6% from Q4 2021.
- 95.5% of Q4 2022's incoming volume concerned Compensation matters, while 1.9% related to Prevention matters and 2.6% related to Assessment matters.

### 1. Processing Status of Requests for Reviews

| Status                                   | Q3 2022      | Q4 2022      |
|--|--------------|--------------|
| Outstanding Balance Beginning of Period  | 3,949        | 4,064        |
| Registered During Period                 | 3,344        | 3,486        |
| Reactivated Reviews*                     | 14           | 5            |
| Less:                                    |              |              |
| Abandoned                                | 4            | 4            |
| Declined                                 | 111          | 172          |
| Discarded                                | 96           | 128          |
| Rejected                                 | 65           | 73           |
| Withdrawn                                | 543          | 604          |
| Completed                                | 2,424        | 2,329        |
| <b>Outstanding Balance end of Period</b> | <b>4,064</b> | <b>4,245</b> |

\* Reviews that were initially rejected or declined and subsequently reactivated.

**Comments:**

- The "drop-off rate" of Requests for Review in Q4 2022 was 28.1%, an increase from Q3 2022 (24.5%). The “drop off” is comprised as follows: 10.8% rejected/declined/ discarded/ abandoned (the primary reasons for rejection are late filing, no underlying decision to review, and requests outside of Review Division jurisdiction) and 17.3% reviews withdrawn before the review was completed.

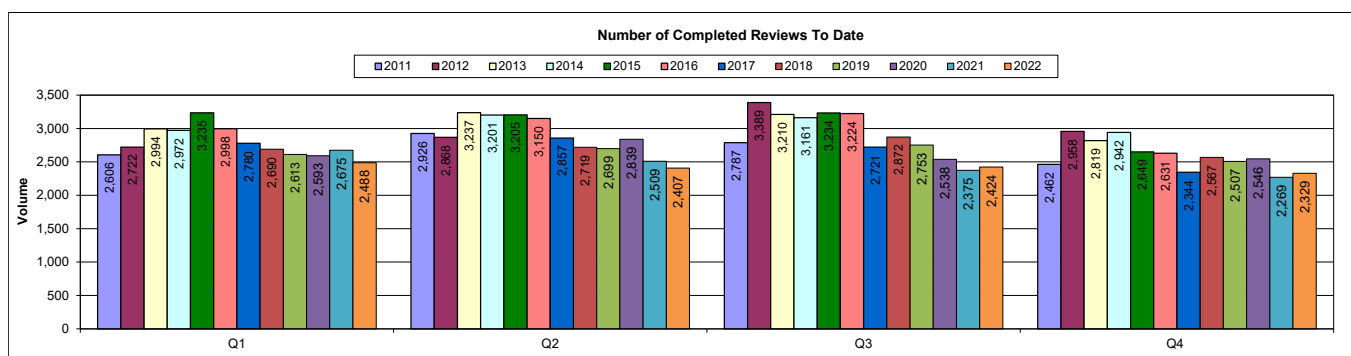
**2. Decision on Applications for Extensions of Time to Apply for a Review**

| Decision       | Q3 2022    | % Q3 2022   | Q4 2022    | % Q4 2022   |
|----------------|------------|-------------|------------|-------------|
| <b>Allowed</b> | 115        | 59%         | 101        | 49%         |
| <b>Denied</b>  | 80         | 41%         | 104        | 51%         |
| <b>Total</b>   | <b>195</b> | <b>100%</b> | <b>205</b> | <b>100%</b> |

**Comments:**

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in Q4 2022 increased from last quarter (205 vs 195 in Q3 2022).
- The percentage of “allowed” extension requests in Q4 2022 decreased 10% from Q3 2022 (49% from 59%).

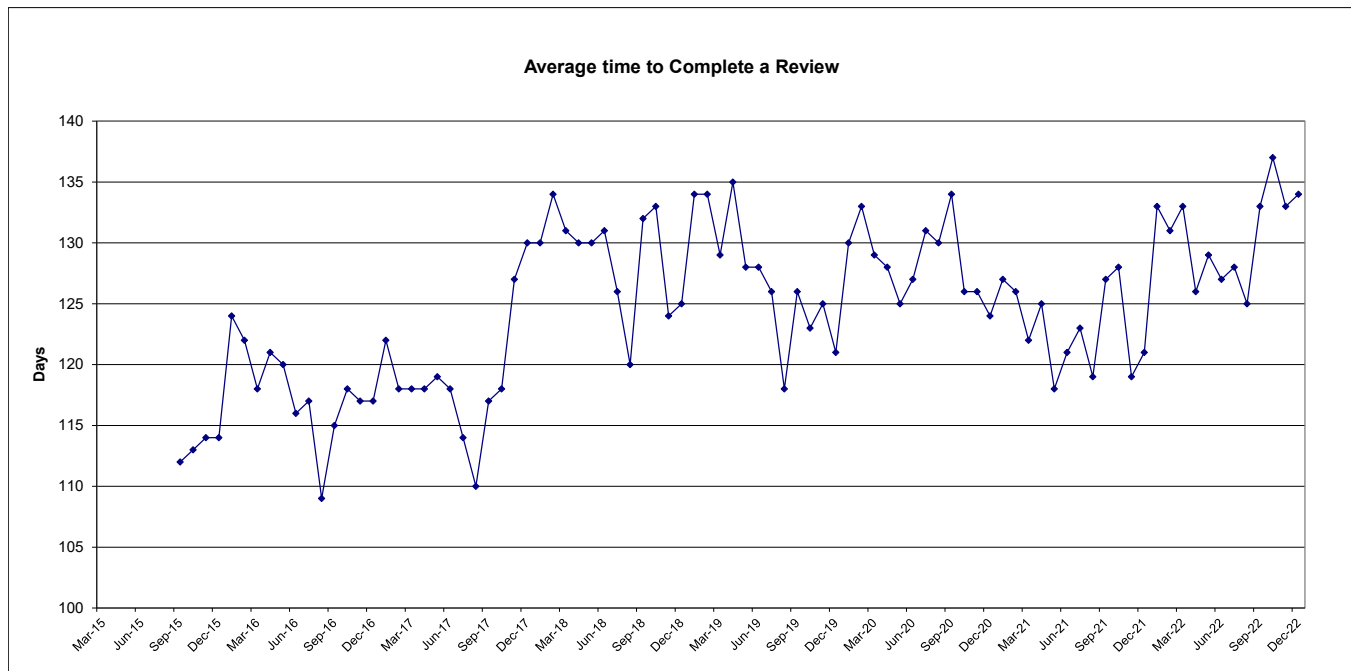
**B. Completed Reviews to Date**



**Comments:**

- The number of completed reviews in Q4 2022 decreased 3.9% compared to Q3 2022 but increased 2.6% from the number completed at the same time last year.

## 1. Average Time to Complete a Review



### Comments:

- The average number of days to complete a review in Q4 2022 was 135 days (versus 128 days in Q3 2022).

## 2. 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* | Q3 2022      | % of Q3 2022 Total | Q4 2022      | % of Q4 2022 Total |
|--------------------------------|--------------|--------------------|--------------|--------------------|
| Confirm                        | 1,069        | 44%                | 1,041        | 45%                |
| Cancel                         | 17           | 1%                 | 24           | 1%                 |
| Vary                           | 776          | 32%                | 739          | 32%                |
| Refer Back                     | 562          | 23%                | 525          | 22%                |
| <b>Total</b>                   | <b>2,424</b> | <b>100%</b>        | <b>2,329</b> | <b>100%</b>        |

\*See appendix for definitions.

## C. Issue Outcomes

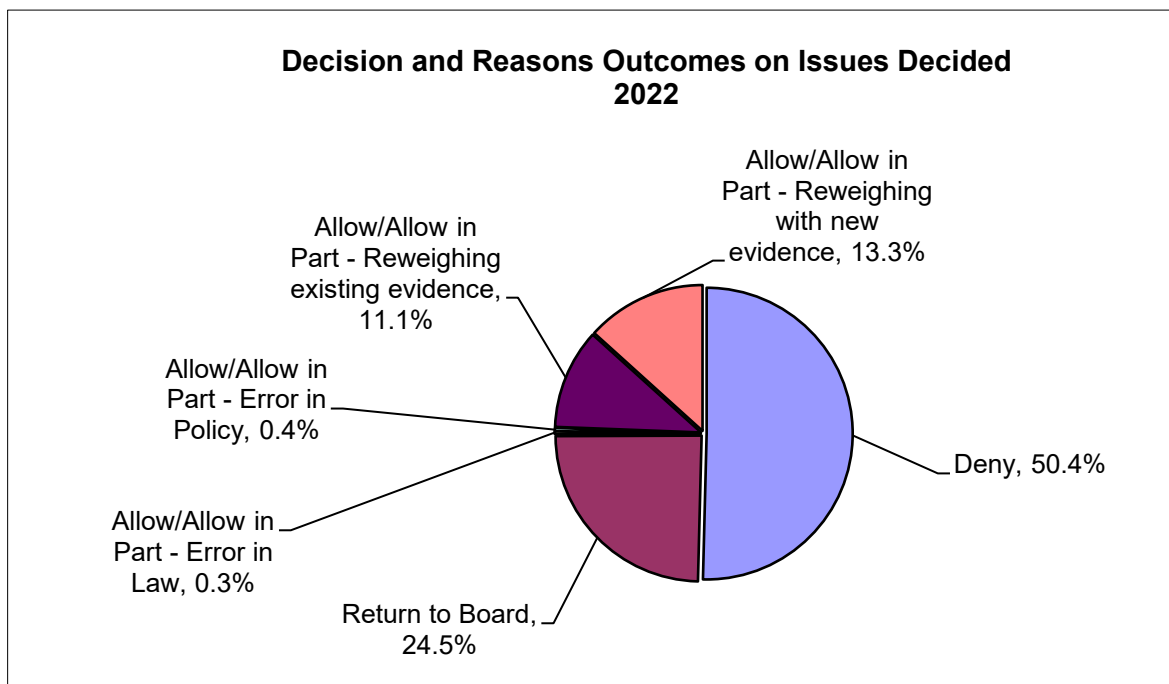
### 1. Overall Issue Outcomes

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:

| Outcome for Completed Issues* | Q3 2022      | % of Q3 2022 Total | Q4 2022      | % of Q4 2022 Total |
|-------------------------------|--------------|--------------------|--------------|--------------------|
| Deny                          | 1,492        | 49%                | 1,480        | 48%                |
| Allow                         | 729          | 24%                | 701          | 23%                |
| Allow in Part                 | 68           | 2%                 | 57           | 2%                 |
| Refer Back                    | 752          | 25%                | 812          | 27%                |
| <b>Total</b>                  | <b>3,041</b> | <b>100%</b>        | <b>3,050</b> | <b>100%</b>        |

\*See appendix for definitions.

### 2. Outcome and Reasons for Issues Decided Year to Date



### 3. Top 10 Issues under Review

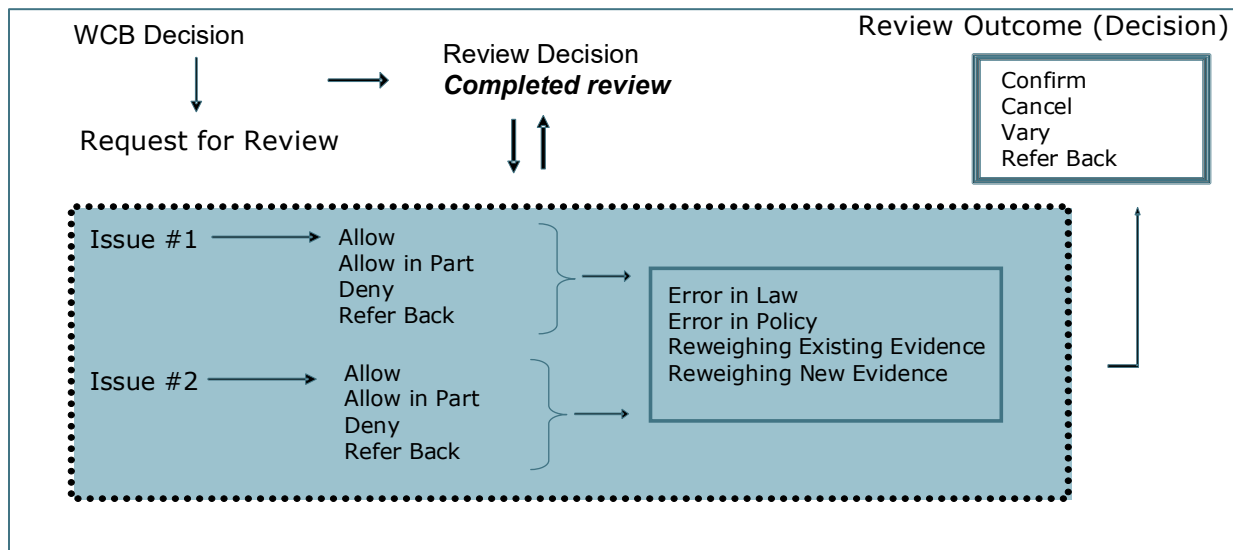
| Issue Group                  | # of Issues<br>YTD Q4 2022 | % of<br>Total |
|------------------------------|----------------------------|---------------|
| Personal Injury              | 2,314                      | 18.5%         |
| Permanent Partial Disability | 2,188                      | 17.5%         |
| Vocational Rehabilitation    | 1,210                      | 9.7%          |
| Relief of Costs              | 1,113                      | 8.9%          |
| Temporary Partial Disability | 1,047                      | 8.4%          |
| Occupational Disease         | 695                        | 5.6%          |
| Jurisdiction of the Board    | 591                        | 4.7%          |
| Health Care                  | 483                        | 3.9%          |
| Wage Loss Entitlement        | 475                        | 3.8%          |
| Average Earnings             | 452                        | 3.6%          |
| Other                        | 1,925                      | 15.4%         |
| <b>TOTAL</b>                 | <b>12,493</b>              | <b>100.0%</b> |

#### Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 96.0% of review requests completed in 2022 concern claim-related matters.
- The most frequently coded issue is Personal Injury, followed by Permanent Partial Disability.

## D. Appendix

### 1. Linkage of Decisions, Reviews and Issues



### 2. Definition of Terms

The Review Division has authority under Part 6 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 270(1) 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:

|                      |  |
|----------------------|--|
| <b>Allow</b>         | The Review Officer disagrees with the determination made on an issue covered by a decision or order under review.                |
| <b>Allow in Part</b> | The Review Officer disagrees in part with the determination made on an issue covered by a decision or order under review.        |
| <b>Deny</b>          | The Review Officer agrees with the determination made on an issue covered by a decision or order under review.                   |
| <b>Refer Back</b>    | A referral of a decision or order back to the Board so that the Board can conduct further investigation and make a new decision. |

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:

|                                     |  |
|-------------------------------------|--|
| <b>Error in law</b>                 | The decision was inconsistent with the <i>Act</i> , a regulation under the <i>Act</i> , or some other law or regulation.   |
| <b>Error in policy</b>              | The decision was inconsistent with the published policy of the Board.  |
| <b>Reweighing existing evidence</b> | The decision was changed because the Review Officer reached a different conclusion on the same evidence that was before the initial decision maker.                        |
| <b>Reweighing with new evidence</b> | 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 272(9) of the *Act*. Outcomes on each review may be one of the following:

|                   |  |
|-------------------|--|
| <b>Confirm</b>    | 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.   |
| <b>Cancel</b>     | The Review Officer concludes that a determination on an issue in a decision exceeds the Board's legal jurisdiction and, as a result, should be set aside without a new determination being substituted. On a prevention review, the Review Officer may also conclude that an order is not supported by the evidence and, as a result, should be set aside without a new order being substituted. |
| <b>Refer Back</b> | A referral of a decision or order back to the Board so that the Board can conduct further investigation and make a new decision.   |
| <b>Vary</b>       | Any decision by a Review Officer other than one that confirms or cancels a decision or order. This covers situations where the Review Officer agrees with the determination made on one or more, but not all, the issues covered by a decision or order under review, or disagrees with the determinations on all issues, and decides to substitute a new decision or order.                     |