

# CLAIMS REVIEW & APPEAL GUIDE FOR EMPLOYERS

**WORK SAFE BC**

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When a worker files a compensation claim, a WorkSafeBC staff member decides whether to allow that claim. There are numerous other decisions made on the claim, such as the rate at which benefits will be paid and the duration of benefits. All decisions are based on the evidence, the application of the *Workers Compensation Act*, and WorkSafeBC policy. As the employer, you're notified of most – but not all – decisions affecting the claim.

Once your worker's claim has been processed, you should receive a copy of the decision letter that will explain the claim. If you don't, you can request one from WorkSafeBC. Be aware that the cost of the claim can affect your premiums and those of others in your industry. The best way to control injury costs is by preventing accidents in the first place, and, if accidents do occur, helping injured employees to return to work as soon as safely possible.

If you don't understand the reasons for a claim decision, contact the WorkSafeBC officer responsible for that decision.

If you still disagree with the decision, you can have it reviewed by the Review Division. And if you disagree with the Review Division's decision, most review decisions can then be appealed to the Workers' Compensation Appeal Tribunal (WCAT).

For advice on individual claims, prevention, or assessment matters, you may wish to contact the Employers' Advisers Office (see contact information below). The advice is available at no cost. The Employers' Advisers Office is independent of WorkSafeBC.

**We recommend that you keep records of all letters and phone calls to WorkSafeBC. Always use the worker's claim number when you communicate with WorkSafeBC.**

## REVIEW DIVISION

The Review Division provides the first level of review for most issues. It's an independent division of WorkSafeBC that provides impartial reviews of decisions made under the *Workers Compensation Act*, including claim decisions. Only those directly affected – that is, a worker (including an independent operator), a deceased worker's dependant, or an employer – can request a review on a claim decision.

You must make the request within **90 days** of the date of the decision. For a Request for Review form, visit WorkSafeBC online at **WorkSafeBC.com**. The form is also available at WorkSafeBC offices. Be sure to fill it out and send it to the Review Division **before** the 90-day period expires.

You may request a review of a decision after the 90-day period has expired, but certain criteria have to be met. To do this, complete a Request for Review form and send it together with a written explanation of why your request could not be submitted within the 90-day period.

If a review concerns vocational rehabilitation benefits or certain pension awards, the Review Division decision is final. For most other matters, a review officer's decision can be appealed to the WCAT.

## WORKERS' COMPENSATION APPEAL TRIBUNAL (WCAT)

WCAT is the external and final level of appeal for most issues. It's independent of WorkSafeBC and reports to the B.C. Ministry of Labour and Citizens' Services.

For most issues, you can't appeal to the WCAT unless you've received a Review Division decision first. You have 30 days from the date of that decision to appeal to the WCAT. To obtain a Notice of Appeal form, visit WCAT online at **www.wcat.bc.ca**. Forms are also available at WorkSafeBC offices.

## ACCESSING A WORKER'S CLAIM FILE

WorkSafeBC grants employers access to a worker's claim file if the worker, his or her dependant, or the employer has filed a review or appeal. If you've filed a request or if you advise the Review Division or the WCAT that you wish to participate in a worker's review or appeal, WorkSafeBC will give you a copy of the claim file.

Employers are entitled to access all information related to a valid review or appeal. Except in certain specified circumstances, it is an offence for an employer to disclose information from a worker's claim file or use it for any purpose other than a review or appeal.

## PAYMENT OF BENEFITS

Once a WorkSafeBC staff member decides to allow a claim or reopen an old claim, the worker may be entitled to receive payments – even if you request a review or appeal. If your review or appeal reverses the decision, WorkSafeBC stops payments. WorkSafeBC does not recover the money already paid, unless there was fraud or misrepresentation. WorkSafeBC relieves your firm class or subclass of these costs by distributing them across all classes and subclasses.

## RELIEF-OF-COST DECISIONS

In some situations, WorkSafeBC may relieve or transfer claim costs. The most common situation is when a pre-existing disease, condition, or disability prolongs a worker's recovery or makes a worker's disability worse. If a relief or transfer of some or all of a claim cost is allowed, this may impact your WorkSafeBC premium.

## CONTACT INFORMATION

Visit **WorkSafeBC.com** for a list of WorkSafeBC offices and phone numbers.

### Review Division

WorkSafeBC  
PO Box 2071 Stn Terminal, Vancouver BC V6B 3S3  
Phone 604 214-5411 / toll-free 1 888 922-8804 / fax 604 232-7747

### Workers' Compensation Appeal Tribunal ([www.wcat.bc.ca](http://www.wcat.bc.ca))

150 – 4600 Jacombs Road, Richmond BC V6V 3B1  
Phone 604 664-7800 / toll-free 1 800 663-2782 / fax 604 664-7898

### Employers' Advisers ([www.labour.gov.bc.ca/eao](http://www.labour.gov.bc.ca/eao))

Richmond (Lower Mainland region)  
604 713-0303 / 1 800 925-2233  
Kelowna (Okanagan–Kootenay region)  
250 717-2050 / 1 866 855-7575  
Prince George (Prince George–North region)  
250 565-4285 / 1 888 608-8882  
Victoria (Vancouver Island region)  
250 952-4821 / 1 800 663-8783

