

CLAIMS REVIEW & APPEAL GUIDE FOR WORKERS & DEPENDANTS

WORK SAFE BC

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When you apply for workers' compensation benefits, a WorkSafeBC officer decides whether to allow the claim and, if so, what benefits you'll receive. All decisions are based on the evidence, the *Workers Compensation Act*, and WorkSafeBC policy.

If you don't understand the reasons for the original claim decision, contact the WorkSafeBC officer and ask for an explanation. If you disagree with the decision and haven't received a letter explaining the reasons for the decision, request one. If you still disagree, you can have the decision reviewed. And, if you disagree with the review decision, in most cases you can appeal it.

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.

When it comes to 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.

If you wish to have the decision on your claim reviewed by the Review Division, you **must** make a request within **90 days** of the date of the decision. To obtain 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.

Once it's confirmed that you have a reviewable request, you'll be given access to WorkSafeBC records related to your claim and asked to complete a submission form.

If your review concerns vocational rehabilitation benefits, the commutation of your pension, or certain pension awards, the Review Division decision is final. For all 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 cannot appeal to the WCAT unless you've already received a decision from the Review Division. 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.

WHERE TO GET ADVICE

If you're not sure how to have your claim reviewed or appealed, and you belong to a union, contact your union representative. If you don't belong to a union, you can get free advice from the Workers' Advisers Office which is independent of WorkSafeBC, and has locations across the province (see below).

ACCESSING YOUR CLAIM FILE

You can review your claim information online at WorkSafeBC.com by using your claim number and your confidential Personal Access Number.

Or, you can request a paper or CD copy of your claim file. A Request for Disclosure form 25M13 is available from WorkSafeBC offices and online at WorkSafeBC.com.

If you request a review or an appeal, you'll automatically receive a copy of your claim file. In addition, if your employer decides to participate in a review or appeal that you've initiated, or if he or she requests a separate decision review, information in your claim file will be given to your employer for review or appeal purposes. Except in certain specified circumstances, it is an offence for your employer to disclose information from your claim file to anyone not involved directly in the review or appeal.

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)

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

Workers' Advisers

Visit the Workers' Advisers online at www.labour.gov.bc.ca/wab to learn more about reviews and appeals.

Richmond.....	604 713-0360 / 1 800 663-4261
Abbotsford.....	604 870-5488 / 1 888 295-7781
Kelowna.....	250 717-2096 / 1 866 881-1188
Kamloops.....	250 371-3860 / 1 800 663-6695
Nelson.....	250 354-6933 / 1 866 354-6933
Prince George.....	250 565-4280 / 1 800 263-6066
Victoria.....	250 952-4393 / 1 800 661-4066
Nanaimo.....	250 741-5504 / 1 800 668-2117
Campbell River.....	250 830-6526 / 1 888 643-0013

