



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Factsheet #07
Updated: January 2013

REVIEWS OF WORKSAFEBC COMPENSATION OR REHABILITATION DECISIONS

If WorkSafeBC has made a decision concerning your claim, you have the right to receive a decision letter. If you have not received the decision in writing, you should call WorkSafeBC and ask for a decision letter.

In most cases, if you disagree with a WorkSafeBC decision about your claim it is open to you to try to convince the decision maker to change his or her decision. This is only possible for a period of 75 days following the date of the decision. If WorkSafeBC will not change their decision, you can request that the decision be reviewed by the Review Division.

What is the Review Division?

The Review Division is part of WorkSafeBC, but it is independent of the operational divisions of WorkSafeBC.

The Review Division was established to review WorkSafeBC decisions concerning your claim for benefits. The Review Division has the power to change WorkSafeBC decision. However, the Review Division will only do this if the decision is inconsistent with the law and WorkSafeBC policies, if the evidence has not been properly weighed or if there is significant new evidence that supports a change in the original decision. Review Division decisions are made by Review Officers.

Can I request a review of any decision about my claim?

You can request a review of any WorkSafeBC decision about compensation or rehabilitation benefits except for decisions about the reopening of your claim for benefits if a formal request for a reopening was made. There is a 90-day time limit to request a review.

If you dispute a re-opening decision that you applied for formally, you have the right to appeal the decision directly to the Workers' Compensation Appeal Tribunal (WCAT). You also have a right to appeal decisions regarding orders made against you and discriminatory actions to WCAT, without going

For more information:
Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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to the Review Division. The time limit for a direct appeal of a reopening decision to WCAT is 90 days. See Factsheet, *Appeals to the Workers' Compensation Appeal Tribunal (WCAT)*.

Disclosure

You have a right to receive a complete copy of your WorkSafeBC claim file. This is called “disclosure.”

If you are thinking about requesting a review of a WorkSafeBC decision, you can request a copy of the file before you request a review. You must make this request in writing. We suggest you use a Request for Disclosure form. You may mail or fax your request to:

Disclosures Department
Compensation Services Division
WorkSafeBC
Box 5350, Station Terminal
Vancouver BC V6B 5L5
Fax: 604-276-3102

When you send in the Request for Review form, the Review Division will automatically send you a copy of your complete claim file. You can ask that you receive a paper copy of your claim file or, if you prefer, you can ask for a CD-ROM version of your claim file.

Disclosure is usually provided within 10 days. If you do not receive your file, you should contact the Disclosures Department by telephone at 604-279-7607 (lower mainland) and toll free in BC 1-800-661-2112.

How do I fill out the Request for Review form?

The Request for Review form can be obtained from any WorkSafeBC office and is available on-line on WorkSafeBC website or from any Workers' Advisers Office or our web site (www.labour.gov.bc.ca/wab).

You must first be sure that the decision letter you want reviewed actually denies the benefits or services that you want. If it does not, we suggest that you call or write WorkSafeBC and ask for a new decision letter about what you think you should receive.

If you are disputing more than one decision letter you must send in a separate Request for Review form for each decision letter you want reviewed by the Review Division.

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The Request for Review form must be signed by you. If your representative signs the Request for Review form, he or she must attach an authorization signed by you, unless he or she is a Workers' Adviser.

Remember, the form must be submitted to the Review Division within **90 days** of the WorkSafeBC decision.

How do I request a review?

You must complete, sign and send your Request for Review form to the Review Division, within 90 days of the date of the WorkSafeBC decision letter. You should also attach a copy of the WorkSafeBC decision letter you want reviewed.

You may send in the Request for Review to the Review Division by mail or by fax.

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

You may also drop it off at any WorkSafeBC office in B.C. If you do this, we recommend you obtain a receipt confirming the date and time you delivered the form.

Tip: Once you send in the Request for Review form, the Review Division will ask you to send in any additional evidence that you are able to get to support your case, usually within 28 days. You may not have enough time to get the evidence you need.

Our office recommends that you request a copy of your claim file immediately, but that you consider sending in your Request for Review form just before the 90-day deadline. This way you will have more time to get additional evidence before the review process starts. If you do this, **be sure not to miss the deadline.**

What happens if my request is late?

If the Review Division does not receive your Request for Review form within the deadline, your review will not proceed. You will be required to request an Extension of Time.

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The Chief Review Officer will consider granting your request if your form was late for a very good reason and if you can show that it would be unjust not to grant your request. You will need to explain in writing why your request was late and why it would be unjust not to review the decision. You must attach this to the Request for Review form and send it to the Review Division.

There is no guarantee you will be granted an Extension of Time, even if you have a good reason for needing additional time and can show why it would be unjust for your request to be denied. The Chief Review Officer may still exercise his or her discretion to not grant your application for an Extension of Time.

Who can help?

Your trade union

If you are a member of a trade union, there may be people in the union who can help you with your review case. Call your union and find out.

Workers' Advisers

The Workers' Advisers Office can give you advice and help. A Workers' Adviser may also be able to represent you if he or she accepts that the decision may not be consistent with Workers Compensation law and policy. This service is free.

Do I need a lawyer?

Most people do not need a lawyer for a review. If you think that you need one, contact the Lawyer Referral Service. Whether you win or lose your review case, WorkSafeBC policy is not to pay legal fees.

What if I don't speak English?

If you do not speak English and need help, contact a friend, or your local community centre, or immigrant services organization to find someone who may be able to translate for you.

You should tell the Review Division if you need the help of an interpreter. The Review Division will arrange and pay for an interpreter to be present if a meeting with the Review Officer is needed.

How will my review be considered and decided?

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In almost all cases, the review will be decided by “Read and Review”. Very rarely, the Review Officer may decide to proceed by way of an “Oral Hearing”.

"Read and Review" means that the Review Officer will read your file and make a decision on your appeal without holding a formal hearing.

You can write a letter to the Review Officer and tell your side of the story. You can explain in this letter why you think you should get the benefits you want. This is called a written submission. You can also send the Review Officer more written information and evidence to support your case.

The Review Division will send you a letter inviting you to send in any additional information and written submissions. The letter will tell you when all of your information and written submissions must be received. Your employer will be invited to participate.

The Review Officer may also contact you by telephone to get more information or arrange an informal meeting with you.

How long do I have to wait?

The Review Officer must make a decision within 150 days after the Review Division receives your Request for Review form. The Review Officer will send the decision in a letter. If more time is needed, the Review Officer can ask the Chief Review Officer to extend the time limit. The Chief Review Officer will only agree if your case is complex.

What happens next?

If the Review Officer agrees with you and accepts that the WorkSafeBC decision is in error, he may send the decision back to the Compensation Services Division to pay benefits according to his directions, or he may direct WorkSafeBC to make the decision again, usually with directions as to additional factors to consider.

In most cases, if the Review Officer does not decide in your favour, you can appeal to the WCAT. Please note that you will only have 30 days to start an appeal to WCAT.

Important: It is also open to the Review Officer to make a decision which actually reduces the benefit which is the subject of the Review. You need to be cautious in requesting a Review, especially where you stand to lose more than you might gain.

For more information, please contact the Workers' Advisers office nearest to you.