

Helping your patients with appeals

WorkSafeBC makes literally hundreds of thousands of decisions on compensation, prevention, assessment, and rehabilitation matters each year. In most instances, injured workers and their employers accept those decisions. However, if there are disagreements, the law provides dispute resolution processes.

If you had a patient with a workplace injury who disputed a decision before 2003, you likely remember the frustration and anger the delays caused. However, in 2003 a new two-level review and appeal process came into effect. The two levels of appeal now have legislated time limits for decisions. As a result, appeal decisions are made in a much more timely manner and injured workers know sooner where they stand.

Review division

The first level of appeal, the Review Division, is an internal but independent division of WorkSafeBC; it verifies that the law and relevant policies have been applied correctly, ensures all existing evidence has been weighed fairly and appropriately, and considers any new evidence for each review. By

Mark your calendar

Saturday, 21 October 2006
Coast Hotel, Victoria

**7th Annual WorkSafeBC
Physician Education
Conference
“Pearls by the Sea”**

Optional:
Coast Guard worksite visit

law, requests for reviews must be filed within 90 days of a decision, although extensions are possible in limited circumstances. Review officers are legal-

to appropriate specialists when appeals require an independent medical review.

If you are asked for a medical opin-

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ly required to issue decisions within 150 days of the review request, unless complexity warrants an extension.

In 2005, WorkSafeBC's Review Division completed 14 000 reviews, and decisions were made in an average of 135 days each.

Workers' Compensation Appeal Tribunal

The second level of appeal, the Workers' Compensation Appeal Tribunal (WCAT), operates independently of WorkSafeBC. All parties involved, including the injured worker, the employer, and WorkSafeBC, are bound by decisions made by WCAT. WCAT has 180 days to make a decision on an appeal, unless the case is complex and warrants an extension.

In 2003, when WCAT was first established, there was a backlog of more than 22 400 appeals. Today that backlog is essentially gone and WCAT handles about 6000 new appeals each year.

Medical opinions

The Review Division has a medical advisor on staff. WCAT has a medical coordinator who assists with referrals

ion in support of a patient's appeal, please include relevant reasons and explanations that might assist review or appeal personnel with their decisions. Now that such stringent time limits are imposed for appeal decisions, you might be asked for faster responses to enquiries.

How to help your patient

If your patient is involved in the review or appeal of a WorkSafeBC decision, there are resources available free of charge. If the worker is a member of a union, representation is often available through the union. If not, staff from the Workers' Advisors Office can assist and advise workers who are having problems with their claims (1 800 663-4261).

Need to know more?

Further information on the review and appeal processes is available on WorkSafeBC's web site, WorkSafeBC.com.

—Don Graham, MD, CCFP
WorkSafeBC Chief Medical
Officer