

## Appealing WorkSafeBC decisions

**W**hen a worker or employer disagrees with a WorkSafeBC decision, the Review Division provides an unbiased and impartial review of the decision. It is one of two levels of appeal outlined in the Workers Compensation Act, the second being the Workers' Compensation Appeal Tribunal, an independent appeal tribunal that is external to WorkSafeBC. The Review Division is independent of the other divisions of WorkSafeBC.

### The Review Division

When a review is requested, the Review Division is authorized to review the following decisions:

- Whether a claim for compensation should be allowed, the amount and duration of compensation, the provision of health care benefits and services, and the consideration of vocational rehabilitation assistance.
- Whether an employer should pay assessments to WorkSafeBC, and the amount of those assessments.
- Whether employers have violated the occupational health and safety provisions of the Act and regula-

*This article is the opinion of WorkSafeBC and has not been peer reviewed by the BCMJ Editorial Board.*

tions, and whether an administrative penalty should be imposed.

There is a 90-day time limit for workers and employers to request a review of WorkSafeBC decisions on compensation and employer assessment matters, and a 45-day time limit to request reviews of occupational health and safety matters. Once a review has been requested, the Review Division must make a decision on the review within 150 days.

### The review process

The Review Division's role is to provide a fair, balanced, independent, and unbiased decision, based on all the evidence available. When a request for review is received, the standard procedure is for the Review Division to:

- Acknowledge receipt and advise the applicant that he or she has 34 days to provide any further written information and submissions.
- Forward a copy of the submission received from the applicant to any other party to the review and allow 34 days to respond.
- Allow the applicant a further 14 days to respond to any comments from the other parties.
- Proceed to conduct the review and

issue a decision within the 150-day time limit.

### Medical evidence

In a review, medical opinions or other reports obtained from doctors or other experts may be provided by one of the parties as part of their written submission. As well, a review officer may request that a Review Division medical advisor provide an opinion on medical issues raised in the course of a compensation review.

### Concluding the review

Evidence obtained through the submissions process, as well as medical opinions obtained from a Review Division medical advisor, will be disclosed to those participating in the review. The parties are given an opportunity to respond to that evidence before the review officer issues a decision. The Review Division's objective of providing a final resolution to disputed issues means that a review officer will strive to reach the best decision supported by the evidence and applicable law and policy. All review decisions are communicated in writing.

—Susan Hynes  
Chief Review Officer

Review Division, WorkSafeBC

### Access to private expedited surgery

WorkSafeBC provides injured workers with rapid access to surgery and expedited specialist consultation when necessary through the following partner private surgery centres:

- **Abbotsford:** South Fraser Surgical Centre
- **Calgary:** Canadian Surgery Solutions
- **Cumberland:** Comox Valley Surgical Associates
- **Kamloops:** Kamloops Surgical Centre

- **Kelowna:** Okanagan Health Surgical Centre
- **Langley:** Langley Surgical Centre
- **Nanaimo:** Seaford Surgical Centre
- **New Westminster:** New Westminster Surgical Centre
- **North Vancouver:** Delbrook Surgical Centre
- **Prince George:** Prince George Surgery Centre
- **Surrey:** Valley Surgery Centre
- **Vancouver:** ASC Vancouver Surgical

Centre, Cambie Surgical Centre, False Creek Healthcare Centre

- **Victoria:** Victoria (Outpatient) Surgery
- **White Rock:** White Rock Orthopaedic Surgery Centre

For more details on expediting surgery for WorkSafeBC patients, contact Health Care Services at 604 232-7787 or 1 866 244-6404 (press 2).

—Peter Rothfels, MD  
Chief Medical Officer and Director  
WorkSafeBC Clinical Services