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Submitted values are:

Name:

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Email: [REDACTED]

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In the past year, my family has had an experience with the Workers Compensation Board that has pointed out to me the shortcomings of the Workers Compensation Act and Board. There are six recommendations which I would like to bring forward to the attention of the Legislative Committee.

1. The burden of proof for whether an injury is work-related or not should not lie on the worker. Just as in a criminal case, one is presumed innocent until proven guilty, in WCB claims, an injury should be presumed work-related unless it can be proven otherwise. If this presumption is not made, the workers, for whom this Act has been created, are placed at a significant loss. I understand that there are those who would like to receive compensation where it is not due, but in such cases, it is simpler to prove that it is not due. Through our experiences, we have found that our injury was presumed to be not work-related unless we could convince the WCB officer that it was, which is extremely difficult given the predisposition of the board to find any reason to reject the claim. While the WCB trumps its values of honesty, transparency, and workers' rights very clearly, it has become clear to us that this is not a reality.
2. A claim should not be rejected on the basis of medical advice provided without physical inspection and examination of the worker. Our claim was rejected after a WCB officer consulted with a WCB doctor regarding the "normal recovery time" for a condition. This "normal recovery time" could be refuted by various sources in medical literature. Furthermore, it was made without the WCB doctor ever examining the worker to determine the recovery time, which is often different from patient to patient. This medical advice was unfair, and the worker had no part in it, which should make the advice irrelevant to the claim.
3. There should be transparency between the WCB and the worker.
4. Further medical education or consultation should be provided to Workers' Compensation Officers and the Review Office. When we received a response from the first level appeal, we saw that it cited a letter from our medical specialist, as a reason to reject the claim. When we asked our medical specialist about her comments in that letter, she explained that these comments were referring to a different part of the body than the Review Office assumed. This one sentence formed the basis of the Review Office's decision to reject the claim, and it was completely misinterpreted and irrelevant to the claim, but simply appeared in the medical specialist's full report of the inspection of the worker's entire health. Workers' Compensation Officers and the Review Office should interact more closely with medical professionals or be provided with further education on medical literature to allow them to fairly and logically review cases.
5. The term "work-related" should be defined in the Act, as it is a grey area that can be interpreted however one pleases.
6. The permissible reasons for rejecting a claim should also be laid out and defined in the Act so as to avoid any confusion