

September 5, 2019

Ms. Janet Patterson
By email: info@wcbreview.ca

Dear Ms. Patterson,

RE: Workers' Compensation System Review

This is further to my letter of July 19, 2019.

Enclosed is a letter dated August 28, 2019 from the Chair of the Workers' Compensation Appeal Tribunal. The letter is self-explanatory.

Mr. Pendray is correct, as reported in our Annual Report the vast majority of complaints we receive about fairness of treatment of injured workers relate to the Workers' Compensation Board.

I hope this clarification is useful.

Yours sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

Enclosure

cc: Andrew Pendray, Chair, Workers' Compensation Appeal Tribunal

August 28, 2019

Jay Chalke, Ombudsperson
2nd Floor – 947 Fort Street
PO Box 9039 STN PROV GOVT
Victoria, BC V8W 9A5

Dear Mr. Chalke,

Re: WCB Review 2019

I write with respect to your July 19, 2019 letter to the 2019 Workers' Compensation Review. In that letter you indicate that your office receives "a significant volume of complaints about WorkSafeBC and WCAT", and note that in the previous three fiscal years your office had received "701 complaints about the two public authorities."

WCAT is, of course, part of the workers' compensation system in British Columbia. However, as you are aware, WCAT is an independent tribunal, and is independent from the Workers' Compensation Board.

By grouping WCAT and the Workers' Compensation Board into a single statistical entity, your July 19, 2019 letter leaves the independent reviewer, workers' compensation stakeholders, and the public at large, with the impression that there is a "significant volume" of work that your office must address in respect of complaints and enquiries related to WCAT.

I question whether leaving those parties with such an impression is fair.

A review of your annual reports indicates that out of a total of 7,997 complaints and enquiries received by your office in the 2016/17 fiscal year, 37 complaints and enquiries (0.46% of the total) related to WCAT. That number has in fact decreased in the following two fiscal years, with complaints and enquiries regarding WCAT constituting 20 out of the 8400 complaints and enquiries received by your office in 2017/18, and 19 out of the 7097 complaints and enquiries received by your office in 2018/19.

Regardless of the total number, WCAT takes complaints about its processes, procedures, and decision making seriously, and will continue to seek to resolve issues that may arise as expeditiously as possible. In doing so, we look forward to continuing to work with your office in the future. Given the above, however, I would request that in future publications you consider providing individual statistics for each of WCAT and the Workers' Compensation Board, as you do in your annual reports.

Yours sincerely,



Andrew Pendray
Chair

AP/ct