

# Standards of Conduct for Practice and Procedure before WorkSafeBC

## Introduction

WorkSafeBC is committed to creating a province free from workplace injury or illness, and to providing service driven by our core values of integrity, accountability, and innovation. By partnering with workers and employers, we help British Columbians come home from work safe every day.

In the fulfillment of our mandate, we expect our employees to demonstrate honest, impartial, respectful, and ethical behaviour — both in working with our stakeholders and in serving our clients and the community.

We also aim to provide a safe and respectful working environment for our employees. While the vast majority of worker and employer representatives demonstrate courteous and ethical conduct in their dealings with them, occasionally, our employees are subjected to abuse and threats.

Protecting the safety and well-being of WorkSafeBC employees is paramount to our organization. That's why WorkSafeBC has outlined the standards of conduct (the Standards) we expect from representatives of employers, representatives of workers, and other representatives when interacting with and appearing before WorkSafeBC and our staff.

These standards, along with a process to address potential breaches from representatives, are outlined in the following document.

Section 338 of the *Workers Compensation Act* establishes WorkSafeBC's jurisdiction to create standards of conduct and to apply consequences for the breach of those standards.

## The Standards

As a representative, you are expected to **not** engage in harassment or violence, including comments or actions (threatened or attempted) that can reasonably be expected to be offensive, humiliating, unwelcome, or otherwise objectionable or to cause physical or psychological harm.

Additionally, you are expected to:

- Represent your client honestly, ensuring you:
  - Do not assist or encourage a party to mislead or misrepresent the facts or to engage in obstructive behaviour in their dealings with WorkSafeBC.
  - Do not put forward any information you know to be untrue, including any false or misleading statements about the actions of WorkSafeBC or our staff.
  - Do not allow a conflict of interest with the party you represent to persist without their express, informed consent.
  - Do not interfere with the direct communication between a party and WorkSafeBC. Policy item #93.26 of the *Rehabilitation Services and Claims Manual, Volume II*, confirms the

obligation of a worker to provide information and that WorkSafeBC is entitled to “obtain information directly from the source.”

- Maintain and protect the confidentiality of information disclosed during WorkSafeBC proceedings, including not using that information for other purposes without prior consent.

## Progressive response to a breach of the Standards

Except regarding matters involving potentially criminal activity, WorkSafeBC prefers to take a progressive approach to a breach of the Standards. If a representative refuses or fails to comply with the Standards, WorkSafeBC may take any or all of the following actions, usually — though not always — in this sequence:

1. Issue a warning
2. Impose a temporary restriction on communication with WorkSafeBC
3. Impose a temporary suspension of the representative and an additional temporary restriction on communication with WorkSafeBC
4. Take further actions

These four types of action are explained in the remainder of this document.

Nothing in this part limits the remedies or actions available under section 79 of the *Workers Compensation Act*. Matters governed by other legislation or within the jurisdiction of a professional governing body may result in additional remedies.

## Warnings: How they are issued and how you can respond

When a representative refuses or fails to comply with the Standards, WorkSafeBC will issue a **verbal warning, a written warning, or both**. Verbal and

written warnings will identify the nature and details of the breach of the Standards.

Written warnings are also copied to the party represented by the representative. In addition:

- A written warning delivered by surface mail is deemed delivered on the 8th day after the date the letter is sent.
- A written warning delivered electronically is deemed delivered on the same date it is sent.

A representative may respond to a verbal or written warning by delivering a written explanation to WorkSafeBC on or before the 21st day after the date the verbal warning is received or the letter or electronic communication is deemed delivered.

The written explanation may either explain why the representative has not breached the Standards, or it may accept that the representative has breached the Standards but add context and mitigating factors.

If WorkSafeBC determines that, based on the representative’s explanation, no breach of the Standards has occurred, the warning will be rescinded.

If WorkSafeBC determines that, despite the explanation provided, a breach of the Standards has still occurred, or if the explanation agrees that a breach of the Standards occurred but adds further information, WorkSafeBC will keep the explanation on file and will take it into consideration when responding to any future breaches of the Standards.

## Restrictions and suspensions: Why they are imposed and how you can respond

If, following a verbal or written warning, a representative commits another breach of the

Standards, WorkSafeBC may take any of the following actions:

- Restrict communication with and access to WorkSafeBC for a specified period
- Suspend the representative from acting in this capacity with WorkSafeBC for a specified period

Following a temporary restriction or suspension, if a representative breaches the Standards again, WorkSafeBC may impose a longer period of restriction or suspension from acting as a representative with WorkSafeBC.

WorkSafeBC may also take any of the above actions without first issuing a verbal or written warning in circumstances where a representative's breach of the Standards is potentially criminal, poses an immediate risk to the health and safety of WorkSafeBC employees, or is otherwise egregious conduct.

If WorkSafeBC restricts or suspends a representative, we will communicate that decision and the reasons for it in writing to the representative and the party they represent.

The representative may respond by delivering a written explanation to WorkSafeBC. The timelines and options for responding are the same as for responding to warnings (see [Warnings: How they are issued and how you can respond](#)).

If WorkSafeBC determines that, based on the representative's explanation, no breach of the Standards has occurred, the restriction or suspension will be rescinded.

If WorkSafeBC determines that, despite the explanation provided, a breach of the Standards has still occurred, or if the explanation agrees that a breach of the Standards occurred but adds further information, WorkSafeBC will take the provided explanation into consideration and may agree to reduce or rescind a restriction or suspension if we consider it appropriate. In that case, we will

communicate the decision to you and the party you represent in writing — together with a plan for re-establishing respectful communication.

### Consequences of suspension

During a temporary suspension, the suspended representative will, depending on the circumstances and as determined by WorkSafeBC:

- Have no authority to receive information about the subject claim or account — **or any claim or account**
- Not be entitled to communicate or otherwise engage with WorkSafeBC
- Not be permitted to make submissions or requests on behalf of an employer, an independent operator, or a worker or their dependent

We will advise our staff and relevant parties (including the Law Society of British Columbia, if applicable, or any other relevant regulatory body) of the representative's suspension.

In addition, if a representative is convicted in a court of law for committing a fraudulent act pertaining to WorkSafeBC, then a permanent end to recognition of that individual's status as a representative may result.

### Further actions

When WorkSafeBC determines it is appropriate to do so, it may take any of the following actions ~~without first having~~ issued a warning, restriction, or suspension:

- Refer the matter to WorkSafeBC security
- Submit a complaint to the Law Society of British Columbia (if applicable) or to any other relevant regulatory body
- Refer the matter to local police