

 Yukon Workers' Compensation Health and Safety Board	Part: 6	General and Corporate		
	Board Approval:	<i>Original Signed by Chair</i>	Effective Date:	July 1, 2008
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INVESTIGATIONS

GENERAL INFORMATION

The Yukon Workers' Compensation Health and Safety Board (YWCHSB) is responsible for safeguarding the integrity and viability of the workers' compensation system, while recognizing the collective liability of employers for workplace injuries. The YWCHSB will ensure that its obligations to workers and employers are met through efficient, appropriate and fair decisions.

An Investigation Unit has been established to conduct and co-ordinate the YWCHSB's investigation activities. The Investigation Unit's primary objective is to gather accurate and relevant primary information in a timely manner. This information will be used to facilitate decision-making and improve customer service.

Specifically, the Investigation Unit will work to:

- a) ensure compliance with all the *Workers' Compensation Acts* (the "Acts") and YWCHSB policies;
- b) improve the quality of YWCHSB decisions; and
- c) ensure the validity of assessment reporting, employer registration, claims for compensation and service provider billing.

DEFINITIONS

- 1. Decision-Maker:** any person employed by the YWCHSB, including General Counsel and the Medical Consultant, who has the authority to make decisions based on evidence presented.
- 2. Employer:** every person, firm, association, organization or corporation having in their service one or more workers in an industry, and includes all others defined as employers in the *Acts*.
- 3. Service Provider:** any person, firm, association, organization or corporation which provides products and/or service to the YWCHSB or to injured workers on

behalf of the YWCHSB, and which bills the YWCHSB for such services or products. This includes independent contractors who work for the YWCHSB.

4. Staff: all permanent, casual, and auxiliary public servants who work for the YWCHSB.

5. Worker: any individual who applies for compensation under the *Acts*.

POLICY STATEMENT

1. Types of Investigation

a) Information for Decision Making

The investigation function works to improve the speed and thoroughness of decision-making in the areas of employer registration, case management, employer assessment, service provider payments and claims adjudication. The need for gathering additional information will be identified by an appropriate decision-maker, who will refer the issue to the Investigations Unit. A report will be provided to the decision-maker and placed on the employer's, injured worker's or service provider's file once the relevant information has been gathered. The focus of this investigative role is to gather accurate and relevant primary information and improve customer service.

b) Investigation of Alleged Violations of the *Acts*, the *Occupational Health & Safety Act* or YWCHSB Policy.

The Investigation Unit may assist a decision-maker in gathering information to ensure that all employers, service providers, injured workers and staff are meeting the requirements of the *Acts* and related policies. When an investigation is concluded, a report shall be provided to the appropriate decision-maker and General Counsel. The consequences associated with violating legislation or policy will be determined by the appropriate internal authority, based on the provisions of the applicable *Act*, regulation, Order of the Board of Directors and policy.

c) Investigation of Alleged Fraud

Fraud investigations ensure that:

- (i) service providers appropriately bill for products and services rendered to the YWCHSB;
- (ii) all employers pay fairly into the Compensation Fund;
- (iii) YWCHSB staff act in accordance with the terms and conditions of their employment; and that
- (iv) workers and employers receive the benefits and services to which they are entitled to under the *Acts*.

Chair

The Investigation Unit will investigate each allegation of fraud made against staff, providers, employers, workers or members of the Board of Directors. These allegations may be made known through internal referral, external identification or through the work of the Unit itself, in accordance with YWCHSB policy, "Fraud."

The first step in an investigation is to refer the file to the appropriate decision-maker in order to determine whether the reported activity or information warrants investigation.

Once the investigation is complete, General Counsel will review the investigation file and shall, in consultation with the President/CEO, determine whether to pursue a remedy through a criminal or administrative process.

This determination is made on the basis of the evidence at hand and in accordance with YWCHSB policy, "Fraud". The individual(s) affected will be presented with the outcome in order to ensure an accurate understanding of the facts related to the matter.

2. Documentation

Potential fraud investigation reports will not be placed on the injured worker's, employer's, service provider's, staff personnel's or Board of Directors' file unless requested by the individual. However, the investigation report would be viewable by the individual, if requested. If it is determined that an investigation report must become part of the permanent record, the party under investigation will be notified in writing and given an opportunity to respond.

3. Investigation Techniques

Investigators must conduct themselves in a professional manner at all times, operating both within the law and within the procedural standards established by the YWCHSB.

Investigation techniques will vary in accordance with the type of investigation required and the circumstances of each case. Investigation techniques may range from electronic searches and paper file review, to actual field work as determined by the President/CEO.

4. Reporting

The President/CEO shall report periodically to the Board of Directors on the activities of the Investigation Unit.

Chair

APPLICATION

This policy applies to the Board of Directors, President/CEO and staff of the YWCHSB, service providers, employers and workers covered by the *Act* or predecessor *Workers' Compensation Acts* and the *Occupational Health & Safety Act*, R.S.Y. 2002 or predecessor Occupational Health and Safety Acts.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy, "Merits & Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

ACT REFERENCE

Section 105

POLICY REFERENCES

EN-02, "Merits and Justice of the Case"

GN-05, "Fraud"

HISTORY

GC-14, "Investigations", effective August 15, 2006, revoked July 1, 2008.

Chair