

WCB Policy 22.20 - Program Abuse Administrative Guidelines

Please include the Board-Approved policy when referencing guidelines as they are intended to provide clarity and direction to ensure consistent administrative application of the policy.

Initiation of Formal Investigation

When a formal investigation is launched, the Workers Compensation Board (WCB) will give written notice to the person or organization subject to an investigation (the "respondent"). This notice will provide the respondent with information about the allegation(s) against them, and will set a deadline for response. If no response is received within the time allowed, the WCB may proceed to make a determination based on the available evidence.

Investigator Conduct

Investigators are expected to:

- conduct investigations in a fair and impartial manner, and adhere to the principles of natural justice;
- ensure that external pressure or influence does not compromise the integrity of an examination;
- excuse him or herself from an investigation if a conflict of interest becomes apparent;
- adhere to WCB policies, human rights principles and practices, and other legislation, policies, practices and principles which govern the behaviour of employees and agents of the WCB;
- confine the scope of the investigation to matters raised in the complaint as documented in the investigation plan;
- maintain the confidentiality of all information received; and
- retain all records and maintain an up-to-date schedule of the documentation.

Surveillance

Covert video surveillance may be used when:

- a) there are reasonable grounds to believe that program abuse is occurring;
- b) there is a strong likelihood that surveillance would provide evidence required to substantiate the allegation of program abuse; and
- c) less invasive measures would not reasonably be effective to substantiate the allegation of program abuse.

DISCLAIMER: *The information in this document is subject to change without notice.*

Covert video surveillance will only be conducted with the approval of the Director of Compliance Services or delegate.

Final Investigation Report

The WCB will produce an investigation report at the conclusion of a formal investigation. This report stands alone as a permanent record of the investigation and its findings.

Consequences of an administrative finding of Program Abuse

In the event that program abuse is established, the WCB will consider any mitigating or aggravating factors when determining the appropriate administrative sanction.

If an administrative penalty is applied, the WCB will send the respondent a notice of penalty advising of the WCB's intent to publish the penalty on its website and the information to be included in that publication. It will also explain the appeal process.

Posting of Administrative Penalty

The WCB may publish an administrative penalty on its website after the statutory appeal period has expired or the Appeal Commission has upheld the WCB's decision to apply a penalty. (www.wcb.mb.ca/administrative_penalties)

The publication may include the name of the respondent, the nature of the offence and the penalty amount.

A penalty will be removed from the website five years after it was applied.