

# Why the DRDRB Doesn't Matter

The first level of appeal of every WCB decision falls to the Dispute Resolution and Decision Review Body (DRDRB); they are considered the "internal" review body of the WCB. However, if the DRDRB decides in your favor, there is no existing policy or legislation which would force your Case Manager to comply.

Before the DRDRB came into existence, the first level of appeal was called the Claims Services Review Committee (CSRC). Although the CSRC was technically comprised of WCB employees, they were granted veto power to change decisions on a file without the buy-in of the Customer Service Department. Simply put, if an incorrect decision was made by a Case Manager, the CSRC had the authority to simply reverse the decision. This power was rescinded in the year 2000 following a government review which determined the "internal" review body should have less of an authoritarian and more of a collaborative role with Case Managers and their Supervisors.

When this change occurred, I was a part of the CSRC team. I was present in the meetings where the CSRC decision-makers tossed names around for the new department and morphed the final product into the laughable DRDRB acronym (Side note: The fact that "Dispute Resolution" occurred in the title ahead of "Decision Review Body" was intentional to soften focus on the department's new collaborative role). I was there when the heated conversations occurred behind closed doors regarding which steps, if any, should be taken when the Customer Service Department refuses to change an incorrect decision. I watched as the original Members of the CSRC took severance packages, one by one, as they refused to give up their decision-making powers in exchange for incessant arguments with Case Managers regarding whether decisions should be reversed.

The WCB released a revised version of the Workers' Compensation Act in 2000 which relinquished the power of the internal review body. Section 45 of the Act allowed the WCB to appoint a review body to conduct a review of any issues where a worker or employer disagreed with a decision on a claim. However, there is no section of the Act (and there is no WCB Policy) which forces the Customer Service Department to comply with any directives of the DRDRB. The DRDRB has no more power than the [Fair Practice Office](#) or the Ombudsman; they can make recommendations but there is no legislation forcing the WCB to enact the suggestions.

If a DRDRB Resolution Specialist feels a decision was incorrect, they must approach the Case Manager and Supervisor who made the original decision and attempt to convince them to change the decision on their own. If this approach is not successful, the Resolution Specialist can advise the Customer Service Department they want to overturn the decision, which gives the Supervisor the opportunity to get their Manager involved in an "escalation meeting." If the Customer Service Department Manager feels the changed decision will be too high of a liability and result in too high of a financial cost, the Manager can prevent the DRDRB from overturning the decision. I know this because, when I quit my employment with the WCB, I **was** a DRDRB Resolution Specialist and I have direct experience in this process. Notwithstanding all of the above, if the DRDRB rules that a decision must be overturned, there is no way of forcing the Customer Service Department to obey.

This is not true for any decisions made by the "external" appeal body, the Appeals Commission (AC). Section 13.3 of the Act directs the WCB is "bound" by a decision of the AC and all decisions by the AC must be implemented within 30 days of the decision being received by the WCB. It's simple... if the AC overturns a decision, there is no discussion with the WCB's Customer Service Department. The decision is made, and the Act forces the WCB to comply.

Appeals would be so much simpler if we could bypass the DRDRB level. Unfortunately, the Act only allows the Appeals Commission to consider issues that were previously reviewed by the DRDRB so there is jurisdictionally no way to bypass the DRDRB's rubber stamp.

Regardless of their lack of power, it's important for all appellants to understand the actual role of the DRDRB. They are simply a gateway to the real level of appeal - the Appeals Commission. If you submit an appeal and the DRDRB denies your request, please don't be discouraged.. Simply understand this is a normal part of the appeals process and head over to the Appeals Commission for a chance at a fair hearing.

Kim Hurley, Appeals Specialist  
Injured Workers' Advocacy Services  
[www.iwas.ca](http://www.iwas.ca)