
2025 Fair Practices Commissioner Annual Report

Allan Seckel, OBC, KC

**FAIR PRACTICES COMMISSIONER
FOR WORKSAFEBC**

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01

Introduction

If you believe that you have been treated unfairly in your dealings with WorkSafeBC, try to resolve it with a manager and then through the Issue Resolution Office. If you are still not satisfied with the response, contact me as the Fair Practices Commissioner for WorkSafeBC.

My job is to investigate complaints by employers, workers, and dependants of workers regarding alleged unfairness in their dealings with WorkSafeBC. I do that independently. As the Fair Practices Commissioner, I will:

- Investigate your complaint;
- If I find unfairness in how you were dealt with, make recommendations to WorkSafeBC to resolve your complaint or, if your complaint indicates a systemic problem, make

recommendations to WorkSafeBC about systemic problems with the fairness of policies, practices, or procedures of WorkSafeBC; or

- If I do not find unfairness in how you were dealt with, help you understand your issue with WorkSafeBC.

What I cannot do is change a decision made by WorkSafeBC. Other review and appeal processes apply when you do not think a decision is right.

Land Acknowledgement

The Fair Practices Commissioner expresses appreciation for the privilege to work and live within the territories of Indigenous Peoples across British Columbia. Our offices are located on the traditional, ancestral, and unceded or treaty territories of Indigenous Peoples, including the Musqueam, Squamish and Tsleil-Waututh Nations. We acknowledge and respect the Indigenous Peoples who have inhabited and cared for the land since time immemorial.

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Message from the Fair Practices Commissioner

This is my third annual report, and my last as the Fair Practices Commissioner for WorkSafeBC, as my term expires on April 30, 2026.

The Office of the Fair Practices Commissioner was created by an amendment to the *Workers Compensation Act* on November 24, 2022. Sections 355 to 357 of the *Workers Compensation Act* provide the overall terms of the role, which focus on considering complaints that a worker, dependant, or employer was treated unfairly in their dealings with WorkSafeBC. This differs from questions of whether decisions made by WorkSafeBC officers are correct, as the *Workers Compensation Act* already provided avenues of the review and appeal of the substance of decisions. My role is about fair process, and not whether the complainant thinks the outcome is fair. The difference is sometimes difficult to understand,

as we all use the word “fair” to express whether we think an outcome is acceptable. As a result, many complaints to my office are more about what was decided than how it was decided, yet my role is only about the activity and processes that led to a decision. That said, when replying to a complaint I try to explain as best as I can the context of the complaint and what I can and cannot do.

The sections of the *Workers Compensation Act* that govern my role can be found in an Appendix to this report.

My office is independent of WorkSafeBC. I take that independence seriously, and so too does WorkSafeBC. My experience is that everyone at WorkSafeBC has honoured the intention of the legislation to create an independent review.

This has facilitated my ability to conduct independent investigations. I am also grateful that my advice and recommendations have been embraced and implemented in all cases.

As this is my last report, I wish to thank Dawna Huff and her team at the Issue Resolution Office, for the work they do and the assistance they have given me throughout my term of office. My thanks also to Valerie Vojnic, who as my liaison with the Board, has given me superb support. The assistance of Amreet Dhaliwal and Audrey O’Brien has also made this role a pleasure. And then there is Kavita Kumar. Kavita helped me establish this office and I could not have executed my role without her. Thank you, Kavita, for all you did to keep me on track.

Allan Seckel, OBC, KC
FAIR PRACTICES COMMISSIONER

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The Fair Practices Commissioner Role & Authority

The scope of my office is “to investigate complaints by employers, workers and dependants of workers regarding alleged unfairness in dealings with the Board.” This authority to investigate complaints about unfairness in dealings with the Board does not include the ability to substitute my judgment about a decision made by the Board or its employees. In other words, if someone is unhappy with what was decided, they need to take advantage of any review or appeal process offered by WorkSafeBC and its legislation. I cannot change what was decided.

Instead, my role is focused on how something was decided, or to ask, “was the process fair?”.

The sort of questions I can pursue include:

Reviewing the decision-making process, including:

- Was a decision made by an impartial and unbiased decision maker?

- Were there any problems with the practices and procedures of WorkSafeBC in relation to the circumstances of the complaint?
- Were there any issues with the behaviour of the people at WorkSafeBC who served the complainant? Was the complainant treated respectfully?
- Was there effective and transparent communication between WorkSafeBC and the complainant?
- Was there undue delay?

I exercise my role completely independently of WorkSafeBC. I have been given full, independent access to information systems and all my enquiries are answered without restriction. I work remotely from the organization and do not maintain office space within the WorkSafeBC buildings. My reviews are independent.

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The Fair Practices Commissioner Process

As the Fair Practices Commissioner, I am not the first point of contact for employers, workers, and dependants of workers who believe that the process has been unfair. Ideally, whenever something happens that seems unfair, the person should deal directly with the WorkSafeBC employee responsible for the matter or perhaps elevate the concern to that employee's manager. That is not always possible or even comfortable, and WorkSafeBC has a long history of providing a neutral place to bring a complaint: the Issue Resolution Office (or as it was called before my office opened, the Fair Practices Office).

The Issue Resolution Office offers impartial assistance to any person or organization who has an issue or complaint with WorkSafeBC, including employers, workers, and dependants of workers. The office works with complainants to help resolve alleged unfairness in dealings with WorkSafeBC.

As Fair Practices Commissioner, my role is to deal with complaints where the person is not satisfied with the resolution of the complaint by the Issue Resolution Office, including any explanation they may have been given by the Issue Resolution Office after the investigation. **I do not accept complaints that have not already been investigated by the Issue Resolution Office.** This approach is consistent with other offices with similar roles as mine, such as the Fairness Officer at the Insurance Corporation of British Columbia.

What this means is that when a person sends a complaint to me, the first question is whether the matter has already been dealt with by the Issue Resolution Office. If it has not, then that office, not mine, deals with the matter, and the person who made the complaint is informed that the Issue Resolution Office will investigate the matter.

The Fair Practices Commissioner Process

Once the Issue Resolution Office has concluded its work, the person that made the complaint needs to decide whether their concern has been addressed in that process. If they believe it has not, then they may make a complaint to me as the Fair Practices Commissioner. I will then review the matter and make any additional enquiries I think necessary to understand the issue. Generally, this will not include interviewing the complainant. With my review coming after the Issue Resolution Office review, by this stage all the facts and evidence the complainant wishes to have considered should have been stated and be known through the Issue Resolution Office process or, exceptionally, in the complaint form sent to me.

Once I have investigated the matter, I respond to the complainant. I do this in writing. If my investigation causes me to conclude that the person has not been

dealt with fairly, I explain why I have reached that conclusion. In doing so, I generally must explain that I cannot change the outcome of their case as I can only consider the process. I note that many complainants are often primarily dissatisfied with the decision itself.

When I do find unfairness, however, then, in addition to writing to the complainant, I will also recommend to WorkSafeBC a way to resolve a complaint. If the individual complaint exposes a larger problem, I will recommend to WorkSafeBC how to address systemic problems with the fairness of WorkSafeBC's practices as indicated by complaints; or how to address the systemic problems with the fairness of the application of policies of the Board of Directors; or the practices and procedures of WorkSafeBC. Please see Figure 1 on page 8 for the full complaint process.

A NOTE ON TIME LIMITS AND TRANSITIONS

Except in exceptional circumstances, a complaint to me as the Fair Practices Commissioner must be brought within six months of the date when the Issue Resolution Office concluded its review.

FIGURE 1: Issue/Complaint Process



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Case Statistics

Since opening my office, 335 people have submitted 337 complaints to me, either through the Fair Practices Commissioner website or by mail. In 2025, 146 new complaints were received.

Seven of the 146 new complaints were cases that had been concluded by the Issue Resolution Office more than six months before the complaint was made to my office and so were too late to be considered by me. There is a six-month time limit on bringing complaints to the Fair Practices Commissioner.

Of the remaining 139 cases, thirty-five were cases that had already been investigated by the Issue Resolution Office and therefore belonged in my process as the Fair Practices Commissioner. This means that complaints to my office resulted in 104 new cases for the Issue Resolution Office.

This is in addition to the volume of cases that are submitted directly to the Issue Resolution Office. When you consider the overall volume of cases that the Issue Resolution Office handles, it continues to appear, to their credit, that they resolve most complaints.

Most complaints brought to me are by workers who are advocating on their own behalf. Of the 32 complaints concluded in 2025, 31 were from workers and three of those 32 were brought on behalf of the worker by a representative (a family member). One case was on behalf of an employer and one complaint came from a dependant of a worker.

004

Cases carried forward from 2024

035

Qualifying cases received

146

Total complaints received in 2025

032

Cases concluded in 2025

007

Complaints submitted too late

003

Cases carried forward to 2026

104

Complaints that had not previously been investigated by the Issue Resolution Office

06

Case Topics

A continuing challenge is that many of the complaints I receive are vague on specifics. This is not surprising as typically complaints are made by the workers themselves, and they are understandably often motivated by a sense of unfairness rather than an analysis of the categories of unfairness that may be familiar to someone with knowledge of the law or practice of procedural fairness. As a result, it can take in depth investigation to understand what is really at issue.

My goal continues to be to respond to a complaint empathically with an answer that explains the situation in the context of the complainant's entire history. To achieve that goal usually requires me to review the entire claim file. Many of the complaints I reviewed are from either workers with either a long history of dealings with WorkSafeBC or from people that have been fierce advocates on their own behalf. The result is that their files can be voluminous.

Claims files of more than 5000 pages are common. The time it takes for my review is therefore significantly impacted by the time it takes to review that much material.

With the lack of specificity in the complaints, it is difficult to provide a quantitative analysis on the topics of complaints. In addition, few complaints raise only one specific issue. Most are multifactored, which also makes meaningful statistics on claim topics elusive.

Having said that, what follows is an attempt to quantify the nature of the complaints I have received. In 2025, the 32 cases I considered raised the following topics (and at the risk of being repetitive, the total number of subjects is greater than the total number of complaints because complaints usually raise more than one issue):

30

Poor communication

23

Delays

26

Bad behaviour by a WorkSafeBC officer

10

Issues with the decision-making process

I can also give some insight into case topics on a qualitative basis.

Case Topics

While most cases complain of bad communication or bad behaviour by a WorkSafeBC officer, these cases do not usually rise to a level where the complainant was treated unfairly. I cannot dispute the annoyance that may accompany a perception of bad service, but unless it causes unfairness, there is little I can do to assist. It is very difficult to assess subjective complaints about service in the absence of an unfairness resulting from the interaction.

I do acknowledge the annoyance, however, and explain why while annoying the conduct is not unfair. In all such cases, I also satisfy myself that WorkSafeBC is aware of the complaint and that the officer's manager has taken the time to try to address the service issue. Most often this has already occurred through the intervention of the Issue Resolution Office.

Delay remains a frequent complaint. Nobody likes to wait. My observation is that as a matter of operational

policy, WorkSafeBC understands this and seeks to be timely. Nevertheless, decisions can take longer than expected by either the worker or WorkSafeBC. What I assess in these cases is not just how much time has passed, but also whether the delay caused unfairness. And for delay to be unfair, it must either be deliberate or have caused some prejudice to the person waiting. In 2025, there was one case where delay became an issue of fairness.

Complaints of alleged bias by a decision maker also arise and are part of the decision-making process category. Typically, a complaint of bias is coupled with a complaint about the decision itself. It is not surprising that someone who dislikes a decision may suggest that the person making it was biased against them. But we all can err even without a bias, which is why WorkSafeBC's processes includes reviews and appeals of the outcome of decisions. In these cases, I try to determine a pattern of decision-making to see

not whether an error was made, but whether there was a change in the pattern that might indicate that something outside the merits of the case was causing decisions to turn against a worker. This can be time consuming, but I hope that when I show the pattern to the complainant, they can appreciate that no bias exists. In the cases I reviewed this year, I uncovered no evidence of actual bias, nor any cases where someone could reasonably apprehend a bias even if no actual bias existed.

Underlying most complaints is the complainant's unhappiness with the result of a decision. These cases are outside of my role and must be resolved either with a review by the Review Division or, if still unhappy after a review, an appeal to the Workers' Compensation Appeal Tribunal. In my letters, I explain this to the complainants as clearly as I can, though it is already a standard part of the communication of any decision by WorkSafeBC.

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Advice to WorkSafeBC

This year I gave advice to WorkSafeBC in three cases and made a suggestion in a fourth. For privacy reasons I cannot be specific about the cases, but I can provide a general description of my advice.

The first case included a process that led to three decisions of the Review Division that were contained in a single decision document. The worker appealed one of the decisions to the the Workers' Compensation Appeal Tribunal but did not contest the other two. One of those two decisions that were not appealed, when implemented, would result in the worker being paid compensation. However, because of the appeal, WorkSafeBC considered that subsection 275(3) of the *Workers Compensation Act* would apply so that compensation could not be paid until the appeal was determined. WorkSafeBC did not distinguish between the matter that was appealed and the matters that were not, and as the decisions were all in a single document, they applied subsection 275(3).

They also deprioritised further consideration of the claim pending the appeal.

I advised WorkSafeBC to clarify the application of subsection 275(3) to distinguish situations where multiple reviews are included in a single decision letter but only one matter is appealed to the Workers' Compensation Appeal Tribunal and the matter does not impact the compensation that will be paid. I also advised WorkSafeBC not to deprioritise a claim pending the Workers' Compensation Appeal Tribunal appeal unless WorkSafeBC is certain that no benefits are payable to the worker. In response, WorkSafeBC updated a practice directive to staff to include my advice and revised its training for officers to ensure its implementation.

The second case concerned a worker with long COVID. He submitted that the medical science had changed in relation to the impact of long COVID, and so WorkSafeBC ought to reconsider his

Advice to WorkSafeBC

claim under subsection 152(2) of the the *Workers Compensation Act*, which allows WorkSafeBC to reconsider a claim if there is new evidence relating to an occupational disease. I advised WorkSafeBC that they need to consider this section and determine if it applies to the worker's condition.

The third case concerned a worker who had six claims over many years. Rather than a single decision maker being assigned for all of his claims, there were multiple decision makers, for as each claim was made a new file was created and new officer assigned. I advised WorkSafeBC to determine if there was a cumulative impact of the injuries, as the worker alleged, and in response WorkSafeBC assigned a single case manager to the worker so that all claims and all the relevant factors and circumstances could be considered by one decision maker.

Finally, I noticed during the year that the timeliness of receiving clinical opinions was slipping. WorkSafeBC is aware of this issue and has introduced initiatives designed to improve that timeliness. This is more complicated than may be apparent, as the issues are not just internal to WorkSafeBC but also include matters of physician and psychologist supply in British Columbia.

During this year, WorkSafeBC also completed the implementation of advice given in 2024. Last year, I advised WorkSafeBC to create a process for the acquisition, preservation, review and sharing of video evidence that would assist in the review or adjudication of any matter, including a claim. WorkSafeBC now has practices and policies in place on the handling of video evidence. Guidelines have been created on obtaining video footage, checking for accuracy and protecting the

privacy of third parties. This includes a reminder to promptly request that the party holding the video preserves it until it is collected by WorkSafeBC. This change to policy and practice was effective May 26, 2025.

I also advised WorkSafeBC in 2024 to ensure that there is practice guidance that outlines the expectations that officers clearly follow any directions (as opposed to suggestions) that are provided in a Review Division decision. Effective July 1, 2025, a practice directive was updated to include my advice, and training for officers was revised to ensure implementation.

I appreciate WorkSafeBC's follow up on and implementation of all my advice. I have had no resistance to the suggestions I have made as a result of my cases, with WorkSafeBC always showing a willingness to learn and improve.

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Appendix

Excerpt from the *Workers Compensation Act*

Division 7 – Fair Practices Commissioner

Definitions

355 In this Division:

“**fair practices commissioner**” means an officer of the Board who is appointed as the fair practices commissioner under section 356 (1);

“**personal information**” has the same meaning as in the [Freedom of Information and Protection of Privacy Act](#).

Fair practices commissioner

- 356** (1) The board of directors must appoint an officer as the fair practices commissioner to advise the Board on matters of fairness.
- (2) The fair practices commissioner is to be appointed for a term of 3 years and may be reappointed for additional 3-year terms.
- (3) The [Labour Relations Code](#) does not apply to the fair practices commissioner.

(4) The fair practices commissioner may do the following:

- (a) investigate complaints by employers, workers and dependants of workers regarding alleged unfairness in their dealings with the Board;
- (b) make recommendations to the Board to
 - (i) resolve complaints referred to in paragraph (a), or
 - (ii) address systemic problems with the fairness of the Board’s dealings as indicated by such complaints;
- (c) make recommendations to the Board about systemic problems with the fairness of
 - (i) the application of policies of the board of directors, or
 - (ii) practices and procedures of the Board;
- (d) undertake any other activity prescribed by regulation of the Lieutenant Governor in Council.

Appendix

(5) Despite subsection (4), the fair practices commissioner may not comment on or make recommendations respecting the following:

- (a) the merits of a Board decision under the OHS provisions or the compensation provisions, or the merits of a decision of a review officer or the appeal tribunal;
- (b) a matter that is the subject of a proceeding or a decision of a court or tribunal, as defined in section 1 of the [Judicial Review Procedure Act](#);
- (c) the setting or revision of a policy of the board of directors under section 319 [policies of the board of directors];
- (d) the carrying out of a matter for which the board of directors is responsible under section 320 [general responsibilities of the board of directors];
- (e) any other matter prescribed by regulation of the Lieutenant Governor in Council.

(6) The Lieutenant Governor in Council may make regulations respecting any matter contemplated by this section.

Annual report of fair practices commissioner

- 357** (1) On or before April 30 of each year, the fair practices commissioner must
- (a) prepare a report that includes the information required by the board of directors, other than personal information, in relation to the preceding calendar year, and
 - (b) provide a copy of the report to the board of directors.
- (2) After receiving the report under subsection (1), the board of directors must promptly
- (a) provide a copy of the report to the minister, and
 - b) publish the report on a publicly accessible website.

