

SURREY FIRE FIGHTERS' ASSOCIATION, LOCAL 1271 POLICY ON ASSISTING MEMBERS WITH WORKERS' COMPENSATION BOARD CLAIMS

1. The Association has no obligation to represent members in Workers' Compensation matters under the terms of the collective agreement or pursuant to the *Labour Relations Code*.
2. At the request of a member, and if the member agrees to the attached document (the Letter of Agreement), the Association will review each member's claim on a case-by-case basis to determine whether or not the Association will assist or represent a member in a Workers' Compensation matter.
3. In the event the Association agrees to provide representation or assistance, the Association will have the authority to decide what issues to pursue in the appeal and how to conduct the claim.
4. The Association bases the decision of whether or not to provide assistance or representation, and to what extent, on the Association's view of:
 - (a) the resources available to the Association;
 - (b) the importance of the matter to the member and to the membership as a whole; and
 - (c) the likelihood of success of each claim.
5. The Association's representation may include, at the Association's discretion based on the foregoing, any of the following:
 - (a) advising and/or assisting me with my Workers' Compensation claim at any time during the course of my claim; and/or
 - (b) assessing and reviewing the member's Workers' Compensation case to determine what, if any, issues to appeal;
 - (c) reviewing all documents relating to the Workers' Compensation claim, including, but not limited to, disclosure of the Workers' Compensation Board file and any relevant medical reports or clinical records;
 - (d) completing and forwarding a Request for Review to the Review Division;

- (e) completing and forwarding a Notice of Appeal to the Appeal Tribunal;
 - (f) seeking medical legal reports or opinions;
 - (g) preparing and forwarding written submissions to the Review Division or Appeal Tribunal;
 - (h) accompanying and/or representing the member at a Review Division or Appeal Tribunal hearing, or providing legal representation at a Review Division or Appeal Tribunal hearing; or
 - (i) any combination of the foregoing.
6. If the Association decides to assist or represent a member, the Association will assist at the first level of appeal under the *Workers' Compensation Act*. The decision whether to continue to represent the member at any subsequent level of appeal is solely that of the Association.
 7. If the Association deems it necessary, the Association may retain legal counsel where the matter is of sufficient importance to the membership as a whole or where the matter is of sufficient complexity or difficulty. A decision to retain legal counsel will be solely that of the Association.
 8. If the Association decides to retain legal counsel, the Association, not the member, instructs and chooses the legal counsel.
 9. In the event that the Association retains legal counsel or seeks an expert opinion or report, the Association will share information with the legal counsel or any experts that it retains regarding the Workers' Compensation claim, and those persons will report to, advise or share any information they receive with the Association.
 10. The Association will provide payment for any legal bills in the event that the Association retains counsel to instruct or assist on this matter.
 11. The Association will provide payment for any medical legal reports or clinical records requested by the Association.
 12. If the Association decides to assist or represent a member, the Association may withdraw their representation at any time, with reasonable notice.
 13. Any decision made by the Association regarding representation or assistance of a member with a Workers' Compensation claim or matter is final and binding.
 14. In the event that the Association decides not to provide representation or assistance in reference to a Workers' Compensation matter or determines that it will not continue to do so, the member may proceed with the matter.

15. In the event that the member disagrees with any decision the Association makes in conducting the claim, the member may proceed without any further assistance or support from the Association.