

## **REVIEW DECISION**

**Re:** Review Reference #: R0329934  
Board Decision under Review: September 26, 2024

**Date:** January 22, 2025

**Review Officer:** Allan Wotherspoon

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### **Introduction and Background**

The employer has requested a review of a decision by the Workers' Compensation Board ("Board"), which operates as WorkSafeBC, which imposed an administrative penalty of \$2,500.00 on the employer for violation of section 11.2(1)(a) of the *Occupational Health and Safety Regulation*. As I am referring this decision back to the Board to issue a new decision, I am not waiting for the employer to provide submissions. If the employer disagrees with the Board's new decision, they may request a review of that decision.

Part 6 of the *Workers Compensation Act* ("Act") gives me the authority to conduct this review. Section 339(2) of the *Act* requires me to make a decision on the merits and justice of the case, applying the policies of the Board's board of directors applicable in the case. The policies are found in the *Rehabilitation Services and Claims Manual, Volume II*.

### **Issue**

The issue is the Board's decision to impose an administrative penalty on the employer.

### **Reasons and Decision**

Based upon evidence available at the time, in the September 26, 2024 decision, the Board imposed an administrative penalty on the employer.

On January 14, 2025, a Board officer contacted the Review Division to request that the September 26, 2024 decision be returned to the Board. On November 7, 2024, the Board reconsidered the September 26, 2024 decision and rescinded the administrative penalty. However, the Board did not have the authority to reconsider the decision as the employer's request for review was filed on October 24, 2024, and section 122(2)(b) of the *Act* precludes the Board from reconsidering a decision once a request for review has been filed.

In light of the new information and the request from the Board Officer, I am referring the matter back to the Board to consider all of the relevant information

and to issue a new decision with respect to the imposition of an administrative penalty on the employer. As noted above, the employer may request a review of the new decision, if it disagrees with the new decision.

## **Conclusion**

As a result of this review, I am referring the September 26, 2024 decision back to the Board to issue a new decision.

Allan Wotherspoon  
Review Officer  
Review Division