

Client Services Procedure Manual

Procedure: 52.00
Subject: Investigations Referral

52.01 Introduction

This procedure outlines the different types of referrals for investigations. Its purpose is to ensure appropriate and efficient referral of matters to the Investigations Unit.

WorkplaceNL may use private investigators to supplement the staff Investigators' role in detecting and obtaining evidence regarding potential fraudulent actions by employers, workers, service providers and any contractor dealing with WorkplaceNL.

52.02 Types of Referrals

The types of investigation referrals are:

Employer Services Referrals:

Staff in the Assessments Services and Prevention Services Departments refer files to Investigations when possible fraud is identified. Collections and Prevention Services staff may identify potential fraudulent employers while performing their duties. Other staff may refer matters such as reclassification issues or requests for cost transfer under section 128 of the *Workplace Health, Safety and Compensation Act, 2022*.

Worker Services Referrals:

Staff in Compensation Services refer issues regarding entitlement of workers or dependents. Referrals are made when there is a need for information gathering which cannot be obtained through conventional means, such as telephone inquiry, written correspondence and face-to-face consultations, or there is a suspicion of fraudulent activity. Fatality investigations may require a site visit or liaise with authorities or agencies (e.g. RNC/RCMP, Coast Guard, OHS Branch, Medical Examiner). Finance may refer matters relating to vendor billing.

External Referrals:

The Investigations Unit maintains a toll-free referral phone line to allow identified and anonymous sources to report cases of suspected abuse and fraud of the system. The subject of the complaint may be an employer, worker, service provider or contractor dealing with WorkplaceNL. The Legal Assistant or Investigator documents the allegations. The Investigations Team Lead determines if investigation action is necessary. External referrals may also come in the form of written correspondence to WorkplaceNL. These allegations are also referred to the Investigations Unit to determine if investigation services are warranted.

Processing Phone Calls from Referral Line

Calls placed on the referral line are answered by the Legal Assistant or a member of the Investigations Unit. If a referral call is received by any other person within WorkplaceNL, the person should transfer the call to the referral line or suggest that the caller call back on the referral line. Voice-mail is offered to callers who place phone calls outside regular working hours. There is no caller ID option available on the referral line so callers are assured complete anonymity when calling or leaving a message.

When calls are received, WorkplaceNL does not divulge to a caller whether or not a worker's or employer's file exists, nor provide information regarding its status. The caller is advised that the referral will be assigned to an Investigator and the necessary action will be taken.

The referral is assigned to one of the Investigators within 24-hours of the time the call is received. If the caller leaves a message after regular business hours, the matter will be assigned within the next business day.

52.03 Internal Referral Process

The following are the steps which should take place in an internal referral for investigation.

1. An investigation is initiated by completion of a Referral to Investigation Form. The requester must fully complete the form and send it to the Investigations Team Lead. Additional detail may be provided in a supporting memo, if necessary.
2. The Referral to Investigations Form must be sent to the Legal Assistant. Case notes must not be used for referrals or investigation related information.
3. The Legal Assistant will forward the investigation to the Investigations Team Lead for review and assignment to the appropriate investigator within 24 hours.
4. Once being assigned a referral, the Investigator will contact the requester to provide the approximate timeline for the investigation to be completed and obtain additional information, if necessary, about the referral.
5. If there is not enough information or background material available to investigate, the referral may be sent back to the requester for more information or the investigation may be suspended by the Investigations Team Lead.
6. The requester should not disclose or discuss the investigation with any party without consulting the Investigator.
7. If any new or significant information is revealed during the investigation process, the Investigator will contact the requester to provide an update. The requester should inform the Investigator of any new significant developments while the matter is under investigation.
8. The Investigator shall provide periodic updates to the requester to provide the status of the investigation.

9. The Investigator shall report the outcome of the investigation to the requester upon completion. Where warranted, an Investigation Report shall be completed and sent to the requester.

52.04 External Referral Process

The following are the steps which should take place when a party external to WorkplaceNL initiates an investigation by contacting WorkplaceNL.

1. When WorkplaceNL receives an external referral, an investigation is initiated by completion of a Referral to Investigations Form. The form is completed by the Legal Assistant based on the information received during the phone call or from written correspondence. A copy of any written referral is attached to the Referral Form.
2. Except as noted in this section these types of referrals are handled in the same manner as Internal Referrals.
3. The Investigator will contact the appropriate decision-maker to advise them about the existence of the referral and to obtain additional information, if necessary, about the matter under review. Where the alleged activity appears to deviate significantly from the information on file about a client, a request for external surveillance may be initiated in relation to the matter.
4. The external source of the investigation referral is not generally notified of the outcome of the investigation unless he/she has a right of access under Policy GP-01 Information Protection and Access.

Criteria for Selection of External Surveillance

Types of investigations which may be referred to external surveillance companies include those with the following considerations:

1. remote investigation site;
2. time sensitivity;
3. anonymity in the investigation process is an issue;
4. ongoing observation over prolonged periods is required;
5. specialized equipment/investigative techniques required to obtain the necessary evidence; or
6. conflict of interest with internal investigators exists.

When it is determined that a referral should be made to an external surveillance company for the completion of the investigation, Legal Counsel shall review the nature of the investigation required to determine which of the possible surveillance companies should be assigned the task. The Investigator will complete a Request for Video Surveillance for review and approval by Legal Counsel in accordance with Procedure 57.00 Use of Surveillance/Photographic Evidence in Decision-Making.

Directing External Surveillance Activities

The following steps are taken to direct external surveillance activity:

1. A staff Investigator shall complete a Pre-surveillance Data Sheet outlining the relevant information in relation to the person under investigation.
2. The Investigations Team Lead shall write to the surveillance company outlining the services required and any limits or restrictions on the Investigation. The Pre-surveillance Data Sheet shall be enclosed with this letter.
3. The Investigations Team Lead and Investigator assigned will be points of contact throughout the investigation process.
4. Once the investigation is complete, the Investigations Report and a copy of the videotapes (or other evidence) must be sent to the Investigations Team Lead. An appropriate course of dealing with this information shall be determined by the decision maker and staff Investigators in accordance with Procedure 57.00 Use of Surveillance/Photographic Evidence in Decision-Making.

Tracking Investigation Referrals

The Legal Assistant keeps statistics on a monthly basis regarding the number of referrals received, the nature and sources of the referrals, whether the referral resulted in an internal or external investigation and the outcome of the investigation.

Reference: *Workplace Health, Safety and Compensation Act, 2022, Sections 18, 69*
Policies: EN-11 Investigations
GP-01 Information Protection and Access
Procedure 57.00 Use of Surveillance/Photographic Evidence in Decision-Making

Amendment History

<i>Original Effective Date</i>	2002 11 01
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