

Client Services Policy Manual

Policy Number: **EN-11**
Subject: **Investigations**
Chapter: **Entitlement**

Policy Statement

WorkplaceNL has adopted a zero tolerance policy for substantiated system fraud or abuse by any party, including employers, workers, service providers and its own staff.

Investigative expertise is required to detect and, where necessary, enable appropriate action against any party who abuses, defrauds, or attempts to defraud the system.

WorkplaceNL is responsible for safeguarding the integrity and viability of the workers' compensation system on behalf of injured workers and employers. It must ensure that money from the Injury Fund is promptly issued to legitimately entitled individuals or businesses.

Role of Investigators

Investigators work to improve the speed and thoroughness of decision making. In addition to primary fact finding which facilitates claims management and enhances client service, the presence and services of well-trained, professional investigators contributes to WorkplaceNL's goal of detecting fraud and abuse.

Referral for Criminal Prosecution

Where there is evidence of clear, wilful and deliberate misrepresentation, WorkplaceNL will refer the matter to the RCMP, RNC, or other appropriate authority, for criminal prosecution. WorkplaceNL will share information and provide assistance that is necessary.

Conduct of Investigators

Investigators must conduct themselves in a professional manner at all times, operating within the law and procedural standards established by WorkplaceNL. The Investigations Team Lead provides advice and responds to external inquiries any time the propriety of an investigative function is questioned.

Investigation services will range from computer searches and paper file review to a wide variety of field work. Investigators find facts - not readily available by usual means - which are

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necessary for speedy and effective decision making.

Where evidence of questionable activity warrants, approval may be given for an investigator to monitor activities which are reasonably apparent to members of the public. Approval for such measures will be given by the Investigations Team Lead. This does not preclude an investigator from exercising his or her discretion to observe and record suspicious public activity in the event of chance encounter while in the field.

Conduct of Investigations

Where evidence is received or a referral call is registered, the matter will be referred to the appropriate WorkplaceNL operating department(s) to review and assess whether the reported activity warrants investigation. For example, for a case management issue, the case manager will review the matter to determine if the activity is consistent with an approved plan or medical treatment. For assessment matters, employer data will be reviewed. An investigation will result only if significant or substantial inconsistencies are identified by the review. Issues affecting staff of WorkplaceNL will be referred to WorkplaceNL's Human Resources Department for appropriate follow up and action.

Documentation

Allegations in the form of anonymous calls or letters will be assessed and investigated as warranted. Such evidence will not be noted or placed on a claim file or any similar permanent WorkplaceNL record, unless a complete investigation substantiates the complaint.

All documentation related to substantiated accusations from anonymous or identifiable sources will be placed on the file or permanent record; documentation associated with unsubstantiated allegations will not be placed on the file or permanent record unless the documentation is used in making a decision on the claim file. Any identifiable source who requests anonymity will be treated in the same manner as an anonymous source.

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Where it is appropriate to do so, WorkplaceNL will notify the individual or group who registered a complaint of the outcome of an investigation.

The individual affected by the investigation will be presented with the outcome to ensure an understanding of the facts related to the matter.

When it is determined that an investigation report will become part of the permanent record, the party under investigation must be notified. Investigation reports must clearly reference photographic, videotape, and other such evidence of accident scenes, job-site analysis, personal/home care analysis, surveillance activities, etc. which cannot be physically stored on paper or electronic files. Upon request, such evidence must be available to be viewed by, or copied for, parties with a right of access (See Policy GP-01 Information Protection, Access and Disclosure).

Reference: Workplace Health, Safety and Compensation Act, 2022, Sections 7, 9, 17, 18, 19, 20, 69, 74, and 147
The Privacy Act, Section 5(1)(d)(ii)
Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1, ss.5(1)(a), 5(2)(c) and 22.

Amendment History

Original Effective Date	1995 01 01
Revision #1	2011 04 07
Reviewed	2018 02 28
Revision #2	2019 12 18
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