

Report to the Minister 2013

under Section 63(c) of the  
***Workers' Compensation Act***  
S.Y. 2008, c. 12

Submitted by the  
Workers' Compensation Appeal Tribunal  
March 28, 2014

## **Introduction**

The Workers' Compensation Appeal Tribunal (WCAT) was established on April 1, 2000 as a result of legislative amendments. The tribunal is independent from the Yukon Workers' Compensation Health and Safety Board and is a quasi-judicial body authorized to hear final appeals from both workers and employers on compensation claim matters. There are six part-time members on the tribunal: a neutral chair and alternate chair, two members representative of employers and two members representative of workers. Cabinet appoints tribunal members after Ministerial consultation with employers, workers, and their representative organizations. Since its inception, the tribunal has rendered 205 decisions.

## **Reporting to the Minister**

Under section 63 (c) of the *Workers' Compensation Act*, S.Y. 2008, c. 12, (Act) the appeal tribunal must report to the Minister no later than 90 days after the end of each calendar year with respect to:

- (i) the number of appeals heard, resolved and pending before the appeal tribunal,
- (ii) the activities of the appeal tribunal generally, and
- (iii) such other matters as the Minister requests.

This report addresses (i) and (ii) for the period from January 1, 2013 to December 31, 2013. There were no Ministerial requests during this time.

## **Number of Appeals Heard, Resolved and Pending in 2014**

The tribunal heard two appeals from claim files dating back to the 1980's. One of appeals arose from the claimant being investigated. WCAT's decision was stayed by the Board of Directors and sent back for rehearing early in 2014.

Most appellants are represented by the workers' advocate office.

A total of 6 decisions were rendered in 2013. Two decisions were pending at the beginning of 2014 from appeals heard late in 2013.

## **Outcome of Appeals Resolved in 2013**

|                   |            |
|-------------------|------------|
| Appeals allowed - | 4 out of 6 |
| Appeals denied -  | 2 out of 6 |

One appeal that was originally advanced by the workers' advocate office was later withdrawn.

## **Written Decisions**

The tribunal is required to provide decisions with written reasons within 45 working days from the close of hearings; however tribunal members strive to render a decision within 30 days from the close of the hearing, to stay in line with their performance measures.

## **Activities of the Appeal Tribunal**

### **New Appointments**

Three new tribunal members were appointed in 2013; the alternate chair; one member representative of workers and one member representative of employers. Following is the make-up of the tribunal as of December 31, 2013:

Ed Sumner, Chair – reappointed April 1, 2012 to March 31, 2015

John Walsh – Alternate Chair – appointed February 27, 2013 to February 26, 2016.

#### *Representative of Employers*

Gary Boyd – appointed October 9, 2012 to October 8, 2015

Brian Edelman – appointed October 16, 2013 to October 15, 2016

#### *Representative of Workers*

Margaret McCullough – reappointed December 16, 2011 to December 15, 2014

Maureen Stephens –appointed September 11, 2013 to September 10, 2016

## **Costs for the Appeal Tribunal**

The costs of the tribunal are paid out of the compensation fund. Since the tribunal came into existence in 2000, expenditures have been lower than anticipated budget projections.

- **\$175,740**, 7.35% less than the budgeted amount of **\$189, 687** for 2011;
- **\$183,407**, 2.03% less than the budgeted amount of **\$187, 215** for 2012;
- **\$158,615**, 19.47% less than the budgeted amount of **\$196,965** for 2013.

The tribunal sets its budget after determining the number of appeals it expects to hear in the coming year. As noted above, most appeals are advanced by the workers' advocate office.

## **Estimated Costs for 2014**

The appeal tribunal estimated their operating costs for **2014** at **\$215,390**. Any increase or decrease in the number of appeals presented to the tribunal will automatically reflect on operating costs. Due to a claimant who filed an application to the Supreme Court and the board's increasing involvement in the appeals process, it is expected legal costs for 2014 will increase substantially.

## **Conference Attendance**

### **Canadian Council of Administrative Tribunals (CCAT)**

CCAT is a national, non-profit organization consisting of members, lawyers and staff of federal, provincial and territorial tribunals, and other persons dedicated to promoting excellence in administrative justice. CCAT provides a forum for discussion, education, research and policy development in the field of administrative justice. Each year CCAT holds a conference dealing with administrative justice issues. Its annual conferences regularly attract delegates from all domestic regions and from several other countries.

CCAT's goals are to:

- enhance and expand contact among members of the administrative justice community,
- promote awareness of the role and importance of administrative justice in everyday life,
- speak out on issues of importance to the administrative justice community, and
- provide support and services of value to its membership.

[from CCAT's website: [www.ccat-ctac.org](http://www.ccat-ctac.org)]

### **CCAT's Annual Conference**

CCAT's 6<sup>th</sup> International Conference & 29<sup>th</sup> Annual Conference was held in Toronto, Ontario from May 26 to 28, 2013. Tribunal Chair, Ed Sumner attended the conference. As part of the conference, a session was provided on workers' compensation tribunals.

The theme for CCAT's 2013 conference was, "Evolution or Revolution? Administrative Justice in a Radically Changing World".

The Council of Canadian Administrative Tribunals will be holding its 30<sup>th</sup> Annual Canadian Conference from June 1 to 3, 2014 in Gatineau, Quebec. The theme for this year's conference is "Who Am I?"