

Report to the Minister 2016  
under Section 63(c) of the  
***Workers' Compensation Act***  
S.Y. 2008, c. 12

Submitted by the  
Workers' Compensation Appeal Tribunal  
March 31, 2017

## **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 over 200 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, 2016 to December 31, 2016. There were no Ministerial requests during this time.

## **Number of Appeals Heard, Resolved in 2016**

A total of 5 decisions were rendered in 2016.

## **Outcome of Appeals Resolved in 2016**

Appeals allowed - 1 out of 5  
Appeals denied - 4 out of 5

## **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**

### **Tribunal Member Appointments**

Following is the make-up of the tribunal as of December 31, 2016:

Ed Sumner, Chair – reappointed April 1, 2015 to March 31, 2018

Michael Riseborough – Alternate Chair – appointed March 24, 2016 to March 23, 2019.

#### *Representative of Employers*

Gary Boyd – reappointed October 9, 2015 to October 8, 2018

**VACANT** - since October 15, 2016

#### *Representative of Workers*

Laura Hureau – appointed August 30, 2016 to August 29, 2019

Margaret McCullough – reappointed March 27, 2015 to March 26, 2018

## **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.

- **\$183,407**, 2.03% less than the budgeted amount of **\$187, 215** for 2012;  
**5 Appeals Resolved**
- **\$158,615**, 19.47% less than the budgeted amount of **\$196,965** for 2013;  
**6 Appeals Resolved**
- **\$199,477**, 7.39% less than the budgeted amount of **\$215,390** for 2014;  
**12 Appeals Resolved**
- **\$ 124,771**, 40.84% less than the budgeted amount of **\$210,907** for 2015;  
**6 Appeals Resolved**
- **\$114,451**, 31.99% less than the budgeted amount of **\$168,290** for 2016;  
**5 Appeals Resolved**

The tribunal sets its budget after estimating the number of appeals it expects to hear in the coming year. The budget has been reduced to reflect lower salary expenses due to the appeals officer position becoming part-time.

## **Estimated Costs for 2017**

The appeal tribunal estimated their operating costs for **2017** at **\$170,000**. Any increase or decrease in the number of appeals presented to the tribunal will automatically reflect on operating costs.

## **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 32<sup>th</sup> Annual Conference was held in Ottawa, Ontario from May 29-31, 2016. Tribunal Members Ed Sumner and Margaret McCullough attended the conference. Highlights of the conference included:

- What is Tribunal Excellence?
- Excellence Standards in Administrative Justice
- Courage to Face Emerging Issues

The theme for CCAT's 2016 conference was, "Back to the Future: Redefining Tribunal Excellence".

The Council of Canadian Administrative Tribunals will be holding its 33<sup>rd</sup> Annual Canadian Conference from May 28-30, 2017. The theme for this year's conference is "On the Edge between Sea and Sky, New Horizons for Administrative Justice."