

Report to the Minister 2017

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

Submitted by the
Workers' Compensation Appeal Tribunal
March 29, 2018

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, 2017 to December 31, 2017. There were no Ministerial requests during this time.

Number of Appeals Heard, Resolved in 2017

A total of 6 decisions were rendered in 2017.

Outcome of Appeals Resolved in 2017

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

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

Brian Edelman – reappointed April 28, 2017 to April 27, 2020

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
- **\$133,370**, 21.55% less than the budget amount of **\$170,008** for 2017.
6 Appeals Resolved

The tribunal sets its budget after estimating the number of appeals it expects to hear in the coming year. The budget was reduced in 2016 to reflect lower salary expenses due to the appeals officer position becoming part-time.

Estimated Costs for 2018

The appeal tribunal estimated their operating costs for **2018** at **\$180,000**. We have increased costs for member travel and training. 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]

CCAT's Annual Conference

CCAT's 33rd Annual Conference was held in Vancouver, BC from May 28-30, 2017. Tribunal Members Michael Riseborough and Laura Hureau attended the conference. Highlights of the conference included:

- Access to Justice
- Procedural Fairness
- The Diverse Litigant

The theme for CCAT's 2017 conference was, "On the Edge between Sea and Sky, New Horizons for Administrative Justice".

The Council of Canadian Administrative Tribunals will be holding its 34th Annual Canadian Conference from June 3-5, 2018. The theme for this year's conference is "Capitalizing on Experience: Practical Skills for Modern Tribunals."