

Report to the Minister 2018

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

Submitted by the
Workers' Compensation Appeal Tribunal
March 29, 2019

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, 2018 to December 31, 2018. There were no Ministerial requests during this time.

Number of Appeals Heard, Resolved in 2018

A total of 7 decisions were rendered in 2018.

Outcome of Appeals Resolved in 2018

Appeals allowed -	3 out of 7
Appeals denied -	4 out of 7

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, 2017:

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

Laura Hureau's appointment was revoked on March 21, 2018, following her relocation.

Michael Riseborough's appointment as Alternate Chair was revoked on April 1, 2018, following his appointment as Chair.

Michael Riseborough, Chair, effective April 1, 2018 to March 31, 2021

Representative of Workers

Derek Yap – appointed March 21, 2018 to March 20, 2021

David Anderson – appointed March 27, 2018 to March 26, 2021

Gary Body was reappointed for a six month term from December 19, 2018 to June 18, 2019

Stuart Mackay, Alternate Chair – appointed from December 19, 2018 to December 18, 2021

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.

Year	Budget	Actual	Appeals Resolved
2012	187,215	\$183,407	5
2013	196,965	158,615	6
2014	215,390	199,477	12
2015	210,907	124,771	6
2016	168,290	114,451	5
2017	170,008	133,370	6
2018	182,535	136,751	7

The tribunal sets its budget after estimating the number of appeals it expects to hear in the coming year.

Estimated Costs for 2019

The appeal tribunal estimated their operating costs for **2019** at **\$201,636**. We have increased legal, training and travel costs. Any increase or decrease in the number of appeals presented to the tribunal will automatically reflect on operating costs.

Member Training

In 2018, our Tribunal had many new appointments. Our members participated in relevant training through The Foundation of Administrative Justice, offered locally in Whitehorse.

Throughout 2019, our members will be continuing their training locally, as well as researching relevant conferences that would be beneficial to the Tribunal.