

Decision of the Governors

Number: 2
Date: April 8, 1991
Subject: Policy for Selection of Appeal Commissioners

Whereas the *Workers' Compensation Act*, as amended, provides:

- A. In Section 85(1)(b) that there shall be an Appeal Division of the Board consisting of a Chief Appeal Commissioner and one or more Appeal Commissioners appointed by the Chief Appeal Commissioner who are selected in accordance with the policies established by the Governors.
- B. In Section 85(2) that, subject to the approval of the Governors, the Chief Appeal Commissioner may appoint part-time or temporary Appeal Commissioners.

The Governors make the following policy with respect to the appointment of Appeal Commissioners to the Appeal Division.

1.0 Part-time or Temporary Appeal Commissioners

The Chief Appeal Commissioner has the authority to appoint part-time or temporary Appeal Commissioners within a budget and on general conditions approved by the Governors.

2.0 Types of Appeal Commissioners

There shall be Commissioners of three different characters:

- 1. Non-representational Appeal Commissioners – These Appeal Commissioners will have no special perspective although they may have had either an employer or worker perspective in their background.
- 2. Worker Representatives – These Appeal Commissioners will have a worker interest perspective.

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3. Employer Representatives – These Appeal Commissioners will have an employer interest perspective.

3.0 Qualifications of Appeal Commissioners

No candidate for the position of Appeal Commissioner is disqualified from consideration because of any present or past association with any corporation, organization, or interest group.

The following is a list of qualifications that a candidate for the position of Appeal Commissioner might possess. It is not expected that any one candidate would possess all of these qualifications.

1. A comprehensive understanding of the workers' compensation system obtained as an advocate, adjudicator, advisor or through some other direct involvement in the system.
2. University graduation in law and practice in the area of administrative law or university graduation in an appropriate related discipline.
3. Experience as an adjudicator in some type of quasi-judicial function.
4. Knowledge of the principles of injury insurance, occupational safety and health, and assessments.
5. Knowledge of the principles of natural justice.
6. Knowledge of the skills required to conduct quasi-judicial proceedings.
7. Demonstrated impartiality and neutrality with the capacity to make objective and non-partisan judgments.
8. Demonstrated worker or employer interest perspective, perhaps with ongoing involvement in the activities of worker or employer interests, and an ability to rise above those perspectives.
9. Practical knowledge of worksites and workplace environments.
10. Demonstrated adjudicative skills and capability of making consistent decisions.

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11. Demonstrated communication skills – articulate speaker, good listener, and excellent writing skills to effectively communicate in clear and concise language.
 12. Demonstrated analytical skills with the ability to comprehend technical issues and grasp and develop concepts.
 13. Demonstrated capability of making well-reasoned decisions within the parameters of the legislation and in accordance with the policies of the Governors.

THIS POLICY IS EFFECTIVE APRIL 8, 1991.

Editors' note: This decision was affirmed and remade by the Governors on June 3, 1991.