

REPORTER

Decision of the Governors

Number: 7

Date: June 21, 1991

Subject: Functions of the Chief Appeal Commissioner

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

In Section 82(a)(i) that the Governors shall select and define the functions of the Chief Appeal Commissioner.

The Governors select and define the following functions for the Chief Appeal Commissioner.

Summary

The Chief Appeal Commissioner is responsible to the Governors for the general operation of the Appeal Division and shall 1) attend and participate as a non-voting member at meetings of the Governors, 2) implement the policies of the Governors with respect to administration of the Appeal Division, 3) preside at hearings or meetings of the Appeal Division. The Chief Appeal Commissioner will establish a credible, effective appeal process while working with the Board and within the parameters of the legislation.

Specific Responsibilities

1.0 Reporting to the Board

Keeps Governors apprised of critical developments in terms of decisions on claims and trends in claims decisions.

Provides periodic reviews of practices, procedures and analysis of the decisions of the Appeal Division to the Governors.

Carries out all duties and functions assigned by the Governors in accordance with policies and established by the Governors.

The Chief Appeal Commissioner exercises independent judgment in the adjudication of individual claims. At the same time, it is expected these decisions will be made consistent with the policies of the Governors.

2.0 Planning and Policy

Participates in the development of policy as a non-voting Governor.

Develops and maintains an effective organization structure in order to carry out the work of the Appeal Division.

Develops and seeks approval from the Governors of the annual budget.

3.0 Management and Administration of the Division

Implements the policies of the Governors with respect to the administration of the Appeal Division.

Provides visible leadership in promoting the image of the Division to the public.

Responsible for the overall direction of the Division and its staff.

Coordinates the activities of the Appeal Commissioners and panels.

Evaluates the performance of the Appeal Commissioners and Division staff, and recommends appropriate action to the Board of Governors.

4.0 Appointments

Selects and appoints Appeal Commissioners in accordance within the policies established by the Governors for an agreed term.

Subject to the approval of the Governors, appoints part-time or temporary Appeal Commissioners.

Establishes panels of the Appeal Division.

May terminate a designation to a panel and may fill any vacancy on a panel.

May recommend the removal of an Appeal Commissioner for cause to the Governors.

5.0 Quasi-judicial

Exercises jurisdiction under the *Workers' Compensation Act* and *Criminal Injury Compensation Act*.

Subject to the policies of the Governors and By-Laws enacted or the Resolutions passed, the Chief Appeal Commissioner will determine the practice and procedure for the conduct of appeals by the Appeal Division.

Chairs appeals, especially those of major importance – that is, acts as chairman, conducts hearings, determines issues, determines procedure, resolves disputes and encourages participation.

Renders his/her decision in writing in a clear, concise fashion explaining the reasons for the decision and citing legislation, regulation, policy, precedent, or extenuating circumstances.

Reviews and analyzes appeal decisions for: quality, adherence to policies, procedures and practices, consistency and timeliness; and takes corrective action as necessary.

Monitors the time within which decisions must be made and ensures the timeliness of decisions.

6.0 Legislation

Recommends changes or comments on proposed changes in legislation, as they may affect injured workers and the Appeal Division process.

7.0 Communications

Ongoing communications with the Board of Governors, the President of the Workers' Compensation Board, senior executives of the WCB, Review Board, labour representatives, employers, etc.

Regular meetings with the Appeal Commissioners and other staff.

Ongoing communications with other jurisdictions.

8.0 Results/Accountabilities

Results will be measured in the following ways:

Public confidence in and the credibility of the Appeal Commission, e.g., feedback from the Ombudsman's Office.

Quantitative measures of volume of work produced on a timely basis, including the number of appeals.

The quality of decisions made as a quasi-judicial tribunal.

Quality of advice given to the Board of Governors.

Appeal decisions made on a timely basis.

9.0 Activities

Activities of this individual carried out on a day-to-day basis determine the nature of the job and hence the implications on the qualifications that are sought.

Hearings – chairs hearings, reviews material and precedents in preparation for appeal hearings, makes or participates in making the decision.

Board of Governors relations – takes direction from the Governors and provides feedback and reports to the Governors.

Leadership and public relations – promotes the image of the Commission to the public.

Management/supervision – manages the day-to-day operations of the Division, the Commissioners, and staff. Builds collegiality among commissioners and a team. Assigns files and monitors the case load.

Assesses the future demands of the Division, develops short- and long-range plans to meet these demands and prepares budgets for the presentation to the Governors.

Communications – communicates with a wide range of groups and individuals, including workers, employers, the Ombudsman's Office, executive of the WCB, the Board, etc.

Liaises with the President and Chief Executive Officer on a regular basis.

10.0 Independence of Action

Decisions made without reference to superiors:

Quasi-judicial decisions as provided for in the Legislation.

Interprets and implements policies and plans.

Day-to-day management decisions.

Decisions which require consultation with or approval of the Board of Governors:

Determination of the practice and procedures for the conduct of the appeals, by the Appeal Division.

Employment of part-time or temporary Appeal Commissioners.

Annual budgets and plans.

The removal of Appeal Commissioners.