

**Presentation to the Annual  
General Meeting**

**2008 / 2009**

**Presentation to the Annual General Meeting**  
For the Fiscal Year 2008 - 2009

**Table of Contents**

Welcome from the Chief Appeals Commissioner .....3

Excerpts from Employment and Immigration Ministry Annual Report 2008/2009.....4

Auditor General's Report.....7

Additional Operating Information.....9

# Welcome from the Chief Appeals Commissioner

Welcome to the 7<sup>th</sup> Annual General Meeting of the Appeals Commission. The annual general meeting, as required by legislation, is an opportunity for me to report on the performance of the Commission.



The Appeals Commission hears appeals from the decisions made by the Decision Review Body of the Workers' Compensation Board. The Appeals Commission for Alberta Workers' Compensation, established in the Workers' Compensation Act in 1988, is a quasi-judicial body that is separate from and independent of the Workers' Compensation Board.

The Appeals Commission is a separate entity reporting to the Ministry of Employment and Immigration (E&I). I will be presenting excerpts from the EI 2008/2009 Annual Report. In addition to these excerpts, I will provide some additional operations information. Also, as required by legislation, I will report the information relating to the Appeals Commission from the most recent semi-annual reports of the Auditor General of Alberta.

# Excerpts from Employment and Immigration Ministry Annual Report 2008/2009

Appeals Commission for Alberta Workers' Compensation

## Detailed Program Results Analysis and Discussion

Having an independent and impartial body to hear appeals of decisions made by the Workers' Compensation Board is essential. This final level of appeal is important for workers, employers and the Workers' Compensation Board as well. The fair and consistent application of legislation, policy and principles of natural justice is required to ensure solid, defensible decisions.

**GOAL 6** Linked to Core Business 3 – Investing in Alberta's Workplaces

Alberta has an effective mechanism for the final appeal of Workers' Compensation Board decisions

### Strategy 6.1

**Provide a timely appeal service.**

The Appeals Commission continued to book hearings as soon as possible, and ensured that unnecessary delays were addressed so that parties were prepared to proceed through the steps required to process an appeal.

### Strategy 6.2

**Provide fair decisions on appeal applications.**

The Appeals Commission, an independent and impartial body, ensured solid, defensible decisions by the consistent application of legislation, policy and the principles of natural justice.

### Performance Measure 6.a

**Average number of days of processing time required by the Appeals Commission from the date the appeal is received until the appeal is finalized (Standard and Complex Appeals)**

In 2007-08 the Commission addressed numerous outstanding appeals that had been in an adjourned status for long periods of time. Appeals were either moved forward in processing or were subject to dismissal. Refined methods of tracking hearing dates were also introduced. These changes had the most impact in 2007-08 when the largest number of dismissals were completed but had less impact for 2008-09.

			2004-05	2005-06	2006-07	2007-08	2008-09	Target	Met Target
Not Reviewed by Auditor General	•	Standard Appeals	213	214	172	144	172	145	No
	•	Complex Appeals	234	276	225	182	212	210	No

\* Standard Appeals are those appeals with two or less straightforward issues that require normal preparation, decision-making and decision writing. Complex Appeals encompass matters with complicated medical/adjudicative and unique legal arguments (usually three or more).

**Source:** Appeals Commission Appeals Management System (AMS)

**Note:** For additional information see Performance Measures Sources and Methodologies – Appendix D.

## Performance Measure 6.b

### Percentage of the total number of Appeals Commission decisions issued that are either not challenged or are not overturned upon review by the Courts, the Ombudsman or by the Appeals Commission on reconsideration

In the past fiscal year, 98.1 per cent of the decisions issued were either not challenged, or if they were, they were upheld upon review by the Courts, the Ombudsman or the Appeals Commission. The Commission continues to enhance competency based recruitment and is revamping a performance management system which includes quality.

	2004-05	2005-06	2006-07	2007-08	2008-09	Target	Met Target
Not Reviewed by Auditor General	99.5%	98.3%	98.0%	95.9%	98.1%	Greater than 98.0%	Yes

**Source:** Appeals Commission Appeals Management System (AMS)

**Note:** For additional information see Performance Measures Sources and Methodologies – Appendix D.

Schedule 1

# Revenues

For the year ended March 31, 2009

	(in thousands)		
	<u>2009</u>	<u>2008</u>	
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
			Restated (Note 3)
Transfers from the Government of Canada			
Canada Social Transfer	\$ 92,917	\$ 101,353	\$ 79,144
Labour Market Development Agreement Benefits	168,343	146,905	117,029
Rehabilitation of Disabled Persons	25,190	25,190	25,190
Canadian Agriculture Skills Services	-	2,327	3,769
Federal Community Development Trust	5,000	5,000	-
Services to On-Reserve Status Indians	380	290	147
Francophone Initiatives	4,330	4,330	-
Other transfers	-	556	1,370
	<u>296,160</u>	<u>285,951</u>	<u>226,649</u>
Internal Government Transfers			
Transfer from Lottery Fund	11,987	11,987	12,769
Fees, Permits and Licences			
Various	564	723	719
	<u>12,551</u>	<u>12,710</u>	<u>13,488</u>
Other Revenue			
Refunds of Previous Year Expenditures	3,100	2,977	7,739
Workers' Compensation Appeals	10,162	8,486	8,448
Occupational Health and Safety Transfer	20,900	21,750	20,900
Other	1,118	396	763
	<u>35,280</u>	<u>33,609</u>	<u>37,850</u>
	<u>\$ 343,991</u>	<u>\$ 332,270</u>	<u>\$ 277,987</u>

Schedule 5

# Comparison of Expenses - Directly Incurred, EIP and Capital Investment, Statutory Expenses, and Non-Budgetary Disbursements by Element to Authorized Budget (continued)

For the year ended March 31, 2009

(in thousands)

	2008-2009 Estimate	Adjustment <sup>(a)</sup>	Authorized Supplementary <sup>(b)</sup>	2008-2009 Authorized Budget	2008-2009 Actual <sup>(c)</sup>	Unexpended (Over Expended)
<b>Program 3 - Labour Standards and Workplace Safety</b>						
<b>3.1.1 Program Support</b>						
Operating Expense	1,489	-	-	1,489	1,639	(150)
Equipment and Inventory Purchases	-	-	-	-	53	(53)
<b>3.2.1 Mediation</b>						
	927	-	-	927	822	105
<b>3.2.2 Labour Relations Policy and Facilitation</b>						
	1,163	-	-	1,163	1,169	(6)
<b>3.2.3 Professions and Occupations</b>						
	1,370	-	-	1,370	933	437
<b>3.3.1 Legislation, Policy and Technical Support</b>						
Operating Expense	6,331	-	-	6,331	6,320	11
Equipment and Inventory Purchases	-	850	-	850	942	(92)
<b>3.3.2 Partnerships</b>						
	1,988	-	-	1,988	1,815	173
<b>3.3.3 Compliance</b>						
	13,801	-	-	13,801	14,168	(367)
<b>3.4.1 Legislation, Policy and Technical Support</b>						
	2,791	-	-	2,791	3,654	(863)
<b>3.4.2 Compliance</b>						
	6,549	-	-	6,549	7,619	(1,070)
<b>3.5.1 Medical Panels for Alberta Workers' Compensation</b>						
	1,083	-	(810)	273	250	23
	<u>37,492</u>	<u>850</u>	<u>(810)</u>	<u>37,532</u>	<u>39,384</u>	<u>(1,852)</u>
<b>Program 4 - Immigration</b>						
<b>4.1.1 Immigration Policy Support</b>						
	4,939	-	-	4,939	4,959	(20)
<b>4.2.1 Settlement and Integration Services and Enhanced Language Training</b>						
Operating Expense	3,700	-	-	3,700	3,242	458
Expense funded by Lotteries	4,574	-	-	4,574	4,574	-
<b>4.2.2 International Qualification Assessment Services</b>						
	3,570	-	(1,088)	2,482	1,467	1,015
<b>4.2.3 Alberta Immigrant Nominee Program</b>						
	4,500	-	-	4,500	3,403	1,097
<b>4.2.4 Labour Attraction</b>						
	7,082	-	-	7,082	7,145	(63)
<b>4.2.5 English as an Additional Language</b>						
	13,630	-	(1,058)	12,572	10,470	2,102
<b>4.2.6 Bridging Programs</b>						
	9,867	-	(3,077)	6,790	3,721	3,069
<b>4.2.7 Living Allowance for Immigrants</b>						
	33,066	-	(5,864)	27,402	21,510	5,892
	<u>84,928</u>	<u>-</u>	<u>(10,887)</u>	<u>74,041</u>	<u>60,491</u>	<u>13,550</u>
<b>Program 5 - Health Workforce Development</b>						
<b>5.0.1 Health Workforce Development</b>						
	48,500	-	(4,424)	44,076	39,754	4,322
	<u>48,500</u>	<u>-</u>	<u>(4,424)</u>	<u>44,076</u>	<u>39,754</u>	<u>4,322</u>
<b>Program 6 - Federal Community Development Trust</b>						
<b>6.0.1 Federal Community Development Trust</b>						
	5,000	-	-	5,000	4,726	274
	<u>5,000</u>	<u>-</u>	<u>-</u>	<u>5,000</u>	<u>4,726</u>	<u>274</u>
<b>Program 7 - Labour Relations Board</b>						
<b>7.0.1 Labour Relations Board</b>						
	3,147	-	-	3,147	3,154	(7)
	<u>3,147</u>	<u>-</u>	<u>-</u>	<u>3,147</u>	<u>3,154</u>	<u>(7)</u>
<b>Program 8 - Workers' Compensation Appeals</b>						
<b>8.0.1 Appeals Commission for Alberta Workers' Compensation</b>						
Operating Expense	10,162	-	(1,085)	9,077	8,486	591
	<u>10,162</u>	<u>-</u>	<u>(1,085)</u>	<u>9,077</u>	<u>8,486</u>	<u>591</u>
<b>Total Voted Expenses and Equipment and Inventory Purchases</b>						
	<u>\$ 923,492</u>	<u>\$ 2,150</u>	<u>\$ 55,461</u>	<u>\$ 981,103</u>	<u>\$ 978,472</u>	<u>\$ 2,631</u>
Program Operating Expense	919,894	(697)	55,461	974,658	972,676	1,982
Program Equipment and Inventory Purchases	3,598	2,847	-	6,445	5,796	649
	<u>\$ 923,492</u>	<u>\$ 2,150</u>	<u>\$ 55,461</u>	<u>\$ 981,103</u>	<u>\$ 978,472</u>	<u>\$ 2,631</u>
<b>Statutory Expenses</b>						
<b>Valuation Adjustments</b>						
	24	751	-	775	2,338	(1,563)
<b>Total Statutory Expenses</b>	<u>\$ 24</u>	<u>\$ 751</u>	<u>\$ -</u>	<u>\$ 775</u>	<u>\$ 2,338</u>	<u>\$ (1,563)</u>

<sup>(a)</sup> Adjustments reflect the February 4, 2009 Treasury Board approval pursuant to section 24(2) of the *Financial Administration Act*.

<sup>(b)</sup> Supplementary estimates received Royal Assent on December 4, 2008 and March 23, 2009.

<sup>(c)</sup> Includes achievement bonus of \$2,682.

# Semi-Annual Reports of the Auditor General

The Auditor General of Alberta has completed the 2008-09 audit of the Ministry of Employment and Immigration, an entity to which the Appeals Commission is accountable. The Auditor General did not perform an audit on the Appeals Commission. The audit of the Ministry did not result in any specific recommendations to the Appeals Commission.

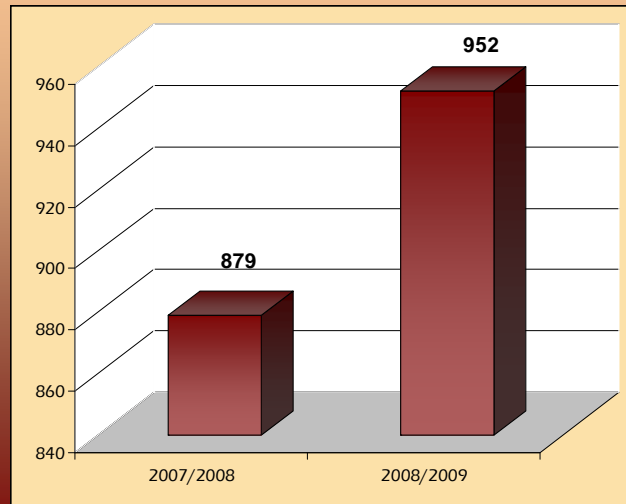
The Detailed Program Results Analysis and Discussion of the Appeals Commission was not reviewed by the Auditor General.

# Additional Operating Information



Appeals Commission for Alberta Workers' Compensation

## Initial Appeals Received

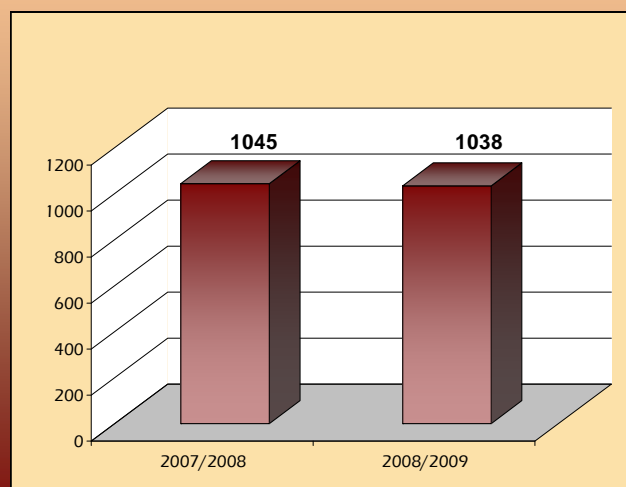


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Appeals Commission for Alberta Workers' Compensation

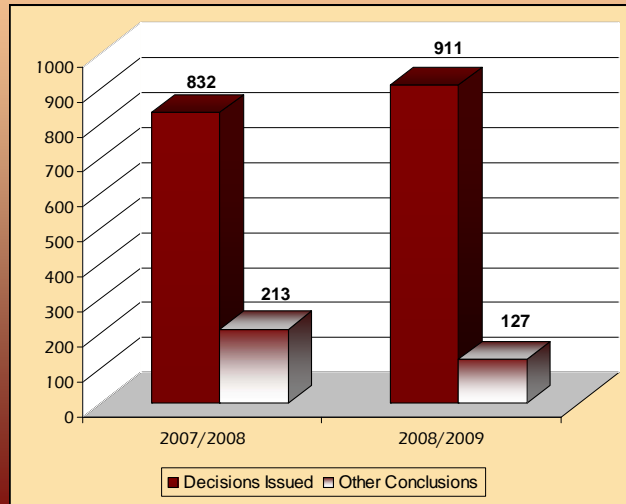
## Appeals Concluded



4



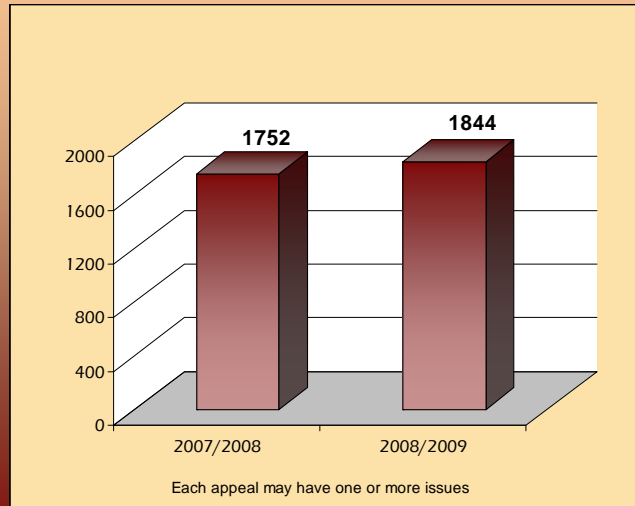
### Appeals Concluded: Outcomes



5



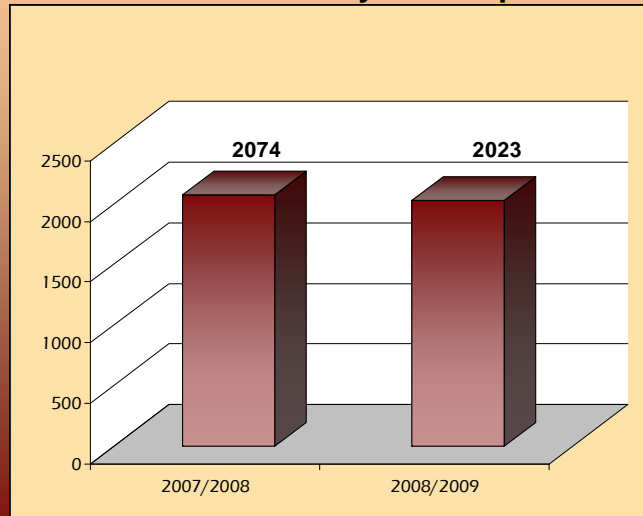
### Issues Received – 2 year comparison



6



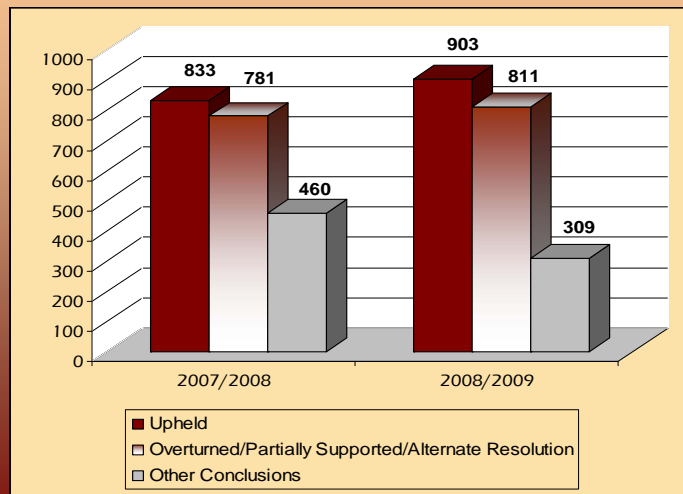
### Finalized Issues – 2 year comparison



7



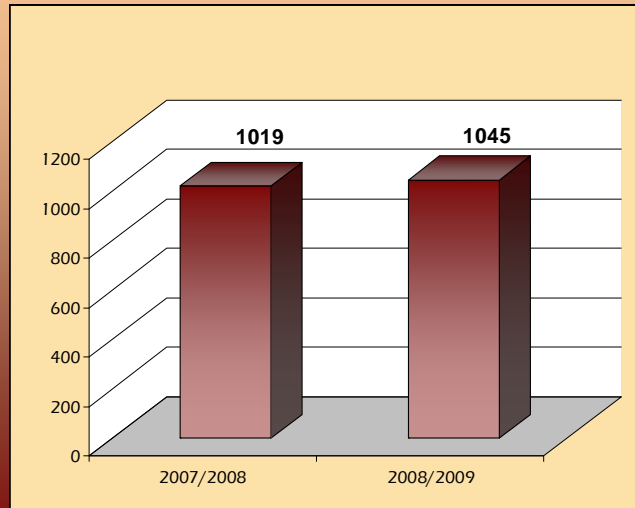
### Breakdown of Finalized Issues



8



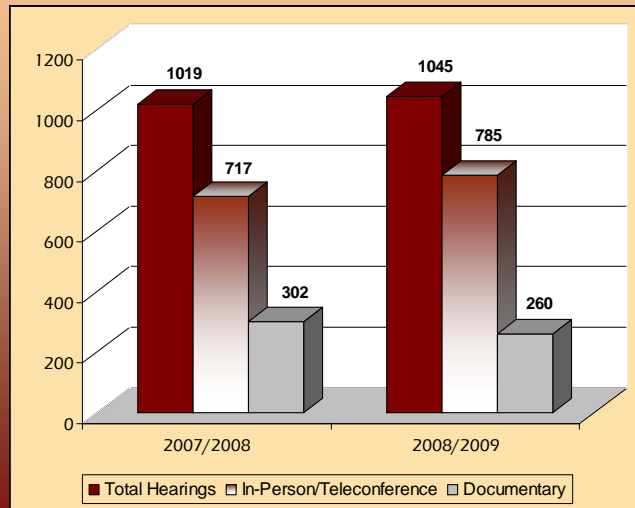
### Initial Hearings – 2 year comparison



9



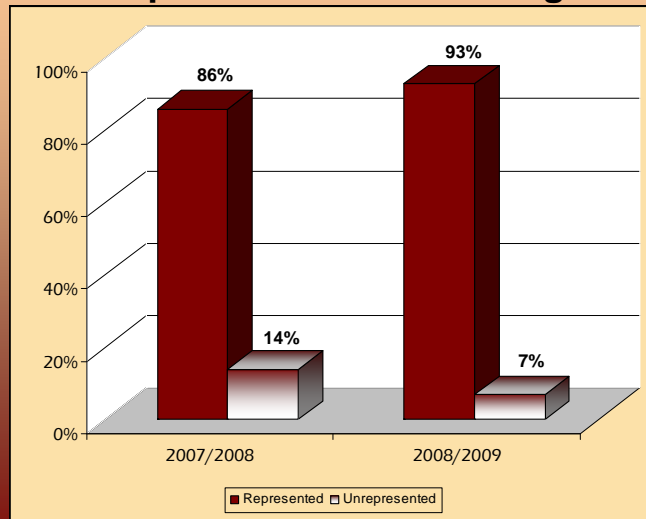
### Types of Hearings Conducted



12



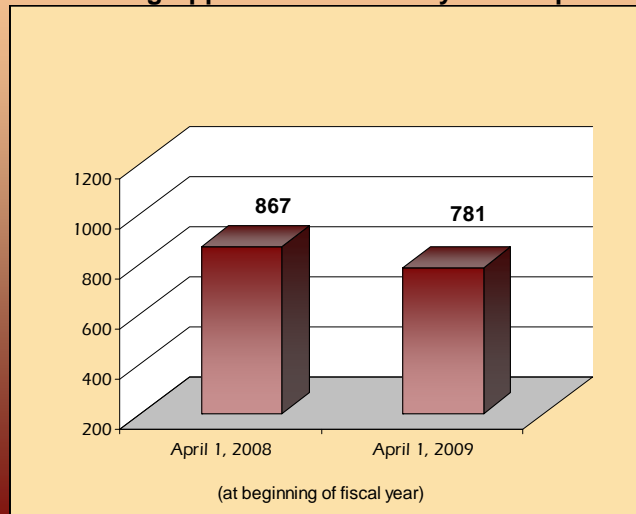
### Representation at Hearing



10



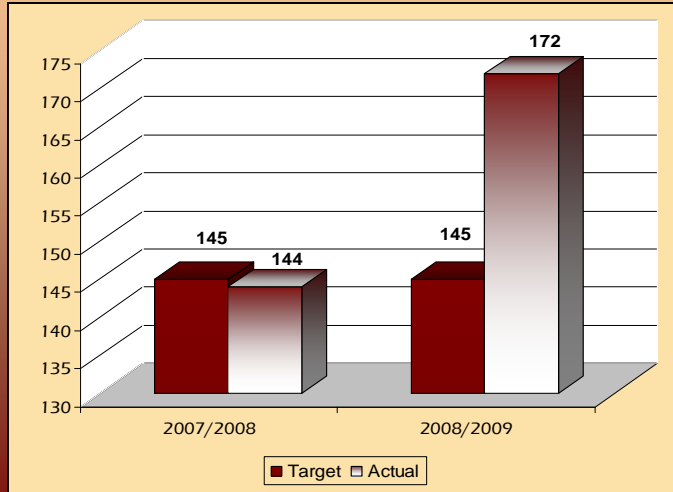
### Outstanding Appeal Workload – 2 year comparison



11



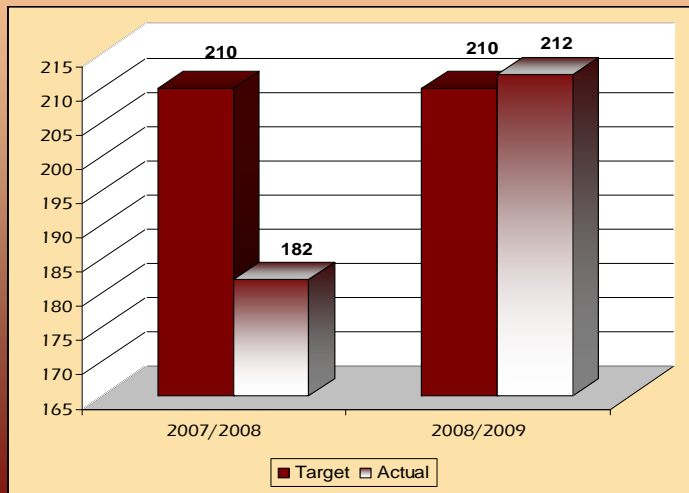
### Timelines: Standard Appeals



14



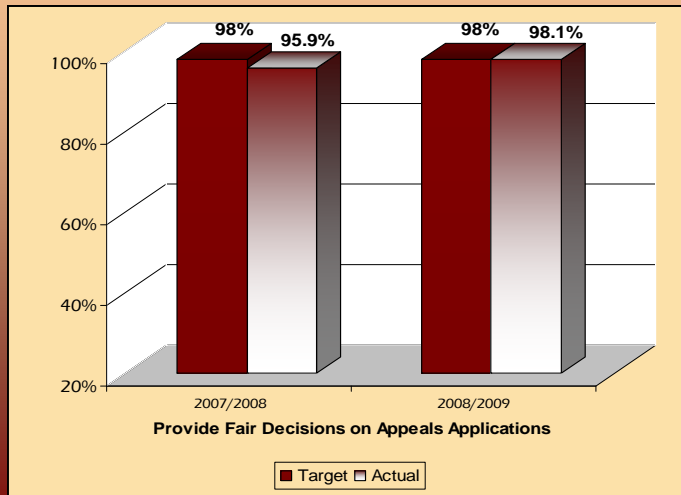
### Timelines: Complex Appeals



15



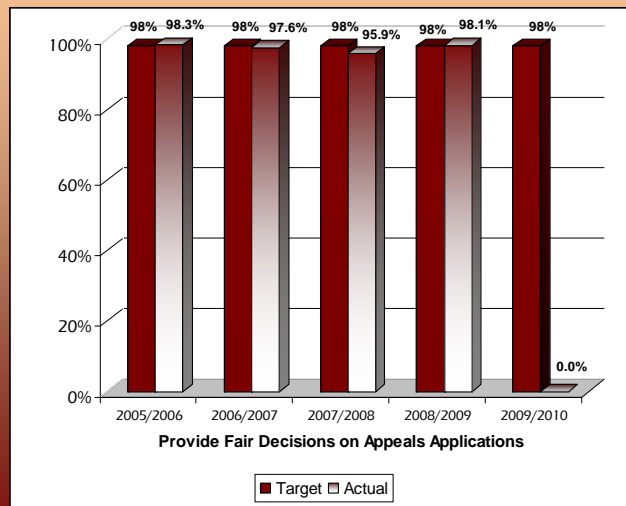
### Performance Measure 7.2 – 2 years



17



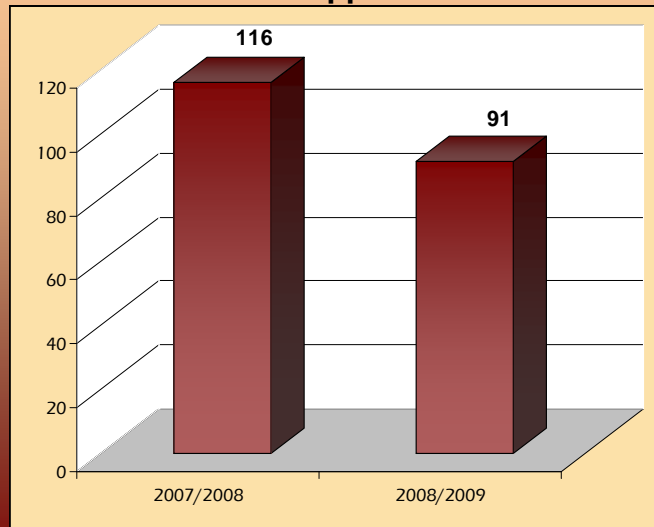
### Performance Measure 7.2 – 5 years



19



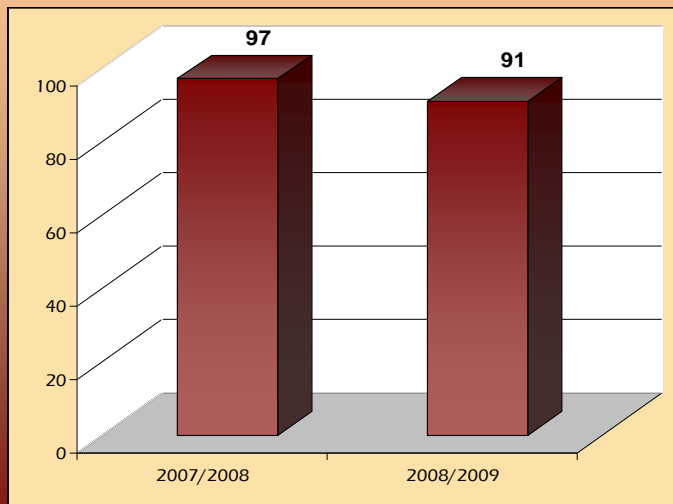
### Reconsideration Applications Received



20



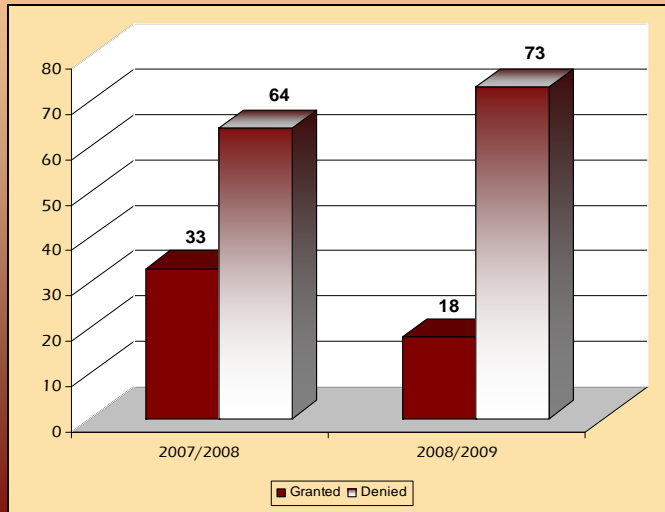
### Reconsideration Threshold Decisions



21



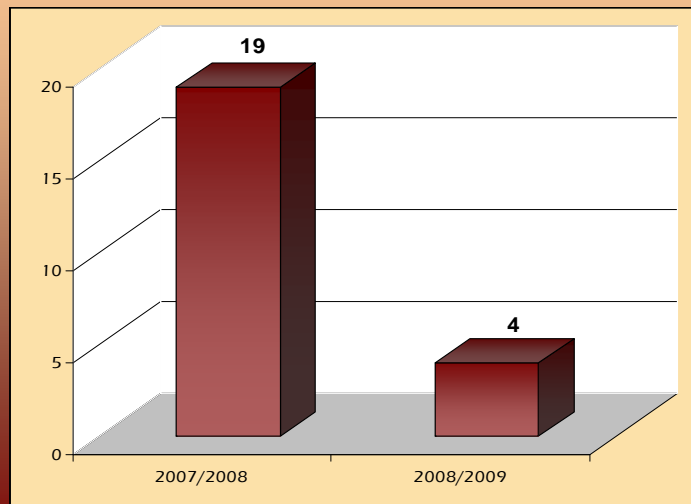
### Reconsideration Threshold Decisions: Outcomes



22



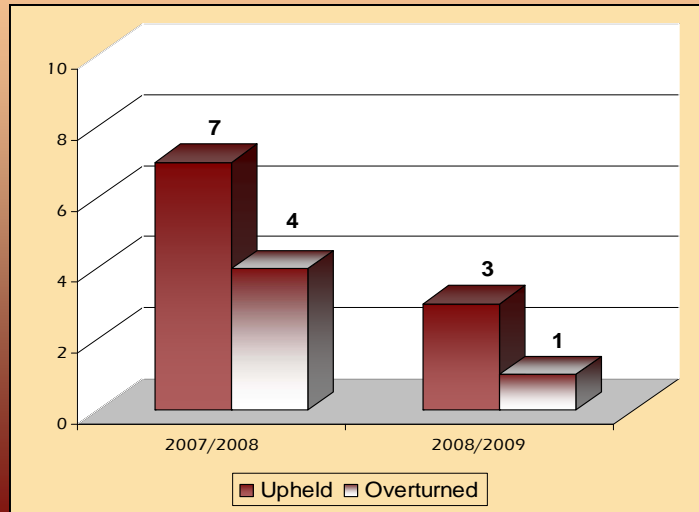
### Court Matters Concluded



24



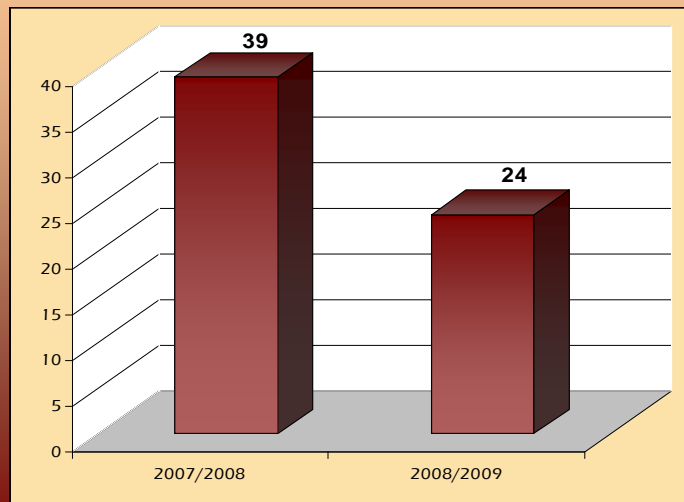
### Court Matters: Outcomes



25



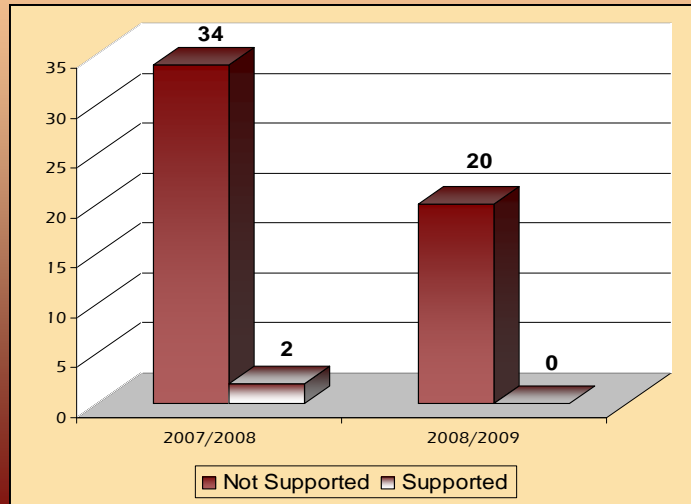
### Ombudsman Investigations Concluded



26



### Ombudsman Investigation: Outcomes



27