



Annual
Report

2001-2003

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Introduction

The Appeals Commission for Alberta Workers' Compensation is a quasi-judicial body that is separate from and independent of the Workers' Compensation Board.

The Chair and Chief Appeals Commissioner is appointed by the Government of Alberta and reports directly to the Minister of Human Resources and Employment. The Government of Alberta also appoints all appeals commissioners hearing appeals. All are paid in accordance with the Order in Council establishing remuneration for members of boards and commissions.

Established in the *Workers' Compensation Act* in 1988, the Appeals Commission considers appeals from the decisions made by the internal review bodies of the Workers' Compensation Board.

This is the 12th annual report of the Appeals Commission for Alberta Workers' Compensation. Reporting to the Minister of Human Resources and Employment and to the Appeals Commission's various constituents, this report is a summary of the Appeals Commission's activities and operations.





Message from the Chair and Chief Appeals Commissioner

I am pleased to submit this transitional Appeals Commission Annual Report covering the period from January 2001 to March 2003.

There have been ongoing and momentous changes for the Appeals Commission and indeed for the appeals system for workers' compensation in Alberta since our last Annual Report in 2000.

A New Reporting Cycle

This transitional report covers three separate reporting periods – the 2001 calendar year, the 2002 calendar year, and the April 1, 2002 to March 31, 2003 government reporting period.

The statistical and financial portions of this transitional report are divided into the three distinct reporting periods. For comparative purposes we have also included the information for the year 2000 as reported in our last Annual Report. The remaining portions of the report group together results, comments and highlights for the entire 27-month period. The performance measures and budget forecasts also provide information for the period from April 2003 to March 2007.

Previous Appeals Commission annual reports have reported based on the calendar year. As of September 1, 2002 the Appeals Commission adopted the government reporting cycle of April 1 to March 31. The first full reporting period as a government entity will be from April 1, 2003 to March 31, 2004.

We have prepared the April 1, 2002 to March 31, 2003 report to provide a comparison point for future reporting years even though it contains an overlap of information already reported for the 2002 calendar year.

Review of the Appeals System

In the 2000 Annual Report I reported that two review committees, the Appeals System Review Committee, chaired by Justice S. Friedman, Q.C., and the MLA/WCB Service Review Input Committee, chaired by Victor Doerksen, MLA Red Deer South, had presented their respective reports to the Minister. At the close of 2000 the Minister was in the process of consulting with stakeholders regarding the recommendations.

The Friedman Report made some 32 recommendations for proposed changes to the appeals system for workers' compensation. Implementation of the recommendations has been accomplished either through legislative/regulatory change or through the adoption of processes and practices within the WCB or the Appeals Commission.

Significant Legislative Changes

Following extensive stakeholder and public consultation, the Minister introduced Bill 26 in the legislature on April 22, 2002. The legislation was proclaimed in the summer of 2002, with the substantial changes affecting the Appeals Commission taking effect on September 1, 2002.

To enhance the independence of the Appeals Commission from the WCB, the authority of the Board of Directors to direct a rehearing of an Appeals Commission decision was removed. The WCB was provided the right to make representations to the Appeals Commission on any appeal regarding interpretation of legislation and policy. As well, the right to appeal the Commission's decisions to the courts on a question of law or jurisdiction was provided to the parties and the WCB.

The impact of these legislative changes continues to unfold. The roles of the various players in the workers' compensation appeal system will continue to change and evolve as the system matures.





Accountability and Performance Measures

As part of an initiative to establish accountability in the workers' compensation system, the Minister undertook stakeholder roundtables to gather input on expected performance measures. Following this consultation, the Appeals Commission established a series of performance measures. The measures cover three fundamental areas of the Commission's activities—timeliness, fairness and service—and provide significant objectives for the Appeals Commission.

These performance measures have been established recognizing there will be minimal increases in budget and staffing for the Commission for the three years beginning with the 2003-2004 fiscal year. Our business planning focus will be on methods and processes to be more effective in processing appeals to allow us to achieve our objectives.

The Appeals Commission has provided annual reports to its stakeholders and the public since it was established in 1988 and will continue to do so. Beginning in 2003 the Appeals Commission is legislatively required to hold an Annual General Meeting to present its annual report. This annual report will be presented to our stakeholders at the first Annual General Meeting to be held in November of this year.

A further degree of accountability has been introduced through the office of the Auditor General. Beginning with the 2003-2004 reporting period, the Auditor General will commence auditing the activities of the Appeals Commission and the results will be reported to our stakeholders as part of our Annual General Meeting.

Significant Administrative and Organizational Changes

Included in the initiative to enhance the independence of the Appeals Commission was the transition of the Commission to a government entity reporting directly to the Minister of Human Resources and Employment. This encompassed moving all staff from the employment of the WCB to the Alberta public service. In addition, all Human Resources, Information Technology, Finance, and Administrative Services were moved to a service delivery model within the government

framework. This transition was accomplished while continuing to process appeals and preparing for the impact of the legislative changes on the processing of appeals.

The reporting and operational structure of the Appeals Commission was changed. A Vice Chair was appointed to oversee the activities of 13 hearing chairs, the prehearing unit and the part-time appeals commissioners.

We commenced a significant initiative by establishing pre-hearing units in Edmonton and Calgary. The prehearing units are to ensure parties to an appeal are fully ready to proceed when a formal hearing is scheduled. The units ensure:

- (a) that the parties have an understanding of the appeal process, are aware of legislative and policy requirements with respect to their appeal and are clear with respect to the issues of appeal they want to pursue; and
- (b) that the Appeals Commission has jurisdiction to hear those issues. Appeals officers in the prehearing unit will work with the parties to achieve these goals, and when preliminary matters arise, the prehearing chairs in either Edmonton or Calgary may establish panels to rule on these matters.



Significant Changes – Openness and Transparency

The Appeals Commission web site went online in December 2001. In my opening remarks to the web site I indicate, “Clear communication and easily accessible information are essential elements of the appeals process. Our web site is one way we ensure that accurate, up-to-date information is available in a format that is easy to find and use.” I am indebted to the staff within the Commission who developed our web site. I continually receive positive comments about its content and accessibility.

Our web site has served as a foundation for what I consider to be one of the most substantial changes in the appeals process in the workers’ compensation system—the publication of Appeals Commission decisions. Commencing April 1, 2003, we began posting decisions of the Appeals Commission on our web site. Decisions issued since January 1, 2003 are now



available there. A search capability is provided to allow easy access to the information.

Based on the recommendation of the Appeals System Review Committee, the Appeals Commission commenced recording all in-person hearings in the fall of 2002. The digital technology used is the same as that used by the Alberta Courts. Upon request, parties can purchase a transcript of the proceedings through a professional transcription service.

Building Our Competencies

We continued to recruit new appeals commissioners to the Commission through advertising positions and completing a comprehensive interview process involving our stakeholders.

All newly appointed appeals commissioners completed a comprehensive training program that included the Foundations of Administrative Justice course and extensive classroom training and observation of hearings before beginning their work as panel members.

All incumbent hearing chairs and appeals commissioners have been provided with comprehensive training in both our decision-making and decision-writing models.

We continue to be committed to the delivery of training for members of quasi-judicial boards and commissions in Alberta through my participation in the Alberta Foundation of Administrative Justice Society. As a non-profit society, the Foundation is continuing to develop and deliver courses such as Advanced Evidence, Advanced Decision Writing, and Hearing Skills in addition to the introductory Foundations of Administrative Justice course.

We have continued to expand the expertise of our commissioners through participation in the annual conference of the Canadian Council of Administrative Tribunals (CCAT) and I sit as one of the Alberta representatives on the Board of Directors of CCAT.

Our Challenges Ahead

We continue to look forward to the challenges ahead. The Appeals Commission continues to make major strides forward in providing a fair and effective appeals service. We believe we have one of the best processes in Canada and perhaps the world. Timelines for processing appeals continue to be among the best in Canada, and we have adopted many processes to safeguard the fundamental principles of natural justice. We continue to work within our budget to deliver the services that stakeholders find important.

Where will we put our emphasis over the next business-planning period? We will:

- Continue to build the role of the prehearing unit.
- Explore alternative methods of appeal resolution in conjunction with prehearing.
- Continue to build the quality and consistency of our decisions.
- Continue to explore tools and methods to inform and educate our stakeholders.
- Review ways to process appeals, and other applications including reconsiderations and one-year appeal deadline extensions, more effectively and efficiently while maintaining the fairness of the appeals system. Part of this initiative will be the design and delivery of a client satisfaction survey.
- Continue to build the competency of the Commission through recruitment and training of commissioners and staff.

The area of Corporate Services has continued to develop to provide legal and policy advice to the Appeals Commission and to process legal challenges to the Commission's decisions. A significant initiative for Corporate Services will be managing a project to review the Rules of Procedure. This project will include stakeholder input.



Appreciation and Gratitude

The work of the Appeals Commission continues to be both challenging and rewarding. All staff of the Appeals Commission play integral and important roles in ensuring the success of the appeals system.

I would be remiss if I did not extend in this public forum my sincere and deep appreciation to the many dedicated, diligent and progressive members of the Commission's staff who made the transitions over the past two years as seamless and uneventful as possible. Through long hours of hard work and perseverance we have been able to make significant changes to the appeals system in Alberta. My special thanks to them.

In addition, I would like to thank hearing chairs, commissioners and staff for their efforts over the last year in our decision-making and decision-writing initiative. Their hard work and efforts have ensured that our decisions reflect the importance they have in the delivery of workers' compensation in Alberta. I am extremely proud that stakeholders in the workers' compensation system now have ready access to our decisions on our web site. This could not have been achieved without the hard work of hearing chairs, commissioners and staff.



George Pheasey
Chair and Chief Appeals Commissioner

Highlights of Applications for Judicial Review

During the 27-month period covered by this report, the Court of Queen's Bench reviewed 11 decisions of the Appeals Commission. Prior to September 2002, the applications for review proceeded by way of an application for judicial review. Nine decisions summarized below were reviewed by way of judicial review. Of those nine decisions, the Court of Queen's Bench upheld eight.

On September 1, 2002, the *Workers' Compensation Act* was amended to include a statutory right of appeal (section 13.4) on questions of law or jurisdiction. Two decisions reviewed by the Court were treated as applications for appeal pursuant to section 13.4 of the Act. One of the two appeals was successful in that the Court overturned the decision of the Appeals Commission.

Also during this 27-month period, the Court of Appeal heard and dismissed two appeals from decisions of the Court of Queen's Bench that upheld the original decision of the Appeals Commission.

Employer Classification

- I. In *Crystal Glass v. Appeals Commission* [2001] A.J. No. 743, Crystal Glass challenged its change in classification from a three-industry classification ultimately to a single industry classification. Crystal Glass argued that the Workers' Compensation Board did not have jurisdiction to change its classification system and particularly to change Crystal Glass's classification. Crystal Glass also argued that they had not been granted a fair hearing by the WCB and that the Commission had perpetuated the errors made by the WCB. The Court concluded that the WCB was "well within its legislative jurisdiction to review and modify or change the classification system". The Court also concluded that with respect to the changes the WCB made to Crystal Glass's classification, "... the Board was well within its jurisdiction in so classifying the application and made no 'patently unreasonable' error in





doing so". Finally the Court held: "In any event, if errors were made by the Board or Review Committee, the Appeals Commission conducted a full and fair review of the applicant's concerns and rejected the applicant's appeal. I cannot say the Appeals Commission was 'patently unreasonable' and therefore this application is dismissed with costs."

Pooling of Labour

- II. *Skyline Roofing Ltd. v. Appeals Commission* [2001] A.J. No. 985 dealt with whether a man (the "helper") who was injured while helping a roofing sub-contractor was the worker of Skyline. The Workers' Compensation Board's "pooling of labour" policy was the focus of the question before the Court. Skyline argued that the policy was *ultra vires*, that the WCB did not have the power to apply the policy retroactively and that the policy unduly fettered the WCB's discretion. The Court disagreed. It determined that the WCB's policy was *intra vires*, that it had not been applied retroactively or improperly. In light of those decisions, the Court reviewed the Commission's decision to determine whether it was patently unreasonable and held that the "conclusion reached by the Appeals Commission has a logical connection to the evidence before it, and as such the decision is not patently unreasonable".

Limitation Period

- III. In *Molineaux v. Appeals Commission* [2001] A.J. No. 1501, the worker sought judicial review of two Commission decisions. The first decision was a decision made on the merits of the appeal. The second decision was a decision to refuse to reconsider the first decision. The Commission argued that the application for review of the first decision was out of time pursuant to the *Rules of Court*. The Court agreed. The Commission argued that the second decision was not subject to judicial review because it was merely a decision not to review the first decision; it did not consider any new facts. The Court found the second Commission decision to be a separate decision and one that involved "rights, liberties, privileges or property" and, therefore, subject to review. There was

no issue with the limitation period contained in the *Rules of Court* with respect to the second decision. The Court then reviewed the second decision and found: “The November [second] Commission decision is not patently unreasonable. It is not unreasonable. It is reasonable. It is correct.”

Arising Out of and in the Course of Employment

IV. In *Bennett et al v. Workers' Compensation Board* [2002] A.J. No. 551, three individuals were injured on a Saturday in a motor vehicle accident while travelling to the airport to take a flight chartered by their employer to attend a company function. The claim was accepted by the WCB on the basis that their actions arose out of their employment and occurred in the course of their employment. The Appeals Commission overturned the decision and determined that the individuals were not in the course of their employment at the time of the motor vehicle accident. The Board of Directors of the Workers' Compensation Board reviewed the decision and sent the matter back to the Appeals Committee for rehearing. A second panel found that the applicant's motor vehicle accident arose out of and during the course of their employment. The individuals then made application for judicial review of the Appeals Commission's decision as well as the decision of the Board of Directors to direct a rehearing pursuant to section 8(7) of the WCA. The Court upheld both decisions. The Court recognized that the Commission did not come to its decision lightly. It was also clear that the Commission did not simply follow the recommendations of the Board. The Court recognized that the Commission listened to *viva voce* evidence, affidavit evidence, and oral argument and set out a well-reasoned 15-page decision. The decision was not patently unreasonable.

V. In *Dot Motor Inns Ltd. v. Alberta (Workers' Compensation Board)* [2002] A.J. No. 671, Dot Motor Inns sought judicial review of a decision which had been returned by the Workers' Compensation Board to a second Appeals Commission panel for rehearing pursuant to section 13(7) of the *Workers' Compensation Act*. The panel rehearing the matter decided that a worker was not entitled to





benefits because the accident did not occur in the course of employment. The worker was sent by his employer from Ontario to Alberta to work as a foreman on a construction site. The employer paid an allowance to the worker to cover his living expenses. The worker made his own arrangements for room and board, and paid his own accounts for the services. He was staying at the Dot Motor Inn where he died in his sleep of carbon monoxide poisoning, apparently the result of a malfunctioning furnace. As part of the package forwarded to the second Appeals Commission panel directing that the matter be reheard, the WCB included an opinion from its in-house counsel. The opinion indicated that the accident did not arise in the course of employment and that the Appeals Commission had unreasonably extended the wording of the Board's travel provisions to provide coverage to the worker. Counsel recommended that the Board refer the matter back for reconsideration by another Appeals Commission panel. Prior to the rehearing, Dot complained that the Board's first adjudication and Counsel's legal opinion were wrongly included in the materials forwarded to the second panel. The second panel concluded that there was no reasonable apprehension of bias. The application was dismissed. The circumstances did not give rise to a reasonable apprehension of bias. The Board had a discretionary authority under section 13(7) of the Act to direct the Appeals Commission to rehear a matter under certain circumstances. The directions for rehearing carried with them the implicit message that the Board was of the opinion that the original Appeals Commission panel had misapplied or misconstrued policies and/or provisions of the Act. The Appeals Commission was fully informed as to the reason for the rehearing. The materials were sent to the new Appeals Commission panel to facilitate its understanding of the decision to remit the matter for rehearing. The documents were merely opinions and were identified as such.

- VI. *Doyle v. Appeals Commission* is an unreported decision (Court of Queen's Bench file 0103-25281) that dealt with an application for judicial review by the estate of a worker who was found by the Commission to be in the course and scope of his employment at the time of his death. The Court held that the Commission did not exceed its

jurisdiction and that it was not appropriate for the Court to second guess which evidence was used and which was not used by the Commission. The court was satisfied that the Commission did its job properly by looking at the evidence presented and drawing the conclusion it drew. The decision was not patently unreasonable.

- VII. In *Gazarek v. Appeals Commission*, another unreported decision of the Court of Queen's Bench (file no. 0206-00220), the Court held that the amendments to the *Workers' Compensation Act* did not apply to this application. A woman was injured in a motor vehicle accident on her way to work as a home care provider. The Commission found that the woman was a worker entitled to compensation. The worker sought to have the decision reviewed because she preferred to seek compensation on the basis of a civil law suit. The Court found the standard of review to be that of patent unreasonableness. The Court stated that it was clear that the Commission carefully considered the issue before it and that the decision was not patently unreasonable.

Right to Elect to Claim Compensation in Alberta

- VIII. In *Lawrence v. Alberta (Workers' Compensation Appeals Commission)* [2002] A.J. No. 1274, an application was made for review of a decision of the Appeals Commission that the worker forfeited his right of election under section 23 of Alberta's *Workers' Compensation Act* regarding a work-related accident in Saskatchewan because he had received compensation benefits from the Saskatchewan Workers' Compensation Board. The worker had made a claim and received compensation from the Saskatchewan Workers' Compensation Board. After the Saskatchewan WCB terminated benefits, the worker sought to have the Alberta WCB deal with the claim pursuant to a right of election set out in Alberta's *Workers' Compensation Act* (section 23). The Commission decided that the worker had forfeited his right of election when he received compensation from the Saskatchewan WCB. The Court upheld the Commission's decision and dismissed the application for judicial review on the basis that the Commission's decision was not patently





unreasonable. The issues raised in section 23 of the WCA were within the expertise of the Commission.

Status of the WCB

- IX. The Workers' Compensation Board (WCB) challenged a decision of the Appeals Commission in *Sarcee Gravel Products Inc. v. Alberta (Workers' Compensation Board)* [2002] A.J. No. 927. The WCB sought to have the matter of whether Sarcee Gravel Products was subject to *Workers' Compensation Act* obligations remitted back to the Appeals Commission for a rehearing with directions that WCB had standing as an interested party. The WCB had not sought standing before the Commission at the time of the hearing because, based on previous decisions of the Commission refusing to grant the WCB standing, the decision of the Commission was a foregone conclusion. The Court referred to the *Skyline Roofing* case as support for this conclusion. The application was allowed. The Court held that the WCB had a duty to administer the Act and was directly affected by the decision of the Assessment Review Committee interpreting the Act and its policies. It was thus also an interested party in the proceedings before the Appeals Commission, and was entitled to standing before that body. Since any application for standing by the WCB was likely to have been rejected by the Appeals Commission, the failure of the WCB to have applied for standing was not a bar to this application for review. The matter was remitted to the Appeals Commission for rehearing, with the WCB entitled to make submissions and participate fully in the hearing as an interested party.

Natural Justice

- X. In the unreported decision of *Sitler v. Appeals Commission* (Court of Queen's Bench file 0303-03337), the Court struck down a decision of the Appeals Commission granting status in an application of a widow for compensation benefits to the passenger in the motor vehicle driven by the deceased worker. The Court held that the Commission had failed to accord the widow the opportunity to respond to the main submissions made in support of the passenger's application for status.

Director/Worker Status

- XI. In *Workers' Compensation Board v. Appeals Commission* [2003], A.J. 342 (Labour), the WCB appealed a decision by the Appeals Commission. The Appeals Commission first decided the matter in 2001. The WCB exercised its power to order the Commission to rehear the matter (previously section 13(7) of the *Workers' Compensation Act*). The Commission reheard the matter in 2002. The WCB was not satisfied with the second Appeals Commission decision and therefore exercised the newly created right of appeal on questions of law and jurisdiction (section 13.4). The WCB objected to the Commission's interpretation of sections 1, 15 and 16 (*Workers' Compensation Act*, R.S.A. 2000). The Commission held that the individual in question was entitled to compensation because at the time of the accident, he was deemed to be a worker of a "principal" and not a worker of the company where he also held the position of director. The Board challenged the Commission's decision and argued that amendments to the *Workers' Compensation Act* created a new standard of review for the Appeals Commission, specifically a standard of reasonableness *simpliciter*. The amendment provided for an appeal to the courts, rather than a redetermination by the Board. The appeal was dismissed. The Court found that the new provisions in the Act did not create a new standard of review of decisions by the Appeals Commission. The standard was still patent unreasonableness. This was supported by the fact that the privative clause remained unchanged, indicating that the Appeals Commission was to be accorded deference with respect to its findings of fact. Here, the finding that the appellant was a worker during the relevant period was clearly a finding of fact. The Court found that the Commission had carefully set out its considerations. The decision was reasonable.



Court of Appeal Decisions

The Court of Appeal dismissed the following two appeals from decisions previously reported in our 1999 Annual Report:

- I. *Sammut v. Alberta (Workers' Compensation Board, Appeals Commission)* (unreported decision of the Court of Queen's Bench) [2002] A.J. No. 425 (C.A.):

RUSSELL J.A. (orally):- *Considering the standard of review, the panel is unanimous that the appeal must be dismissed. We see no error in the conclusion of the chambers judge that the decision of the Appeals Commission of the Workers' Compensation Board of Alberta that the applicant's earning capacity is not permanent, is not patently unreasonable.*

Accordingly, the appeal is dismissed.

- II. *Reeves v. Alberta (Workers' Compensation Board, Appeals Commission)* (unreported decision of the Court of Queen's Bench) [2002] A.J. No. 472:

PARK J. (orally):- *Mr. Penonzek has not persuaded the court that the reviewing justice made any reversible error in the assessment of Mr. Reeves' injuries and their causes. While it is true that the assessment was made more difficult by the absence of Dr. Mulholland's reports, it is also clear the court took that into account on his reliability. The court does not agree that there was a total absence of evidence on which the Board could make its finding. The court is satisfied that Mr. Reeves has received a fair assessment of his compensable injuries and the appeal is therefore dismissed.*

Highlights of Reviews by the Office of the Ombudsman

In the 2001 calendar year, the Office of the Ombudsman commenced forty investigations. There were forty-eight investigations concluded, including some carry-overs from previous years. The Ombudsman made six recommendations.

During the 2002 calendar year there were thirty-six investigations commenced, thirty-six concluded and one recommendation issued. The breakdown for April 1, 2002 to March 31, 2003, which is the new reporting year for the Appeals Commission, reports that the Ombudsman investigated twenty-nine complaints, concluded thirty-four investigations and made one recommendation. Many of the files included in this reporting period have already been reported in the 2002 calendar year, including the one recommendation received.

Application of Policy

- I. The Ombudsman expressed concern about the application of policy as cited in the decision document. The Appeals Commission had cited a general policy whereas the Claims Services Review Committee had used a more specific policy in its decision.

Following the enquiry by the Ombudsman, the panel further reviewed the Appeals Commission decision in relation to their application of policy and issued an addendum to the Appeals Commission decision. The addendum addressed the reasons for the use of the general policy and confirmed that the more specific policy was considered in deciding the issue in question.

- II. The Ombudsman observed that there was inconsistent wording used in the Appeals Commission decision with respect to “fitness for work” in determining entitlement to temporary total disability benefits. In addition, a certain medical report that corrected a previous medical report from the same doctor was not addressed. The





Ombudsman recommended that the matter be reconsidered.

The Appeals Commission referred the file to a panel to determine if reconsideration on own motion was warranted. A reconsideration hearing was granted.

Evidence

- III. In this case the Office of the Ombudsman recommended an addendum be written to more clearly outline the findings of fact upon which the Commission based its decision and provide reasons for the decision.

The hearing panel issued a clarification to the original decision to address the Ombudsman's concerns.

- IV. The Ombudsman found that the Appeals Commission handled three pieces of medical evidence in an administratively unfair manner. The recommendation was that each piece of medical evidence should be addressed separately and reasons for not accepting the evidence should have been more detailed.

The Appeals Commission issued an addendum to address the Ombudsman's concerns.

Insufficient or Inadequate Reasons

- V. The concern of the Ombudsman in this case was not with the decision but how the decision was communicated to the worker in the decision document. The Ombudsman concluded there was administrative unfairness due to lack of clarity in the evidence that was considered and the weight that was placed on that evidence. A rehearing was recommended.

The Appeals Commission referred the matter to a panel to determine if the Appeals Commission would rehear the appeal on its own motion. The rehearing was granted.

- VI. The Office of the Ombudsman was concerned that the worker's issues were not fully considered in the Appeals Commission's initial decision, or subsequent clarification and reconsideration threshold hearing.

The Ombudsman's Office found that the issue of appeal was redefined; however, the decision document did not explain how or why this occurred. He also concluded there was imprecise referencing of policy statements which constituted an administrative error.

The Office of the Ombudsman found that the Appeals Commission did not follow the process outlined in its own practice guidelines for reviewing a reconsideration on its own motion.

The Appeals Commission referred the file to a panel to determine if reconsideration on our own motion was warranted. No decision has been made to date.

- VII. The Ombudsman expressed a concern that a decision did not provide sufficient reasons to support a conclusion that the worker was not entitled to specific benefits.

The matter was referred to a panel and that panel ordered the matter to be reconsidered on the Commission's own motion.





Highlights of Reviews of the Board of Directors

In 2001 the Board of Directors of the Workers' Compensation Board had the authority, under section 13(7) of the *Workers' Compensation Act*, R.S.A. 2000, to direct the Appeals Commission to rehear matters if the Board of Directors considered that the Appeals Commission had failed to properly apply the Workers' Compensation legislation or policy. The Commission reheard six such cases in 2001.

On September 1, 2002, the *Workers' Compensation Act* was amended to remove the authority of the Board of Directors of the Workers' Compensation Board (WCB) under section 13(7) of the Act to direct the Appeals Commission to rehear matters. Prior to this legislative amendment, the Commission heard four cases in 2002. One case remains to be reheard.

Misapplication of WCB Policy

- I. The worker appealed the denial of a permanent partial disability award. The Appeals Commission stated that in order to find permanent disability a "combination of permanent clinical impairment and permanent vocational disability" must exist.

The worker's representative sent a letter to the WCB requesting that the WCB direct the Commission to rehear the appeal. The Board first asked the Appeals Commission to provide a clarification of its decision, pointing out that there were two plausible interpretations of the Commission's statement. The first was that both permanent clinical impairment and permanent vocational disability must be present in order for a permanent partial disability (PPD) to be payable. The second was that in determining whether there was a PPD, the decision-maker must first decide whether there is a permanent clinical impairment and, if not, then whether there is a permanent vocational disability.

The Appeals Commission issued the clarification decision, including a statement that the clarification did not replace the original decision, but was to be read in conjunction

with the original decision. The decision stated: “A worker would be entitled to a permanent partial disability award if he had permanent clinical impairment and/or permanent impairment of earnings capacity”.

The Board of Directors noted that the policy interpretation contained in the document that was intended to clarify the original decision and therefore, part of the original decision, was at odds with the interpretation of the same policy in the original decision. The Board of Directors decided to direct a rehearing on the basis that the interpretation contained in the original decision was an improper application of policy 04-04.

The Appeals Commission reheard the matter and determined that the worker would be entitled to a permanent disability award if he had measurable permanent clinical impairment or a permanent impairment of earning capacity. The Commission concluded that although the worker did not have a measurable permanent clinical impairment, he did have permanent impairment of earning capacity due to work restrictions as a result of his injury. However, since he didn't suffer any loss of earnings, he was not entitled to an earnings loss supplement.

Director/Worker Status

- II. The WCB determined that an individual who was involved in a motor vehicle accident was not a worker for the purposes of the *Workers' Compensation Act* because the individual was a director of the company for which he was performing the work.

The Appeals Commission reversed the WCB decision and determined that the individual was a worker for the purposes of the *Workers' Compensation Act*.

The Board of Directors determined the Appeals Commission had not properly applied the provisions of the *Workers' Compensation Act*, in particular sections 10, 11 and 97. They directed a rehearing.





The Commission reheard the matter and determined that:

- As the individual was a director of a company and had not applied for WCB coverage, he was not a worker pursuant to section 10(1).
- Section 10(1) is subject to the provisions of section 11.
- The individual was deemed to be a worker of his own company for whom he was performing work in his capacity as a worker pursuant to section 11.

III. The WCB determined that an individual was not a worker, as he did not have personal coverage under the *Workers' Compensation Act* at the time of his accident.

The Appeals Commission reversed the WCB decision and determined that the individual was a worker.

The Board of Directors determined the Appeals Commission had not given fair and reasonable consideration to policy 06-01, Part II, Application 2, Question 4 and, on that basis, directed the Commission to rehear the matter.

The Appeals Commission reheard the matter and determined that:

- The individual met the definition of a worker under section 1 of the Act.
- As the individual was a director of his company, he therefore, pursuant to section 15, was excluded from being a worker.
- The panel recognized, however, that section 15 is subject to section 16 of the Act.
- The individual was deemed to be a worker of a principal as set out in section 16 of the Act.
- The work being performed by the individual on the date of accident was not performed in his capacity as a director of his company. The work was not related

in any way to the functions he would have performed as a director of his company.

- The exception in section 16(1)(b) did not apply and the individual was deemed to be a worker of the principal.
- The individual, pursuant to section 16, was deemed to be a worker for the purposes of the Act.

IV. The WCB determined that an individual who was injured while performing labour for the company of which he was a director was not a worker because he was director and had not applied for personal coverage.

The Appeals Commission determined that the individual was a worker of his numbered company for the purposes of the *Workers' Compensation Act* at the time of his injury.

The Board of Directors determined the Appeals Commission failed to consider the Act and WCB policy in its totality and overlooked sections 10(1) and 97(2). They directed the Appeals Commission to rehear the appeal and give fair and reasonable consideration to sections 10, 11 and 97 of the *Workers' Compensation Act* and WCB assessment policies 02-06-03 and 03-03-02.

The Appeals Commission reheard the matter and determined that:

- As the day-to-day supervision and control of the labour being performed was under the control of the company, the individual was performing labour for the company.
- The individual was a worker within the meaning of section 1(1)(y) of the Act when he was performing labour.
- As the individual was a director of his numbered company, pursuant to section 10(1), and before applying section 11, the individual was not a worker even though he initially met the definition of worker as per section 1(1)(y) of the *Workers' Compensation Act*.





- Section 10 is subject to the provisions of section 11.
- The individual was deemed to be a worker of the company for whom he was performing work pursuant to section 11 because he was performing the work in his capacity as a worker, not in his capacity as a director.

Which WCB Policy to Apply

- V. This matter began when an injured worker requested the WCB pay for all costs associated with both the purchase and the modifications to a vehicle that were necessary as a result of his compensable injury. The WCB did pay for the modifications to the vehicle; however, it denied the worker's request to reimburse him for the cost of acquiring the vehicle.

The Appeals Commission considered the worker's request and determined that he was entitled to be reimbursed for the purchase of the vehicle.

The Board of Directors directed the Appeals Commission to rehear the appeal and to give fair and reasonable consideration to the totality of Application 2, Question 12 of the February 15, 1997 version of WCB policy 04-07, part II. It was the Board of Directors' opinion that the policy in effect at the time of the WCB decision did not contain provisions for the purchase of a vehicle.

The Appeals Commission reheard the matter and determined that:

- The initial decision not to purchase the vehicle was made in February 2000 and the Appeals Commission would apply the policy in effect on that date.
- Policy 04-07, effective January 1, 2000 was the appropriate policy to apply.
- Questions 13 and 14 of the above policy dealt directly with the provision of a vehicle.

The commissioners noted question 13 of the policy states:

The WCB modifies or provides appropriate transportation for the worker based on the worker's functional ability as determined by an occupational therapist's assessment. Transportation could range from payment for disabled adult transportation services as a temporary measure, to modification of a new or existing vehicle to accommodate the worker's disability.

The commissioners determined that the occupational therapist assessment supported that the vehicle in question was the appropriate transportation based on the worker's functional ability. The commissioners concluded that the WCB was required to provide the worker with a vehicle as permanent assistance with his mobility. The WCB was directed to reimburse the worker for the purchase of his vehicle. The WCB has made an application for judicial review of this decision.

VI. The WCB established the worker's compensation rate based on earnings of a similarly employed worker.

The Appeals Commission reversed the WCB's decision and determined that the individual's compensation rate should be based on the worker's actual earnings pro-rated over a 12-month period.

The Board of Directors determined the Appeals Commission had not given fair and reasonable consideration to WCB policy statement COM-17. They directed a rehearing.

The Commission reheard the matter and determined that:

- For the purposes of this case, they had to apply the policy in effect on the date of accident, specifically WCB Policy statement COM-17.
- The individual met the definition of a non-permanent worker.
- The individual did not have an anticipated term or end date of employment. Had it not been for the





individual's foot problems, the employment would have continued, subject to shutdowns for periods of time.

- Having found there was no anticipated term to the individual's employment, the commissioners could not go on to consider a similarly employed worker.

The distinction between permanent and non-permanent status had no effect on the initial calculation of a compensation rate. The commissioners concluded that the compensation rate should be based on actual earnings in the months prior to the date of accident, and pro-rated over twelve months to reflect annual gross earnings.

Arising Out of and in the Course of Employment

- VII. The WCB did not accept the claim of a worker who died while sleeping in a hotel.

The Appeals Commission issued a decision determining that the worker had suffered an accident and therefore accepted the claim.

The Board of Directors directed the Appeals Commission to rehear the appeal and give fair and reasonable consideration to sections 1(1)(a) and 19 of the *Workers' Compensation Act* and WCB policy 02-01.

The Appeals Commission reheard the matter and determined that the accident arose out of employment because the worker was in a position of risk from the hazard as a result of employment. The commissioners also concluded that the accident did not occur during the course of employment as it occurred at a time and place that was not related to the obligations and expectations of employment. The commissioners concluded that the worker's fatality claim did not meet the definition of an accident as per section 1(1)(a) of the *Workers' Compensation Act* and denied responsibility for the claim.

The Court reviewed the matter and the Commission's decision was upheld.

VIII. Three individuals were involved in a motor vehicle accident on their way to the airport to board airplanes chartered by the employer to take them to a one-day activity in a different location.

The WCB determined that the accident arose out of and occurred during the course of employment and accepted the claims of the three individuals. The three individuals did not agree with the decisions to accept their claims and filed appeals.

The Appeals Commission overturned the decisions of the WCB and denied the claims.

The Board of Directors directed the Appeals Commission to rehear the appeals and give fair and reasonable consideration to WCB policy 02-01, part 1, 3.0.

The Appeals Commission reheard the matter and determined that the accident arose out of employment as the travel was the result of employment and that the travel was considered a hazard of the employment. The Appeals Commission also determined that the accident occurred at a time and place consistent with the expectations of employment and, therefore, the accident occurred during the course of employment. The claims were accepted.

Interpretation of WCB Policy

IX. The WCB determined that an individual who fractured his left ankle after a fall was not entitled to academic training.

The Appeals Commission reversed the decision and determined the individual was entitled to an academic sponsorship in a two-year social work program.

The Board of Directors determined the Appeals Commission had not given fair and reasonable consideration to policies 04-05 and 04-07 and, in particular, to the generally accepted meaning of the term “severe” as used in the context of those policies. They directed a rehearing.

The Commission reheard the matter and determined that:





- Considering that the individual's limitations would prevent him from functioning as a labourer and that he had limited transferable skills, the commissioners concluded that the individual's functional limitations were severe.
- The injury/disability was considered with respect to that specific individual to give it meaning in terms of the severity to that individual.
- Given the functional limitations of the individual, the commissioners were satisfied that the individual needed temporary or permanent assistance with communication, mobility, or self-care.
- The individual met the definition of "severely injured worker" as defined in policy 04-07. The commissioners also found the individual also met the definition of "severely disabled worker" as defined in policy 04-05.
- As the individual met the definition of "severely disabled worker", and because training was recommended, the commissioners were satisfied that the individual was entitled to a two-year diploma course in social work in which he was currently enrolled.

Employer Classification

- X. The WCB denied the employer's request to establish new accounts for its recently acquired companies, because they were not engaged in an exempt industry prior to the termination of their employees and closure of their accounts.

The Appeals Commission also denied the employer's request to establish new accounts and remitted the issue of the engagement in an exempt industry back to the WCB for investigation and adjudication.

The Board of Directors determined the Appeals Commission chose policy on the basis of the date on which the WCB rendered its first decision in this matter, rather than on the basis of the date of the relevant events.

In addition, the Appeals Commission failed to consider the effect of the consolidation of policy. They directed a rehearing.

The Commission reheard the matter and determined:

- The policy in effect on the date of the change in ownership of the business was the applicable policy to apply. They also determined that another policy, referred to by the Board of Directors, was not in effect at the date of the transaction.
- That one of the four acquired companies was entitled to a new assessment account without the previous owner's experience considered for experience rating purposes.

There was no basis to establish exempt status for any of the four companies during the periods of time within the scope of this appeal.





Highlights of Review by the Office of the Information and Privacy Commissioner

In 2001 the Office of the Information and Privacy Commissioner did not initiate any investigations with respect to the requests processed by the Appeals Commission.

In 2002 the Office of the Information and Privacy Commissioner initiated two investigations with respect to appeals processed by the Appeals Commission. One of the investigations was outstanding on March 31, 2003.

The 2002 investigation dealt with whether the Appeals Commission had authority to disclose medical information relating to a previous claim with a former employer to the current date-of-accident employer.

The investigation found that the complainant asked the Appeals Commission to consider whether the worker's current injury was caused or aggravated by injuries sustained while the worker was employed with the former employer. It was determined that the *Workers' Compensation Act* required that employers and claimants be provided with all information that is used by the Appeals Commission in making a decision. The investigation concluded that the disclosure was authorized under section 40(1)(f) of the *Freedom of Information and Protection of Privacy Act* (FOIP Act).

2003–2007 Business Plan

Summary

Our Vision --

The Leader in Innovative Appeal Services

Our Mission --

To provide a timely, fair and independent appeals process consistent with legislation, policy and the principles of natural justice.

Our Values --

Respect: We respect all persons -- treating them with honesty and integrity.

Excellence: We are committed to excellence in service through quality and consistency.

Fairness: We achieve fairness through being impartial and unbiased.

Co-operation: We achieve co-operation through sincere, open communication and teamwork.

Core Activities

- Examining, inquiring into, hearing and determining all matters arising under the *Workers' Compensation Act* and Regulations on appeals of decisions of the Workers' Compensation Board.
- Identifying, gathering and sharing of information regarding appeal matters through a prehearing process.
- Communicating the interpretation and application of legislation and Workers' Compensation Board policy through publication of decisions.
- Informing and educating workers and employers of the appeal process and the Appeals Commission rules and procedures.



Goal 1 Provide a timely appeal service

Strategy	Performance Measure
Timeliness will be demonstrated by reducing the length of time to process an appeal.	<ul style="list-style-type: none"> • Average number of days from appeal to decision issued • Average numbers of days from hearing to decision issued • Percent of initial appeals processed within 125 days • Percent of initial decisions issued within 30 days of hearing

Indicators and Targets

The percentage of applications that are processed within the above guidelines

	2003-04	2004-05	2005-06	2006-07
Average number of days from appeal to decision issued	134	134	134	134
Average numbers of days from hearing to decision issued	33	30	30	30
Percent of initial appeals processed within 125 days	57%	60%	63%	66%
Percent of initial decisions issued within 30 days of hearing	75%	80%	82%	84%

Goal 2 Provide fair and Independent decisions on appeals

Strategy	Performance Measure
Increase number of Appeals Commission decisions upheld on review.	<ul style="list-style-type: none"> ▪ Number of decisions sent back by the courts for the Appeals Commission to rehear ▪ Number of decisions sent back by the Office of the Ombudsman to the Appeals Commission with recommendations to correct procedural deficiencies or rehear ▪ Number of times the Appeals Commission reconsidered its own decision ("own motion") ▪ Number of decisions clarified by the Appeals Commission at the request of a party

Indicators/Targets				
The number of decisions upheld on review				
	2003-04	2004-05	2005-06	2006-07
Number of decisions sent back by the courts for the Appeals Commission to rehear	1	1	1	1
Number of decisions sent back by the Ombudsman to the Appeals Commission with recommendations to correct procedural deficiencies or rehear	3	2	1	1
Number of times the Appeals Commission reconsidered its own decision ("own motion")	4	3	2	2
Number of decisions clarified by the Appeals Commission at the request of a party	8	6	5	4

Goal 3 Provide accessible and transparent appeal services

Strategy	Performance Measure
<ul style="list-style-type: none"> ▪ Continue to develop the expertise and knowledge base of the Commission. ▪ Develop and implement services and processes that satisfy the needs of stakeholders. 	<ul style="list-style-type: none"> ▪ Satisfaction with accessibility of information and services ▪ Satisfaction with transparency of procedures and policies used ▪ Satisfaction with expertise, skills, knowledge and competencies ▪ Satisfaction with courtesy and respect perceived when dealing with the Commission

Indicators/Targets

This will be measured through a satisfaction survey, which will be developed and validated over a three-year time frame.

Projected Budget

(in millions of dollars)

2003/2004	2004/2005	2005/2006	2006/2007
\$6.713	\$6.937	\$7.246	\$7.564

Appendices

Appendix A - Three-Year Statistical Summary 2000-2003

The statistical information contained in this appendix summarizes the activities of the Appeals Commission in the following five major categories:

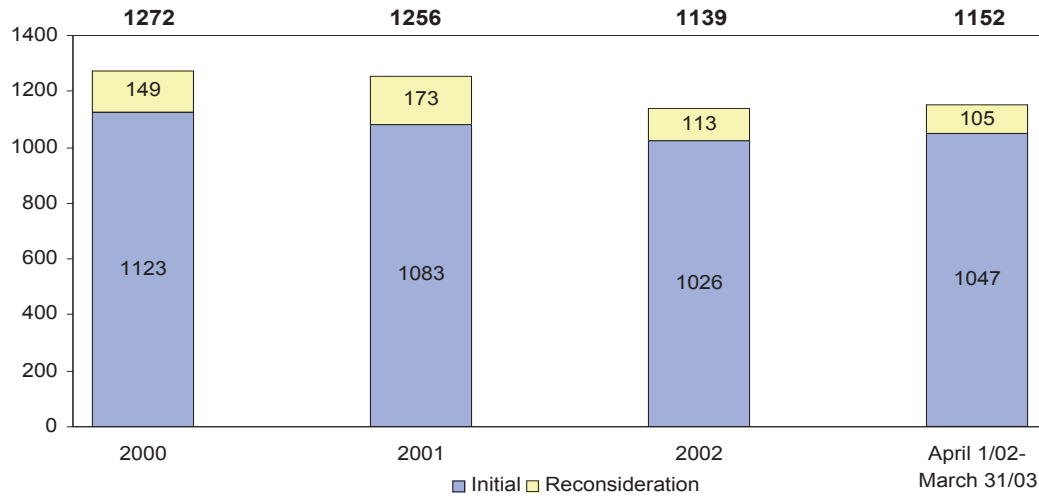
1. Appeal Volumes
2. Hearing Activities
3. Decision Activities
4. Processing Timelines
5. Review of Decisions

This is intended to provide an historical perspective of the activities of the Appeals Commission over the past three years.

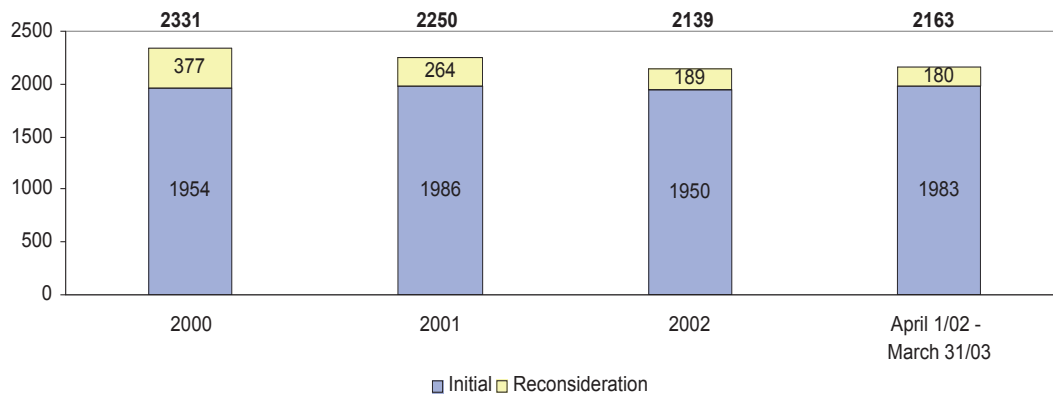
The appendix also provides statistical information for the period of April 1, 2002 to March 31, 2003 that will serve as a “base year” for future statistical reporting.

Appeal Volumes

Initial Appeal and Reconsideration Applications Received



Total Issues Involved in Initial Appeals and Reconsideration Applications



Breakdown of Applications by Type

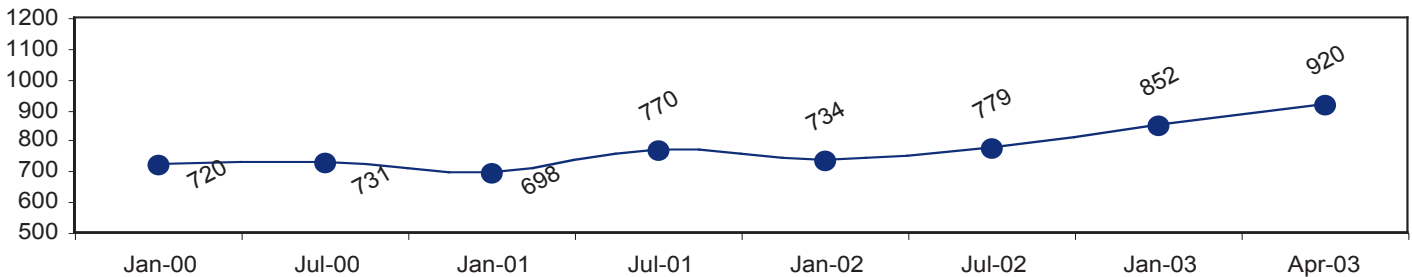
	2000		2001		2002		April 1/02 - March 31/03	
	Total	%	Total	%	Total	%	Total	%
Claims	1258	99%	1241	99%	1120	98%	1135	98%
Assessment	14	1%	15	1%	19	2%	17	2%

Major Issues of Appeal by Percentage of Total

	2000	2001	2002	'02-'03
	%	%	%	%
Temporary Total Disability Entitlement	14	17	17	17
Temporary Partial Disability	N/A	6	6	6
Permanent Disability Entitlement	3	3	2	2
Additional Entitlement	13	14	14	14
Earnings Loss Supplement Entitlement	3	2	2	2
Acceptability of Claim	7	6	7	7
Change in Permanent Disability Entitlement	5	4	3	2
Increased Responsibility	9	8	11	10
Cost Relief	3	4	3	3
Other	43	35	34	36
Assessment	N/A	1	1	1

*N/A Temporary Partial Disability and Assessment were included in *Other* in previous years.

Appeals in Process



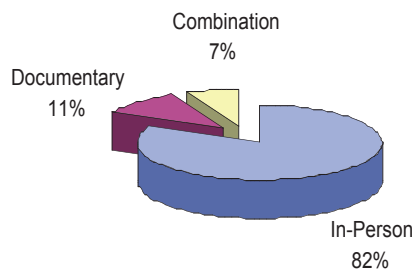
Hearing Activities – Initial Appeals

Total Hearings Conducted

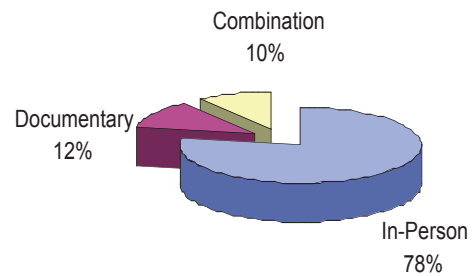
2000	2001	2002	April 1/02 – March 31/03
998	881	741	748

Hearings by Type

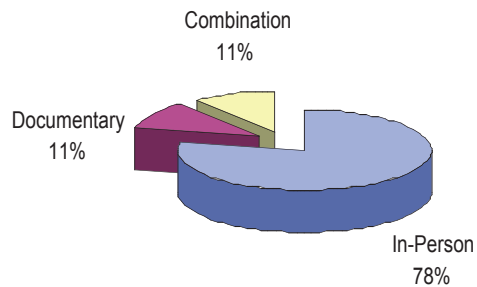
2000



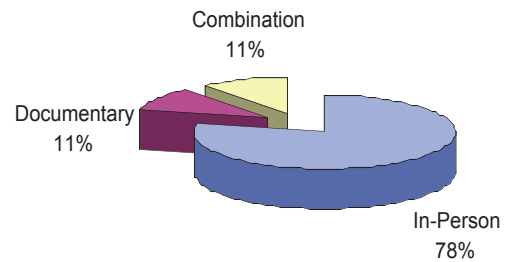
2001



2002

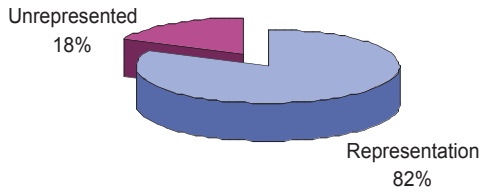


**April 1/02
- March 31/03**

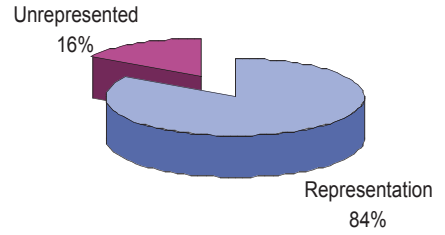


Representation at Hearings

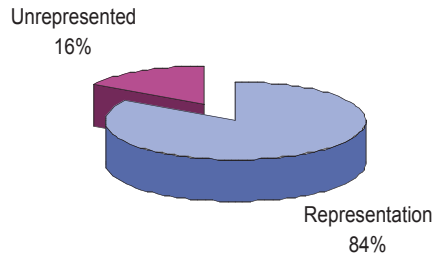
2000



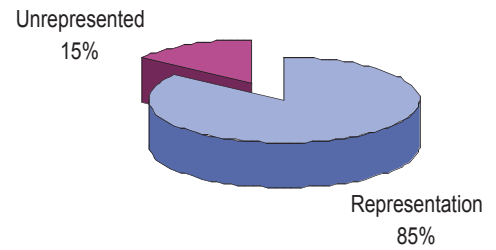
2001



2002

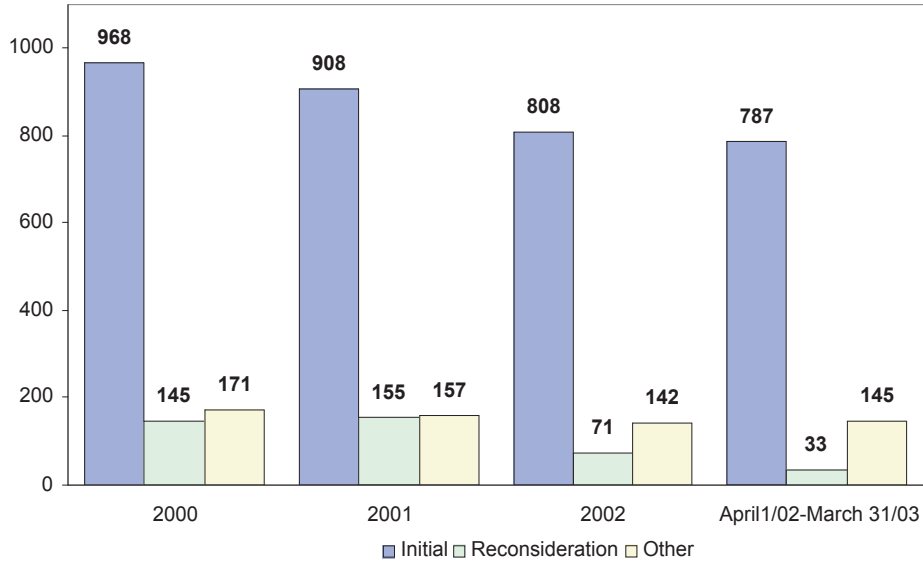


April 1/02
- March 31/03

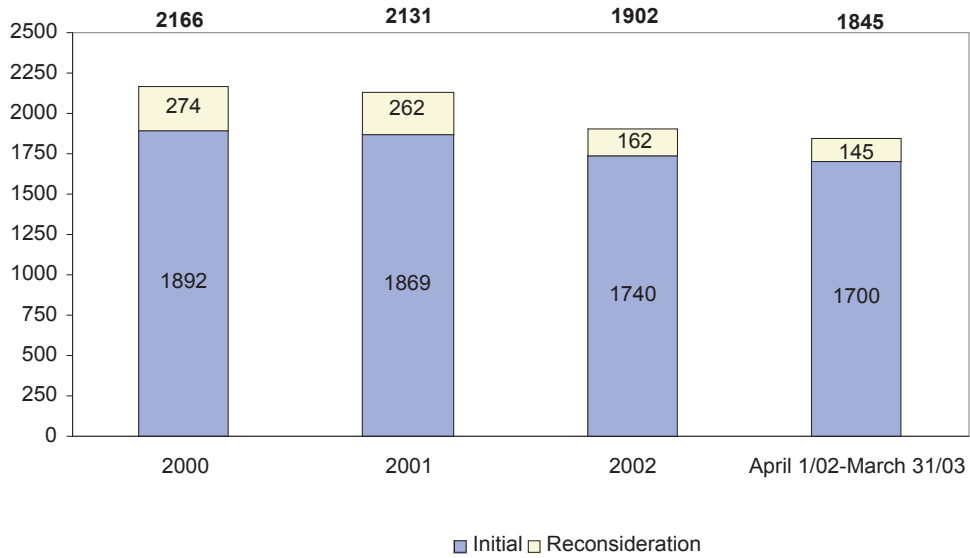


Decision Activities

Number of Applications Finalized

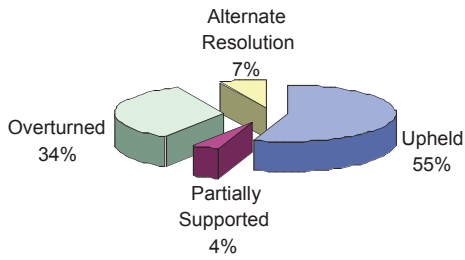


Number of Issues of Appeal Finalized

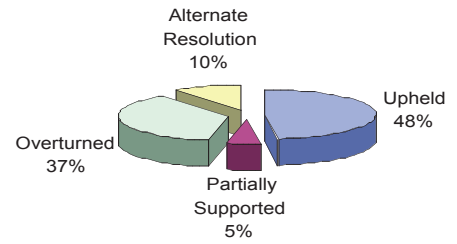


Final Disposition of Initial Appeals by Issue

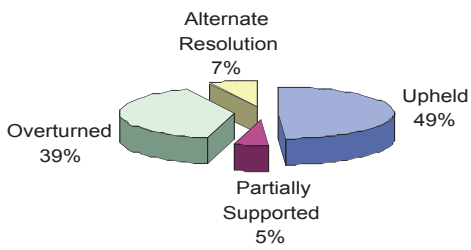
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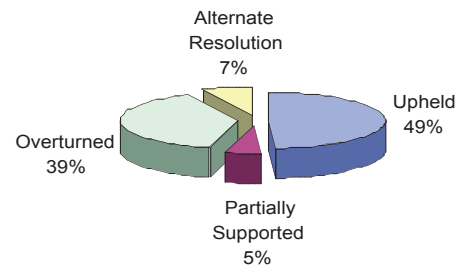
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2002

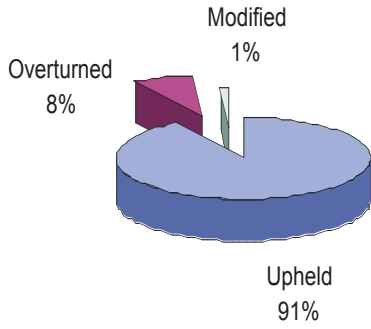


April 1/02
-March 31/03

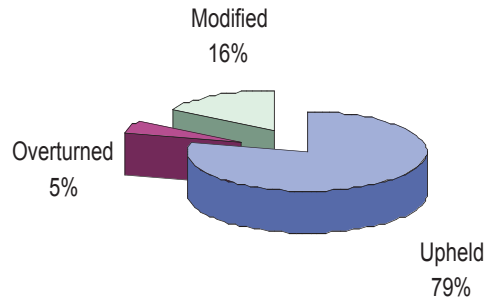


Final Disposition of Reconsiderations by Issue

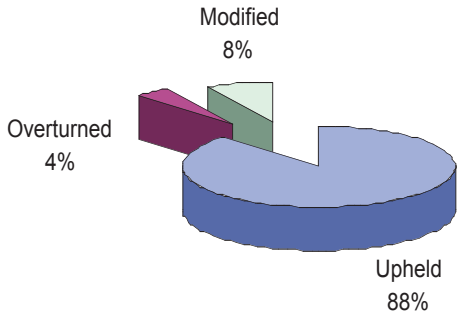
2000



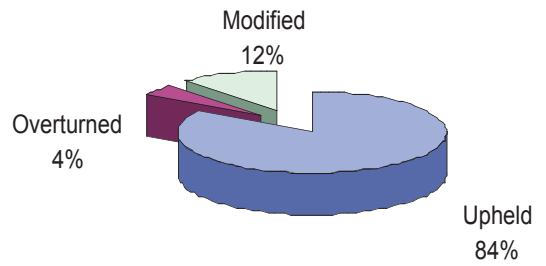
2001



2002

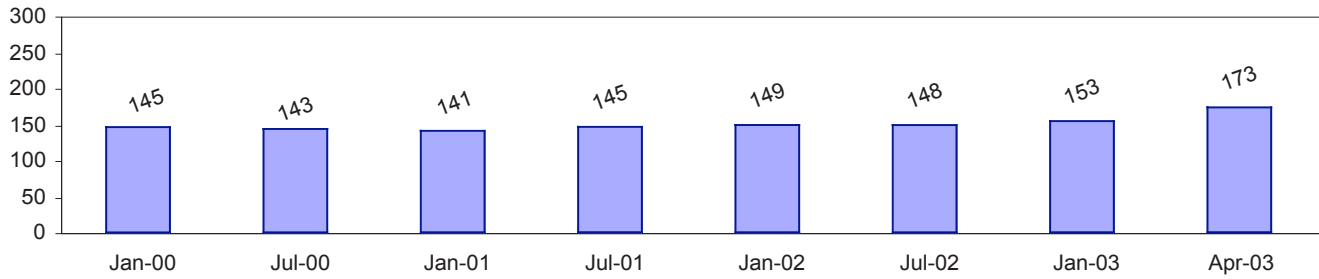


April 1/02
- March 31/03

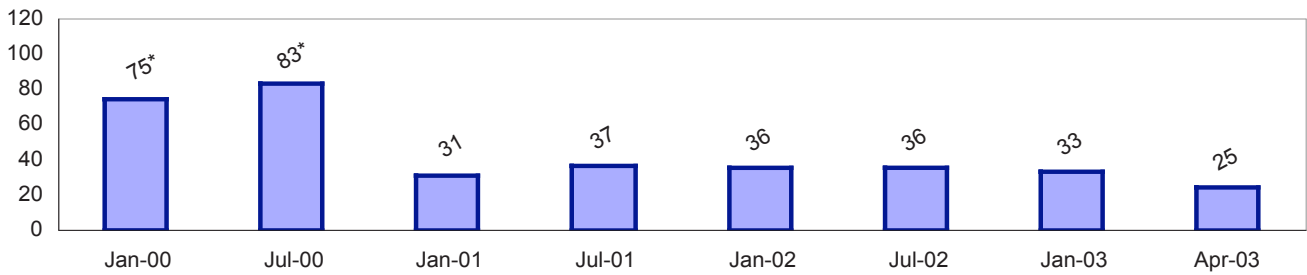


Processing Timelines

Number of Days from Appeal Accepted to Appeal Finalized



Number of Days from Hearing Date to Decision Signed



*Figures for 2000 are reporting number of days from Hearing Scheduled to Decision Signed

Review of Decisions

Judicial Review of Appeals Commission Decisions

	2000	2001	2002	April 1/02 - March 31/03
Number of court actions commenced (referred)	11	12	12	13
Number of court actions concluded	8	2	4	7
Number of applications dismissed by court (upheld)	6	3	3	5
Number of decisions overturned by court	2	0	1	2
Number of decisions Appeals Commission agreed to reconsider without court order	N/A	N/A	N/A	N/A
Number of court actions adjourned <i>sine die</i> /discontinued	1	8	12	2

Review of Appeals Commission Decisions by the Board of Directors

	2000	2001	2002	April 1/02 - March 31/03
Number of section 8(7) reviews conducted by WCB Board of Directors	16	11	13	4
Number of section 8(7) directives to Appeals Commission to rehear	6	1	5	*

*Figures not available due to change in Act effective September 1, 2002

Ombudsman's Review of Appeals Commission Decisions

	2000	2001	2002	April 1/02 - March 31/03
Number of Ombudsman investigations commenced	48	40	36	29
Number of Ombudsman investigations concluded	68	48	36	34
Recommendations made by the Ombudsman	5	6	1	1

Reconsiderations on Own Motion

2000	2001	2002	April 1/02 - March 31/03
7	8	2	1

Appeals Commission Clarification of Decisions

2000	2001	2002	April 1/02 - March 31/03
31	10	6	7

Appendix B – Three-Year Financial Summary

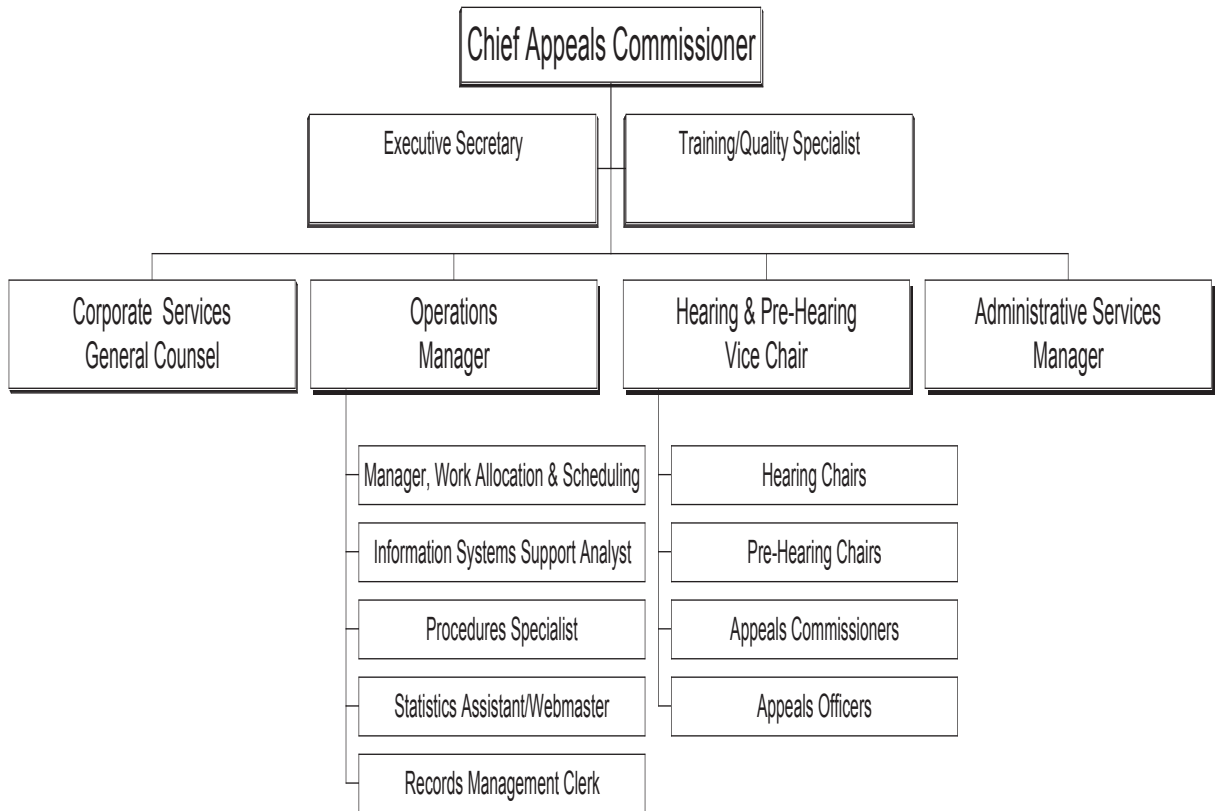
This section provides a three-year summary of the operating and capital expenditures of the Appeals Commission together with highlights and explanatory notes.

In accordance with section 12 of the *Workers' Compensation Act*, the operating costs of the Appeals Commission are funded by the WCB from the Accident Fund. Effective September 1, 2002, this funding is provided to the Appeals Commission through quarterly payments to the Ministry of Human Resources and Employment.

Operating Budget

	2000 Jan.-Dec.	2001 Jan.-Dec.	2002 Jan.-Dec.	April /02 – March/03
Commission Salaries and Benefits				
Appeals commissioners' salaries	\$1,548,804	\$1,669,107	\$1,851,410	\$1,990,232
Commission staff salaries (including severances)	\$1,702,219	\$1,675,200	\$1,722,608	\$1,707,506
Benefits	\$394,851	\$467,178	\$538,097	\$519,975
Performance awards	\$45,000	\$87,029	\$0	\$0
Other staff-related expenses (e.g. training)	\$23,453	\$48,400	\$87,844	\$95,056
Total Salaries and Benefits	\$3,714,327	\$3,946,914	\$4,199,959	\$4,312,769
Fixed Costs				
Rental leased premises	\$396,655	\$337,226	\$390,887	\$348,804
Amortization	\$51,976	\$51,976	\$34,648	\$21,655
Total Fixed Costs	\$448,631	\$389,202	\$425,535	\$370,459
Systems – Hardware/Software Costs	\$115,252	\$167,738	\$76,993	\$246,938
Administrative Costs				
Administrative services from WCB of systems	\$195,143	\$216,622	\$204,684	\$72,948
Services from GOA	\$0	\$0	\$12,316	\$20,416
Travel	\$116,541	\$103,349	\$115,043	\$149,284
Other administrative costs	\$107,465	\$241,617	\$488,050	\$577,838
Total Administrative Costs	\$419,149	\$561,588	\$820,093	\$820,486
Total Operating Expenditures	\$4,697,359	\$5,065,442	\$5,522,580	\$5,750,652
Approved Budget	\$4,675,951	\$5,989,540	\$6,289,017	\$6,300,000
Budget Variance	(\$21,407)	\$924,098	\$766,437	\$549,348

Appendix C - Appeals Commission Corporate Structure



Appendix D - Appeals Commissioner Appointments

As of March 31, 2003, the Appeals Commission was comprised of the following appeals commissioners appointed by Order of the Lieutenant Governor in Council:

Chair and
Chief Appeals Commissioner G. Pheasey

Vice Chair M. Kingma

Hearing and Prehearing Chairs

E. Bennett	M. Fulford	R. Mohammed
J. Bruyer	T. Irwin	B. Otterdahl
M. Dungey/J. Ross	C. Kilburn	P. Pierzchalski
P. Farmer	D. Maxwell	M. Tamtom

Appeals Commissioners

H. Andrews	D. Hunt	J. Prowse
H. Buchwald	L. Kelly	D. Turner
T. Bunce	G. Litchfield	R. Vermette
W. Canning	E. Luders	W. Walchuk
D. Dexter	B. Madoche	J. Wevers
O. Eveneshen	N. Miazga	
J. Frost	J. Murray	

D. Dexter and J. Wevers left the Commission between January 1, 2001 and March 31, 2003.

**Remuneration for Chief Commissioner, Full-time Commissioners and Vice Chair
as Established by Order-in-Council**

		Chair and Chief Appeals Commissioner	Full-time Appeals Commissioner/ Hearing Chair	Vice Chair
2000	Salary Range	\$86,528 - \$120,490	\$67,059 - 91,936	N/A
	Salary & Benefits	\$139,979	\$87,639	N/A
2001	Salary Range	\$90,852 - \$126,516 (Effective April 1/01)	\$70,416 - \$96,528 (Effective April 1/01)	N/A
	Salary & Benefits	\$146,345	\$97,212 (Includes bonus/back pay)	N/A
2002	Salary Range	\$94,488 - \$131,580 (Effective April 1/02)	\$73,236 - \$100,392 (Effective April 1/02)	\$73,236 - \$100,392 (Effective April 1/02)
	Salary & Benefits	\$157,611	\$92,929	N/A
Apr. 2002 – Mar. 2003	Salary Range	\$94,488 - \$131,580 (Effective April 1/02)	\$73,236 - \$100,392 (Effective April 1/02)	\$73,236 - \$100,392 (Effective April 1/02)
	Salary & Benefits	\$179,856	\$105,674.58	\$120,112.68

**Remuneration for Part-time Appeals Commissioners
as Established by Order-in-Council**

2000	Per Diem Salary	\$208 per day
	Salary Range	\$8,320 - \$48,862
2001	Per Diem Salary	\$226 per day
	Salary Range	\$4,736 - \$40,924
2002	Per Diem Salary	\$236 per day
	Salary Range	\$7,430 - \$46,760
Apr. 2003 – Mar. 2003	Per Diem Salary	\$236 per day
	Salary Range	\$7,430 - \$46,760

Appendix E - Available Publications

Appeals Commission decisions are now available on our web site at www.appealscommission.ab.ca. Our web site also provides the following:

- a virtual tour of our offices in Calgary and Edmonton
- information on the appeals process
- biographies
- frequently-asked questions
- decision index
- career opportunities
- glossary of terms
- links to the Alberta Foundation of Administrative Justice, Queen's Printer and WCB legislation

The following publications are also available on our web site.

- *A Guide to the Appeals Commission* is a brochure that provides basic information regarding the Appeals Commission and how it operates.
- *Appeals Commission Rules of Procedure* includes the rules of procedure that the Appeals Commission has adopted to govern how it will deal with various administrative processing matters. It is intended to help parties prepare for and participate in the appeals process.
- The *Annual Report 2000* highlights the activities of the Appeals Commission. Limited copies of previous annual reports are available in printed form.

Note: As decisions of the Appeals Commission are now posted on the web site, *In Review* is no longer published.

Copies of all of the above publications are available by contacting:

Appeals Commission
901, 10109 - 106 Street
Edmonton, AB T5J 3L7
Telephone: (780) 412-8700 – Fax: (780) 412-8701

or

Appeals Commission
4th Floor, 1701 Centre Street North
Calgary, AB T2E 7Y2
Telephone: (403) 508-8800 – Fax: (403) 508-8822