

APPEALS COMMISSION

FOR ALBERTA WORKERS' COMPENSATION



> BUSINESS PLAN 2017-2020

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Message from the Minister

As our province's economy begins to recover, our focus continues to be on making life better for Albertans and ensuring that workers are protected and treated fairly in safe working environments. Our government is committed to supporting a diverse economy where Albertans in the workforce can thrive and continue to cultivate their skills.

The Appeals Commission for Alberta Workers' Compensation, a self-governing and impartial tribunal, hears worker and employer appeals arising from the Workers' Compensation Board (WCB). The Appeals Commission is the final level of appeal for workers' compensation matters. The mission of the Appeals Commission is to provide a timely and fair appeals process consistent with legislation, policy, and the principles of natural justice. Within the Ministry's budget, funding is provided for the Appeals Commission, which is accountable to the Minister of Labour.

I am confident that the Appeals Commission's Business Plan aligns with the key strategies of the Ministry of Labour and the Government of Alberta, which include:

- Enhancing the quality and timeliness of decisions rendered by the Appeals Commission
- Ensuring that stakeholders can expect the decisions of the Commission to be consistent with policy and legislation, and consistent with other decisions of the Commission
- Safeguarding the efficiency and fiscal sustainability of the Appeals Commission
- Continuing to ensure that Albertans have access to timely, fair, and independent appeal services through the Appeals Commission

I am proud of the Commission's ongoing commitment to providing Albertans with a fair appeals process, and its ongoing efforts to continually improve the way that it serves the public, as reflected in the Business Plan that follows.

The Hon. Christina Gray
Minister of Labour



Message from the Chief Appeals Commissioner

➤ In 2016, the Government of Alberta appointed an independent panel comprised of a neutral chair, workers' representative member, and industry representative to complete a formal review of the workers' compensation in our province. The purpose of the review, which has been completed, was to ensure Alberta workers are sufficiently compensated and treated fairly throughout the entire workers' compensation process. I am pleased to say that the Appeals Commission had the opportunity to participate in the review and to share its perspective with the panel.

On July 6, 2017, the WCB review report was released. The panel's recommendations include many policy and structural changes intended to put the health and well-being of injured workers at the core of the workers' compensation system. I am pleased that the panel recognizes all the hard work done by the Appeals Commission. I look forward to discussing the recommendations of the panel as they relate to the Appeals Commission with the Minister of Labour and our team. I am confident that our commitment to quality and continuous improvement, as illustrated by this comprehensive business plan, will position us to be responsive to the recommendations of the panel.

I am happy to announce that in June 2017, the Government of Alberta appointed 13 new commissioners to the Appeals Commission. This returns the Appeals Commission to a full complement of adjudicators. The additions to our team will allow us to continue with the efficient and timely processing of appeals. We have worked hard to ensure that we have the resources in place to bring our new commissioners up to speed quickly and to support them in meeting our standards of excellence. As you will see, a key component of our business planning relates to ensuring that our quality and service standards continue to be exceptional.

The Appeals Commission is a dedicated, strong team that is committed to achieving success now and for the future. Our robust business planning process enables us to meet that commitment and to serve Albertans in the most timely, fair, and efficient manner possible.

I am pleased to present this Business Plan to the Minister of Labour. The Appeals Commission executive team has worked hard to develop this document to ensure the objectives and initiatives of the Appeals Commission align with the key strategies of the Minister of Labour and the Government of Alberta.

Yours very truly,



Douglass M. Tadman, QC
CEO and Chief Appeals Commissioner



➤ The Appeals Commission is a quasi-judicial tribunal operating under the authority of the Workers' Compensation Act as the final level of appeal from decisions made by a review body appointed by the system administrator, the WCB. Our mission is to provide a timely, fair, and independent appeals process consistent with legislation, policy, and the principles of natural justice. As a Government of Alberta entity independent of the WCB, we report to the Minister of Labour. Our Mandate and Roles Document, which is housed with the Agency Governance Secretariat, guides this reporting relationship.

Commissioners, including the Chief Appeals Commissioner, are merit-based appointments recruited through public competition. The Lieutenant Governor in Council uses recommendation of the Ministry of Labour to appoint appeals Commissioners as representative of either the interests of employers or the interests of workers. We qualify new Commissioners for appointment with reference to a competency matrix, and all appeals Commissioners are subject to a Code of Conduct. The Agency Governance Secretariat houses both the competency matrix and the Code of Conduct.

To ensure impartial and unbiased adjudication, legislation prohibits the appointment of WCB employees or members of the WCB Board of Directors as appeals Commissioners. Presently, there are 49 Commissioners – 19 full-time hearing chairs and 30 part-time members. The Chief Appeals Commissioner is the CEO of the Appeals Commission, and directs our operations with the support of an executive team, comprising two Vice Chairs, General Counsel, and an Executive Director. Panels of three Commissioners hear and decide appeals. The WCB must implement our decisions within 30 days. We publish our decisions on the Canadian Legal Information Institute website (www.canlii.org). Legislation intends decisions to be final and binding, but they are subject to appeal on a question of law or jurisdiction to the Court of Queen's Bench of Alberta.

An appeal from a decision of the Court of Queen's Bench lies to the Court of Appeal and subsequently to the Supreme Court of Canada. The Alberta Ombudsman may also review our decisions. The Ombudsman operates independently from the Alberta government and elected officials, promoting standards of fairness, and has the authority to make recommendations if an investigation identifies administrative unfairness.

OUR VISION, MISSION, AND VALUES



In the 2016/17 fiscal year, we conducted over 761 hearings, 79% of appeals to the Appeals Commission featured the in-person or telephone attendance of the appellant. An appeal to the Commission provides an appellant with the opportunity to call witnesses, present evidence, and argue their position in a structured, but informal setting. Our appeals are not an academic review of WCB decisions. Appellants make their case to our panels entirely afresh. Appellants have every opportunity to explain their position to an unbiased panel of three adjudicators each of whom is entirely independent of the WCB. Legislation simply requires Commissioners to observe the policies established by the Board of Directors of the WCB when deciding an appeal. This requirement provides an objective basis for decision-making and supports similar adjudicative outcomes for similar fact situations. The Commission decides every appeal on its own merits. Injured workers initiated 79% of appeals received by the Commission. These appeals expressed disagreement with decisions of the WCB review body disqualifying or limiting an appellant's entitlement to benefits. Employers filed the remaining 21% of appeals we received. Generally, these appeals raised issues concerning claim acceptance, cost relief, classification, and assessment, as well as policy driven appeals seeking harmonization of legislation and policy.

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 people, treating them with honesty and integrity.
- We show respect by treating all people the way we would like to be treated. In doing so, we consider people's thoughts, aspirations, and feelings.
- In our dealings with people we are truthful, ethical, and straightforward.

Fairness

- We believe in treating all individuals fairly.
- We achieve fairness through being impartial and unbiased.
- We achieve impartial decision-making by ensuring all of our actions are free of bias and prejudice.

Co-operation

- We achieve co-operation through sincere, open communication, and teamwork.
- We are committed to open communication with each other and all individuals who use our services.
- We value the freedom and comfort to share our thoughts and feelings, secure in the knowledge they will be given genuine consideration.
- At the Appeals Commission we work together as a team focused on the achievement of common, well-defined goals.

Excellence

- We are committed to excellence in service through quality and consistency.
- We believe in setting high standards and striving to achieve them.
- In order to achieve standards of excellence, we recognize that we are accountable for our performance.
- At the Appeals Commission we promote a learning environment by providing opportunities for developing and enhancing our skills and knowledge.

INTRODUCTION

> **The** Appeals Commission is committed to being a leader in innovative appeal services that strives to provide a timely, fair, and independent appeals process.

The Appeals Commission's work is aligned with the 2017-2020 Business Plan, which has been developed to align with the Government of Alberta's strategic direction on adjudication and dispute resolution, enhancing worker rights, developing the workforce, engaging people, and maintaining and sustaining an organization. The Appeals Commission business plan sets our goals toward becoming the leading workplace in appeal services. This three-year plan will help us to further focus our efforts in achieving our goals.

In 2017, we will be focusing on executing four pillars in our Business Plan:

- 1. Increase Awareness
- 2. Enhance Appeal Process
- 3. Produce Quality Decisions
- 4. Foster a Positive Work Environment

The Business Plan will guide us in improving outcomes for the appeal process as we plan new initiatives aimed at enhancing innovation and customer service. The Appeals Commission is dedicated to integrity and excellence as it will guide everything we do to foster a positive experience at the Appeals Commission.

Performance Measures

The Appeals Commission has established key strategies to assess its performance against the 2017-2020 Business Plan objectives. In addition, the Appeals Commission will provide an annual update to our stakeholders, reviewed and approved by the Chief Appeals Commissioner before being published on the Appeals Commission's website. The results are continually monitored, allowing the Appeals Commission to measure progress and, when necessary, adjust our efforts and priorities accordingly.



PILLAR ONE: INCREASE AWARENESS



Increasing awareness of the Appeals Commission within the Government of Alberta and external stakeholders will improve communication and develop relationships with key individuals, agencies, boards, and departments. It is also important to focus on increasing awareness with the public, which will cultivate opportunities to develop knowledge of the Appeals Commission.

GOAL: INCREASE AWARENESS OF THE APPEALS COMMISSION WITHIN THE GOVERNMENT OF ALBERTA

Strategies

- Maintain communication and relationships with key officials within the Ministry, emphasizing our tribunal independence
- Maintain and build communication and relationships with key individuals and departments within the Government of Alberta, including other agencies, boards, and commissions
- Share information about the Appeals Commission within the Government of Alberta

Performance Measures

- 1.1.1 Send 12 monthly updates to the Minister's Chief of Staff and office of the Deputy Minister
- 1.1.2 Attend four meetings with the Minister
- 1.1.3 Hold four meetings with the Public Agency Secretariat and other agencies, boards, or commissions to promote information sharing
- 1.1.4 Release Business Plan by January 15, 2018
- 1.1.5 Release Annual Report and share appropriately within the Government of Alberta by June 30, 2018
- 1.1.6 Hold Annual General Meeting, with invitations circulated within Minister and Deputy Ministers' offices

GOAL: INCREASE AWARENESS OF THE APPEALS COMMISSION WITH EXTERNAL STAKEHOLDERS

Strategies

- Maintain communications and relationships with key external stakeholders
- Assess and enhance external communication tools

Performance Measures

- 1.2.1 Establish and attend annual meeting with the Labour Task Force and Labour Coalition
- 1.2.2 Hold quarterly meetings with Workers' Compensation Board (WCB) executive, legal counsel, and Dispute Resolution and Decision Review Body
- 1.2.3 Conduct two scheduled information sessions about the Appeals Commission to employers and union representatives
- 1.2.4 Retain a communication specialist by June 2017
- 1.2.5 Develop an external communication plan by January 15, 2018
- 1.2.6 Develop website as a key platform for communication by July 1, 2017
- 1.2.7 Review website analytics and website feedback quarterly
- 1.2.8 Develop and implement use of email communications with appellants by April 1, 2018

GOAL: INCREASE AWARENESS OF THE APPEALS COMMISSION WITH THE PUBLIC

Strategies

- Renew and revise publicly available information about the Appeals Commission
- Promote opportunities to learn more about the Appeals Commission

Performance Measures

- 1.3.1 Release revised Rules and Practice Guidelines by March 2018
- 1.3.2 Commence using revised plain language rewrite of standard correspondence by April 2018
- 1.3.3 Conduct and promote Annual General Meeting by October 2017
- 1.3.4 Begin process of rewriting Rules, Practice Guidelines, and correspondence in plain language to enhance readability, comprehension, and ease of publication by April 1, 2018
- 1.3.5 Develop external building signage by December 2017

PILLAR TWO: ENHANCE APPEAL PROCESS



➤ **Enhancing** the appeal process within the Appeals Commission comprises of: increasing quality, implementing innovative use of technology, improving accessibility, and incorporating information governance. Successful execution of these strategies will create more efficient and accessible hearings and appeal processes for clients.

GOAL: INCREASE QUALITY AT ALL STAGES OF THE APPEAL PROCESS

Strategy

- Establish continuous quality management program (Appeals Commission Quality Framework) that includes standards and measurements for all working groups within the Appeals Commission

Performance Measures

- 2.1.1 Begin process review and report for
 - Appeals Services by December 1, 2017
 - IT Services by December 1, 2017
 - Administrative Services by December 1, 2017
 - Legal Services by December 1, 2017
- 2.1.2 Begin initial ongoing periodic consultation with internal stakeholders regarding quality standards and measures by December 1, 2017
- 2.1.3 Develop and deliver training to support quality by September 2017
- 2.1.4 Compose annual draft of Appeals Commission Quality Framework (version 1 by March 31, 2018), including:
 - Map of current processes by September 1, 2017
 - Establishment of quality standards for Appeal Documents Packages by October 1, 2017
 - Documentation of current and developing quality-related initiatives, including Reasonable Reader program by November 1, 2017
 - Annual strategic plan for continuous improvement of appeal process quality by December 2017
 - Training required to support quality of appeal process by January 1, 2018
 - Analysis of engagement and compliance by February 1, 2018
 - Documentation of external quality benchmarks and best practices by March 1, 2018
 - Quality management program performance metrics by March 1, 2018

GOAL: IMPLEMENT INNOVATIVE USE OF TECHNOLOGY TO ENHANCE APPEAL PROCESS

Strategies

- Leverage use of technology for more flexible, digital, and streamlined hearings
- Leverage use of technology for more flexible, digital, and streamlined appeal process
- Leverage use of technology for a more user-friendly client experience

Performance Measures

- 2.2.1 Roll out enhanced website by June 2017
- 2.2.2 Trial paperless hearing by November 30, 2017
- 2.2.3 Offer video conferencing options to replace teleconference in appropriate situations by January 1, 2018
- 2.2.4 Make Wi-Fi access available for hearing participants by July 2017
- 2.2.5 Complete internal training on digital records management by December 15, 2017
- 2.2.6 Complete 100% of Managing Information at Work certificates by February 28, 2018
- 2.2.7 Hold enhanced website review and feedback session by August 31, 2017
- 2.2.8 Commence Phase 2 of website project, submitting electronic appeals by September 2017
- 2.2.9 Confirm and implement disposition schedules for Appeals Commission by December 2017
- 2.2.10 Create a business case to explore possibility of translators attending hearings via video conference by December 2017
- 2.2.11 Develop a business case to explore possibility of in-house redaction by February 2018

GOAL: IMPROVE ACCESSIBILITY OF APPEALS SERVICES

Strategies

- Ensure appeal process is sensitive to diverse needs
- Ensure official publications and correspondence are responsive to the needs of our clients

Performance Measure

- 2.3.1 Attend Gender-Based Analysis Plus training, which helps public bodies ensure that policies and practices are responsive to the diverse needs of Albertans by January 2018

PILLAR THREE: PRODUCE QUALITY DECISIONS



GOAL: INCORPORATE INFORMATION GOVERNANCE INTO EVERY ASPECT OF THE APPEAL PROCESS

Strategies

- Embed information management governing standards and practices into all working groups of the Appeals Commission
- Ensure that all working groups are defaulting to an electronic records system where possible

Performance Measures

- 2.4.1 Recruit information management champions from each working group by September 30, 2017
- 2.4.2 Design awareness tools for filing, storing, and disposing of electronic and hard copy records by November 30, 2017
- 2.4.3 Commence bi-annual training on transitioning from hard copy to digital collection, storage, and circulation of records by January 2018
- 2.4.4 Train all working groups on how to manage emails according to information management best practices by October 30, 2018
- 2.4.5 Incorporate an annual records clean-up day for all working groups by March 2018
- 2.4.6 Develop an information management procedures manual by February 28, 2018
- 2.4.7 Align a vital records plan with the new business continuity plan by November 30, 2017

➤ **Providing** Commissioners with the support, training opportunities, and education they need to produce timely and fair decisions is reflective of our commitment to serve the needs of our clients. Ongoing support for our Commissioners will ensure that the Appeals Commission is protecting and treating clients fairly through our decision-making process.

GOAL: PRODUCE QUALITY DECISIONS THAT ARE FAIR, INDEPENDENT, AND RESPONSIVE TO THE NEEDS OF OUR CLIENTS

Strategies

- Achieve awareness about and agreement on decision standards
- Provide continued support, education, and training to Commissioners
- Recruit qualified Commissioners

Performance Measures

- 3.1.1 Establish appropriate plain language guidelines for our decision makers through consultation with Commissioners and training, including
 - Literacy awareness sessions – September 2017
 - Basic plain language workshop – September 2017
 - Decision standards workshop – November 2017
- 3.1.2 Participate in ongoing engagement with Commissioners to ensure appropriate training and support is provided
- 3.1.3 Provide annual training that includes
 - Spring Training Conference with workshops, roundtable discussions, refresher training, and/or external experts
 - Two medical and two legal training sessions delivered by external experts
 - Guided discussions/roundtable sessions or other short training sessions as required at hearing chair meetings (open to all Commissioners)
- 3.1.4 Make Reasonable Reader program available to all Commissioners by January 2018 to help ensure decisions are written to established standards, including plain language
- 3.1.5 Introduce revised orientation program for new Commissioners by September 2017 that includes a structured mentoring program and a Reasonable Reader program

PILLAR FOUR: FOSTER A POSITIVE WORK ENVIRONMENT



- 3.1.6 Develop annual draft of Appeals Commission Training Plan (version 1 by March 31, 2018), including
 - Documentation of current and developing training initiatives
 - Annual strategic plan for continuous improvement of training
 - Documentation of role-specific competencies and required outcomes
 - Links between training, knowledge management, and quality
 - Performance metrics for training
- 3.1.7 Evaluate and update content on knowledge management database by March 31, 2018
- 3.1.8 Evaluate requirements for knowledge management database by March 31, 2018
- 3.1.9 Establish internal standard processes for the recruitment and reappointment of Commissioners
- 3.1.10 Validate Competency Matrix
- 3.1.11 Introduce revised performance review procedure for Commissioners
- 3.1.12 Develop a business plan to review legal services resourcing and capacity by January 30, 2018
- 3.1.13 Ensure 98% upheld decision success by the courts and Ombudsman

➤ **Continuing** to create a positive work environment is a significant part of improving and maintaining culture and morale within the Appeals Commission. A workplace where morale is high and culture is rich leads to an increase in productivity, efficiency, and motivation.

GOAL: ENHANCE PHYSICAL WORKSPACE TO MAXIMIZE PRODUCTIVITY AND EFFICIENCY

Strategy

- Assess and, if necessary, reconfigure workspaces to meet the needs of each working group

Performance Measures

- 4.1.1 Ensure Medical Panel Office (MPO) and Occupational Health and Safety (OH&S) offices are complete by December 2017
- 4.1.2 Reconfigure Appeals Services work space by March 30, 2018

**GOAL: SUPPORT A POSITIVE AND RESPECTFUL WORKPLACE
ENHANCE MORALE AND POSITIVE WORK EXPERIENCE**

Strategies

- Provide opportunities for professional and personal development
- Provide team building opportunities
- Continue to explore best practices utilized by top employers in Alberta

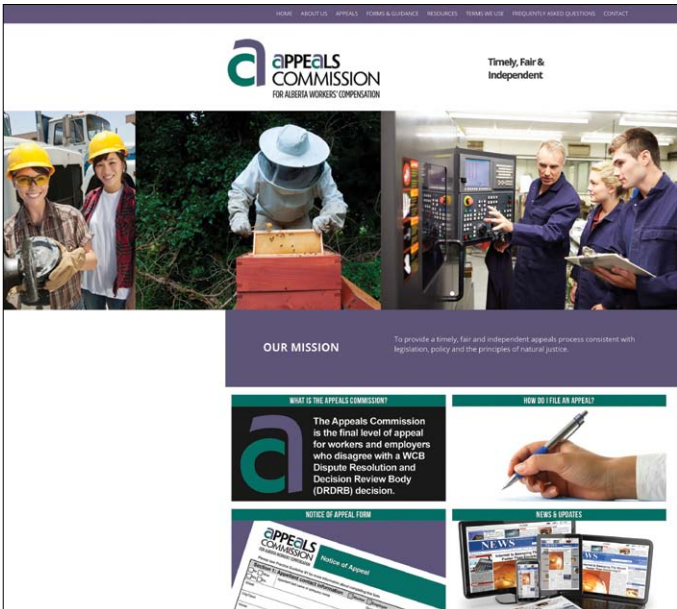
Performance Measures

- 4.2.1 Conduct four social activities per year in both offices
- 4.2.2 Develop the commission community outreach initiative and hold our first volunteer activity by October 2017
- 4.2.3 Review participation in the commission flexible work options program annually and ensure it meets the needs of the Appeals Commission
- 4.2.4 Conduct Employment Engagement Survey
- 4.2.5 Ensure that staff completes all of the required e-courses, including: Respectful Workplace - Respect in the Government of Alberta and Managing Information at Work
- 4.2.6 Offer ongoing opportunities for training and professional development for staff, including Appeals Commission University's regular guest speakers
- 4.2.7 Provide two Lunch 'n' Learn sessions in the Edmonton and Calgary office annually

WEBSITE: WWW.APPEALSCOMMISSION.AB.CA



➤ **The** Appeals Commission's new website was launched on June 15, 2017. The project was completed in a series of two phases. We have worked hard to ensure that it is informative, user-friendly, and up-to-date. It includes key facts about the Appeals Commission, news and updates, information on our appeals process, forms, and frequently asked questions. The Appeals Commission is proud that the public can now access a website that houses valuable resources and information. Please visit www.appealscommission.ab.ca for more details.





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