
2021-2022
**ANNUAL
REPORT**

APPEALS
COMMISSION
FOR ALBERTA WORKERS' COMPENSATION

Alberta  Government

Table of Contents

Table of Contents.....	i
Message from the Minister	1
Message from the Chief Appeals Commissioner and CEO	2
About the Appeals Commission	4
2021-2022 Achievements	6
2021-2022 Year in Review: Tribunal	9
2021-2022 Year in Review: Advisor Office	12
2021-2022 Year in Review: Medical Panels Program	14
Finance	15
Decision Review	16
From Our Team	17

Message from the Minister



I congratulate the Appeals Commission for Alberta Workers' Compensation for their annual report, ending in the fiscal year March 31, 2022, and for another successful year. Alberta's government is committed to supporting Alberta workers in every sector of the economy and I am grateful to the Appeals Commission for providing workers and employers with timely, fair and independent decisions.

The Appeals Commission operates independently of the Workers' Compensation Board under the authority of the *Workers' Compensation Act*. The Commission is accountable to the Minister of Labour and Immigration and is the final level of appeals for decisions made by the Workers' Compensation Board.

This year, the Appeals Commission has been responsible for two additional programs: the Advisor Office (formerly the advocacy branch of the Fair Practices Office) and the Medical Panels Program (formerly the Medical Panels Office). Together, the services offered by the Commission ensure a fair and sustainable workers' compensation system where all Albertans have access to the tools and resources to appeal decisions and bring disputes to resolution.

The 2021/2022 annual report reflects how the Appeals Commission continues to engage with internal and external stakeholders, and refine best practices to reduce red tape and enhance its client services.

Thank you to the Appeals Commission for their work to support hard-working Albertans and employers.

[Original signed by]

Honourable Kaycee Madu, KC, ECA
Minister of Labour and Immigration

Message from the Chief Appeals Commissioner and CEO

Change is inevitable, even at an organization as stable in purpose as the Appeals Commission. We have seen our fair share of change over our 34 years – a transition from within the WCB to being an arm's length government agency, changes in technology, new team members and new ways of working. Through it all, our commitment to Alberta's workers and employers has kept us focused on our guiding principle: service.

The changes of the past two years, however, have been unprecedented. Our ability to pivot during COVID-19 has led to a robust embrace of technology that has enabled us to bring together adjudicators and hearing participants from across our province. Virtual hearings have resulted in profound and permanent enhancements in access to justice for our clients.

In addition, Bill 47, which came into effect on April 1, 2021, made significant changes to the *Workers' Compensation Act*. As a result, the Appeals Commission is now proud to hold responsibility for two independent programs: the Advisor Office (formerly the advocacy branch of the Fair Practices Office) and the Medical Panels Program (formerly the Medical Panels Office). It was our honour to be entrusted with the operation and enhancement of these two vital pieces of the workers' compensation system.

Our goal for the Advisor Office and Medical Panels Program transition was simple: uninterrupted client service alongside a commitment to independence, communication and efficiency. Over the course of the year, we created and evolved a Governance and Independence Framework, which outlines how the Appeals Commission and its programs interact with each other while allowing for impartial adjudication, strong advocacy and neutral medical panel reports. We also reviewed the operations of the Advisor Office and Medical Panels Program to seek out opportunities to streamline and enhance services. Above all, we prioritized, and were successful in ensuring, a seamless client experience.

Alongside these major organizational changes, we continued to enhance and improve our operations and services. Thanks to the cooperation of the WCB, an information brochure about the Appeals Commission now accompanies Dispute Resolution and Decision Review Body (DRDRB) decisions. We completed a full review of Medical Panels Program processes which resulted in revised Medical Panels Program General Rules of Procedure early in the 2022-2023 fiscal year. The Advisor Office expanded the accessibility of its services, created a service commitment for clients, and implemented a comprehensive training program for team members. To better support all parts of the Appeals Commission, we commenced a multi-year project to assess our information technology needs and ensure that they are being met now and well into the future.

As you will see in this Report, all of these achievements took place in a year where we saw pre-pandemic levels of new appeals and hearings, and exceeded our ambitious 180-day appeal timeline target by approximately one week. This is an tremendous accomplishment.

I am perhaps most proud to share that through all the change and disruption of 2021-2022, the Appeals Commission continued to be a great place for our team members to work. In early 2022, we were once again named one of Alberta's Top 75 Employers. Our annual Employee Engagement Survey produced results well above the benchmark and highlighted our team's commitment to teamwork, diversity and excellence. We reinforced our commitment to a respectful and inclusive workplace by introducing mandatory Indigenous Cultural Awareness Training, welcoming an acclaimed speaker on unconscious bias, and making available to all of our team members a platform called Not Myself Today which is designed to promote and support mental health in the workplace.

Our accomplishments would not be possible without our team, from adjudicators to advocates to administrators, frontline workers and support staff. They approached the past year's changes with determination, flexibility and teamwork. I am proud to work with a team that lives our values of respect, service, integrity and accountability on a daily basis.

Sincerely,



Dale Wispinski
Chief Appeals Commissioner and CEO

About the Appeals Commission

This document reports on the performance of the Appeals Commission from April 1, 2021 to March 31, 2022 inclusive.

Who We Are

The Appeals Commission for Alberta Workers' Compensation is a quasi-judicial tribunal operating under the authority of the Workers' Compensation Act. It is the final level of appeal for decisions made by the Workers' Compensation Board (WCB), and is independent from the WCB and arm's length from the Government of Alberta. The Minister of Labour and Immigration is responsible for the Appeals Commission. This relationship is guided by the Appeals Commission's Mandate and Roles Document, housed with the Public Agency Secretariat. The Appeals Commission is committed to a fair, client-focused experience, while demonstrating our values of respect, service, integrity and accountability.

On April 1, 2021, pursuant to Bill 47, the Appeals Commission became responsible for operating and administering two independent programs: the Advisor Office and the Medical Panels Program. The Advisor Office provides free-of-charge advice and advocacy services to workers and employers in Alberta. The Medical Panels Program convenes medical professionals to answer medical questions posed by the Appeals Commission or WCB, typically in relation to complex claims. All components of the Appeals Commission are supported by an internal Secretariat, which provides shared services and supports cost savings in facilities management, finance and information technology.

The relationship between the Appeals Commission and its programs is governed by a comprehensive Governance and Independence Framework, which ensures independent and unbiased adjudication, advocacy and medical panels.

Our People

The Chief Appeals Commissioner also acts as the CEO of the Commission, directing its overall strategic direction, and that of its programs, supported by the Chief Administrative Officer.

At the Tribunal, adjudicators, including the Chief Appeals Commissioner, are recruited through public competition. The competition process is based on a competency matrix, which ensures that our adjudicators meet a high standard of clear and unbiased decision making. Adjudicators are appointed by the Lieutenant Governor in Council. Presently, the Appeals Commission has 45 adjudicators consisting of 15 full-time Hearing Chairs and 30 part-time Commissioners. The Chief Appeals Commissioner oversees the Tribunal with the support of an executive team comprised of two Vice Chairs, General Counsel, and an Executive Director.

At the Advisor Office, 22 Worker Advisors and three Employer Advisors provide advice and assistance to clients, as well as advocacy services before the WCB, Dispute Resolution and Decision Review Body (DRDRB), and Appeals Commission. The Advisor Office is led by an Executive Director with the support of General Counsel.

The Medical Panels Program is made up of a Medical Panels Commissioner and a Medical Panels Registrar. The Medical Panels Commissioner is recruited through a public competition and appointed by the Lieutenant Governor in Council. The Medical Panels Commissioner is responsible for striking medical panels with the appropriate expertise, and ensuring that examinations and reports are timely and of the highest quality. The Registrar manages medical panel referrals from start to finish, and interacts regularly with stakeholders to ensure a smooth and transparent process.

Across the Appeals Commission and its programs, clients are supported by our talented team of dedicated staff members in areas including legal services, stakeholder engagement, case management and administration.

Our Processes

Appeals are heard by panels made up of three adjudicators who issue a decision that is binding on, and must be implemented by, the WCB within 30 days. Decisions of the Appeals Commission are published on the Canadian Legal Information Institute website (<https://www.canlii.org/en/ab/abwcac/>).

Medical panels are made up of three independent physicians with expertise relating to the questions posed by the WCB or Appeals Commission. These physicians meet with and, if necessary, examine the worker, following which they issue a report that answers the questions posed. Medical panel reports are not published.

2021-2022 Achievements

In the 2021-2022 fiscal year, the Appeals Commission continued to enhance its operations, guided by its Governance and Independence Framework, and its commitment to fair, client-focused services.

A Safe, Healthy and Engaged Workplace

In January 2022, the Appeals Commission was proud to again be named as one of Alberta's Top 75 Employers. This special designation recognizes the Alberta employers that lead their industries in offering exceptional places to work. Our February 2022 Employee Engagement Survey told us that team members from across our organization are highly engaged, committed to excellence, well-informed and confident in leadership. To support one of our key drivers of engagement, we began to implement a more comprehensive workplace mental health support system. The first stage was the launch in February 2022 of the Canadian Mental Health Association's *Not Myself Today* platform to which all team members have access.

Access to Justice

In 2019, the Tribunal first assessed itself against national best practices for tribunal excellence, access to justice and client service. Last fall, the Tribunal repeated this exercise, meeting the commitment to measure these scores every two years. At this time, the measurement and reporting process was also refined and part of the process was converted to an online index. Service improvements since 2019 have resulted in the Tribunal's 2021-2022 scores rising an average of nine per cent across the three access to justice indices. These scores will be used to inform new initiatives that support client services and our team.

At the Advisor Office, significant steps have been taken to remove barriers to accessing advisor services. All workers can now access the services of the Advisor Office, regardless of the perceived chance of success of their claim or appeal. All employers can now access the services of the Advisor Office, regardless of the size of their operation.

Respect, Equity, Diversity and Inclusion

Across the Appeals Commission, we aim to reflect the diversity of the communities we serve, and to ensure that our team is informed and aware of the diverse needs of those who access our services. All team members had the opportunity to attend a thought-provoking and impactful session on unconscious bias facilitated by Dr. Tanya De Mello, a leading expert in equity, diversity and inclusion in Canada. Team members also completed mandatory Indigenous Cultural Awareness training called *The Path*, which is the same training required to be completed by all members of the Law Society of Alberta.

At the Tribunal, our active Respect, Equity, Diversity and Inclusion Committee educated us with monthly newsletters that explored the history and current importance of commemorative events including Asian Heritage Month, Pride Month, Indigenous People's Day, the International Day of Older Persons, Bullying Awareness Week, the National Day of Remembrance and Action on Violence Against Women, and the International Day for the Elimination of Racial Discrimination.

Communications and Engagement

The Appeals Commission completed several outreach and education activities over the course of the fiscal year. An engaging handout on the Appeals Commission's process, written in plain language, was created and is now enclosed with DRDRB decisions. The Advisor Office crafted accessible "About Us" resources that have been widely distributed. Team members from the Advisor Office also shared information about their services at a number of speaking engagements, including for the Alberta Roadbuilders and Heavy Construction Association, the Alberta Municipal Health and Safety Association, and the Alberta Construction Safety Association, which attracted over 1000 attendees in total.

Service Standards

In 2020-2021, the Appeals Commission launched its first external-facing service standards and complaints process. In 2021-2022, we received and resolved five complaints. This new process has allowed us to connect with stakeholders and improve our services. We are grateful to those who took the time to make us aware of an issue or concern. The Tribunal also completed development of a new, anonymous client exit survey that allows parties to quickly and easily provide feedback after their hearing.

At the Advisor Office, a new service commitment document outlined what clients can expect from the Advisor Office, as well as Advisor Office expectations of its clients. This is supplemented by an updated policy manual that clarifies the services the Advisor Office can and cannot provide to the workers and employers it serves. This level of transparency and communication helps to set the client-advisor relationship up for success. The Advisor Office also routinely reviews client feedback via a short survey issued upon each file's closure. This feedback is used to inform future process improvements.

Quality Assurance and Red Tape Reduction

Improving the quality of our services while reducing red tape is a continuing priority for the Appeals Commission. In 2021-2022, we introduced a number of quality-related initiatives that reduced red tape, including: tools for reviewing work products and assessing performance; completing a review of all processes and procedures at the Medical Panels Program; simplifying the process for requesting Advisor Office assistance; creating a comprehensive training and

onboarding program for new advisors; and in-depth training on administrative law for all Advisor Office staff members. These initiatives support our commitment to accountability and service.

Virtual Hearing Innovations

Over the course of the fiscal year, we consistently heard that our clients have embraced the virtual hearing options that became the norm during the pandemic. For many of our clients, the option of attending a hearing from the comfort of their home supports their physical and mental wellness needs. While in-person hearings will again become an option for our clients in the 2022-2023 fiscal year, we intend to continue to offer virtual hearings in most cases so that our clients can choose the hearing type that best suits their needs.

Community Involvement

For the fourth year in a row, the Appeals Commission participated in Stocking Stuffers for Seniors, which partners with local care homes and charities to provide gifts for isolated and vulnerable seniors. To ensure that everyone kept safe during the pandemic, we collected money electronically and then presented our local organization with a donation. This amount exceeded what we were able to contribute the year before. The Commission is grateful to have this opportunity to support seniors in need in our Edmonton community.

2021-2022 Year in Review: Tribunal

The Appeals Commission provides prompt and high-quality service, processing appeals and scheduling hearing dates for parties as quickly as possible. The appeal cycle includes the combined average number of days from the date the appeal is successfully filed to the first hearing date offered, and the average number of days from the hearing to the decision issue date. The Appeals Commission continuously reviews appeal-related processes, procedures and technology to ensure that they are as effective and efficient as possible.

Timelines

Average number of days from appeal successfully filed to first available hearing date

For decisions published in 2021-2022, our average number of days from the date the appeal was successfully filed to first available hearing date was 143 days. This better-than-target outcome is the result of our 2019 process improvements and the hard work of our Appeals Services team. Please note that additional delays, which are beyond the control of the Commission, are not included here.

Target	2019-2020	2020-2021	2021-2022
150 days	170 days	170 days	143 days

Average number of days from the hearing to the decision issue date

Our adjudicators always strive for decisions to be issued within 30 days of the hearing.

Target	2019-2020	2020-2021	2021-2022
30 days	46 days	28 days	31 days

The Appeals Commission also tracks the percentage of decisions published within targeted time frames.

Decisions Issued	2019-2020	2020-2021	2021-2022
0-30 days	54.32%	67.74%	64.79%
31-60 days	21.73%	24.42%	22.12%
61-90 days	12.64%	6.68%	8.80%
91+ days	11.31%	1.15%	4.29%

Hearings

The type of hearing is requested by a party and ultimately decided by the Appeals Commission. In 2021-2022, we conducted 455 hearings: 335 by teleconference and video conference, and 120 documentary hearings. In-person hearings will return in the 2022-2023 fiscal year.

Representation before the Appeals Commission

The majority of appeal participants appear before the Appeals Commission with the assistance of a representative. In 2021-2022, 56% of appeal participants appeared with a representative from the Advisor Office, 38% appeared with other representatives (for example, lawyers or family members), and 6% represented themselves.

Appeals Received

The number of appeals received is affected by a variety of factors, including changes in legislation and policy, the rate of resolution at the WCB, and the economic environment. Clients have the option of paper, fax or electronic form submission.

Application Type	2019-2020	2020-2021	2021-2022
Time Extensions	11	4	12
Reconsiderations	50	48	46
Initial Appeals	507	467	517

Appeals Concluded

We remain committed to an efficient appeals process, minimizing any potential backlog. The number of appeals concluded includes appeals dismissed and withdrawn.

Application Type	2019-2020	2020-2021	2021-2022
Time Extensions	16	4	12
Reconsiderations	62	83	51
Initial Appeals	529	494	499

Finalized Issues of Appeal

Each appeal received may contain multiple issues, resulting in a variation in the number of issues concluded from year to year. In the 2021-2022 fiscal year, there were 414 issues confirmed, 151 issues varied, and 176 issues reversed. This is a similar pattern to previous years.

Top Five Issues of Appeal

The most frequent issues of appeal have remained relatively stable over time.

Issues of Appeal	2020-2021	Issues of Appeal	2021-2022
1. Acceptability of Claim	109	1. Acceptability of Claim	131
2. Additional Entitlement	53	2. Additional Entitlement	126
3. Temporary Total Disability	42	3. Rehabilitation Services	81
4. ELP Calculation	34	4. Medical Aid Responsibility	71
5. Medical Aid Responsibility	33	5. Temporary Total Disability	67

2021-2022 Year in Review: Advisor Office

The Advisor Office provides expert, no-cost advice and advocacy to workers and employers in Alberta, and strives to make its services available to anyone who needs them. As 2021-2022 was the first year during which Advisor Office services were provided as a program of the Appeals Commission, it was also a baseline year for measuring performance and workload. Over the course of the year, the Advisor Office continuously reviewed its performance measures to ensure they provide the best reflection of the program's purpose and standards. We are very pleased to share the results below, and expect that data on the Advisor Office will continue to progress with its evolving operations.

Advisor Office Performance

The Advisor Office has two separate branches, the Worker Advisor Branch and the Employer Advisor Branch. Demand for services from both branches remained high for their first fiscal year.

	2021-2022
New Worker Clients	1131
New Employer Clients	144
Worker Files Closed	1633
Employer Files Closed	133
DRDRB Hearings Attended	294
Appeals Commission Hearings Attended	222

Client Feedback

The Advisor Office consistently receives positive feedback from clients. In 2021-2022, 92% of clients indicated that they would recommend the services provided by the Advisor Office. Below is a sample of some of the comments received from the client survey that the Advisor Office issues upon the closure of its files:

Client feedback about Worker Advisors

“The advisors are phenomenal, they are very hardworking and committed to helping injured workers. I believe that they are the voice of the people and are the pillars of strength when injured workers are at their lowest.”

“My advisor was amazing. She was clear with her communication, empathetic, and extremely knowledgeable. She kept me up to date as to what was going on with my file and made me feel valued.”

“Extremely impressed with the thoroughness of investigation into my case and the respect I received during the process.”

Client feedback about Employer Advisors

“I have been very happy with the service of the employer advisor office. Things were explained to me well and communications were timely, detailed, and complete.”

“This is a fantastic service and while I don't need it on every claim, it is nice to know this is available for the more complex claims. It is also very educational for the employer as it's refreshing to see how someone with more experience looks at the claim.”

2021-2022 Year in Review: Medical Panels Program

The 2021-2022 fiscal year was transformative for the Medical Panels Program. A new Medical Panels Commissioner brought new ideas and perspective to the program. A full program review identified areas for improvement in timeliness, quality and client service, and additional relationships with the medical community were established in order to more effectively recruit physicians to participate in the medical panel process. There was also a focus on addressing the backlog of files that were inherited from the former Medical Panels Office. We are proud of the progress made to address these multiple priorities in such a short time.

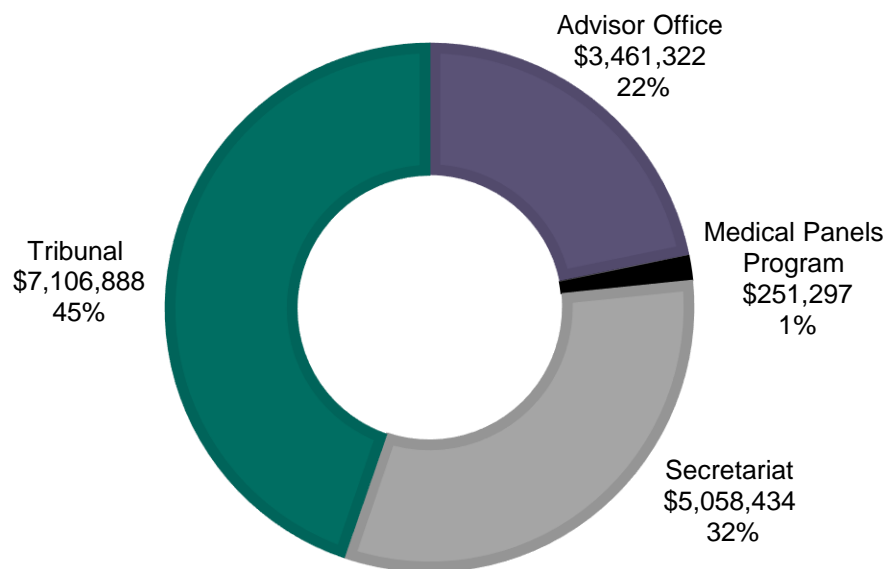
Medical Panels Program Performance

	2021-2022
Active Files as of April 1, 2021	27
New Medical Panel Referrals Received	11
Files Closed	20
Active Files as of March 30, 2022	18

Finance

Fiscal responsibility continues to be a priority for the Appeals Commission. In this fiscal year, we ran a consolidated budget encompassing our new programs for the first time. The total Appeals Commission expenditures in 2021-2022 amounted to 93% of our budget, due primarily to the restraints of the COVID-19 pandemic, with no impact on service delivery. All of our major program operational expenses are accounted for through the Secretariat.

Cost Overview



Decision Review

Appeal participants who are dissatisfied with an appeal decision have several options for further review, including a reconsideration, judicial review and statutory appeal application to the Court of King's Bench, or a complaint to the Alberta Ombudsman. In 2021-2022, the percentage of decisions unchallenged or upheld was 99.6%.

Judicial Review

From April 1, 2021 to March 31, 2022, the Alberta courts issued three decisions with respect to judicial review and statutory appeal applications for decisions of the Appeals Commission.

1. In 2021 ABQB 269, the Court of King's Bench dismissed the application on the basis that the Appeals Commission's decision met the standard of review of reasonableness. The Court concluded that the Applicant had not discharged his onus of demonstrating that the Appeals Commission decision was unreasonable.
2. In 2021 ABQB 542, the Court of King's Bench dismissed the application on the basis that the Appeals Commission's decision met the standard of review of reasonableness. The Court concluded that the Decision was intelligible, justifiable and transparent, and that the conclusion reached was defensible in respect to the facts and law.
3. In an unreported case, the Court of King's Bench dismissed the application on the basis that the Appeals Commission's decision met the standard of review of reasonableness.

Court of Appeal

From April 1, 2021 to March 31, 2022, the Alberta Court of Appeal issued one decision with respect to an appeal of a Court of King's Bench decision that found an Appeals Commission decision unreasonable.

1. In 2022 ABCA 50, the Court of Appeal upheld the Court of King's Bench decision that the Appeals Commission decision was unreasonable on the basis that the lower court identified and applied the reasonableness standard of review correctly. The appeal was dismissed. The matter was returned to the Appeals Commission for rehearing.

The Ombudsman

From April 1, 2021 to March 31, 2022, there were two formal complaints against the Appeals Commission to the Alberta Ombudsman. The Ombudsman determined that one complaint was not supported. The second complaint remained open as of fiscal year end.

There were six informational requests related to the Ombudsman's complaint early resolution process. Five of the early resolution complaints found the Appeals Commission's decisions were administratively fair. The remaining complaint remained open as of fiscal year end.

From Our Team

We asked some of our team members to share their experiences working at the Appeals Commission over the course of the 2021-2022 fiscal year.

“Bill 47 presented an opportunity to find efficiencies and cut red tape, but also to streamline and enhance the quality of services that we provide to workers and employers in Alberta. I’m proud of the way that team members from across our organization approached the Bill 47 transition with a dedication to teamwork and client service. This commitment to our vision, mission and values supported the provision of high-quality services, even during a time of significant change.”

- *Todd Walsh, Chief Administrative Officer*

“What I love most about working at the Appeals Commission is how united everyone is in their commitment to provide client-focused service. There is a shared sense of pride in the quality of care we provide our clients, fostering an environment where the folks that come through our doors are treated with care and respect at each step of their appeal process.”

- *Jeffrey Griep, Senior Appeals Assistant (Tribunal)*

“I am grateful that my work here gives me the opportunity to help support mental health and advance equality, diversity and inclusion. Psychological and physical safety is so important for everything we do, and the Appeals Commission has done a particularly good job of keeping our services to a high standard while making sure that everyone has stayed safe.”

- *Michelle Lang, Manager, Stakeholder Services (Tribunal)*

“During the Advisor Office’s transition to become a program of the Appeals Commission, I appreciated that Advisor Office leadership focused on the core work of the office, and listened to frontline employees and clients for opportunities to learn and improve as a program, as teams, and as individuals. Changes made resulted in our work becoming more systematic, thoughtful, and supported. We are now fully staffed, and have a well-developed Advisor training and mentoring program to build capacity and plan for succession. I’m also very proud to work at an organization that has been named one of Alberta’s Top Employers.”

- *Karen L. Carleton, Quality & Training Officer (Advisor Office)*

For more information, please visit:

www.appealscommission.ab.ca

<https://advisoroffice.alberta.ca>

<https://medicalpanels.alberta.ca>


APPEALS
COMMISSION
FOR ALBERTA WORKERS' COMPENSATION