



**APPEALS
COMMISSION**
FOR ALBERTA WORKERS' COMPENSATION

WCB REVIEW SECRETARIAT TECHNICAL BRIEFING

December 18, 2015

Alberta 

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1. Appeals Commission Overview
2. Corporate Structure
3. Appeal Process
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5. Jurisdictional Comparison

APPEALS COMMISSION OVERVIEW

Authority

- *Workers' Compensation Act*

Powers & Limitations

- Section 13.1
- Section 13.3

Independence

- Section 13.2
- Section 13.4
- Ombudsman

OVERVIEW CON'T

Mandate and Roles

Oversight (Min)

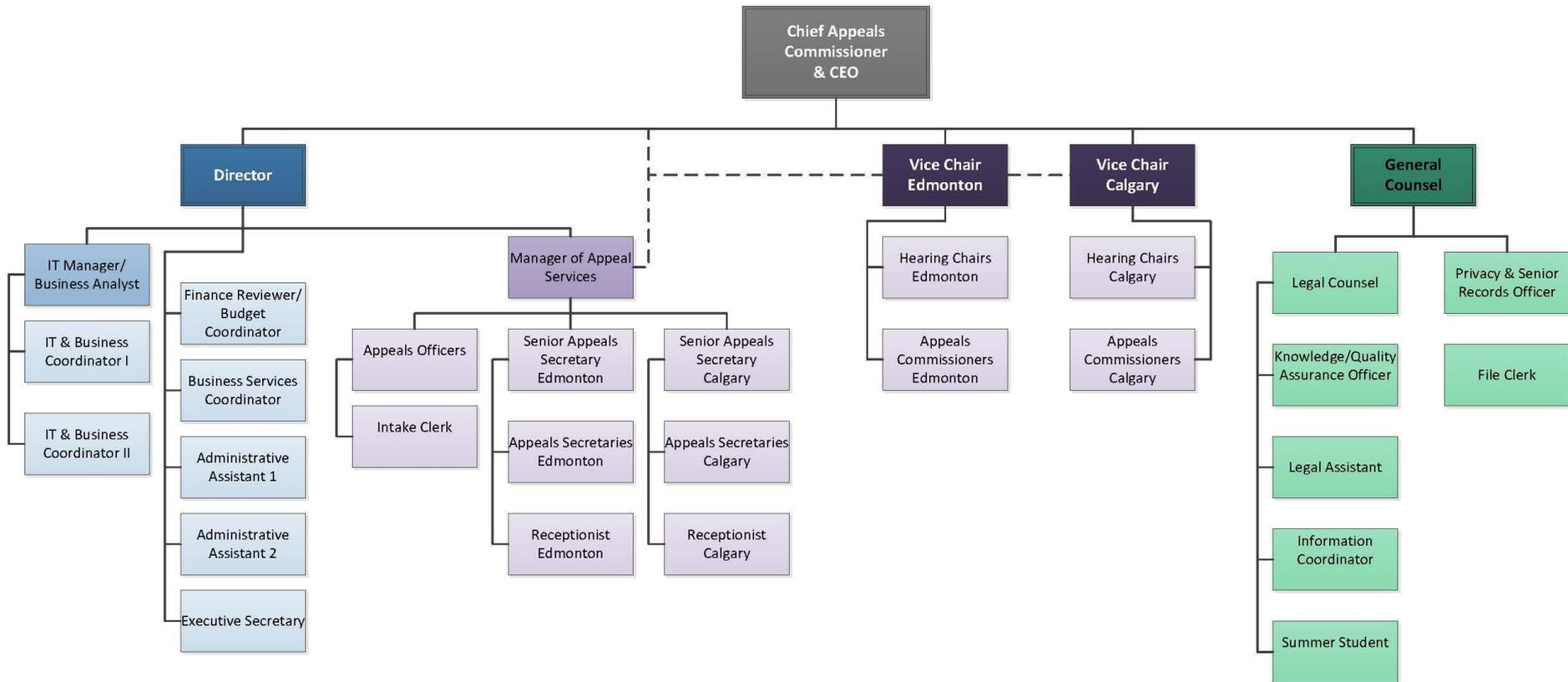
Facilitate and inform (DM)

Accountability (Chief/CEO)

Mission, Vision & Values

Direct Quote

CORPORATE STRUCTURE



CORPORATE STRUCTURE CON'T

Committee Structure

- Process Review

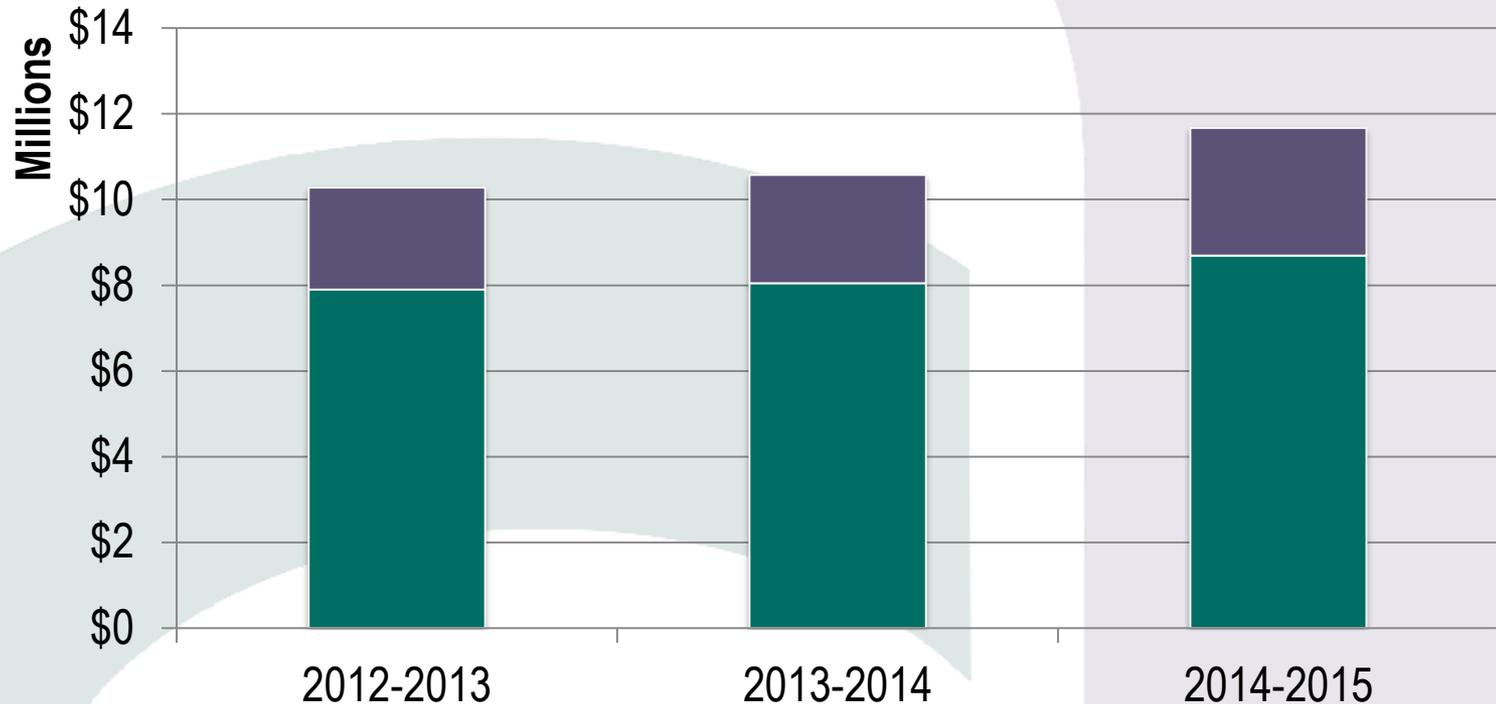
Consultants Retained

- Quality Assurance
- Safety & Security

Funding

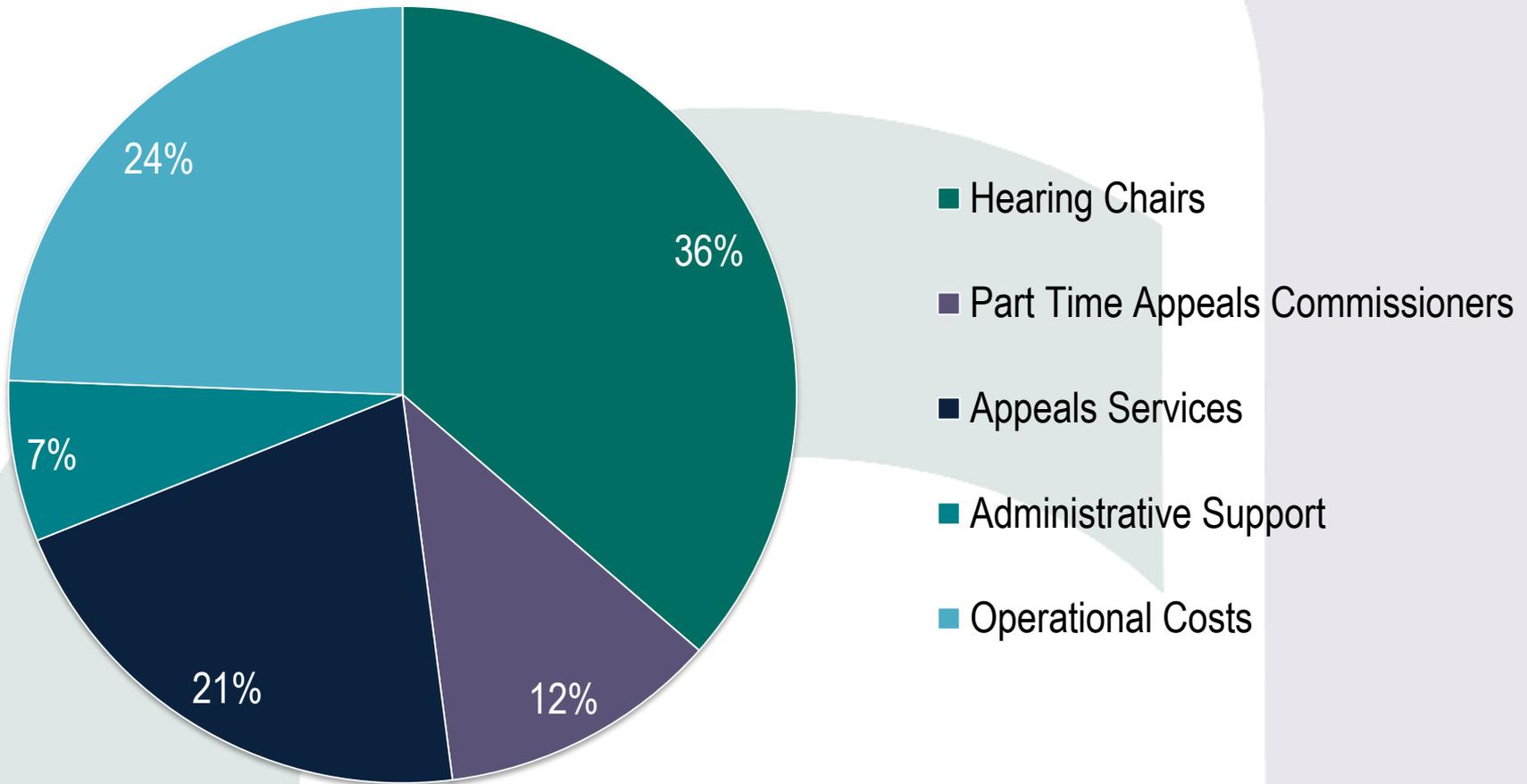
GOA Reimburses (Circle graphic showing gov paying and accident fund reimburse)

BUDGET OVERVIEW



 Administrative Costs	\$2, 377, 340	\$2, 522, 586	\$2, 974, 207
 Staffing Costs	\$7, 901, 492	\$8, 051, 439	\$8, 692, 790
Total Budget	\$ 10, 278, 832	\$ 10, 547, 025	\$ 11, 666, 997

BUDGET DETAILS FOR 2014-2015



APPEALS COMMISSIONERS

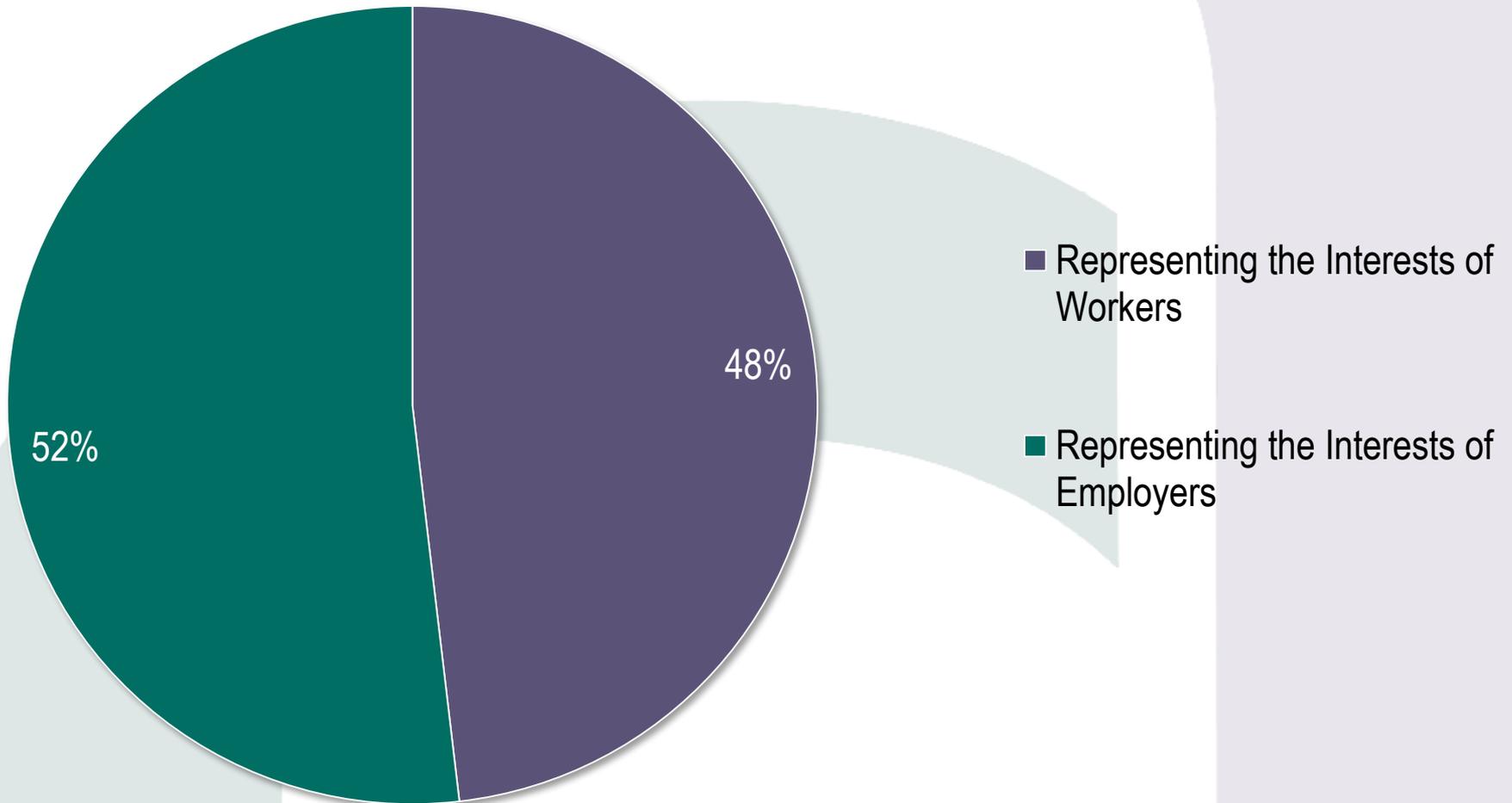
Appointment

- Recruitment Process
- Competency Matrix
- Commissioner Attrition

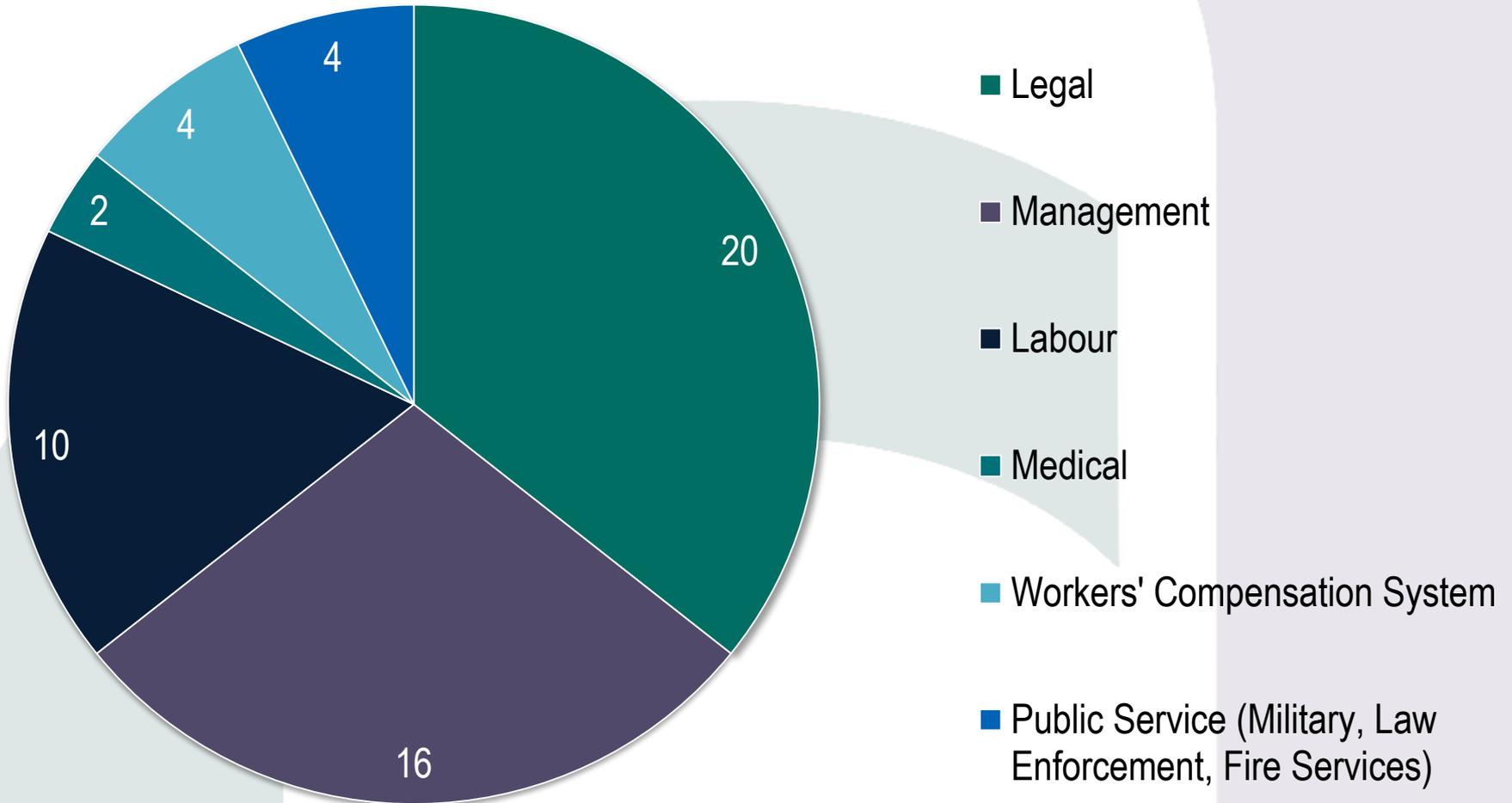
Compensation

- Remuneration Order-in-Council OC 412 and 348
- Benefits & Expenses (document there)

COMMISSIONER CONSTITUENCY



COMMISSIONER EXPERTISE



ACCOUNTABILITY

Executive

- Minister responsible for the Commission

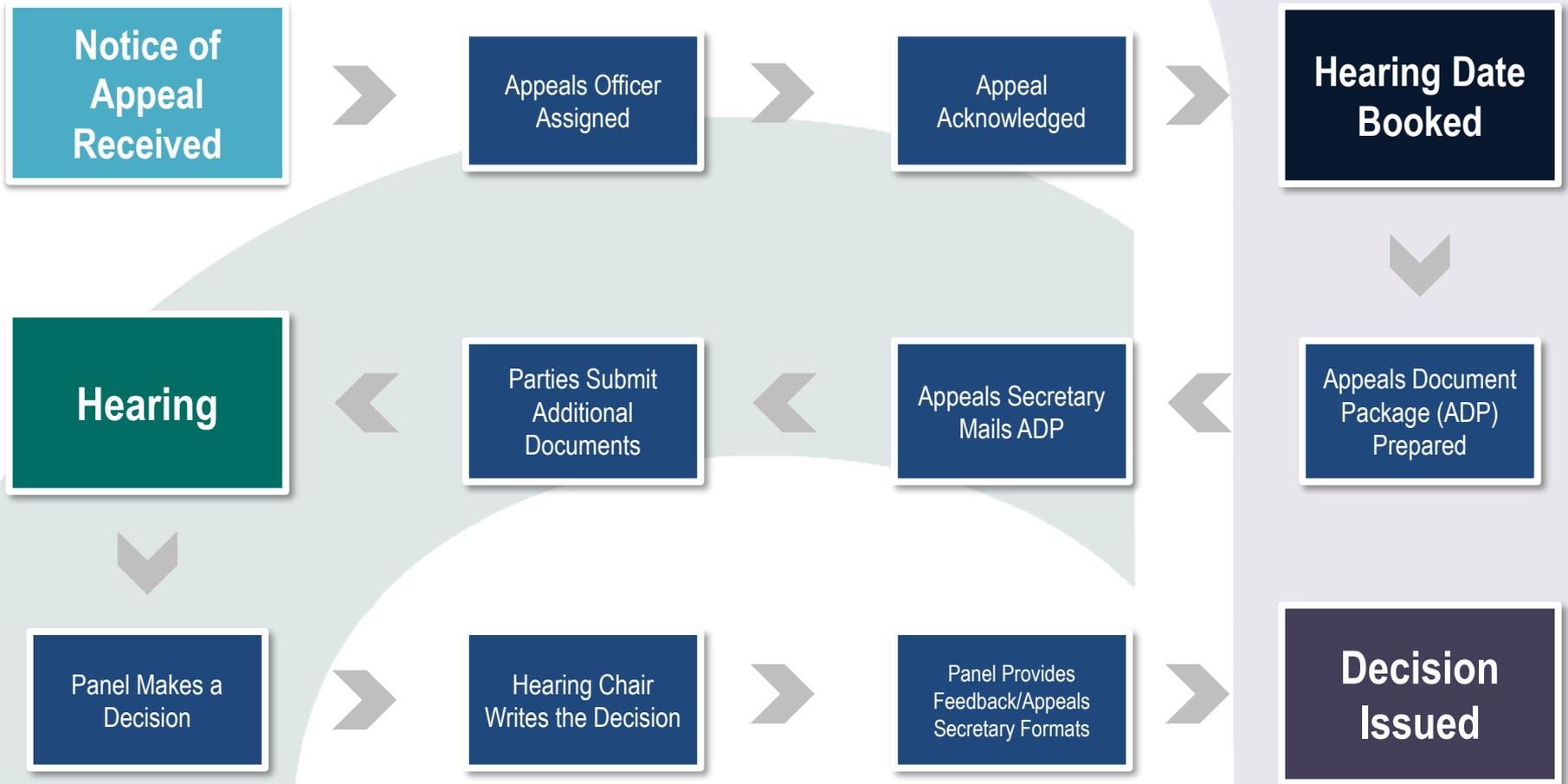
- Auditor General
- Ethics Commissioner
- Information & Privacy Commissioner
- Ombudsman

Legislative

Administrative

- Budget Process (JSTL)
- Financial Controls (GOA)
- Records Management
- Privacy (*FOIP*)

LIFE OF AN APPEAL



APPEAL PROCESS

Appeal Action	Parties	Decision-Maker	Hearing Type
Initial Appeal	Worker Employer WCB	3-Member Panel	In-person or Documentary
Reconsideration Application	Worker Employer Own Motion*	2-Member Panel	Documentary
Reconsideration	Worker Employer WCB	2-Member Panel	Documentary**
One-year Time Limit	Worker Employer	Single Member	Documentary

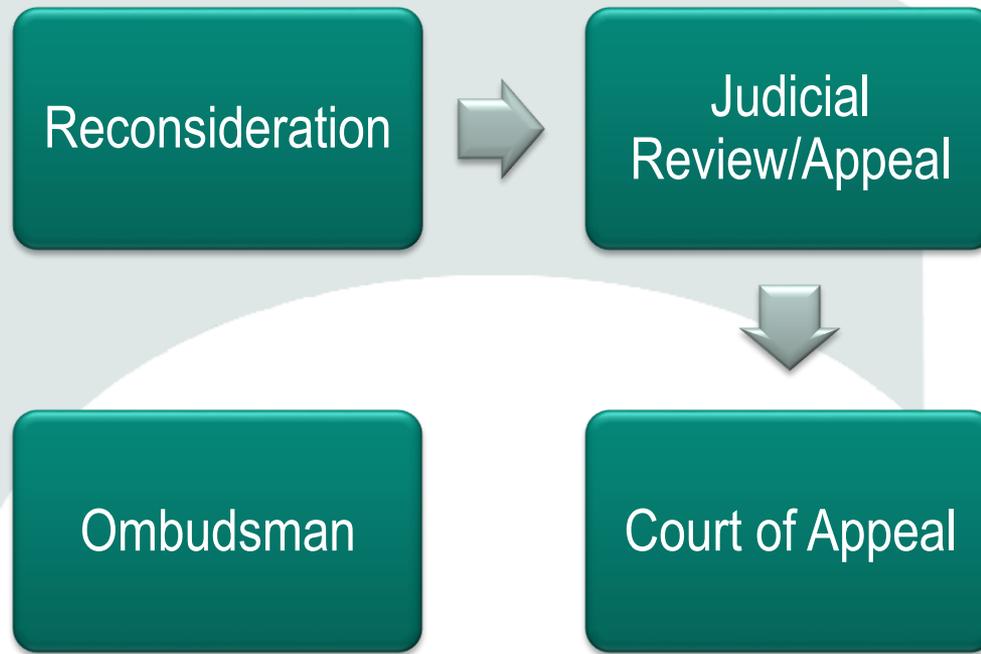
APPEAL PROCESS CON'T

Post-Hearing



APPEAL PROCESS CON'T

Post-Decision Review



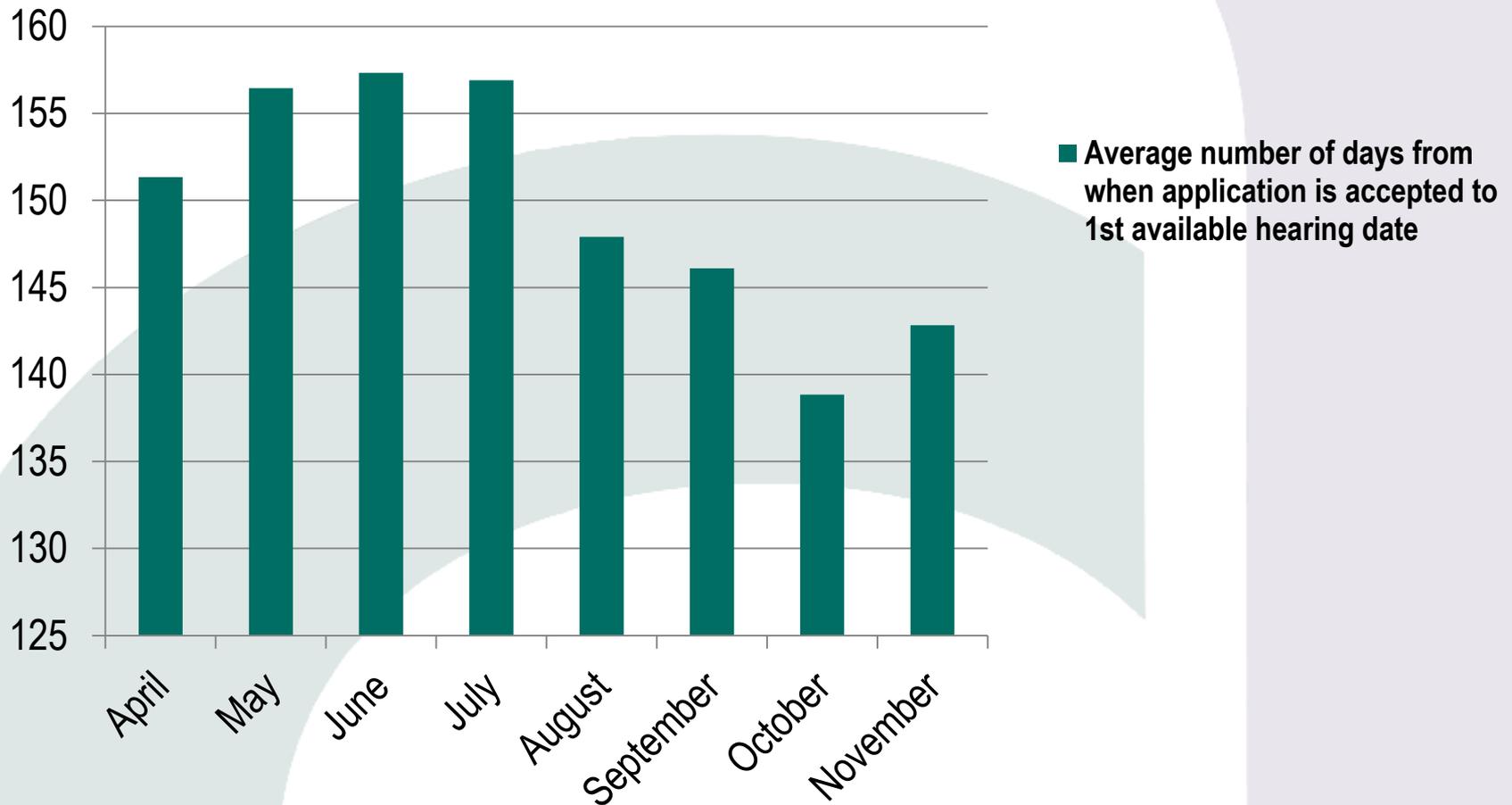


APPEALS
COMMISSION
FOR ALBERTA WORKERS' COMPENSATION

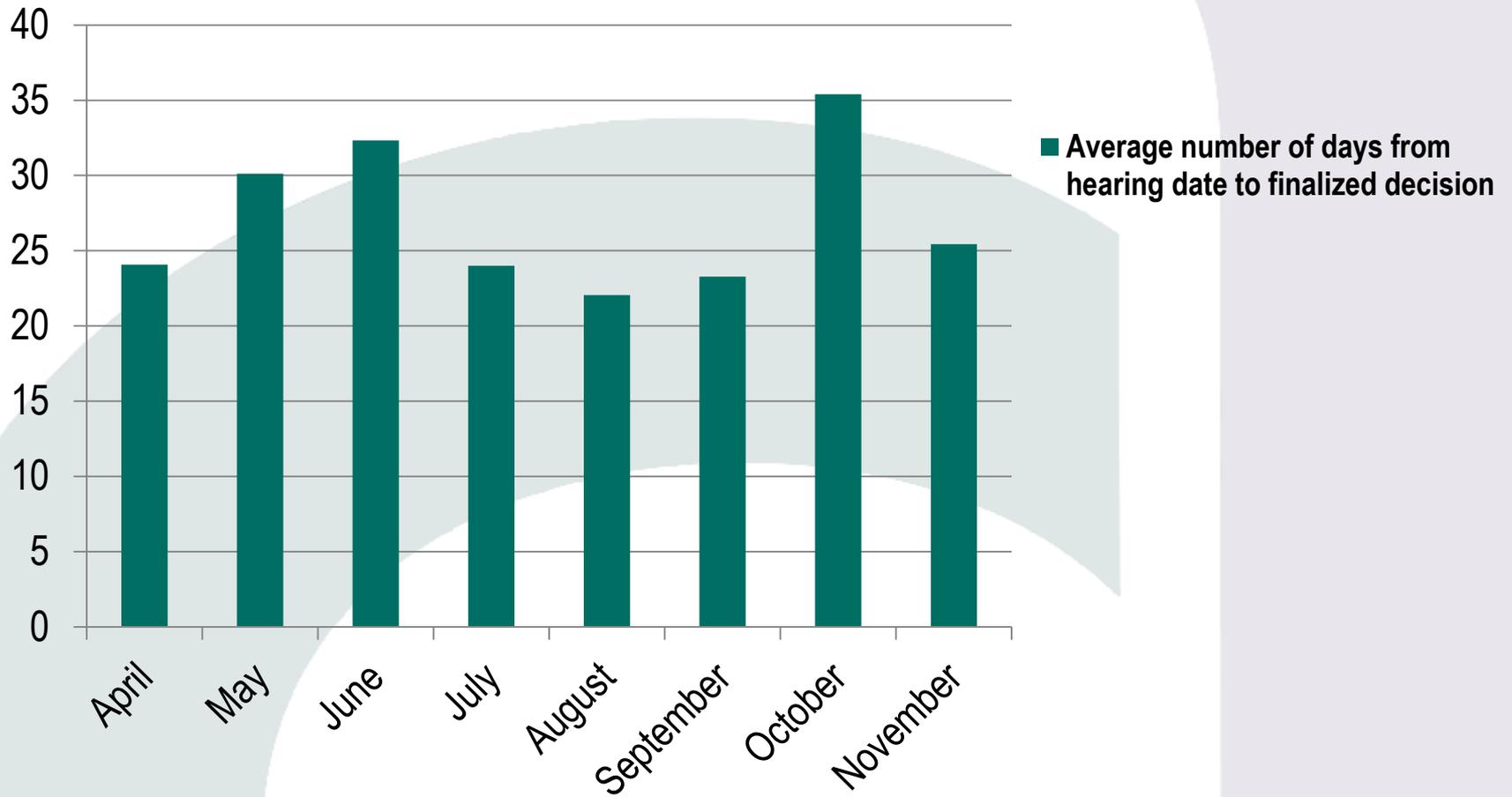
REVIEW OF ANNUAL STATISTICS OF WORKERS' COMPENSATION APPEAL TRIBUNALS

2014 – 2015 TIMELINES

TIMELINES 2015/2016: APRIL - NOVEMBER



TIMELINES 2015/2016: APRIL - NOVEMBER



PERFORMANCE MEASURE A: TIMELINES

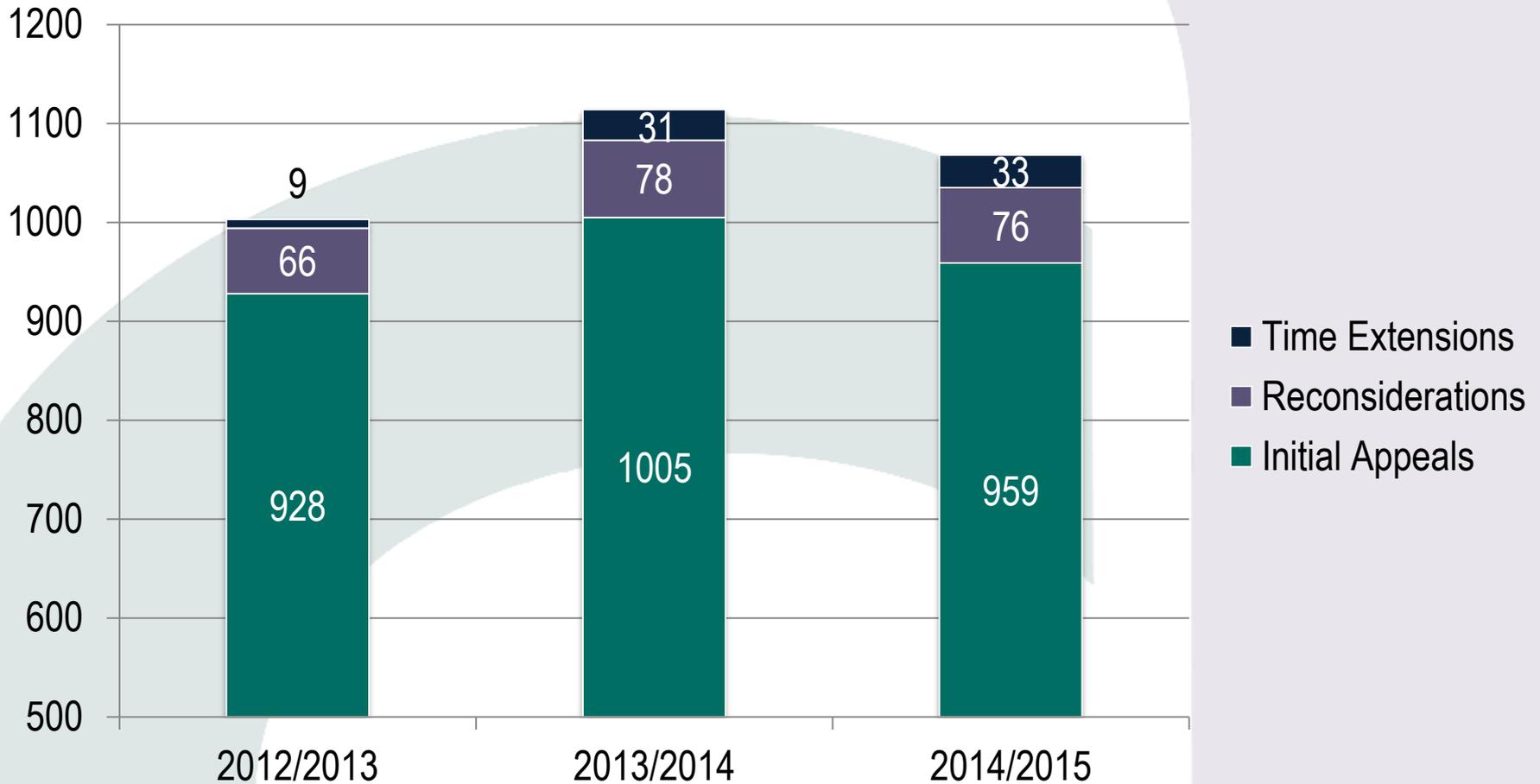
- Average number of days from the date the appeal is filed to the first hearing date offered:

Target	2014-2015
150 days	157 days

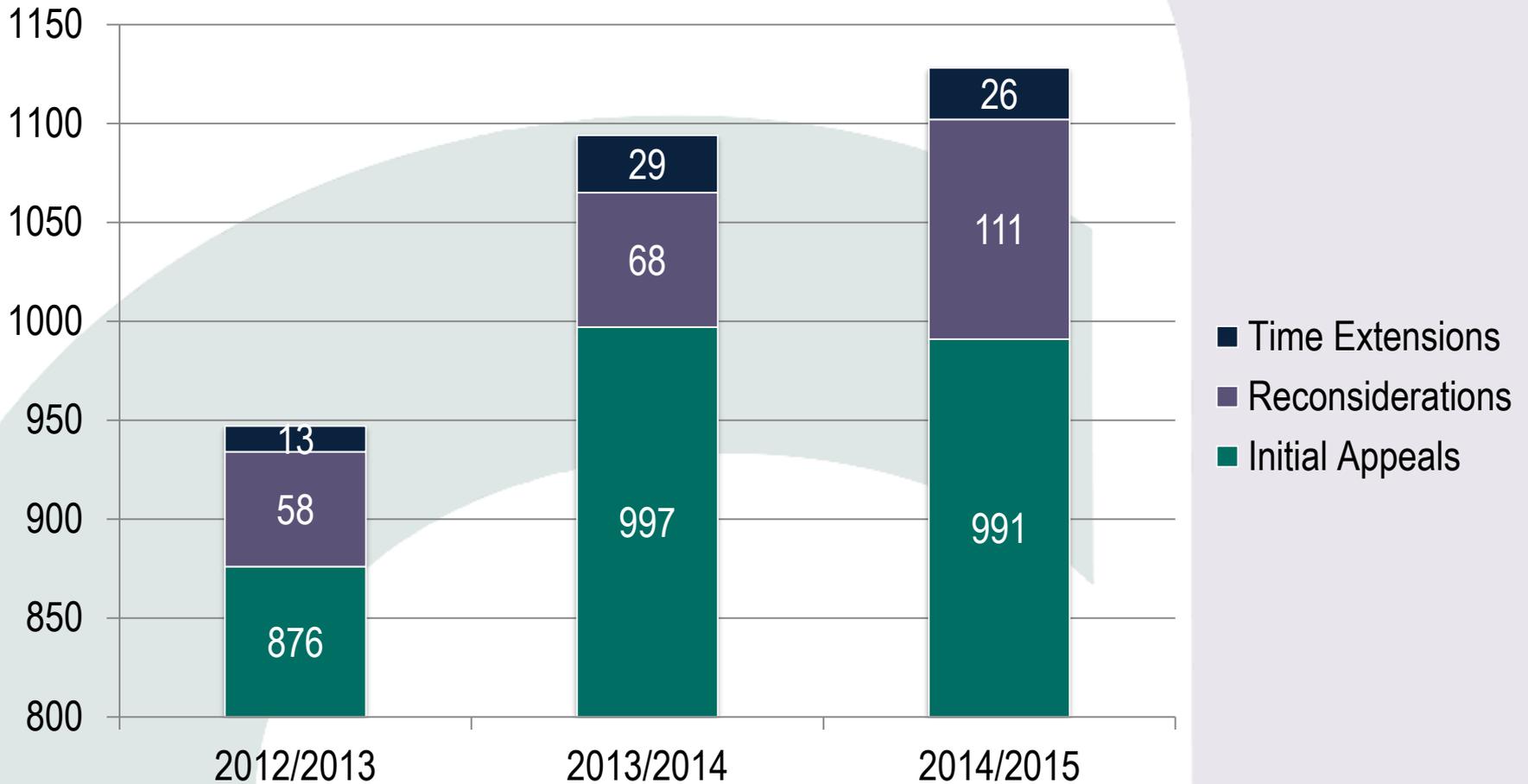
- Average number of days from hearing to the decision issue date:

Target	2014-2015
30 days	31 days

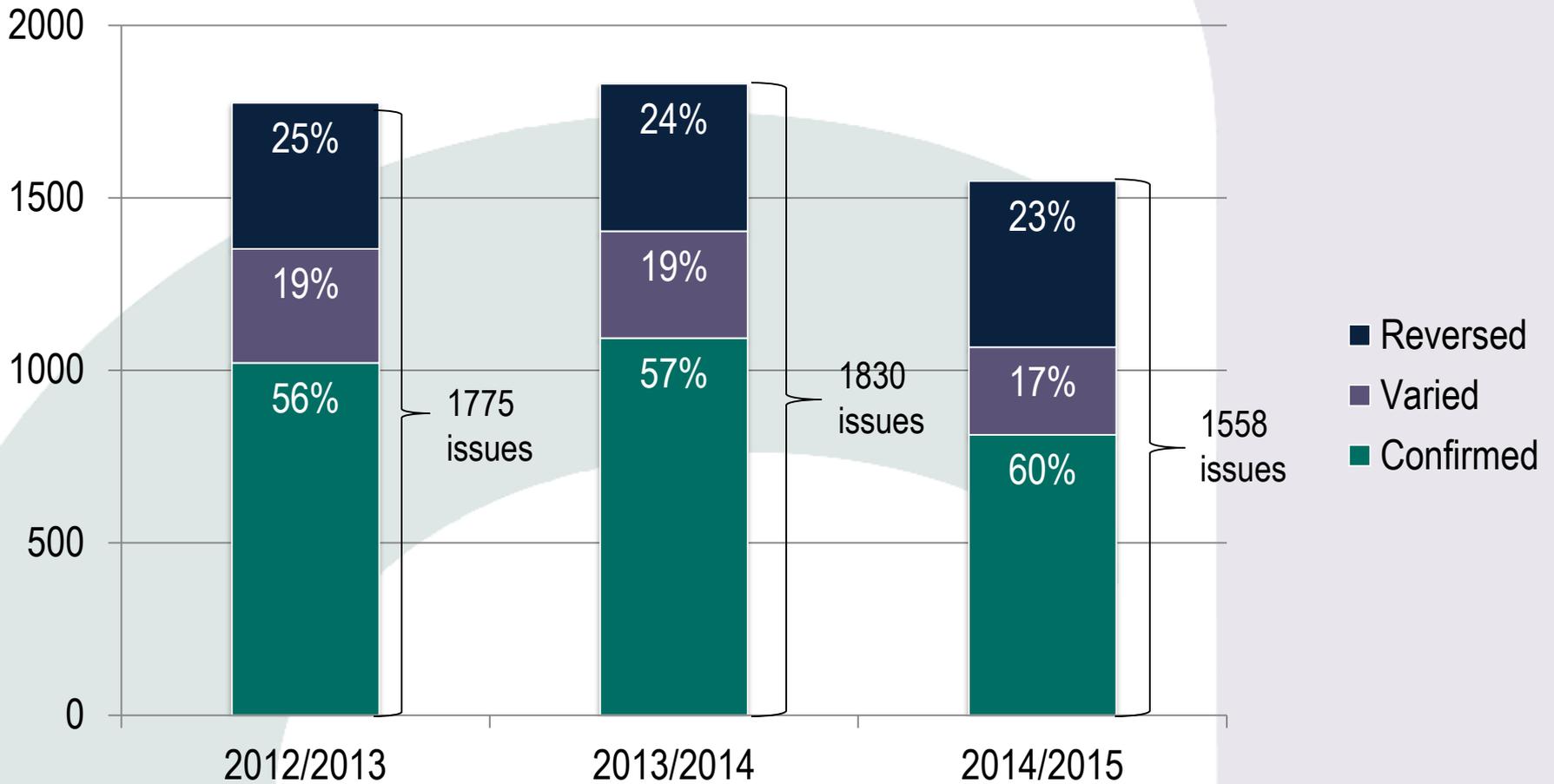
APPEALS RECEIVED



APPEALS CONCLUDED



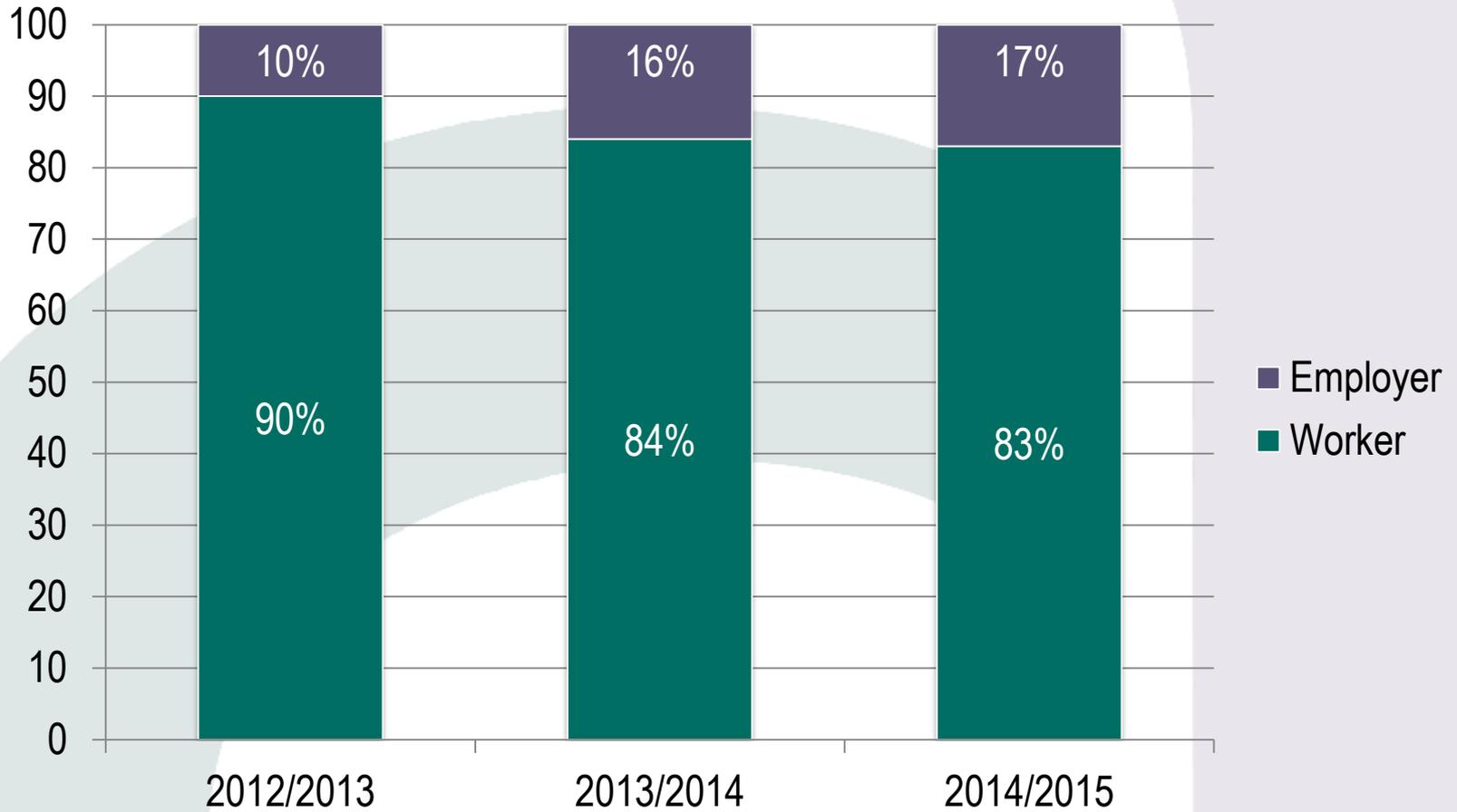
FINALIZED ISSUES OF APPEAL



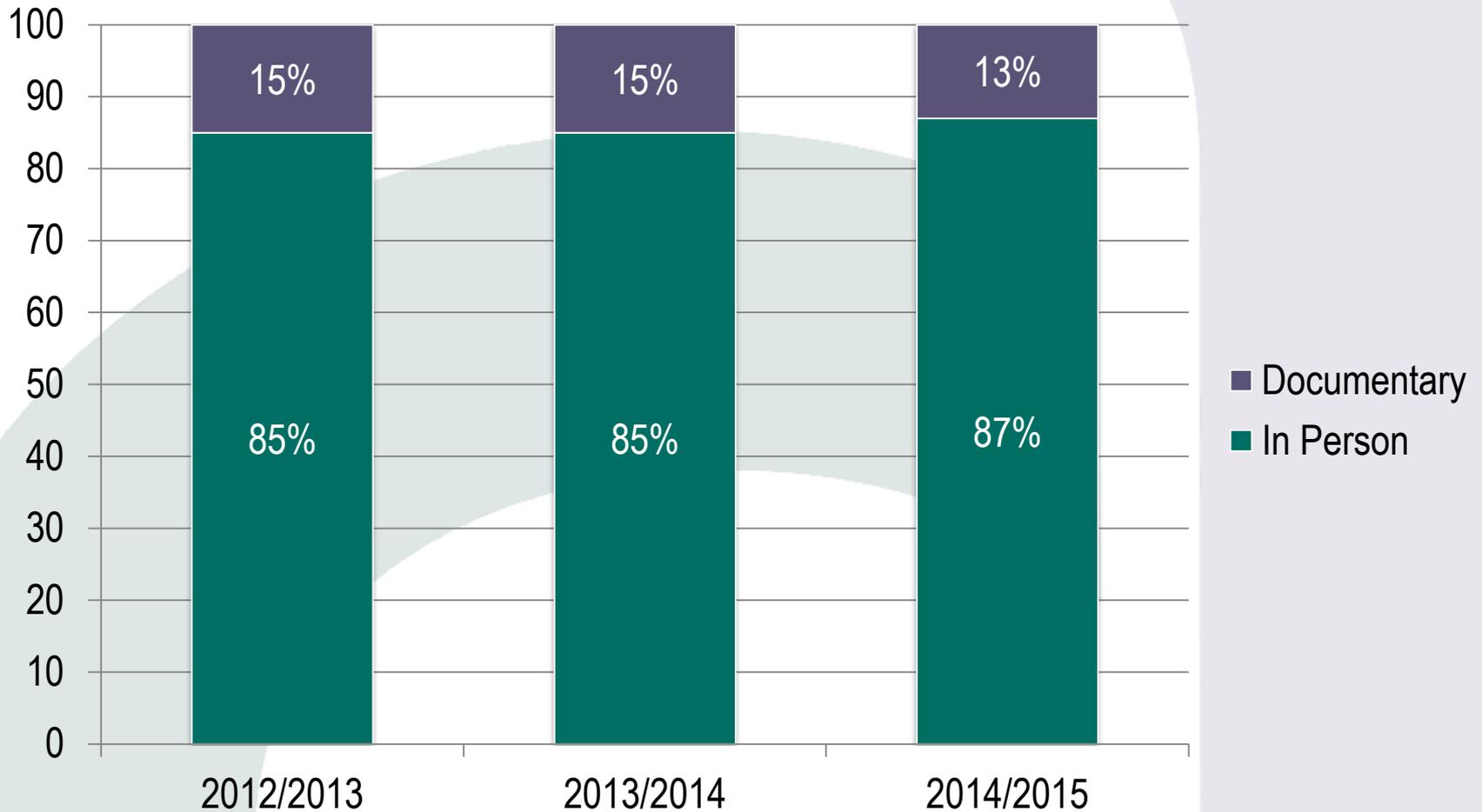
TOP FIVE ISSUES OF APPEAL

1. Acceptability of Claim – 16%
2. Additional Entitlement – 14%
3. Temporary Total Disability – 12%
4. ELP Calculation Total – 10%
5. Rehabilitation Services Total – 7%

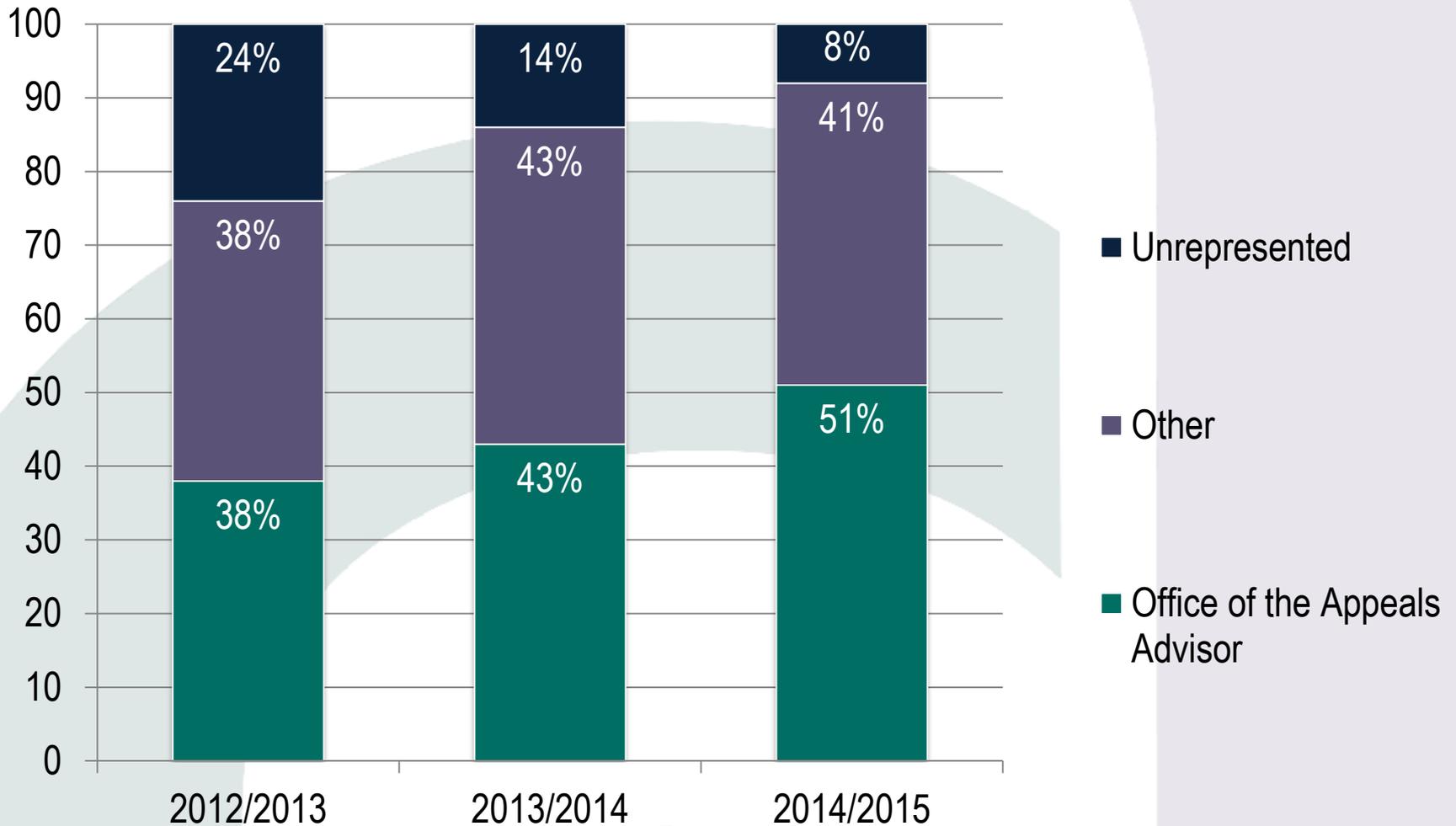
APPELLANT TYPE



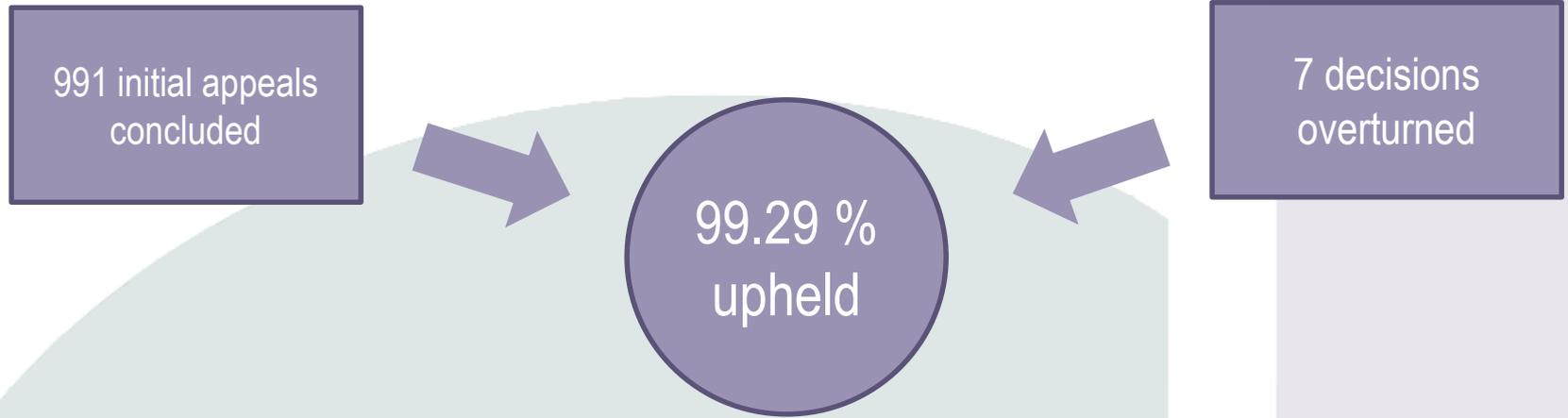
TYPES OF HEARINGS



REPRESENTATION BEFORE THE COMMISSION



PERFORMANCE MEASURE B: QUALITY



2014/2015	Concluded	Actions
Ombudsman	22	1
Court (QB & Appeal)	12	1
Reconsiderations	111	5

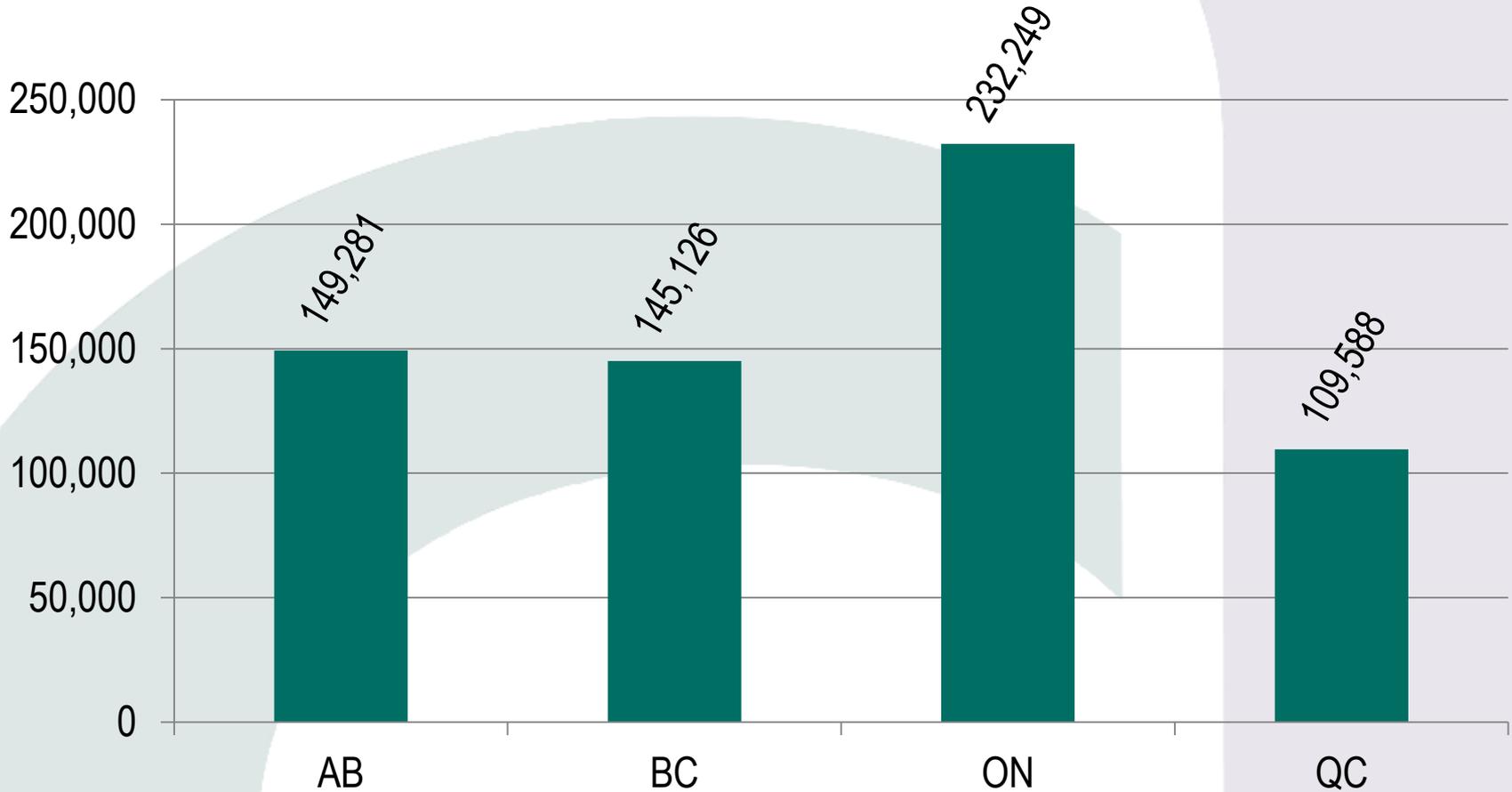
TRIBUNALS ACROSS CANADA

- Jurisdictions with same framework as AB (2nd external level of appeal): BC, MB, NL, NT/NU, NS, PE, QC, YK
- The remaining jurisdictions:
 - NB and ON: 1 external level of appeal, no internal review process
 - SK: 1 internal level of appeal, with external second level for medical questions only

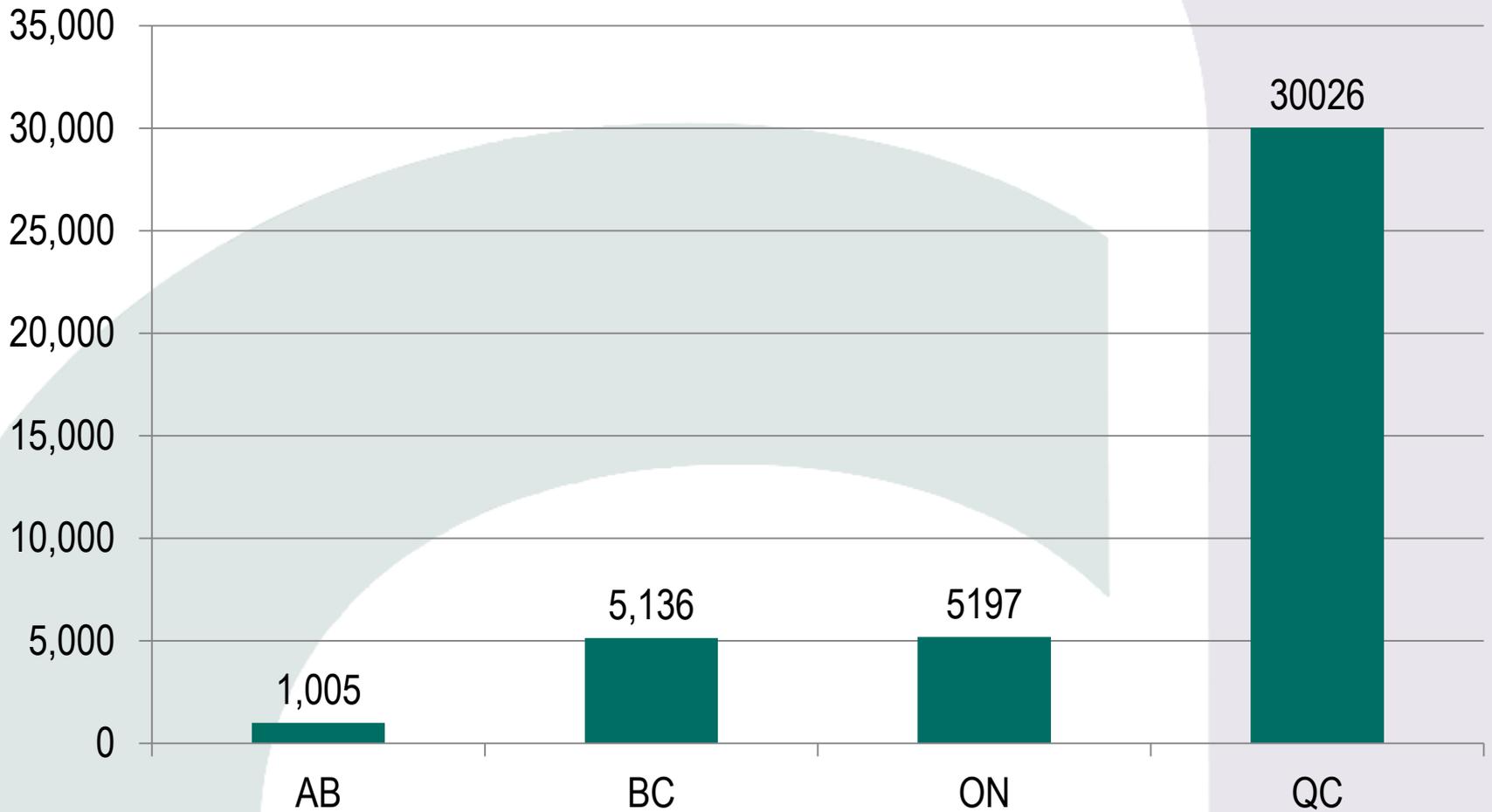
ADJUDICATION

- Decision-making primarily by single adjudicator: BC, NB, NL, NS, NT/NU, ON
 - For most tribunals with single member adjudication, panels may be appointed for appeals that are unusual or very complex
- In QC, adjudication style is determined by the nature of the claim:
 - Appeals for injury claims are heard by panels
 - **Appeals for employer assessment are heard by single adjudicators**

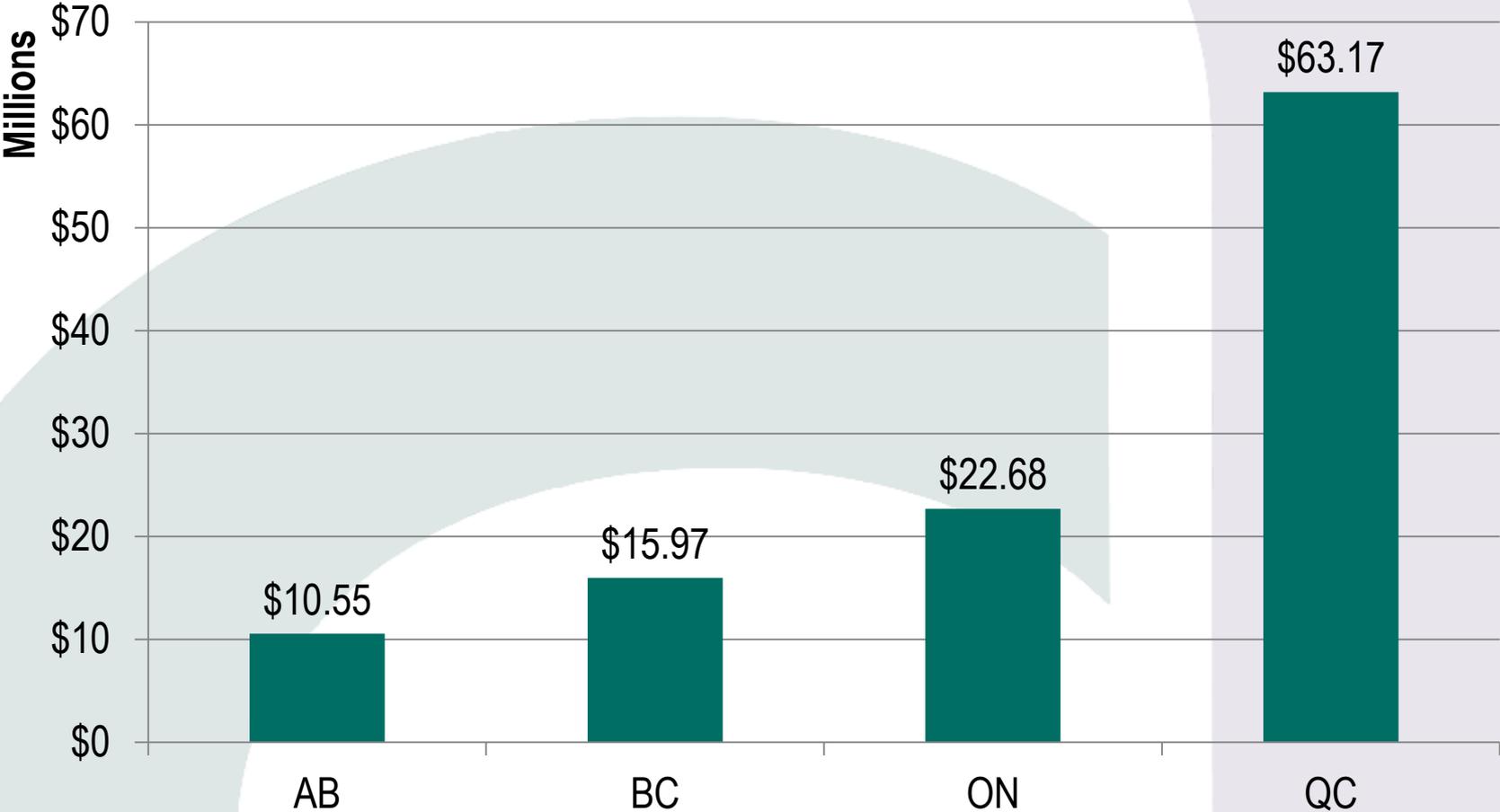
TOTAL NUMBER OF CLAIMS REPORTED TO SYSTEM ADMINISTRATOR*



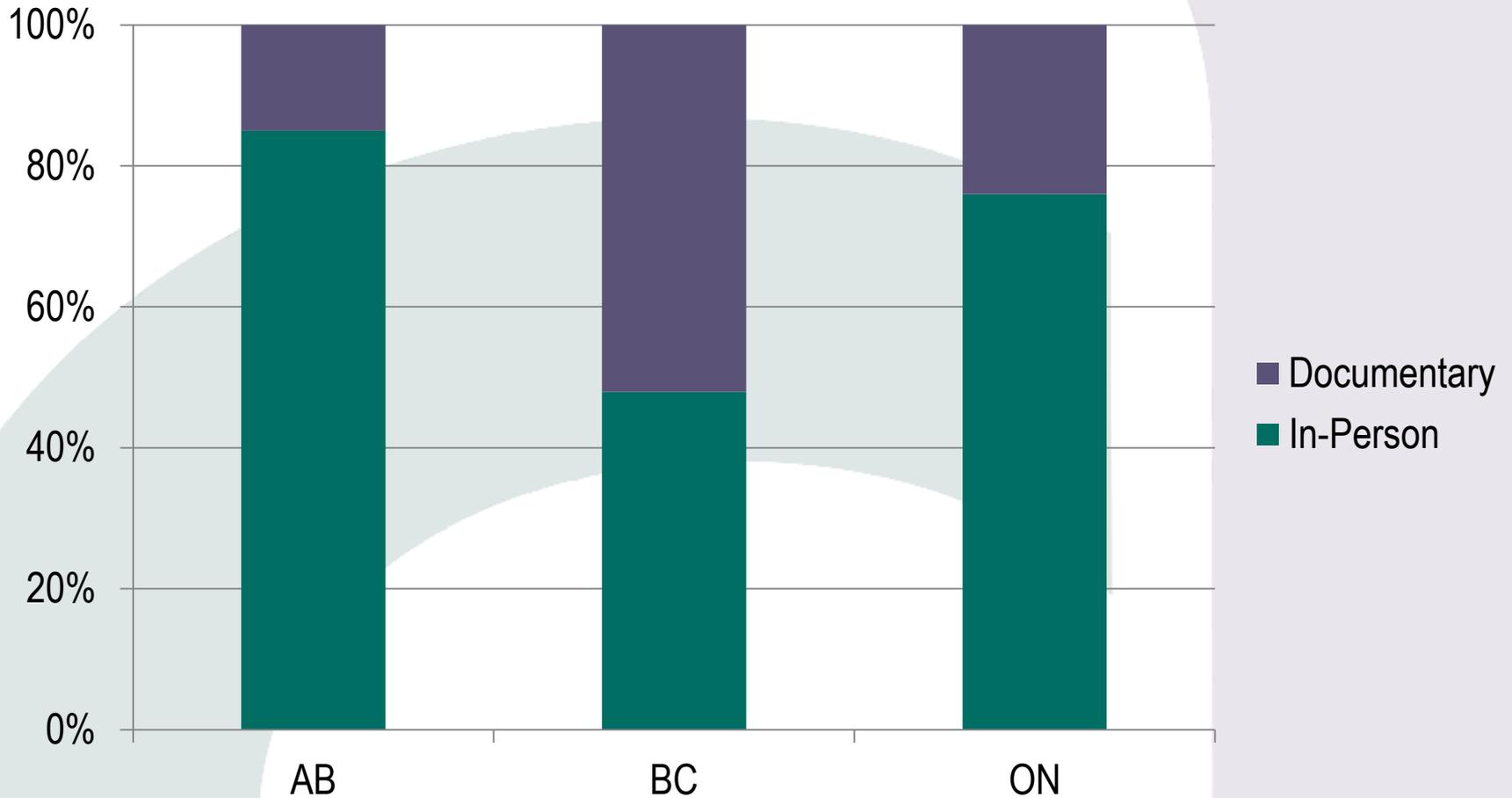
APPEALS RECEIVED



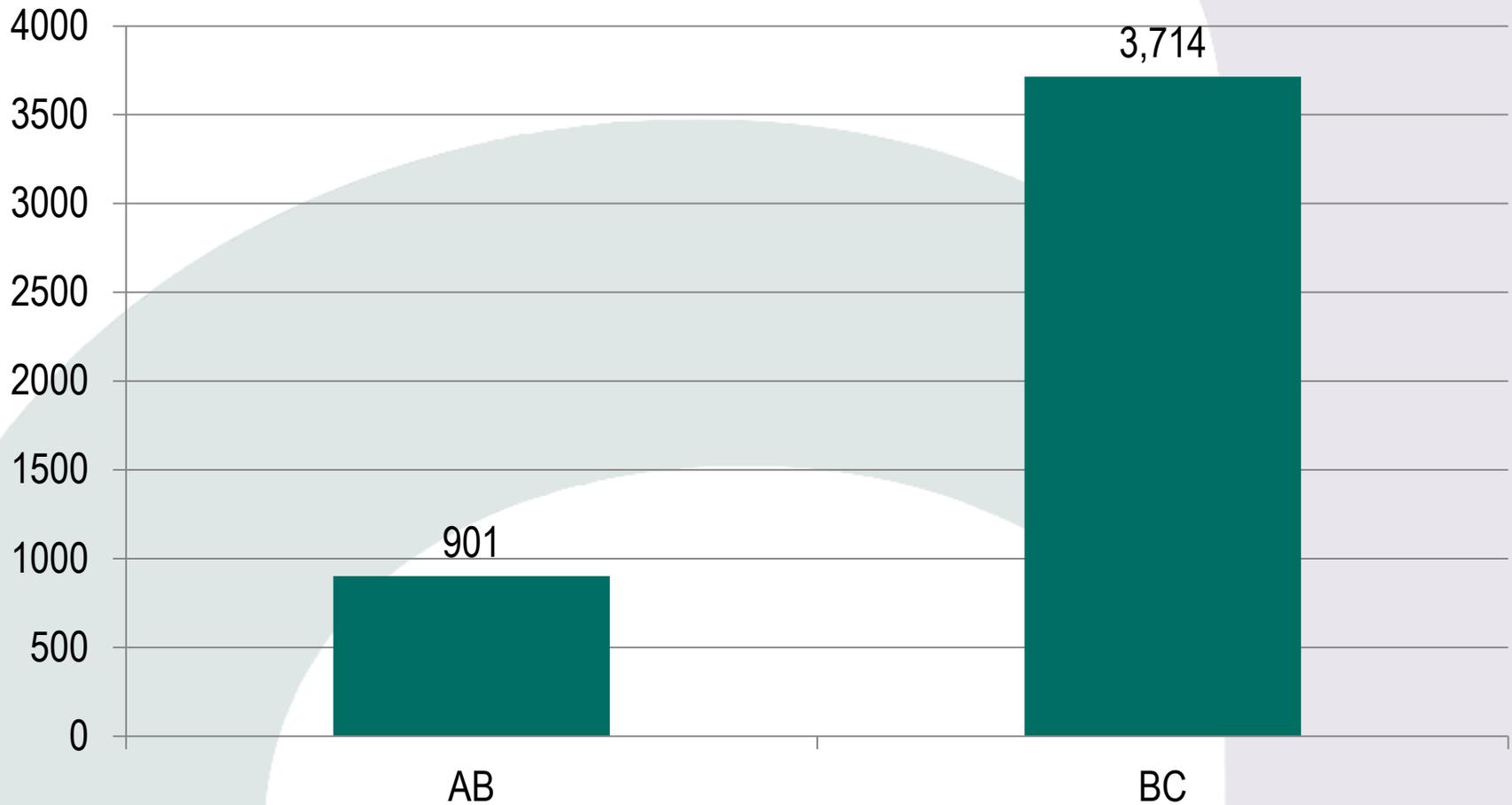
BUDGET



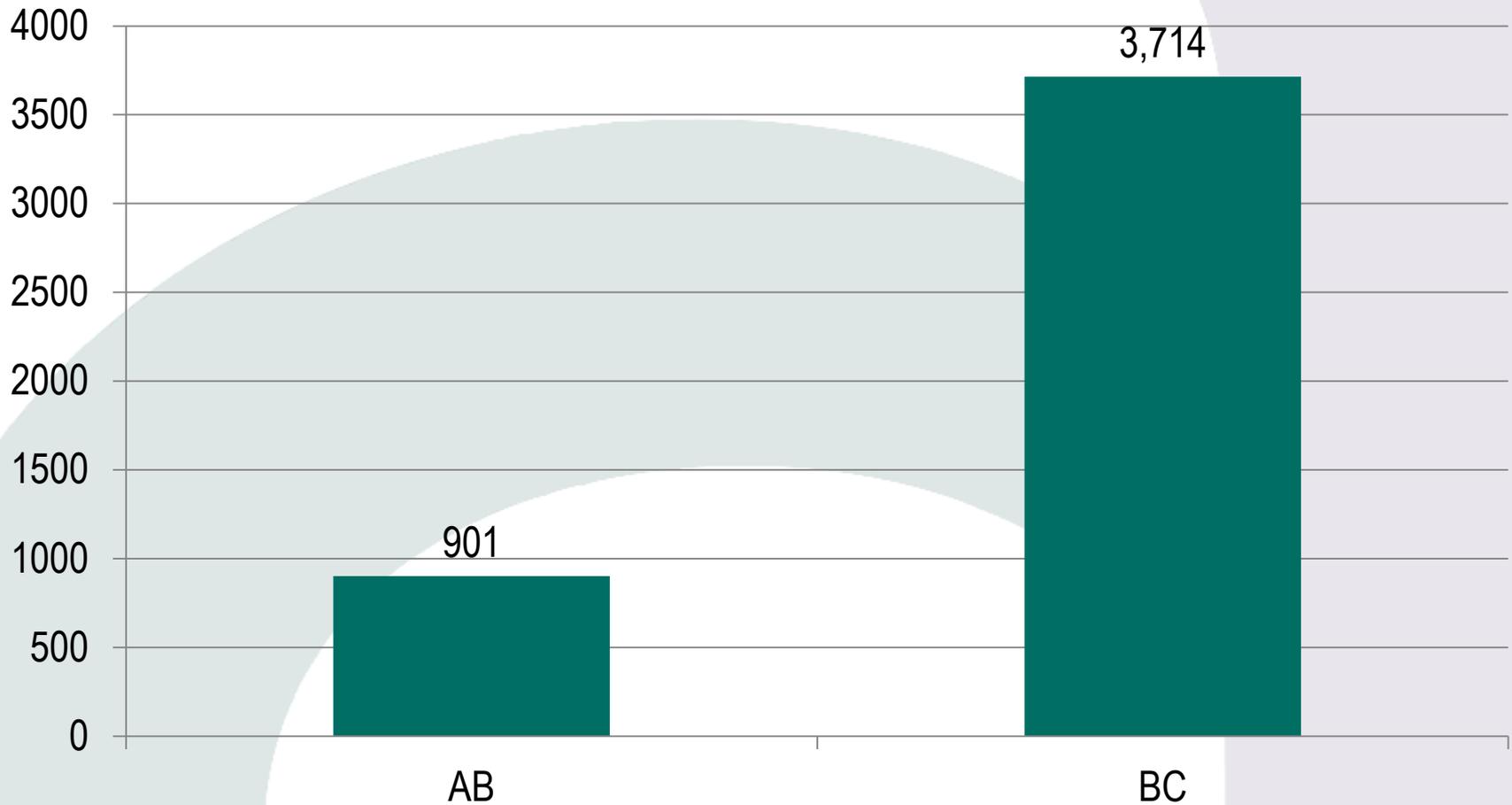
DOCUMENTARY V. IN-PERSON HEARINGS*



TOTAL HEARINGS HELD*

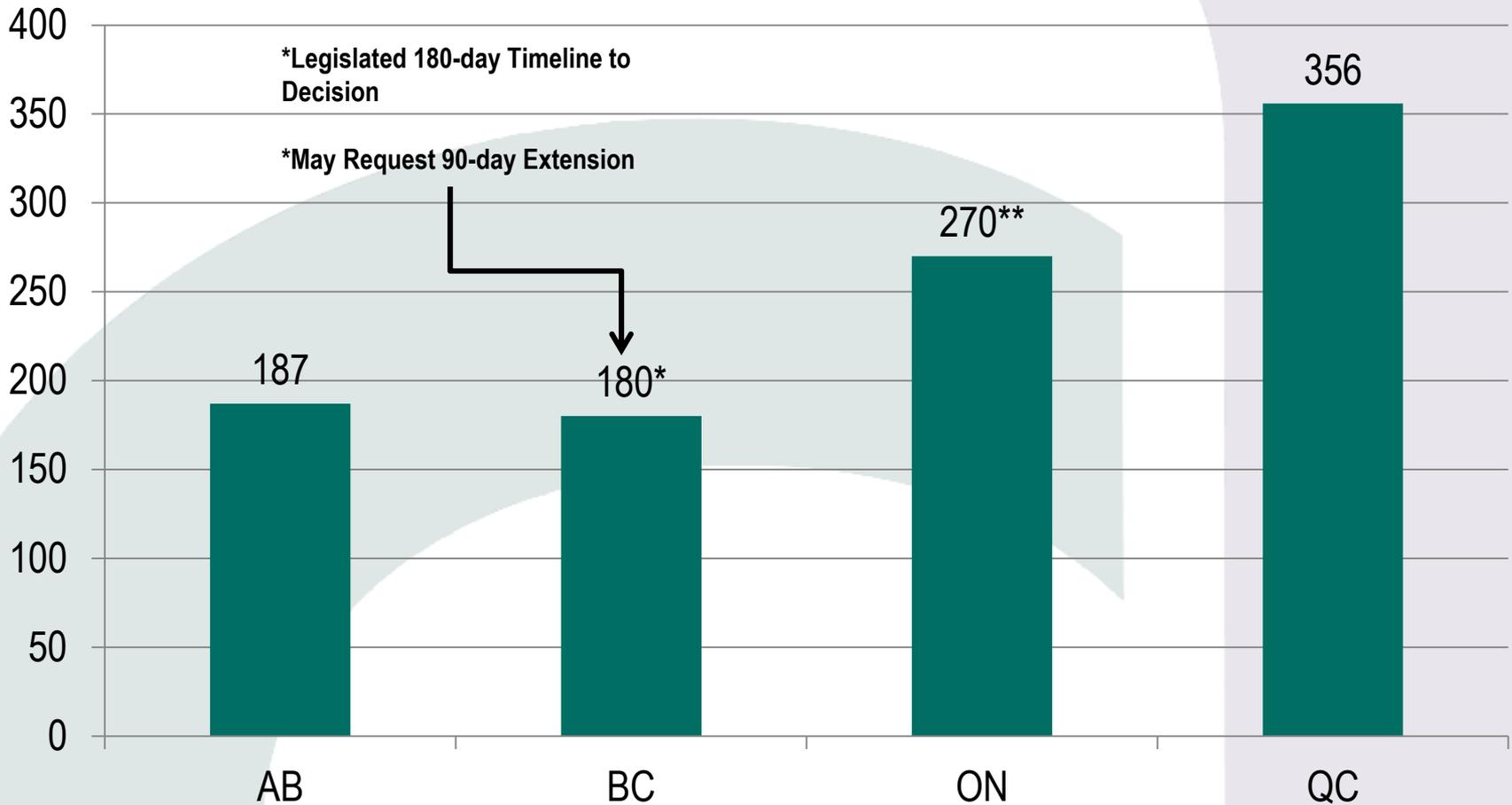


TOTAL HEARINGS HELD*



TIMELINE

RECEIPT OF APPEAL TO DECISION



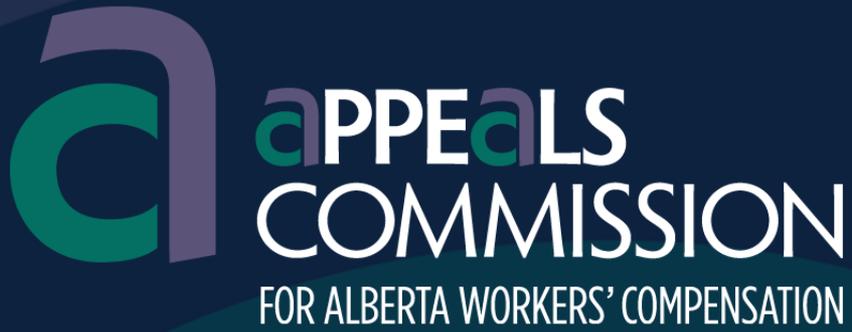
TIMELINES, CON'T.

- Appeals Commission has the shortest timeline in Canada from hearing to decision (30 days).

Comparatively:

- NWT/NU and PE: decision must be issued in 90 days
- NL: 60 days
- MB: 56.6 days
- ON: 86% of decisions released within 120 days

STAKEHOLDER SURVEY



QUESTIONS?

Alberta 