



Appeals Commission for Alberta Workers'
Compensation

Business Plan 2014-2016

Alberta 





Table of Contents

Message from the Minister and Associate Minister	4
Who We Are and What We Do	5
Our Vision, Mission and Values	6
Core Businesses	7
Strategic Priorities	8
Priority 1: Recruit new Commissioners	9
Priority 2: Recruit a knowledge manager	10
Priority 3: Enhance access to justice	11
Priority 4: Develop technology capacity	12
Priority 5: Redevelop offices	14
Expense by Priority Area	15
Contact Information	16

Message from the Minister and Associate Minister



Minister Dave Hancock, QC



Associate Minister Frank Oberle

The Government of Alberta's Ministry of Human Services' mission is to assist Albertans in creating the conditions for safe and supportive homes, communities and workplaces so they have opportunities to realize their full potential. Its core business is to work collaboratively with community, industry and business partners to deliver citizen-centred programs and services that improve quality of life for Albertans.

In 2013, Human Services prepared a business plan that identified the priorities of the Ministry. One of the Ministry's goals is for Alberta to have fair, safe, healthy and inclusive workplaces and a skilled labour force that contributes to economic prosperity. This includes providing timely and fair appeal services through the Appeals Commission for Alberta Workers' Compensation.

The Appeals Commission's Chief Appeals Commissioner, as Chair and Chief Executive Officer, reports directly to the Minister and Associate Minister and is responsible for:

- Overseeing the day-to-day operations and management of the Appeals Commission
- Ensuring the operations of the Appeals Commission are conducted within its legislative mandate
- Ensuring that procedures and practices are established to support the operations of the Appeals Commission
- Ensuring that appropriate systems are in place to provide for the management of the Appeals Commission
- Monitoring performance and taking corrective action when issues or concerns are identified
- Establishing, in conjunction with the Minister, performance measures and a business plan

We look forward to the Appeals Commission's implementation of the following Business Plan and to ongoing reporting regarding its progress.

Who We Are and What We Do



Rifath Mohammed, Vice Chair



Douglass Tadman, Chief Appeals
Commissioner and CEO



Donna Maxwell, Vice Chair

The Appeals Commission operates under the authority of the *Workers' Compensation Act*. Legislation establishes the Commission as the final level of appeal from decisions made by a review body appointed by the system administrator (the Worker's Compensation Board, or "WCB"). Its mission is to provide a timely, fair and independent appeals process consistent with legislation, policy and the principles of natural justice. The Commission is independent of the WCB and is accountable to the Minister of Human Services, Dave Hancock, QC, through Associate Minister Frank Oberle.

The Chief Appeals Commissioner is also the CEO of the Appeals Commission. He directs its operations supported by a five-person executive team comprising two vice chairs, general counsel and a director of administration. Adjudicators, including the Chief Appeals Commissioner, are merit-based appointments, recruited through public competition, and appointed by the Lieutenant Governor in Council as representative of either the interests of employers or the interests of workers. Presently, there are 55 adjudicators, 19 employed full-time as hearing chairs and the remainder as part-time members.

In 2012, the Commission conducted approximately 1350 hearings including 1100 initial appeals. Approximately 90% of initial appeals were initiated by injured workers, dissatisfied with decisions of the WCB review body disqualifying or limiting their entitlement to benefits. The remainder were filed by employers challenging decisions made on worker's claims or questioning assessment decisions. Initial appeals are heard by a three-person panel of Commissioners and more than 90% of initial appeals are heard in person. Panels issue written reasons for their decisions. Decisions of the Commission are published and searchable on CanLII, a legal Web site maintained by a national coalition of provincial law societies.

Decisions of the Commission are intended by legislation to be final and binding. The WCB is required by law to implement them not later than 30 days after notification. Decisions of the Commission 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 may be made to the Court of Appeal. Decisions of the Commission may also be reviewed by the Alberta Ombudsman. The Ombudsman operates independently from the Alberta government and elected officials, promotes standards of fairness and has the authority to make recommendations if an investigation identifies administrative unfairness.

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.

- In our dealings with people we are truthful, ethical and straightforward.
- 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.

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.
- We promote a learning environment by providing opportunities for developing and enhancing skills and knowledge.

Fairness: 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.
- We believe in treating all individuals equitably.

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 utilize our services.
- We value the freedom and comfort to share our thoughts and feelings, secure in the knowledge they will be given genuine consideration.
- We work together as a team focused on the achievement of common, well-defined goals.

Adjudication

The *Workers' Compensation Act* establishes the Appeals Commission as the final level of a two-step appeal process with respect to workers' compensation matters in Alberta. Appellants dissatisfied with a decision of a claims adjudicator must first appeal to a review body established by the Workers' Compensation Board.

Appeals Commission decisions are made by Commissioners who are appointed by the government through a merit-based recruitment process and remunerated pursuant to government regulation. The Commission, while independent of the WCB, is required by legislation to base its decisions on WCB policy to ensure appellants are treated equally and in a consistent manner.

The Commission is in the business of hearing and deciding appeals. Commissioners are supported by a highly-trained and educated team made up of appeals officers, appeal secretaries and a small, effective team of administrators. To support its business, the Commission is committed to ongoing recruitment, training and retention of its Commissioners and staff within the context of a comprehensive quality management program.

Access to Justice

For the Appeals Commission, ensuring access to justice means removing barriers to participation in our appeals, facilitating open access to information and providing education to our stakeholders. We are committed to evolving a technologically competent and modern environment facilitating efficient, open and prompt appeal resolution while identifying and eliminating participation barriers wherever possible.

Organizational Capacity

Organizational capacity means ensuring that we have the individuals, tools and processes necessary to meet our statutory obligations. Effective organizational capacity supports our vision, mission and values to maintain a timely, fair and independent appeal process. This means constant renewal of the Commission through effective tools, ongoing recruitment and training, supported by meaningful quality assurance processes.

Strategic Priorities

The purpose of this business plan is to set out the Appeals Commission's priorities, the strategies we will utilize to meet them, and the ways in which we will measure performance .

The priorities of the Appeals Commission for 2014-2016 are:

1. Recruit and develop new Commissioners.
2. Recruit a knowledge manager and develop a comprehensive quality management system.
3. Enhance access to justice by redeveloping our current Web site, implementing electronic document management, enabling receipt of electronic appeals, and broadening the use of video-conferencing.
4. Develop the Commission's technology capacity by continuing development of our appeals management system, and updating our records management system, including privacy compliance protocols.
5. Redevelop Commission offices in Edmonton, and relocate or redevelop Commission offices in Calgary.

Priority 1: Recruit new Commissioners

What it Means

Commissioners make our decisions. They hear appeals and issue written reasons explaining their decisions. In doing so, they fulfill the fundamental purpose of the Commission. All other activities and personnel of the Commission are intended either to support the work of the Commissioners, or facilitate the efficient access by appellants to the Commission's appeals process. All Commissioners are of equal rank. Some are employed as full-time hearing chairs, the remainder as part-time members who typically sit beside the chair to contribute balance and industrial perspective to decision-making. Part-time members are, however, called upon from time to time to chair hearings and write decisions. All Commissioners are appointed by the Government of Alberta by way of Order in Council. Doing our work effectively means recruiting, developing and retaining effective, knowledgeable and experienced Commissioners.

Commissioner attrition is a fact of life. Whether through the normal process of retirement, or as a result of the term limits imposed by the *Alberta Public Agencies Governance Act*, the Commission, over time, will lose the benefit of its existing complement of adjudicators. This means the Commission must recruit and train new Commissioners to avoid the loss of institutional knowledge that can occur as experienced adjudicators depart. To maintain capacity, the Commission must embark on a continuous process of recruitment and development while maintaining, to the extent practical, experienced Commissioners to assist in mentoring developmental members in order to preserve the Commission's adjudicative capacity.

Strategies

1. Establish, as a temporary measure, ad hoc Chairs from the ranks of part-time Commissioners to maintain monthly decision volumes and provide development opportunities to future full-time adjudicators.
2. Increase the number of hearing chairs and part time commissioners in accordance with our succession plan to recognize predicted attrition.
3. Seek *Public Agency Governance Act* waivers from the Minister to extend term limits of some adjudicators.

Performance Measures

1. Ensure quality and timeline standards continue to be met through periods of transition resulting from normal attrition and the term limits set by the *Alberta Public Agencies Governance Act*.

Priority 2: Recruit a knowledge manager

What it Means

The Appeals Commission is committed to excellence in decision-making and process. This means two things: first, that our decisions are consistently supported by the Courts and that our administrative processes are consistently supported by the Ombudsman. Stakeholders can expect the decisions of the Commission to be consistent with policy and legislation and consistent with other decisions of the Commission to ensure an orderly and predictable appeals environment. They can also expect Commission processes to meet the high standards expected of administrative law tribunals.

Second, we must issue our decisions on a timely basis—generally within a four to six week window following a hearing. To ensure that our published decision documents and our operations continue to meet our standards, we will enhance our existing quality management program by staffing a knowledge management position and developing a comprehensive quality management program encompassing all Commission activities. As part of this initiative, the Commission will also appoint, on a part-time basis, a qualified medical practitioner to act as an in-house medical consultant to assist Commissioners in acquiring appropriate medical knowledge.

Strategies

1. Establish a knowledge management position to promote service excellence, ongoing training, adjudicator development, quality management and decision consistency.
2. Develop and update training resources for Commissioners, Appeals Officers, Appeals Secretaries, Legal Services and Administrative Service Providers. The resources will outline expectations, standards and best practices.
3. Identify areas where training is required and prepare a schedule of training sessions and establish training expectations and a correlative budget for Order in Council Appointments and staff members.
4. Appoint a medical consultant on a part-time basis to act as in-house medical consultant.

Performance Measures

1. 98% of decisions unchallenged, or if challenged, supported by the Appeals Commission's reconsideration process, the Court of Queen's Bench, the Court of Appeal or the Alberta Ombudsman.
2. Maintain current standards for timeliness.

What it Means

The Appeals Commission strives to be an open and transparent organization and to provide its stakeholders with the assistance they require to be active participants in the appeals process. Enhancing access to justice means several things including: fostering a friendly and receptive attitude amongst our staff and members; ensuring the diversity of the Commission matches the diversity of Alberta; simplifying our forms and processes; accelerating appeal preparation time by leveraging appropriate technology readily accessible to our stakeholders; facilitating the appearance at hearings by appellants not resident in Edmonton or Calgary by video conference; and providing useful and accessible information to appellants electronically via an appropriate and modern Web site.

Strategies

1. Redesign the Appeals Commission's Web site and update the content available online to reflect our standards and to emphasize our independence and our position within and accountability to the Government of Alberta .
2. Update and create reference materials, including Appeal Rules and Practice Guidelines, for internal and external Appeals Commission stakeholders.
3. Update and create training programs for Appeals Commission stakeholders.
4. Conduct stakeholder satisfaction surveys through a third party.

Performance Measures

1. Stakeholders report 75% good or better satisfaction with Appeals Commission processes.
2. Appellants who access our Web site report 75% good or better satisfaction with Appeals Commission online resources.

Priority 4: Develop the Commission's technology capacity

What it Means

In 2010, the Commission sponsored development of the Appeals Commission Electronic System (ACES), an electronic appeals management program to replace its legacy appeals management program (AMS) which had become obsolete. ACES will continue to evolve over the life of this business plan until perfected or replaced. Prior to implementation of ACES, the WCB provided information technology ("IT") support to the Commission which was completely integrated into the WCB electronic environment. Subsequently, the Commission has relied on a third-party contractor for software development as well as desktop support.

Currently, we do not employ a dedicated information technology professional with the expertise needed to maintain and improve ACES. In order that we utilize ACES to its full potential, and to effectively leverage our existing investment in software and hardware, we require expert and dedicated information technology support.

It has become apparent that the current IT management model of the Commission is ineffective and too expensive. Initial decision makers believed that redeploying IT support from the WCB to a third-party contractor and/or the Government of Alberta would enhance Commission independence. However, IT support has little relevance to adjudicative independence. The Commission is attempting to operate an independent IT department through a third party at significant expense, and in our view, with less than satisfactory results.

In emphasizing independence without equal consideration of practicalities, we can lose sight of the Commission's inherent connection to the WCB intended by the legislature, and the legal requirement that we share information in order to perform our independent yet clearly interdependent and related roles. It is not practical for an institution with approximately 80 desktops to duplicate the IT resources available through the WCB, which manages over 1600 desktops in a highly sophisticated electronic environment.

Our overarching strategy in relation to technology is to return IT support and guidance for the Commission to the WCB, and to work in cooperation with it to enhance electronic information sharing. This strategy will substantially reduce cost, increase quality and facilitate the move to electronic document management to capture inherent efficiencies.

At present, the Appeals Commission accepts appeals and related documentation in hard copy only. We receive and manage over a million individual records annually, with attendant privacy concerns and risks. Our stakeholders tell us that they want the ability to interact with us on an electronic basis. We see the transition to an electronic system as a step that will allow us to be more responsive and timely in the course of an appeal.

[Continued on next page]

Strategies

[continued from previous page]

1. Negotiate the provision of IT support to the Commission through the WCB.
2. Seek direct access to WCB servers in compliance with the provisions of privacy legislation.
3. Work cooperatively with the WCB to leverage current investment in the Eco/Images electronic system and harmonize the Commission's electronic document management practices with those of the WCB.
4. Transition to electronic document management.
5. Establish pilot project with the Office of the Appeals Advisor to explore the feasibility of conducting appeals in reference to electronic documents.
6. Expand electronic documents pilot project to encompass other stakeholders.
7. Update disaster recovery plan with respect to electronic data and information.

Performance Measures

1. Reduce paper records by 25% in 2014.
2. Reduce paper records by 50% in 2015.
3. Reduce paper records by 75% in 2016.
4. Reduce budgeted IT expenditures by 50%.
5. Ensure information technology systems function 98% of the time.

Priority 5: Redevelop Commission offices

What it Means

To support excellence in operations we need an environment appropriate to our responsibilities and within the bounds of available financial resources. Our Edmonton offices were last developed in 1988. Since then, our scope of activity has increased exponentially. The original logic of the offices was lost in the accommodation of this growth. Our current space configuration no longer meets our current or future needs.

Presently, the majority of our offices far exceed Government of Alberta standards for space allocation, necessary meeting and collaboration rooms are absent, and many staff who should be working in an open environment are isolated in offices. The lease on our Edmonton office space expires in February of 2014. This is the opportunity to redesign the Edmonton offices to capture the efficiencies inherent in new Government of Alberta standards, while remodeling the office to accommodate ideal workflows and our vision of collaborative work and flexible workspaces.

The Calgary offices exhibit similar deficiencies and offer similar opportunities for space rationalization and improvement. The Calgary lease expires in 2016. Standards and concepts developed in relation to the Edmonton office will be applicable to Calgary's redevelopment in 2016.

Strategies

1. Renovate office space in Calgary and Edmonton locations.
2. Renovate hearing rooms and break-out rooms in Calgary and Edmonton locations.
3. Equip one hearing room with video conference equipment.
4. Enhance office security including the installation of CCTV.

Performance Measures

1. Develop and implement electronic hearing room pilot project.
2. Edmonton offices renovated by March 30, 2015.
3. Calgary offices relocated by March 30, 2016.

Schedule of Performance

Priority	Task	April 1, 2014—March 31, 2015	April 1, 2015—March 31, 2016	April 1, 2016—March 31, 2017
1: Recruit new Commissioners	Recruit	Increase hearing Chair complement to 24 and recruit as required	Maintain hearing Chair complement at 24 and recruit as required	Reduce & Maintain hearing Chair complement at 22 and recruit as required
	Seek Waivers	Request extension to term limit for one senior Chair	Request extensions to term limits as required	Request extensions to term limits as required
	Part-time Commissioners	Recruit five new part-time Commissioners	As required	As required
2: Recruit a knowledge manager	Recruit	Fund position, prepare job description, recruit and hire a knowledge manager		
	Training	Establish training expectations for Order in Council Appointments and staff and fund appropriately	Update training resources for Order in Council Appointments and staff	
	Recruit medical consultant		Fund position, prepare job description, recruit and hire a medical consultant	
3: Enhance access to justice	Web site/rebranding	Hire consultant Prepare Web site content	Redesign Appeals Commission's Web site	Annual update of Web site
	Stakeholder satisfaction surveys	Prepare RFP and identify consultant	Hire consultant and commence surveys	
	Stakeholder resources	Annual review of Rules and Practice Guidelines	Annual review of Rules and Practice Guidelines	Identify further stakeholder resources based on feedback from satisfaction surveys

Schedule of Performance

Priority	Task	April 1, 2014—March 31, 2015	April 1, 2015—March 31, 2016	April 1, 2016—March 31, 2017
4: Develop the Commission's technology capacity	Negotiate provision of IT support	Negotiate and implement provision of IT support through WCB		
	Pilot project	Complete pilot project using electronic documents to facilitate appeal; evaluate results		
	Transition to electronic document management		Establish infrastructure, protocols and seek approval of the Office of the Information and Privacy Commissioner	
	Disaster recovery plan	Identify consultant and review other Ministry disaster recovery plans	Prepare disaster recovery plan	
5: Redevelop Commission offices	Redevelop Edmonton office	Complete planning with Alberta Infrastructure Commence and complete renovation of Edmonton office		
	Redevelop Calgary office	Complete planning with Alberta Infrastructure	Commence and complete renovation or relocation of Calgary office	
	Electronic hearing room pilot project	Equip and operate on a pilot basis		
	Enhance office security	Continue with Phase 1 security measure implementation	Identify and retain security consultant and prepare a comprehensive security plan; implement in conjunction with redevelopment projects (Phase 2)	



Expense by Priority Area

The budget initiatives highlighted by this plan result in the following financial impact:

Awaiting information from Todd



Contact Information

For more information, please contact the Appeals Commission at:

Edmonton Office

901, 10109—106 Street
Edmonton, AB T5J 3L7
Phone: 780.412.8700
Fax: 780.412.8701

Calgary Office

206, 1701 Centre Street North
Calgary, AB T2E 7Y2
Phone: 403.508.8800
Fax: 403.508.8822

Online

www.appealscommission.ab.ca