

| Department                                  | Position Title                    |                                                              |
|---------------------------------------------|-----------------------------------|--------------------------------------------------------------|
| Workers' Safety and Compensation Commission | General Manager, Appeals Tribunal |                                                              |
| Position Number(s)                          | Community                         | Division/Region(s)                                           |
| 97-9710                                     | Yellowknife                       | NWT and Nunavut<br>Workers' Compensation<br>Appeals Tribunal |

The General Manager is responsible for the day-to-day management of the Tribunal processes, both appeals and NWT and Nunavut *Workers' Compensation Acts* section 63 applications. The incumbent is appointed under section 123 of the Acts. The incumbent is responsible for ensuring all criteria for readiness have been satisfied before approving appeal files and section 63 applications as being ready to proceed to hearing. This position works within a legislative and policy framework and carries out its responsibilities in accordance with the NWT & Nunavut *Workers' Compensation Acts*, regulations, policies, procedures and the Appeals Tribunal's Rules of Procedure. The General Manager is responsible for the preparation of appeals and applications, including the identification and clarification of issues, research and information gathering. The General Manager assists the Chairperson with the planning and organizational development of the Appeals Tribunal and provides complete administrative support. The General Manager has the primary responsibility for managing, directing, controlling and monitoring the day-to-day operations of the Tribunal Office, a stand-alone office that is physically and administratively separate from the Workers' Safety and Compensation Commission.

The Workers' Compensation Appeals Tribunal is an independent, quasi-judicial tribunal established and operated in Yellowknife, Northwest Territories under section 117. (1)(2) of the NWT & Nunavut *Workers' Compensation Acts*. The Appeals Tribunal is an external body, consisting of members as described in the *Workers' Compensation Acts* subsections 118(1)(2). Members from both territories are appointed by the Minister Responsible for the Workers' Safety and Compensation Commission. As the final level of appeal in the workers' compensation system, the Appeals Tribunal maintains a high standard of performance and accountability and conducts its adjudication independent of influence of the government and the Workers' Safety and Compensation Commission. The Appeals Tribunal has exclusive jurisdiction to examine, inquire into, hear and determine all matters arising in respect of an appeal from a decision of the Review

Committee and has the authority to uphold, overturn or vary a decision made by the WSCC's internal Review Committee.

The Tribunal hears appeals from injured workers and employers of the Northwest Territories and Nunavut. Also, the Appeals Tribunal, under section 63 of the *Workers' Compensation Acts* hears applications from any party to a court action for determination whether a person is immune from action under the *Workers' Compensation Acts*. Decisions rendered impact workers and employers in the Northwest Territories and Nunavut.

The position of General Manager is unique to the Appeals Tribunal. Generally, the Appeals Tribunal office consists of one Chairperson, one Vice Chair, three Tribunal members (numbers may change depending on additional appointments etc.), one General Manager. The Tribunal members work on an ad-hoc basis. The incumbent of this position is accountable for managing the Appeals Tribunal Office and the Appeals Tribunal administrative process. The General Manager is accountable for the smooth operation of the Tribunal office and represents the Appeals Tribunal as the first contact to appellants from the NWT and Nunavut, legal and medical professionals, the Workers' Advisor and other advocates. The General Manager also liaises with WSCC staff at all levels. A high degree of tact, diplomacy and cultural sensitivity are required to interact well with appellants who are often upset, having already gone through one review process. There is no opportunity to gain assistance internally (from WSCC staff) in deciding on a course of action in a difficult appeal case. He/she completes tasks independently as required and takes the lead in preparing appeal files. The incumbent plans and suggests human resources activities to the Chairperson of the Appeals Tribunal to ensure that the office is functional during staff absences. The General Manager develops, manages and controls the Appeals Tribunal budget in the amount of > \$570,000. Mismanagement can result in overspending and hardship to the Workers' Protection Fund. The General Manager has a spending authority of \$20,000.00.

Reporting to the Chairperson of the Workers' Compensation Appeals Tribunal, the General Manager ensures that the proper policies, procedures and *Workers' Compensation Acts* are adhered to, as well as ensuring that all appeals and section 63 applications are conducted within the Appeals Tribunal's established statutory, regulatory and procedural requirements. The General Manager is responsible for ensuring the technical accuracy of written decisions. The application of incorrect policy or legislation will cause a delay in the hearing of an appeal or application and could also result in an erroneous decision being made by the Appeals Tribunal. Omitting relevant legislation or quoting incorrect legislation or policies may result in a reconsideration request or a stay by the Workers' Safety and Compensation Commission's Governance Council or a judicial review by the Court. This in turn may result in substantial legal expenses for the Appeals Tribunal, possible costs for the appellant and the expense of another hearing. Technically incorrect decisions could result in the distribution of improper entitlements at a significant cost to the Workers' Safety and Compensation Commission.

The General Manager is the individual responsible for managing, directing, controlling and monitoring the work of the Appeals Tribunal on a day-to-day basis by facilitating the appeals process, ensuring adherence to the principles of natural justice, and providing technical, legislative and policy directions on appeal issues. The General Manager also ensures that all issues with potential to delay or compromise a hearing from proceeding on schedule are

managed. This person resolves issues of diversity, incomplete materials, facts and information, conflicting and unusual or unclear preliminary and jurisdictional matters. Decides various preliminary and procedural matters such as jurisdiction, status, notice and may decide contentious adjournment matters. This role is critical to pre-hearing process on technical, legislation and policy knowledge while applying leadership and consultative skills. The General Manager participates as a member of the Appeals Tribunal by contributing to the development, implementation and monitoring of long-term strategic plans, including defining the Appeals Tribunal's objectives, activities and performance measures; business plan and operating policies and procedures. The General Manager's participates in the orientation of new Appeals Tribunal members and ensures that all statutory requirements are kept current. This position also supports and advises the Chairperson.

It is the General Manager's responsibility to decide on the course of action to be taken in order to research information necessary to assist the hearing member in rendering a fair and correct decision. Incorrect or missing information could result in an unjust decision for the appellant and their families. The General Manager is a liaison person between the Appeals Tribunal and the Tribunal's legal counsel. The General Manager also assists with the decisions that are written by the Appeals Tribunal members by editing and revising the draft decision if necessary and provides advice on the impact of the decision to the Appeals Tribunal members. This position also provides direct input into the assignment of hearing members.

The General Manager maintains ongoing communication with WSCC staff, Minister's offices, appellants, Workers' Advisor and legal representatives on various issues, including the interpretation and application of legislation and policy. Errors in communication can alienate appellants and jeopardize the integrity of the Appeals Tribunal.

## **RESPONSIBILITIES**

### **1. Manages the Appeals Tribunal's Operations:**

- Oversees the day-to-day activities and workflow of the Appeals Tribunal.
- Identifies Appeals Tribunal practices and procedures that require resolution or improvement.
- Manages contact with the NWT & Nunavut Ministers Responsible for the Workers' Safety and Compensation Commission.
- Prepares briefing notes, letters and responses on the Minister's behalf relating to appeal/section 63 issues.
- Prepares and maintains a yearly budget of > \$570,000 for the Appeals Tribunal; reviews expenses/costs; verifies monthly variance reports to ensure information, projects needs and expenditures.
- Monitors and authorizes the Appeals Tribunal members' honoraria, per diems and travel claims/expenses.
- Processes and monitors statutory appointments for Tribunal members.
- Participates in the orientation of new Tribunal members.
- Authorizes expenditures to a maximum of \$20,000.

- Prepares statistical reports/provides information and responses using the WSCC Appeals Tracking System and other sources, for the Chairperson of the Appeals Tribunal, for the Workers' Safety and Compensation Commission's Governance Council & staff, other Workers' Compensation Boards/Appeals Commissions and other external parties.
- Assists the Chairperson with the development of the WCAT Annual Report.
- May represent the Chairperson and/or the Appeals Tribunal, as required, in internal matters or external matters.
- With the direction of the Chairperson, may address media inquiries regarding the Tribunal and/or refers to the Tribunal's Legal Counsel if legal issues are being questioned.
- Updates Appeals Tribunal members on training opportunities.
- Investigates and responds to complaints received from external parties about "service issues", specifically with respect to the preparation and scheduling processes and decision consequences.
- Identifies and analyzes issues and trends and proposes programs to address matters vital to the success of the Appeals Tribunal, as well as reports on activities/requirements.
- Ensures that the appropriate level of customer service is provided to the appellants and other internal and external contacts/stakeholders.

**2. Administers the Appeals Process, section 63 applications within the terms of the Workers' Compensation Acts of the Northwest Territories and Nunavut, its policies, procedures and guidelines:**

- Reviews all correspondence and replies on behalf of the Appeals Tribunal. This position may also prepare, write or draft replies on behalf of the Chairperson.
- Determines with the Tribunal members the need for formal decisions on procedural and jurisdictional issues and recommends matters to be put before Legal Counsel or the Workers' Safety and Compensation Commission's Governance Council.
- Confirms issues of appeal and section 63 applications to ensure they are relevant and appropriately before the Tribunal.
- Reviews and examines entire claim/employer file in order to determine and make decisions on all relevant documents to the appeal - each document within the WSCC file must be scrutinized for relevance and appropriateness to the appeal.
- Identifies and applies the relevant law and policies to the issue(s) in the appeal or application and where appropriate refers to the Chair any issue(s) regarding the lawfulness of a policy.
- Determines what further information the hearing member may require to fully and fairly decide the appeal and the procedure for obtaining the information.
- Writes and prepares case exhibit summaries for Appeals Tribunal and interested parties to the appeal.
- Prepares section 63 applications.
- Investigates/researches information for the Appeals Tribunal as required.
- Addresses administrative matters relating to appeals and applications.
- Ensures that each Tribunal member and interested party to an appeal receives a copy of the Appeals Tribunal Summary package.

- May attend pre-hearing meetings to identify sensitivities, significant data, anomalies and potential difficulties that may impact each appeal issue, research or clarify any questions asked by the hearing panel.
  - Confirms readiness of the appeal file/section 63 application for hearing.
  - May attend appeal hearings in an advisory and/or hearing clerk role; identifies possible decision options and their likely implications for panel consideration and identifies decisions which may not meet the requirements of the Act, Regulations and Policies.
  - Recommends legal review, where appropriate.
  - Responds to technical questions about the hearing process by participants.
  - Provides expertise to the Tribunal members on matters of policy and Tribunal procedures; acts as a resource person to the Tribunal members in cases where questions of a procedural nature arise.
  - Prepares the record for Appeals Tribunal's Legal Counsel, i.e. Judicial Review Applications.
  - Provides advice on code of conduct and potential conflicts at hearings and meetings.
  - Contacts/meets with Appeals Tribunal Legal Counsel to discuss policies, rules of procedures, and appeals under judicial review.
  - Prepares and reviews decisions that have been written by the Appeals Tribunal members and ensures decisions are issued without identifiers based on the guidelines established by the Chair for permitting public access to WCAT decisions in a manner that ensures the privacy of the parties.
  - Identifies and recommends the need for new or revised policies and procedures to the Appeals Tribunal's Chairperson.
  - Assists in maintaining the independence of the Appeals Tribunal by acting as liaison with the WSCC on matters of policy clarification/interpretation and gathering of additional information; acts as a liaison between the Appeals Tribunal, appellants, representatives and interested parties.
  - Informs all interested parties of appeal/application status.
- 3. Determines an appellant's eligibility for compensation/expenses and exercises payment authority up to \$5,000 in accordance with the NWT & Nunavut Workers' Compensation Acts, operational policies, regulations and procedures for attendance at hearings, medical appointments etc.**

## **WORKING CONDITIONS**

### **Physical Demands**

As typically associated with an office environment.

### **Environmental Conditions**

As typically associated with an office environment.

### **Sensory Demands**

Reading and studying issues on files and computer in order to write and proof material.

### **Mental Demands**

Long periods of mental concentration are required for research, preparation of Tribunal Summary package, compilation of statistics and editing decisions.

Appellants dealing with the Appeals Tribunal are unhappy with a decision made by the Review Committee and they may exhibit hostile, threatening or emotional behaviour. This requires the General Manager to be attentive to the needs and concerns of the appellant and to respond appropriately.

Appellants may have a lack of understanding of the processes or the reasons why a decision was made by WSCC's Claims Services and the Review Committee. Therefore, the General Manager must spend frequent and long periods of time communicating information, because the appellants are prohibited from speaking with the Appeals Tribunal members at any time (except during a hearing).

Verbal abuse is not uncommon and there is potential for violent reactions from appellants. Work is carried out with competing deadlines which may prove to be stressful.

### **KNOWLEDGE, SKILLS AND ABILITIES**

- Extensive knowledge of the relevant legislation (*Workers' Compensation Acts*), procedures and policies; ability to interpret and apply legislation, policy and procedural guidelines is required (administrative law and workers' compensation expertise).
- Sound understanding of adjudication, decision making, and decision writing. Problem solving and analytical skills will assist the hearing members with managing the prehearing and post hearing administration of cases.
- Knowledge of administrative law.
- An understanding of the Workers' Compensation Appeals Tribunal's mandate, its structure and relationship to the WSCC.
- Knowledge of the workers compensation system.
- Investigative/research and writing skills to prepare decision papers, statistical reports, Ministerial briefing notes and clear and concise Tribunal Summary packages (based on the factual information on the claim or assessment file and relevant to the issue(s) under appeal).
- Solid computer knowledge in common applications such as Word, Excel and PowerPoint.
- Communication skills, both oral and written, to communicate effectively with a variety of stakeholders, such as employers, claimants, divisional directors, Case Managers, assessors, other WSCC/Appeals Tribunals, the Workers' Advisor and medical and legal professionals.
- Ability to identify information gaps or inconsistencies and conduct research to gather complete information.

- Ability to explain decisions, especially ones with a negative impact to appellants in a manner that will be respected and maintains the integrity of the Appeals Tribunal.
- Ability to manage a caseload as well as multiple tasks associated with the Appeals Tribunal.
- Knowledge of financial management, specifically preparing yearly budget forecasts and variance analysis.
- Self-motivated and able to take initiative.
- Ability to work independently.
- Time management, organizational and process management skills.
- Ability to maintain confidentiality
- Strong ethics
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.

**Typically, the above qualifications would be attained by:**

Completion of a related university degree combined with a minimum of four (4) years of progressively responsible experience in a tribunal, court, or legal environment.

Equivalent combinations of education and experience will be considered.

**ADDITIONAL REQUIREMENTS**

**Position Security (check one)**

- ☐ No criminal records check required
- ☐ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

**French language (check one if applicable)**

- ☐ French required (must identify required level below)
  - Level required for this Designated Position is:
  - ORAL EXPRESSION AND COMPREHENSION
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - READING COMPREHENSION:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - WRITING SKILLS:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
- ☐ French preferred

**Indigenous language:** To choose a language, click here.

- ☐ Required
- ☐ Preferred