

POSITION TITLE:	Vice Chair	POSITION NUMBER(S):	
DIVISION:	Ministry of Labour		
UNIT:	Workers' Compensation Appeal Tribunal	CLASSIFICATION:	
		LOCATION:	Richmond (Primary)
SUPERVISOR'S TITLE:	Chair	POSITION NUMBER:	
SUPERVISOR'S CLASSIFICATION:	OIC	PHONE NUMBER:	(604) 664-7800

### **Program**

The Workers' Compensation Appeal Tribunal (WCAT) is an independent, quasi-judicial tribunal established under Part 7 of the *Workers Compensation Act* (the Act). WCAT decides applications and appeals initiated by parties from decisions made by WorkSafeBC. WCAT makes decisions with respect to compensation claims, employer assessments, occupational safety and health, prohibited action claims, applications by employers for relief of costs, and certifications to court. WCAT has the authority to reconsider its decisions in light of new evidence, and common law authority to set aside its decisions when there has been a jurisdictional error.

WCAT is the final avenue of appeal in the workers' compensation system. Decisions rendered impact thousands of workers and employers in British Columbia.

### **Purpose of Position**

The Vice Chair adjudicates appeals or applications as a single-person panel and, occasionally as a member of a multi-person panel. Appeals are adjudicated on the basis of a review of the worker's or employer's WorkSafeBC file and an oral hearing or written submissions.

The Vice Chair position is responsible for the overall conduct and control of appeals, including the identification and clarification of issues, the provision of procedural directions, research and evidence gathering, and the conduct of oral hearings. For each appeal, the Vice Chair provides a clear, sound, and timely written decision.

### **Specific Accountabilities / Deliverables**

- Adjudicates a high volume of appeals, many of which are complex or contentious, in a fair and impartial manner and renders a decision within the time frame established in the Act or a further period determined by the Chair.
- Is responsible for the overall conduct of each appeal assigned.
- Reviews the WorkSafeBC files of workers and employers, identifies substantive and procedural issues, and ensures that the appropriate appeal process (oral or written) is used.
- Conducts the hearing (either oral or written) in accordance with the MRPP and principles of procedural fairness.
- Determines what further evidence or information is required to fully and fairly decide the appeal and the procedure for obtaining that information.
- Where appropriate, refers a matter requiring adjudication to WorkSafeBC for a determination before deciding the appeal.

- Identifies the need for independent medical advice and sets out the terms of reference and the specific questions to be answered in the health care professional's report.
- Ensures that parties have had an opportunity to address the issues and all new evidence obtained in the process.
- Evaluates the evidence and makes findings of fact.
- Identifies and applies the relevant law and policies to the issues in the appeal or application and, where appropriate, refers an issue regarding the lawfulness of a policy to the Chair.
- Produces clear, well-reasoned decisions that are based on the merits and justice of the specific case and confirms, varies, or cancels the appealed decision.
- 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.
- Participates in peer reading of decisions and other activities, such as continuing education, in support of quality, consistent, and timely decision-making.

### **Organizational Chart**

Chair, OIC

**Vice Chair, Chair Appointee**

### **Job Requirements**

#### **Eligibility Criteria**

- Willing and able to travel throughout the province to adjudicate appeals.
- Commitment to the quality and timeliness of work and continuous learning through education seminars, workshops and self-study, and to contributing to an organization-wide team effort.
- Willing to be guided by the MRPP, to adhere to a Code of Conduct and to meet performance and productivity standards.
- Willing to receive constructive feedback.
- Willing to attend WCAT offices in Richmond for training and meetings.
- Canadian citizen or permanent resident or equivalent.

#### **Education and Experience**

- Related degree and experience, preferably in law or science-based field; or an equivalent combination of progressive and related experience and training.
- Minimum of two years current and related experience in the field of administrative law or workers' compensation with a significant portion of the work involving one or a combination of: investigation/case management of public administration issues; adjudication in a court, tribunal, or board setting or representation of clients in a court, tribunal, or board setting.
- Integrity, credibility and a sound reputation in one's chosen field.

**Technical Competencies**

- Administrative law knowledge — applied knowledge of administrative law, including the principles of procedural fairness and the weighing of evidence in the context of an administrative tribunal.
- Research skills — demonstrated ability to identify information gaps or inconsistencies and conduct research to gather complete information.
- Computer skills — demonstrated ability to use Microsoft Office; familiarity with and ability to use electronic case management systems for file and document review and research.
- Hearing facilitation skills — potential ability to preside over oral hearings, maintaining the impartiality and decorum necessary to ensure procedural fairness and orderly conduct.
- Knowledge of WCAT — an interest in workers' compensation and an understanding of WCAT's mandate and structure and its relationship to WorkSafeBC.

**Behavioral Competencies**

- Analytical skills — highly developed ability to read large volumes of complex technical information, identify issues, analyze evidence, interpret and apply the applicable law and policy, and write well-reasoned decisions.
- Organizational skills — highly developed ability to organize and manage a steady and high-volume caseload, producing timely and sound decisions.
- Communication skills — highly developed verbal and written communication skills in order to clearly, concisely and respectfully convey information in plain language.
- Interpersonal skills — demonstrated ability to work respectfully with individuals from diverse backgrounds, to listen and understand, and effectively manage angry, frightened, or distraught behaviour.
- Collegial orientation — demonstrated collegial orientation including consulting, listening to and sharing information/opinions with colleagues and maintaining positive working relationships with all WCAT staff.