

Workers' Compensation Appeal Tribunal Appointee Remuneration Plan

Overview

The Workers' Compensation Appeal Tribunal (WCAT) is an independent statutory tribunal that serves as the final level of appeal in B.C.'s workers' compensation system. WCAT is a high-volume appeal tribunal, with workers and employers filing more than 2,800 appeals and applications in 2020. The vast majority of those appeals and applications relate to entitlement to benefits under the workers' compensation system. WCAT conducts virtual and in-person adjudications out of its office in Richmond and across the province as needed. WCAT funding is provided by government, as provided by section 284(1) of the *Workers Compensation Act*.

At full complement, the WCAT consists of approximately 58 regular full-time and part-time adjudicative appointees (vice chairs) and 17 part-time adjudicative appointees remunerated on an "as and when required" basis. The adjudicative appointees are supported by 54 FTE WCAT employees who deliver administrative and operational support. The WCAT Chair is appointed by the Lieutenant Governor in Council (LGIC) after a merit-based process. The Chair has the authority to appoint vice chairs after a consultation with the Minister of the Labour. The Chair may also appoint "extraordinary members"; currently there are no extraordinary members appointed.

This remuneration plan applies to WCAT's adjudicative appointees and is set pursuant to *Treasury Board Directive 1-20 – Remuneration Guidelines for Administrative Tribunals and Regulatory Boards* (TBD 1-20). WCAT is classified as a Level 4 administrative tribunal. TBD 1-20 sets different maximum remuneration rates for individuals appointed as chairs, vice-chairs, or as members. In accordance with the *Workers Compensation Act*, the Chair of WCAT determines the responsibilities and category to which a member is appointed for the purposes of remuneration.

WCAT's Complement of Appointees (funded positions for FY 2020/21, actual numbers may vary)			
Category*	Position Name**	Number of Positions	Role Description
Chair (FT)	Chair	1	Pursuant to s.280 of the <i>Workers Compensation Act</i> , the Chair has enumerated accountabilities and is responsible for appointing vice chairs, performance standards, administrative practices and procedures, and facilitating public access to WCAT decisions.
Vice Chair (FT)	Senior Vice Chair and Registrar	1	Senior Vice Chair leads support for the Chair in coordinating the panels and other leadership functions as part of WCAT's executive team. May also be appointed to "WCAT panels" to adjudicate appeals.

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Vice Chair (FT)	Senior Vice Chair and Tribunal Counsel	1	Senior Vice Chair directs the operations of the Tribunal Counsel's Office and other leadership functions.
Vice Chair (FT)	Vice Chair Quality Assurance and Training	1	Vice Chair responsible for development of all internal and external training programs and engaging in stakeholder relations in the worker's compensation system. Also appointed to "WCAT panels" to adjudicate appeals.
Member	Vice Chair and Team Leader/Deputy Registrar	6	Appointed to "WCAT panels" to adjudicate appeals and may be designated to hold other tribunal administrative roles.
Member	Vice Chair	49	Appointed to "WCAT panels" to adjudicate appeals.

* Type of appointee per TBD 1-20.

** The name of a position at WCAT may differ from the classification under TBD 1-20, e.g. an individual may be a "member" as defined by TBD 1-20, but the position they hold at WCAT may be called a "vice chair" and subject to different remuneration maximums than an individual defined as a "vice chair" for the purposes of TBD 1-20.

Appointee Remuneration

Remuneration Ranges – Annual Rates (FT) or Per Diem (PT)		
	Minimum	Maximum
Chair (FT)	\$168,000	\$190,000
Senior Vice Chair (FT)	\$143,000	\$161,000
Vice Chair Quality Assurance and Training	\$143,000	\$161,000
Vice Chair & Team Leader / Deputy Registrar (FT)	\$118,000	\$132,000*
Panel Vice Chair (FT)	\$118,000	\$132,000
Panel Vice Chair (PT)	\$500/day or \$250/half-day	\$575/day or \$287.50/half-day

*Vice Chair and Team Leader/Deputy Registrar positions are eligible to receive an additional \$5,000 per year for additional duties pursuant to section 4 of the *Workers' Compensation Appeal Tribunal Compensation Regulation*.

WCAT remuneration decisions are not tied to the outcome of tribunal decisions. Any remuneration increases must be managed within WCAT's existing budget and within the ranges set by this Remuneration Plan. Increases for the Chair are approved by the Deputy Minister of Labour in consultation with the Minister of Labour. Remuneration increases for all other appointed positions are approved by the Chair.

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Unless a higher rate is more appropriate for an appointee at the time of an initial appointment due to specific circumstances, the minimum rate will be applied upon initial appointment.

Section 280(1)(b) of the Act provides that the WCAT Chair is responsible for establishing quality adjudication, performance and productivity standards for members of WCAT, and regularly evaluating the members according to those standards. Accordingly, the Chair has established performance standards and a performance evaluation process. All vice chairs seeking reappointment go through the performance evaluation process. The performance of vice chairs will continue to be regularly evaluated on an ongoing basis. Performance and productivity will be considered by the Chair in determining remuneration increases for vice chairs.

Regular full-time and regular part-time appointee remuneration is paid on a bi-weekly basis. Regular full-time and regular part-time appointees receive those benefits as set out in part 10 of the British Columbia Government's *Terms and Conditions of Employment for Excluded Employees and Appointees*, Category C.

Remuneration is paid on a "per diem basis" for those who serve on a part-time "as and when required" basis; these appointees do not receive benefits and can work a maximum of 1,500 hours per calendar year. Within the allowable range, remuneration rates are set by the Chair.

All appointees are reimbursed for transportation, accommodation, meal and out of pocket expenses incurred in the course of their duties in accordance with the Group 2 rates, policies, and procedures outlined in the *Terms and Conditions of Employment for Excluded Employees and Appointees*.

The work of part-time "as and when required" appointees to WCAT is not insurable and therefore remuneration is not subject to Employment Insurance deductions.

The remuneration for WCAT appointees who serve on a regular full-time or regular part-time basis is pensionable service and subject to CPP deductions. The service of part-time "as and when required" WCAT appointees is not pensionable work and their remuneration is not subject to CPP deductions.

Appointee remuneration is taxable income and the tribunal must deduct income tax from the remuneration at source in accordance with the federal *Income Tax Act*.

Appointees to WCAT are considered to be "office holders" under the *Excise Tax Act* not employees or contractors and therefore appointee remuneration is not subject to GST/HST (either charged or payable).

Effective Date: April 22, 2021

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Honourable Harry Bains, Minister of Labour