



Employment and Assistance Appeal Tribunal Appointee Performance Framework and Remuneration Plan

THIS DOCUMENT PROVIDES GUIDANCE FOR PERFORMANCE APPRAISALS AND
REMUNERATION FOR APPOINTEES OF THE EMPLOYMENT AND ASSISTANCE APPEAL
TRIBUNAL

Ministry of Social Development and Poverty Reduction
Research, Innovation, and Policy Division

Employment and Assistance Appeal Tribunal Appointee Performance Framework & Remuneration Plan

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Section 1.0 – Background

The Employment and Assistance Appeal Tribunal (the Tribunal) is an independent quasi-judicial agency established to hear appeals of decisions under section 17(3) of the *Employment and Assistance Act* (EA Act), section 16(3) of the *Employment and Assistance for Persons with Disabilities Act* (EAPWD Act), and section 6(3) of the *Child Care Subsidy Act*. Although independent, the Tribunal falls within the responsibility of the Minister of Social Development and Poverty Reduction (SDPR) and is accountable to government through the Minister.

The Tribunal's independence means that members do not take direction from the Minister on the substantive issues before the Tribunal. However, to ensure public accountability, under section 20(1) of the *Employment and Assistance Act*, the Tribunal Chair must present an annual report to the Minister of SDPR. The report details appeal hearing metrics, highlights ongoing and completed projects from the previous fiscal year, and provides an overview of the fiscal budget expenditures, including salaries and benefits. The Tribunal is accountable for their budget and organizational operations and ensures the annual reports are made public on the Tribunal website.

Treasury Board sets out remuneration guidelines for appointees to administrative tribunals and regulatory boards through directives. These directives set out the maximum rates, principles, and general policies for the administration of appointee remuneration and are updated every three years. The current directive, *Treasury Board Directive 1-24 – Remuneration Guidelines for Administrative Tribunals and Regulatory Boards* (TBD 1-24), took effect April 1, 2023.

TBD 1-24 requires that tribunals have an approved remuneration plan. The purpose of the Tribunal Appointee Performance Framework and Remuneration Plan (Remuneration Plan) is to identify rates and ranges of remuneration for appointees and to ensure the administration of remuneration is consistent with the guidelines set out in TBD 1-24.

The Tribunal is classified as a Level 3 administrative tribunal and the remuneration outlined in the Remuneration Plan is consistent with the Level 3 rates under TBD 1-24.

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Section 2.0 – Overview of The Tribunal

The Tribunal consists of a Tribunal Chair, a part time Vice-Chair, 10 staff members*, and approximately 65 part time Tribunal panel members who are distributed throughout the province. The panel members are appointed by the Minister after a merit-based application process and in consultation with the Tribunal Chair. The Tribunal Chair and Vice-Chair are appointed by the Lieutenant Governor in Council after a merit-based process.

The Tribunal’s Complement of Appointees (funded positions for FY 2024/25, actual numbers may vary)			
Category	Position Name	Number of Positions	Role Description
Tribunal Chair	Tribunal Chair Full Time	1	The Tribunal Chair acts as the chief executive officer of the Tribunal, provides strategic leadership for the Tribunal, and is accountable for overseeing the performance of the Tribunal financially, administratively, and operationally. Under section 20(1) of the EA Act the chair must submit to the Minister an annual report concerning the Tribunal's activities. Appointed as a member of the Tribunal, the Tribunal Chair may also sit on “appeal hearing panels” to adjudicate appeals as either a panel member or panel chair.
Vice-Chair	Vice-Chair Part time	1	The Vice-Chair supports the Tribunal Chair in coordinating panels and other leadership functions. The Vice-Chair may also be appointed to “appeal hearing panels” to adjudicate appeals as either a panel member or panel chair.
Member	Panel Members Part time	~65	Panel Members are appointed to “appeal hearing panels” to adjudicate appeals as either a panel member or panel chair.

*The 10 staff members are appointed under the *Public Service Act* and the Tribunal Remuneration Plan does not apply to them.

Section 3.0 - Performance Framework

3.1 - Panel Members

The application process for panel members is conducted using an interactive online program that assesses prospective members to ensure they demonstrate the prescribed knowledge and skills prior to being considered for appointment. Individuals demonstrating the prescribed knowledge and skills are interviewed by the Tribunal Chair and successful candidates are then recommended for appointment to the Minister by the Tribunal Chair.

Section 82 of the Employment and Assistance Regulation sets out prescribed qualifications for panel members. To be eligible for appointment to the Tribunal, a person must:

- have an understanding of the essential elements for the conduct of a fair and objective hearing and the key aspects of the relevant legislation;
- not be an employee or have been an employee of SDPR within the past 6 months;
- not be a recipient of assistance or a supplement under the EA Act or EAPWD Act; and
- not have personal, professional, financial, or other interest in matters coming before the Tribunal that would cause a reasonably informed person to have a reasonable perception that the Tribunal member would not be independent and impartial.

Once appointed, members must complete initial training before hearing an appeal. New members are appointed to hearings with an experienced panel chair who serves as a mentor. Once a member feels comfortable in their role, they may be assigned the role of panel chair. Again, a mentor will be assigned to provide support and guidance. In addition, members receive regular ongoing training at various workshops, usually held online, and the Tribunal Chair, or their delegate, review panel decisions and provide feedback to members.

The Tribunal Chair, or their delegate, will conduct panel member performance appraisals prior to the panel members' recommendation for reappointment.

3.2 - Tribunal Chair and Vice-Chair

Under section 82 of the Employment and Assistance Regulation, in addition to the above prescribed qualifications for panel members, the Tribunal Chair and Vice-Chair are also required to have:

- demonstrated skills regarding management, financial administration, and human resource development, and
- have demonstrated knowledge of administrative law.

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The Tribunal Chair provides ongoing performance feedback to the Vice-Chair. Remuneration increases for the Vice-Chair are subject to any performance concerns identified by the Tribunal Chair.

Remuneration increases for the Tribunal Chair are subject to any performance concerns identified by the Minister or their designate in the following areas:

- Effectiveness
- Efficiency
- Compliance, with the ethical guidelines as set out in the Candidate Profile and Declaration (code of conduct, conflict of interest, charter of expectations, and integrity and public accountability), as well as the General Conduct Principles for Public Appointees
- Strategic planning, performance monitoring and reporting, organizational leadership, public policy, and governance

In addition, when requested, the Tribunal Chair will be responsible for providing the following information to the Minister or their designate:

- Budget management – balanced budget/on track to address the deficit
- Timely reporting, including annual reports
- User experience, as it relates to operational process, timeliness, etc. but not the outcome of decisions
- Achievements of operational efficiency

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Section 4.0 – Appointee Remuneration

4.1 - Panel Members

Remuneration Rates – Part Time Panel Members*	
	Specified Rate
Panel Chair	\$281.25 or \$562.50/hearing**
Member	\$181.25/hearing

*These rates are effective May 13, 2024. Effective April 1, 2025, the rates may increase for the 2025/2026 fiscal year.

**Approved extraordinarily complex hearing.

Panel Member remuneration must not exceed the maximum daily rate under TBD 1-24, for any day of work. There is no requirement that the maximum TBD remuneration rate be paid. The Remuneration Plan must be applied in a manner respectful of the established fiscal budget and discretion must be applied to avoid operating in a deficit position.

Panel members are paid per hearing at the rate specified in the Remuneration Plan. To consider a hearing extraordinarily complex, the Tribunal Chair must determine that the appeal requires an extraordinary amount of time to prepare for, hear, and provide written reasons for the determination.

To be considered extraordinarily complex the panel chair must submit a Request for Increased Remuneration Form to the Tribunal Chair, with their draft decision. Requests must be submitted on or before the date a final decision is provided to the Tribunal. The specific criteria necessary for the Tribunal Chair to approve the request must include one or more of the following reasons:

- The hearing had a significantly larger than usual number of documents for panel to review;
- the hearing required unusually complex analysis;
- the hearing itself took an unusually long period of time; or
- the written decision took an extraordinarily long time to prepare with multiple revisions required.

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4.2 - Tribunal Chair and Vice-Chair

Remuneration Range – Full Time Annual Rates		
	Minimum	Maximum
Tribunal Chair	\$171,625	\$196,140*

Remuneration Rate – Part Time Daily Rates	
	Maximum
Vice-Chair	\$730 per day when performing Vice-Chair duties* When performing member duties, remunerated as set out for panel members and/or panel chairs

*These are the rates under TBD 1-24 effective April 1, 2023. Effective April 1, 2024 and April 1, 2025 the rates may increase.

Remuneration for the Tribunal Chair and the Vice-Chair must not exceed the maximum rate set for the position within the Level 3 classification of the tribunal. The rates are prescribed by the Lieutenant Governor in Council in accordance with TBDs. Increases to remuneration are subject to satisfactory performance, as outlined in the framework. There is no requirement that the maximum remuneration rate be paid. The Remuneration Plan must be applied in a manner respectful of the established fiscal budget and discretion must be applied to avoid operating in a deficit position.

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Section 5.0 – General

5.1 – General

Currently 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 for excluded employees and appointees - Province of British Columbia \(gov.bc.ca\)](#)

In remote areas of the province, panel members may be required to drive over 3 hours each way to attend an oral, in person appeal hearing. For travel over 180 km or 3 hours, an additional \$50 compensation will be provided to panel members.

To ensure consistent knowledge management, panel members may attend one to two-day training and development sessions throughout the year. Panel members will be remunerated, at the Chair’s discretion, up to the maximum per diem rate set out for Level 3 tribunals in Treasury Board Directive 1-24.

The work of part-time Tribunal appointees is not insurable; therefore, remuneration is not subject to Employment Insurance deductions.

The service of part-time Tribunal appointees remunerated on an “if and when needed basis” (i.e., per diem basis) is not pensionable work and their remuneration is not subject to CPP deductions.

Part-time appointees to the Tribunal 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).

Appointee remuneration is taxable income and income tax is payable in accordance with the federal *Income Tax Act* unless the total remuneration for the tax year for the appointee (from all sources) is less than the basic personal amounts and the appointee provides the appropriate tax deduction forms (see Canada Revenue Agency website for the applicable amounts each year and to access federal and provincial tax forms).



Honourable Sheila Malcolmson
Minister

April 23, 2024

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