

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF SKILLS DEVELOPMENT AND LABOUR

Ministerial Order No. M 364

Executive Council Chambers, Victoria

I, Graham Bruce, Minister of Skills Development and Labour, order that, effective March 3, 2003, the attached regulation is made.

Mar. 11, 2002
Date

[Signature]
Minister of Skills Development and Labour

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Workers Compensation Act, RSBC 1996, c. 492, section 236 (2)

Other (specify):- _____

December 12, 2002

1396 12002/4

WORKERS COMPENSATION APPEAL TRIBUNAL COMPENSATION REGULATION

Definitions

1 In this regulation:

“**Act**” means the *Workers Compensation Act*;

“**appeal commissioner**” means an appeal commissioner of the appeal division;

“**appeal division**” means the appeal division established under section 85 of the Act, before the repeal of section 85 by the *Workers Compensation Amendment Act, (No. 2), 2002*;

“**appeal tribunal**” means the appeal tribunal established under section 232 of the Act;

“**extraordinary member**” means a person appointed as an extraordinary member under section 232 (2) (c) of the Act;

“**full vice chair**” means a vice chair who

(a) has a total of 2 years or more experience, acting in one or any combination of the following positions:

(i) a vice chair of the review board;

(ii) an appeal commissioner of the appeal division;

(iii) a vice chair of the appeal tribunal, or

(b) has experience that is comparable to that described in paragraph (a);

“**non-representational appeal commissioner**” means an appeal commissioner who was appointed as a non-representational appeal commissioner in accordance with Decision Number 2 of the Board of Governors of the Workers Compensation Board, dated April 8, 1991;

“**review board**” means the Workers Compensation Review Board continued under section 89 of the Act before the repeal of that section by the *Workers Compensation Amendment Act, (No. 2), 2002*;

“**senior vice chair (chief operating officer)**” means a vice chair who has additional duties supervising staff and managing administrative matters, appeal tribunal operations and operating practice;

“**senior vice chair (registrar)**” means a vice chair who has additional duties supervising staff and managing the flow of matters before the appeal tribunal and the allocation of matters to one or more vice chairs;

“**senior vice chair (tribunal counsel)**” means a vice chair who has additional duties supervising staff and managing appeal tribunal adjudicative practice, complaints, reconsiderations and judicial reviews;

“specialized vice chair” means a vice chair who has additional duties managing the efficiency and effectiveness of decision making of the appeal tribunal, including doing one or more of the following as a team leader, vice chair (inventory strategist) or vice chair (quality assurance):

- (a) mentoring appeal tribunal members;
- (b) developing strategies to aid the appeal tribunal in managing its workload;
- (c) monitoring the quality of decisions against criteria established in appeal tribunal practices and recommending ways to enhance quality decision-making.

Compensation for members – general

- 2 (1) Subject to section 5 and subsection (2) of this section, a vice chair who does not have the experience of a full vice chair must be paid
 - (a) \$80 467 per year, if paid an annual salary, or
 - (b) \$380 per day if paid a per diem rate.
- (2) Subject to section 5, on and after March 1, 2005, a vice chair who does not have the experience of a full vice chair must be paid
 - (a) \$83 063 per year, if paid an annual salary, or
 - (b) \$390 per day if paid a per diem rate.
- (3) Subject to sections 4 and 5 and subsection (4) of this section, an extraordinary member and a full vice chair must be paid
 - (a) \$85 500 per year, if paid an annual salary, or
 - (b) \$400 per day, if paid a per diem rate.
- (4) Subject to sections 4 and 5, on and after March 1, 2005, an extraordinary member and a full vice chair must be paid
 - (a) \$90 700 per year, if paid an annual salary, or
 - (b) \$425 per day, if paid a per diem rate.

Compensation for senior vice chairs

- 3 (1) Subject to subsection (2), the senior vice chair (registrar) must be paid \$112 000 per year.
- (2) On and after March 1, 2004, the senior vice chair (registrar) must be paid \$117 096 per year.
- (3) The senior vice chair (chief operating officer) and senior vice chair (tribunal counsel) must be paid \$117 096 per year.

Additional compensation for additional duties

- 4 A specialized vice chair must be paid
 - (a) an additional \$5 000 per year for each year that the vice chair is a specialized vice chair, or
 - (b) a portion of \$5 000 that is equivalent to the portion of the year that the vice chair is a specialized vice chair.

No reduction in compensation

- 5 If on or before February 28, 2003 a vice chair
- (a) earned \$94 781 or more per year or \$442 or more per day as an appeal commissioner, and
 - (b) had acted for more than one year as a non-representational appeal commissioner or as an independent decision maker in another province in a position comparable to a non-representational appeal commissioner,
- the vice chair may not be paid less than \$94 781 per year if paid an annual salary, or less than \$442 per day if paid a per diem rate.

Compensation of chair of appeal tribunal

- 6 The chair of the appeal tribunal must be paid
- (a) on or after March 3, 2003, \$140 000 per year, and
 - (b) on or after March 1, 2004, \$155 000 per year.