

# Employment and Assistance Appeal Tribunal



Annual Report 2010/11

Accessible

# Our staff in Victoria





December 2011

Honourable Stephanie Cadieux  
Minister of Social Development

Dear Minister:

It is my pleasure to present the annual report for the Employment and Assistance Appeal Tribunal covering the period October 1, 2010 to September 30, 2011. The report has been prepared in accordance with section 20(1) of the *Employment and Assistance Act*.

**Marilyn R. McNamara**  
Chair, Employment and Assistance Appeal Tribunal



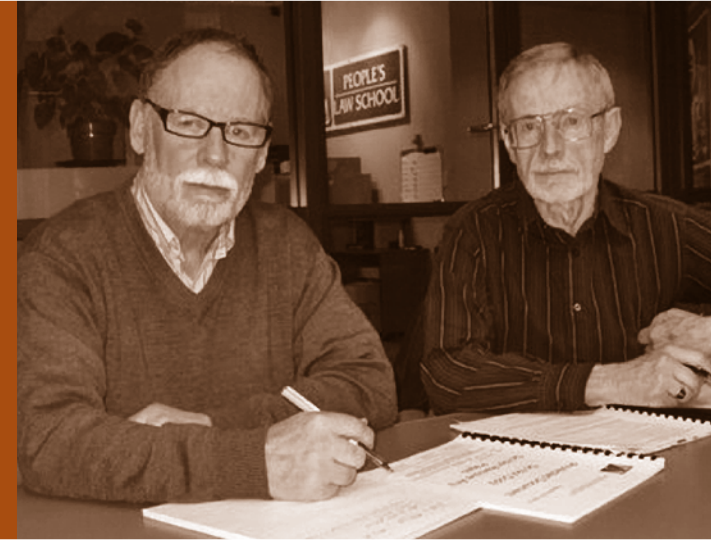
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# Our Mission

The mission of the Employment and Assistance Appeal Tribunal is to provide an independent and accessible appeal process that delivers timely and fair decisions reviewing Ministry of Social Development determinations in regards to the employment and assistance program, and Ministry of Children and Family Development determinations in regards to the child care subsidy program.





## Message from the Chair

It is a pleasure to present the ninth annual report of the Employment and Assistance Appeal Tribunal.

For this reporting period, the Tribunal reported to three different Ministers of Social Development: the Honourable Kevin Krueger, the Honourable Harry Bloy, and our current Minister, the Honourable Stephanie Cadieux. Although the Tribunal hears appeals of child care subsidy decisions of the Ministry of Children and Family Development, it was established under the *Employment and Assistance Act*, and must submit its annual report to the Minister of Social Development.

Recruitment has been a major focus of the Tribunal this past year as the terms of 44% of our members expire October 31, 2011. As a general rule, members serving six or more years will not be reappointed so others may have the opportunity to serve. Members enable the Tribunal to hold hearings throughout the province within 15 business days from receipt of the Notice of Appeal.

I strongly believe members should reflect the diversity of our communities. We approached multicultural communities through the Inter-Cultural Association and our recruitment efforts resulted in a significant number of applications. Many of these candidates successfully completed the Candidate Training and Testing Package which evaluates their knowledge of the relevant legislation and principles of administrative fairness.

New members must complete the Computer-Based Training Program prior to being assigned to hear an appeal. They are mentored by an experienced member until they are considered ready to chair, at which time they will be provided with the Decision Writing Module. The module was recently converted to a web-based program and is currently being enhanced with video clips and interactive elements to increase learning. Decision writing training was provided to all chairs and new members in this reporting period and prior to the conversion to a web-based program.

Two decisions were reviewed by the BC Supreme Court. In *Tanchak v. British Columbia (Ministry of Housing and Social Development)* the court dismissed the petition on the basis that the Tribunal's decision was reasonable. In *Arbic v. British Columbia (Ministry of Housing and Social Development)* the court determined the reasons given by the Tribunal were complete, intelligible and transparent and met the test in *Hudson v. British Columbia (Employment and Assistance Appeal Tribunal)*. The court dismissed the petition.

My sincere appreciation goes to staff and members who continue to support the provision of a fair, caring, ethical and accessible appeal process. Thanks to you, we are able to provide an excellent service to the people of British Columbia.

# Our Vision

The Employment and Assistance Appeal Tribunal will be known for:

- Providing an accessible, independent, community-based, fair, timely, caring and ethical appeal process to hear appellants' disagreements with decisions of the Ministry of Social Development in regards to the employment and assistance program and the Ministry of Children and Family Development in regards to the child care subsidy program.
- Supporting members to provide quality service to promote public confidence in the integrity and competency of the Tribunal.
- Creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.





# 1. Who We Are and What We Do

## The Employment and Assistance Appeal Tribunal

The Tribunal was established on September 30, 2002 to hear appeals of most types of decisions made by the Ministry of Social Development under the employment and assistance program. Since 2006, the Tribunal also hears appeals of decisions made by the Ministry of Children and Family Development under the child care subsidy program. The Tribunal provides a streamlined and efficient one-step appeal process, and is independent of both ministries.

The Employment and Assistance Appeal Tribunal's authority is established under section 19(1) of the *Employment and Assistance Act*.

The Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue income, disability assistance or a supplement; decisions regarding the amount of a supplement; and decisions that refuse to grant hardship assistance under:

- Section 17 of the *Employment and Assistance Act*, and
- Section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

The Tribunal also hears appeals of reconsideration decisions that refuse, reduce or discontinue a subsidy under:

- Section 6 of the *Child Care Subsidy Act*.

The Tribunal consists of a Chair, 13 staff, and currently, 130 members located throughout the province. (See Appendix A for a list of staff and Appendix B for a list of members).

## Tribunal Members

Members are appointed by the Minister of Social Development after a merit-based process and on consultation with the Chair. To be considered for appointment to the Tribunal, candidates must have:

- an understanding of the essential elements of the conduct of a fair and objective hearing
- an understanding of the key aspects of the *Employment and Assistance Act*, the *Employment and Assistance for Persons with Disabilities Act*, the *Child Care Subsidy Act*, and the regulations relevant to these Acts
- an ability to interpret and apply legislation
- analytical, decision making and decision writing skills
- an ability to listen and communicate clearly and effectively
- conflict resolution skills and a proven ability to work well in group settings
- a commitment to respect diversity, and
- computer literacy.

In addition, to ensure independence and that hearings are fair and just, a member must not:

- be or have been an employee of the Ministry of Social Development or the Ministry of Children and Family Development for the past six months
- be an employee of the provincial government
- be a recipient of benefits under any of the acts for which the Tribunal has responsibility, or
- have any real or perceived interest in matters that come before the Tribunal.

Members are also required to abide by the Tribunal's Code of Conduct and Practices and Procedures and to maintain confidentiality.

**NOTE: The Tribunal recruits new members from time to time. Anyone interested in being considered for appointment should refer to the Employment and Assistance Appeal Tribunal website, [www.gov.bc.ca/eaat](http://www.gov.bc.ca/eaat), or the Board Resourcing and Development Office website, [www.fin.gov.bc.ca/BRDO](http://www.fin.gov.bc.ca/BRDO), for information on how to apply.**

## The Appeal Process

The Tribunal hears appeals of reconsideration decisions made by the Ministry of Social Development in regards to the employment and assistance program, and the Ministry of Children and Family Development in regards to the child care subsidy program. A person must receive a reconsideration decision prior to requesting an appeal from the Tribunal. The appeal process, which is set out in the *Employment and Assistance Act* and Regulation, is the same regardless of which ministry made the reconsideration decision.

A person who applies for or receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* can ask for a reconsideration of a decision that resulted in a refusal, reduction or discontinuance of income or disability assistance, or a supplement; a decision regarding the amount of a supplement; or a decision that refuses to grant hardship assistance. More information about the Ministry of Social Development's reconsideration process is available from the Ministry's offices and website.

“ Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. ”

A person who applies for or receives a child care subsidy can ask for a reconsideration of a decision that resulted in the refusal, discontinuance or reduction of a child care subsidy. More information about the Ministry of Children and Family Development’s reconsideration process can be obtained by calling 1-888-338-6622 and asking to speak with an adjudicator.

Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the Tribunal within seven business days of receiving their reconsideration decision.

Upon receipt of a completed Notice of Appeal, the Tribunal decides whether the matter can be appealed. Factors that are considered include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a panel of up to three persons is appointed and the hearing is commenced within 15 business days of the completed Notice of Appeal being delivered to the Tribunal. Most hearings are conducted in person, usually in or near the appellant’s community. Hearings can also take place by teleconference or, if both parties consent, in writing.

The panel reviews the ministry’s reconsideration decision and the appeal record, considers any supporting evidence provided by the appellant or the ministry, and renders a written decision, generally within five business days of the hearing. The Tribunal mails a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel.

**NOTE:** Summaries of Tribunal decisions from 2010/11 are included in Section 4, “What Our Decisions Look Like.” Complete decisions are available on the website: [www.gov.bc.ca/eaat](http://www.gov.bc.ca/eaat).



## MINISTRY RECONSIDERATION PROCESS

The Ministry of Social Development refuses, discontinues or reduces a benefit or the Ministry of Children and Family Development refuses, discontinues or reduces a child care subsidy.

A person may request a reconsideration of the ministry's decision by delivering a request for reconsideration to the ministry within 20 business days of being informed of the original decision.

The ministry has 10 business days to mail a reconsideration decision.

## TRIBUNAL APPEAL PROCESS

If a person is dissatisfied with the reconsideration decision, he or she may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal.

The person has 7 business days to submit the Notice of Appeal to the Tribunal.

### ORAL HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the Tribunal schedules an oral hearing in person or by teleconference.

The panel hears the appeal in person or by teleconference.

The panel renders a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

### WRITTEN HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the parties receive a letter from the Tribunal commencing the written hearing.

The appellant has 7 business days to provide a submission.

The ministry has 7 business days to respond to the appellant's submission.

The panel convenes to render a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

# How to Appeal...

You have  
7 Business Days

If you are dissatisfied with the Ministry's reconsideration decision:

1. Complete the Notice of Appeal form.
2. Submit to the TRIBUNAL within 7 business days of receiving the Ministry's reconsideration decision.
3. Send the Notice of Appeal to the Employment and Assistance Appeal TRIBUNAL by:

MAIL: PO Box 9994 Stn Prov Govt,  
Victoria, BC V8W 9R7

FAX: Toll free: 1-877-356-9687,  
in Victoria: 250-356-9687

EMAIL: [eaat@gov.bc.ca](mailto:eaat@gov.bc.ca)

You may **pick up** the Notice of Appeal form at your Ministry office or by contacting the Employment and Assistance Appeal TRIBUNAL.

## How to Contact the Employment and Assistance Appeal TRIBUNAL.

TELEPHONE: Toll free 1-866-557-0035

In Victoria 250-356-6374

EMAIL: [eaat@gov.bc.ca](mailto:eaat@gov.bc.ca)

WEBSITE: [www.gov.bc.ca/eaat](http://www.gov.bc.ca/eaat)

This Tribunal brochure is included with every reconsideration decision denying the request.

# Employment and Assistance Appeal Tribunal

## How to Prepare for Your Appeal



This Tribunal brochure is sent to every appellant on acceptance of their Notice of Appeal.

## 2. If You Want To Appeal

### How to Appeal

If you are dissatisfied with the ministry's reconsideration decision, complete a Notice of Appeal form and send it to the Tribunal within seven business days of receiving your reconsideration decision.

### Type of hearing

The Tribunal will attempt to accommodate your request for the type of hearing indicated on your Notice of Appeal: oral (in person or by teleconference) or in writing.

### Oral hearing - In person

If your hearing is proceeding as an oral hearing in person, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place, notifying you of the date, time and place of the hearing. Hearings will usually take place in or near your community. You have the right to call witnesses and present evidence in support of the information and records before the minister at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

### Oral hearing - By teleconference

If your hearing is proceeding as an oral hearing by teleconference, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place. The Notice of Hearing includes the date and time of the hearing, as well as instructions for accessing the teleconference. As in an oral hearing in person, you

have the right to call witnesses and present evidence in support of the information and records before the minister at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

### Written hearing

If you request a written hearing, and the ministry agrees, the Tribunal will send you a letter establishing a schedule for the written submission process. You will be given seven business days to provide a submission to support your case. On receiving your submission, the Tribunal will forward it to the ministry, and give the ministry seven business days to provide a written response. The Tribunal will then forward the appeal record, including the submissions, to the panel for review.

### After the Hearing

The panel will provide the Chair with a written decision within five business days of the conclusion of the hearing. Upon request of a panel chair, the Chair may extend the time limit by no more than 10 additional days if satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The decision will either confirm or rescind the ministry reconsideration decision. The Tribunal will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided over the telephone. The Tribunal decision is final; however, you can commence a judicial review by filing a petition in the BC Supreme Court, contact the Ombudsman if you feel you have been treated unfairly, or write to the Chair with any concern.

### 3. How We Did in 2010/11

One way of measuring the Tribunal's performance is whether the timelines established by legislation have been met. The Tribunal must hear an appeal within 15 business days of receiving a Notice of Appeal. This year was an exception as the timeline was missed in 128 of 954 files. Two appeal coordinators had accepted new positions when an overwhelming and unprecedented number of appeals were received, accounting for 126 missed timelines. Of the remaining two, one was missed due to sudden illness of a panel member and the second as the Notice of Hearing was not delivered two business days before the hearing.

The Tribunal must mail a copy of the panel's decision within five business days of receiving it. Due to an administrative error, one decision missed this timeline.

Here is a brief summary of the results of our work for the reporting period of October 1, 2010 to September 30, 2011.

#### Notices of Appeal Received

<b>Notices of Appeal received</b>	<b>1,087</b>
<b>Appeals assessed as not within the jurisdiction of the Tribunal</b> (do not proceed to hearing)	<b>95</b>
<b>Appeals dismissed</b> (before or during hearing)	<b>46</b>
<b>Files carried over</b> (Notices of Appeal received before September 30, 2011 but proceeding to hearing after or not assessed by September 30, 2011.)	<b>106</b>

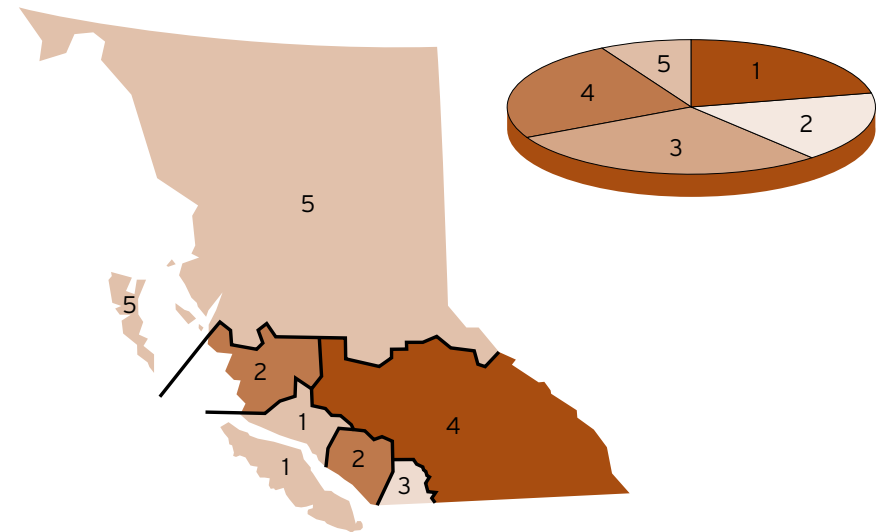


## Notices of Appeal - by type

Disabilities - Persons with Disabilities-Designation	323
Disabilities - Persons with persistent multiple barriers (PPMB)	35
Eligibility - Deductions on income/earnings exemptions	9
Eligibility - Dependency/living arrangements	23
Eligibility - Eligibility audit	3
Eligibility - Excess income/assets	77
Eligibility - Failure to accept/ pursue income/assets	5
Eligibility - Failure to provide information/verification	19
Eligibility - Residency	6
Eligibility - Time limit for income assistance	1
Eligibility - Undeclared income/assets	8
Employment - Dismissed/quit/refused employment	10
Employment - Employment Plan/failure to look for work	96
Employment - Requirement for two year financial independence	16
Health Supplements - Dental supplement	28
Health Supplements - Diet/natal supplements	3
Health Supplements - MSP/other health supplements	9
Health Supplements - Medical Equipment	87
Health Supplements - Medical Supplies	17
Health Supplements - Medical Transportation	11
Health Supplements - Monthly Nutritional Supplement (MNS)	44
Health Supplements - Short-term nutritional supplement products	8
Health Supplements - Therapies	9
Other - Child in the Home of a Relative/under 19	5
Other - Child care	14
Other - Crisis supplement	67
Other - Family maintenance	1
Other - Hardship	3
Other	150

## Notices of Appeal - by region

Region 1	<b>Vancouver Island</b>	238
Region 2	<b>Vancouver Coastal</b>	182
Region 3	<b>Fraser</b>	316
Region 4	<b>Interior</b>	264
Region 5	<b>Northern</b>	87



“ Professionals are not created by hope or desire – but through a combination of some innate ability and study and experience. ”

*Toronto (City) v. CUPE, Local 79 (1982), 35 OR (2nd) 545 (Ont CA)*

### Appeal Outcomes

The total number of Notices of Appeal received differs from the number of appeals closed because of files carried over from the previous year or into the following year and various other factors. The number of decisions confirmed and the decisions rescinded do not equal the number of appeals heard for the same reason. The following statistics relate to appeal files that were closed in 2010/11.

#### Ministry of Social Development

Appeals heard	945
Decisions confirmed	727
Decisions rescinded	216

#### Ministry of Children and Family Development

Appeals heard	9
Decisions confirmed	8
Decisions rescinded	1

### Tribunal Members

#### Candidates

To be a member of this Tribunal, a person must have an understanding of the essential elements for the conduct of a fair and objective appeal and the key aspects of the relevant legislation as per section 82 of the Employment and Assistance Regulation. The Candidate Training and Testing Package provides this information to interested members of the public so they can acquire and demonstrate the prescribed knowledge and skills. It enables recruitment from a broader sector of the community and has enhanced the efficiency of the application process.

#### Members

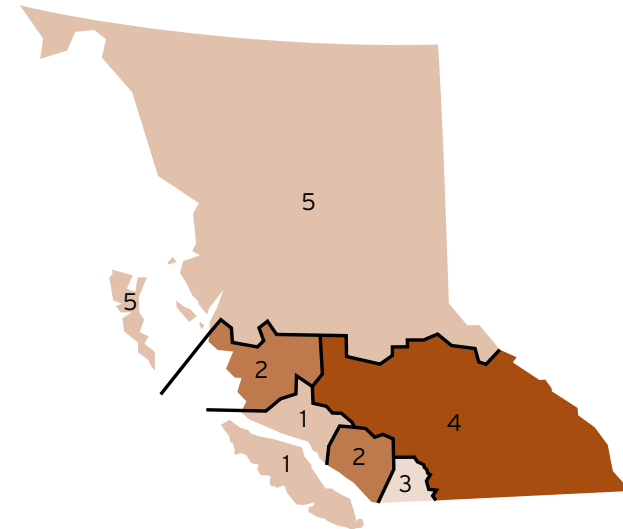
On successfully completing the Computer-Based Training Program (CBT) members are appointed to appeal hearings with an experienced panel chair who mentors the new member.

When the member has gained experience, they will complete the web-based Decision Writing Module prior to being assigned the role of panel chair. Further coaching occurs at the decision review stage to ensure the decision meets the legislative requirements outlined in section 86 of the Employment and Assistance Regulation.

#### Performance Reviews

Member performance is evaluated using the Competency-Based Learning and Development Tool. It is used for coaching as it clarifies the requirements and expectations of members; a competency review is completed prior to making recommendations to the Minister of Social Development.

Performance reviews of members	13
Applicants who completed testing	33
New members provided with the CBT	24
Members appointed	23
Members reappointed	38
Total members as of September 30, 2011	130



**Number of Members - by region**

Region 1	<b>Vancouver Island</b>	42
Region 2	<b>Vancouver Coastal</b>	27
Region 3	<b>Fraser</b>	17
Region 4	<b>Interior</b>	36
Region 5	<b>Northern</b>	8

## 4. What Our Decisions Look Like

### CASE 1

### Crisis Supplement

#### Ministry Decision

Denied a crisis supplement for arrears owed to a cell phone provider

#### Summary of Facts

The evidence before the Ministry was that the appellant owed arrears of \$452 for his cell phone and he was locked into a contract until 2013. The appellant is designated as a person with disabilities and his physician confirmed his need for a phone in order to contact his medical support system and emergency responders. The appellant received disability assistance payments of \$906 per month and paid \$575 in rent.

**Tribunal Decision** - Ministry decision confirmed

#### Reasons for Decision

The issue in this appeal was whether the Ministry decision to deny a crisis supplement for a cell phone bill was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

Section 57 of the Employment and Assistance for Persons with Disabilities Regulation states the ministry may provide a crisis supplement if the person requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed; there are no resources

available; and the ministry considers that failure to meet the expense will result in imminent danger to physical health.

The Ministry's position was that the cell phone was required to avoid imminent danger to the appellant, but the cell phone bill was not an unexpected expense and the appellant had other resources. The appellant's position was that due to the severity of his medical conditions he requires a phone to enable him to contact his support network. While he acknowledged his phone bill was not an unexpected expense, his inability to pay his bill was an unexpected circumstance.

The panel found that the Ministry was reasonable in determining the cell phone bill was not an unexpected expense as the appellant acknowledged that he locked himself into a cell phone contract that required him to make monthly payments until 2013. The appellant also stated at hearing that he realized a cell phone bill was not an unexpected expense.

With respect to the criteria of available resources, the panel found that after the payment of rent, the appellant was left with only \$331 to pay for food, clothing and other monthly expenses. Thus the panel found that the Ministry was not reasonable in determining the appellant had the available resources to pay the \$452 in arrears.

Since all criteria must be met before a crisis supplement can be provided and the panel found the ministry reasonably determined that the unexpected expense criteria was not met, the panel found the ministry's denial of the crisis supplement was reasonably supported by the evidence and confirmed the decision.

**CASE 2****Persons with Persistent Multiple Barriers to Employment****Ministry Decision**

Denied the designation as a person with persistent multiple barriers to employment

**Summary of Facts**

The evidence before the Ministry was that the appellant had epilepsy with petite and grand mal seizures. In the previous 6 months she had 14 seizures, 2 of which lasted 4 hours. She is unable to hold a driver's licence as result of her condition. She was terminated from her previous employment as a cashier after suffering a seizure during which a customer left the store without paying for his items and has been trying and failing for years to hold down a steady job. The appellant scored 8 on the employability screen. Prior to the hearing the appellant advised that she was recently terminated from her current employment due to her seizures and health related absences. The updated employment information was admitted by the panel as evidence in support of the information and records before the minister when the reconsideration decision was made.

**Tribunal Decision - Ministry decision rescinded****Reasons for Decision**

The issue in this appeal was whether the Ministry decision to deny the designation as a person with persistent multiple barriers to employment was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

Section 2 of the Employment and Assistance Regulation states that to qualify as a person who has persistent multiple barriers to employment the person must have been a recipient of assistance for at least 12 of the last 15 months and have a medical condition other than an addiction that was confirmed by a medical practitioner and that has continued for at least 1 year and is likely to continue for at least 2 more years. In addition, if a person has scored under 15 on the employability screen, the person's medical condition must, in the opinion of the minister, be a barrier that precludes the person from searching for, accepting or continuing in employment.

The Ministry's position was that the appellant's medical condition was not a barrier that precluded her from searching for, accepting or continuing in employment as the appellant was employed. The ministry found that she met the other criteria. The appellant's position was that her medical condition is so severe that it prevents her from continuing in employment. She has been trying and failing for years to hold down a steady job due to her seizures and absences.

The panel found that the Ministry was not reasonable in determining the appellant's medical condition did not preclude her from searching for, accepting or continuing in employment. The appellant's physician confirmed that her medical condition restricted her from driving and operating heavy equipment. The frequency and intensity of her seizures and the resulting medically related absences resulted in her being terminated from her last 2 positions and historically she has been unable to maintain employment so the panel found it was not reasonable for the ministry to determine that she was not precluded from continuing in employment.

The panel determined that the Ministry decision was not reasonably supported by the evidence and rescinded the decision.

**CASE 3****Employment Plan****Ministry Decision**

Discontinuance of income assistance for failure to comply with the conditions of an employment plan

**Summary of Facts**

The evidence before the Ministry was that the appellant had signed an employment plan with conditions requiring him to enter into an employment program with a service provider and to complete all tasks assigned in the program. The appellant scheduled an intake appointment but did not attend as he had missed the bus. The appointment was rescheduled two more times, and the appellant missed both appointments advising the service provider that he had slept in on one occasion and missed the bus on the other. The ministry contacted the appellant to remind him of his obligations under the employment plan and to advise him that he would be given one more opportunity to attend the employment program, failing which he would be found ineligible for income assistance. The intake appointment was rescheduled for the fourth time, but the appellant missed the appointment time stating that he was held up in traffic.

**Tribunal Decision** - Ministry decision confirmed

**Reasons for Decision**

The issue in this appeal was whether the Ministry decision to discontinue the income assistance for failure to comply with the conditions of an employment plan was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

Section 9(1) of the Employment and Assistance Act requires that, to be eligible for income assistance, a recipient must comply with the conditions of an employment plan. Section 9(4)(a) provides that if the employment plan includes a condition requiring the recipient to participate in a specific employment program, that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program or ceases, except for medical reasons, to participate in the program.

The Ministry's position was that the appellant had not made reasonable efforts to participate in the employment program as he did not attend appointments. The appellant's position was that he made reasonable efforts by trying to attend the scheduled appointments and contacting the service provider to reschedule the appointments.

The panel found that the ministry reasonably determined that the appellant failed to demonstrate reasonable efforts to participate in the employment program. The appellant missed all four intake appointments

over a period of three weeks. Although the appellant states that he did not attend due to factors beyond his control, the panel found that the appellant had not demonstrated reasonable efforts to anticipate and overcome any challenges in order to participate in the employment program, particularly as he failed to attend two appointments due to missing the bus. As there was no evidence of a medical reason for the appellant to have not participated in the program, the panel found that the ministry reasonably determined that this requirement was not met. Therefore, the panel found the ministry was reasonable in discontinuing his income assistance under section 9(1) for failure to comply with the conditions of his employment plan.

The panel determined that the Ministry decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirmed the decision.



# Our Organizational Values

In carrying out its mission, the Employment and Assistance Appeal Tribunal is guided by the following values:

- Fairness
- Impartiality
- Excellence
- Efficiency
- Timeliness
- Accessibility
- Accountability
- Transparency
- Independence





## 5. Looking Ahead

In the coming year, the Tribunal will continue to focus on recruitment. Our aim is to have sufficient members that reflect the diversity of our communities as well as enable the Tribunal to hold the type of hearing preferred by the appellant within the legislated timelines.

We continue to benefit from the computer based training originally developed by the Property Assessment Review Board; we utilized that framework for our specialized training programs, reducing cost to government. The Board's invoicing program is also being adjusted to accommodate our specific payment schedule for members. This will result in efficiencies and allow members to complete their expense claims on-line. The Computer-Based Training Program is being converted to a web-based program to accommodate revisions at minimal cost and the Decision Writing Module is being enhanced with video clips and interactive activities to increase learning.

The Tribunal is moving towards greater use of technology in other areas to create efficiencies and provide service: a database and a web based case management system are the first steps in moving forward. A database would enable the electronic storage of records, eliminating offsite storage costs while ensuring sensitive case information remains safe, secure and accessible. Combined with a web based case

management system, it enables a move - at least in part, recognizing that appellants may not have access to technology - from paper to electronic records and provides the foundation for transforming service delivery. In this reporting period, appellants requested 8% more written hearings and 9% more teleconference hearings; 64% of appeal hearings are now either written or electronic, indicating a need to continue to offer alternative methods of hearing appeals.

The Tribunal currently posts information of interest to parties and the public on its website. A web-based case management system would enable the posting of additional data sets on a monthly basis, supportive of government's open data initiative. We continue to evaluate our website to ensure it meets client needs. The Notice of Appeal, for instance, is now in a more accessible 'Word' format which can be emailed to the Tribunal without signature, assisting appellants to meet the legislated timelines.

The Tribunal remains committed to providing an accessible, timely, fair and ethical appeal process in communities throughout British Columbia and delivering decisions that are well reasoned and well written. We look forward to welcoming new members to our team and thank former members for the work they performed for the Tribunal and the service they provided for the people of British Columbia.

“ Both independence and impartiality are fundamental not only to the capacity to do justice in a particular case but also to public confidence in the administration of justice. ”

**The Honourable Mr. Justice Le Dain**

# Glossary

**act** | the *Employment and Assistance Act*

**appeal record** | the appeal record for the Tribunal is initially comprised of the Notice of Appeal and the record of the ministry decision. As the appeal progresses, it also includes submissions, any new information admitted into evidence at the hearing, and the Tribunal decision

**appellant** | a person who commences an appeal

**business day** | a day other than Saturday, Sunday, or a statutory holiday

**independent** | the activities of the Tribunal are separate and operate at “arms length” from both ministries

**members** | a member of the Tribunal appointed by the Minister of Social Development under section 19(2)(c) of the act

**minister** | the Minister of Social Development or the Minister of Children and Family Development, depending on context

**ministry** | the Ministry of Social Development or the Ministry of Children and Family Development, depending on context

**Notice of Appeal** | the appeal form specified by the Minister of Social Development that must be submitted to the Tribunal in order to commence an appeal

**oral hearing** | a hearing that is conducted with the parties present in person, by teleconference, or by video conferencing

**panel** | the member(s) designated by the Chair under section 22(1) of the act to hear an appeal

**panel chair** | the chair of a panel designated under section 22(2) of the act

**party** | in relation to an appeal to the Tribunal, the appellant and/or the minister whose decision is under appeal

**reconsideration decision** | the final ministry decision pertaining to the initial request, and the decision that may be appealed to the Tribunal

**record of the ministry decision** | the information and records that were before the minister when the reconsideration decision under appeal was made

**representative** | an agent, lawyer, or advocate representing a party during an appeal

**tribunal** | the Employment and Assistance Appeal Tribunal established under section 19(1) of the act

**chair** | the chair of the Tribunal appointed under section 19(2)(a) of the act

**witness** | a person who provides evidence at a hearing

**written hearing** | a hearing that is conducted through the submission of written evidence and written argument

# Appendix A: Tribunal Staff

(October 1, 2010 - September 30, 2011)

Dores Baxter	Glenna McEwen
Kathy Bates	Sarah McEwen
Kathryn Bissett	Marilyn McNamara
Kimberley Bowman	Nicole Murray
Lori Butler	Lynda Parent
Sherry Caven	Renee Petersen
Megan Hetherington	Valerie Provencal
Tracie Horne	Tanya Rak
Karla Krawchuk	Sandy Stevens
Dale Krocker	Haley Van Gylswyk



# Appendix B:

## Tribunal Members

(October 1, 2010 - September 30, 2011)

### Region 1

Vaughan Allin  
Denise Barber  
William Bell  
Arthur Berry  
Glenys Blackadder  
Sarah Brickett  
Bruce Cline  
Diane Coe  
Beverly Coleman  
David Coombe  
Joan Cotie  
Eric Dahli  
Endre Dolhai  
Susan Edwards  
Robert Fenske  
Brenda Fowler  
Karen Gillan  
Hunter Gordon  
Peter Gustar  
Marcus Hadley  
Margaret Haigh  
William Heflin  
Gina Hepp  
Iain Hooley

Terrence Ison  
Joyce Johnston  
Luke Krayenhoff  
Anne-Marie Lafleur  
Gabiella Lang  
Thomas Lathrop  
Avo Lepp  
Victor Lotto  
Richard Macintosh  
Patrick Maguire  
Layne Marshal  
Elizabeth Marshall  
Harry Martin  
Henry Mathias  
Jennifer McCaughey  
Judith McFarlane  
Marilyn McNamara  
Andrew Murray  
Jane Nielsen  
Rita Parikh  
Bob Purgavie  
Garnet Renning  
Richard Roberts  
Pierre Rousseau  
Sheldon Seigel  
Patricia Smith

Michael Soronow  
Gail Stewart  
Jacquie Tarasoff  
Trevor Thompsett  
Fred Thompson  
Kenneth Thornicroft  
Lynn Twardowsky  
Bruce Webber  
Frank Whitton  
Bert Wolfe

### Region 2

Haydn Acheson  
Gail Brown  
Alexander Danilovic  
Jagdev Dhillon  
Ronald Fox  
Margaret Gaily  
Arlene Henry  
Allan Hewett  
Chris Hope  
Marie Ingram  
Roy Johnson  
Daniel Kiselbach  
Carla Lewis

Maryam Majedi  
Natalia Mikiciuk  
Terry Mullen  
David Neave  
Debbie Nider  
Sheldon Nider  
Ethel Niessen  
Art Perret  
Don Peters  
Louis Peterson  
Sandra Polinsky  
Patrick Poyner  
Claudia Roberts  
Veronica Rossos  
Hope Sealy  
Maria Shawcross  
Lainie Shore  
Gary Snarch  
John Taggart  
Fred Taylor  
Begum Verjee  
Martha Warren  
Kenneth Wilson  
William Wright  
Norman Wrightman

### Region 3

June Barens  
Sheila Begg  
Linda Berg  
Richard Bogstie  
Richard Brock  
Mary Bruce  
Peter Davison  
Jennifer Duprey  
Karl Ellingsen  
Hugh Gaffney  
Robert Gunnell  
June Harrison  
Vincent Hart  
Lachlan Heron  
Beverly Kennedy  
Mebs Lalani  
Allen Lees  
Bernie Leong  
David Morrison  
Roy Natsuhara  
Henry Neufeld  
Lawrence Plenert  
Mohindar Rattan  
Ana Rocho

Kundan Sangha  
 Christopher Saunders  
 Jeremy Sibley  
 Corey Van't Haaff  
 Sandra Walters

#### Region 4

Peter Allik-Petersenn  
 Jaymie Atkinson  
 Lorianna Bennett  
 Gail Bernacki  
 Gus Boersma  
 Dale Carlson  
 Bill Carruthers  
 J. Brien Cates  
 Susan Cooper  
 Linda Cross  
 Elizabeth Cytra  
 Kimberley Darling  
 Ingrid Davis  
 Gillian Dougans  
 Richard Dunsdon  
 Alex Dyball  
 Ruth Embree

Larry Ferguson  
 Bob Fergusson  
 Elizabeth Fleet  
 Bob Forbes  
 Archie Gaber  
 Bruce Gardiner  
 Maxine Glover  
 David Goldsmith  
 Peter Grauer  
 David Greenshields  
 Larry Grist  
 David Handy  
 Dave Hanna  
 Sheila Hart  
 David Head  
 Kathleen Higgs  
 Brian Hornidge  
 Larry James  
 Peter Knittel  
 Shiela Lange  
 Adeline Lemky  
 Cindy Lombard  
 Gary Lotochinski  
 Wayne Murphy

Gautam Parghi  
 Mary Pickering  
 Laurent Rivard  
 Glen Shuttleworth  
 Brian Smith  
 Clinton Smith  
 William Stalker  
 Ronald Terlesky  
 Thomas Thompson  
 Helene Walford  
 Christopher Wells  
 Paul Wortley

#### Region 5

Erin Anderlini  
 Denene Broza  
 Mary Chen  
 Bryan Crampton  
 Daniel Gilgan  
 Richard Lee  
 Steven Merrick  
 Lee Ongman  
 William Oppen  
 Andrew Roth

Linda Smerychynski  
 Frances Stanley  
 David Wilbur  
 William Woolsey

# Appendix C:

## Budget

(October 1, 2010 - September 30, 2011)

The provincial government's fiscal year begins April 1st. The Tribunal's reporting year begins October 1st. Therefore, budget tables for two fiscal years are shown so that the full Tribunal fiscal year is reported.

OPERATING BUDGET	APRIL 2010-MARCH 2011	APRIL 2011-MARCH 2012
Salaries and Benefits	\$ 895,000	\$ 937,000
Boards/Commissions/Courts - Fees and Expenses	451,000	496,000
Public Servant Travel	22,000	22,000
Professional Services: Operational	115,000	150,000
Information Systems: Operating	12,000	12,000
Office and Business Expenses	130,000	130,000
Statutory Advertising and Publications	5,000	5,000
Recoveries	(1000)	(1000)
<b>TOTAL</b>	<b>\$1,629,000</b>	<b>\$ 1,751,000</b>

# How To Contact Us

Call us at 250-356-6374 or toll-free at 1-866-557-0035

e-mail us at [eaat@gov.bc.ca](mailto:eaat@gov.bc.ca)

visit our website at [www.gov.bc.ca/eaat](http://www.gov.bc.ca/eaat)

or ask for a Tribunal brochure at your local Ministry of Social Development office.

For TTY users, call TELUS Relay Service at 1-800-855-0511





[www.gov.bc.ca/eaat](http://www.gov.bc.ca/eaat)