

POSITION TITLE:	Vice Chair	POSITION NUMBER(S):	
DIVISION:	Ministry of Labour		
UNIT:	Workers' Compensation Appeal Tribunal	CLASSIFICATION:	TBD Directive 1/24 Level 5 Tribunal Member
		LOCATION:	Richmond (Primary)
SUPERVISOR'S TITLE:	Chair	POSITION NUMBER	76871
SUPERVISOR'S CLASSIFICATION:	OIC	PHONE NUMBER:	(236) 235-1512

Program

The Workers' Compensation Appeal Tribunal (WCAT) is an independent, quasi-judicial tribunal established under Part 7 of the *Workers Compensation Act* (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 health and safety administrative penalty orders, complaints of prohibited action, applications by employers for relief of costs, and applications for certification to court. WCAT has the authority to reconsider appeals and applications 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 by WCAT impact workers and employers in British Columbia. In reaching its decisions, WCAT has a duty to act fairly and impartially in the given case.

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 based on 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 and applications, including the identification and clarification of issues, providing 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. Decisions must be based on the merits and justice of the specific case.

Specific Accountabilities / Deliverables

- Adjudicates a high volume of complex and contentious appeals.
- Addresses substantive and procedural issues and conducts hearings (either oral or written) in accordance with WCAT's Manual of Rules of Practice and Procedure (MRPP) and principles of procedural fairness.
- Identifies and applies the relevant law and policies to the issues in the appeal or application.
- Ensures there is sufficient evidence to fairly decide the appeal and if not engages investigation processes to obtain additional evidence.
- Evaluates the evidence and makes findings of fact.
- Responds to relevant submissions and arguments.
- Produces clear, understandable, and well-reasoned decisions using plain language.

- Manages a large and diverse caseload of appeals to meet multiple priorities and WCAT's statutory time frames for decision making.
- Participates in mandatory learning and training sessions to support quality decision making, while also maintaining knowledge of relevant law, policy, and practice changes

Organizational Chart

Chair, OIC

Vice Chair, Chair Appointee

Job Requirements

Eligibility Criteria

- Ability to travel throughout the province to adjudicate appeals
- Ability to attend WCAT offices in Richmond for mandatory training and meetings
- Commitment to the quality and timeliness of work
- Commitment to continuous learning through education seminars, workshops, and self-study, and to contributing to an organization-wide team effort
- Commitment to be guided by the MRPP, adhere to a Code of Conduct, and meet performance standards (decision writing, conduct of oral hearings, caseload management and productivity, and collegial and professional conduct)
- Willing to participate in projects and committees, peer reading of decisions and mentoring or training of colleagues
- Canadian citizen or permanent resident
- Possess proven integrity and good character

Regulatory Framework for Position

- Section 2(a) of the Workers Compensation Act Appeal Regulation, Order in Council No. 1039/2002 (B.C. Reg. 321/2002) sets out the appointment requirements for the vice chair position

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 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

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 and web-based systems for research and other purposes, and video conferencing applications for hearings and meetings
- **Facilitation skills** — potential ability to preside over oral hearings, maintaining the impartiality and decorum necessary to ensure procedural fairness and orderly conduct

Behavioral Competencies

- **Analytical skills** — highly developed ability to read large volumes of complex information, identify issues and gaps, analyze evidence and arguments, interpret and apply legislation, policy and practice, and reach sound conclusions exercising judgment
- **Organizational skills** — highly developed ability to manage multiple and competing demands in a dynamic environment
- **Decision-making skills** — ability to draw on one's knowledge and experience together with legislation, policies, rules, and procedures to make timely, effective decisions and take decisive action, weighing the available and relevant information
- **Communication skills** — exceptional ability to convey information clearly, concisely, and respectfully in written and verbal form using plain language
- **Interpersonal skills** — demonstrated ability to work respectfully with individuals from diverse backgrounds; to listen, understand and effectively manage angry, frightened, or distraught behaviour while maintaining impartiality
- **Collegial orientation** — demonstrated collegial outlook in internal and external working relationships including consulting with, listening to, and sharing information and opinions with colleagues, and interacting professionally and respectfully with all WCAT staff

Indigenous Relations Behavioural Competency

- **Cultural agility** - ability to work respectfully, knowledgeably, and effectively with Indigenous peoples. It is noticing and readily adapting to cultural uniqueness in order to create a sense of safety for all. It is openness to unfamiliar experiences, transforming feelings of nervousness or anxiety into curiosity and appreciation. It is examining one's own culture and worldview and noticing commonalities and distinctions with Indigenous cultures and worldviews. It is understanding and recognizing the relationship Indigenous peoples have with society, government, the judicial system, and the legal profession. It is recognition of the ways that personal and professional values may conflict or align with those of Indigenous people. It is the capacity to relate to or allow for differing cultural perspectives and being willing to experience a personal shift in perspective.