

Activity Plan

2008 - 2011

*Income and Employment Support
Appeal Board*



Chairperson's Message

As the Chair of the Income and Employment Support Appeal Board (the Board), I am pleased to submit the Activity Plan for the fiscal years 2008-2011. This plan is prepared in compliance with the *Transparency and Accountability Act* pursuant to which the Board has been categorized as a category III government entity and requires the Board to prepare a performance-based activity plan. The Board is accountable for the preparation of this plan and for the achievement of its objectives. In the development of this plan, careful consideration was given to the strategic directions of government as communicated by the Minister of Human Resources, Labour and Employment. While the Board supports the spirit and the overall intent of the strategic directions, it has been determined that other entities reporting to the minister will specifically address these directions.

The Board is an independent, external body authorized to hear appeals regarding Income Support, eligibility for employment supports, funding through the *Labour Market Agreement for Persons with Disabilities* and coverage under the *Low Income Drug Program*. The Board meets regularly to conduct hearings where sworn evidence is presented in relation to the appeal and a decision is rendered upon the conclusion of the hearing.

The Board's primary objectives are the fair and efficient processing of appeal applications and the rendering of decisions which are clear, consistent and in accordance with the *Income and Employment Support Act and Regulations*, and where appropriate the *Health and Community Services Act* or the *Pharmaceutical Services Act*. The Board is fortunate to have dedicated members who contribute to the achievement of these objectives and to assist in the administration of the legislation.



Cynthia Downey
Chairperson

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1.0 OVERVIEW

The *Income and Employment Support Act* authorizes the Lieutenant-Governor in Council to appoint an appeal board. The Income and Employment Support Appeal Board (the Board) is an independent, arm's-length body authorized to hear appeals of decisions regarding Income Support, eligibility for employment supports, funding through the *Labour Market Agreement for Persons with Disabilities* and coverage under the *Low Income Drug Program*. The Board is governed by the *Income and Employment Support Act*.

The Board is comprised of a chair, vice-chair and member, one of whom is a current or former recipient of income or employment support. Two alternate members are appointed and are available to act in the absence of one of the aforementioned. One of the alternate members is a current or former recipient of income or employment support. Each member shall be appointed for three years by the Lieutenant-Governor in Council and is eligible for re-appointment. Members are paid in accordance with Treasury Board remuneration guidelines for boards, commissions and agencies.

The current members of the Income and Employment Support Appeal Board are:

Ms. Cynthia Downey, Chairperson
Ms. Regina Brinston, Vice-Chairperson
Mr. Andrew Tobin, Member
Ms. Carmel Osborne, Alternate Member
Ms. Augusta Whelan, Alternate Member

The Board has an Executive Secretary who is an employee of the Department of Human Resources, Labour and Employment. The salary for this position is included in the departmental budget allocation for salary. The Executive Secretary does not have voting privileges. The incumbent provides administrative support to the Chairperson and members to enable the Board to deal promptly and effectively with all appeals.

The annual budget of the Board is approximately \$79,000.

Information about the Board and the appeal process may be obtained from the Department's web site at www.gov.nl.ca/hrle.

Contact Information:

Executive Secretary
Income and Employment Support Appeal Board
Department of Human Resources, Labour and Employment
Confederation Building
P.O. Box 8700
St. John's, NL
A1B 4J6
(TEL: 709-729-2479 / FAX: 709-729-5139)

2.0 MANDATE

The Board's mandate is to hear appeals and render decisions on behalf of any person affected by a finding or decision of an internal review respecting income or employment support and where appropriate, the *Health and Community Services Act* or the *Pharmaceutical Services Act* (see Appendix A for more information).

3.0 LINES OF BUSINESS

The Board administers one line of business, which is to deliver the following appeal process:

Appeal Board Process

Those who are dissatisfied with the outcome of their request for reconsideration from the first level of appeal - an internal review - may then proceed to the second level - the Appeal Board. They must submit an Application for Appeal in writing to the Board within sixty days of receiving their decision.

When an application for appeal is received, the Board shall:

- Acknowledge the appeal;
- Notify the appellant of the right to appear and to be represented;
- Arrange a date for hearing the appeal within 30 days of receiving an application;
- Give at least seven days notice of date, time and place of the hearing to the appellant and all relevant officers of the department;
- Proceed with the hearing as scheduled, unless a postponement is requested by the appellant;
- On the conclusion of the hearing, the Board will discuss and decide the case;

- A decision of the Board is communicated, in writing, within five days of the conclusion of the hearing to the appellant and copies are sent to the relevant Regional and District Offices of Human Resources, Labour and Employment.

An applicant or a recipient who is not satisfied with a ruling of the Board may appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador.

4.0 VALUES

Members of the Board are committed to accountability, respect, fairness, confidentiality, inclusion and plain language. The action statements below demonstrate how these values are reflected in the conduct of the Board members.

Accountability

Each Board member accepts responsibility for their actions while adhering to legislation.

Respect

Each Board member listens to and considers the ideas and opinions of the appellant and other board members with courtesy and open-mindedness to ensure the hearing is a productive healthy environment. The Board members are committed to making the appeal experience as congenial, satisfying and helpful as possible.

Fairness

Each Board member will treat all persons participating in a hearing equitably and seek solutions based upon the individual circumstances presented and within the legislation.

Confidentiality

Each Board member is committed to ensuring sensitive information is shared only with those who need to know and is treated with care and responsibility in order to protect people's privacy.

Inclusion

Each Board member supports the active participation of the appellant, representatives and other employees in the hearing procedures.

Plain Language

Each Board member will use clear and simple language to provide appellants and other employees with the information they need pertaining to the appeal process and the explanation of decisions.

5.0 PRIMARY CLIENTS

The Income and Employment Support Appeal Board serves applicants or recipients of income and employment supports, applicants for funding through the *Labour Market Agreement for Persons with Disabilities* and applicants for coverage under the *Low Income Drug Program* who are dissatisfied with the finding of an internal review and make application for appeal.

6.0 VISION

The residents of Newfoundland and Labrador are treated in a fair and timely manner to ensure the maximum entitlement allowable under the Income and Employment Support Act and Regulations when making appeals to the Appeal Board.

7.0 MISSION

The mission statement identifies the priority focus area of the Board over this planning cycle for three fiscal years (2008-09, 2009-10 and 2010-11). The statement also identifies the measures and indicators that will assist the Board and public in monitoring and evaluating success.

The *Income and Employment Support Act* and Regulations clearly outline the legislation governing the provision of an Appeal Board and the process it must follow. The timelines stated in legislation and the implementations of services such as teleconference hearings have resulted in an effective and efficient appeal process. The Board has set its policy and practices to ensure this level of service continues to respond to the changing needs of the people it serves.

Mission: By 2011 the Income and Employment Support Appeal Board will have continued to ensure the efficient and timely administration of the provincial Income and Employment Support Appeal Board process.

Measure: Continued administration of an efficient and timely appeal process.

Indicators:

- 100% of appeal hearings were scheduled within 30 days of receiving an application for appeal.
- 100% of applicants and officers of the department were given at least seven days notice of the date, time and place of the appeal hearing.
- 100% of appeal hearing decisions were communicated to the appropriate parties within five days of the conclusion of an appeal hearing.

8.0 ISSUES

The objectives identified for the issue reflect the results expected in the three-year time frame. Measures and indicators are provided to assist both the Board and the public in monitoring and evaluating success.

The key priorities of the Board are:

- **Scheduling of appeals**
- **Notification of hearings**
- **Communication of decisions**

There has been considerable legislative reform in recent years pertaining to the work of the Board and the appeal process. The legislation pertaining to the appeal process states specific time lines surrounding the administrative function of the Board. The Board has the ability to set its own practices with a commitment to maintaining an effective and timely appeal process. The Board shall continue to maintain an appeal service of excellence to respond to the changing needs of the people of Newfoundland and Labrador. The following objectives apply to the 2008-09, 2009-10 and 2010-11 fiscal years and will be reported on in the relevant annual reports.

Issue: The Board shall continue to demonstrate ongoing adherence to legislative time frames pertaining to the appeal process.

Objective 1: The Board will have scheduled a hearing within thirty days of receiving the application for appeal.

Measure: Hearings scheduled within thirty days of receiving an application.

Indicators: 100% of hearings scheduled within thirty days of receiving an application.

Objective 2: The Board will have communicated notice of hearing to appellant and relevant parties at least seven days prior to hearing.

Measure: Notice of hearing communicated to appellant and relevant parties.

Indicators: 100% of notifications communicated to appellant and relevant parties at least seven days prior to a hearing.

Objective 3: The Board will have communicated in writing all appeal decisions to the appropriate parties within five days of the conclusion of the hearing.

Measure: Decisions communicated to the appropriate parties within five days of the conclusion of the hearing.

Indicators: 100% of decisions communicated to the relevant parties within five days of the conclusion of the hearing.

9.0 APPENDIX A: MANDATE

Income and Employment Support Act

44. (1) On the conclusion of the hearing, the board may confirm, vary or set aside the finding or decision appealed with power to give directions, consistent with this Act and the regulations made under it, or where appropriate, the *Health and Community Services Act* and the regulations made under it,

(a) respecting the granting, refusal, suspension, discontinuance, reduction, resumption of income support or an amount of income support that the board considers appropriate;

(b) respecting an appellant's eligibility for employment support or the suspension or cancellation of that support, but shall not make an order to provide employment support under the authority of subsection 14(4);

(c) respecting an underpayment or overpayment; or

(d) respecting a matter referred to in section 4.1 of the *Health and Community Services Act*.

(e) respecting a matter referred to in section 40 of the *Pharmaceutical Services Act*.

(2) Notwithstanding subsection (1), the board shall not make an order inconsistent with the rate structure for income support established in the regulations.

(2.1) Notwithstanding subsection (1), the board shall not make an order inconsistent with the benefits list established by the minister under the *Pharmaceutical Services Act*.

(3) A decision of the board shall, in writing, within 5 days of its being decided, be communicated to the appellant and

(a) to the officers of the department who are concerned; or

(b) where the appeal is from an internal review under section 4.2 of the *Health and Community Services Act*, or the *Pharmaceutical Services Act*, to officials of the department administering that Act under the *Executive Council Act*.