

***INCOME AND EMPLOYMENT SUPPORT
APPEAL BOARD***

***ACTIVITY PLAN
2011-14***



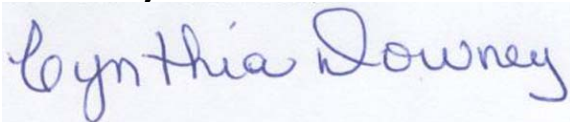
Chairperson's Message

I am pleased to submit the Activity Plan for the Income and Employment Support Appeal Board. This plan covers the fiscal years 2011-14 (April 1, 2011 to March 31, 2014). It has been prepared in compliance with the *Transparency and Accountability Act (2004)*. The Board has been identified as a category III Provincial Government entity and is required 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 the Provincial 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:

- The Income Support Program;
- Eligibility for employment supports for non-EI eligible individuals;
- 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 the outcome of an internal review under section 40 of the *Pharmaceutical Services Act*. 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 eligible for daily remuneration and all travel costs are reimbursed by the Department in accordance with the Provincial Government travel policy.

As of April 1, 2011, the members of the Income and Employment Support Appeal Board are:

- Ms. Cynthia Downey, Chairperson
- Ms. Augusta Whelan, Vice-Chairperson
- Mr. Andrew Tobin, Member
- Ms. Cindy Barrington, Alternate Member
- Mr. George Tiller, 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 salaries. 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 total budget is included in the annual budget of the Department of Human Resources, Labour and Employment.

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 make decisions on behalf of a person who is dissatisfied with the outcome of an internal review of a decision relating to the *Income and Employment Support Act*. Where appropriate, appeals are also heard relating to 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 not satisfied with a decision with respect to programs and services can contact the Client Service Officer Supervisor or Manager to try to resolve the situation. If a client still does not agree with the outcome, they have 60 days from the date of the initial decision to request a formal internal review of their case. Those who are dissatisfied with the outcome of the internal review, may then proceed to the second level - the Appeal Board. The client has 60 days from the time they receive the internal review decision to submit an Application for Appeal in writing to the Appeal Board.

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

- Acknowledge the appeal and 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 and 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; and,
- 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 Supreme Court, Trial Division - Office of the Register (709) 729-6995.

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.

Communication

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 and applicants for funding through the Labour Market Agreement for Persons with Disabilities. The Board also serves applicants for coverage under the Newfoundland and Labrador Prescription 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 applicable legislation.

7.0 MISSION

The Income and Employment Support Appeal Board has not developed a mission as it is described in our stated mandate. It would be redundant and repetitive of our lines of business, mandate and objective. The Board also carefully considered adopting the mission of the Department of Human Resources, Labour and Employment but concluded that the mission is not relevant to the specific work of the Board. The Board will continue to fulfill the legislative mandate during the next two planning cycles and ensure the efficient administration of the provincial appeal process.

8.0 OBJECTIVE

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 objective applies to the 2011-12, 2012-13 and 2013-14 fiscal years and will be reported on in the relevant annual reports.

Objective: By March 31, 2012, 2013 and 2014, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

Measure: Demonstrated ongoing adherence to legislative time frames pertaining to the appeal process.

Indicators:

- 100% of hearings scheduled within thirty days of receiving an application.
- 100% of notifications communicated to appellant and relevant parties at least seven days prior to a hearing.
- 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* or the *Pharmaceutical 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*.