

# **Income and Employment Support Appeal Board**

**Activity Plan 2020-23**

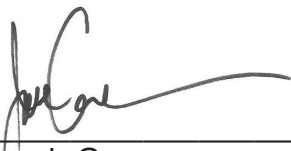
# Chairperson's Message

I am pleased to submit the Income and Employment Support Appeal Board Activity Plan for the fiscal years 2020-23. This Activity Plan has been prepared in compliance with the **Transparency and Accountability Act**. The Board has been identified as a Category Three Provincial Government entity and is required to prepare a performance-based activity plan. The strategic directions of the Provincial Government were considered in the development of this three-year plan. The Board is accountable for the preparation of this plan and for the achievement of its objective.

The Board is an independent, external body authorized to hear appeals regarding:

- The Income Support program;
- Eligibility for provincially-funded employment supports; and
- Coverage under the Newfoundland and Labrador Prescription Drug Program.

The Board meets regularly to conduct hearings where sworn evidence is presented in relation to appeals and a decision is rendered upon conclusion of the hearing. The Board's primary objectives are the fair and efficient processing of appeal applications and 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 **Pharmaceutical Services Act**. The Board acknowledges the dedication of its members, who contribute to the achievement of these objectives and assist in the administration of the legislation.



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Joseph Greene  
Chairperson

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# Overview

The **Income and Employment Support Act** (the Act) authorizes the Lieutenant-Governor in Council to appoint an appeal board. The Income and Employment Support Appeal Board (the Board) is an independent, arms-length body authorized to hear appeals on decisions regarding Income Support, as well as eligibility for employment supports funded by the Provincial Government. The Board is primarily governed by the Act; however, it is also responsible for appeals with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program (NLPDP), under section 40 of the **Pharmaceutical Services Act**.

The Board is comprised of a Chair, Vice-Chair and a Member, one of whom is a current or former recipient of income or employment supports. Three alternate members are also appointed, one of whom is also a current or former recipient of income or employment supports. Each member is appointed for a three-year term by the Lieutenant-Governor in Council and is eligible for re-appointment.

As of April 1, 2020, the members of the Board are:

- Joseph Greene, Chair, Eastern Region  
(October 5, 2018 - October 4, 2021)
- Sam Synard, Vice-Chair, Eastern Region  
(April 12, 2019 - April 11, 2022)
- Andrew Tobin, Member, Western Region  
(October 5, 2018 - October 4, 2021)
- Bernice Pritchett, Alternate Member, Western Region  
(October 5, 2018 - October 4, 2021)
- Allan Reid, Alternate Member, Eastern Region  
(October 5, 2018 - October 4, 2021)
- Michelle Wall, Alternate Member, Eastern Region  
(September 5, 2019 - September 4, 2022)

Members are appointed from the general public through the merit-based process for agencies, boards and commissions' appointments through the Independent Appointments Commission. The Board receives remuneration in accordance with Provincial Government and Treasury Board guidelines and policies.

The Board is supported by an Executive Secretary who is an employee of Department of Immigration, Skills and Labour (ISL). This position provides administrative and program support to the Chair, Vice-Chair and Member to enable the Board to deal promptly and effectively with all appeals. The salary for this position is included in ISL's budget. The Executive Secretary has no voting privileges.

The first formal level of appeal for an Income Support client or a provincially-funded employment support client is a request for an Internal Review. These reviews are completed by employees of ISL and are outside the mandate of the Board. The Department of Health and Community Services completes an Internal Review of decisions made under the NLPDP.

The second formal level of appeal is a request for an appeal hearing with the Board. Board hearings are typically scheduled every three to four weeks. Appeals must be heard within 30 days of receipt of the appellant's application and are generally conducted by teleconference (an in-person appeal is possible upon request).

Information about the Board and appeal process may be obtained from ISL's [website](#).

#### Contact Information:

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

## Mandate

The Income and Employment Support Appeal Board hears appeals and makes 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 **Pharmaceutical Services Act** (see Appendix for more information).

# Line of Business

The Board administers one line of business, which is to deliver an appeal as outlined below.

## Appeal Board Process

Those who are dissatisfied with the Internal Review outcome (the first level of an appeal) may then proceed to the second formal level of appeal, which is requesting an appeal hearing with the Board. Applicants must submit an Application for Appeal in writing to the Board within 60 days from the date of the Internal Review decision letter. Appeals must be heard within 30 days of receipt of the appellant's application and are generally conducted by teleconference (an in-person appeal may be possible upon request). Board hearings are typically scheduled every three to four weeks.

When an Application for Appeal is received, the Board shall:

- Acknowledge the appeal;
- Arrange a date for hearing the appeal within 30 days of receiving an application;
- Notify the appellant verbally of their right to appear and to be represented;
- Give at least seven days notice of date, time and place of the hearing to the appellant and all relevant officers of ISL.
- Send copies of prepared documentation pertinent to the appellant's appeal, at least seven days prior to the hearing, to the appellant and the board members.
- Proceed with the hearing as scheduled, unless a postponement is requested by the appellant;
- Deliberate and make a decision;
- Communicate the decision of the Board in writing to the appellant within five days of the conclusion of the hearing; and
- Send copies of decisions to the Board members and relevant offices of ISL.

An applicant or a recipient who is not satisfied with a ruling of the Board may appeal to the General Division of the Supreme Court of Newfoundland and Labrador (third and final level of appeal).

# 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 member accepts responsibility for their actions while adhering to legislation.

## Respect

Each 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. Members are committed to making the appeal experience as congenial, satisfying and helpful as possible.

## Fairness

Each member treats all persons participating in a hearing equitably and seeks solutions based upon the individual circumstances presented, within the legislation.

## Confidentiality

Each 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 an individual's privacy.

## Inclusion

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

## Plain Language

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

# Primary Clients

The Income and Employment Support Appeal Board serves applicants or recipients of income and provincially-funded employment supports. The Board also serves applicants for coverage under the NLPDP who are dissatisfied with the finding of an Internal Review and make application for appeal.

## 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.



# Objective

The **Income and Employment Support Act**, as it pertains to the appeal process, contains specific timelines surrounding the administrative functions 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 service excellence to respond to the changing needs of the people of Newfoundland and Labrador. The following objective and indicators apply to the 2020-21, 2021-22 and 2022-23 fiscal years and progress will be reported in the relevant annual reports.

**Objective:** By March 31, 2021, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

Indicator 1: One hundred per cent of hearings are scheduled within 30 days of receiving an application.

Indicator 2: One hundred per cent of notifications are communicated to the appellant and relevant parties at least seven days prior to a hearing.

Indicator 3: One hundred per cent of decisions are communicated to the relevant parties within five days of the conclusion of the hearing.

# Appendix

## Powers of the Board Under the Income and Employment Support Act

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

