

CELEBRATING 20 YEARS OF EXCELLENCE

By Sandy MacIntosh, Chief Appeal Commissioner

The tribunal is busy, always facing new challenges, while striving for improvement. When people are busy, they sometimes forget to take a breath and think of their accomplishments. For the tribunal, this is an apt time to pause and celebrate how far we have come. It is the tribunal's 20 year anniversary.

The tribunal first opened its doors in January of 1996. Since that time, the tribunal has decided over 10,000 appeals.

The tribunal has helped bring clarity to many complex areas of workers' compensation rules. It has been a national leader in making appeal procedures user-friendly for unrepresented appellants. Many Court decisions which resulted from tribunal decisions are of national importance. The tribunal has engaged in years of comprehensive system strategic planning, while never forgetting that it was established to provide an independent review of final WCB decisions.

The most enduring decisions of the tribunal are the 2000 and 2001 *Martin* and *Laseur* decisions. In those decisions, the tribunal found that equality protections under the *Canadian Charter of Rights and Freedoms* were something it could consider. In other words, it found that the *Charter* was something people should be able to access where they seek justice, not merely in courts. The tribunal then went on to find that the rules governing the compensation for chronic pain were so discriminatory as to be unconstitutional. Both of these findings were confirmed by the Supreme Court of Canada in 2003.

The independence and fortitude of tribunal members is illustrated by the *Martin* and *Laseur* decisions. The tribunal reached its conclusions as to its authority to consider the *Canadian Charter of Rights and Freedoms* even though both the WCB and the Province of Nova Scotia opposed this finding.

Here are some of the milestones in the tribunal's history:

1995 - Judith Ferguson appointed first Chief Appeal Commissioner.

1996 - First Appeal Commissioners are appointed and the tribunal begins operations. It inherits a large backlog of appeals from the former Appeal Board.

1997 - Alternative Dispute Resolution introduced as a measure to address backlog.

1998 - Webpage established. Both the Auditor General and a Legislature Select Committee issue reports which lead to legislative reform and performance measures to increase tribunal efficiency.

1999 - Katherine Carrigan appointed Chief Appeal Commissioner.

2000 - Appeal backlog eliminated. Active inventory of appeals reduced from 2,429 to 545.

2001 - Standard rules for key appeal procedures published. Use of electronic files begins.

2002 - Tribunal begins participation in system strategic planning as recommended by the Dorsey report.

2003 - Supreme Court of Canada confirms tribunal findings in *Martin* and *Laseur*.

2004 - Louanne Labelle appointed Chief Appeal Commissioner. Tribunal starts calling all self-represented appellants to ensure they understand process.

2005 - Tribunal posts video of mock hearing to website.

2009 - Tribunal begins publishing all decisions on publically available database.

2011 - Full-time Registrar appointed.

2013 - Method to have WCB review important new evidence, filed on appeal, established.

2016 - Sandy MacIntosh appointed Chief Appeal Commissioner.