

Department of Environment and Labour

Adjudicative Board Selection Criteria

ADJUDICATIVE BOARD		Occupational Health and Safety Appeal Panel
1	Statute	Occupational Health and Safety Act Occupational Health and Safety Appeal Panel Regulations
2	Purpose	The purpose of the Appeal Panel is both to adjudicate disputes on the technical aspects of health and safety, and to protect individual employees from employer or union reprisals when they have discharged their responsibilities under the Act.
3	Functions	The function of the Appeal Panel is to adjudicate appeals of persons aggrieved by decisions or orders of the Executive Director of the Occupational Health and Safety Division of the Department of Environment and Labour.
4	Composition	A roster of employer and employee representatives are appointed along with neutral Chairs to be called upon to hear appeals arising from decisions and orders of the Executive Director. The roster of Appeal Panel members is created after mandatory consultation with management and labour organizations. When a decision or order is appealed, an Appeal Panel of three members is designated to decide the matter. The designated Appeal Panel is composed of one management and one labour representative, chosen on an ad hoc basis from the roster, and one neutral Chair.
5	Formal Qualifications	None.
6	Work & Experience Requirements	Chairs should have experience appearing before or acting on administrative boards or tribunals. Members should have some work or experience in fields relevant to occupational health and safety.
7	Skills Required	The Appeal Panel members must have a good knowledge of the Occupational Health and Safety Act and the Appeal Panel Regulations, be acceptable to either labour or management organizations, and have a practical understanding of occupational health and safety in Nova Scotia. Additionally, all members of the Appeal Panel must possess the ability to make impartial, independent decisions, good communication skills, a high degree of integrity, past experience in community related activities and a good reputation amongst their peers. Any individual interested in the position of Chair must have excellent leadership abilities with experience appearing before or acting on boards or tribunals and proven accomplishments in negotiation, problem solving and leading groups to bring about consensus decisions. The Chair further requires exceptional communication skills including demonstrated ability to communicate in public forums. The Chairs must be recognized for their occupational health and safety experience and neutrality in the field by organizations representing both labour and management.

8	Statutory Nomination Requirements	The roster of Appeal Panel members is created after mandatory consultation with management and labour organizations.
9	Traditional Nomination Requirements	<p>The Act specifies that the Minister must seek recommendations from labour organizations and employer associations in order to identify people for a list from which an appeal panel may be designated to hear a filed appeal. The Department of Environment and Labour publicly advertises for applications and seeks recommendations from employer and employee organizations to fulfill these labour and management consultation requirements. This consultation process produces two lists of individuals who have been accepted by the respective groups as representing the employer and employee perspective and identifies chairs recognized for their experience and neutrality. Appointments to the Appeal Panel Roster by the Governor in Council on the recommendation of the Minister are based on the these two lists of submissions.</p> <p>Broad geographic representation is sought on the Appeal Panel from the various regions of the Province. Members should also contribute to the gender and racial diversity of the Appeal Panel.</p>
10	Remuneration	<p>The Chairs are remunerated at a rate of \$400 per day plus any expenses necessarily incurred in the performance of a Chair's duties.</p> <p>Members are remunerated at the rate of \$150 per day plus any expenses necessarily incurred in the performance of their duties.</p>
11	Anticipated Time Commitments	These are part time positions and the time commitment will vary depending on the number of appeals and the complexity of issues before the Appeal Panel. Hearings and meetings are usually conducted during business hours. Members are expected to attend Appeal Panel training sessions at least once per year. Designation of members to sit on an Appeal Panel hearing any particular case is done on an ad hoc basis. Hearings usually last one to two days, but may be of a longer duration.
12	Other Notes	None.