

Office of the Commissioner
of Review Tribunals
Canada Pension Plan/
Old Age Security



Bureau du Commissaire
des tribunaux de révision
Régime de pensions du Canada/
Sécurité de la vieillesse

REPORT OF THE PANEL MEMBER TASK FORCES

March 2003

FOREWORD

After our May 2002 appearance before the Commons Sub-Committee on the Status of Persons with Disabilities, the Chair and Members invited the Office of the Commissioner of Review Tribunals (OCRT) to return with:

- the results of the OCRT Client Satisfaction Survey by Environics, and
- recommendations of Panel Members for improvements in the disability provisions under the *Canada Pension Plan* (CPP).

We accepted with a sense of somber responsibility.

In February 2003, our Deputy Commissioner, Guy Arsenault, met the first undertaking by bringing together Environics vice-president Chris Baker and OCRT senior staff to make a presentation on the OCRT Client Satisfaction Survey. The present document now fulfills our second commitment: it contains reports and recommendations for improvements to CPP Disability by three Task Forces composed of some of our most experienced Members.

Before briefly describing the work of the Task Forces, I am obliged to clarify once again why, as Members of an administrative tribunal, they are expressing their views to a Parliamentary Sub-Committee. Some argue that tribunals and similar agencies, as members of our government's executive arm, should refrain from comment on the legislation forming the basis for their adjudicative or regulatory decisions. However, such agencies are also expected, traditionally and in the normal course of events, to make their views known through annual reports and before parliamentary committees.

Though some degree of reticence is appropriate much of the time, tribunals do have a more forthcoming role during periods of policy review (such as that being carried out by the Sub-Committee) and statutory review (such as that prescribed by Section 113 of the *Canada Pension Plan*). According to the Guide Book for Heads of Agencies provided by the Privy Council Office in 1999:

“There are at least three areas where the involvement of heads of organizations is beneficial in improving policy development and communication across the portfolio:

- Sharing of expertise in ensuring relevance on any proposed legislative changes;
- Appropriate cooperation on policy development with Deputy Ministers so that they may be effective in giving sound policy advice to their Ministers; and
- Sharing management practices to benefit from each other's perspective and experience”.

Review Tribunal Members can bring a particularly valuable perspective to bear on the *Canada Pension Plan* because of who they are and what they do.

They are people drawn from communities all across this country; and they conduct hearings in locations close to the homes of the people who are seeking CPP Disability benefits.

In contrast to policymakers and adjudicators at HRDC, Review Tribunal Members meet face to face with the people about whom they must make decisions. Since the establishment of Canada Pension Plan/Old Age Security Review Tribunals 11 years

ago, their Members have held 58,204 hearings. The Appellant at about 94 per cent of those hearings was a person seeking a CPP Disability pension.

This experience can be found in the Review Tribunal Panel Members who agreed to serve on the Task Forces we set up in summer 2002 to examine CPP-Disability issues. Altogether, they have about 80 years of experience in front-line, face-to-face interaction with Appellants.

I asked them to draw on that experience in developing and deliberating on their conclusions and recommendations.

The Panel Member Task Forces were assisted by OCRT staff, but neither staff nor myself exercised any influence over their recommendations. These were very much the creation of the members, and I am told that there were many lively exchanges among them via email and teleconference. They also welcomed internal submissions from other Review Tribunal members, but quite properly did not invite stakeholder views. When the recommendations were completed, I distributed them for comment to every Panel Member.

In this document is the outcome of this lengthy process – the final reports of each Task Force.

The first is the Report on **Core Policy Issues**. Its mandate was to examine those macro issues fundamental to the delivery of CPP Disability benefits.

The second is the Report on **CPP Legislation and Regulations for Disability**. Its mandate was to develop suggestions on how the decision making process and appeal procedures of the disability provisions of the Canada Pension Plan Act and Regulations might be “modernized” in light of the experiences of the OCRT since our inception in 1991.

The third is the Report on **CPP Disability and Private Insurance**. Its mandate was to examine the implications of the relationship between the CPP and private group disability insurance.

I want to thank all the Members of these Task Forces for their energy, hard work and dedication in shaping three high-quality contributions to the debate on the future of the *Canada Pension Plan*, especially its disability provisions. We at the OCRT/BCTR would very much appreciate receiving the critiques and comments of all CPP Disability stakeholders concerned with this essential Canadian social program.

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