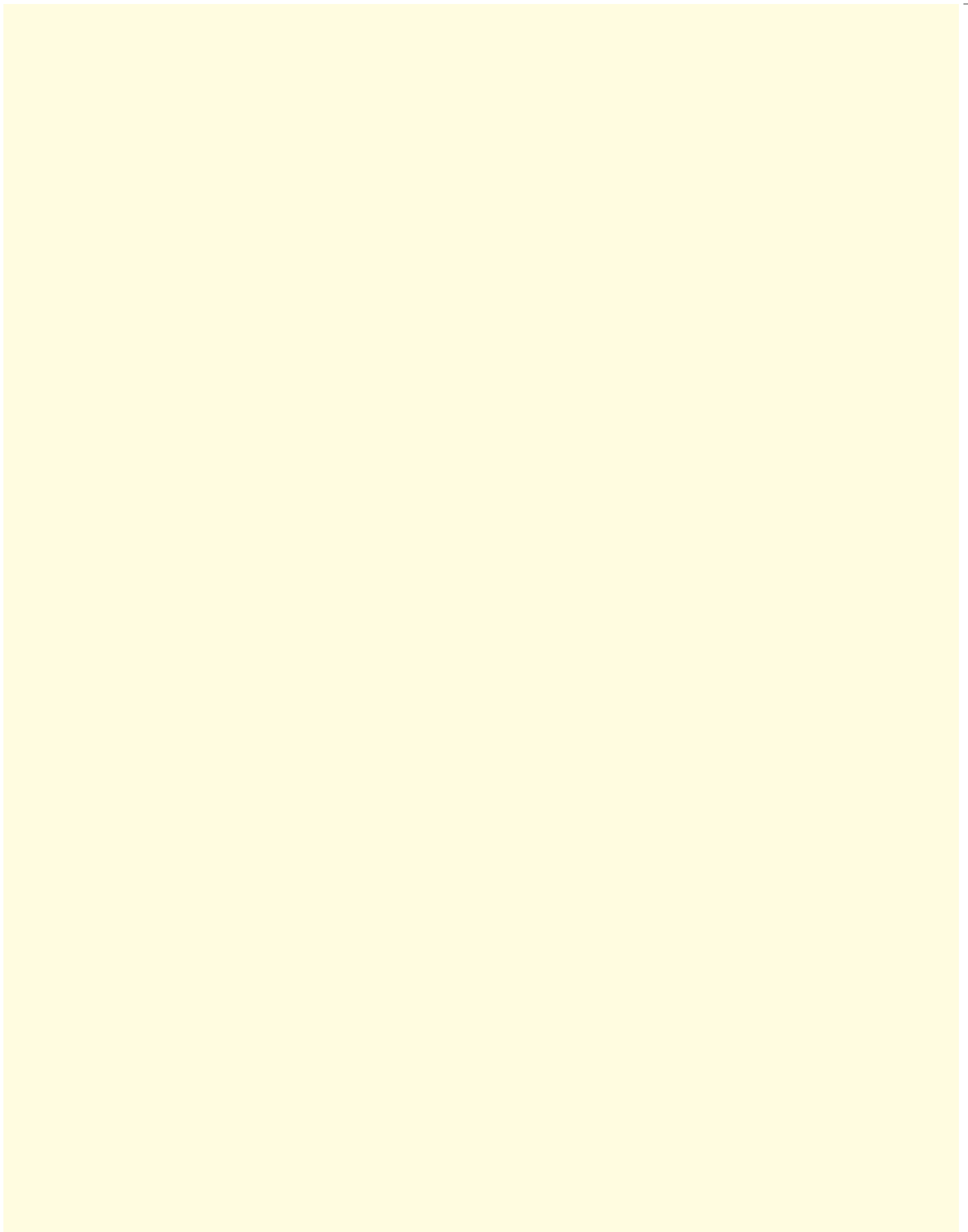


Activity Plan
2007 - 2008

*Income and Employment Support
Appeal Board*



Chairperson's Message

As the Chair of The Income and Employment Support Appeal Board (the Board), I am pleased to submit the Activity Plan for the activities of the Board for the fiscal year 2007-2008. This plan is prepared in compliance with the *Transparency and Accountability Act* pursuant to which the Board has been categorized as a category 3 government entity and which requires the Board to prepare a performance-based activity plan. To accommodate the transition phase for compliance with the *Transparency and Accountability Act*, this plan is for the fiscal year 2007-2008; subsequent plans will cover three fiscal years. 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 government as communicated by the Minister of Human Resources, Labour and Employment.

The Board is an independent, external body authorized to hear applications regarding Income Support, eligibility for Employment Supports, 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 assistance in the administration of the legislation.



Cynthia Downey
Chairperson

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1.0 OVERVIEW

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 coverage under the *Low Income Drug program*. The Board is governed by the *Income and Employment Support Act*. This Act authorizes the Lieutenant-Governor in Council to appoint an appeal board.

The Board is comprised of a chair, vice-chair, and member, one of whom is a current or former recipient of income and/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 and/or employment support. Each member may be appointed for up to three years by the Lieutenant-Governor in Council and is eligible for reappointment. Members are paid in accordance with Treasury Board remuneration guidelines for boards, commissions and agencies.

The current members of the Income and Employment Support Appeal Board are:

Ms. Cynthia Downey, Chairperson
Ms. Regina Brinston, Vice-Chairperson
Mr. Andrew Tobin, Member
Ms. Carmel Osborne, Alternate Member
Ms. Augusta Whelan, Alternate Member

The Board has an Executive Secretary who is an employee of the Department of Human Resources Labour and Employment, and 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 annual budget of the Board is approximately \$79,000.

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: 709-719-2479/ FAX: 709-729-5139)

2.0 MANDATE

The mandate of the Income and Employment Support Appeal Board is derived from section 44 of the *Income and Employment Support Act* (see Appendix A for more information). The Board's mandate is to hear appeals and render decisions on behalf of any person affected by a finding or decision of an officer of the Department of Human Resources Labour and Employment and the Internal Review respecting Income and/or Employment Support.

3.0 LINES OF BUSINESS

The mandate of the Income and Employment Support Appeal Board is delivered through one line of business as authorized in section 43 of the *Income and Employment Support Act* (see Appendix B for more information) and detailed below.

Appeal Board Proceedings

An applicant/recipient may appeal the outcome of the Internal Review (as conducted by the departmental employee of Human Resources Labour and Employment) or under section 4.2 of the *Health and Community Services Act* or under section 40 of the *Pharmaceutical Services Act* to the Board within 60 days of a decision. This is achieved by submitting the Application for Appeal, which is forwarded to the appellant with the ruling of the Internal Review.

When an application for appeal is received the Board shall:

- Acknowledge the appeal;
- 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;
- 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;
- 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/ recipient who is not satisfied with a ruling of the Board may appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador.

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.

Plain Language

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 who make application for Appeal under section 43 of the *Income and Employment Support Act*.

6.0 VISION

Residents of Newfoundland and Labrador are treated in a fair and timely manner when making appeals to the Appeal Board.

7.0 MISSION

The mission statement identifies the priority focus area of the Board over the next two planning cycles; the first cycle being for one fiscal year (2007-08) and the second cycle being for three fiscal years (2008-09, 2009-10, and 2010-11). The statement also identifies the measures and indicators that will assist the Board and public in monitoring and evaluating success.

The *Income and Employment Support Act and Regulations* clearly outlines the legislation governing the provision of an Appeal Board and the process it must follow. The time lines stated in legislation and the implementation of services such as teleconference hearings has resulted in an effective and efficient appeal process. The Board has set its policy and practices to ensure this level of service standards continues to respond to the changing needs of the people it serves.

Mission: By 2011, the Income and Employment Support Appeal Board will have continued to ensure the efficient and timely administration of the provincial Income and Employment Support Appeal Board process.

Measure: Continued administration of an efficient and timely appeal process.

Indicators:

- 100% of appeal hearings were scheduled within 30 days of receiving an application for appeal.
- 100% of applicants and officers of the department were given at least seven days notice of the date, time and place of the appeal hearing.
- 100% of appeal hearing decisions were communicated to the appropriate parties within five days of the conclusion of an appeal hearing.

8.0 ISSUES

The objectives identified for each issue reflect the results expected in the one year timeframe. Measures and indicators are provided to assist both the Board and the public in monitoring and evaluating success. The key priorities of the Board are:

- Scheduling of appeals
- Notification of hearings
- Communication of decisions

Issue 1 Scheduling of all appeal hearings

Objective 1: By March 31, 2008, the Board will have scheduled hearings of appeal applicants within thirty days of receiving the application for appeal.

Measure: 100% of appeal hearings were scheduled within thirty days of application.

Indicators: The number of applications for appeal received compared to the number of hearings scheduled in a thirty day period.

Issue 2 Information pertaining to the scheduling of the appeal hearing

Objective 2: By March 31, 2008 the Board will have communicated notice to appellant and relevant parties at least seven days prior to hearing.

Measure: 100% of appellants and relevant parties to the appeal receive notice at least 7 days prior to the hearing.

Indicators: The number of notifications provided to all parties within seven days prior to hearing compared to the number of hearings scheduled.

Issue 3 Written communications of appeal hearing decisions

Objective 3: By March 31, 2008 the Board will have communicated in writing all appeal decisions to the appropriate parties within five days of the conclusion of the hearing.

Measure: 100% of written decisions of the Board are communicated within five days of the hearing.

Indicators: The number of decisions communicated within five days to the relevant parties compared to the number of hearings conducted.

Performance measures will be reported in the Appeal Board Annual Report 2007-2008.

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 lists 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*.

10.0 APPENDIX B: LINES OF BUSINESS

Income and Employment Support Act

43. (1) An appellant may appeal, either personally or through another person acting on his or her behalf with his or her written consent, the outcome of an internal review under this Act or under section 4.2 of the *Health and Community Services Act*, or under section 40 of the *Pharmaceutical Services Act* to the appeal board.

(2) An appeal under this section shall be made in writing no more than 60 days from the receipt of the outcome of an internal review under this Act or section 4.2 of the *Health and Community Services Act* or under section 40 of the *Pharmaceutical Services Act*.

(3) The appeal board shall

(a) acknowledge the appeal;

(b) arrange a date for hearing the appeal;

(c) give at least 7 days notice of the date, time and place fixed for hearing the appeal to the appellant and to the officers of the department who are concerned or, where an appeal is made from an internal review under section 4.2 of the *Health and Community Services Act*, to officials of the department administering that Act under the *Executive Council Act*;

(d) notify an appellant of his or her right to appear and to be represented under subsection (4); and

(e) within 30 days of receiving the appeal, hear the appeal.

(4) For the purpose of presenting his or her case and producing evidence, an appellant may appear before the board on his or her own behalf or be represented by counsel or an agent of his or her choice and may accompany and appear with his or her counsel or agent before the board, and this provision shall also apply where appeals are heard by teleconference, video conference or other method approved by the minister.

(5) An appellant may request, in writing, with reasons, a postponement of the hearing of an appeal for a reasonable period as determined by the board and the board may, in its discretion, grant the postponement.

(6) Where:

(a) an appellant has not been granted a postponement under subsection (5); or

(b) the appellant, either in person or by his or her counsel or agent, does not attend the hearing of the appeal after being notified under this section,

the board may proceed in his or her absence to examine into the matter of the appeal and to hear the witnesses and adjudicate on the matter.

(7) The board may, where the appropriate documents for consideration of the appeal have not been received, postpone the hearing until the earliest possible date after those documents have been received.

(8) For the purpose of this Act, the appeal board has the powers that are or may be conferred on a commissioner under the *Public Inquiries Act*.