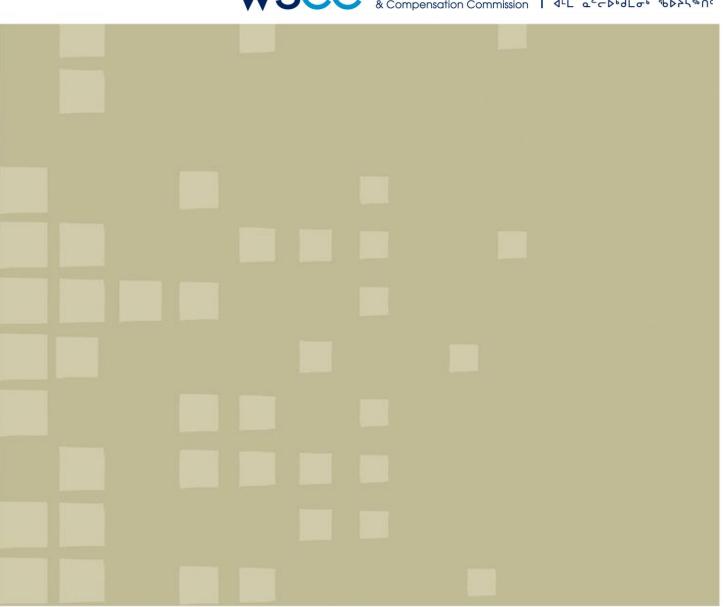
NORTHWEST TERRITORIES & NUNAVUT

Governance Council Directives







Yellowknife

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Igaluit

Box 669, 2nd Floor, Qamutiq Building Igaluit, NU X0A 0H0

Telephone: 867-979-8500 Toll Free: 1-877-404-4407

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Inuvik

Box 1188, 151 Mackenzie Road Mack Travel Building, 3rd Floor Inuvik, NT X0E 0T0

Telephone: 867-678-2301 Fax: 867-678-2302

PREVENTION SERVICES

Industrial Safety: 867-669-4418 Mine Safety: 867-669-4412

wscc.nt.ca wscc.nu.ca

If you would like this document in another language, please contact us.

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Directive number	Directive name	Directive effective date
B-000	Governance Council Roles and Responsibilities	January 1, 2021
B-001		Rescinded
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B-003		Rescinded
B-004	Governance Council Directors' Remuneration	April 1, 2020
B-005	Governance Council Directors' Travel	June 14, 2018
B-006	Governance Council Directors' Code of Conduct	January 1, 2021
B-007		Rescinded
B-008		Rescinded
B-009	Appeals Tribunal Members' Remuneration and Travel	June 10, 2016
B-010	Governance Council Directors' Claims	January 1, 2021
B-011	Appeals Tribunal Members' Claims	June 10, 2016
B-012	Governance Council Directors' Training	March 12, 2019
B-013	Governance Council Stakeholder Relations	January 1 ,2021



POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) Governance Council outlines its roles and responsibilities in this directive.

DEFINITIONS

Northwest Territories Minister: Minister of the Government of Northwest

Territories responsible for the Northwest Territories *Workers' Compensation Act* and Northwest Territories *Workers' Compensation*

General Regulations.

Nunavut Minister: Minister of the Government of Nunavut

responsible for the *Workers' Compensation Act* and Nunavut *Workers' Compensation General*

Regulations.

Governance Council: "... the Governance Council continued by

subsection 83(1);" (per subsection 1 (1) of the

Workers' Compensation Acts)

President: "...the President is the chief executive officer

of the Commission." (per subsection 101(2) of

the Workers' Compensation Acts)

Observer: Individual(s) who attend Governance Council

meetings whose participation is limited to observation, meaning they are unable to vote or

participate in decision-making.

POLICY

General

The Governance Council oversees the conduct of business operations and management, while maintaining the credibility of the WSCC. The Governance Council provides overall direction to the President on the operations of the WSCC.

Appointment

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The Northwest Territories Minister appoints all seven Directors of the Governance Council. Two of seven Directors are appointed based on recommendations from the Nunavut Minister responsible for the WSCC. The seven Directors include:

- one Director to serve as the Chairperson;
- two Directors representing the interests of the general public;
- two Directors representing the interests of workers; and
- two Directors representing the interests of employers.

The Northwest Territories Minister consults with the Nunavut Minister prior to appointing the Chairperson. The Governance Council Chairperson presides at meetings of the Governance Council and is responsible for ensuring the work of the Council is organized and proceeds in a timely fashion.

The Governance Council designates one Director to serve as the Vice-Chairperson. The designated Director keeps the title of Vice-Chairperson until their current term as a Director expires. The Vice-Chairperson assumes all responsibilities of the Chairperson, if the Chairperson is absent or unable to perform the responsibilities required, or the position becomes vacant.

A Governance Council Director holds office for a term not exceeding three years. The Northwest Territories Minister may reappoint a person as a Director, unless the reappointment results in the person serving on the Governance Council for more than nine consecutive years. If a Director serves for nine consecutive years, they may be appointed again if at least one year has passed from the expiry of their previous appointment.

When appointing or recommending Governance Council Directors, the Ministers attempt to ensure that there is a balance of gender and geographical representation and that together, Directors have the following qualifications:

- knowledge of corporate governance;
- experience in financial and strategic management;
- knowledge of administrative law;
- understanding of the role of policy;
- understanding of the issues facing employers and workers in the Northwest Territories and Nunavut;
- knowledge of cross-cultural awareness;
- knowledge of mental health needs in the workplace;
- knowledge of workers' compensation;
- demonstrated appreciation of collegiality and cooperative interpersonal relations; and

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• high ethical standards.

Governance Council Roles and Responsibilities

The Governance Council leadership, strategic direction and oversight roles and responsibilities include:

- providing oversight over the business and the affairs of the WSCC;
- giving strategic direction to the President over WSCC operations;
- giving oversight relating to the proper administration of the *Workers' Compensation Acts*, the *Explosives Use Acts*, the *Mine Health and Safety Acts*, the *Safety Acts*, and regulations made under these Acts;
- evaluating and approving such policies as are considered appropriate for the administration of legislation for which the WSCC is responsible
- giving direction on programs of the WSCC;
- reviewing and approving the annual operating and capital budgets;
- ensuring the proper stewardship of the Workers' Protection Fund;
- providing recommendations to the Ministers respecting the Years' Maximum Insurable Remuneration; and
- addressing any issue referred to it by the Minister.

Governance Council Directors are responsible for following the code of conduct as outlined in GC Directive B-006.

Observers

The Chairperson may invite individual(s) who request to attend Governance Council meetings in the role of observer(s). Observers may be participants who intend to learn and experience the work of the Governance Council. Before the Chairperson may invite an observer, that observer must apply for the role of Director and be under consideration by the Minister for a vacancy.

Observers are entitled to remuneration, as established in GC Directive B-004 Governance Council Directors' Remuneration. Observers are bound by the same confidentiality requirements as a Director.

Observers do not have any of the roles and responsibilities of Directors. For clarity, additional provisions related to observers include but are not limited to:

- term limitation of one year;
- unable to vote or participate in decisions that the Governance Council makes;
- cannot table meeting materials; and

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• cannot form part of quorum.

Attendance by observers will be noted in the official minutes of Governance Council meetings.

Committees

According to the *Workers' Compensation Acts* of the Northwest Territories and Nunavut the Governance Council establishes an Audit Committee to ensure the objective oversight of the WSCC's:

- standards of integrity and behaviour;
- financial reporting; and
- management and financial control practices.

The Governance Council may establish other committees at its discretion for whatever purpose and period of time it determines is appropriate.

The Governance Council Chairperson is, by virtue of their office, a member of all Governance Council Committees, except the Audit Committee. The Chairperson designates who will serve as Chair of all other committees.

The President of the WSCC is, by virtue of their office, a non-voting member of the Governance Council

Special Circumstances

The Chairperson reviews and decides on all Governance Council related matters that are not addressed in existing Governance Council Directives, WSCC Policy, or applicable Regulations/Legislation.

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LEGISLATIVE AUTHORITIES

Northwest Territories Workers' Compensation Act: Sections 84; 85; 86; 87; 89; 102

subsection 83(2); 96(3)

Nunavut Workers' Compensation Act: Sections 84; 85; 86; 87; 89; 102

subsection 83(2); 96(3)

Northwest Territories Workers' Compensation

General Regulations:

Section 11

 $Nunavut\ \textit{Workers' Compensation General}$

Regulations:

Section 11

POLICY RELATED DOCUMENTS

Governance Council Directive B-006 Governance Council Directors'

Code of Conduct

HISTORY

Governance Council Directive B-000 (Mar/3/16) Governance Council Roles and

Responsibilities (Non-

Substantive Change – April 1,

2020)

Governance Council Directive B-000 (Mar/3/16) Governance Council Roles and

Responsibilities

Governance Council Directive B-000 (Nov 30/10) Governance Council Roles and

Responsibilities

Governance Council Directive B-000 (Dec 11/08) Governance Council Roles and

Responsibilities

Chairperson

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POLICY STATEMENT

This directive establishes the rules of order by which the Workers' Safety and Compensation Commission (WSCC) Governance Council conducts its meetings.

DEFINITIONS

Adjournment: The conclusion of a meeting.

Alternate Location A location other than the place where the office of

the Commission is located or at any other location

that the Governance Council may direct.

Conflict of Interest: Any actual or perceived situation in which

Governance Council Directors' abilities to act in the best interests of the WSCC or themselves is or could be directly or indirectly compromised by their personal interests or knowledge.

Corporate Secretary: "...the Corporate Secretary of the Commission

appointed under subsection 101(6);" (as per subsection 1 (1) of the Workers' Compensation

Acts).

Governance Council: "...the Governance Council continued by

subsection 83(1);" (as per subsection 1 (1) of the

Workers' Compensation Acts).

Personal Interest: Includes an existing or prospective business,

employment, commercial or financial interest of affiliation of the Directors or a Related Person, whether direct or indirect, where the interest or affiliation is greater than that of the general public, but does not include an interest that arises solely by virtue of a Director's affiliation

with a particular stakeholder group.

Quorum: "A majority of the directors of the Governance

Council then holding office..." (as per

subsection 88(2) of the Workers' Compensation

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Acts).

President: "...the President of the Commission appointed

under subsection 101(1);" (as per subsection 1

(1) of the *Workers' Compensation Acts*).

Related Person: Includes the spouse, children or dependents of a

Director, or other persons, firms, partnerships, associations, syndicates, organizations, groups,

companies or corporations related to or

associated with the Director.

POLICY

Meeting Attendance

Governance Council Directors are expected to attend all scheduled meetings and ad hoc meetings. If a Director cannot attend a meeting, they must notify the Chairperson prior to the meeting.

If a Director is absent more than 50% of scheduled meeting days in a twelve month period, the Chairperson may write a letter to the Minister Responsible for the WSCC recommending the Minister rescind the Director's appointment.

Quorum

Governance Council meetings cannot be called to order without quorum. If a quorum is present at the beginning of a meeting but a Director or Directors leave, reducing the number to less than quorum, the meeting may continue if it is the wish of the remaining Directors. Directors who declare a conflict of interest are considered present when determining a quorum but must refrain from discussions or voting on the issue for which they are in conflict.

Conflict of Interest

A Director must declare a real, potential, or perceived conflict of interest during approval of the meeting agenda. Once a conflict of interest is declared, the Director cannot participate in any discussions, motion, or amendment concerning the conflicting agenda item. The Director may choose, or the Chairperson may request, the Director to leave the meeting during discussions depending on the nature and sensitivity of the issue.

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Meeting minutes must record all conflict of interest declarations, as well as how they are handled.

Creation and Acceptance of the Agenda

The Chairperson and Governance Council Directors, in consultation with the President and Corporate Secretary, develop Governance Council meeting agendas.

The following process is used in developing agendas for regularly scheduled Governance Council meetings:

- at the beginning of each year, dates for all meetings are identified for the coming year and included in the Corporate Planning Calendar;
- recurring agenda items for each meeting are included in the Corporate Planning Calendar;
- the Corporate Planning Calendar is circulated and approved by the Governance Council:
- the draft agenda for the next meeting is included as one of the items of business in the pre-read material; and
- notices of meetings, agendas and schedule of events are circulated to all directors several weeks prior to a scheduled meeting.

The agenda is the list of business items addressed at a meeting. A tentative agenda accompanies the notice of meeting to provide Directors with time to consider or research the items or issues being addressed. The agenda remains tentative until amended or approved by the Chairperson. Once the agenda is approved, it becomes the official agenda of the meeting.

Adjournment

A Governance Council meeting adjourns when all business on the approved agenda is concluded, and a motion to adjourn has passed.

General

Any additional rules of order for the proper management of Governance Council meetings are in accordance with *Call to Order – Meeting Rules and Procedures for Non-Profit Organizations* by Herb Perry.

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Meeting Location

The meetings of the Governance Council must be held in the place where the office of the Commission is located or at any other place that the Governance Council may direct.

If the meeting is held in a new location, the Governance Council must agree with the alternate location and affirm all decisions from the meeting will be considered valid. Should circumstances arise where a meeting location needs to be continuously held at the alternative location, the Chair has the authority and discretion to continue with the alternate location until meetings can resume at the office of the Commission.

Alternate locations can be physical or virtual.

In-Camera Sessions

The Governance Council may include item(s) on its agenda it designates as being 'incamera'. In-camera sessions are designed to address specific sensitive matters that are better initially discussed without notes being taken or without observers. In-camera sessions, only include Governance Council Directors but other individuals may attend at the invitation of the Chair. The Governance Council may also hold an in-camera session without WSCC administration being present, including the President.

Care must be exercised by the Chair to ensure that in-camera sessions remain focused on appropriate items and do not digress into areas that should be discussed in the presence of administration. The Governance Council Chair must exercise their authority as Chair to determine the appropriateness and relevance of issues raised in-camera and to provide opportunities for all Directors to contribute meaningfully to the discussion.

Motions arising from in-camera sessions must be made in the regular meeting session. As such, the motion and the results of the vote are recorded in the minutes. Any discussion resulting from the motion that is conducted 'in-camera' will not be recorded in the minutes.

LEGISLATIVE AUTHORITIES

Northwest Territories *Workers*' Sections 83; 84; 85; 86; 87; 88; 89; 102; 103

Compensation Act:

Nunavut Workers' Compensation Sections 83; 84; 85; 86; 87; 88; 89; 102; 103

Act:

Northwest Territories Workers' Section 11

Compensation General Regulations:

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Nunavut Workers' Compensation

General Regulations:

Section 11

Northwest Territories Access to

Information and Protection of

Privacy Act

All

Nunavut Access to Information and

Protection of Privacy Act

All

Northwest Territories Conflict of

Interest Act:

All

Nunavut Conflict of Interest Act: All

POLICY RELATED DOCUMENTS

Government of the Northwest

Territories Code of Conduct:

Section 17

WSCC Governance Council

Director's Guide:

Section 1: The Governance Council – Roles

and Responsibilities

HISTORY

Governance Council Directive B-002 Governance Council Rules of Order

(Dec 4/15)

Governance Council Directive B-002 Governance Council Rules of Order

(Jun 05/12)

Governance Council Directive B-002 Governance Council Rules of Order

(Dec 11/08)

Governance Council Directive B-002 Governance Council Rules of Order

(Jun 13/07)

Board Directive B-002 (Mar 24/00) **Board Meeting Procedure** Policy Directive B-002 (Nov 21/96) **Board Meeting Procedure** Board Directive B-4 (Jun 10/81) **Board Meeting Procedure**

Effective: January 1, 2021 Motion: 20/12-005

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 Chairperson

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GOVERNANCE COUNCIL DIRECTORS' REMUNERATION

POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) remunerates Governance Council Directors for their service in accordance with the Workers' Compensation General Regulations. This remuneration is paid from the Workers' Protection Fund.

DEFINITIONS

Corporate Secretary: "... the Corporate Secretary of the Commission

appointed under subsection 101(6);" (as per subsection 1 (1) of the Workers' Compensation

Act(s)).

Governance Council: "... the Governance Council continued by

subsection 83(1);" (as per subsection 1(1) of

the Workers' Compensation Act(s)).

Regular Salary: Monies paid to a worker by an employer, with

the exception of pay provided through the use

of leave benefits.

POLICY

Remuneration

Governance Council Chairperson

The Governance Council Chairperson (Chairperson) is paid \$60,000 for each 12 month period served as chairperson.

The Chairperson does not receive additional remuneration for time spent traveling to/from meetings, trainings, or functions, or the time spent attending these events.

The Chairperson also receives an annual discretionary allowance of \$1000, which may be used for purposes such as entertainment at Governance Council-sanctioned functions.

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Motion: 20/03-014



GOVERNANCE COUNCIL DIRECTORS' REMUNERATION

Governance Council Directors (excluding Chairperson)

Governance Council Directors are paid \$800 every three months. In addition to this, when traveling to or attending meetings, trainings, approved functions or other Governance Council-sanctioned activities, the following remuneration is paid:

- for each half-day up to 3.5 hours, \$175;
- for each full day up to 7.5 hours, \$350; or
- for each full day over 7.5 hours, \$525.

Adjustments

If a Director is paid their regular salary by their employer while they are engaged in a Governance Council-related activity (e.g. GC meeting, training, WSCC-related function), the WSCC pays the difference so that the total amount received from the regular employer and the WSCC is equal to the appropriate daily amount established above. Where the Director receives pay from their regular employer that is equal to or exceeds the remuneration that the WSCC would otherwise pay to attend meetings/functions, the WSCC does not provide any remuneration for those days. However, Directors who use leave without pay, annual leave, or lieu time to attend to WSCC business will receive full remuneration.

End of Service

Where a Director's term ends part of the way through a quarter, the \$800 quarterly remuneration will be prorated accordingly.

Absences

Directors travelling to attend a WSCC meeting, function or training session who miss 50% of the scheduled meeting do not receive applicable remuneration or reimbursement for travel-related expenses, unless the Governance Council is satisfied that the director has a reasonable excuse for the absence, which may include, but is not limited to, absence due to illness or unforeseen circumstances.

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Motion: 20/03-014



GOVERNANCE COUNCIL DIRECTORS' REMUNERATION

LEGISLATIVE AUTHORITIES

Nunavut Workers' Compensation Section 86(2)

Act:

NWT Workers' Compensation Act: Section 86(2)

Nunavut Workers' Compensation Section 12

General Regulations:

NWT Workers' Compensation

General Regulations:

Section 12

HISTORY

Governance Council Directive B-004 Governance Council Directors' Honoraria

(Mar 5/2015)

Governance Council Directive B-004 Governance Council Directors' Honoraria

(Mar 16/2011)

Governance Council Directive B-004 Governance Council Director's Honoraria

(Dec 11/08)

Governance Council Directive B-004 Governance Council Director's Honoraria

(Jun 13/07)

Policy Directive B-004 (Aug 1/02)
Policy Directive B-004 (Apr 20/01)
Policy Directive B-004 (Apr 27/01)
Policy Directive B-004 (Aug 4/00)
Policy Directive B-004 (Mar 24/00)
Honoraria and Per Diem
Honoraria and Per Diem
Honoraria and Per Diem

Policy Directive B-004 (Mar 24/00)

Policy Directive B-004 (Nov 21/96)

Policy Directive B-70 (Feb 8/88)

Honoraria and Per Diem

Honoraria and Per Diem

Chairperson

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POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) pays the Governance Council Directors' travel costs for attendance at meetings or other business functions of the Governance Council from the WSCC Workers' Protection Fund.

This directive provides guidelines for reimbursing Directors' expenses incurred while travelling to attend meetings or to conduct business on behalf of the Governance Council.

DEFINITIONS

Disability: The condition of having reduced physical or

mental abilities.

Governance Council: "... the Governance Council continued by

subsection 83(1);" (as per subsection 1 (1) of

the Workers' Compensation Act(s)).

Primary Residence: The community where a person lives most of

the time. A person can only have one primary residence. Where a person has a dwelling in more than one community, the primary

residence is the place where the person spends

the majority of their time.

POLICY

General

The WSCC pays Governance Council Directors' travel costs to attend Governance Council meetings and approved functions. Directors receive a per diem allowance in addition to the remuneration described in the *Regulations* while travelling on WSCC business.

Travel arrangements should allow Directors to arrive at the location of the Governance Council meeting or approved function the day before the event starts. Travel arrangements should also allow the Directors to return to their primary residences as soon as possible after the event.

Travel

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Travel is by the most economical means possible without causing undue inconvenience for the Directors.

The Governance and Executive Coordinator, President's Office, normally arranges Directors' travel. All costs are directly invoiced to the WSCC. Directors may make their own travel arrangements provided they notify the Corporate Secretary. Directors' travel agents must obtain authorization from the Corporate Secretary to invoice the WSCC for travel costs.

When travel is required for multiple Directors, the Governance and Executive Coordinator or the Directors should coordinate transportation to ensure Directors are separated to the maximum extent that is practical to minimize any potential loss due to an incident.

Circumstances may arise where Directors travel to or from locations other than their primary residence to a Governance Council meeting or approved function. In these cases, the WSCC pays the lesser of:

- the return travel costs to the Director's primary residence and associated remuneration and per diem allowance; and
- the actual travel costs and associated remuneration and per diem allowance.

If Directors are required to travel to or from places other than their primary residence because of employment or professional obligations, the Governance Council may authorize payments in excess of the amount specified above if the additional expenses were unavoidable and necessary.

Directors may extend their stay or link it to personal travel. Where Directors revise their travel for personal reasons, the WSCC covers the cost of travel, per diem allowance and remuneration that would normally be covered during usual travel arrangements. The Director is responsible for any additional costs.

Reimbursement for Directors' vehicle transportation to attend Governance Council meetings or other business of the Governance Council is at the kilometric rates specified in the Government of the Northwest Territories *Duty Travel Rates*.

Travel to Other Approved Functions

Directors may represent the Governance Council at other external functions. Attendance at these functions, whether within or outside of Canada, are approved by the Governance Council.

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Application

Directors submit travel requests to the Governance Council, in writing, outlining:

- information on the event;
- rationale for the travel; and
- the proposed travel arrangements and expected costs.

Approval

The Governance Council considers the following factors in making its decision:

- The purpose of travel and whether it is directly related to the Governance Council's mandate and activities;
- If attendance will benefit the WSCC or its stakeholders by:
 - o providing information on significant developments in the area of workers' compensation applicable to the WSCC;
 - o enhancing the Directors' knowledge of compensation issues and their ability to serve on the Governance Council; or
 - o contributing to the development of compensation standards, consistency or understanding.
- Whether there is opportunity for an exchange of relevant information or ideas from a comparable WCB or organization;
- Whether there is sufficient time remaining in the Directors' terms to use this knowledge for the benefit of the Governance Council;
- The availability of funds in the budget to be allocated for purposes for Governance Council travel;
- Whether there are other, less expensive, or more effective ways, to achieve the same purpose(s).

Post Travel Requirements

Directors, including the Chairperson, must report on their travel (e.g. information pertaining to the event/function attended) to the Governance Council within 30 days of their return, or at the next regular meeting. Directors must report in writing.

Directors must submit their travel expenses, with applicable receipts, within 10 days after completion of the trip, as per the Financial Administration Manual of the Government of the Northwest Territories.

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Guidelines Governing Directors' Travel

All Directors may attend the Association of Workers' Compensation Boards of Canada (AWCBC) Governance Summit, as well as any event related to the WSCC's mandate that is requested and approved by the Governance Council.

The Chairperson may travel to any event related to the WSCC's mandate. However, prior Governance Council approval is required for any international travel.

These guidelines are not intended to limit travel required for Directors to carry out their duties and responsibilities. The Chairperson approves, in advance, travel necessary for Directors to carry out their duties and responsibilities.

Failure to Participate

Directors travelling on the WSCC's behalf must attend all meetings, functions, and training sessions, unless the lack of participation is due to illness or unforeseen circumstances. The Chairperson determines when Directors are personally responsible for travel-related expenses for lack of participation.

Air Travel

Governance Council Directors travel by economy airfare, unless the Director has a disability. In these cases, the Director travels by the most economical airfare that accommodates their needs.

Expenses

Governance Council Directors are paid a per diem allowance to cover expenses for accommodation and meals.

The Governance and Executive Coordinator makes accommodation arrangements, and where possible, the costs are directly invoiced to the WSCC. Standard commercial accommodation (i.e. hotel, motel) is used, except when:

- staying in private accommodation (e.g. personal residence, or with family/friend); or
- the available standard commercial accommodations are not of an acceptable level of quality. In these cases, Directors may stay in non-standard commercial accommodations (e.g. bed and breakfast, short-term rental apartment).

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Reimbursements for private accommodations are at the rate specified in the Government of the Northwest Territories' Duty Travel Rates. Commercial accommodations that offer Government rates are used whenever possible.

Reimbursements for meals and incidentals are at the rates set out in the Government of the Northwest Territories' Duty Travel Rates. If Directors incur incidental expenses (e.g. cab fare) over the specified amount, they may be reimbursed with receipts.

Directors may offer hospitality during significant public or WSCC sanctioned occasions. In these cases, the Governance Council is responsible for approving the hospitality offered. In most circumstances, the Governance Council should not provide formal or elaborate meals, paid entertainment or gifts.

When applying to offer hospitality, Directors submit their request to the Governance Council, in writing, outlining:

- information on the event;
- rationale for participating in the event; and
- the proposed hospitality (including gifts) and expected costs.

Directors should not accept hospitality or gifts in relation to their WSCC duties unless provided equally to all parties, such as gifts to conference participants.

Directors must not charge alcoholic beverages to WSCC accounts or credit cards. Directors must personally pay for alcohol purchased by a Director for personal consumption or for a third party while at functions. This does not apply to the Governance Council Chairperson's annual entertainment allowance (\$1000.00).

Special Circumstances

The Chairperson reviews and decides on all circumstances not addressed in this directive.

LEGISLATIVE AUTHORITIES

Northwest Territories Workers' subsection 67(4)

Compensation Act:

Nunavut Workers' Compensation subsection 67(4)

Act:

Northwest Territories Workers' subsection 12(1)

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Compensation General Regulations

Nunavut Workers' Compensation General Regulations

subsection 12(1)

POLICY RELATED DOCUMENTS

Government of the Northwest Section 17

Territories Code of Conduct:

Government of the Northwest Territories Duty Travel Rates

Government of the Northwest Section 760

Territories Financial Administration

Manual

HISTORY

Governance Council Directive B-Governance Council Directors' Travel 005 (Dec 04/13)

Governance Council Directive B-Directors' Travel

005 (Mar 29/12)

Governance Council Directive B-Directors' Travel

005 (Mar 16/11)

Governance Council Directive B-Directors' Travel

005 (Dec 11/08)

Governance Council Directive B-Directors' Travel

005 (Sep 21/06)

Policy Directive B-005 (Sep 26/02) Governance Council Travel Policy Directive B-005 (Apr 19/01) Board of Director Travel Policy Directive B-005 (Apr 28/01) **Board of Director Travel** Policy Directive B-005 (Mar/00) Board of Director Travel Policy Directive B-005 (July 16/98) Board of Director Travel Policy Directive B-005) (Nov 21/96) **Board of Director Travel** Board Directive B-89 (Jan 09/91) Travel for Directors

Chairperson

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POLICY STATEMENT

This directive describes the minimum standards for Directors' conduct while serving as Directors of the Workers' Safety and Compensation Commission (WSCC) Governance Council.

DEFINITIONS

Conflict of Interest: Any actual or perceived situation in which a

Governance Council Director's ability to act in the best interests of the WSCC is compromised by their

personal interest or knowledge.

Director: A member of the WSCC Governance Council. The

definition includes the Chairperson and Vice-

Chairperson.

Governance Council: "...the Governance Council continued by subsection

83(1);" (as per subsection 1(1) of the Workers'

Compensation Acts)

Personal Interest: Includes an existing or prospective business,

employment, commercial or financial interest or affiliation of the Director or a related person. For the purpose of this directive, personal interest exists when the association is greater than that of the general public, but does not necessarily include an interest that

arises solely because a Director is associated with a

particular person or group of people.

Related Person: Includes a spouse, parent, sibling, child or dependent

of the Director or other persons, firms, partnerships, associations, syndicates, organizations, groups, companies or corporations related to or associated

with the Director.

Workers' Protection Fund: "...the fund continued by subsection 67(1) for the

payment of compensation and other outlays and expenses authorized under this Act;" (as per

subsection 1(1) of the *Workers' Compensation Acts*)

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POLICY

General

Directors are given the power to administer the Northwest Territories and Nunavut Workers' Compensation Acts, the Explosives Use Acts, the Mine Health and Safety Acts, the Safety Acts and regulations made under these Acts. Administration of these Acts and regulations requires responsible conduct by Directors when executing their duties.

All Governance Council Directors are expected to adhere to Governance Council Directives, and WSCC Policies and Administrative Policies.

The Directors prescribed duties include:

- acting honestly and in good faith with a view to the best interests of the WSCC; and
- exercising the care, diligence and skill that a reasonable and prudent person would apply in the same or similar circumstances.

Concerns related to a Director's failure to comply with the Code of Conduct are to be brought to the Chair, or Vice-Chair, if the concerns relate to the Chair.

Directors must understand that these duties do not necessarily end with their term of service, but where appropriate, continue after their term of service expires.

Fiduciary Duty

Subsection 83(2) of the *Workers' Compensation Acts* mandates Directors' fiduciary duty to the WSCC. Fiduciary duties exist because Directors have a special position with respect to WSCC operations, possessing confidential information and exercising control over the Workers' Protection Fund.

Director fiduciary duties include, but are not limited to:

- disclosing personal interests and avoiding conflict of interest;
- properly using WSCC property;
- protecting confidential information;
- appropriately using Director influence; and
- acting in the best interests of the WSCC.

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Personal Interest

Personal interests that require disclosure include any interests that affect Directors in their capacity as employers or workers. Upon appointment to the Governance Council, Directors must provide a written statement to the Chairperson describing all relevant personal interests including the personal interests of related persons, which may appear to place Directors in a conflict of interest. Directors must inform the Chairperson of any changes of personal interests, if any, which occur after their appointment to the Governance Council. The Chairperson discloses all personal interests to the Vice-Chairperson.

Directors are prohibited from the following:

- allowing a conflict of interest to arise between their duty to the WSCC and their personal, or other professional or financial, interests;
- participating, discussing or voting on any issue in which a conflict of interest exists between their personal interest and the interest of the WSCC; and
- participating in an activity that appears to create a conflict of interest.

When Directors disclose personal interests that appear to create a conflict of interest, the Governance Council determines whether a conflict of interest exists and what measures, if any, are necessary to ensure the integrity of the WSCC and the Governance Council. The Chairperson, or Vice-Chairperson in the case where the real or perceived conflict is the Chairperson's, may permit the concerned Director to participate in discussions or require the Director to refrain from participating in discussions which determine if a conflict of interest exists.

The Governance Council considers all relevant circumstances when determining a potential conflict of interest, including but not limited to:

- the Director's history of service and loyalty to the WSCC;
- the specific background history of the personal interests that may put a Director in conflict
- the nature and magnitude of the Director's personal interest;
- the impropriety of the Director profiting in any way from the Workers' Protection Fund as a result of the decision of the Governance Council; and
- the reputation of the WSCC.

WSCC Property

Directors may not use WSCC property for personal benefit. Directors use WSCC property as part of their duties on the Governance Council.

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Confidential Information

Directors receive confidential information necessary to successfully fulfill their duties on the WSCC Governance Council. Confidential information includes documents, as well as knowledge about Governance Council discussions, votes and decisions. Confidential information provided to or attained by Directors through their service is the property of the WSCC. Directors must not use confidential WSCC information for personal benefit and must not disclose confidential information to anyone without the explicit approval of the Governance Council.

Directors will utilize prescribed technology and processes for accessing and maintaining confidential or private information.

To the extent possible, confidential information provided to Directors is returned to the WSCC upon the conclusion of the Directors term of office.

If the conduct of a Director results in the breach of private personal or confidential information, the Director will immediately report it to the WSCC Corporate Secretary who will notify the WSCC Access to Information and Protection of Privacy (ATIPP) Coordinator to document and provide instructions in order to remedy, if required. Directors are expected to cooperate with all actions required to contain and remedy a privacy or confidentiality breach.

Director Influence

Governance Council Directors are in a position of public trust. The exploitation of influence attained as a result of a Director's position is prohibited in order to maintain the credibility of the Director, Governance Council and the WSCC as a whole.

Directors do not:

- interfere, or attempt to interfere, with the administration or operation of the Governance Council or WSCC;
- assist or advocate for employers or workers in their associations with the WSCC; or
- use their position to influence a decision of another person or group of persons to further the Director's or a related person's personal interest.

Directors receive remuneration for their service from the Workers' Protection Fund. Directors should not accept any other fees, benefit, or gift in the capacity as a Director. Gifts or benefits received as a result of social obligations required to fulfill the Directors position are acceptable if the gift or benefit is available to all attendees of the social obligation. Gifts of benefits valued at \$100 or more are disclosed to the Governance

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Council. The Governance Council may require the return of a gift valued at \$100 or more, or that the gift is given to the WSCC and distributed among all staff.

Acting Honestly

Directors must always act honestly and not mislead other Directors. Directors are expected to share their expertise and disclose relevant information to all Governance Council Directors.

Standard of Care

According to subsection 102(b) of the *Workers' Compensation Acts*, Directors exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Duty of Care

Directors use the same discretion when conducting Governance Council business as any reasonable person would under similar circumstances. The accepted standard for duty of care is higher for Directors with particular expertise on a specific issue.

Duty of Diligence

Directors apply the same degree of analysis when participating in WSCC business as any reasonable person would under similar circumstances.

The duty of diligence requires Directors to become familiar with all aspects of the WSCC, including the business conducted, the organizational policies and the delegation of responsibilities. Directors seek to acquire sufficient knowledge concerning the WSCC's business and affairs to enable them to fulfill their responsibilities. Directors question and review administration, through the President, to obtain information necessary to determine if the WSCC is performing effectively.

Duty of Skill

Directors act with the same degree of skill as reasonably expected from a person of their experience and knowledge. Directors use the skills and expertise they possess and seek information and assistance from qualified persons when necessary.

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Duty of Loyalty

Directors also have a duty of loyalty to the WSCC. By accepting their appointment as a Director of the Governance Council, Directors commit to acting in the best interests of the WSCC, regardless of personal or other interests.

LEGISLATIVE AUTHORITIES

Northwest Territories Conflict of Interest Act: All

Nunavut Conflict of Interest Act: All

Northwest Territories Workers' Compensation

Act:

Section 83; 86; 102 subsection 83(2)

Nunavut Workers' Compensation Act: Section 83; 86; 102

subsection 83(2)

Northwest Territories Workers' Compensation

General Regulations:

Section 12

Nunavut Workers' Compensation General

Regulations:

Section 12

POLICY RELATED DOCUMENTS

Administrative Policy A.6 Employees' Use of WCB

Equipment

HISTORY

Governance Council Directors' Governance Council Directors'

B-006 (Mar 3/16) Code of Conduct

Governance Council Directive B-006 (Dec 11/08) Governance Council Directors'

Code of Conduct

Corporate Governance Guidelines

Governance Council Directive B-006 (Oct 17/01) Corporate Governance Guidelines

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 Chairperson

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APPEALS TRIBUNAL MEMBERS' REMUNERATION AND TRAVEL

POLICY STATEMENT

The Appeals Tribunal is independent from the Workers' Safety and Compensation Commission (WSCC). However, the Governance Council is responsible for the stewardship of the Workers' Protection Fund (the Fund), which funds the operations of the Appeals Tribunal. This Directive outlines the remuneration paid to Appeals Tribunal Members as well as the parameters for travel when conducting business on behalf of the Appeals Tribunal. Through this directive, the Governance Council protects the integrity of the Fund while recognizing the independence of the Appeals Tribunal.

DEFINITIONS

Appeals Tribunal: "...means the Appeals Tribunal continued

by section 117;" (per ss. 1(1) of the *Workers' Compensation Acts*)

Resident Communities: The community where the individual has

primarily lived during the previous twelve-

month period.

POLICY

General

For the purpose of this directive, the Chairperson is a Member of the Appeals Tribunal.

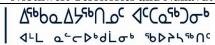
Remuneration paid to Members for Appeals Tribunal official business and attendance and travel to Appeals Tribunal related training, functions and meetings is in accordance with Section 13 of the *Workers' Compensation General Regulations*.

Remuneration

Remuneration is paid to Appeals Tribunal Members for attending hearings, meetings or conducting approved business, at a rate of \$113.33 per hour to a maximum of 7.5 hours. The maximum daily rate permitted for a 7.5 hour day is \$850.

According to subsection 13(3) of the *Workers' Compensation General Regulations* the Appeals Tribunal Chairperson receives remuneration according to a contract for service, which does not exceed \$140,000 each year.

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APPEALS TRIBUNAL MEMBERS' REMUNERATION AND TRAVEL

Attendance

In addition to hearings, Members participate in general meetings and pre-hearings. Attendance at general meetings and pre-hearings is recorded in one hour increments. Documentation of time spent at meetings is kept by Members.

Absences

Members do not receive remuneration for a meeting, function, training or other official business, if they are absent for 50% or more of the expected attendance time for the event. Exceptions may be provided when the Appeal Chairperson is satisfied that the member has a reasonable excuse for the absence, such as an illness or emergency.

Travelling

Members are remunerated, at the remuneration rate, for time spent travelling while on Appeals Tribunal business. In addition, members are reimbursed travel costs, expenses for accommodation, meals and transportation while on Appeals Tribunal business.

Accommodations

Use of private accommodation is reimbursed at the daily rate allowed under the Government of the Northwest Territories *Duty Travel Rates*. Commercial accommodation that offer government rates are used whenever possible.

Per Diem

Reimbursements for meals and incidentals are at the rates set out in the Government of the Northwest Territories *Duty Travel Rates*. If Members incur expenses over the specified amount, they may be reimbursed with receipts. This applies to incidentals only, such as cab fare.

Travel

Travel is by the most economical means possible without causing undue inconvenience for Members.

Circumstances may arise where Members travel to or from locations other than their resident community to attend hearings or approved events. In these cases, the Member is paid the lesser of:

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APPEALS TRIBUNAL MEMBERS' REMUNERATION AND TRAVEL

- the return travel costs to the Member's resident community and associated remuneration and per diem allowance; and
- the actual travel costs and associated remuneration and per diem allowance.

If a Member's Appeals Tribunal related travel begins or ends in a place other than the Member's resident communities because of employment or professional obligations, the Appeals Tribunal Chairperson may authorize payment in excess of the amount specified above if the additional expenses are unavoidable and necessary. The Members must provide receipts and documentation showing the unavoidable costs for payments in excess of the amount specified above.

If a Member travels for Appeals Tribunal business, the Member may extend their stay or link it to personal travel. Where a Member revises travel for personal reasons, the cost of travel, per diem allowance and remuneration associated with the duty related travel arrangements are paid. Members are responsible for any additional costs.

Reimbursement for Members' vehicle transportation to attend meetings, training, functions or official business of the Appeals Tribunal is at the kilometric rates specified in the Government of the Northwest Territories *Duty Travel Rates*.

Travel to Other Approved Functions or Events

Members may seek approval to attend functions or events as representatives of the Appeals Tribunal. The Appeals Tribunal Chairperson must approve attendance at functions or events other than Appeals Tribunal hearings and meetings. The Appeals Tribunal Chairperson approves in advance, travel necessary for members to carry out their dutities and responsibilities.

Application

Members submit travel requests to the Appeals Tribunal Chairperson, in writing, outlining:

- information about the function or event;
- rationale for the travel; and
- the proposed travel arrangements and expected costs.

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APPEALS TRIBUNAL MEMBERS' REMUNERATION AND TRAVEL

Approval

The Appeals Tribunal Chairperson considers the following factors when considering travel requests:

- Is the purpose of the travel directly related to the Appeals Tribunal's mandate and activities?
- Will attendance at the event benefit the Appeals Tribunal and its stakeholders by:
 - o providing information on significant developments in workers' compensation and appeals issues that are applicable to the Appeals Tribunal;
 - o enhancing Members' knowledge of appeals issues and their ability to serve on the Appeals Tribunal; or
 - o contributing to the development of appeals standards, consistency, or understanding;
- Will there be opportunity for an exchange of relevant information or ideas from a comparable Appeals Tribunal?
- Is there sufficient time remaining in the Members' terms of appointment to use the knowledge gained for the benefit of the Appeals Tribunal?
- Is money available in the budget?
- Are there other, less expensive, ways to achieve the same purpose(s)?

Members are not permitted to attend more than two conferences annually.

Post Travel Requirements

Members must report their travel within 30 days of their return.

Failure to Participate

Members travelling on the Appeals Tribunal behalf must attend all meeting, functions and training sessions, unless the lack of participation is due to an illness or emergency. The Appeals Tribunal Chairperson determines when Members are personally responsible for travel-related expenses for lack of participation.

Special Circumstances

The Appeals Tribunal Chairperson reviews and decides on all circumstances not addressed in this Directive.

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APPEALS TRIBUNAL MEMBERS' REMUNERATION AND TRAVEL

LEGISLATIVE AUTHORITIES

Northwest Territories *Workers*'

Compensation Act:

subsections 67(4); 117(2); 124(1)

Nunavut Workers' Compensation Act: subsections 67(4); 117(2); 124(1)

Northwest Territories Workers'
Compensation General Regulations

Section 13

Nunavut Workers' Compensation

General Regulations:

Section 13

POLICY RELATED DOCUMENTS

Government of the Northwest

Territories Code of Conduct:

Section 17

Governance Council Directive B-004 Governance Council Directors' Honoraria

HISTORY

Governance Council Directive B-009	Appeals Tribunal Members' Remuneration
(Dec 4/12)	and Travel
Governance Council Directive B-009	Appeals Tribunal Members' Remuneration
(Sep 24/09)	and Travel
Governance Council Directive B-009	Remuneration and Travel for Members of the
(Dec 11/08)	Appeals Tribunal
Governance Council Directive B-009	Remuneration and Travel for Members of the
(Mar 31/08)	Appeals Tribunal
Policy Directive B-009 (Sep 21/07)	Remuneration and Travel for Members of the Appeals Tribunal
Policy Directive B-009 (Dec 05/03)	Remuneration and Travel for Members of the Appeals Tribunal

Chairperson

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GOVERNANCE COUNCIL DIRECTORS' CLAIMS

POLICY STATEMENT

A claim for compensation under the *Workers' Compensation Acts*, made by a Workers' Safety and Compensation Commission (WSCC) Governance Council Director, or their family member is governed by this directive to ensure impartial adjudication.

DEFINITIONS

Conflict of Interest: Any actual or perceived situation in which a

Governance Council Director's ability to act in the best interests of the WSCC is compromised by their

personal interest or knowledge.

Corporate Secretary: "...the Corporate Secretary of the Commission

appointed under subsection 101(6);" (as per subsection

1(1) of the Workers' Compensation Acts)

Family Member: A spouse, parent, sibling, child or dependent of the

Director.

Governance Council: "...the Governance Council continued by subsection

83(1);" (as per subsection 1(1) of the Workers'

Compensation Acts)

Personal Relationship: The individuals involved are socially connected

outside of the WSCC work setting.

Workers' Protection Fund: "...the fund continued by subsection 67(1) for the

payment of compensation and other outlays and expenses authorized under this Act;" (as per

subsection 1(1) of the Workers' Compensation Acts)

POLICY

General

Directors must notify the Corporate Secretary as soon as possible when they make a claim, or they become aware that a family member has made a claim under the *Workers' Compensation Acts*. The Corporate Secretary informs the Chairperson of the Director's or Director's family member's claim.

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GOVERNANCE COUNCIL DIRECTORS' CLAIMS

If a claim is made by the Chairperson, or their family member, any duty assigned to the Chairperson by this directive is instead performed by the Vice-Chairperson.

A Director or their family member communicates with WSCC employees according to standard WSCC practice.

Role of the WSCC

In all cases, the *Employer's Report of Injury* and *the Worker's Report of Injury* are submitted to and registered by the WSCC following normal procedures. If a Director's claim arises out of and during the course of WSCC business, the Corporate Secretary fulfils the role of the employer and is responsible for completing the Employer's Report of Injury.

The Manager, Claims Services, in the jurisdiction where the claim is registered, adjudicates and manages all claims for Director or their family members. When there is a personal association between the Director and the Manager, Claims Services, the claim is adjudicated by another WSCC employee designated by the Vice-President responsible for Claims Services in the jurisdiction where the claim is being adjudicated.

The claim file is secured by the Manager, Claims Services or the designated employee, when not in use. Confidentiality status settings are placed on the file making access to the claim file restricted to the Manager, Claims Services or the designated employee.

All communication between Claims Services and the WSCC resulting from the claim's adjudication or on-going management will be directed solely to the Corporate Secretary.

Claim Review

In the event that a review of a decision is requested for the claim of a Director, the Review Committee will correspond solely with the Corporate Secretary, as the employer's representative, regarding the review. The written decision will only be shared with the appropriate WSCC staff member(s) responsible for adjudicating the claim in order for the decision to be implemented.

The employer of a Governance Council Director's family member fulfills the role of employer for a claim in the event that a review of a decision is requested.

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GOVERNANCE COUNCIL DIRECTORS' CLAIMS

Claims Management by another Board

If the WSCC cannot adjudicate a Director's or family member's claim impartially because of personal associations between the Director and WSCC employees, the President or designate engages the services of a compensation board of another province or territory. The engaged board acts on the WSCC's behalf in the adjudication of a claim.

The third party board adjudicates the claim according to the appropriate *Workers' Compensation Act* and applicable directives and policies. Compensation, benefits and other expenses related to the adjudication are paid from the Workers' Protection Fund. The President or delegate advises the adjudicating board if questions arise concerning the application of the *Workers' Compensation Act*.

LEGISLATIVE AUTHORITIES

Northwest Territories Workers' Compensation Section 10; 95

Act: Subsection 85(2); 85(3); 92(1)

Nunavut Workers' Compensation Act: Section 10; 95

Subsection 85(2); 85(3); 92(1)

Northwest Territories Conflict of Interest Act: All

Nunavut Conflict of Interest Act: All

POLICY RELATED DOCUMENTS

Governance Council Directors' Code of Governance Council Directors' Code of

Conduct

Policy 03.02 Entitlement

Policy 03.03 Arising out of and During the Course of

Employment

Policy 04.11 Claims Management Policy 11.02 Reporting an Injury

HISTORY

Governance Council Directive B-010 (Mar Governance Council Directors'

3/16) Claims

Governance Council Directive B-010 (Dec Governance Council Directors'

O8) Claims

Governance Council Directive B-010 (Apr Governance Council Directors'

17/07) Claims

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GOVERNANCE COUNCIL DIRECTORS' CLAIMS

	Chairperson

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POLICY STATEMENT

The Governance Council recognizes the independence of the Appeals Tribunal from the Workers' Safety and Compensation Commission (WSCC). However, the Governance Council is also responsible for the administration of the Northwest Territories and Nunavut *Workers' Compensation Acts*. This directive outlines the process for administrating claims for compensation made by Appeals Tribunal Members or their family. This directive ensures the impartial adjudication of claims.

DEFINITIONS

Appeals Tribunal: "...means the Appeals Tribunal continued by section

117; (per ss. 1(1) of the Workers' Compensation Acts)

Conflict of Interest: Any actual or perceived incompatibility between a

person's responsibilities of office and their private

interests.

Family Member: A spouse, parent, sibling, child or dependent of the

Appeals Tribunal member.

Personal Relationship: A social connection outside of the WSCC work

setting.

POLICY

General

For the purpose of this directive, the Chairperson is a Member of the Appeals Tribunal.

Appeals Tribunal Members must notify the Appeals Tribunal Chairperson when they, or a family member, make a claim under the *Workers' Compensation Acts*. The notification is made as soon as practicable after the Member makes the claim or becomes aware of a claim made by a family member. The notification is only that there was a claim. Only the WSCC receives the details of the claim. The Appeals Tribunal Chairperson notifies the WSCC of these claims to ensure proper confidentiality settings are applied.

Any duty assigned to the Appeals Tribunal Chairperson by this directive is performed by the Appeals Tribunal Vice-Chairperson, if a claim is related to the Appeals Tribunal Chairperson, or their family member.

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Adjudication

A claim made by a Member, or their family member is adjudicated according to the *Workers' Compensation Acts*, this directive and any other applicable legislation, directives or policies.

A Member, or their family member, communicates with WSCC employees according to standard WSCC practice. Members refrain from any discussion or actions that is not normally expected or required of a claimant.

Role of WSCC

In all cases, the *Employer's Report of Injury* and the *Worker's Report of Injury* are submitted to and registered by the WSCC following normal procedures. If a Member's claim arises out of and during the course of Appeals Tribunal business, the Appeals Tribunal Chairperson fulfils the role of the employer and is responsible for completing the *Employer's Report of Injury*.

The Manager, Claims Services, adjudicates all claims for a Member, or their family member. When there is a personal relationship between the claimant and the Manager, Claims Services, the claim is adjudicated by another WSCC employee designated by the Vice-President, Stakeholder Services.

The claim file is secured by the Manager, Claims Services or the designated employee, when not in use. Confidentiality status settings are placed on the electronic file making access to the claim file information restricted to the Manager, Claims Services or the designated employee.

Claims Management by another Board

If, in the opinion of the President, the WSCC cannot adjudicate a Member's, or their family member's claim impartially because of a personal relationship between the claimant and WSCC employees, the President or designate engages the services of a compensation board of another province or territory. If, in the opinion of the Appeals Tribunal Chairperson, a Member's claim cannot be impartially adjudicated by the WSCC, the Appeals Tribunal Chairperson, as the employer, may recommend to the President that that another board is engaged to adjudicate the claim. The final decision to engage another board is made by the President. The engaged board acts on the WSCC's behalf in the adjudication of the claim.

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The third party board adjudicates the claim according to the *Workers' Compensation Acts* and applicable directives and policies. Compensation, benefits and other expenses related to the adjudication are paid from the Workers' Protection Fund. The President or designate advises the adjudicating board if questions arise concerning the application of the *Workers' Compensation Act*.

Claim Heard by the Appeals Tribunal

When a Member's, or their family member's claim is the subject of an appeal before the Appeals Tribunal, the appeal is dealt with according to section 45(2) of the *Appeal's Tribunal's Rules of Procedure* and the *Government of the Northwest Territories Code of Conduct*.

LEGISLATIVE AUTHORITIES

Northwest Territories Workers' Sections 10; 95

Compensation Act: subsection 120(1); 45(2)

Nunavut Workers' Compensation Sections 10; 95

Act: subsection 120(1); 45(2)

Northwest Territories Conflict of All

Interest Act

Nunavut Conflict of Interest Act: All

POLICY RELATED DOCUMENTS

Government of the Northwest Section 17 Territories Code of Conduct:

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HISTORY

Governance Council Directive B-011 (Dec 4/12)	Appeals Tribunal Members' Claims
Governance Council Directive B-011 (Sep 24/09)	Appeals Tribunal Members' Claims
Governance Council Directive B-011 (Dec 11/08)	Appeals Tribunal Members' Claims
Governance Council Directive B-011 (Apr 17/07)	Appeals Tribunal Members' Claims

Chairperson

Effective: June 10, 2016

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POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) recognizes the value of providing Governance Council Directors' with training opportunities to develop competencies and skills related to the roles and responsibilities of their positions. This directive governs the process for identifying training needs, as well as approving training for Governance Council Directors.

DEFINITIONS

Corporate Secretary: "... the Corporate Secretary of the Commission

appointed under subsection 101(6);" (as per subsection

1 (1) of the *Workers' Compensation Act(s)*).

Governance Council: "...the Governance Council continued by subsection

83(1);" (as per subsection 1(1) of the Workers'

Compensation Acts)

Workers' Protection Fund: "...the fund continued by subsection 67(1) for the

payment of compensation and other outlays and expenses authorized under this Act;" (as per

subsection 1(1) of the *Workers' Compensation Acts*).

POLICY

General

Governance Council Directors are given the power to administer the Northwest Territories and Nunavut *Workers' Compensation Acts*, the *Explosives Use Acts*, the *Mine Health* and *Safety Acts*, and regulations made under these Acts. Administration of these Acts and regulations requires expertise and a diverse skill-set, which may be developed through training. This may include courses, educational programs or professional development opportunities.

A budget for Governance Council Director training is set for each calendar year based on development plans and training requirements, including training required for members of the Audit Committee and Governance and Leadership Committee. The WSCC pays the cost for a Director to attend training courses from the WSCC Workers' Protection Fund. Additionally, Directors are remunerated for time spent travelling to and attending a training session that is authorized by the Governance Council. Director remuneration is determined in accordance with section 12 of the *Workers Compensation General Regulations* and Governance Council Directors'

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Honoraria. In accordance with section 12(4) the Workers' Compensation General Regulations, the Chair of the Governance Council receives an annual salary and is therefore not remunerated like other Directors for time spent traveling to/from and while attending training, with exception to per diem allowances.

Identifying Director Training Needs

The WSCC Corporate Secretary develops and maintains a matrix of required competencies, competency levels and training completion time frames for the Directors/members and Chairs of the Governance Council, Audit Committee, and Governance and Leadership Committee.

Each Director performs an annual self-assessment based on the competencies required for their individual role and responsibilities, prepares a development plan, and undertakes any required training in order to achieve the competencies outlined within the time frames established and in accordance with identified requirements.

An initial self-assessment should be conducted by each Director within three months of their appointment. The Corporate Secretary schedules and administers Directors' selfassessments, assists Directors' in preparing their development plan and maintains records of training completed by each Director.

Approval of Training for Directors

After a Director's training needs have been determined through self-assessment, the Director involved will identify an appropriate training opportunity. The Corporate Secretary provides a list of available courses/training opportunities at the first meeting of every year, which Directors may elect to choose from if no other training has been identified. The learning outcomes of the prospective training should include the development of the area of competency identified through the Director's self-assessment.

Application

Directors submit training requests to the Governance Council Chair, or designate, in writing, outlining:

- Information regarding the proposed training, including the dates and location of the training:
- Rationale for the training, including the identified training need(s) being met and the expected training outcomes;
- Confirmation from the Corporate Secretary that the proposed training satisfies a training need identified through the Director's self-assessment, and
- The proposed travel arrangements and expected costs of training.

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• The training outcome, if any (e.g. whether a certificate is granted, or credit toward a program, etc.).

Approval

The Governance Council Chair, or designate, considers the following factors in making the decision to approve the training request:

- Whether the training outcomes relate to the Governance Council's mandate and activities.
- If attendance will benefit the WSCC or its stakeholders by:
 - o enhancing the Directors' competencies related to board governance and their ability to serve on the Governance Council; or
 - o contributing to the development of the Director's competencies related to an area where a need for training was identified; and
 - o having completed the training prior to the remaining six months of the Director's term on the GC.
- The availability of funds in the budget allocated for training;
- Whether the training is provided by a reputable educational institution or training service provider.
- Whether there are other, less expensive, or more effective ways, to achieve the same training outcomes.

The Governance Council Chair has discretion to select and approve their own training (i.e. the Chair's), but must give advanced notice to the Governance Council to inform them of the training and associated costs. Advanced notice can be given in writing if there is no meeting taking place before the training. Notice should be given at least 30 days prior to the training.

Post-Training Requirements

Directors, including the Chairperson, must report their training to the Governance Council within 30 days of their return, or at the next regular meeting, whichever is sooner. Additionally, Directors must confirm their attendance at the approved training event and report the outcomes of their training in writing.

Guidelines Governing Training for Directors

If multiple Directors have identified a similar training need, it may be preferable to provide the required training in a small group format for all available Directors.

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While travelling to and attending training courses, Governance Council Directors are representing the WSCC and are required to conduct themselves in accordance with Governance Council Directive B-006, Governance Council Directors' Code of Conduct.

Failure to Participate

Directors approved to attend training who miss 50% of the scheduled training do not receive any honoraria or remuneration as set out in section 12(1)(b) of the *Workers Compensation General Regulations* and the Governance Council Directive B-004, Governance Council Directors' Honoraria, unless the absence is due to illness or unforeseen circumstances.

LEGISLATIVE AUTHORITIES

Northwest Territories Workers' Sections 89

Compensation Act: subsection 83(2); 84(3)

Nunavut Workers' Compensation Sections 89

Act: subsection 83(2); 84(3)

Northwest Territories *Workers*' Section 11; 12

Compensation General Regulations:

Nunavut Workers' Compensation Section 11; 12

General Regulations:

Northwest Territories Conflict of All

Interest Act

Nunavut Conflict of Interest Act: All

POLICY RELATED DOCUMENTS

Governance Council Directive B-004 Governance Council Directors' Honoraria

Governance Council Directive B-005 Governance Council Directors' Travel

Governance Council Directive B-006 Governance Council Directors' Code of

Conduct

Government of the Northwest Section 17

Territories Code of Conduct

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Respecting Conflict of Interest and Oath of Office and Secrecy (2008):

HISTORY

Governance Council Directive B-012 (Mar 09/17)

Governance Council Directors' Training

Chairperson

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GOVERNANCE COUNCIL STAKEHOLDER RELATIONS

POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) Governance Council provides guidance to engagement planning between stakeholders and Governance Council Directors in this directive.

DEFINITIONS

Governance Council "... the Governance Council continued by

subsection 83(1);" (per subsection 1 (1) of the

Workers' Compensation Acts)

Stakeholders Workers, employers and others who have an

interest in the policies and programs of the

WSCC.

POLICY

General

Under the *Workers' Compensation Acts* of the Northwest Territories and Nunavut, the Governance Council shall establish a process for engaging with stakeholders who are likely to be affected by WSCC policies. By virtue of their experience in and knowledge of key stakeholder environments and issues, Directors ensure that the implications of policies and decisions on various stakeholder groups will be identified and considered as part of their governance of the organization.

Directors will not advocate for a particular stakeholder group in preference to other stakeholders. Directors must place the WSCC's interests above their own personal interest and act in the interest of the WSCC as a whole, rather than in the interest of a particular stakeholder or group of stakeholders.

Stakeholder input is incorporated into new or revised governing instruments when the Governance Council determines that it is administratively, legally and financially beneficial to the WSCC and stakeholders.

Generally, stakeholders include workers, employers and associations that represent their interests, as well as government and partner agencies. Other people and organizations in the Northwest Territories and Nunavut may also have an interest in WSCC.

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GOVERNANCE COUNCIL STAKEHOLDER RELATIONS

Stakeholder Relations

This directive establishes some basic responsibilities to guide the WSCC's stakeholder relations. The following minimum requirements will guide WSCC Directors' stakeholder relations.

Spokespersons

The Chair is the principal spokesperson for the WSCC Governance Council

When a Director is contacted for comments on the WSCC or to represent it publicly, they will inform the Chair before taking action. Directors will only act as spokespersons with the approval of the Chair.

Stakeholder Relations

The WSCC is interested in engaging stakeholders in a dialogue about what we are doing. The Governance Council encourages stakeholder involvement in the process and stakeholders affected by changes to programs or service delivery mechanisms are consulted regarding the changes where appropriate.

As per Policy 00.07, Stakeholder Engagement, stakeholders are consulted on new or significantly revised policies and the annual policy agenda – all of which are approved by the board of directors.

Stakeholder Enquiries/Complaints

The Chair or CEO generally will deal with enquiries from the Minister or other senior government officials.

Enquiries regarding personal information held by the WSCC will be dealt with in accordance with the Northwest Territories and Nunavut *Workers' Compensation Acts*, in accordance with the Northwest Territories and Nunavut *Access to Information and Protection of Privacy (ATIPP) Acts*.

Complaints from the Minister's office go through the President's Office. Other complaints are received through a hotline / e-mail.

Speeches and Presentations

Prior to accepting invitations for speeches and presentations on behalf of the WSCC, Directors will obtain the approval of the Chair.

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GOVERNANCE COUNCIL STAKEHOLDER RELATIONS

Websites

All policies approved by the Governance Council are available directly through the WSCC's public website.

Use of Plain Language and Cultural Awareness

The Governance Council will strive for continuous improvement in making communications to clients and stakeholders easy to understand through the use of plain language wherever possible.

In addition, the Governance Council will exercise cultural awareness to ensure that communications with stakeholders are culturally appropriate.

LEGISLATIVE AUTHORITIES

Northwest Territories Workers' Compensation Act:	subsection 83(2); 89(c)
Nunavut Workers' Compensation Act:	subsection 83(2); 89(c)
Northwest Territories Access to Information and Protection of Privacy Act:	All

POLICY RELATED DOCUMENTS

Policy 00.07 Stakeholder Engagement

HISTORY

New

Chairperson

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