

TREASURY BOARD DIRECTIVE

TO ALL: MINISTERS
DEPUTY MINISTERS
ASSOCIATE DEPUTY MINISTERS
ASSISTANT DEPUTY MINISTERS, CORPORATE SERVICES
SENIOR FINANCIAL OFFICERS

DIRECTIVE: 1/17

SUBJECT: Remuneration Guidelines for Appointees to Administrative
Tribunals and Regulatory Boards

AUTHORITY: This Directive is issued pursuant to Sections 4 and 27 of the
Financial Administration Act and other applicable enactments

APPLICATION: This Directive applies to appointees to Administrative
Tribunals and Regulatory Boards

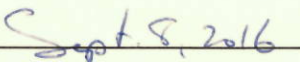
POLICY: SEE APPENDIX 1

**REPEAL OF
EXISTING POLICIES:** Treasury Board Directive 2/11

EFFECTIVE DATE: Date signed below



Honourable Michael de Jong, Q.C.
Chair, Treasury Board



Date

TREASURY BOARD DIRECTIVE

APPENDIX 1

**REMUNERATION GUIDELINES
FOR APPOINTEES TO
ADMINISTRATIVE TRIBUNALS
AND REGULATORY BOARDS**

1. POLICY OBJECTIVES

This directive on remuneration and reimbursement of expenses for appointees to administrative tribunals and regulatory boards has the following objectives:

- Enhance the accountability, openness and transparency of the remuneration and expense system.
- Assist in determining appropriate and consistent remuneration and expense reimbursement for appointees.
- Provide a comprehensive framework for remuneration and reimbursement of appointees.
- Affirm the importance and professional nature of the work appointees perform.
- Ensure remuneration is sufficient to attract and retain highly skilled and qualified individuals.
- Establish and maintain remuneration rate proportionality, where possible, between and among:
 - Full-time and part-time appointees,
 - British Columbia administrative tribunals and regulatory boards, and
 - Canadian administrative tribunals and regulatory boards.

2. DEFINITIONS

“administrative tribunal” means those independent entities established by legislation to make quasi-judicial decisions or to resolve disputes. A list of administrative tribunals is maintained by the Appointee Remuneration Committee.

“appointee” means a person appointed to an administrative tribunal or regulatory board by the Lieutenant Governor in Council, the minister, or another person with delegated authority, and includes in the case of the Workers Compensation Appeal Tribunal a person appointed by the administrative tribunal chair.

“Appointee Remuneration Committee” means the committee established by Treasury Board to administer these Remuneration Guidelines.

“chair” means the person who is appointed as the chair of an administrative tribunal or regulatory board under the relevant enabling legislation and who is responsible for the management and operation of the administrative tribunal or regulatory board.

“member” means an appointee, other than the chair or a vice chair as defined in these Remuneration Guidelines.

“minister” means the minister who is accountable to government for the administration of the administrative tribunal or regulatory board enabling legislation. The minister may delegate authority to another person to carry out the responsibilities of the minister in these Remuneration Guidelines.

“regulatory board” means a board with responsibilities that are regulatory in nature and is classified into one of the remuneration groups at sections 5 or 6 in accordance with these Remuneration Guidelines. A list of regulatory boards is maintained by the Appointee Remuneration Committee.

“vice chair” means an appointee who is designated as a vice chair by the Lieutenant Governor in Council, the minister, another person with delegated authority, or the administrative tribunal or regulatory board chair to exercise significant management or administrative responsibilities on behalf of the administrative tribunal or regulatory board and includes:

- The associate chair of the Labour Relations Board,
- The registrar of the Labour Relations Board, and
- The senior vice chairs of the Workers Compensation Appeal Tribunal.

3. GENERAL POLICY

An appointee may be paid remuneration or reimbursed for expenses in accordance with these Remuneration Guidelines and the following general principles:

- 3.1 All administrative tribunals and regulatory boards are classified by the Appointee Remuneration Committee based on a set group of criteria and the allocation of points within each of those criteria. The classification criteria are set out in Schedule 1 to these Remuneration Guidelines.
- 3.2 An appointee may be paid an amount of remuneration up to the maximum set for the appointee’s position within the classification level of the administrative tribunal or regulatory board to which the appointee is appointed.
- 3.3 There is no requirement that the maximum remuneration rate be paid. Rates within administrative tribunals and regulatory boards may be differentiated to recognize varying levels of skills, experience and knowledge, as well as the level of responsibility. If the rate is set at an amount less than the maximum, then the rate may be increased, with the approval of the minister, up to the maximum rate having regard to the responsibilities, skills, experience, and knowledge of the appointee and varying travel requirements.
- 3.4 Where an appointee is appointed to more than one administrative tribunal or regulatory board, remuneration shall be provided for each appointment separately based on their own classifications, remuneration rates, and time commitment. The maximum daily rate applies – an appointee may not receive a cumulative daily payment that exceeds the maximum for their classification.
- 3.5 Remuneration and reimbursement are to be paid to the appointee, not to an employer or organization.
- 3.6 Government employees may be appointed to administrative tribunals and regulatory boards only if the appointment is authorized under the enabling legislation or, in rare circumstances, if the appointment is required to assist in transition to a different delivery model or a wind-up process. A government employee appointed to an

administrative tribunal or regulatory board in his or her capacity, or as part of his or her duties as an employee, is not entitled to be paid any additional remuneration by virtue of the appointment. The employee is entitled to be reimbursed by the ministry for travel expenses at the rate of reimbursement to which the employee is entitled by virtue of the employee's employment.

4. ROLES AND RESPONSIBILITIES

4.1 **Treasury Board** establishes and may revise these Remuneration Guidelines and may consider requests for permanent exceptions to these Remuneration Guidelines.

4.2 The Appointee Remuneration Committee

4.2.1 Classifies a new, or reviews for re-classification an existing, administrative tribunals or regulatory board in accordance with these Remuneration Guidelines.

4.2.2 Administers requests for permanent and temporary exceptions to these Remuneration Guidelines to Treasury Board for decision and provide support and recommendations to Treasury Board in its deliberations.

4.2.3 Meets at the call of the Appointee Remuneration Committee Chair.

4.2.4 Maintains and makes available publicly on the Public Sector Employers' Council Secretariat website these Remuneration Guidelines, lists of the administrative tribunals and regulatory boards, links to other relevant provisions such as the Terms and Conditions of Employment for Excluded Employees / Appointees, and other relevant documents and information.

4.2.5 Monitors annual remuneration disclosure and may post a single remuneration disclosure document on the Public Sector Employers' Council Secretariat website.

4.2.6 Reviews these Remuneration Guidelines and may make recommendations to Treasury Board as required, or at least every three years.

4.3 **The Public Sector Employers' Council Secretariat** acts as the secretariat to the Appointee Remuneration Committee and ensures remuneration and classification information (including these Remuneration Guidelines, lists of administrative tribunals and regulatory boards, links to other relevant provisions such as the Terms and Conditions of Employment for Excluded Employees / Appointees, and other relevant documents and information) is publicly available. The Ministry of Justice will support this function.

4.4 **The minister** responsible for an administrative tribunal or regulatory board:

4.4.1 Will request the Appointee Remuneration Committee to classify any new administrative tribunal that may be established by legislation to make quasi-judicial determinations or resolve disputes, or any new regulatory boards, if the chair and/or a majority of the appointees are appointed by the Lieutenant Governor in Council, the minister, or another person with appointment authority.

- 4.4.2 Will request the Appointee Remuneration Committee to consider a reclassification of an administrative tribunal or regulatory board if its mandate is changed significantly.
- 4.4.3 May seek a temporary exception by Treasury Board to the remuneration provisions of these Remuneration Guidelines. If this action is taken, the minister must submit the request through the Appointee Remuneration Committee, and is only in an extraordinary circumstance where an administrative tribunal or regulatory board or its chair is required to contribute time over and above the 'ordinary' expected commitment, or alternatively, if it is expected there will be a significant temporary decline from the 'ordinary' expected commitment.
- 4.4.4 May seek a permanent exception by Treasury Board to the remuneration provisions of these Remuneration Guidelines. If this action is taken, the minister must submit the request through the Appointee Remuneration Committee.
- 4.4.5 Will provide actual remuneration information to the Appointee Remuneration Committee as per its request and make such information available on the ministry website if there is no administrative tribunal or regulatory board website.
- 4.4.6 Will set remuneration rates for appointees in administrative tribunals and regulatory boards at varying levels below the maximum remuneration rates to recognize varying levels of skills, experience and knowledge, level of responsibility, and varying travel requirements. If the rate is set at an amount less than the maximum, then the rate may be increased with the approval of the minister up to the maximum rate, having regard to the skills, experience, knowledge, and level of responsibility of the appointee, as well as relative travel requirements.

4.5 The Administrative Tribunal and Regulatory Board

- 4.5.1 Administers the remuneration, benefits, and expenses payable to appointees:
 - 4.5.1.1 In accordance with these Remuneration Guidelines;
 - 4.5.1.2 Within the maximum amount payable under the Classification Grid at paragraph 5.3 / 6.3 of these Remuneration Guidelines.
 - 4.5.1.3 In accordance with the classification determination of the Appointee Remuneration Committee or Treasury Board.
 - 4.5.1.4 In accordance with determinations of the minister as per paragraph 4.4.6 of these Remuneration Guidelines.
- 4.5.2 Ensures actual remuneration information, as requested by the Appointee Remuneration Committee, is provided to the minister and is publicly available on the administrative tribunal, regulatory board or ministry website.

4.6 The board chair oversees the remuneration paid, benefits provided, and expenses paid to appointees in accordance with paragraph 4.5 of these Remuneration Guidelines.

5. **REMUNERATION FRAMEWORK FOR FULL-TIME APPOINTEES**

5.1 Full-time appointees are classified as Category C unless otherwise specified by the appointing authority under the definition of “Order in Council Appointees” in Part 1, Section 3 of the British Columbia Government Terms and Conditions of Employment for Excluded Employees / Appointees. See

www.gov.bc.ca/myhr

Keyword search: *Terms and Conditions for Excluded Employees*

5.2 Full-time appointees are entitled to benefits as set out in Part 10 of the Terms and Conditions of Employment for Excluded Employees / Appointees, Category C, or as otherwise specified in the appointing authority. See

www.gov.bc.ca/myhr

Keyword search: *Terms and Conditions for Excluded Employees*

5.3 Maximum remuneration of full-time appointees (Category C appointees)

Full Time Remuneration						
	Chair		Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	\$124,000	\$137,000	\$105,000	\$116,000	\$87,000	\$96,000
2	\$137,000	\$147,000	\$116,000	\$125,000	\$96,000	\$103,000
3	\$147,000	\$168,000	\$125,000	\$143,000	\$103,000	\$118,000
4	\$168,000	\$190,000	\$143,000	\$161,000	\$118,000	\$132,000
5	\$190,000	\$210,000	\$161,000	\$179,000	\$132,000	\$147,000

5.4 Full-time appointees are not eligible for per diems.

5.5 Full-time appointees are entitled to be reimbursed for transportation, accommodation, meal and out of pocket expenses incurred in the course of their duties as an appointee of an administrative tribunal or regulatory board, in accordance with the Group 2 rates, policies, and procedures outlined in the Terms and Conditions of Employment for Excluded Employees / Appointees, See

www.gov.bc.ca/myhr

Keyword search: *Terms and Conditions for Excluded Employees*
Part 6, Section 39

6. **REMUNERATION FRAMEWORK FOR PART-TIME APPOINTEES**

6.1 Part-time appointees are classified as Category D under the definition of “Order in Council Appointees” in Part 1, Section 3 of the Terms and Conditions of Employment for Excluded Employees / Appointees. See

www.gov.bc.ca/myhr

Keyword search: *Terms and Conditions for Excluded Employees*

6.2 Part-time appointees are to be treated as independent contractors and not employees of the public service. Part-time appointees are entitled to those terms and conditions expressly specified under Category D in Part 10 of the Terms and Conditions of Employment for Excluded Employees / Appointees. See www.gov.bc.ca/myhr
 Keyword search: *Terms and Conditions for Excluded Employees*

6.3 Subject to any exceptions set out in these Remuneration Guidelines, part-time appointees (Category D appointees) are entitled to be paid remuneration on a per diem basis up to the rates set out below:

Part Time Remuneration						
	Chair		Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	\$550	\$600	\$450	\$500	\$400	\$425
2	\$600	\$650	\$500	\$550	\$425	\$450
3	\$650	\$725	\$550	\$625	\$450	\$500
4	\$725	\$800	\$625	\$700	\$500	\$575
5	\$800	\$900	\$700	\$800	\$575	\$650

6.4 The per diem for medical practitioners appointed to an administrative tribunal on the basis of a requirement for their clinical expertise is set out as per these Remuneration Guidelines unless there are recruitment challenges. In this circumstance the rate may be up to the relevant amounts negotiated in agreements between the BC Medical Association, the Government of British Columbia, and the Medical Services Commission, with the consent of the minister.

6.5 With the approval of the minister, the following may be remunerated up to the maximum vice chair rate:

6.5.1 Appointees who are expressly required by the administrative tribunal or regulatory board enabling legislation to hold a professional accreditation in order to be appointed to the administrative tribunal or regulatory board.

6.5.2 Appointees with professional qualifications deemed by the minister to be specifically relevant and required to fulfil the administrative tribunal or regulatory board mandate.

6.5.3 Appointees designated to:

6.5.3.1 Preside at a multi-person panel hearing.

6.5.3.2 Conduct a hearing as a single-person panel.

6.5.3.3 Conduct a dispute resolution process.

6.6 Remuneration for part-time appointees (Category D appointees) is to be calculated in the following manner:

6.6.1 Appointees are only entitled to be paid the maximum of one per diem for each twenty-four hour day in respect of work carried out for an administrative

tribunal or regulatory board. An appointee may receive additional remuneration from another administrative tribunal or regulatory board in respect of work carried out during the same day for that other administrative tribunal or regulatory board.

- 6.6.2 Appointees may be paid up to the maximum of one half of their per diem for attending a hearing of the administrative tribunal or in-person meeting of the administrative tribunal or regulatory board that lasts four hours or less.
- 6.6.3 Appointees may be paid up to the maximum of their per diem for attending a hearing of the administrative tribunal or regulatory board or in-person meeting of the administrative tribunal or regulatory board that lasts longer than four hours in any one calendar day.
- 6.6.4 A hearing of the administrative tribunal or regulatory board includes a final or interim hearing, a pre-hearing conference or a dispute resolution process, and may include a hearing conducted by telephone or video conferencing.
- 6.6.5 Appointees may be paid up to the maximum of their per diem for undertaking duties on behalf of the administrative tribunal or regulatory board, other than a hearing or in-person meeting, subject to the tribunal or regulatory board policy. These duties may include:
 - 6.6.5.1 conducting hearings by written submissions.
 - 6.6.5.2 preparing for hearings or dispute resolution processes.
 - 6.6.5.3 writing reasons for decisions.
 - 6.6.5.4 preparing policy documents or proposals.
 - 6.6.5.5 additional duties if the chair establishes guidelines to govern when and how appointees may be paid for additional duties, and the chair or his or her designate requests the appointee to undertake the specific additional duties.
- 6.6.6 Appointees may be paid up to the maximum of their per diem rate if a hearing they were scheduled to attend is cancelled on short notice, if the chair establishes guidelines to govern when and how such payments may be made. In setting such guidelines, chairs are encouraged to consider assigning the appointee additional duties in lieu of the hearing time where possible.
- 6.6.7 Appointees may be paid up to the maximum of their per diem for travel time to and from hearings and meetings where the location of the hearing or meeting is more than 32 kms from the appointee's residence, subject to the administrative tribunal or regulatory board policy. The intention is that time is not remunerated more than once. If a meeting is 3 hours and the travel time is 1 hour, the half day per diem is sufficient to cover both the meeting and travel time – in this circumstance; the appointee would not get a half per diem for the meeting and a half per diem for travel.
- 6.6.8 Any guidelines established under paragraphs 6.6.5, 6.6.6, or 6.6.7 must be publicly available.
- 6.6.9 An appointee is not entitled to be paid for time spent attending social events.

- 6.7 Part-time appointees (Category D appointees) are entitled to be reimbursed for transportation, accommodation, meal and out of pocket expenses incurred in the course of their duties as an appointee of an administrative tribunal or regulatory board, in accordance with the Group 2 rates, policies, and procedures outlined in the Terms and Conditions of Employment for Excluded Employees / Appointees. See www.gov.bc.ca/myhr
Keyword search: *Terms and Conditions for Excluded Employees*
Part 6, Section 39
- 6.8 Part-time appointees (Category D appointees) are not entitled to be reimbursed for professional dues, membership fees, insurance or other costs, except as otherwise provided by the Attorney General related to Law Society fees.
- 6.9 Part-time appointees (Category D appointees) are to be indemnified by the Minister of Finance in accordance with the procedures for indemnification set out in the Guarantees and Indemnities Regulation 258/87 of the *Financial Administration Act*. See <http://www.bclaws.ca/Recon/content/site?id=freeside&xsl=/Recon/template/toc.xsl/group-F/>.
- 6.10 Remuneration paid to part-time appointees:
- 6.10.1 Is not to be subject to deductions for the Canada Pension Plan or for Employment Insurance; and
- 6.10.2 Is to be reported annually to the Canada Customs and Revenue Agency on a T4A Supplementary Slip.

7. EXCEPTIONAL CIRCUMSTANCES

7.1 BC Review Board:

The per diem rate for a part-time appointee designated by the chair of the BC Review Board as an alternate chair under section 672.38(1) of the federal *Criminal Code* (R.S., 1985, c. C-46) is \$635 as determined by Treasury Board. The Review Board chair may authorize the payment of up to the maximum payable to an alternate chair to another appointee of that board:

- 7.1.1 Who are expressly required by the administrative tribunal's enabling legislation to hold a professional accreditation in order to be appointed to the administrative tribunal; or
- 7.1.2 With professional qualifications deemed by the chair to be specifically relevant and required to fulfil the administrative tribunal's mandate.

7.2 Employment and Assistance Appeal Tribunal:

Appointees to this administrative tribunal are to be paid pursuant to a regulation made under the *Employment and Assistance Act*. Rates specified under that regulation are expected to be consistent with, and not to exceed, the rates set out in these Remuneration Guidelines.

7.3 BC Securities Commission: Appointee remuneration is established as an exception to the remuneration set out in these Remuneration Guidelines.

8. EFFECTIVE DATE

- 8.1 These Remuneration Guidelines are effective on the date signed by the Chair of Treasury Board. The Appointee Remuneration Committee will notify each minister and administrative tribunal and regulatory board chair in writing of the changes in these Remuneration Guidelines.

Schedule 1

Administrative Tribunal and Regulatory Board Classification Structure Criteria

Criteria on which administrative tribunals and regulatory boards are to be classified for the purposes of this directive include:

- Primary legislation, regulations and policies
- Accountability and subsequent review processes: level, deference by the courts and privative clause
- Public policy role as defined in legislation
- Scope/focus of function
- Case complexity
- Procedural complexity: complexity of dispute prevention and/or resolution process
- Alternative dispute resolution processes and innovation
- Participant needs
- Scope and complexity of decision-making and skills required
- Strategic importance to government and public policy
- Strategic importance to industry or sector
- Impact on individuals
- Required knowledge, skills, expertise, and experience
- Requirement for external engagement, either with communities, industry, sector, government representatives, or professions
- Expectations to generate and implement innovation

Criteria for exceptional responsibilities on which chairs of administrative tribunals and regulatory boards are to be classified for the purposes of this directive include:

- All the criteria of the administrative tribunal and regulatory boards of which the chair is responsible
- Complexity of the role: oversight on decisions, HR responsibilities
- Responsibility for more than one administrative tribunal or regulatory board
- Responsibility for an administrative pod
- Overarching responsibilities across administrative tribunals and regulatory boards such as leadership, systems, engagement