



Tribunal Performance Framework and Remuneration Plan

THIS DOCUMENT PROVIDES GUIDANCE FOR PERFORMANCE APPRAISALS AND THE
IMPLEMENTATION OF REMUNERATION FOR APPOINTEES TO
ADMINISTRATIVE TRIBUNALS AND REGULATORY BOARDS
VERSION 2.2 - FINAL

Tribunal Performance Framework and Remuneration Plan

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Section 1.0 - Versioning

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2.0	July 09, 2020	AG Tribunal Chairs
2.0	August 12, 2020	Carmen Zabarauckas, A/ADM Justice Services Branch
2.0	August 13, 2020	Richard Fyfe, Deputy Attorney General
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2.1	November 10, 2020	Kurt Sandstrom, ADM, Justice Services Branch
2.1	November 10, 2020	Richard Fyfe, Deputy Attorney General
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2.1	December 08, 2020	David Eby, QC, Attorney General
2.2	August 18, 2023	Alanna Valentine-Pickett, A/ Executive Director, TASD
2.2	August 25, 2023	Paul Craven, ADM Justice Services Branch
2.2	August 28, 2023	Barbara Carmichael, Deputy Attorney General
2.2	September 15, 2023	Appointee Remuneration Committee
2.2	September 18, 2023	Niki Sharma, KC, Attorney General

Tribunal Performance Framework and Remuneration Plan

Section 2.0 - Performance Framework and Remuneration Plan Background

Tribunals perform adjudicative or regulatory functions in the public justice system. Tribunals are designed specifically to address the day-to-day needs of citizens seeking to resolve disputes or clarify their rights and entitlements within a legislative framework. Because of the design and the type of issues they deal with, tribunals offer alternatives to the court system in a manner that is timely, suitable and affordable to the public.

Tribunals are part of the broader “government” but operate independently when performing their decision-making function. Tribunal independence means that they do not take direction from the minister on the substantive issues before them. However, to ensure public accountability, tribunals must submit a report to the minister responsible on such topics as the nature and number of applications or other matters they have dealt with and the tribunal’s timeliness in dealing with them. Tribunals are also accountable for their budgets and organizational operations and must disclose appointee remuneration every year to ensure the information is accessible and transparent to the public. Each tribunal employs a varying number of staff most relevant for their operations, with some exceptions¹. This Tribunal Performance Framework and Remuneration Plan applies only to the appointees of the tribunals and not staff.

Treasury Board Directive ([Directive 1/24](#)) sets out the maximum rates, principles, and general policies for the administration of appointee remuneration. Directive 1/24 also specifies numerous policy objectives, one of which is to support a comprehensive framework for appropriate and consistent appointee remuneration and expense reimbursement.

This Tribunal Performance Framework and Remuneration Plan applies to all appointees to those tribunals which report to government through the Ministry of Attorney General (see table 2.0.1). It guides the performance appraisal process, sets out criteria by which appointee performance can be assessed and provides the framework for the implementation of initial and incremental remuneration.

Tribunal appointments vary by role and type to ensure that the appropriate complement of appointees is available to a tribunal to achieve its mandate. For some tribunals, legislation limits the number of appointees to the organization, while others are not subject to restrictions. In both cases the tribunal chairs are responsible to ensure that they meet their fiscal responsibilities of a balanced budget while achieving their mandate.

Different types of appointments, consistent with a tribunal’s enabling legislation are made either by an Order in Council (OIC) or a Ministerial Order (MO). Full-time (FT) appointees and Regular Part-time (RPT) appointees are classified as **Category C** appointees under the definition of “Order in Council Appointees” and receive remuneration in the form of salary and are also eligible for benefits.

Part-time (PT) appointees (other than RPT) are remunerated for service on an “as and when required” basis and are classified as **Category D**. Some tribunals have a complement of only FT

¹ Smaller tribunals rely on shared staff of other tribunals or administrative support from their host ministry or the Tribunal and Agency Support Division.

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appointees, some have both FT and PT appointees and others have only PT appointees. In addition, there are a small set of tribunals which utilize an appointment across two or more tribunals, referred to as cross appointments (CA).

The table below outlines the appointment types applicable to each existing tribunal for chair, vice chair and member positions, it also provides a short descriptor of the tribunal's oversight. A full description elaborating on jurisdiction, practices and procedures and complaint and appeal processes are available on the individual tribunal websites.

Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
BC Human Rights Tribunal	5	FT		FT/RPT	Accepts, screens, mediates and adjudicates complaints under the Human Rights Code.
BC Review Board	4	FT		PT	Constituted under the Criminal Code of Canada. It conducts hearings to review and assess the mental condition and level of threat to the public posed by persons who have been found by a court to be unfit to stand trial or not criminally responsible on account of mental disorder, for the purpose of determining whether they should be absolutely or conditionally discharged or detained in a designated place of custody.
BC Utilities Commission	Appointee remuneration established as an exception to the remuneration set out in Directive 1/24 Remuneration Guidelines, subject to a remuneration	FT		FT/PT	Operates under the Utilities Commission Act. It regulates energy utilities to ensure customers receive safe, reliable and non-discriminatory services at fair rates. It also works to ensure shareholders have a reasonable opportunity to earn a fair return on their investments.

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Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
	plan approved by the Minister Responsible for the <i>Public Sector Employers Act</i>				
Building Code Appeal Board	1	PT		PT	Hears appeals of decisions of a local authority on whether a matter conforms to a building regulation under the BC Building Code. Under the Building Act, resolves disputes about whether a matter conforms to the BC Building Code. The code establishes minimum standards for residential and commercial building construction.
Civil Resolution Tribunal	5	FT	FT	FT/PT	Under the Civil Resolution Tribunal Act, has jurisdiction over most vehicle accident claims; small claims up to \$5,000; strata property claims of any amount and claims of any amount about incorporated BC societies, and housing and community service cooperative associations.
Community Care and Assisted Living Appeal Board	2	PT		PT	Created under the Community Care and Assisted Living Act, decides on appeals of licensing, registration and certification decisions about community care facilities, assisted living residences, and early childhood educators.

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Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
Employment Standards Tribunal	3	CA LRB		PT	Created under the Employment Standards Act, it conducts appeals of determinations issued by the Director of Employment Standards. The tribunal may also reconsider any order or decision it makes.
Energy Resource Appeal Tribunal ²	2	CA ERAT & FAC		PT	Hears appeals of BC Energy Regulator decisions. Decisions include certain orders, declarations, findings of contravention and administrative penalties. They also include permitting decisions about oil and gas activity.
Environmental Appeal Board	4	CA FAC & OGAT	FT	PT	Resolves disputes about decisions made by government on environmental issues. They include water licences, contaminated site remediation orders; pesticide permits and cancelled hunting licences.
Financial Services Tribunal	3	PT	PT	PT	Hears appeals from individuals and institutions who want to contest enforcement decisions made by the Insurance Council of BC, Superintendent of Real Estate, Superintendent of Pensions, Registrar of Mortgage Brokers and Superintendent of Financial Institutions.

² Effective September 1, 2023, the Oil and Gas Appeal Tribunal's name is changed to the Energy Resource Appeal Tribunal.

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Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
Forest Appeals Commission	3	CA EAB & ERAT	PT	PT	Resolves disputes about decisions made by government on forests and the environment under the Forest Practices Code of British Columbia Act and continued under the Forest and Range Practices Act.
Health Professions Review Board	3	PT		PT	Created under the Health Professions Act, provides an independent review of certain decisions made by the self-governing colleges of designated health professions about the registration of their members and the timeliness and disposition of complaints made against their registrants.
Hospital Appeal Board	2	PT		PT	Created under the Hospital Act, it provides medical practitioners with a process to appeal decisions made by hospital boards of management that affect hospital privileges.
Labour Relations Board	5	CA EST	FT	FT	Mediates and adjudicates employment and labour relations matters related to unionized workplaces. The Labour Relations Code establishes the board and governs all aspects of collective bargaining amongst the provincially regulated employers and employees.
Mental Health Review Board	3	RPT		PT	Created under the Mental Health Act, it decides if

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Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
					people certified or detained at BC mental health facilities should continue to be so. It bases its decisions on criteria in the act. The board works to ensure patients have access to an objective and timely process to review their detention.
Property Assessment Appeal Board	3	FT	FT	FT/PT	Established under the Assessment Act, it is the second level of appeal after the Property Assessment Review Panels. The most common issues in appeals are the property's market value, fairness compared to assessments of similar properties, property classification and exemptions from taxation.
Safety Standards Appeal Board	3	PT		PT	Created under the Safety Standards Act, it hears appeals of decisions made under the act by provincial safety officers and managers. It also hears appeals of decisions made by the Registrar of BC Housing - Licensing and Consumer Services under the Homeowner Protection Act.
Skilled Trades BC Appeal Board	2	PT		PT	It hears appeals under the Skilled Trades BC Act. It provides a process for appealing Skilled Trades BC decisions about authorizations,

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Table 2.0.1 – Tribunal Classification and Appointment Type Summary					
Tribunal Name	Classification Level	Chair	Vice Chair	Members	Descriptor
					credentials and training for skilled trades certification trades.
Surface Rights Board	3	PT	PT	PT	Established under the Petroleum and Natural Gas Act, it has jurisdiction to resolve disputes between landowners and companies that must access private land to explore for, develop, or produce Crown-owned subsurface resources such as oil, gas, coal, minerals and geothermal.

This Performance Framework and Remuneration Plan was developed by the Tribunal and Agency Support Division (TASD) in consultation with the Public Sector Employers' Council (PSEC) Secretariat, the administrative tribunal chairs reporting to government through the Ministry of Attorney General, and the Crown Agencies and Boards Resourcing Office (CABRO).

The Performance Framework and Remuneration Plan serves two key functions:

- 1) It provides a mechanism and set of principles for determining the appropriate placement of each tribunal appointee³ within the remuneration range established by Directive 1/24; and,
- 2) It guides the application of initial remuneration and incremental increases based on established performance criteria.

³ All tribunal appointees are considered members, whether they are appointed as chair or vice chair.

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Section 3.0 - Principles

- Remuneration increases for tribunal appointees must be managed within the tribunal's existing budget/funding and in accordance with this remuneration plan.
- Remuneration and performance appraisal decisions must not be contingent upon or related to the outcome of tribunal decisions.
- Minimum rate is automatically applied to any temporary member appointed under section 6 of the *Administrative Tribunals Act* or applicable Acts. "Temporary member" means any member appointed for a term that does not exceed 6 months.
- A tribunal chair may recommend remuneration adjustments that differ from the remuneration plan, and the Minister may make changes to this remuneration plan that are consistent with Directive 1/24 or may request an exception to Directive 1/24 from either Treasury Board or the Appointee Remuneration Committee.
 - A tribunal chair who seeks a remuneration increase in excess of these guidelines must meet the following requirements:
 - a. recommended remuneration must not create a risk of a tribunal budget deficit;
 - b. the benefits of the proposed remuneration increase must outweigh the additional cost to the tribunal;
 - c. the guideline remuneration increase must demonstrably and significantly impede the tribunal's ability to deliver on its legislated mandate, and;
 - d. there must be no other reasonable alternative to the remuneration increase capable of achieving a similar outcome.

Section 4.0 - Performance Appraisals

A performance appraisal is required as part of any reappointment process and may be conducted annually for a tribunal chair, vice chair, and each member. Performance appraisals should consider an individual's effectiveness and contribution to the tribunal, its mandate, and overall success.

Performance appraisals for a tribunal chair are conducted by the Deputy Attorney General, or their designate. Similarly, the chair or their designate conducts tribunal members' performance appraisals.

Annual performance appraisals also provide an opportunity to assess whether the responsibilities and accountabilities outlined in the Notice of Position, as well as the duties and commitments as set out in the code of conduct, budget delegation letters and Memorandum of Understanding, as applicable, are being met by the individual being assessed. Performance appraisals are integral to support objective and transparent changes in remuneration for tribunal chairs, vice chairs and members.

For the purposes of a tribunal chair performance appraisal, questions should be provided in advance to ensure a transparent discussion, and where appropriate, in consultation with the tribunal chair, stakeholders may be identified to provide feedback. Stakeholders could include, vice chairs, members, tribunal staff, policy ministry staff, and others, where appropriate.

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1. Performance appraisals for tribunal chairs will be conducted by the Deputy Attorney General or their designate, and will include the following factors, as they relate to the context of the specific tribunal and the specific role of the chair:
 - a. Levels of skills;
 - b. Knowledge;
 - c. Experience;
 - d. Level of responsibility;
 - e. Effectiveness;
 - f. Efficiency;
 - g. Compliance, with the ethical guidelines created by government specifically for their particular board or tribunal, including, as set out in the Candidate Profile and Declaration (code of conduct, conflict of interest, charter of expectations, and integrity and public accountability), as well as the [General Conduct Principles for Public Appointees](#);
 - h. If appropriate and requested by the TASD staff, engaged in strategic planning, performance monitoring and reporting, organizational leadership, risk assessment, public policy, and governance;
 - i. Other factors specific to the tribunal, and;
 - j. The tribunal chair must provide the following information to TASD, which will be considered by the Minister or designate in the decisionmaking:
 - i. Budget management – balanced budget/on track to address the deficit;
 - ii. Timely reporting, including annual reports;
 - iii. Operational performance and progression (tribunal chair to establish the baseline, which must be realistic and reflecting the reality) including:
 - Time to resolution
 - Cost per case
 - User experience, as it relates to operational process, timeliness, etc. but not the outcome of decisions.
 - iv. The most recent Work Environment Survey result (if applicable);
 - v. Annual performance meeting with the Minister, Deputy Minister or other ministry executive where appropriate; and
 - vi. Achievements of operational efficiency.
 - vii. If any of the above information (except budget management) is not available or under development, a plan for development and implementation must be provided and approved.
2. Performance appraisal for vice chairs and members should include the following factors, as applied by the tribunal chair in the context of their tribunal and the specific role of that

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member:

- a. Levels of skills;
- b. Knowledge;
- c. Experience;
- d. Level of responsibility;
- e. Effectiveness;
- f. Efficiency;
- g. Compliance with the ethical guidelines created by government specifically for their particular board or tribunal, including as set out in the Candidate Profile and Declaration (code of conduct, conflict of interest, charter of expectations, and integrity and public accountability), as well as the [General Conduct Principles for Public Appointees](#);
- h. If appropriate and requested by the chair, engaged in strategic planning, performance monitoring and reporting, organizational leadership, risk assessment, public policy, and governance; and other factors specific to the tribunal, and;
- i. Any other factors the chair considers appropriate.

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Section 5.0 - Remuneration Plan

An appointee's remuneration must not exceed the maximum rate set for the position within the classification level for their tribunal. Increases to remuneration are subject to satisfactory performance appraisals, as outlined in the framework. There is no requirement that the maximum remuneration rate be paid. The remuneration plan must be applied in a manner respectful of the established fiscal budget and discretion must be applied to avoid operating in a deficit position.

Section 5.1 - Remuneration Placement and Adjustments

1. Initial Appointment – Subject to the qualifications below, minimum rate is applied automatically for initial appointments for chairs, vice chairs and members.
 - a. If a higher rate is more appropriate for an appointee at the time of an initial appointment due to specific circumstances, this is permitted after consultation and approval of the Executive Director of TASD. The request for a higher rate, with details, must be included in the appointment request package. Details must include confirmation the recommendation is fair and aligns with standards across the tribunal and fits within the tribunal's existing budget/funding. A chair has discretion to request a higher amount than the minimum rate, based on certain considerations, which may include:
 - i. Previous experience as a decision maker in the administrative law field;
 - ii. The type of work an individual completed at a similar tribunal or other similar experience; or,
 - iii. Any relevant experience and skills with legal decision writing;
 - b. If a lower rate is more appropriate for an initial part time appointment due to specific circumstances such as a developmental position, the chair has the authority to make that decision without the approval from the Minister or their delegate.
2. Cross Appointment (Multiple Tribunals) – an appointee cannot hold two full-time appointments concurrently. An individual who holds a full-time appointment cannot receive additional remuneration for work performed in a separate part-time appointment, unless the appointment is considered a cross appointment and is approved by the Minister. If a new full-time appointment is approved for an individual who already holds a part-time appointment with a different tribunal, then the following applies:
 - a. If the cross appointment is for a chair appointment and the existing appointment is also a chair appointment, the conditions outlined in section 5.4 (Appointment to Multiple Tribunals) apply.
 - b. If the cross appointment is for a vice chair appointment and the existing appointment is also a vice chair appointment, the conditions outlined in section 5.4 (Appointment to Multiple Tribunals) apply.
 - c. If the new full-time appointment is to a tribunal with the same classification level as that of the part-time appointment, the new full-time appointment is

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considered 'lateral' and the remuneration rate starts at the mid-point of the range or the previous rate in the same classification level, whichever is higher.

- d. If the new appointment is to a tribunal that is one or more classification levels above that of the part-time appointment, the minimum rate of the higher classification level applies.
3. Remuneration increases must be applied in a progressive manner, subject to satisfactory performance appraisals as discussed above in section 4.0.
4. For a chair, after an initial 18 month period, the remuneration will be increased to the mid-point of the range, unless: (a) there are documented performance issues; (b) training is incomplete (excluding ongoing professional development); or (c) the Minister determines, in the absolute and unfettered discretion of the Minister, to establish remuneration at a different rate.
 - a. If paragraph 2 (c) above applies, then after a term of 18 months in the new position, the chair's remuneration will be increased to the maximum rate, provided that the performance appraisal is satisfactory and any and all training is complete (excluding ongoing professional development).
5. For a vice chair or member, after an initial 18 month period, the tribunal chair has the authority to increase the appointee's remuneration to the mid-point of the range, provided that a performance appraisal is satisfactory, and any and all training is complete (excluding ongoing professional development). The rate increase applies at the time of the approval and is not retroactive.
 - a. If paragraph 2 (c) above applies, then after a term of 18-months in the new position, the appointee's remuneration will be increased to the maximum rate, provided that the performance appraisal is satisfactory and any and all training is complete (excluding ongoing professional development).
 - b. If a tribunal chair believes an increase to a rate higher than the mid-point is more appropriate due to specific circumstances, this is permitted after consultation and approval of the Executive Director of T ASD. The request for a higher rate, with details, must be included submitted in writing and must include a rationale of the rate increase, documentation of a satisfactory performance appraisal, confirmation the recommendation is fair and aligns with standards across the tribunal and fits within the tribunal's existing budget/funding.
6. Re-appointment - At the chair's discretion, upon first reappointment or two years after the initial appointment, whichever occurs sooner, the maximum rate of the Directive 1/24 (or other formal Government direction) that was in force at the time of the previous appointment may be applied, provided that the performance appraisal is satisfactory and any and all training is complete (excluding ongoing professional development).
 - a. The tribunal chair may set a lower rate or maintain the current rate if the chair considers it appropriate for a member due to specific circumstances such as incomplete training or not yet meeting satisfactory performance.
 - b. If a new Treasury Board Directive (or other formal Government direction) comes into force, this framework and remuneration plan will be updated to reflect those changes.

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Section 5.2 - Category C Appointees – Full and Part-time Regular Positions

1. All Category C Appointees will be eligible to receive the applicable rate increases effective April 1, 2023, April 1, 2024, and April 1, 2025. For vice chairs and members, the application of any rate increase is subject to the chair's discretion. Similarly, the application of any chair rate increases is subject to the discretion of the Deputy Attorney General, or their designate.
2. Minimum and maximum annual remuneration rates for full-time appointees effective April 1, 2023:

Table 5.2.1 - Category C Appointee – Full-Time Remuneration Rates						
Classification	Chair		Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Level 1	\$144,770	\$159,950	\$122,590	\$135,430	\$101,575	\$112,080
Level 2	\$159,950	\$171,625	\$135,430	\$145,940	\$112,080	\$120,255
Level 3	\$171,625	\$196,140	\$145,940	\$166,955	\$120,255	\$137,765
Level 4	\$196,140	\$221,825	\$166,955	\$187,970	\$137,765	\$154,110
Level 5	\$221,825	\$245,175	\$187,970	\$208,985	\$154,110	\$171,625

Effective April 1, 2024:

The rates effective April 1, 2023 will be increased by the same percentage as any increase to the Legal Counsel Level 2 classification for fiscal year 2024/25.

Effective April 1, 2025:

The rates effective April 1, 2024 will be increased by the same percentage as any increase to the Legal Counsel Level 2 classification for fiscal year 2025/26.

3. Regular full-time and regular part-time appointee remuneration is paid on a bi-weekly basis. Regular full-time and regular part-time appointees receive those benefits as set out in part 10 of the British Columbia Government's Terms and Conditions of Employment for Excluded Employees and Appointees, Category C.
4. In consultation with TASD, a chair may recommend an individual to be appointed to a tribunal to serve as a regular part-time appointee provided:
 - a. The recommendation is consistent with all requirements of the tribunal's enabling legislation in relation to membership and the chair clearly articulates the benefits of implementing a part-time position.
 - b. The recommendation is made in consultation with TASD, CABRO and the Public Service Agency, and is approved by the Minister.
 - c. Remuneration and benefits for regular part-time appointments will be prorated to the required time commitment and be consistent with the approved minimum and

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maximum rates set out in Table 5.2.1 of the remuneration plan. The key distinguishing feature of a regular part-time appointee from “part-time” Category D appointees under section 6.1 of the Directive 1/24 is that there must be a clear and predictable commitment of hours of service per pay period.

Section 5.3 - Category D Appointees – “As and When Required” Service

1. All Category D Appointees will be eligible to receive the applicable rate increases effective April 1, 2023, April 1, 2024, and April 1, 2025. For vice chairs and members, the application of any rate increase is subject to the chair's discretion. Similarly, the application of any chair rate increases is subject to the discretion of the Deputy Attorney General, or their designate.
2. Category D appointees are part-time appointees remunerated for their service on an “as and when required basis,” and are responsible for submitting to the tribunal invoices for work performed.
3. Approved remuneration rates are set out as full-day or half-day per diems in Table 5.3.1 and 5.3.2 below and are based on an eight-hour day. For the purposes of invoicing, alternate calculations of the approved per diem rates by partial hour, hour, flat rate per file or other appropriate calculation may be applied at the discretion of the chair, and upon approval of the Executive Director of TASD.
4. Remuneration for each 24-hour period should not exceed the maximum daily rate, unless previously approved in writing from TASD as ‘extraordinary circumstances.’
 - a. Approval from the Executive Director of TASD must be sought prior to the application of any ‘extraordinary circumstance’ rate.
 - b. Each application for approval will be considered on a case-by-case basis. Examples of ‘extraordinary circumstances’ include occasionally working a compressed schedule to achieve operational efficiencies, or extraordinarily complex hearings that require an extraordinary amount of time to prepare for, hear and provide a written decision.
 - c. Chairs should reach out to the Executive Director of TASD with any questions in circumstances when prior approval has not been granted.
5. Upon approval of the Executive Director of TASD, access to the rates permitted under Directive 1/24, section 6.4 for appointees that hold a medical professional accreditation, may be applied.

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6. Minimum and Maximum Part-Time appointee full day rates are set below:

Effective April 1, 2023:

Table 5.3.1 – Category D Appointee - Part-Time – Minimum – Maximum Full Day Rates						
Classification	Chair		Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Level 1	\$645	\$705	\$525	\$585	\$470	\$500
Level 2	\$700	\$760	\$585	\$645	\$500	\$525
Level 3	\$760	\$850	\$645	\$730	\$525	\$585
Level 4	\$850	\$935	\$730	\$820	\$585	\$675
Level 5	\$935	\$1,055	\$820	\$935	\$675	\$760

Effective April 1, 2024:

The rates effective April 1, 2023 will be increased by the same percentage as any increase to the Legal Counsel Level 2 classification for fiscal year 2024/25.

Effective April 1, 2025:

The rates effective April 1, 2024 will be increased by the same percentage as any increase to the Legal Counsel Level 2 classification for fiscal year 2025/26.

7. Minimum and Maximum Part-Time appointee half day rates are set below:

Effective April 1, 2023:

Table 5.3.2 – Category D Appointee - Part-Time– Minimum - Maximum Half Day Rates						
Classification	Chair		Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Level 1	\$323	\$353	\$263	\$293	\$235	\$250
Level 2	\$350	\$380	\$293	\$323	\$250	\$263
Level 3	\$380	\$425	\$323	\$365	\$263	\$293
Level 4	\$425	\$468	\$365	\$410	\$293	\$338
Level 5	\$468	\$528	\$410	\$468	\$338	\$380

Effective April 1, 2024:

The rates effective April 1, 2023 will be increased by the same percentage as any increase to the Legal Counsel Level 2 classification for fiscal year 2024/25.

Effective April 1, 2025:

The rates effective April 1, 2024 will be increased by the same percentage as any increase to the

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Legal Counsel Level 2 classification for fiscal year 2025/26.

8. Part-time appointees may be reimbursed at the chair's discretion by partial hour, hourly, full or half-day per diem rates for:
 - a. attending required professional development or training;
 - b. undertaking recruitment or outreach activities;
 - c. mentoring and/or onboarding staff or members; and
 - d. performing administrative and other duties for the purpose of achieving the tribunal's statutory objectives and improving access to justice.
9. Appointees may not be remunerated more than one half of the applicable daily rate for attending a tribunal hearing or in-person meeting that lasts four hours or less.
10. At the chair's discretion, a part-time appointee who must travel to and from a hearing or meeting where the location of the hearing or meeting is more than 32kms from the appointee's residence, outside of regular business hours, may receive reimbursement for travel and chair approved meal expenses within the approved [Group II Rates](#), as set out in Core Policy and Procedures Manual.
11. If a part-time appointee is assigned a hearing which is cancelled on short notice (less than 2 business days in advance of scheduled hearing), the chair may remunerate by assigning other duties, in lieu of the hearing. If 2 business days' notice is insufficient based upon the business model for a tribunal then the chair must seek an exception from the Executive Director of T ASD prior to providing compensation.
12. A policy exception can be requested after consultation and approval of the Executive Director of T ASD to determine a policy that works for the tribunal in reason.

Section 5.4 - Appointment to Multiple Tribunals

1. If a full-time chair or full-time vice chair is cross appointed to two or more tribunals, the full-time remuneration is set at the top of the range for the tribunal with the highest classification level at the time of the cross appointment and until the cross appointment is concluded, at which time the remuneration rate reverts to the applicable remuneration rate for the current tribunal.
2. The Minister may approve additional remuneration for cross appointments consistent with Directive 1/24.

Section 6.0 - Payroll Deductions

Employment Insurance (EI)

The service of appointees to which this remuneration plan applies is not insurable and therefore remuneration is not subject to EI deductions.

Canada Pension Plan (CPP)

The service of Category C appointees is considered pensionable work and remuneration is subject to CPP deductions.

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The service of Category D appointees (“as and when required”) is not pensionable work and therefore remuneration is not subject to CPP deductions.

Income Tax

Appointee remuneration is taxable income and income tax may be payable in accordance with the federal *Income Tax Act* unless the total remuneration for the tax year for the appointee (from all sources) is less than the basic personal amount (see CRA website for the applicable amounts each year).

GST/HST

Appointees to tribunals are considered to be “office holders” under the *Excise Tax Act*, not employees or contractors, and therefore appointee remuneration is not subject to GST/HST.

Appointees who require additional guidance regarding any tax implications related to their remuneration should seek tax advice from a qualified tax specialist, at their own expense.

More information regarding Excluded Terms and Conditions for Appointees can be found online at:
<https://www2.gov.bc.ca/gov/content/careers-myhr/managers-supervisors/employee-labour-relations/conditions-agreements/excluded-employees-appointees>