

# BC Farm Industry Review Board Appointee Remuneration Plan

## Overview

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The British Columbia Farm Industry Review Board (BCFIRB) is responsible for: the general supervision of B.C.'s agricultural commodity boards and commissions; acting as a signatory to formal federal-provincial cooperation agreements in regulated marketing; hearing appeals of regulated marketing board and commission orders, decisions, and determinations; hearing appeals related to certain animal custody and cost decisions of the B.C. Society for the Prevention of Cruelty to Animals; hearing farm practices complaints from persons disturbed by odor, noise, dust, or other disturbances arising from agriculture or certain aquaculture operations; and, conducting farm practices studies.

As per the *Natural Products Marketing (BC) Act*, BCFIRB is made up of part-time members appointed by the Lieutenant Governor in Council after a merit-based process. Board members consist of one member designated as the chair; one or more members designated as vice chairs after consultation with the chair; and other members appointed after consultation with the chair. BCFIRB is accountable to the Courts for its decisions (Judicial Review) and the B.C. Ombudsperson for its practices and procedures.

At full complement, BCFIRB consists of a part-time board of up to ten members. As of October 2020, there are seven members, including the Chair and Vice-Chair. All members of BCFIRB are part-time appointees remunerated for their service on an "as and when required" basis. The Board is supported by eight full-time staff, all of whom are members of the BC public service.

Members have skills and expertise in areas such as:

- Agri-food production, marketing, or processing;
- Law
- Consumer representation;
- Land-use planning;
- Animal welfare;
- Facilitation and mediation; and,
- Regulatory or quasi-judicial environments.

<b>BCFIRB's Complement of Appointees (as at December 2020)</b>			
<b>Category*</b>	<b>Position Name</b>	<b>Number of Positions</b>	<b>Role Description</b>
Chair (PT)	Chair	1	The Chair has enumerated accountabilities and is responsible for providing leadership and guidance to members and staff in determining suitable approaches on complex issues without exerting or directing influence on the findings of a panel or individual member with respect to an appeal or complaint. The Chair directs the establishment of panels and may preside over panels that consider issues of special policy, economic or legal significance. The Chair participates in the recruitment, selection and reference

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			checks of BCFIRB Vice Chairs and members and is consulted by the Minister on appointments and re-appointments to BCFIRB. The Chair assists the Minister in establishing performance objectives for the agricultural commodity board chairs and carries out performance evaluations of those chairs.
Vice Chair (PT)	Vice Chair	1	The Vice Chair assists the Chair in effectively and efficiently managing BCFIRB issues. The Vice Chair may be assigned by the Chair to lead BCFIRB's response to a supervisory, signatory or other issue as required. The Vice Chair may assist the Chair in the recruitment of BCFIRB members, commodity board chairs and commodity board members, and act as Chair when designated to do so in the absence of the Chair.
Member (PT)	Member	5	Members assist and support the Chair to ensure that BCFIRB develops sound orders and policies consistent with legislation and its supervisory mandate, and effectively represent the provincial interest when dealing with national agencies and supervisory boards in other provinces. Members serve as a chair or member of appeal or complaint panels and are required to give high quality reasoned decisions on a timely basis. They are required to exercise sound judgement and skill in the conduct of proceedings.

\* Type of appointee per TBD 1-20.

### Appointee Remuneration

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Pursuant to *Treasury Board Directive 1-20 – Remuneration Guidelines for Administrative Tribunals and Regulatory Boards* (TBD 1-20), this remuneration plan applies to BCFIRB appointees.

TBD 1-20 sets remuneration maximums based on tribunal classification, appointee roles and responsibilities, and whether engagement is on a full-time or part-time basis. BCFIRB members are classified as part-time Category D appointees to a Group 4 administrative tribunal. Remuneration is paid on a “per diem basis” in accordance with the principles stated in TBD 1-20, and they do not receive benefits.

In accordance with TBD 1-20 and as approved by the Minister of Agriculture on September 8, 2016, approved per diems for BCFIRB members are as follows:

- Chair \$750
- Vice Chair \$625
- Members \$525

These per diem rates, through this Remuneration Plan, are established as the current minimum per diem rates for each position on BCFIRB. Increases to these minimums per diem rates are at the Minister's discretion.

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<b>Remuneration Ranges – Per Diem</b>		
	<b>Minimum</b>	<b>Maximum</b>
Chair (PT)	\$750/day	\$800/day
Vice Chair (PT)	\$625/day	\$700/day
Member (PT)	\$525/day	\$575/day

An appointee may not receive more than the maximum daily rate unless there are “extraordinary circumstances” where a tribunal or the appointee is required to contribute time over and above the “ordinary expected commitment”. In the event of such circumstances, the Chair will advise the Minister of the details of the extraordinary circumstances and the associated budget implications. The ordinary expected commitment for each position on BCFIRB is:

- Chair – 8-10 days per month, for an annual maximum of 120 days
- Vice Chair – 6-8 days per month for an annual maximum of 96 days
- Members – 4-6 days per month for an annual maximum of 72 days

At the Chair’s discretion, members who chair a formal oral hearing (preliminary or on the merits) may be compensated at the Vice-Chair rate, currently \$625 for each day, when that hearing is conducted (but not for other, non-hearing work related to that proceeding).

Members are remunerated in accordance with all applicable provisions contained in section 6, Remuneration Framework for Part-Time Appointees, of Treasury Board Directive 1-20.

Members are only entitled to be paid or to claim the maximum of one full per diem allowance in any 24-hour day while working for BCFIRB. Rather than prior approve short-term work members may be required to undertake of less than 4 hours, members are authorized to accumulate and bill that work in half day (4 hours) increments.

### **Participation at Hearings and Meetings**

Members may claim, and be paid, the full per diem rate for attending hearings or other meetings involving BCFIRB that last more than 4 hours, including travel time to and from the hearing or meeting.

Members may claim, and be paid, one half of the per diem rate for attending hearings or other meetings involving BCFIRB that last 4 hours or less, including travel time to and from the hearing or meeting.

### **Writing or Reviewing Reasons, Policies, Proposals, Reports and Other Additional Duties**

Members assigned to write reasons may claim up to five additional per diems for the production of those reasons for decision. When panels consist of more than one member, each additional member may claim up to two additional per diems for review of the draft reasons for decision.

Additional Remuneration (e.g., writing reasons for disposition in unusually complex matters, production of policy documents, or other duties from time to time assigned) may be paid or claimed with prior, recorded discussion/approval of the Chair.

### **Preparation for Hearings or Meetings**

Members will be paid the applicable per diem for necessary preparation for a proceeding – including distinct, substantive preliminary matters – or other meeting to a maximum of two days. This will also apply to necessary preparation for a proceeding or meeting cancelled or which collapses at short notice (less than

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36 hours before commencement). Members will not otherwise be compensated for cancelled proceedings or meetings but will be given consideration for additional assignments.

### **Travel to Hearings or Meetings**

Members will be paid the applicable per diem for travel to a necessary proceeding, other meetings of BCFIRB or required meetings with other agencies located more than 32 KMs from their residence to a maximum of one day.

### **Professional Dues and Membership Fees**

Members are not entitled to be reimbursed for any professional dues, membership fees, insurance or other costs.

### **Social Events**

Members are not entitled to be reimbursed for attending social events, including meals and receptions as part of conferences or speaking engagements, as part of their additional duties. However, required educational programs, conference fees and associated travel expenses may be paid or claimed with prior, recorded discussion/approval of the Chair.

### **Indemnification**

Members 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](#).

BCFIRB appointees are entitled to the terms and conditions specified under Category D in part 10 of the Terms and Conditions of Employment for Excluded Employees and Appointees, and are reimbursed for transportation, accommodation, meals, and miscellaneous expenses incurred in the course of their duties and in accordance with Group 2 rates, policies and procedures.

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

The work of BCFIRB appointees is not insurable and not pensionable, therefore remuneration is not subject to Employment Insurance or Canada Pension Plan deductions. 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. BCFIRB appointees are “office holders” under the *Excise Tax Act*, therefore remuneration is not subject to GST (either charged or payable).

Effective Date:            January 28 , 2021