

YWCHSB Board of Directors Board Member Appointments & Re-appointments

Introduction

The Yukon Workers' Compensation Health and Safety Board (YWCHSB) is an organization managing complex issues, providing a no-fault injury compensation system for workers, a collective liability insurance system for employers and occupational health and safety education and enforcement for territorially regulated workplaces. The system and the organization are governed by a Board of Directors, the composition of which is defined in the *Workers' Compensation Act* (the Act).

In Section 98(1) of the Act, the Board of Directors is comprised of:

1. One (1) neutral Chair;
2. One (1) neutral Alternate Chair;
3. Up to three (3) members (no less than two (2)) representative of employers;
4. Up to three (3) members (no less than two (2)) representative of workers; and
5. The president.

All but the members representative of workers and employers are non-voting.

Board Member Appointments

Individuals are appointed to the YWCHSB Board of Directors by the Commissioner in Executive Council via the Minister of the Yukon Government responsible for the YWCHSB. The *Workers' Compensation Act* provides a time limit on the length of appointments to the Board of Directors. Terms for any Board member cannot exceed three years; however, there are provisions for re-appointment. There is no minimum time frame for a Board member's term; they have varied from six months to the full three years. While all positions on the Board of Directors require the Minister to consult with stakeholders, the Minister could fill a vacancy for a maximum of 60 days without consultation as per Section 98(12) of the Act.

Chair & Alternate Chair

Section 98(2) of the *Workers' Compensation Act* states that "The Commissioner in Executive Council shall appoint a Chair and alternate member to the Board of Directors to act as Chair during the absence of the Chair" while section (98(5)(c) requires the Minister to consult with employer and worker organizations about the appointment of the Chair and Alternate Chair.

The Minister generally consults with stakeholders through a letter to relevant stakeholder groups asking for nominees for the positions of Chair and Alternate Chair; however, the Minister is not bound to any specific method of consultation.

The Chair (and the Alternate Chair in the absence of the Chair) plays a vital role on the Board of Directors (outlined in the Board of Directors' Governance Guide available on the YWCHSB website at www.wcb.yk.ca) and must be neutral (not representative of workers nor employers) in order to effectively fulfill the role which includes not only

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administration of the Board of Directors (agenda setting, reviewing materials, etc.), but being the voice of the Board of Directors and the liaison to the Minister.

Stakeholder groups will be referred to the Board Member Profile and Governance Guide documents on the YWCHSB website so that they and any potential nominees will be aware of the requirements associated with an appointment as Chair or Alternate Chair to the YWCHSB Board of Directors.

The Minister is not bound to accept the recommendations of stakeholders; he or she is only bound to consult. This makes it vitally important that stakeholder letters to the Minister include rationale for the recommended candidate aligning the individual's skills, abilities, attitude and experience to the Board Member Profile. It would also be helpful if a letter from the proposed individual outlining his or her understanding of the role and willingness to fully participate as the Chair or Alternate Chair of the YWCHSB Board of Directors was also provided to the Minister.

Representative Board Members

The Commissioner in Executive Council (the Minister) appoints voting Board members representative of employers and representative of workers. Under Section 98(5)(a), the Minister shall appoint representatives of employers to the Board of Directors from at least three names of qualified persons provided by employers and employer organizations. Section 98(5)(b) states that the Minister shall appoint representatives of workers to the Board of Directors from at least three names of qualified persons provided by workers and worker organizations.

Again, the Minister generally consults with stakeholders through a letter to relevant stakeholder groups asking for recommendations for the positions of representatives of employers and workers; however, the Minister is not bound to any specific method of consultation. Section 98(6) states that "Where at least three names of qualified persons are not provided as required by paragraphs (5)(a) or (b), the Minister may appoint a qualified worker or employer representative other than those provided under paragraphs (5)(a) or (b)."

Similar to making recommendations for the Chair or Alternate Chair, stakeholders wishing to make recommendations for employer or worker appointments should write a letter to the Minister explaining how the individual fits the Board Member Profile and would be able to represent a perspective while making the best decisions for the workers' compensation system as a whole. Letters from the recommended individuals would also be helpful.

Board Member Re-appointments

Section 98(8) of the Act gives the Minister authority to re-appoint Board members. There is no statutory limit to the number of times an individual can be re-appointed, only that each re-appointment term cannot exceed three years. Further, the Minister is not bound by the legislation to consult stakeholders on re-appointments; however, in most cases, such consultation does occur.

Board members whose end of term is approaching are encouraged to reflect on their time on the Board of Directors, their contributions and their desire to continue serving on the YWCHSB Board of Directors. If a Board member wishes to be re-appointed, he or she should write a letter to the Minister (copied to the Chair) indicating their willingness to serve another term and perhaps provide rationale as to why the Minister should re-appoint them. It would be very helpful to the Minister if letters of stakeholder support for re-appointment were also provided.