

WSCB Board of Directors Board Member Appointments & Re-appointments

Introduction

Workers' Safety and Compensation Board (board) is an organization managing complex issues, providing a no-fault injury compensation system for workers, a collective liability insurance system for employers and workplace 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' Safety and Compensation Act* SY 2021, c.11 (Act).

The Board of Directors' authority is established under the Act (relevant sections attached as Appendix A)

The structure of the Board of Directors is determined by the Act and consists of:

1. one chair;
2. one vice chair (non-voting unless acting as the chair);
3. no fewer than two and no more than three members representative of employers;
4. no fewer than two and no more than three members representative of workers; and
5. the president (non-voting).

Board Member Appointments

Members are appointed to the Board of Directors by the Commissioner in Executive Council in accordance with the Act.

Members of the Board of Directors are appointed for a term of not more than three years and are eligible for re-appointment. Typically members are appointed for a term of three years. While all positions on the Board of Directors require consultation with stakeholders, the Minister may appoint a person to the Board of Directors for a single term of up to 60 days to fill a vacancy.

The Commissioner in Executive Council establishes the terms and conditions of appointment, including remuneration of members and the requirement that members be familiar with the purposes of the Act. O.I.C. 2024/90 sets out the remuneration for the members of the Board of Directors.

Chair & Vice Chair

Paragraph 10(7)(c) of the Act states that the Commissioner in Executive Council must appoint a Chair and Vice Chair based on the Minister's recommendation following the Minister's consultation with employer and worker organizations.

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

The Chair (and the Vice 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 board 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 administration of the Board of Directors (agenda setting, reviewing materials, etc.), but as 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 board website, so that they and any potential nominees will be aware of the requirements associated with an appointment as Chair or Vice Chair to the Board of Directors.

The Commissioner in Executive Council is not bound to accept the nominations from stakeholders; they are 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 education, training or experience to the Board Member Profile. A letter from the proposed individual outlining their understanding of the role and willingness to fully participate as the Chair or Vice Chair of the Board of Directors should also be provided to the Minister.

Representative Board Members

The Commissioner in Executive Council appoints voting Board members representative of employers and representative of workers. Under paragraph 10(7)(a) of the Act, the Commissioner in Executive Council must appoint representatives of employers to the Board of Directors from at least three names of qualified persons nominated by employers and employer organizations. Paragraph 10(7)(b) states that the Commissioner in Executive Council must appoint representatives of workers to the Board of Directors from at least three names of qualified persons nominated by workers and worker organizations.

The Minister generally consults with stakeholders through a letter to relevant stakeholder groups asking for nominations for the positions of representatives of employers and workers; however, the Commissioner in Executive Council is not bound to any specific method of consultation. Subsection 10(8) states that "When an appointment is to be made under paragraph (7)(a) or (b) and a sufficient number of qualified persons have not been nominated, the Commissioner in Executive Council may instead choose a qualified person and appoint that person.

Similar to making recommendations for the Chair or Vice 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'

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compensation and workplace health and safety systems. Letters from the recommended individuals should also be provided.

Board Member Re-appointments

Subsection 10(10) of the Act states that Board members are eligible for re-appointment. There is no statutory limit to the number of times an individual can be re-appointed, only that each appointment term cannot exceed three years. The Minister, on behalf of the Commissioner in Executive Council, consults with stakeholders in accordance with the Act on all re-appointments.

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 Board of Directors. If a Board member wishes to be re-appointed, they should write a letter to the Minister (copied to the Chair) indicating their willingness to serve another term and provide rationale as to why they should be re-appointed. Board members seeking re-appointment are advised to ask their stakeholder constituency groups to send letters of support to the Minister.