

WSCB Board of Directors Board Member Appointments & Re-appointments

Introduction

Workers' Safety and Compensation Board (WSCB) 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* (the Act).

In Section 10 of the Act, the Board of Directors is comprised of:

1. One (1) Chair;
2. One (1) Vice 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.

The Vice Chair is non-voting unless acting as the Chair. The President/CEO is a non-voting member of the Board of Directors.

Board Member Appointments

Individuals are appointed to the Board of Directors by the Commissioner in Executive Council via the Minister of the Yukon Government responsible for WSCB. The 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 consultation with stakeholders, the Minister could fill a vacancy for a maximum of 60 days without consultation as per subsection 10(14) of the Act.

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. .

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 WSCB 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 being the voice of the Board of Directors and the liaison to the Minister.

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Stakeholder groups will be referred to the Board Member Profile and Governance Guide documents on the WSCB 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 skills, abilities, attitude and experience to the Board Member Profile. It would also be helpful if 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 was also 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 shall 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 shall appoint representatives of workers to the Board of Directors from at least three names of qualified persons nominated by workers and worker organizations.

Again, 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 to appoint 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' compensation and workplace health and safety systems as a whole. Letters from the recommended individuals would also be helpful.

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.