

**OUR MISSION**

*To provide a timely, fair and independent appeals process consistent with legislation, policy and the principles of natural justice.*

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February 26, 2018

**Re: Conflicts of Interest Act Financial Disclosure**

Firstly, I thank the Committee for the opportunity to provide input in the *Conflicts of Interest Act* (the Act) review process. The Act serves the important goals of transparency and accountability in public service. In the context of the Appeals Commission for Alberta Workers' Compensation (the Commission) and its appointed members, the Act compliments aspects of our existing operations, but may complicate others.

By way of background, the Appeals Commission is a quasi-judicial tribunal established under the *Workers' Compensation Act* to function as a final level of appeal for workers' compensation matters. We are an independent, neutral adjudicator that functions at arm's length from general government. The Commission's decisions are issued by members appointed by Order in Council and the Commission is administered by an appointed Chief Appeals Commissioner (Chief), who also functions as CEO.

We strongly agree with the disclosure and enforcement provisions of the Act relating to Codes of Conduct (Code). A Code will help ensure both transparency and accountability at the Commission, while also providing an enforcement mechanism and performance management tool that will improve the overall functioning of our organization. The Act's provisions are flexible in that they demand certain terms be included in our Code, but also are sufficiently broad to allow more rigorous standards or commitments as needed. It is this flexibility that we find most helpful as a tribunal that operates outside of general government.

Given that we are an independent tribunal, we are concerned with the potential of the Commission's Chief and members needing to provide financial disclosure under the statutory obligations set out in sections 23.93, 23.931 and 23.932 of the Act. As the Act currently reads, the disclosure provisions do not apply to any of our members or the Chief. However, we may be designated in an Order in Council as requiring compliance with financial disclosure. The inclusion of the Commission's Chief and members in the Order in Council does not balance transparency and privacy in the context of the Commission's operations, and does not make sense in light of our statutory mandate.

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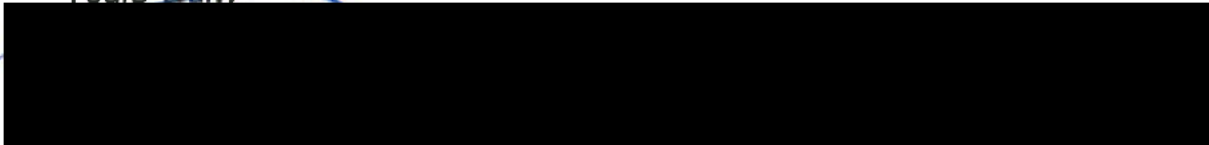
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Including the Commission's members and Chief is not practical or necessary for the following reasons:

- As an arm's length public agency we are not privy to government policy making or sensitive and confidential financial information;
- Financial disclosure is redundant in the context of the conflicts disclosure requirements in Commission's rigorous Code of Conduct (to be reviewed and approved by the Ethics Commissioner);
- It is time-consuming to gather and review all of the financial information from the Commission's 50+ members given our limited resources that are best spent fulfilling our appeals mandate;
- We are bound by the *Workers' Compensation Act* and *Workers' Compensation Board Policy*; we do not have broad discretionary decision-making powers that are open to abuse; and
- The Ethics Commissioner has recommended the Commission's members be exempted from the previous financial disclosure provisions.

In summary, we request that the Appeals Commission be excluded from any forthcoming Order in Council designating those public agencies or positions required to provide financial disclosure under the Act.

Yours Truly,



Douglass M. Tadman, QC  
Chief Appeals Commissioner and CEO