



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Canada



Putting clients first

Social Security Tribunal of Canada

2019 PROGRESS REPORT

2019



Table of Contents

Message from the Chairperson 3

Making our process faster 4

General Division – Employment Insurance 4

General Division – Income Security 5

Appeal Division 6

Making it easier for Canadians to use the appeals system 8

Where we are at 8

Where we are going 11

Message from the Chairperson



It was an honour to be appointed Chair of the Social Security Tribunal of Canada in September 2018.

The Tribunal decides whether Canadians are entitled to Employment Insurance benefits, a Canada Pension Plan disability pension, or Old Age Security benefits. These benefits are the bedrock of our federal social welfare system—universal programs that protect people’s economic security. We give Canadians recourse to justice in matters that affect their ability to access the basic necessities of life.

The Tribunal is a justice organization. We hold hearings, and we apply Canada’s laws to the circumstances of each person’s case. But we are also a service organization. The people who bring their cases to the Tribunal have a right to decisions that are simple, quick, and fair. They have a right to understand in plain language how the Tribunal works. Only that way can they participate meaningfully in their own appeals.

When I took on this role, the Tribunal had already started to move to a simpler, more accessible form of justice. Since then, we’ve continued to pick up speed.

This report explains where we are now and what we have done in the last year to make our process faster and to make it easier for Canadians to use the appeals system.

The Tribunal has made a lot of progress in changing how we deliver justice. But the laws we administer are very complicated. The process is still hard to understand, and it still takes too long. We need to do more.

So this report also gives a preview of what we will do in the coming year to make our appeal process faster, less legalistic, and easier for people to use. This includes talking to clients and other stakeholders to learn about their recent experiences with our Tribunal. In the next year, we will build on the changes we have already made.

In a tribunal, the effort of preparing and deciding cases is a collective one. The members and the staff of the Tribunal believe in the importance of our work, not only for the appellants who use our system, but also for all Canadians. This is because the rule of law is a core Canadian value. Their dedication and their openness to innovation are inspiring. They truly care about their work and the people they serve.

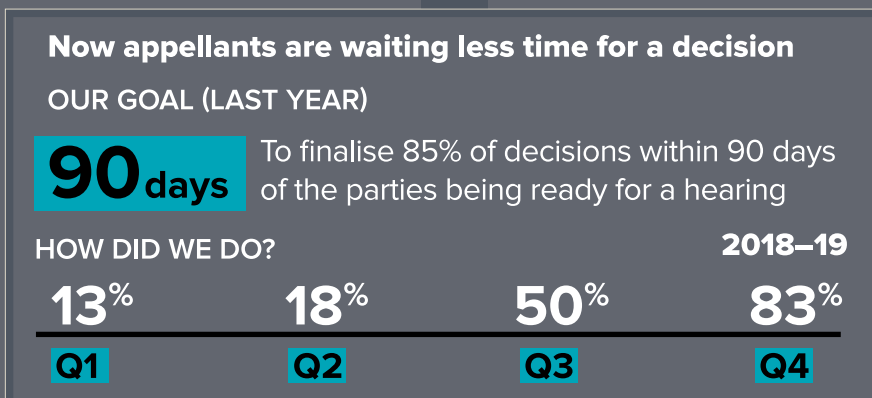
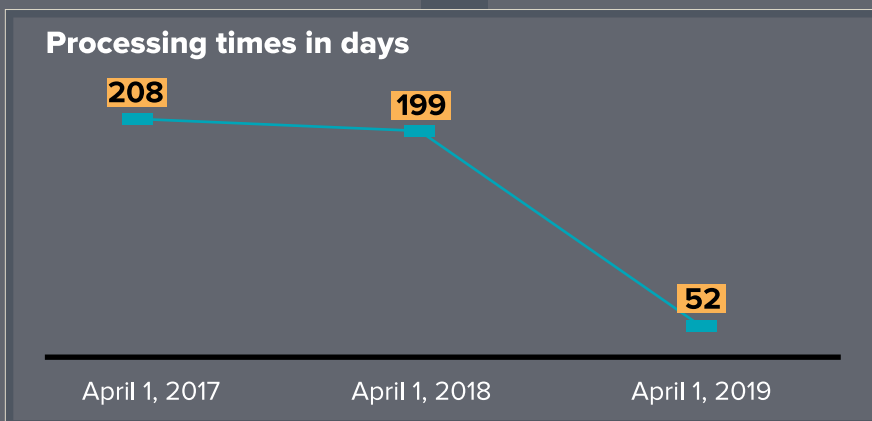
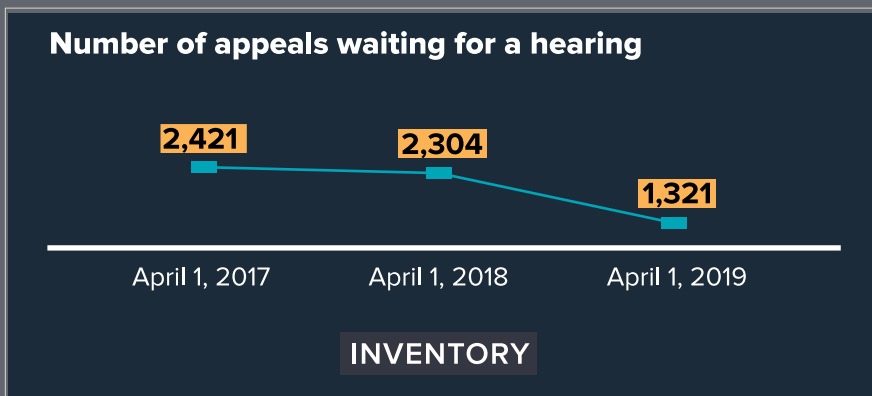
Paul Aterman
Chairperson

Making our process faster

Over the last year, we have focused on improving how we process appeals. We have cut out some unnecessary steps and we have set new performance measures. The result has been that, overall, we are working faster and it takes us less time to handle appeals. In addition, the number of cases that are waiting to be heard has gone down. Right now, we are meeting or exceeding our service standards.

General Division – Employment Insurance

WHERE WE ARE AT



WHERE WE ARE GOING

Cutting our service standards in half

Because we have succeeded in reducing the number of cases waiting for a hearing, we will be able to put in place tighter timeframes for dealing with most cases at the General Division – Employment Insurance.

Our goal this year is to finalise 80% of decisions within

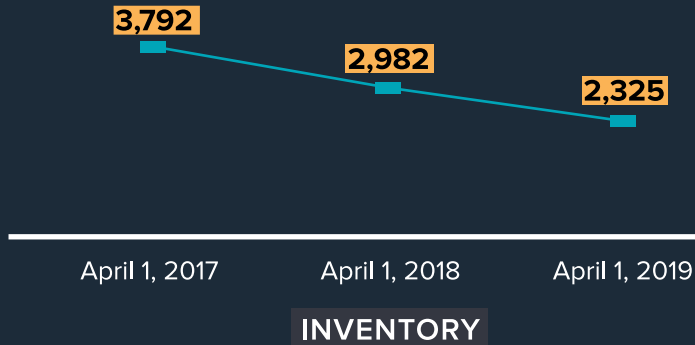
45 days

of the parties being ready for a hearing (down from 90 days)

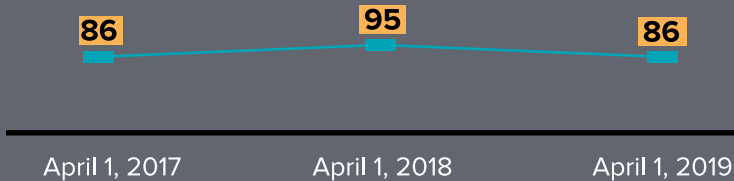
General Division – Income Security

WHERE WE ARE AT

Number of appeals waiting for a hearing



Processing times in days



Now appellants are waiting less time for a decision

OUR GOAL (LAST YEAR)

150 days To finalise 85% of decisions within 150 days of the parties being ready for a hearing

HOW DID WE DO?



WHERE WE ARE GOING

Getting Canada Pension Plan and Old Age Security cases ready sooner

The Income Security appeal process has a period of 365 days for parties to file all documents they want to rely on during the appeal. But many appellants are ready much sooner than that. We will focus on scheduling hearings much sooner, when all parties tell us they are ready.

Cutting our service standards in half

Because we have succeeded in reducing the number of cases waiting for a hearing, we will be able to put in place tighter timeframes for dealing with most cases at the General Division – Income Security.

Our goal this year is to finalise 80% of decisions within

70 days

of the parties being ready for a hearing (down from 150 days)

Appeal Division

WHERE WE ARE AT

Now fewer cases are returned from the Appeal Division to the General Division

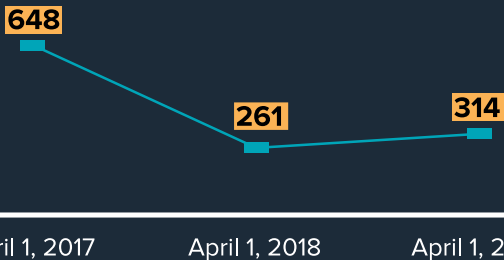
When the Appeal Division overturns a decision of the General Division, it can return the case to the General Division to be heard again, or—in some cases—it can make the decision it thinks the General Division should have made.

The Appeal Division cannot do this in every case, but whenever it can, this cuts down on the time an appellant has to wait to know whether they are entitled to benefits.

This year, the Appeal Division sent back 20% fewer Canada Pension Plan and Old Age Security cases than last year, and 16% fewer Employment Insurance cases to the General Division than in 2017–18.

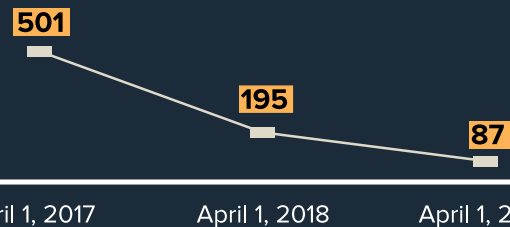
Number of appeals waiting for a hearing

Employment Insurance appeals



INVENTORY

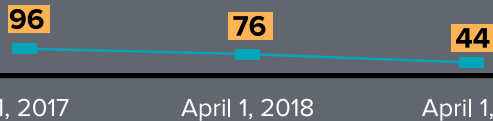
Income Security appeals



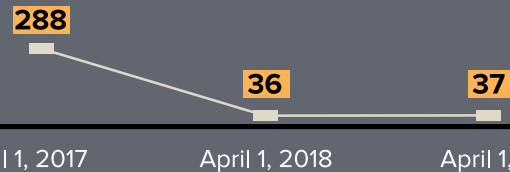
INVENTORY

Processing times in days – Permission to appeal

Employment Insurance appeals

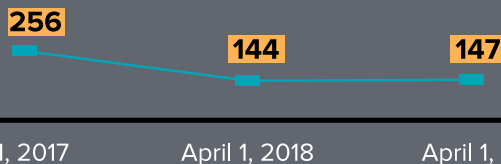


Income Security appeals

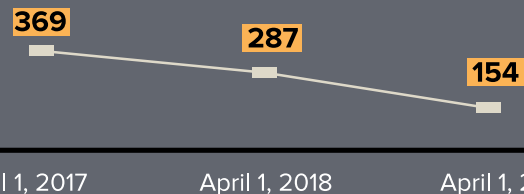


Processing times in days – Final decision

Employment Insurance appeals

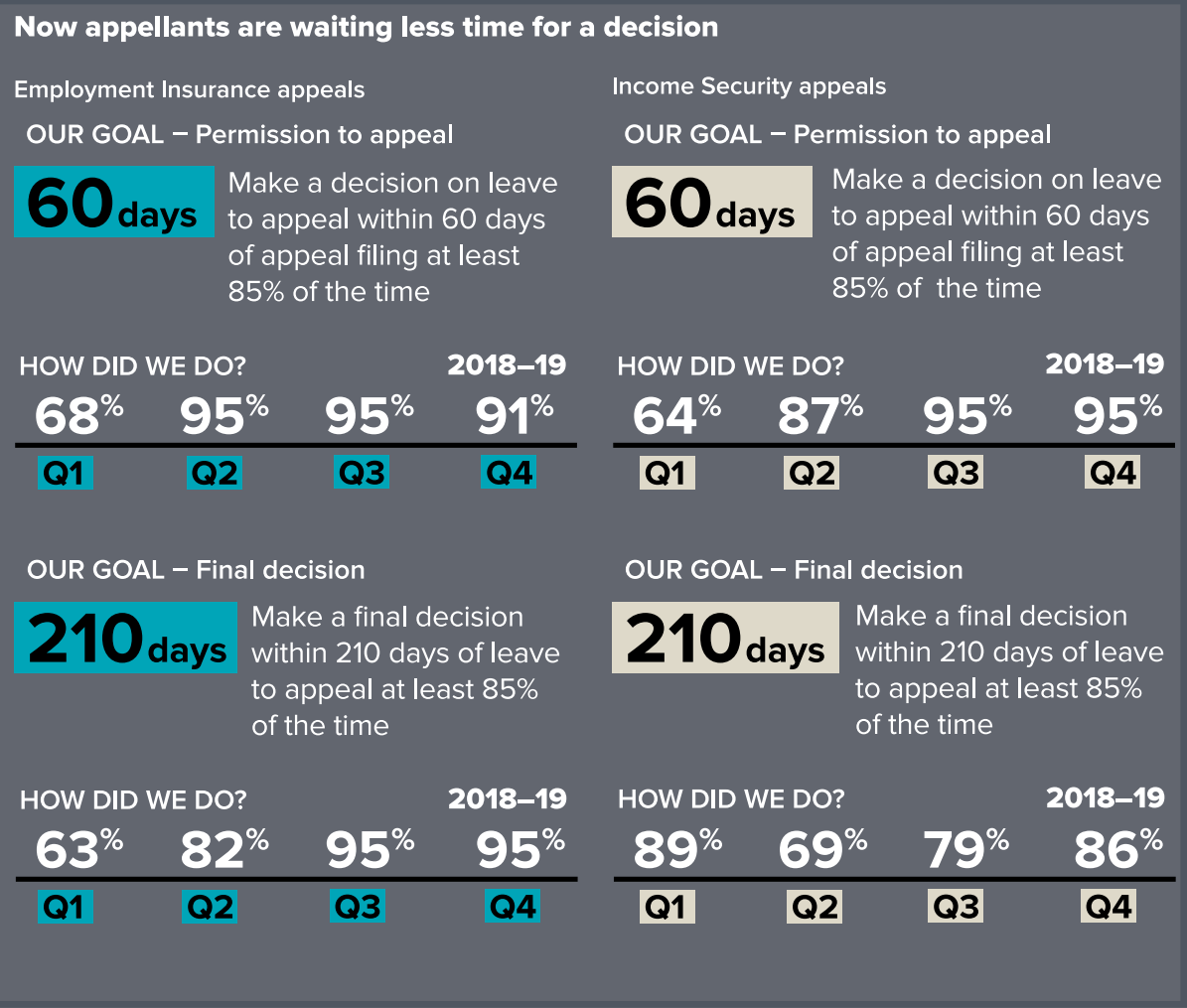


Income Security appeals



Appeal Division continued

WHERE WE ARE AT



Making it easier for Canadians to use the appeals system

Where we are at

Access to justice matters. Getting ready to appeal an Employment Insurance, Canada Pension Plan or Old Age Security decision can be intimidating.

Here is what we have done this year to make it easier for appellants to prepare their cases with confidence, participate meaningfully in hearings, and better understand the decisions we make:

SIMPLER CRITERIA, SIMPLER FORMS



We've made it easier to get an appeal started by requiring less information up front. If an appeal is missing any required information, we will take steps to get what's missing and get the case moving again. Incomplete appeals were stalled for an average of 40 days at the General Division in April 2017. With these changes, we now move them forward in half the time.

At the same time, we've been working with a plain language expert to simplify our forms. We launched a complete rewrite of all our forms in 2018. Our new forms are shorter, clearer and written in easy-to-understand language: they prompt fewer questions from appellants and are submitted more completely than they used to be. This speeds up the start of the appeal process.

We are now focusing on our letters. This is a large project and we will not be finished until 2020, but we are already seeing positive results.



“Client experience is extremely important to us. We recently redesigned our forms for appellants, and now they’re shorter and much easier to understand.”

**– Cheryl, Tribunal Officer,
Policy and Procedures**

GIVING APPELLANTS CHOICE



Until this year, the default format for all Tribunal hearings was by teleconference. We launched a new process in January 2019 that allows appellants to choose the format of most General Division hearings—by phone, videoconference, in person or in writing.

Now, 66% of General Division hearings are scheduled in the format originally requested by the appellant. Many appellants change their hearing preference after making their original request, making that number even higher. While we cannot accommodate appellant preferences in every single case—and some appellants have no preference—we strive to respect their choice when possible.

In 2018–19, we held 4,448 telephone hearings, 958 videoconferences and 622 in-person hearings. We also held 97 hearings in writing.



“I enjoyed the opportunity to build a more effective Quality Assurance process that gets accurate correspondence out to appellants faster.”

– Sagal, Registry Clerk

NEW VIDEOCONFERENCING TECHNOLOGY



Up until now, appellants who chose hearings by videoconference would have to go to a Service Canada office to take part in their video hearing. This year, we started to use newer technologies that allow them to participate using their own personal devices, such as computers, tablets and cell phones—from the location of their choice.

This means appellants don’t have to travel to a Service Canada office, and gives them another option when choosing their preferred form of hearing. We will continue to expand this service, as it makes it easier for many appellants to participate in their own appeals.

ALTERNATIVE DISPUTE RESOLUTION (ADR)



If we can resolve an appeal informally, without having to hold a hearing, this can be less stressful for appellants and less costly for taxpayers. At the Appeal Division, we have started to use ADR to resolve cases where the appellant and Employment and Social Development Canada can agree on an outcome that is acceptable to both sides. We have scheduled informal meetings that are moderated by a Tribunal member to give parties a chance to come to an agreement without undertaking a full appeal.

So far, the results have been positive. In the pilot project we ran this year, over 30% of cases settled without the need for a hearing. This is another area where we will continue to innovate in the coming year.

ACCESS TO MORE CASE DECISIONS



The Tribunal has always published a selection of its decisions. In response to feedback from stakeholders, we will be publishing more decisions that reflect the common kinds of cases seen by our General Division, as well as other decisions of public interest and all final Appeal Division decisions. This will give appellants more relevant references to draw on.

We have also added RSS feeds to our website. Appellants and stakeholders can now choose to receive direct notifications of newly published decisions and other changes and improvements at the Tribunal, rather than consulting our website.



“We’re introducing resources to make it easier for appellants to prepare their cases. One of these is the Navigator service, which we’ll be launching soon to help clients move through the various steps of the hearing process.”

– Beth, Registry Officer

HELPING APPELLANTS TO GET ADVICE



While many appellants choose to represent themselves or hire legal counsel, a number of organizations across the country provide free services and advice to eligible Canadians who want to bring forward an Employment Insurance or income security appeal. In May 2018, we published a directory on our website to help appellants connect with these organizations. Our directory of free advisory services includes over 100 organizations across the country.

We’ve also revised our position on representatives who are not members of a law society. We have made it clear that a person who represents an appellant at the Tribunal for a fee does not have to be a lawyer.

EMOTIONAL SUPPORT, WHEN IT IS NEEDED



We recognize appellants may be going through difficult times when they appeal. That’s why, in the spring of 2019, we partnered with an independent distress and crisis helpline. If an appellant shows signs of emotional distress when we are dealing with them, we offer to connect them with a free, confidential listening and crisis intervention service: the choice to do so is entirely up to them.



"We're committed to providing plain-language web content in both official languages. Anyone from any background should be able to understand the information we make available to them."

– Jean-Philippe,
Senior Editor,
Communications

Where we are going

There is more we can do to improve access to justice at the Tribunal. These are some of the steps we will be taking in the next year to advance our client-centric approach:



A TRIBUNAL NAVIGATOR SERVICE

Since many appellants go through the hearing process without legal representation, we're introducing a "navigator" service. Our navigators will be specialized staff with a profound knowledge of their assigned appellants, processes and procedures. Because the Tribunal is neutral and impartial, navigators will not be there to act as advocates for appellants. They also will not give legal advice. What they will do is work one-on-one with appellants to help them better understand the process and how to prepare for a hearing.



PLAIN LANGUAGE DECISIONS

Decisions are often difficult for appellants to understand because the laws we administer are complex and technical. So far, we have made progress in simplifying decisions by changing their structure. On average, the length of decisions has decreased by 25%.

Now we want to focus on using plain language. We will be offering training to our members in plain language reasons writing. The goal is to cut out complex language and legalese, and to write as much as possible in a way that people with no legal background can understand.

Where we are going



ACTIVE ADJUDICATION AND CASE MANAGEMENT

Most appellants have never participated in a tribunal hearing and they are not sure how it works. To enable appellants to fully participate in their appeal, we will be training members to conduct hearings in a more informal and active way. The outcomes we want are to ensure that parties better understand the process and feel they have been treated fairly.



STAKEHOLDER ENGAGEMENT

In the coming year, we will build stronger relationships with stakeholders and cast a wider net in terms of new stakeholders. This will include introducing a formal stakeholder consultation process, so that the Tribunal can benefit from regular feedback and can test ideas for changes with the people who use the appeals system.



STREAMLINED SCHEDULING

We are looking at innovative ways to schedule hearings. For example, we are working to determine when in the process we should contact parties to set a date and confirm hearing preferences.



We've made real strides toward writing decisions that are easier to understand—and toward explaining our reasons more clearly. We're working to actively listen to appellants during hearings and have embraced a spirit of openness to learn and keep improving."

**– Kelley, Member,
Income Security Division**



Since taking on my role in March 2019, I have seen our staff continuously improve our processes. At the same time, every day is an opportunity for us to continue to go a step further toward making our forms and letters easier for our clients to understand, reducing processing times, and listening to our clients and stakeholders. Access to justice in a timely way is our goal and achieving that requires continuous improvement, innovation and the commitment and expertise of every employee. With this continued dedication, I am confident that we will successfully advance our priorities in the year ahead. At the Tribunal, there is a sense of purpose in our work: after all, we are Canadians assisting Canadians.”

– Anab Ahmed, Executive Director

Putting clients first

2019 Progress Report

For an alternate format, please contact
us: 1-877-227-8577 or info.sst-tss@canada.ca



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

PO Box 9812
Station T
Ottawa, ON
Canada
K1G 6S3