

# Next steps ...

the path to  
accessible justice

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# Word from the Chair and Executive Director



## Next steps on the path to accessible justice

This year, the Social Security Tribunal (SST) prepared for important changes that will make our appeal process easier for people to understand and use. They include changes in the law to make the process less formal and less technical for certain types of appeals. And for all types of appeals, we now have rules of procedure written in plain language. We worked with many people to design our appeal process around the needs of those who use it.

These are the most important steps we've taken down the path to a more accessible justice system. But they aren't the only ones.

- We're continuing to work on a **proactive approach to case management** for Canada Pension Plan and Old Age Security appeals so they can move forward as soon as parties are ready
- We're working with Community Legal Education Ontario on their **online guided pathway** for Canada Pension Plan disability appeal forms
- We've launched a **survey** to learn more

about our appellants so we can design our process around their needs

- We're working on writing our forms and letters with **more inclusive language**

This year's progress report is divided into 2 parts. In the first part, you'll see how we continued to put access to justice at the core of our work. In the second part, we'll tell you about our service standards and processing times. You'll see what's working well and where we can do better.

Access to justice isn't just about making it easier for people to understand how to appeal. It's also about deciding cases quickly. Because waiting to find out whether you're entitled to benefits is stressful. That's something we'll focus on in the coming year.

**Paul Aterman**  
Chairperson

**Anab Ahmed**  
Executive Director



# Land acknowledgement

We wrote and published this report in Ottawa, the traditional unceded territory of the Anishinabe Algonquin Nation.

We understand we're part of a larger conversation about reconciliation. In 2021, we began to explore what truth and reconciliation mean in what we do at our tribunal. We have a group at the SST looking at barriers to justice that Indigenous peoples may face. This group is working with us to make our processes better. Our goal is to find ways to take part in reconciliation in a meaningful way.

People will be reading this report in many places across Canada. These will include other traditional Indigenous lands. We invite you to learn more about the communities.

# What we do



The SST decides appeals about these benefits:

- **Employment Insurance**
- **Canada Pension Plan (CPP) disability and other CPP benefits**
- **Old Age Security**

As part of our federal social support system, these benefits are important to Canadians. People can come to the SST to challenge a government decision about their benefits.

# By the numbers



We processed **6,563** appeals this year



**8.6%**

of Appeal Division appeals have gone through Alternative Dispute Resolution (ADR)



**70.4%**

of ADR appeals at the Appeal Division were resolved without a hearing



Navigators worked on

**3,039**

appeals, helping people without professional representation



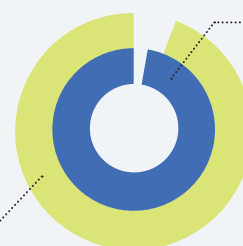
We published **1,486** decisions on our website

Of the 811 survey responses we received this year,

**95%** of clients were satisfied overall



**94%** of appellants surveyed felt that we provided them with enough information about what to expect and how to prepare



**97%** of appellants surveyed felt they were able to participate fully in their hearings

# What's changed at the SST

## We have new Rules of Procedure

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The [\*Social Security Tribunal Rules of Procedure\*](#) (Rules) came into force on December 5, 2022.

After consulting widely, we designed a modern set of procedures that focus on the people who use our service. The Rules aim to help people:

- understand the appeal process
- participate fully in their appeals, with or without professional representation
- know what to expect from the SST
- know what the SST expects of them

### — We wrote our Rules in plain language

We wanted to write rules that the widest possible audience would understand. Why?

Because most people that come to the SST:

- don't have a legal background
- don't have legal support
- aren't familiar with this subject matter

Plain language is about making it easy for people to **find**, **understand**, and **use** the information they need. We wrote our Rules using plain language strategies. For example, we grouped the Rules by theme so people can easily find the information they need. And we broke down complicated ideas into short, separate sentences so the message is easier to understand.

We're pleased that our partners and Justice Canada supported our efforts to use plain language in the Rules. To our knowledge, this is the first time a Canadian federal administrative tribunal has written rules of procedure in plain language.

Here's an example of how the Rules compare to the old *Social Security Tribunal Regulations*. It shows how the Rules are easy to understand.

Before (Regulations)	After (Rules)
<p><b>Deemed filing dates</b></p> <p><b>7</b> The date of filing of an appeal, application or other document is deemed to be</p> <p>(a) in the case of a document that is filed at the Tribunal's address or sent by mail or by facsimile, the date indicated by the date received stamp placed on the document by the Tribunal; and</p> <p>(b) in the case of a document that is filed by email or in accordance with the Tribunal's electronic filing procedure, the date of receipt indicated by the Tribunal's time stamp.</p>	<p><b>When a document is filed</b></p> <p><b>19 (2)</b> A document is considered filed on the date the Tribunal receives it. On each document, the Tribunal indicates the date it received the document.</p>

### — We made the appeal process simpler

We changed some of our procedures to make the appeal process simpler. Here are 2 examples:

#### Late appeals: Giving more time

The Rules set out a simpler test for getting more time to appeal when an appeal is late. Before, the appellant had to make arguments on 4 separate factors. Now, they just have to explain why they're late. An SST member (decision-maker) will give them more time if they have a **reasonable explanation** for being late.

#### Rescheduling hearings

Sometimes, a party needs us to reschedule a hearing. The Rules make this simpler.

We now automatically reschedule if the party:

- is asking for the first time
- asks at least 5 business days before the hearing
- is available for a hearing within 2 weeks of the original hearing date

If the party doesn't meet those conditions, they can still file a request explaining why the hearing needs to be rescheduled. We'll reschedule if it's necessary for a fair hearing.

## We made other process changes for Income Security appeals

For **Income Security** appeals, we made some changes that aren't covered in the Rules so we could keep the process as flexible as possible.

### — General Division

At the General Division, we actively case manage files. This means we work with parties (and their representatives) to make sure they have the time they need to make their case.

For some appeals, members are now involved early on. They may set shorter filing deadlines. They may also hold conferences to help parties better understand the appeal process. This is another way we make sure the appeal process is simple, quick, and fair. We put people at the centre of our justice service.

### — Appeal Division

At the Appeal Division, the law has changed:

- Appellants still need permission to appeal, but the criteria are broader
- The Appeal Division gives written reasons for granting permission to appeal only if a party asks within 10 days

- If the Appeal Division grants permission to appeal, it hears the appeal as a new proceeding
  - Parties can file new evidence (including witness testimony)
  - Parties don't need to prove that the General Division made certain types of errors
- Since the Appeal Division makes a new decision, it no longer has the power to refer Income Security appeals back to the General Division

An Income Security appeal at the Appeal Division can follow 1 of 2 streams:

1. the **regular stream**
2. the **case managed stream**

In the regular stream, the parties have 75 days to file their evidence. When the parties need more time to prepare or don't need time to file documents, their appeal follows the case managed stream. This means that the member will actively manage the file to schedule simple matters quickly and give more time for complex matters.

## We continued to improve our navigator service

Navigators are staff members who are specially trained to support and guide parties who don't have a professional representative (like a lawyer). Navigators build relationships with these parties, so they feel better prepared to manage their appeals.

Last year, we talked about a report called [Examining the Social Security Tribunal's Navigator Service: Access to Administrative Justice for Marginalized Communities](#). We've been acting on the report's recommendations.

These include:

- providing training and wellness support to navigators
- using infographics to explain the appeal process
- offering interpretation services when people need them during navigation
- consulting with our partners

On average, 95% of those who completed our [client satisfaction survey](#) **said they were satisfied with the help of their navigators.**



### Did you know?

At the SST, most claimants don't have professional representation:

**91%** at the General Division – Employment Insurance

**64%** at the General Division – Income Security

**82%** at the Appeal Division



### **We continued to hold information sessions with community partners**

This year, we expanded our legal information sessions. In addition to sessions on Employment Insurance appeals, we now offer sessions on CPP disability appeals. Law students, paralegals, community justice workers, and other advocates and representatives are all encouraged to attend.

We also offer a general information session. This 1-hour session provides an overview of the SST, the appeals process, and helpful resources that the SST offers, including the navigator service. We also offer information sessions exclusively on our navigator service.

If you're interested in joining our community of partners or learning more about our information sessions, let us know. Contact our outreach team at:

**[NC-SST-TSS-OUTREACH-RELATIONS-GD@canada.gc.ca](mailto:NC-SST-TSS-OUTREACH-RELATIONS-GD@canada.gc.ca)**



## We made our website even better

### — More visual content

User testing and an external report have told us the same thing: our website needed more visual content. You talked, we listened.

Our website now has printable roadmaps on the processes for:

- [Employment Insurance appeals](#)
- [CPP disability](#) and [other CPP appeals](#)
- [Old Age Security and Guaranteed Income Supplement appeals](#)

We also have visual guides that explain how to prepare for a hearing. We updated their content and gave them a fresh look.

### — Other improvements

We made it easier for you to **give feedback** on our website. At the bottom of each page, you can tell us whether you found what you were looking for. This lets us know what works—and what doesn't.

Did you find what you were looking for?

Yes

No

On top of that, we **highlighted glossary terms** throughout our website. If you hover your cursor over a term, you'll see its definition, saving you a trip to our [glossary page](#).

## We used pilot projects and evaluations to help improve our service

### — Early and Active Case Management

Last year, we talked about our early resolution pilot project for the General Division – Income Security Section. This year, we started a pilot project for early and active case management. We wanted to see how we could use **early intervention** to support a simple, quick, and fair appeal process.

We learned that it helps to involve a member early on for some appeals, including:

- Old Age Security appeals
- CPP (other than disability) appeals
- appeals with issues we don't have the power to decide

It's different for CPP disability appeals because appellants generally need time to gather and submit evidence.

We'll keep looking at how we can effectively case manage appeals and apply lessons learned from the project.

### — Document lists

Some people told us that they have trouble managing the documents for their appeal. We send them a lot of documents at different times. So, in December 2022, we started a pilot project at the Appeal Division to see whether we could help with this.

We now give parties a **list of relevant file documents** shortly before the hearing so they can better prepare. And we plan to do the same at the General Division.

### — Plain language decisions

The laws we work with can be hard to read, but our decisions don't have to be. We've been working hard to make them easier to understand. This year, we evaluated how **accessible** they are. We analyzed decision texts and talked to:

- people who had represented themselves
- third-party experts in plain language
- members

The results show that our decisions **are** easier to read, but they could still be better. For example, people said that we should make the result of the appeal clearer and clearly state what the next steps are. Read more about [the evaluation and our action plan](#) on our website.

### — Gender-based Analysis Plus (GBA+) survey

The SST serves people from diverse backgrounds and with different needs. To better understand their socio-demographic profile, we launched a GBA+ survey in December 2022.

The survey is voluntary and anonymous. It will help us find and address barriers in our processes and improve access for the people we serve.

### Did you know?

During The Action Group on Access to Justice's A2J Week in October 2022, the SST [shared its experience](#) on its innovations to break down barriers to justice and practical ways to measure and evaluate access to justice.

## What we're doing next

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We keep looking for ways to serve you better. We do this by listening to our partners and to the people who use our service. The feedback we get helps us make the right changes. One of our top priorities is to make our appeal process inclusive and accessible. We want to create an environment where all participants can understand and participate fully in the appeal process.

Here's a look at some of our upcoming projects:

- We'll start adding **video content** to our website to give people another way to get the information they need
- At the General Division, we'll let people use their **My Service Canada Account (MSCA)** to file their Income Security appeals, including their supporting documents

- We're working with [Community Legal Education Ontario](#) to make an online guided pathway for people applying for CPP disability
  - The pathway guides them through filling out their notice of appeal form
  - When they're done, the pathway generates a completed form that they can submit to the SST
  - Look for the pathway! (It should be ready by July 2023)
- We'll continue efforts to meet our commitment to equity, diversity, and inclusion, which will include:
  - consulting with partners to update our Accessibility and Accommodation Policy
  - working with a diversity consultant to look at how we can use more inclusive language in our decisions and letters
  - updating the Notice of Appeal form so that appellants can identify their pronouns

We look forward to updating our partners and the public as these important initiatives take shape.

# Results

Our goal is to make quality decisions as quickly as possible without compromising fairness. This year, we fell below where we'd like to be.

Across the SST, we didn't have enough members to deal with all our appeals. Gaps in reappointments in 2021 and early 2022 meant that we started the fiscal year with a backlog of appeals at the General Division and the Appeal Division. A large increase in Employment Insurance appeals meant that the backlog of appeals at the General Division – Employment Insurance Section and the Appeal Division grew as the year went on.

It was difficult to meet service standards even for newer appeals because we had to assign the older ones first. In many cases, the service standard had passed before the member even got the file.

Before we can get back to meeting our service standards for timely decisions, we have to tackle our backlog of appeals. Here's what we've done so far.

## — We added new members

Recruiting, appointing, and training new members takes many months. We welcomed **25** new members to the SST. We moved members from the General Division to the Appeal Division, and we reassigned members between the 2 sections of the General Division.

Overall, we increased our capacity from **46** full-time equivalent members at the beginning of the fiscal year to **65** full-time equivalent

members at the end. And we're working to bring another group of new members on board in the spring of 2023.

## — We found ways to speed things up

We took other steps to make decisions faster. We:

- focused on improving internal processes
- introduced early and active case management for General Division – Income Security appeals
- continued with alternative dispute resolution (ADR) at the Appeal Division

With these efforts, we expect to reduce or eliminate our backlog of appeals in the 2023–24 fiscal year. This will bring us closer to meeting our service standards across the SST.

Despite not meeting our service standards, we didn't see a change in our client service feedback. Overall satisfaction with our service was **96%**.

Here are the numbers —————→

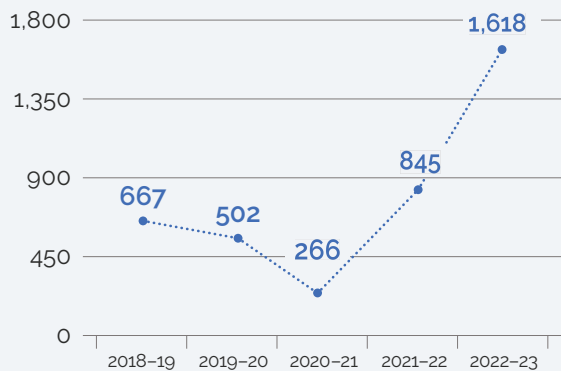


# General Division

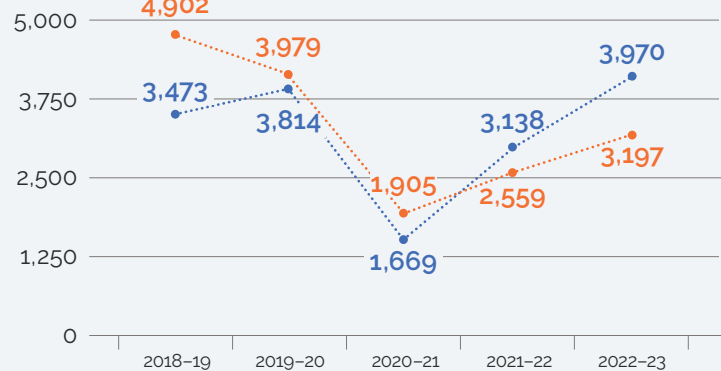
Employment Insurance (excludes group appeals)

## Inventory by fiscal year as of March 31

Number of **open cases**



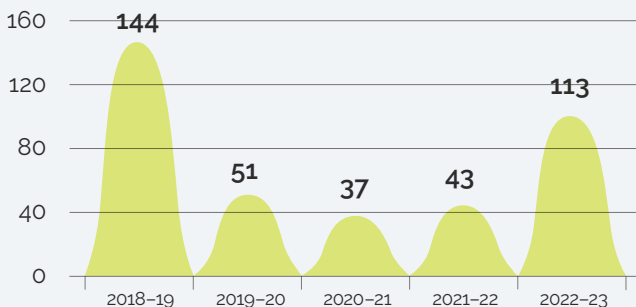
Appeals **received** increased faster than appeals **resolved**



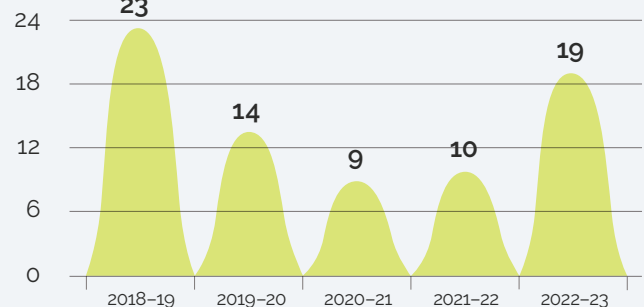
## Processing times by fiscal year as of March 31

In 2022-23, our average time from filing to decision was **113 days** and from hearing to decision was **19 days**.

Number of days from **filing to decision**



Number of days from **hearing to decision**



## Service standards

This year, we wanted to give appellants their decisions within **45 days** of when they filed their appeals and within **15 days** of their hearings. We wanted to do this at least **80%** of the time.

Filing to decision

7%

Hearing to decision

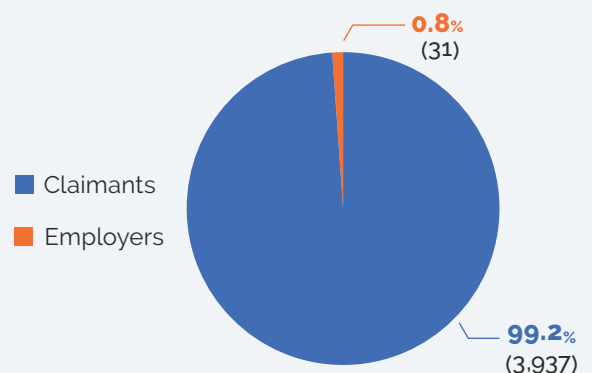
Goal: 80%

61%

0% 20% 40% 60% 80% 100%

## Appeal origin

Most appeals at the General Division came from **claimants**.

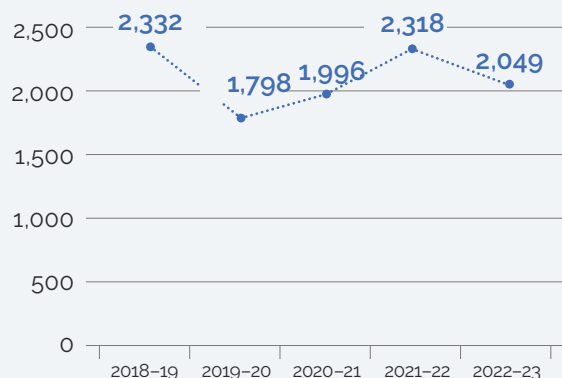


# General Division

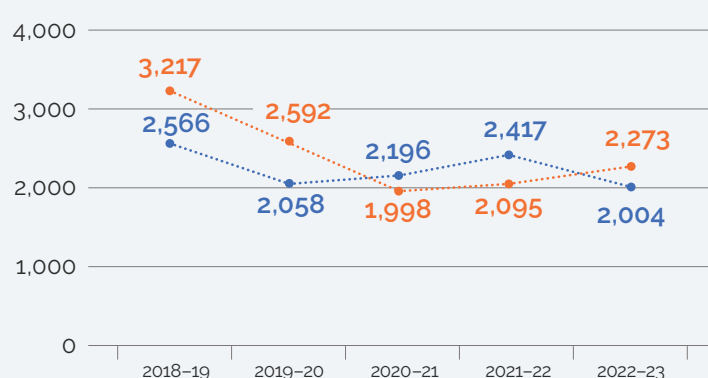
## Income Security

### Inventory by fiscal year as of March 31

Number of **open cases**



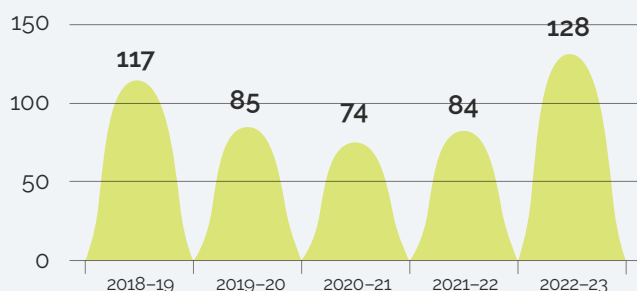
Appeals **received** declined while appeals **resolved** increased



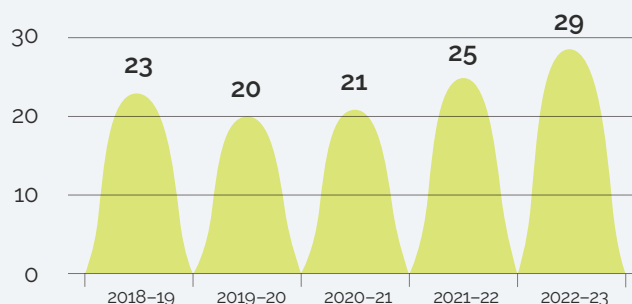
### Processing times by fiscal year as of March 31

This year, our average time was **128 days** from readiness to decision and **29 days** from hearing to decision.

Number of days from **readiness to decision**

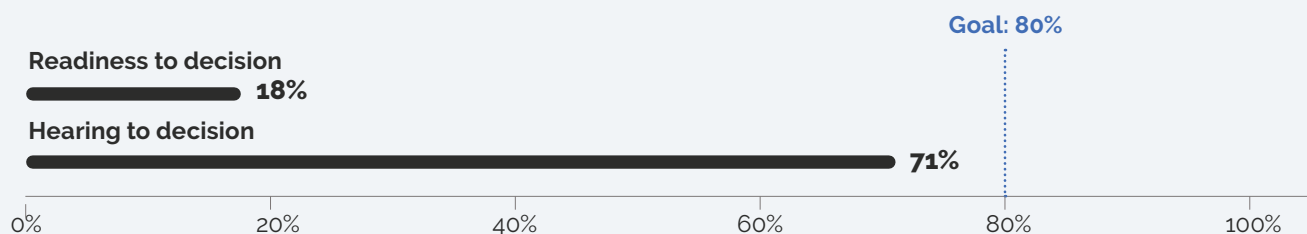


Number of days from **hearing to decision**



### Service standards

This year, we wanted to give appellants their decisions within **70 days** of when parties were ready for the hearing and within **30 days** of the hearing. We wanted to do this at least **80%** of the time.

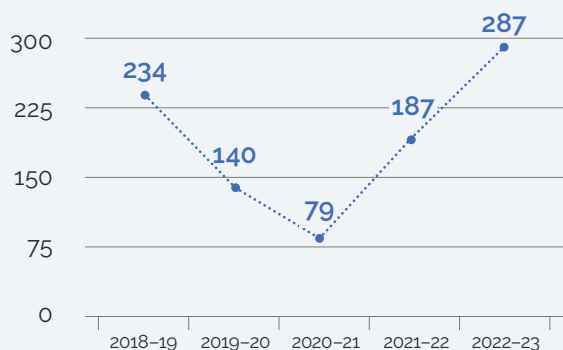


# Appeal Division

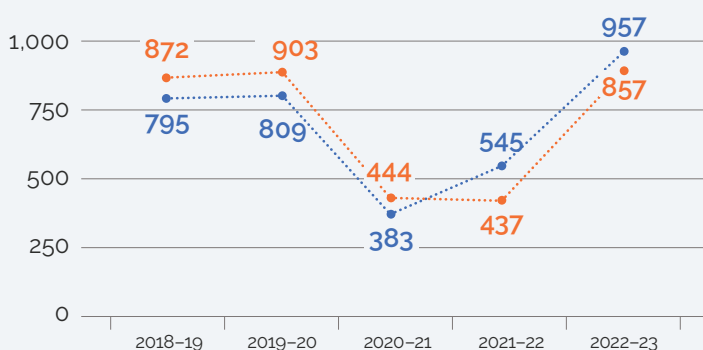
(excludes Employment Insurance group appeals)

## Inventory by fiscal year as of March 31

Number of **open cases**



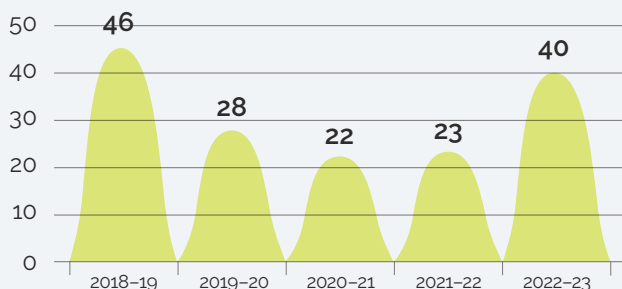
Appeals **received** and **resolved** increased



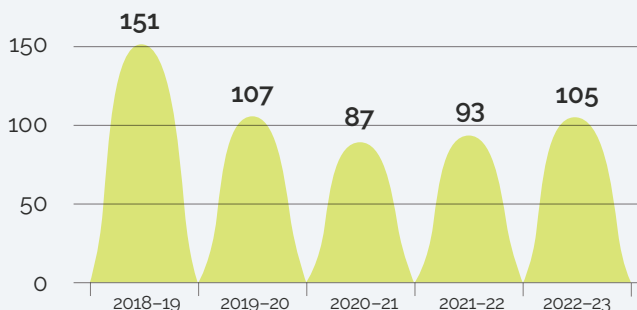
## Processing times by fiscal year as of March 31

The process for Income Security appeals at the Appeal Division changed on December 5, 2022. The numbers below include Income Security appeals up to December 5, 2022, and all Employment Insurance appeals. This year, our average time to give permission or leave to appeal was **40 days**. Our average time to make a final decision was **105 days**.

Number of days from **filing to permission to appeal**

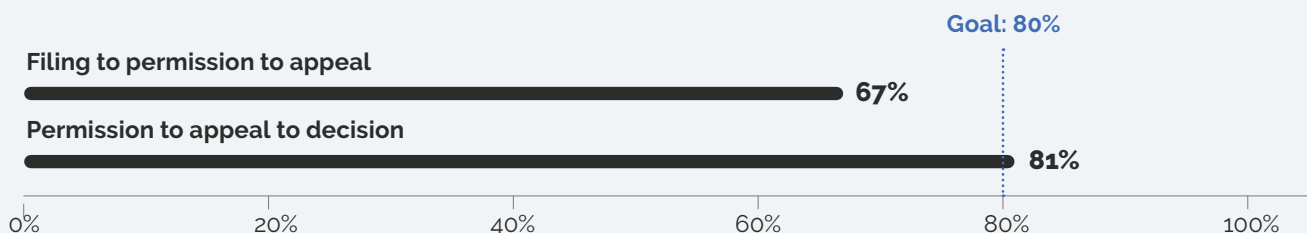


Number of days from **permission to appeal to decision**



## Service standards

We wanted to give appellants their decisions about permission to appeal within **45 days** of when they filed their appeals. And we wanted to make a final decision within **150 days** of giving permission to appeal. We wanted to do both of these things at least **80%** of the time.



# Appeal Division

(excludes Employment Insurance group appeals)

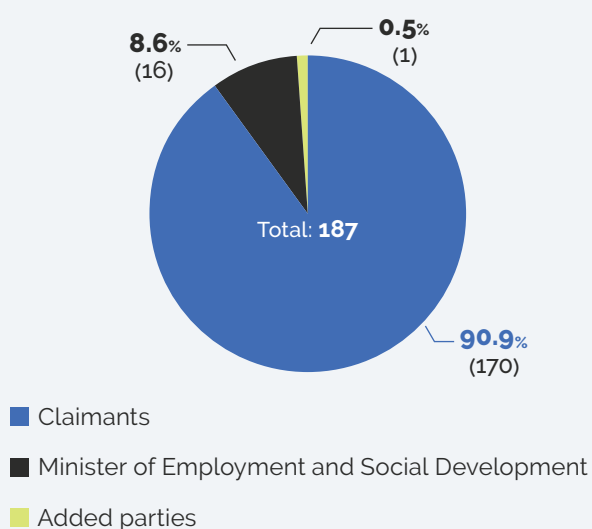
## Alternative Dispute Resolution (ADR) at the Appeal Division

The Appeal Division brings parties together for ADR when they may be able to resolve the appeal without a hearing. This year, **9%** of Appeal Division cases went through the ADR process. Of those cases, **70%** were resolved with ADR.

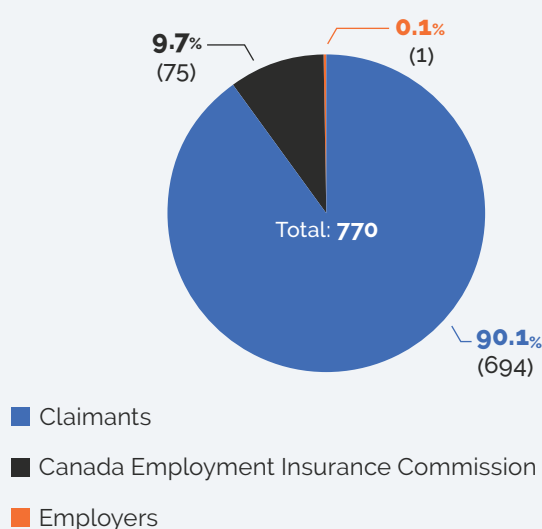
## Appeal origin

Most appeals at the Appeal Division are launched by **claimants**, not the **Minister** or **Commission**.

Income Security appeals



Employment Insurance appeals



Note: The percentages in these charts may not add up to 100% due to rounding to the nearest tenth of a percentage point.