



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

# Helping People Access Justice

Social Security Tribunal of Canada

## Progress Report 2020

Canada



# Message from the Chairperson



This year, the Social Security Tribunal of Canada (Tribunal) made access to justice (A2J) our top priority. The Tribunal makes independent decisions about whether people are entitled to Employment Insurance benefits, Canada Pension Plan disability benefits, or Old Age Security benefits.

Access to justice matters because the laws that set out whether you have a right to these benefits are very technical. Even lawyers have problems understanding them. But everyone has a right to know how laws affect them. And everyone should be able to understand how to challenge a government decision about their rights, especially if it affects their financial security.

This is why we keep working to redesign the Tribunal's process around the needs of the people who use our system.

This is the first theme in our report this year. The second theme is accountability and results.

The report shows where we have made progress in the past year. A major part of our client-centred approach is about reducing the stress that comes if you have to wait long for a hearing and a decision. The Tribunal has continued to reduce wait times, and we have no backlogs.

The report also shows what we still need to do. One of the most important changes we have made this year is to set up ways to evaluate what we do. Careful evaluation can tell us whether what we are doing actually

makes our justice service better. This is important, not just for the people who use the Tribunal's system, but also for everyone. Being transparent and accountable shows taxpayers how their money is spent and what they are getting. In the coming year, we will evaluate how effective we have been in writing our decisions in plain language and how our new navigator service is working. Those reports will be made public.

The progress we have made this year is the work of all of the members and staff at the Tribunal. We believe that simple, quick, and fair administrative justice is at the heart of our democracy. We believe that justice is a service to everyone.

Despite COVID-19, our common commitment to serve has allowed the Tribunal to adapt, to keep holding hearings, and to continue with our work. The result is that, up to now, we have no backlog of appeals because of the pandemic. Whenever an appellant is ready to start their appeal, we are too.

A handwritten signature in black ink, appearing to read 'Paul Aterman', written over a light blue horizontal line.

**Paul Aterman**  
Chairperson

# Access to justice (A2J)

Over the past two years, we have been changing how we work at the Tribunal so that the people we serve can better understand, navigate, and participate in their appeals.

We have to do this in a way that helps them. But we also have to do it in a way that doesn't compromise the Tribunal's neutral role. Our first job is to make independent and impartial decisions about appeals.

The Tribunal will help appellants to understand how an appeal works, but it won't become their advocates. The most important step we have taken to advance A2J has been to set up our navigator service.

## Helping people navigate the appeal process

### The challenge ... figuring out the right kind of help for each appellant

Most people have no idea how a specialized tribunal works. And hiring a lawyer isn't an option for many. At the Tribunal, 68% of people who bring a case to us represent themselves. Many of them come from more vulnerable groups, including people with disabilities, seniors, and those who are unemployed. Some of our appellants don't have secondary or post-secondary education, or speak English or French as their first language.

We want to make justice accessible for everyone. But each case is different, and each appellant has different needs.

How do we help people navigate through their appeal?

### Our new navigator service

Our navigator service began in November 2019. It helps people without professional representation make their way through the

Sofia is 57. She worked as a tailor in a shop in a rural BC town for 23 years. She went to school until she was 17. She speaks English.

She hasn't worked for four years because of diabetes and back, shoulder, and arm pain. She applied for Canada Pension Plan disability benefits two years ago.

Service Canada denied her benefits because they say she doesn't qualify. She asked them to reconsider this decision. After losing again, Sofia has made an appeal to the General Division Income Security Section at the Tribunal.

She can't afford a lawyer. She isn't sure how the appeal process works. The forms and letters can be confusing. She is very nervous about the hearing where she will have to make her case.

appeal process. We started with Canada Pension Plan disability appeals and are slowly expanding the service.

Navigators don't wait for appellants to call them. They reach out to appellants, and ask if they need help. Then they provide appellants with tailored one-on-one support from the start of their appeal to the end. The appellant knows that there is one person they can always call. Navigators provide answers about

- » the letters and documents we send
- » how to submit documents to us
- » how a hearing works and how to prepare for one

Navigators don't give legal advice or act as an advocate for people. But they do help people find their way through their appeal.

**In the coming year:** We will expand the navigator service to

- » other types of Income Security (IS) appeals
- » Appeal Division appeals
- » certain types of Employment Insurance (EI) appeals

## Helping people understand what we are telling them

### The challenge ... write like a human

People with appeals at our Tribunal need to understand what we are saying when we send

Sofia told me she was so relieved to have someone help her through what can be an overwhelming process. I walked her through the process to put her at ease, built up her confidence, and empowered her to be in control of her own appeal.

**Kelsey Scobie**  
Navigator



them forms, letters, and decisions. Our work deals with a lot of complicated legal terms and concepts.

The purpose of our letters and forms is to explain rights and responsibilities that are important to an appeal. They explain key steps in our process.

The purpose of our decisions is to explain to appellants why they are entitled to benefits, or why they aren't.

## Plain language

### Letters

We have redesigned many of our letters into plain language. The information about what an appellant can expect after filing an appeal is easier to understand. Our letters were at a university reading level. We brought the reading level of our letters down to a Grade 8 level.

### Communication

We are improving how we communicate over the phone. We gave Tribunal staff who work directly with the public specialized training on how to communicate clearly.



Plain-language training really helped me rethink the way I write decisions. I now focus on the appellant and what they will understand, not on the lawyers and judges. Writing in plain language means appellants understand the decision that impacts their lives.

**Yoan Marier**  
Tribunal Member

### Tribunal Member Yoan Marier gave us examples from his decisions ...

#### **Before plain-language training:**

“The Federal Court of Appeal has found that showing good cause for a delay in making one’s initial claim for benefits involves demonstrating that a person acted as a reasonable and prudent person would have done in the same circumstances to satisfy themselves of their rights and obligations under the Act throughout the entire period of the delay.”

#### **And after the training:**

“To show good cause, the Claimant has to prove that she acted like a reasonable and prudent person would have in similar circumstances. The Claimant has to show this for the entire period of the delay.”

### Decisions

Our biggest challenge is to write decisions in plain language. It is hard to explain complex legal issues in simple terms.

We started by training our members to write using the “point-first” approach to decision writing. We followed that up with specific training on plain language. Two former judges of the Supreme Court of Canada helped us. Justice Thomas Cromwell gave training in English, and Justice Clément Gascon gave training in French.

Early results show gradual, but definite progress toward clearer decisions. Before our training, you almost needed a university degree to understand our decisions. Now the language of our decisions is moving toward our goal of a reading level of Grade 9 and below.

**In the coming year:** We will introduce more of our redesigned letters. We will also reduce the number of letters that we send out. We know that this is an area we still need to work on.

## Deciding on the type of hearing

### The challenge ... find out what works for each appellant

We have no brick-and-mortar hearing rooms like most tribunals do. We can do hearings over the phone. We do hearings by videoconference, using Zoom, on a personal device. We also do some hearings by using the videoconference facilities at Service Canada locations. And we offer in-person hearings from Service Canada locations across Canada.

It is important for the appellant to make an informed choice about the type of hearing they want to have. That is why, for most General Division appeals, we have made it an appellant's choice to decide on the type of hearing they want. We changed our appeal forms to better explain how each type of hearing works.

**In the coming year:** We will expand videoconference hearings so that more appellants will be able to join their hearing on a personal computer, tablet, or smartphone from any location. This can be an even more convenient option than a telephone hearing. We will also offer more in-person hearings for our General Division appellants living in remote locations, when it is safe to do so.

### Where do our appellants live?

- » 36% of EI appellants and 54% of IS appellants live in Ontario.
- » Over 65% of IS appellants live in either Ontario or BC, and over 60% of EI appellants live in either Ontario or Québec.
- » 96% of appellants live within 100 km of a Service Canada location.

# Accountability and results

## Getting the user perspective

### The challenge ... act on what users tell us

A responsive tribunal is one that listens to the people who use its services.

We can't design a user-centred justice system unless we know what users think about their experience at the Tribunal. Feedback from appellants tells us what we are doing right and where we need to improve.

Since December 2019, the Tribunal has been doing user surveys. We contact appellants after their hearing at the General Division but before they have received a decision. We do this so that their answers aren't influenced by whether they won or lost their appeal.

The Tribunal uses these answers to evaluate where we need to improve on how we do things. We also think it is important to publish the feedback we get because we believe in being transparent about how the Tribunal works.

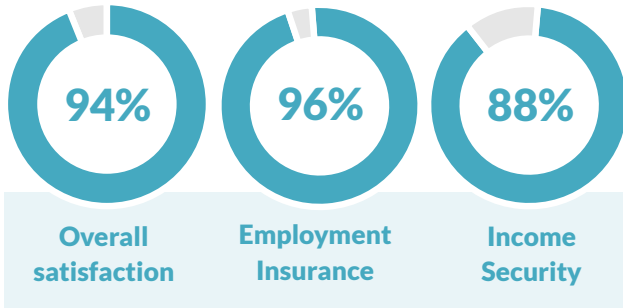
## Employment Insurance (EI) and Income Security (IS) survey results (December 2019 to February 2020)

**\*Overall  
satisfaction:  
84%**

Appeal type	Satisfaction
EI	88%
IS	78%

\*Please note: Overall satisfaction on pages 8 to 11 is a measure of the weighted average. Because more EI appellants than IS appellants answered the survey, we calculated the average by giving more value to EI appellants.

## Appeal process was easy to understand



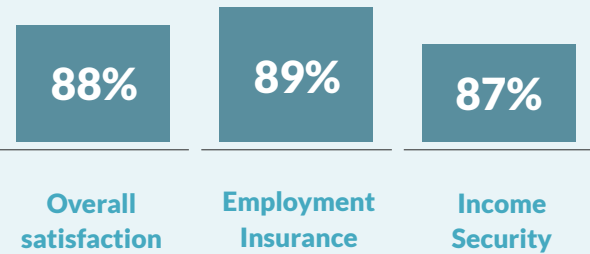
The vast majority of respondents found the process easy to understand with the help of Tribunal correspondence, the website, or a representative. Those who had difficulty frequently pointed out that they understood the process only after speaking with call-centre staff, a Tribunal member, or someone close to them.



“The appeal process was quite fast with no major complications. I found it was easy to go through.”

“Instructions on how to do a hearing would be appreciated. The SST could ask questions if we need anything else so they could help, instead of only saying to prepare for a hearing with all the documents provided. Lawyers are better prepared than us, and this is where it is more difficult.”

## Forms, letters, and emails were easy to understand



Nearly 9 out of 10 respondents found that correspondence was easy to understand. A minority of respondents highlighted issues such as too many emails, documents not being available in their native, non-official language, and too much legal terminology. Other respondents pointed out that notices about hearings don't always arrive on time.



“Once you start reading [the forms], you get a better picture.”

“They were a little hard to follow, I had to call in and get someone to explain them to me.”

“Didn't find it too difficult. Don't strongly agree because emails and all documents sent was a lot of paperwork.”



## Treated with courtesy and respect

98%

Overall satisfaction

98%

Employment Insurance

98%

Income Security



“The people are nice and the process was easy to follow.”

“Our Tribunal member was very kind and patient. I want to give her credit.”

## Tribunal handled appeal quickly

92%

Overall satisfaction

96%

Employment Insurance

73%

Income Security

The greatest difference between EI and IS appellants' responses was in how happy they were about how quick the Tribunal handled their appeal. Some IS respondents said they had wait times of up to two years. A few appellants included Service Canada's wait time in with the Tribunal's wait time.

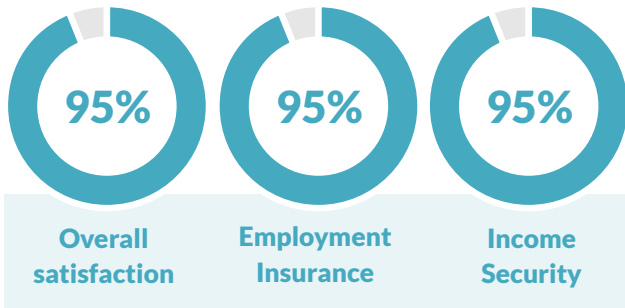


“Took Tribunal almost 9 months to tell me that they had no jurisdiction to deal with my file.”

“The appeal went well, everything was fine.”

“I find the appeal process with the Social Security Tribunal too long, probably because I didn't have any patience left after the long Employment Insurance process beforehand.”

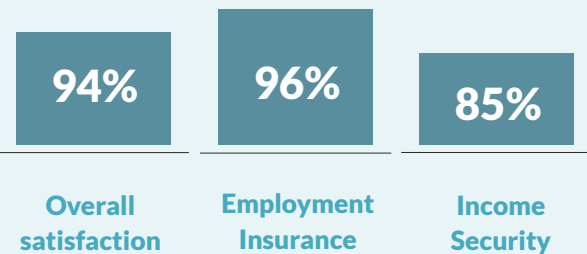
## Treated fairly by Tribunal member



“The lady judging was nice and she gave me time to prepare and she was clear throughout the hearing.”

“The Tribunal member was exceptional. She was very good, she wanted to make sure she got everything correct, I really appreciate it. She was very thorough.”

## Happy with type of hearing



Respondents frequently said that they didn't get the in-person hearing they had originally asked for but were satisfied with the teleconference or videoconference hearing they had instead.

“I liked the teleconference hearing because it was less pressure.”

“My video conference was changed to teleconference due to technical difficulties. I am satisfied with the teleconference, but it is unfortunate that I had to go to a Service Canada office only to dial a phone number when I could have done it from home. The Social Security Tribunal should do more testing...”

**In the coming year:** We will continue to do surveys and publish the feedback we get. The Tribunal will expand the surveys to include the Appeal Division.



## Continuing to get the user perspective

### The challenge ... start talking to the people involved

The lawyers who represent parties at the Tribunal, community organizations, and other stakeholders can help build a justice system that is ready to listen to people's needs. They can do this by letting us know how well our system works for their clients.

This year, we set up the Income Security Appeals Consultative Committee (ISACC). The committee's goal is to connect with stakeholders and talk about how we handle Income Security appeals. We had our first stakeholder meeting in January 2020, and the next meeting will take place later this year.

**In the coming year:** To make sure the Tribunal is accountable and transparent, we are revising our Code of Conduct for Tribunal members. We are also setting up a process for anyone to make a complaint if they believe the Code of Conduct has been breached. We plan to reach out to stakeholders this year to see what they think about these new policies. We will also be organizing meetings for Employment Insurance stakeholders.

## Careful evaluation to measure progress

### The challenge ... how do we know if we are improving access to justice (A2J)?

A concept like A2J is hard to measure in practice. We need to use practical indicators. This is why we developed an **A2J evaluation framework** that will allow us to accurately measure our progress and identify what is missing in our approach. Our methodology combines two tools:

- » The federal Department of Justice Access to Justice Index for Administrative Bodies is a **diagnostic tool**. It provides a snapshot that measures A2J strengths and gaps in an administrative tribunal.
- » The Access to Justice BC framework is a **measurement tool**. It provides indicators that measure progress on results once a justice system has started an A2J initiative.

We are combining these tools so that we have a clear picture of where there are gaps in what the Tribunal is doing and where we have made progress through real results.

**In the coming year:** We will use this methodology to evaluate both the navigator service and the plain-language initiative. We will publish these results on our website.

# Making our process faster: General Division

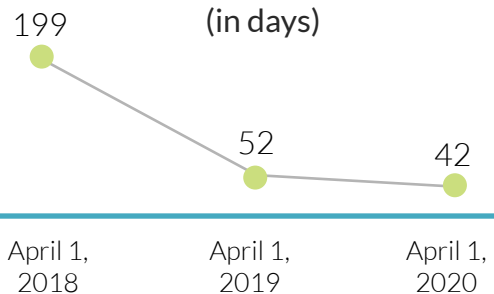
This year, our client-centred focus has helped us to simplify our appeal process. The results are a faster process and fewer appeals waiting to be heard.

## Employment Insurance\*

### Number of appeals waiting for a decision

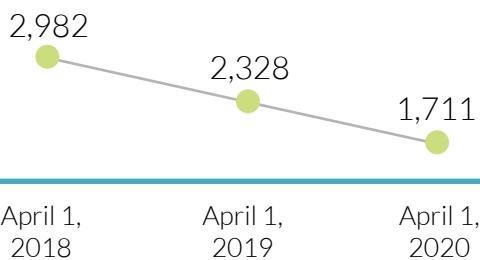


### Processing times (in days)

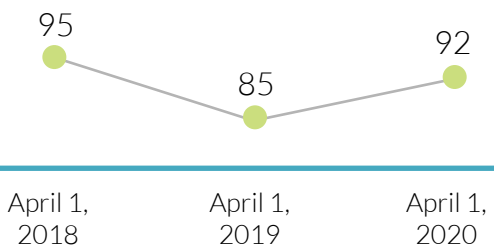


## Income Security

### Number of appeals waiting for a decision



### Processing times (in days)



\*Excludes group appeals

## Our service standards

For Employment Insurance appeals, our goal last year was to complete 80% of decisions within **45 days** from the date the appeal is filed with the Tribunal.

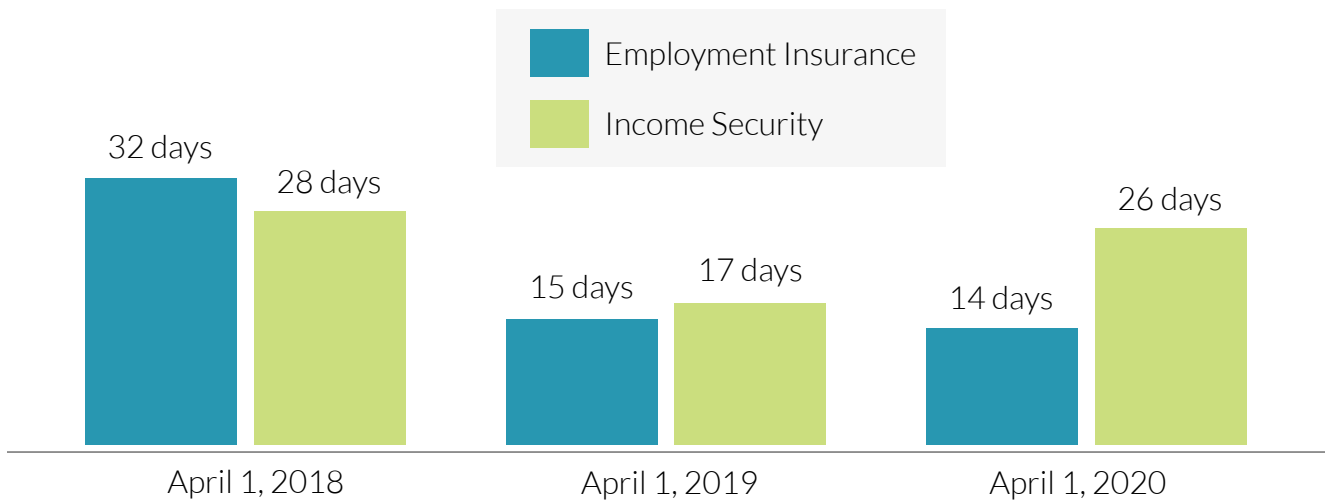
For Income Security appeals, our goal last year was to complete 80% of decisions within **70 days** of the parties being ready for a hearing.

### How did we do?

While we did not meet our goal last year, we improved every quarter, and continue to make progress:

2019-20 fiscal year	Employment Insurance	1st quarter 44%	2nd quarter 53%	3rd quarter 59%	4th quarter 71%
	Income Security	44%	62%	67%	63%

Once appellants have had their hearing, how long do they have to wait for a decision?



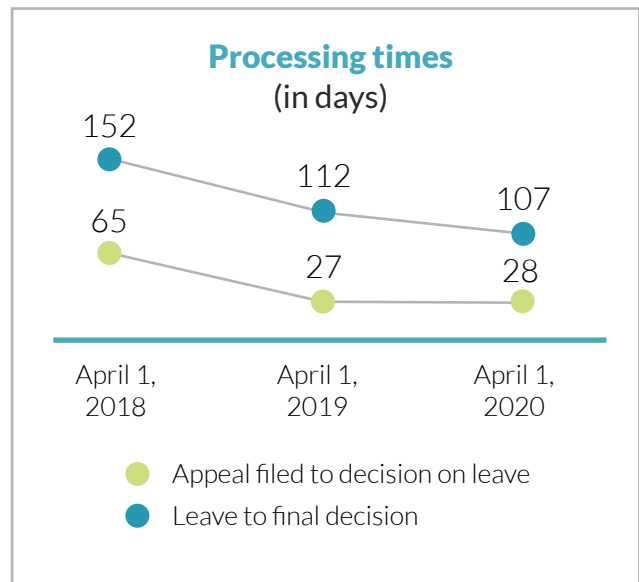
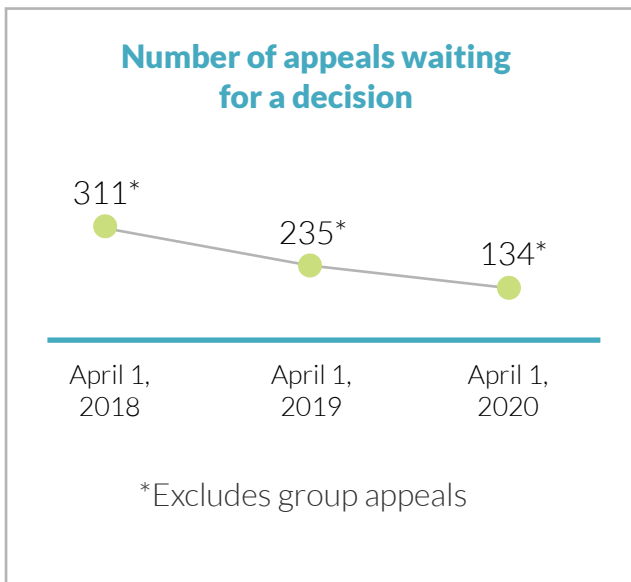
## Our service standards

**In the coming year:** Our goal is for appellants to get their Employment Insurance decisions within 15 days of their hearing at least 80% of the time.

Our goal is for appellants to get their Income Security decisions within 30 days of their hearing at least 80% of the time.

# Making our process faster: Appeal Division

Our client-centred focus has also helped us to simplify our appeal process at the Appeal Division. Processing times are now faster and continue to improve.



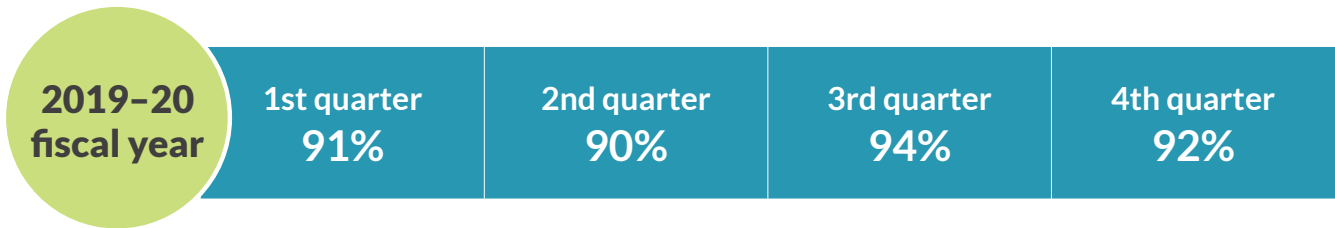
## Our service standards

### Leave to appeal

**Our goal last year:** Make a decision on leave (permission) to appeal within 60 days of an appeal being filed, and manage that at least 85% of the time.

### How did we do?

We met our goal every quarter last year:

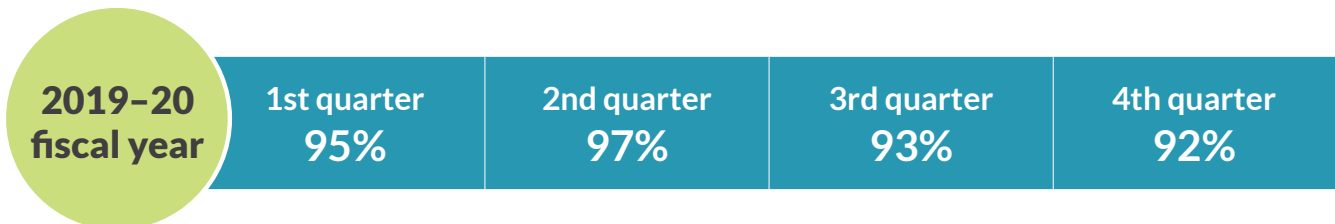


### Final decision

**Our goal last year:** Make a final decision within 210 days of leave to appeal being granted, and manage that at least 85% of the time.

### How did we do?

We met our goal every quarter last year:



### How long has it taken for us to give appellants their decisions after their hearing?



**In the coming year:** Starting July 2020, it will take the Appeal Division just 45 days to make leave to appeal decisions for 80% of cases. That will be down from a 60-day wait time. For 80% of cases, it will take only 150 days for the Appeal Division to make a final decision from when it made the leave to appeal decision. That will be down from a 210-day wait time.

# Message from the Executive Director

It has been an exciting first year as Executive Director of the Secretariat to the Social Security Tribunal of Canada (Tribunal).

Our key focus over the past year has been improving access to justice. We plan to keep making this a top priority in the years to come. I am impressed with how dedicated and attentive our employees are. They work hard to make sure the Tribunal moves toward a more collaborative, innovative, and user-centred system for everyone. Every employee takes pride in serving people because we want our process to be fair and positive for all appellants. This is reflected in the small gestures that show we care. Tribunal employees know that someone is depending on them and that they can make a difference to the people they serve—from our navigators, who take the time to guide an appellant through the appeal process, to staff, who simply pick up the phone to quickly help get the right answer to an appellant's question.

We want to keep improving how we serve and remain accountable to the public. We are doing this by adopting approaches that meet the changing expectations of the public.



We will continue to be innovative by providing our services in different ways. For example, we are working on using digital tools more, making our services more accessible, and communicating in ways that are clear and quick. We are also working closely with the people involved in appeals, such as community organization workers and the lawyers who represent parties. We want to hear what they have to say about how we can improve our services for the people who use them.

Real change isn't easy. But the work has already begun. I am looking forward to seeing the progress we make in helping people access justice.

**Anab Ahmed**  
**Executive Director**



# Helping People Access Justice

## Progress Report 2020

If you would like this report in another format, please contact us:

1-877-227-8577

[info.sst-tss@canada.ca](mailto:info.sst-tss@canada.ca)

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

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