



## **HEALTH PROFESSIONS DISCIPLINE TRIBUNAL REMUNERATION PLAN**

### Overview

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The Health Profession Discipline Tribunal (Discipline Tribunal) is established within the Office of the Superintendent of Health Profession and Occupation Oversight (OSHPO) as an independent tribunal established under the *Health Professions and Occupations Act* (HPOA). Although independent with a legislative mandate, the Tribunal falls within the responsibility of the Minister of Health and is accountable to the government through the Minister.

There are over 130,000 regulated health professionals in British Columbia. Under the authority of the HPOA, the Discipline Tribunal issues citations, approves resolutions of cases, holds disciplinary hearings, and issues disciplinary orders against regulated health professionals. The Discipline Tribunal also hears requests for reviews of disciplinary orders issued after a hearing. The Discipline Tribunal holds disciplinary hearings on an as needed basis.

The Tribunal has several regular full-time staff employed under the *Public Service Act* (PSA).

The Director of Discipline (Director) position is a full-time staff member appointed through the (PSA) by the Minister of Health. The Director manages the Tribunal's operations and exercises a statutory decision-making function with respect to the issuance of citations and requests for reviews of disciplinary orders made by a panel following a hearing. Because of the conflict of interest arising from the Director's role in the citation process and the review process, the Director will not sit on hearing panels.

The Deputy Director of Discipline (Deputy) is a Category C appointee appointed by the Director. The Deputy oversees the entire hearing management process for the tribunal, sits as the panel chair on hearings, conducts dispute resolution processes, leads the training, management and support for the tribunal's vice-chairs and members. The Deputy must also act in the place of the Director when the Director is absent or where the Director has delegated the Deputy to act.

The remaining members of the Discipline Panel are Category D appointees appointed by the Director and serve on an as and when required basis, and comprise:

- Vice-Chairs: Up to eight vice-chairs with expertise in at least one of the following areas as required by the HPOA:



- experience and knowledge in First Nations law and legal systems, rights, and community traditions and protocols;
- experience with Métis or Inuit law and legal systems, rights, and community traditions and protocols;
- expertise in trauma-informed hearing and mediation practices;
- expertise in anti-discrimination measures and the effects of discrimination; and
- experience with education, training and experience in administrative law, professional discipline, and conducting administrative hearings.

Vice-Chairs may provide guidance and training to other members on areas within their expertise and experience. Vice Chairs may serve as Hearing Panel chairs, oversee the measures to ensure trauma-informed practices, conduct dispute resolutions processes, provide management and oversight to the other tribunal members, provide administrative support to the Director and Deputy Director, and do other work as assigned by the Director or Deputy Director. Vice-Chairs may also be appointed as public members.

- Designated Professional Members: A minimum of one member who is licensed to practice for each of the 29 currently designated professions.
- Members: Up to six members who are not members of designated professions but who have other relevant interests and experience.

Pursuant to s. 449 of the HPOA, discipline panel members must represent diverse groups of people, have experience assisting persons who have experienced sexual misconduct, sexual abuse, and discrimination, have expertise mitigating trauma from adversarial processes, include members of the public, and include members from each regulated health profession.

Pursuant to s. 169, a panel for a hearing requires three members including one member who is licensed to practice in the same designated profession as the respondent and a member of the public.

Pursuant to s. 170, for hearings involving allegations of sexual misconduct or sexual abuse, the panel requires expertise in conducting hearings that mitigate potential trauma. For hearings involving allegations of discrimination, the panel requires expertise in that subject area.

Pursuant to s.14, the Director, the Deputy Director and Members of the Discipline Tribunal shall exercise their duties in a manner that protects the public from harm and discrimination, supports and promotes awareness of reconciliation with Indigenous peoples, the United Declaration on the Rights of Indigenous Peoples, and the need to address racism and anti-racism issues that are specific to Indigenous peoples, including acknowledging the rights, interests, priorities and concerns that are specific to First Nations peoples, Métis peoples and Inuit peoples.

The current number of designated professions is 29. However, the Discipline Panel will require more than one member of certain designated professions to ensure that the volume of cases involving members of those designated professions can be addressed. An estimate of 34 to 54 total Discipline Panel members is projected given the legislative and anticipated operational requirements. However, it is possible that more discipline panel members may be appointed in order to cover a greater range of expertise or to address specific caseload requirements.

This remuneration plan applies to the Discipline Tribunal's appointees and is set pursuant to Treasury Board Directive 1-24 – Remuneration Guidelines for Administrative Tribunals and Regulatory Boards (TBD 1-24). TBD 1-24 sets different maximum remuneration rates for individuals appointed as chairs, vice-chairs, or as members. In accordance with the HPOA, the Director of Discipline of the Tribunal determines the responsibilities and category to which a member is appointed for the purposes of remuneration.

Discipline Tribunal Complement of Appointees			
Category*	Position Name	Number of Positions	Role Description
Category C	Deputy Director of Discipline	1	The Deputy oversees the entire hearing management process for the tribunal, sits as the panel chair on hearings, conducts dispute resolution processes, leads the training, management, and support for the discipline tribunal's vice-chairs and members. The Deputy must also act in the place of the Director when the Director is absent or has a conflict of interest or where

			the Director has delegated the Deputy to act.
Vice-Chair (PT) Category D	Vice-Chair	3 - 8	Vice-Chairs may provide guidance and training to other members on areas within their expertise and experience. Vice Chairs may serve as Hearing Panel chairs, oversee the measures to ensure trauma-informed practices, conduct dispute resolutions processes, provide management and oversight to the other tribunal members, provide administrative support to the Director and Deputy Director, and do other work as assigned by the Director or Deputy Director. Vice-Chairs may also be appointed as public members.
Member (PT) Category D	Designated Professional Member	29 - 40	A minimum of one member who is a licensed to practice for each of the 29 currently designated professions. These members will sit on hearing panels.
Member (PT) Category D	Member	3 - 6	Up to six members with other relevant interests and expertise.

\* Type of appointee per TBD 1-24.

### Appointee Remuneration

Remuneration is set by the Minister in accordance with TBD 1-24 and this remuneration plan, pursuant to s.10 of the *Administrative Tribunals Act*. The Discipline Tribunal is classified as a Level 4 tribunal under TBD 1-24.

Remuneration Ranges – Full-Time		
	Minimum	Maximum

Deputy Director of Discipline (FT / Category C)	\$202,025	\$228,480

Remuneration Ranges – Part-Time – Full Day Rates		
	Minimum	Maximum
Vice-Chairs (PT / Category D)	\$755	\$845
Designated Professional Member (PT / Category D)	\$755	\$845
Members (PT / Category D)	\$605	\$700

Remuneration Ranges – Part-Time – Half Day Rates		
	Minimum	Maximum
Vice Chairs (PT / Category D)	\$380	\$425
Designated Professional Member (PT / Category D)	\$380	\$425
Members (PT / Category D)	\$305	\$350

Remuneration Ranges – Part-Time – Hourly		
	Minimum	Maximum
Vice-Chairs (PT / Category D)	\$107.86	\$120.71
Designated Professional Members (PT / Category D)	\$107.85	\$120.71
Members (PT / Category D)	\$86.43	\$100.00

The Director will set remuneration for appointees on a case-by-case basis following an assessment of their qualifications, experience, and education made through interviews and any written or other evaluations during the hiring process. The Chair may remunerate a member at the maximum of the range if the member has significant experience in trauma-informed hearing and mediation practices and/or expertise in anti-discrimination measures and the effects of discrimination, or experience as a decision-maker in the administrative law and professional discipline field.

Discipline Tribunal remuneration decisions are not tied to the outcome of tribunal decisions. Any remuneration increases must be managed within the Superintendent Office's existing budget and within the ranges set by this Remuneration Plan and Treasury Board Directive 1/24, *Remuneration Guidelines for Appointees to Administrative Tribunals and Regulatory Boards*.

The remuneration for the Deputy Director of Discipline is set at the chair level to reflect the unique statutory roles of the Director and the Deputy Director including the division of responsibilities between the Director and the Deputy. It reflects the fact that the Deputy must be responsible for the oversight and administration of the Hearing Management Process as well as the very significant management role that the Deputy has in respect of the rest of the members of the Discipline Panel.

The remuneration for the Vice Chairs and the Public Members is set at the standard rate as provided in Treasury Board Directive 1/24 and reflects their respective duties and roles. The remuneration for Designated Professional Members reflects section 6.5.1 of the Treasury Board Directive 1/24 which allows for remuneration up to the applicable vice-chair rates for appointees who are expressly required by the tribunal to hold a professional accreditation to be appointed to the tribunal.

#### Annual performance review

Annual performance reviews for Tribunal members will be conducted by the Deputy using the Crown Agencies and Board Resourcing Office (CABRO) template or equivalent. The following criteria will be used in evaluating performance:

- Aptitude to work constructively with Discipline Tribunal staff and other Tribunal members;
- Effectiveness and contributions to the tribunal regarding alignment of mandate and overall success, including compliance with guidelines;
- Ability to adjudicate independently, leaving investigatory matters to the respective regulator;
- Availability to attend disciplinary hearings (discipline panel members only);
- Aptitude to work constructively with major stakeholders; and
- Availability for meetings and attendance at scheduled meetings.

*Tribunal decisions on disciplinary hearings are excluded from this annual criterion.*

The Deputy will assess the Vice-Chair and the Members. If the individual assessed disagrees with the assessment by the Deputy, the matter may be referred to the Director.

The Director will assess the Deputy Director of Discipline. If the individual assessed disagrees with the assessment by the Director, the matter will be referred to the Superintendent of Health Profession and Occupation Oversight.

Section 448 and 449 of HPOA provides that the Director is responsible for establishing policies and guidance respecting the education, experience and qualifications that are desirable for discipline panel members, as well as the best practices for selecting persons

to be appointed. The Deputy is expected to regularly evaluate the discipline panel members according to those standards.

#### Daily rates and expenses

##### Full-time positions

Regular full-time appointee remuneration is paid on a bi-weekly basis. The Deputy is a Category C appointee and will receive those benefits as set out in the Terms and conditions for excluded employees and appointees.<sup>1</sup>

##### “As needed” positions

The role of discipline panel members (Members) is to adjudicate disciplinary hearings pertaining to regulated health professionals, where evidence following an investigation indicates alleged misconduct, discrimination, sexual abuse, and sexual misconduct under the HPOA, and determine appropriate disciplinary action to be taken. To fulfill these duties, discipline panel members (Members) will attend disciplinary hearings as well as meet and correspond with the Director of Discipline and Deputy Director of Discipline of the Discipline Tribunal. Discipline panel members (Members) will also require ongoing training related to their legislative mandate.

Discipline panel members (Members) can only be paid up to the maximum daily rate for each 24-hour period. A full day is considered seven hours. Meal breaks are excluded from paid time. Members are reimbursed for transportation, accommodation, meals, and out-of-pocket expenses incurred in the course of their duties in accordance with the Group 2 rates, policies, and procedures outlined in the *Terms and Conditions of Employment for Excluded Employees and Appointees*. In addition, Members will also be reimbursed for travel time where the location of the hearing or meeting is more than 32 kms from the appointee's residence.

Travel time related to the following activities is considered paid time, provided that face-to-face attendance is required, and the location of the hearing or meeting is outside the municipality of where the member resides:

- Disciplinary hearings which the panel member is called upon to attend,
- Training that requires in-person attendance, and
- Meetings that require in-person attendance.

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<sup>1</sup> [BC Government Employment conditions and agreements, Terms and conditions for excluded employees and appointees](#)

If the Director of Discipline deems it necessary for Members to exceed the seven hours associated with the maximum daily rate (e.g., where travel is involved or work on multiple files overlap), Members will be paid for all hours worked. The Director of Discipline will attempt to notify the Superintendent of the Office of the Superintendent of Health Profession and Occupation Oversight in advance of this circumstance. In some cases, advance notice may not be possible. For these cases, the Director of Discipline will notify the Superintendent as soon as possible. The Director of Discipline shall minimize occasions where discipline panel members (Members) work more than seven hours for a given day.

### Invoicing

Except when approved otherwise by the Director, remuneration is paid on a “per diem basis” for discipline panel members who serve on a part-time “as and when required” basis; these appointees do not receive benefits. Invoices from Members should be limited to their primary duties as described above and any preparatory activity associated with these primary duties.

Members should submit a monthly invoice per the Director’s direction and template to be reimbursed for their hours. To ensure the accuracy of total hours submitted, discipline panel members (Members) should track total hours and multiply them against an hourly rate.

### Taxation

The work of part-time “as and when required” appointees to discipline panel members (Members) is not insurable and therefore remuneration is not subject to Employment Insurance deductions.

The remuneration for Discipline Tribunal appointees who serve on a regular full-time (Vice Chair) is pensionable service and subject to CPP deductions. The service of part-time “as and when required” discipline panel member (Members) appointees is not pensionable work, and their remuneration is not subject to CPP deductions.

Appointee remuneration is taxable income, and the tribunal must deduct income tax from the remuneration at source in accordance with the federal *Income Tax Act*.

The work of part-time “as and when required” appointees to discipline panel members are “office holders” under the *Excise Tax Act* not employees or contractors and therefore appointee remuneration is not subject to GST/HST (either charged or payable).



### Immunity protection

Pursuant to s.56 of the *Administrative Tribunals Act*, no legal proceeding for damages may be made against any member of the Tribunal because of anything done or omitted in the performance of duties or exercise of powers. No members of the Discipline Tribunal are protected from damages of legal proceedings in relation to anything done or omitted in bad faith.

Effective Date: \_\_\_\_\_ March 23, 2025