



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

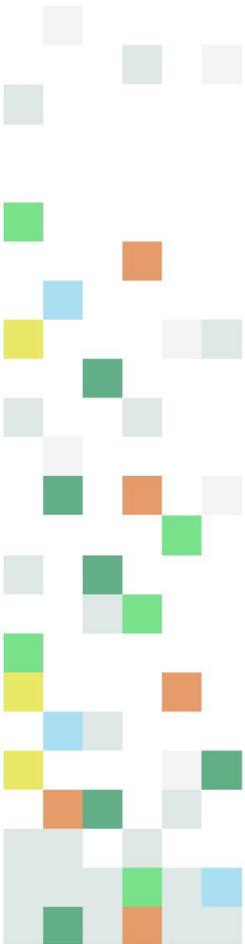
Canada

# Not judicial justice

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What is the Social Security Tribunal doing to enable inclusion?

CIAJ National Roundtable on Administrative Law  
June 11, 2021



# Our social safety net was built for the 20<sup>th</sup> century

- Employment Insurance
- Canada Pension Plan
- Old Age Security

Back when work looked like this:



# Large scale social programs run by big bureaucracies...

Applying laws that are delightfully written:

“...Where the remuneration of an insured person consists solely of commissions or of salary and irregularly paid commissions, the person's insurable earnings paid in the period of employment or in the last 52 weeks, whichever is shorter, shall be allocated proportionately over the shorter of the period of employment and the last 52 weeks, as applicable, excluding weeks for which the insured person is on unpaid leave of absence from employment for one of the reasons referred to in subsection 12(3) of the Act.”

*Employment Insurance Regulations, s.23(3)*



# But who appeals today?



- 70% of appellants represent themselves
- Average Grade Reading Level is Grade 8
- EI appellants: About 70% under age 55; 50% have high school or less; 60% earn less than \$60,000
- CPP and OAS appellants: About 80% are 55 years+; 65% have high school or less; most have low income
- Low \$ value disputes...that matter a lot to the people involved



# Justice as a service: Active adjudication starts when the appeal is filed

- Tribunal registries are modelled on court registries to be **reactive**: receive documents, answer phones, act when a date is due
- SST Navigators – Registry officers who guide appellants through the process
  - Proactive
  - Assigned from start to finish
  - Neutral assistance with hearing preparation
  - ...and more

Enable more effective participation but preserve tribunal impartiality

# Navigators – access to justice impact

## Internal evaluation - key findings:

- Readiness times: 202 days → 73 days
- Proportionately more navigated appellants are ready faster than other unrepresented appellants
- Withdrawal rate: 18% → 7%
- Members: “navigated appellants are more prepared, engaged + knowledgeable”
- 80% of appellants say they are adequately prepared
- 95% of appellants satisfied with their hearing participation

**Results not universal:** many appellants still struggle + 7% not navigable

## Recommendations:

1. Track non-navigable appellants to facilitate their participation
2. Improved member-navigator cooperation
3. Closer monitoring of resource needs

**Forthcoming:**

**Early 2022**

**UWindsor  
Law/Laval  
external  
evaluation of  
SST navigator  
effectiveness  
for vulnerable  
groups**



# Justice as a service: write like a human

- Expert readability assessment of our forms, letters and decisions
- Targets:
  - Forms and letters: Grade 6-8 reading level
  - Decisions: Grade 9 reading level
- How to actually communicate without losing legal accuracy?

Subsection 112(1) of the Act provides that a claimant or other person who is the subject of a decision of the Commission may make a request to the Commission in the prescribed form and manner for a reconsideration of that decision at any time within 30 days after the day on which a decision is communicated to them or any further time that the Commission may allow.

Anyone subject to a Commission decision has 30 days to apply for a review. This period begins when the decision is communicated. But the Commission may give more time to apply for the review.

# Plain language – access to justice impact

## Plain language - Internal evaluation on readability of decisions

- Before training: 30% of decisions were at grade 9 reading level
- After: 42% of decisions were at grade 9 target

## Forthcoming: June 2021 - National Self-Represented Litigants Project external evaluation of plain language in forms and letters

### Resources:

- [Readability assessment of SST appeals correspondence](#)
- [An evaluation of how easy it is to read decisions of the SST](#)
- [SST Style Guide](#)



# If you really want to know, then just ask...

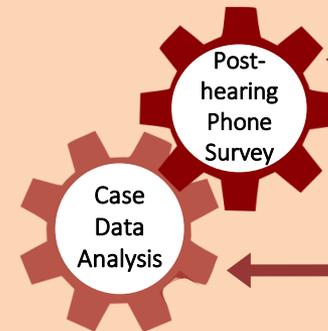
## SURVEY CLIENT EXPERIENCE

Period of review: Ongoing

### RESEARCH QUESTIONS

- 1. Readability of correspondence**  
You found our forms, letters, and emails easy to understand.
- 2. Understandability of process**  
Before your hearing, you knew what to expect and how to prepare for your hearing.
- 3. Meaningful hearing participation**  
At your hearing, you were able to participate fully. For example, you were able to answer questions, correct any errors about the facts, or explain your case.
- 4. Navigator effectiveness**  
If the Tribunal assigned you a Navigator, your Navigator was helpful in getting you ready for your hearing.
- 5. Timely processing**  
You are happy with how quickly the Tribunal handled your appeal.
- 6. Form of hearing**  
You are happy with the type of hearing you had. (Possible types are teleconference, Zoom, and in person.)
- 7. Zoom hearings**  
Would you recommend a hearing by Zoom video to others?
- 8. Website**  
Have you visited our website? If no, why not? If yes, was it easy to find what you were looking for?
- 9. Open-ended**  
Do you have any other comments to help us improve our services?

### METHODS



### DATA SOURCES



CLIENTS

01100  
10110  
11110

CASE MANAGEMENT  
SYSTEM