

IDENTIFICATION

Department	Position Title	
Workers' Safety and Compensation Commission	General Counsel	
Position Number(s)	Community	Division/Region(s)
97-7178	Yellowknife, NT	President's Office

PURPOSE OF THE POSITION

The General Counsel is responsible for managing the overall legal matters affecting the Workers' Safety and Compensation Commission's (WSCC's) operations. The General Counsel provides legal services, including legal research and legal advice to the all WSCC divisions to ensure that the WSCC conducts operations and business activities in accordance with the legislations, in addition to managing all third party litigation and other litigation involving the WSCC. The General Counsel provides the President, Governance Council and Senior Managers with appropriate and timely interpretations, advice, and assistance on matters related to WSCC legislative, legal, and policy matters whereby issues may be unclear, controversial, or conflicting.

SCOPE

The Workers' Safety and Compensation Commission (WSCC) is a Crown Corporation of the Governments of the Northwest Territories and Nunavut that is directed by a Governance Council through the President & CEO. The WSCC headquarters operations are located in Yellowknife and regional operations in Iqaluit and Inuvik.

The WSCC promotes safe work places through education and prevention, and cares for injured workers through a system of no-fault compensation. The system is funded through the collection of assessments from employers and is governed by the *Workers' Compensation Acts* of the Northwest Territories and Nunavut.

This position is located in Yellowknife and reports directly to the President/CEO. The General Counsel works with the Departments of Justice in the GNWT and GN to develop appropriate legislative amendments, and to appear with the President and the NWT and Nunavut

Ministers Responsible for the WSCC, in the capacity of legal advisor, before committees of the respective Legislatures.

The work of this position is specialized and directly affects the interpretation and application of the *Workers' Compensation Act*, *Safety Act* and other legislations administered by the WSCC in both the Northwest Territories and Nunavut. The General Counsel provides advice and guidance on sections of the relevant legislation concerning all WSCC programs and policies, including the entitlement and provision of compensation benefits to injured workers, and the recovery of funds through third party action litigation. Through the provision of legal advice, the position directly impacts or influences each WSCC division and the services they provide.

Operating Budget:	\$245,575.00
Compensation and Benefits:	\$476,632.00
WSCC Third Party Actions:	\$1.5 million
Signing Authority:	\$50,000.00

RESPONSIBILITIES

1. As the WSCC's legal expert, the General Counsel provides senior level legal services and advice regarding the WSCC's operations.

- The position has primary responsibility for providing all legal services required of a crown corporation that employs approximately 140 employees and has assets in excess of \$375 million. The position advises the WSCC on fulfilling all legislative and legal requirements imposed on the WSCC by the Territorial and Federal Governments and other agencies, including the *Workers' Compensation Acts*, the *Safety Acts*, the *Financial Administration Acts*, etc.
- The position provides appropriate and timely interpretations, legal opinions, and assistance to all WSCC Divisions; the President; Governance Council; and Senior Management regarding complex WSCC legislative, legal, and policy matters.
- This position reviews, revises and in some cases drafts contracts made between the WSCC and external suppliers. This position also reviews the process for awarding sole source contracts, Request for Proposals, and Tenders to ensure compliance with legislation and policy.
- The General Counsel provides legal advice and assistance to the Chief Inspector of Mines and the Chief Safety Officer on the enforcement of the *Mine Health and Safety Acts* and the *Safety Acts*, and prosecution under those *Acts*.
- The position has primary responsibility for managing and conducting all in-house and external litigation on behalf of the WSCC, including third party actions, judicial review applications, constitutional challenges, and other litigation affecting the WSCC's operations and business activities. This includes drafting legal submissions and representing the WSCC in Court and at Administrative Boards or Tribunals, and/or directing and instructing outside counsel retained to represent the WSCC.

- The General Counsel writes and commissions legal opinions that sometimes require extensive research of statutes, regulations, or court decisions in complex areas of the law.
- This position is responsible for ensuring the prevention of fraud on payments of approximately \$29 million annually to claimants and service suppliers.
- As the legislative review process lead, the position interacts with all involved parties during the drafting of workers' compensation and safety legislation. As the WSCC's legal expert, the General Counsel works closely with both governments' (GNWT and GN) legal division and their respective Legislative Coordinators on legislative proposals with respect to ongoing legislative reform. The General Counsel ensures that drafting of legislative amendments meet the needs of the WSCC and its stakeholders, and the position supports the President in meetings with Ministers and appearances before Legislative Committees. The General Counsel has primary responsibility for ensuring the proper Gazetting of all statutory instruments authorized by the WSCC in the administration of its legislative requirements.
- The position maintains and develops contacts and consults regularly with the NWT, Nunavut, and the Canadian WSCC legal communities; parties external to the WSCC, including Territorial and Federal Government officials; and a network of contacts within the Canadian workers' compensation community.
- The General Counsel is responsible for advising the WSCC on the exercise of the WSCC's superior court powers and authorities, and may issue a subpoena on behalf of the Governance Council.

2. Other duties:

- Acts as a committee member on various committees that may be established to coordinate and manage special projects or programs, such as the Safety Program.
- Travels to the Iqaluit, NU regional office (purpose varies)
- Travels throughout Canada for annual WSCC Lawyers' Meetings and other workers compensation organizational meetings as required.
- Prepares and delivers training and presentations to internal WSCC staff on a variety of topics including conducting investigations, gathering and weighing evidence, adjudicating claims, detecting fraud, interpreting and applying the *Workers' Compensation Acts* and knowing when to refer files for litigation.

WORKING CONDITIONS

(Working Conditions identify the **unusual and unavoidable**, externally imposed conditions under which the work must be performed and which create hardship for the incumbent.)

Physical Demands

As typically associated with an office environment.

Environmental Conditions

As typically associated with an office environment.

Sensory Demands

As typically associated with an office environment.

Mental Demands

This position must provide legal advice to members of senior management, Governance Council and internal staff on a variety of legal issues, some of which are extremely sensitive in nature. This position is required to deal with frequent changes in issues being dealt with and the ability to “think on your feet” to provide immediate responses without time to research the issues.

KNOWLEDGE, SKILLS AND ABILITIES

- An expert understanding of workers’ compensation legislations, administrative law, occupational health and safety legislations, and the law related to corporate governance.
- A thorough understanding of civil litigation and quasi-criminal prosecutions.
- The ability to provide proper legal advice with little or no preparation time.
- Effective negotiating and strategy development skills.
- Good understanding of the processes for the development and approval of policies and legislation.
- Demonstrated skills in program/project development, management and evaluation.
- Excellent verbal and written communications skills, including public presentations, facilitation, and the ability to maintain professional communications in difficult circumstances.
- Good understanding of the authorities and functioning of a government-appointed Governance Council.
- Understanding of the economic and political context and climate of the Northwest Territories and Nunavut.
- Effective listening skills including the ability to discern non-verbal communication cues.
- The ability to work to deadlines and respond effectively to frequently changing deadlines and priorities.
- Ability to manage a budget.
- Ability to develop and continue ongoing positive interactions with WSCC stakeholders.
- High ethical standards.
- Functions well in a multicultural environment.
- Highly motivated and self-directed.

Typically, the above qualifications would be attained by:

A Bachelor of Law degree, with a minimum of 5 years of progressive experience in administrative law and corporate governance environment.

Membership in both the Law Society of the NWT and the Law Society of Nunavut are required.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- French required (must identify required level below)
 - Level required for this Designated Position is:
 - ORAL EXPRESSION AND COMPREHENSION
 - Basic (B) Intermediate (I) Advanced (A)
 - READING COMPREHENSION:
 - Basic (B) Intermediate (I) Advanced (A)
 - WRITING SKILLS:
 - Basic (B) Intermediate (I) Advanced (A)
- French preferred

Aboriginal language: To choose a language, click here.

- Required
- Preferred

CERTIFICATION

Title: General Counsel

Position Number(s): 97-7178

<hr/> <p>Employee Signature</p> <hr/> <p>Printed Name</p> <hr/> <p>Date</p> <p><i>I certify that I have read and understand the responsibilities assigned to this position.</i></p>	<hr/> <p>Supervisor Signature</p> <hr/> <p>Printed Name</p> <hr/> <p>Date</p> <p><i>I certify that this job description is an accurate description of the responsibilities assigned to the position.</i></p>
<hr/> <p>Senior Manager</p> <hr/> <p>President & CEO</p> <p><i>I approve the delegation of the responsibilities outlined herein within the context of the attached organizational structure.</i></p>	<hr/> <p>Date</p> <hr/> <p>Date</p>

The above statements are intended to describe the general nature and level of work being performed by the incumbents of this job. They are not intended to be an exhaustive list of all responsibilities and activities required of this position.

Reviewed by HR: _____