

New

Ministry

Justice

Describe: Basic Job Details**Position**

Position ID

Position Name (200 character maximum)

Adjudicator, Impaired

Requested Class

Program Services 5

Job Focus

Operations/Program

Supervisory Level

00 - No Supervision

Agency (ministry) code

Cost Centre

Program Code: (enter if required)

Employee

Employee Name (or Vacant)

Organizational Structure

Division, Branch/Unit

Administrative Law Programs Division, SafeRoads AB

 Current organizational chart attached?

Supervisor's Position ID

Supervisor's Position Name (30 characters)

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Design: Identify Job Duties and Value**Job Purpose and Organizational Context**

Why the job exists:

The Ministry of Justice works to ensure a fair and accessible justice system for all Albertans where the rule of law is upheld, and government undertakings are administered according to law. In collaboration with the judiciary, law enforcement, Public Safety and Emergency Services, Mental Health and Addiction, and Health, the ministry provides programs and services that ensure access to justice and supports the needs of Albertans involved in the justice system

On December 1, 2020, Alberta introduced the Immediate Roadside Sanction (IRS) administrative penalties program under the *Traffic Safety Act* to enhance road safety by enabling law enforcement to issue an IRS Notice of Administrative Penalty (NAP) when there are reasonable grounds to find an alcohol or drug-related driving contravention was committed. The SafeRoads adjudication branch was created at the same time under the *Provincial Administrative Penalties Act* to provide timely, expeditious, first-level challenge and hearing of the IRS NAPs issued by law enforcement.

Reporting to senior managers, SafeRoads adjudicators sit as single-person tribunals to conduct fair and

impartial reviews of IRS NAPs. They preside over oral and written hearings, interpret legislation, review and analyze evidence, assess the credibility of witnesses, make findings of fact and law to resolve factual and legal disputes, apply *Charter* values, and issue written reasons for decision that are published on CanLII.org, a publicly available legal database that publishes decisions from all levels of Canadian courts and a number of major tribunals. The decisions adjudicators issue are FINAL and BINDING and can only be appealed through Judicial Review.

This position requires exceptional writing and communication skills; a strong sense of ethics and fairness; excellent common sense, reasoning and judgment; the ability to work under considerable time pressure; a drive to continuously learn and improve; and a strong sense of public duty. As public decision makers, adjudicators must also demonstrate a high degree of personal responsibility and accountability and be willing to be subject to close scrutiny from stakeholders and the Alberta Courts. A legal or criminal law background, or prior experience in investigations or tribunal decision-making are considered assets. The ability to read, understand and interpret legislation and regulation is essential.

Once trained and qualified, an adjudicator is self-governing with minimal direct supervision. Adjudicators work collegially and respectfully with other adjudicators and as part of an adjudication team to ensure a high degree of consistency and quality in decision-making.

Responsibilities

Job outcomes (4-6 core results), and for each outcome, 4-6 corresponding activities:

- 1. Adjudication of appeals for impaired driving administrative penalties (IRS reviews):**
 - Stays current and knowledgeable with all applicable legislation changes and case law development
 - Acts as an independent decision-maker and master of the hearing, solely responsible for reviewing and analyzing law and evidence to render decision, and accountable to stakeholders, the public, and the Court of King's Bench and appellate Courts.
 - Presides over oral and written hearings, ensuring all hearings are impartial and fair. Conducts oral hearings via Webex in a procedurally fair manner, within a 30-minute legislated time limit. Deals professionally, assertively and courteously with contentious, sometimes emotionally charged situations.
 - Hears and decides preliminary issues raised in the course of the live hearing.
 - Hears written and oral evidence and applies legislation, regulation, common law principles and common sense to make findings of fact and law.
 - Maintains strict confidentiality in line with the *Freedom of Information and Protection of Privacy Legislation* and adheres to the *Code of Conduct and Ethics* for the Alberta Public Service.
 - Renders a binding decision on review of an IRS NAP and provides clear, rational and logical reasons for decision.
 - Reviews the evidence in light of 1) legislation including the *Provincial Administrative Penalties Act*, the *Traffic Safety Act*, the *Interpretation Act* and associated regulations; 2) common law principles as set out in case law; and 3) Charter values and principles of natural justice to determine whether to confirm, cancel or re-set the level of penalty on an IRS NAP.
 - Identifies novel legal issues and proactively seeks legal advice where needed.
 - Issues written reasons for a binding decision that are rational, detailed, comprehensive and compelling, and able to withstand scrutiny in a Court of law on very tight legislated timelines.
- 2. Adjudication of appeals for vehicle seizures or requests for relief:**
 - Considers vehicle seizure applications on delegation from the Registrar of Motor Vehicle Services.
 - Applies the *Traffic Safety Act* and the *Vehicle Seizure and Removal Regulation* to determine whether or not to grant review of a vehicle seizure, or relief from the effects of vehicle seizure to

a non-driving registered owner of the vehicle.

- Issues written reasons for a binding decision that are rational, detailed, comprehensive and compelling, and able to withstand scrutiny in a Court of law.

3. Hears and determines late review applications.

- Considers requests for late reviews of IRS NAPs outside of the standard timelines on delegation by the Director of SafeRoads Alberta.
- Applies the *Provincial Administrative Penalties Act* and the *Provincial Administrative Penalties Regulation* to determine if late review should be granted.
- Issues written reasons for a binding decision that are rational, detailed, comprehensive and compelling, and able to withstand scrutiny in a Court of law.

4. Participates in ongoing learning and professional development.

- Routinely accesses ongoing legal training and professional development is expected of all Adjudicators throughout their time as an Adjudicator with the program to maintain their designation.

5. Acts as a resource

- Act as an expert resource for other adjudicators within SafeRoads, and may be asked to provide internal training when needed.
- Identifies deficiencies in legislation, processes, policies, front-facing guidelines and with the SafeRoads Portal. Makes recommendations for improvements.

Problem Solving

Typical problems solved:

- The position works with a diverse and complex client population that reflects the community at large. The adjudicator will have to deal with complaints and client demands during a hearing and as the independent chair and decision-maker will need to make immediate decisions during the hearing.
- Must have the ability to sort through often complex and sometimes conflicting evidence, determine facts and applicable law and conduct credibility analysis and reason their decisions on a tight legislated timeline.

Types of guidance available for problem solving:

The Adjudicators have each other as resources to discuss novel cases and may lean on Senior Adjudicators if necessary, however the Adjudicator is an independent decision maker and the ultimate decision on an issue remains their own to make.

Direct or indirect impacts of decisions:

- The Adjudicator's decisions have a direct immediate impact on the lives and livelihood of recipients of a NAP or seizure notice or affected parties whose vehicles have been seized.
- The Adjudicator's decisions have an immediate impact on public, road and traffic safety for Albertans.
- The Adjudicator's decisions play a key role in maintaining public confidence in road and traffic safety and provincial drug or alcohol-related driving enforcement.
- The impartial tribunal is effective in diverting impaired driving charges from the courts, resulting in a less expensive and very timely alternative to appeal administrative penalties.

Key Relationships

Major stakeholders and purpose of interactions:

Legal counsel, agents, representatives and recipients of NAPs- provide written and oral submissions for reviews- daily interaction.
Senior Adjudicator (SM1)- (daily) inform, coordinate, report to, receive direction and guidance
Other Adjudicators- (daily) supervise, support and build consistency of practice
Adjudication staff (incl. Director and Senior Adjudicators) (weekly) team-building and supporting the unit to be efficient and effective
IRS Recipients- (daily) adjudicate reviews when needed
Case Management Staff- when necessary (daily) or (semi-monthly) meet and engage on reporting and branch-wide initiatives

Required Education, Experience and Technical Competencies

Education Level	Focus/Major	2nd Major/Minor if applicable	Designation
Bachelor's Degree (4 year)	Law	Other	

If other, specify:

Public Policy, Business Administration, Social Sciences, Public Administration, Criminal Justice or a related

Job-specific experience, technical competencies, certification and/or training:

REQUIREMENTS

- A university degree in a related field (i.e. Public Policy, Business Administration, Social Sciences, Public Administration, Criminal Justice or a related discipline), usually a 4-year program. Equivalencies may be considered on the basis of: 1 year of related experience for 1 year of relevant education. 4 years experience on an administrative tribunal or in an adjudicative capacity is required, equivalencies will be considered.
- Certificate in Tribunal Administrative Justice or a graduate level degree in behavioural or social sciences are considered assets.
- The ability to successfully complete the adjudication training program specific to SafeRoads Alberta, including achieving success on competency tests, to become designated as an adjudicator.

KNOWLEDGE/EXPERIENCE

- Progressively responsible work experience is required in the following areas:
 - decision writing
 - analyzing evidence and factual disputes
 - making findings of fact
 - interpreting and applying legislation and policy in complex situations
 - writing briefings that include setting out options and making recommendations=
- The position will require comprehensive knowledge and a deep understanding of applicable legislation and their associated regulations including the *Traffic Safety Act*, *Provincial Administrative Penalties Act* and its regulation, the Vehicle Seizure and Removal Regulation, SafeRoads Alberta Regulation, as well as the principles of Natural Justice. Understanding or knowledge of same is considered an asset.
- Must have a good understanding of the traffic rules associated with Alberta's highways and a solid understanding of Alberta's unique culture pertaining provincial industries, urban and rural communities.
- Knowledge of the *Criminal Code* (Canada), the *Canadian Charter of Rights and Freedoms* and police procedure is considered an asset
- Familiarity with administrative law and the operation and functioning of administrative tribunals in Alberta and/or other jurisdictions is an asset, as is knowledge of the basic legal terminology
- Strong abilities in verbal, non-verbal and written communications, listening, tact, problem-solving.

analysis, consulting, conflict resolution, and organizational skills are required to address the sensitivity and diversity of issues addressed by this position

- Ability to work in a team setting as well as independently
- Broad-based computer literacy, including the ability to use Web-Ex and the suite of Microsoft 365 programs (Outlook, Word, Excel, PowerPoint, Teams), as well as the ability to learn future programs
- Knowledge of business English including proper grammar, spelling and punctuation
- Ability to build rapport quickly and easily
- Ability to control a virtual environment
- Ability to demonstrate flexibility and adaptability in diverse situations



Behavioral Competencies

Pick 4-5 representative behavioral competencies and their level.

Competency	Level					Level Definition	Examples of how this level best represents the job
	A	B	C	D	E		
Systems Thinking	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<p>Takes a long-term view towards organization's objectives and how to achieve them:</p> <ul style="list-style-type: none"> • Takes holistic long-term view of challenges and opportunities • Anticipates outcomes and potential impacts, seeks stakeholder perspectives • Works towards actions and plans aligned with APS values • Works with others to identify areas for collaboration 	<p>Uses active reasoning and sound judgment to promote the common goal of an unbiased tribunal to ensure SafeRoads Alberta is seen favorably in the eyes of the Albertans, while promoting public safety and just outcomes.</p> <p>Adjudicator's decisions are scrutinized by the public, law enforcement, the courts and litigators, and decisions need to be well reasoned for longevity of the program.</p>
Agility	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<p>Identifies and manages required change and the associated risks:</p> <ul style="list-style-type: none"> • Identifies alternative approaches and supports 	<p>Required to demonstrate their ability to be flexible and at all times think outside the box when considering nuanced/</p>

		<p>others to do the same</p> <ul style="list-style-type: none"> • Proactively explains impact of changes • Anticipates and mitigates emotions of others • Anticipates obstacles and stays focused on goals • Makes decisions and takes action in uncertain situations and creates a backup plan 	<p>complex issues</p> <p>Demonstrates the ability to consider all impacts of the outcome of the file as it pertains to the average Albertan, the court system, law enforcement and the government, and provide expert advice based on their training, their background and grounded in legislation</p>
Creative Problem Solving	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Engages the community and resources at hand to address issues:</p> <ul style="list-style-type: none"> • Engages perspective to seek root causes • Finds ways to improve complex systems • Employs resources from other areas to solve problems • Engages others and encourages debate and idea generation to solve problems while addressing risks 	<p>Proactively identifies any and all potential conflict issues, conflicting information from differing parties and takes steps to independently resolve discrepancies.</p> <p>Takes the initiative to identify novel arguments and shares them with the other adjudicators in collaborative meetings with the whole team, or in one-on-one sessions.</p>
Build Collaborative Environments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	<p>Collaborates across functional areas and proactively addresses conflict:</p> <ul style="list-style-type: none"> • Encourages broad thinking on projects, and works to eliminate barriers to progress • Facilitates communication and collaboration • Anticipates and reduces conflict at the outset • Credits others and gets talent recognized • Promotes collaboration and commitment 	<p>The manager proactively develops and shares best practices amongst the other adjudicators through active participation in adjudication team meetings.</p> <p>The manager takes initiative to maintain an understanding of evolving legislation and case law, and involves themselves in group discussions.</p> <p>Chairs oral reviews and addresses preliminary objections, conflict and appropriate behaviours during the review.</p>

Drive for Results	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Takes and delegates responsibility for outcomes: <ul style="list-style-type: none"> • Uses variety of resources to monitor own performance standards • Acknowledges even indirect responsibility • Commits to what is good for Albertans even if not immediately accepted • Reaches goals consistent with APS direction 	Responsible for guiding new adjudicators and trainees and includes a detailed awareness of the outcome of each judicial review court ruling, legal tests for each ground to cancel, potential pitfalls related to being reasonable when making decisions and adhering to strict and tight legislative timelines.
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Assign

The signatures below indicate that all parties have read and agree that the job description accurately reflects the work assigned and required in the organization.

Employee Name	Date yyyy-mm-dd	Employee Signature
Supervisor / Manager Name	Date yyyy-mm-dd	Supervisor / Manager Signature
	Date yyyy-mm-dd	Director / Executive Director Signature
ADM Name	Date yyyy-mm-dd	ADM Signature