

## OVERVIEW

The Lieutenant Governor in Council sets Adjudicator remuneration, which follows the Government of Ontario's [Agencies and Appointments Directive](#). Adjudicator appointments include an element of public service. Remuneration will not fully compensate Adjudicators for their time, skill, and experience.

Adjudicators are also reimbursed for reasonable expenses incurred in carrying out their duties in accordance with the Government of Ontario's [Travel, Meal and Hospitality Expenses Directive](#) and the Ontario Securities Commission's *Travel, Meal and Hospitality Expenses Policy*.

This policy provides details of how the Ontario Securities Commission applies the relevant provisions of the directives to remunerate and reimburse Adjudicators, which do not include the Chief Adjudicator. This document does not prevail over any directive or legislation. Information about individual Adjudicator remuneration and reimbursement will be posted on the Capital Markets Tribunal [website](#).

## PER DIEM REMUNERATION

### A. Eligible Activities

Adjudicators may claim the [Agencies and Appointments Directive](#)'s applicable per diem rate of \$788 per full day for the following eligible activities:

1. Preparation for hearings, including:
  - a) reading adjudicative records
  - b) corresponding and meeting with panel members
  - c) corresponding and meeting with staff of the Governance & Tribunal Secretariat
2. Attendance at hearings
3. Attendance at panel deliberations during and following hearings
4. Preparation of decisions and reasons for decisions
5. Attendance at, and preparation for, events requested by the Capital Markets Tribunal or the Ontario Securities Commission (e.g., onboarding, orientation, training, continuing education, adjudicator roundtables, and conferences)

6. Activities that are approved or requested, in advance, by the Chief Adjudicator or the Corporate Secretary

Travel time does not generally qualify as an eligible activity. For Adjudicators who are principally resident outside of the Greater Toronto Area, the Chief Adjudicator may pre-approve remuneration for travel time required for certain eligible activities.

Adjudicators should consult with the Corporate Secretary if they are uncertain whether certain events or types of work qualify as an eligible activity.

## B. Remuneration Claims

To receive remuneration, Adjudicators must submit claims using the Adjudicator Remuneration Claim Form. Adjudicators must submit completed Claim Forms to the Corporate Secretary, via email, on a timely basis and at least monthly. The Chief Adjudicator, or the Corporate Secretary at the request of the Chief Adjudicator, will review and approve all Claim Forms.

Activities are claimed in half-day increments. Event breaks and hearing breaks, including lunch breaks, are included in the calculation of an eligible activity's time.

Adjudicators may only claim one per diem payment each day. When three or more hours of eligible activity is performed, the Adjudicator may claim the full-day per diem rate. When more than 30 minutes but less than three hours of eligible activity is performed, the Adjudicator may claim one-half of the full-day per diem rate. When less than 30 minutes of eligible activity is performed in a day, an Adjudicator shall not claim a per diem, but may note the eligible activity on the Claim Form to reflect actual work performed.

## C. Cancellations and Time Reductions

When a scheduled hearing or event is cancelled, and the Adjudicator is notified of the cancellation:

- a) before 5:30 p.m. the day before the activity, the cancelled activity time may not be claimed
- b) after 5:30 p.m. the day before the activity, the cancelled activity time of the first cancelled day may be claimed (e.g., for a multi-day hearing where the balance of the hearing is cancelled, subsequent hearing days may not be claimed)

When a scheduled hearing or event time is reduced, and the Adjudicator is notified of the reduction:

- a) before 5:30 p.m. the day before the activity, the Adjudicator shall claim the newly scheduled or actual activity length (whichever is longer)

- b) after 5:30 p.m. the day before the activity, the Adjudicator shall claim the originally scheduled or actual activity length (whichever is longer)

## EXPENSES

### A. Expense Claims

Adjudicators are reimbursed for work-related expenses in accordance with 1) the [Travel, Meal and Hospitality Expenses Directive](#) and 2) the Ontario Securities Commission's *Travel, Meal and Hospitality Expenses Policy*. Adjudicators must submit expense claims as soon as practicable and no later than the end of the month following the month in which the expense was incurred. Expense claims must also be submitted before the expiry of the Adjudicator's term of appointment. Except for meal expenses, all claimed expenses require itemized receipts identifying the vendor, the date, and the amount of each expensed item. Credit card receipts are insufficient. Meal expenses are reimbursed at the established meal reimbursement rates, regardless of the actual meal costs. Taxes and gratuities are included in the meal reimbursement rates. Adjudicators are not required to retain or submit receipts with meal claims.

The Chief Adjudicator, or the Corporate Secretary at the request of the Chief Adjudicator, will review and approve all expense claims.

### B. Travel Expenses

For Adjudicators who are principally resident outside of the Greater Toronto Area, the Chief Adjudicator may pre-approve travel expenses required for certain eligible activities.<sup>1</sup> In consultation with the Chief Adjudicator, Adjudicators must consider alternatives to travel, including audio or video conferencing. When traveling, Adjudicators should choose the most practical and economical mode of transportation and comply with the Ontario Securities Commission's *Travel, Meal and Hospitality Expenses Policy*.

### C. Ineligible Expenses

Adjudicators are not entitled to reimbursement of professional dues or fees. In addition, unless incurred at the request of and with prior approval of the Chief Adjudicator, Adjudicators are not generally entitled to reimbursement of:

- mileage or parking costs
- limousines, car hires, or taxis used to commute to or from the Ontario Securities Commission (except under exceptional circumstances, such as when weather, health or safety conditions indicate it is the best, appropriate option)

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<sup>1</sup> To comply with the Government of Ontario's *Travel, Meal and Hospitality Expenses Directive*, travel by all appointees, including Adjudicators, also requires the Chair's approval.

- accommodation
- expenses that do not fit the directive's definition of government hospitality (e.g., office social events, retirement parties and holiday lunches)