

Appeals Policy

Purpose

1. The purpose of this policy is to set out the responsibilities of Plan staff and members of the Board of Trustees for formally reviewing interpretations of the provisions of the CAAT Pension Plan and applications of the Plan rules to a particular situation, where an individual has disputed such interpretation or application in respect of an entitlement under the Plan.

Roles and Responsibilities

2. Service Delivery staff:
 - a) administer the Plan in the normal course of business and attempt to ensure that all interested parties understand decisions made and the rationale for those decisions; and
 - b) identify files which may become subject to the Appeals Process and gather the information necessary to support the process.
3. Pension Policy analysts:
 - a) support Service Delivery staff in administration and interpretation;
 - b) develop and endorse policies that guide Service Delivery staff in interpretation and administration;
 - c) provide advice and resources relating to issues raised during all stages of the Appeals Process, and
 - d) ensure proper documentation of materials for future reference.
4. Chief Legal and Regulatory Affairs Officer, either directly or indirectly via applicable Plan staff:
 - a) develops and endorses policies that guide Service Delivery staff in interpretation and administration;
 - b) provides advice and interpretation to Service Delivery staff concerning the issues raised;
 - c) conducts a full review of the relevant materials and issues a written decision in connection with the initial stage of the Appeals Process;
 - d) ensures that the individual who has received a written decision in connection with the Appeals Process is aware, as applicable, that an appeal may be made to the Appeals Subcommittee of the Board of Trustees for a final review; and
 - e) Supports the CEO and Plan Manager in any review by the Appeals Subcommittee or the Board of Trustees if members of the Appeals Subcommittee considering the review cannot agree.
5. CEO and Plan Manager:

- a) acts as (or appoints) a contact person among the petitioner, Plan Staff, and the Appeals Subcommittee, regarding matters that reach the Appeals Subcommittee stage or which go before the Board of Trustees if the members of the Appeals Subcommittee considering the review cannot agree; and
 - b) ensures that complete information and reporting is provided to the Appeals Subcommittee and to the Board of Trustees, if applicable.
6. The Appeals Subcommittee of the Board of Trustees (note that where applicable, Appeals Subcommittee refers to the members of the Subcommittee assigned to consider a particular request for review):
- a) oversees implementation of and adherence to this Policy;
 - b) at the request of any petitioner, reviews the decision made by the Chief Legal and Regulatory Affairs Officer, and evaluates any request for an in-person hearing; and
 - c) considers any need for Plan amendments and provides recommendations to the Board of Trustees as necessary.
7. The Board of Trustees:
- a) in the event the members of the Appeals Subcommittee considering the review cannot agree, the Board of Trustees shall review the decision made by the Chief Legal and Regulatory Affairs Officer using the same material as was presented to the Appeals Subcommittee;
 - b) ensures that the Appeals Subcommittee has appropriate representation at all times and has the time allotted to fulfill its obligations, and
 - c) reviews this Policy and makes any necessary changes to it on an ongoing basis.

Right to Appeal

8. Any individual who disagrees with an interpretation or application of Plan provisions made by Plan staff in respect of an entitlement he or she may have under the Plan may appeal to the Chief Legal and Regulatory Affairs Officer for a review of the decision, and if not satisfied with the result, may appeal to the Appeals Subcommittee for a final review of the decision. An appeal to the Appeals Subcommittee may include a request for an in-person hearing, which may be granted at the discretion of the Appeals Subcommittee. The right to appeal for a final review does not, however, extend to an interpretation by Plan staff that is required by law, or to a dispute in which there is a prior decision on a similar set of facts.
9. The Appeals Subcommittee (or Board of Trustees in the event the members of the Appeals Subcommittee considering the review cannot agree) will accord appropriate consideration to the review of the issues raised before reaching a decision.

Process

10. A two-step process is established as follows in respect of an individual who has disagreed with an interpretation or application of Plan provisions as has been made in respect of such individual by Plan staff:
- a) Step 1 – Review and explanation of decision by the Chief Legal and Regulatory Affairs Officer
 - b) Step 2 – On appeal, a final review by the Appeals Subcommittee (as established under article 5.15 of the Sponsorship and Trust Agreement). In the event the members of the Appeals Subcommittee considering the review cannot agree, the Board of Trustees shall review the decision made by the Chief Legal and Regulatory Affairs Officer using the same material as was presented to the Appeals Subcommittee.

Parties

11. The following persons are parties for the purpose of this Policy:
- a) individuals who have a right to appeal under this Policy (“petitioners”) and their legal representatives, if appropriate
 - b) persons or entities, including employers, otherwise by law entitled to be parties to the proceeding, and
 - c) persons or entities, including employers, who in the opinion of the Appeals Subcommittee should be parties.

The Appeals Subcommittee

12. Pursuant to Articles 5.15, 7.01 and 7.06 (a), (b), (d), (e) and (g) of the CAAT Pension Plan Sponsorship and Trust Agreement, the Board of Trustees shall form the Appeals Subcommittee on an annual or ad hoc basis as it deems fit.
13. The Board of Trustees shall:
- a) select four Board members (two employer and two employee representatives) to sit as members of the Appeals Subcommittee; and
 - b) select Co-Chairs of the Appeals Subcommittee (one employer and one employee representative) from this group.
14. Any member of an existing Appeals Subcommittee who has commenced a review of a matter at the time the Board of Trustees meets to form a new Appeals Subcommittee, shall remain a member of the Appeals Subcommittee for the purpose of considering that review, until such time as the review has concluded. In the event that a member is no longer a Trustee, a replacement will be added.

Delegation to the Appeals Subcommittee to Review Decisions of the Chief Legal and Regulatory Affairs Officer

15. Pursuant to this Policy, the Board of Trustees delegates any matter respecting a review of a decision of the Chief Legal and Regulatory Affairs Officer to the Appeals Subcommittee pursuant to the exercise of the Board of Trustees' authority to administer and make determinations in respect of the administration of the Plan.
16. Upon the request for a matter to be reviewed, the Co-Chairs of the Appeals Subcommittee shall choose two members (one employer and one employee representative) to review the prior decision.

Resolution of Conflicts of Interest

17. A member of the Appeals Subcommittee shall not participate in a review where, due to the issues involved, the participation of that member could give rise to a reasonable apprehension of bias or conflict of interest.
18. Where a member becomes unable to continue with a review, the other member (representing employers or employees) will join in the review.
19. A review will not proceed with less than two members (one employer and one employee representative) of the Appeals Subcommittee.

Administrative and Logistical Support

20. The CEO and Plan Manager (or designate) will provide administrative and logistical support during a review by the Appeals Subcommittee regardless of whether the CEO and Plan Manager (or designate) may have previously been directly or indirectly involved in the matter being reviewed.

Counsel to the Appeals Subcommittee

21. On the filing of an appeal, or at such other time that it becomes apparent that an appeal is likely to be made, legal counsel, in addition to Chief Legal and Regulatory Affairs Officer, may be retained to advise the Appeals Subcommittee or Board of Trustees, as applicable, on any relevant issues.

Resolution

22. In the event that the two members of the Appeals Subcommittee do not agree on a resolution, the review will be referred to the Board of Trustees for review at its next scheduled meeting. In the event that a matter is referred to the Board of Trustees only a quorum of Trustees is required to conduct the review and only a simple majority of the Trustees then present at the meeting are needed to determine the resolution of the review.

Advising Board of Trustees of Decisions

23. All parties to a review shall receive written notification of the decision of the Appeals Subcommittee.

24. The Appeals Subcommittee shall at least annually provide the Board of Trustees with a written summary of the Subcommittee's decisions during the course of the year. This summary shall be of a general nature and will not include specifics, such as party names, unless these are requested by the Board of Trustees.

Reserve Power of the Board of Trustees

25. The Board of Trustees reserves to itself the power to undertake any particular review or category of reviews or to delegate to a different committee the power to complete any review or category of reviews, as the Board of Trustees may consider appropriate.

Rules Respecting Practice and Procedure

26. The Board of Trustees may make rules, from time to time, regarding practice and procedure before the Appeals Subcommittee.

27. These rules may be of general or particular application.

Policy History

28. The Board adopted this policy on September 27, 2011.
29. The Board last reviewed this policy on December 2, 2014 and November 28, 2017.
30. The Board adopted this revised policy on November 24, 2020.