

Review and Appeal Policy

Purpose

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

- a) Service Delivery staff:
 - i) 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
 - ii) identify files which may become subject to the Review and Appeal Process and gather the information necessary to support the process.
- b) Pension Policy analysts:
 - i) support Service Delivery staff in administration and interpretation;
 - ii) develop and endorse policies that guide Service Delivery staff in interpretation and administration;
 - iii) provide advice and resources relating to issues raised during the Review and Appeal process, and
 - iv) ensure proper documentation of materials for future reference.
- c) Vice President, Pension Management:
 - i) develops and endorses policies that guide Service Delivery staff in interpretation and administration;
 - ii) provides advice and interpretation to Service Delivery staff concerning the issues raised;
 - iii) conducts a full review of the relevant materials and issues a written decision in connection with the Review process; and
 - iv) ensures that the individual who has received a written decision in connection with the Review process is aware that a further review by the Appeals Subcommittee of the Board of Trustees can be requested.
- d) CEO and Plan Manager:
 - i) acts as (or appoints) a contact person among the appellant, Plan Staff, and the Appeals Subcommittee, regarding matters that reach the Appeals Subcommittee stage; and

- ii) ensures that complete information and reporting is provided to the Appeals Subcommittee and to the Board of Trustees.
- e) The Appeals Subcommittee of the Board of Trustees (note that where applicable, Appeals Subcommittee refers to the members of the Subcommittee assigned to hear a particular appeal):
 - i) oversees implementation of and adherence to this Policy;
 - ii) at the request of any appellant, reviews the decision made by the Vice President, Pension Management, and evaluates any request for an in-person hearing; and
 - iii) considers any need for Plan amendments and provides recommendations to the Board of Trustees as necessary.
- f) The Board of Trustees:
 - i) ensures that the Appeals Subcommittee has appropriate representation at all times and has the time allotted to fulfill its obligations, and
 - ii) reviews this Policy and makes any necessary changes to it on an ongoing basis.

Right of Review and Appeal

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 request a review of such by the Vice President, Pension Management, and if not satisfied with the result of that review, may appeal to the Appeals Subcommittee. An appeal may include a request for an in-person hearing, which may be granted at the discretion of the Appeals Subcommittee. The right of appeal 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 appeal decision on a similar set of facts.

The Appeals Subcommittee will accord appropriate consideration to the appeal before reaching a decision. The Board of Trustees may review decisions of the Appeals Subcommittee. There is no recourse within this Policy to review a decision of the Board of Trustees.

Process

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 Vice President, Pension Management
- b) Step 2 – Appeal to the Appeals Subcommittee (as established under article 5.15 of the Sponsorship and Trust Agreement).

Parties to an Appeal

The following persons are parties to an appeal for the purpose of this Policy:

- i) individuals who have a right of appeal under this Policy (“appellants”) and their legal representatives, if appropriate
- ii) persons or entities, including employers, otherwise by law entitled to be parties to the proceeding, and
- iii) persons or entities, including employers, who in the opinion of the Appeals Subcommittee or its advisors should be parties.

The Appeals Subcommittee

- a) 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.
- b) The Board of Trustees shall:
 - i) select four Board members (two employer and two employee representatives) to sit as members of the Appeals Subcommittee; and
 - ii) select Co-Chairs of the Appeals Subcommittee (one employer and one employee representative) from this group.
- c) Any member of an existing Appeals Subcommittee hearing an appeal that has started 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 hearing that appeal, until such time as the appeal has concluded. In the event that a member is no longer a Trustee, a replacement will be added.

Delegation to the Appeals Subcommittee to Hear an Appeal

- a) Pursuant to this Policy, the Board of Trustees delegates any matter respecting an appeal to the Subcommittee pursuant to the exercise of the Board of Trustees’ authority to adjudicate appeals under the Plan.
- b) Upon a matter being appealed, the Co-Chairs of the Appeals Subcommittee shall choose two members (one employer and one employee representative) to hear the appeal.

Resolution of Conflicts of Interest

- a) A member of the Appeals Subcommittee shall not participate in an appeal where, due to the issues involved, the participation of that member could give rise to a reasonable apprehension of bias or conflict of interest.
- b) Where a member becomes unable to continue in an appeal, the other member (representing employers or employees) will join in the appeal.

- c) An appeal will not proceed with less than two members (one employer and one employee representative) of the Appeals Subcommittee.

Administrative and Logistical Support

The CEO and Plan Manager (or designate) will provide administrative and logistical support during an appeal. A designate cannot have been directly involved in the review conducted by the Vice President, Pension Management related to the matter under appeal.

Counsel to the Appeals Subcommittee

On the filing of a notice of appeal, or at such other time that it becomes apparent that an appeal is likely to be made, legal counsel may be retained to advise the Appeals Subcommittee on any relevant issues.

Resolution

In the event that the two members of the Appeals Subcommittee do not agree on a resolution, the appeal will be considered denied. In this case, the decision will be referred to the full Board of Trustees for an administrative review.

Advising Board of Trustees of Decisions

- a) All parties to an appeal shall receive written notification of the decision of the Appeals Subcommittee.
- b) 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

The Board of Trustees reserves to itself the power to decide any particular appeal or category of appeals or to delegate to a different committee the power to decide any appeal or category of appeals, as the Board of Trustees may consider appropriate.

Rules Respecting Practice and Procedure

- a) The Board of Trustees may make rules, from time to time, regarding practice and procedure before the Appeals Subcommittee.
- b) These rules may be of general or particular application.

Policy History

The Board adopted this policy on September 27, 2011.

The Board reviewed and amended this policy on December 2, 2014.