
Appeals Process

Section 1: Purpose

This document sets out the Plan's practices and procedures by which a decision made by Plan staff may be reviewed on appeal to the Chief Legal and Regulatory Affairs Officer and from there to 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 appeal. These practices are subject to amendment by the Board at its sole discretion, provided that they remain consistent with legislation, the Sponsorship and Trust Agreement, the Plan Text, the Appeals Policy, and the Code of Conduct. Individuals requesting an appeal should confirm that they have the most current version of this process by obtaining it from the Plan's website at www.caatpension.ca

Section 2: Appeal Hearings

Any individual directly affected by a decision of Plan staff in the interpretation or application of the pension plan rules in respect of an entitlement he or she may have under the Plan can ultimately appeal by written notice to the Appeals Subcommittee to request a final review of all or part of such decision, in accordance with these practices and procedures. This process has two steps, of which a review by the Appeals Subcommittee (or the Board of Trustees if the members of the Appeals Subcommittee considering the review cannot agree) is the second step. To appeal to the Appeals Subcommittee for a review of a decision individuals must complete the initial review step.

Section 3: Appeal Registration

The Chief Legal and Regulatory Affairs Officer conducts the initial review step. This step consists of a full review of the *Request for Appeal* form and materials presented by the individual and any related laws, policies, procedures, and other input gathered from Service Delivery staff or Pension Policy analysts. If the decision conveyed by Plan staff is upheld, the Chief Legal and Regulatory Affairs Officer will ensure that the individual is aware that an appeal may be filed with the Appeals Subcommittee of the Board of Trustees for a final review of the decision.

The Board of Trustees has appointed the CEO and Plan Manager to administer this process on its behalf. The *Request for Final Appeal* form and any related communications should be directed to the CEO and Plan Manager, who will ensure that all necessary materials are presented to the Board and that ongoing monitoring of issues is maintained. The *Request for Final Appeal* form and contact information for the CEO and Plan Manager are available on the Plan's website.

Section 4: What Matters can be appealed to the Appeals Subcommittee?

Any decision of Plan staff regarding the interpretation and application of the pension plan rules can be reviewed by the Appeals Subcommittee on appeal following completion of the initial review step. If the facts of the Member Review are consistent with one that had previously been considered by the Subcommittee or the Board, the Review may be denied by the CEO and Plan Manager after consulting with the members of the Appeals Subcommittee.

Section 5: Third Party/Legal Representation

Individuals may authorize another person, such as a lawyer, to initiate or pursue a final review to the Appeals Subcommittee on their behalf. The *Authorization to Discuss and Disclose Information* form is available on the Plan's website. The form includes authorization granting the representative access to the individual's personal information.

Upon receipt of the Request for Final Appeal form, the CEO and Plan Manager will direct all correspondence related to the appeal to the named representative. Such authorization may be revoked by written notice to the CEO and Plan Manager. The individual is bound by all actions of the representative prior to a written revocation being received.

Section 6: Process

1. All appeal related materials must be directed to the following address, by regular or registered mail, or delivered in person:

CAAT Pension Plan
250 Yonge Street, Suite 2500,
P.O.Box 40,
Toronto, ON M5B 2L7

or by fax at 416.673.9028. Email is not encouraged as it may not be secure, but it is an individual's choice.

2. Under Article 7.06 (g) of the Sponsorship and Trust Agreement, a two-step appeal 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:

Step 1 – Initial review by the Chief Legal and Regulatory Affairs Officer, CAAT Pension Plan

Step 2 – Final review by the Appeals Subcommittee of the Board of Trustees as established under article 5.15 of the Sponsorship and Trust Agreement or final review by the Board of Trustees if the members of the Appeals Subcommittee considering the review cannot agree.

The Appeals Subcommittee is an ad hoc committee composed of members of the Board of Trustees. The CEO and Plan Manager will be a standing non-voting member of the Appeals Subcommittee, will act as permanent secretary, and will provide the Subcommittee with any needed professional and administrative support as requested by the Subcommittee. The CEO and Plan Manager can appoint a designate for this role, and cannot make or second any motions.

3. Information on the appeal process will be communicated to Plan members through the Plan's website, which will also include the necessary forms.
4. The Chief Legal and Regulatory Affairs Officer for step 1 and the Appeals Subcommittee for step 2 must render a written decision.
5. The appeal files will contain the individual's submissions and supporting material, copies of all relevant information or records from the individual's pension file, copies of all relevant information or records collected by Plan staff on the Board's behalf from any employer affected by the appeal,

relevant legislative and procedural documents, and any review report(s) prepared by or for the CEO and Plan Manager.

Step 1: Review by the Chief Legal and Regulatory Affairs Officer

The individual completes a *Request for Appeal* form and submits it to the Chief Legal and Regulatory Affairs Officer with an explanation of the basis of the review and any additional clarifying or correcting information.

- 1.1 The form must be received within 60 days of the communication of Plan staff's original decision on the file.
- 1.2 The *Request for Appeal* form must include a detailed explanation of the objections to the decision and a description of any related errors or omissions, a statement of the facts supporting the appeal for a review, and a statement of the relief sought. The form must be signed, and must include the written explanation received from the Plan, and an *Authorization to Disclose Information* form, if appropriate.
- 1.3 Within 60 days, the Chief Legal and Regulatory Affairs Officer will review the submission and send the individual and any identified affected party a written explanation of the review. This communication will clearly address the basis of the administrative decision and its reasons. If appropriate, further information to appeal to the Appeals Subcommittee for a final review will be included.

Step 2: Appeal to the Appeals Subcommittee of the Board

- 2.1 Within 60 days of receiving the report from the Chief Legal and Regulatory Affairs Officer, the petitioner submits a *Request for Final Appeal* form to the CEO and Plan Manager with an explanation of the basis of the appeal for a final review and any additional clarifying or correcting information. The appellant may also request an in-person hearing on the form. The decision to grant an in-person hearing remains solely the discretion of the Subcommittee members considering the appeal. If the petitioner does not meet the deadline, the CEO and Plan Manager may grant an extension of time to file a *Request for Final Appeal*. In this case the petitioner must demonstrate by written application sufficient reason why the *Request for Final Appeal* was not filed on time.
- 2.2 The CEO and Plan Manager shall advise the Appeals Subcommittee of the Board of the Request for Final Appeal and the Appeals Subcommittee of the Board shall appoint two members, an employer representative and an employee representative, to consider the appeal.
- 2.3 The CEO and Plan Manager prepares the final review file for consideration by the Appeals Subcommittee at a date to be determined with the Appeals Subcommittee. This file will contain all submissions, explanations, decisions, and relevant legislative documents. If the CEO and Plan Manager reasonably believes that an employer may have within its possession or control relevant documents, information or records, the CEO and Plan Manager shall write to the employer on behalf of the Board of Trustees to request them. The Board of Trustees has the power to do this under Articles 7.06 (b), (d), and (h) of the CAAT Pension Plan Sponsorship and Trust Agreement.

- 2.4 Under Article 5.15 of the Sponsorship and Trust Agreement, the Appeals Subcommittee has all the jurisdiction and may exercise the powers and perform the duties of the Board of Trustees.
- 2.5 The Appeals Subcommittee will confirm, vary or reverse the decision or ruling in question. If the two members of the Appeals Subcommittee considering the review cannot agree, the review will be referred to the Board of Trustees for a review at its next scheduled meeting.
- 2.6 The CEO and Plan Manager will provide the petitioner and any other affected party with a written decision within 90 days of the conclusion of a review which outlines the decision reached by the Appeals Subcommittee or, if applicable, the Board of Trustees if the members of the Appeals Subcommittee considering the review could not agree.

2.7 There is no recourse within the Plan to review a decision of Appeals Subcommittee or the Board of Trustees.

Section 7: Withdrawing or Abandoning an Appeal

An appeal for a final review can be withdrawn at any time during the review process when the petitioner provides a written and signed notice. The Appeals Subcommittee will then issue a discontinuance of proceedings to all parties, indicating that the appeal has been withdrawn and the record is closed.

If the petitioner does not meet the deadlines for making submissions and does not make further contact with the Plan within a reasonable time period, the Appeals Subcommittee may also issue a discontinuance of proceedings to all parties, on the premise that the appeal has been abandoned.

Section 8: Confidentiality

It is likely that documentation provided during the hearing will contain sensitive personal information pertaining to the petitioner. The Board will return or destroy all confidential materials to the Plan administration office after completing a review. One copy of the materials, together with the minutes and other records of the Appeals Subcommittee proceedings, will be kept on file. All other copies will be destroyed. Decisions made on the Appeals Subcommittee will be posted on the applicable electronic document portal used by the Board of Trustees on a “no names’ basis.