

Dispute Resolution Policy for PSPP

Definitions

1. In this Policy
 - a. “administrative decision” means any decision made on behalf of the Corporation as administrator of the Plan with respect to an individual in regard to the Plan;
 - b. “Appeal Tribunal” means the tribunal established under Section 26, 27, 28 and 29 of this Policy;
 - c. “Applicant” means
 - i. an individual who is a member of the Plan; or
 - ii. an individual who is entitled to a benefit under the Planwho is dissatisfied with an administrative decision;
 - d. “APS” means the Alberta Pensions Services Corporation;
 - e. “Board” means the Board of Directors of the Corporation;
 - f. “Corporation” means PSPP Corporation;
 - g. “Chief Executive Officer” means the chief executive officer of the Corporation;
 - h. “Plan” means the Public Service Pension Plan;
 - i. “Policy” means this Dispute Resolution Policy for the Public Service Pension Plan; and
 - j. “reconsideration decision” means a decision by APS under Stage 1 of this Policy.
2. The *Interpretation Act* applies to the interpretation of this Policy and the Rules established under section 33.
3. Under this Policy, an administrative decision or reconsideration decision is issued to an Applicant when the administrative decision or reconsideration decision is sent to the Applicant and
 - a. the Applicant receives the administrative decision or reconsideration decision, or

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- b. the Applicant ought reasonably to have received the administrative decision or reconsideration decision or been aware of the administrative decision or reconsideration decision.

Limit on entitlement to use dispute resolution process in this Policy

- 4. No person other than an Applicant may use the dispute resolution process in this Policy.

Restriction on remedies available under the Policy

- 5. No resolution of any complaint, no reconsideration decision and no decision by the Appeal Tribunal made under this Policy shall award or provide or entitle any person to any benefits or any other remedy relating to a benefit unless that benefit or remedy
 - a. is expressly provided for in and permitted by the Plan; and
 - b. is consistent with
 - i. the *Joint Governance of Public Sector Pension Plans Act*, and in particular schedule 2 of that Act and the regulations under that Act;
 - ii. the *Employment Pension Plans Act* and the regulations under that Act; and
 - iii. the *Income Tax Act (Canada)* and the regulations under that Act.

Initiation of a dispute resolution process

- 6. An Applicant may initiate the dispute resolution process by filing a written notice of objection to an administrative decision with respect to that Applicant, setting out the reasons for the objection.
- 7. A notice of objection under section 6 must be delivered to APS no later than 60 days after APS issued the administrative decision to the Applicant.

Stage 1 - Reconsideration

- 8. APS must reconsider an administrative decision if an Applicant files a notice of objection in accordance with section 6 and within the time permitted under section 7.
- 9. APS may reconsider an administrative decision if the Applicant files the notice of objection outside the time permitted under section 7 if in the opinion of APS
 - a. the Applicant has demonstrated extenuating circumstances for the delay; and

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- b. there is no prejudice to any person or to the Plan from the delay.
- 10. APS must issue its reconsideration decision, with reasons, within 30 days after the notice of objection is delivered to APS.
- 11. An Applicant may consent in writing to an extension of time for APS to issue its reconsideration decision in which case APS must issue its reconsideration decision and reasons by the date specified in that consent.
- 12. APS may, before or after the time for issuing a reconsideration decision and reasons under section 10, request an extension by sending a written request to the Chief Executive Officer, with a copy to the Applicant, specifying the reasons for the request.
- 13. The Applicant may make a submission in writing to the Chief Executive Officer respecting the request for an extension no later than 5 days after the copy of the request was issued to the Applicant by APS.
- 14. After the 5 day period in section 13, the Chief Executive Officer may grant an extension in writing for APS to issue a reconsideration decision setting out a new deadline and may impose conditions on any extension.
- 15. The Chief Executive Officer is not required to provide reasons for a decision under section 14.
- 16. Despite anything in sections 8 to 13, APS is not required to reconsider an administrative decision if:
 - a. the Applicant fails to set out reasons for the objection; or
 - b. the notice of objection and the reasons for the objection do not warrant reconsideration because they
 - i. constitute an abuse or misuse of this Policy, or
 - ii. have no realistic prospect of success.
- 17. If APS fails or refuses to issue a reconsideration decision within the time
 - a. specified under section 10;
 - b. agreed to under section 11; or

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- c. specified by the Chief Executive Officer under section 14

the application for reconsideration is, at the option of the Applicant, deemed to be refused.

Stage 2 - Optional informal resolution process

18. If the Applicant is not satisfied with APS's reconsideration decision, the Applicant may, within 10 days after the reconsideration decision is issued to the Applicant, ask APS in writing to engage in an informal resolution process.
19. APS must respond to a request for informal resolution within 5 days and may
 - a. agree to participate in an informal resolution process; or
 - b. decline to participate in an informal resolution process.
20. If an Applicant and APS agree to participate in an informal resolution process, they
 - a. must specify the time during which the informal resolution process will occur and the date by which it must be completed;
 - b. must each acknowledge that the process will be conducted on a without prejudice basis and that any communications, written or otherwise, within the process will not be disclosed or used for any purpose other than endeavouring to resolve the dispute; and
 - c. may use the services of a mediator.
21. If the informal resolution process results in an agreement that resolves the matters in issue, in whole or in part, APS and the Applicant must document that resolution in writing.
22. For greater clarity, neither an Applicant nor APS is required to participate in an informal resolution process.

Stage 3 - Appeal to Appeal Tribunal

23. An Applicant may appeal
 - a. a reconsideration decision; or
 - b. a deemed refusal under section 17to an Appeal Tribunal subject to sections 24, 25, 26, 27 and 28.

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24. An Applicant who wishes to appeal a reconsideration decision or a deemed refusal under section 17 to an Appeal Tribunal must deliver a notice of appeal setting out the reasons for appeal to the office of the Corporation no later than 60 days
 - a. after the reconsideration decision is issued to the Applicant; or
 - b. after the date by which the reconsideration decision should have been made under section 10, 11 or 14.
25. If APS and the Applicant are engaged in an informal resolution process under Stage 2, they may agree in writing to extend the time for delivering a notice of appeal to a specific date.
26. Subject to section 27, the Chief Executive Officer must appoint an Appeal Tribunal to consider an appeal of a reconsideration decision if the notice of appeal is delivered within the time limit set out in section 24 or agreed to under section 25 and there are reasons stated for the appeal.
27. The Chief Executive Officer is not required to appoint an Appeal Tribunal to consider an appeal of a reconsideration decision if the notice of appeal and the reasons for appeal given do not warrant an appeal because they
 - a. constitute an abuse or misuse of this Policy, or
 - b. have no realistic prospect of success.
28. The Chief Executive Officer may appoint an Appeal Tribunal to consider an appeal of a reconsideration decision if the Applicant files the notice of appeal outside the time permitted under section 24 if in the opinion of the Chief Executive Officer
 - a. the Applicant has demonstrated extenuating circumstances for the delay; and
 - b. there is no prejudice to any person or to the Plan from the delay.
29. In appointing the Appeal Tribunal to consider an appeal of a reconsideration decision, the Chief Executive Officer must appoint:
 - a. one member of the Board who was appointed by an employee organization;
 - b. one member of the Board who was appointed by an employer organization; and
 - c. either the Board Chair or Board Vice-Chair. This appointment shall rotate between the Board Chair and Board Vice-Chair, subject to scheduling availability.

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30. On concluding an appeal of a reconsideration decision, the Appeal Tribunal may, subject to section 5:
 - a. affirm the reconsideration decision;
 - b. reverse the reconsideration decision, in whole or in part, and substitute its own decision; or
 - c. reverse the reconsideration decision, in whole or in part, and remit the matter to APS for further reconsideration with directions.

Rules applicable to appeals

31. The Chief Executive Officer may establish procedural rules for appeals of reconsideration decisions and deemed refusals, including rules
 - a. that allow the Chief Executive Officer or another employee of the Corporation to issue procedural directions in respect of any appeal;
 - b. respecting
 - i. the record for an appeal;
 - ii. disclosure and filing of documents and evidence;
 - iii. filing and exchange of arguments;
 - iv. service of documents;
 - v. interventions by persons directly affected by an appeal;
 - vi. the procedure for an appeal;
 - vii. the retaining of independent legal counsel for an Appeal Tribunal;
 - viii. time limits for any procedural steps; and
 - ix. any other matters that will allow the effective conduct of appeals.
32. The Chief Executive Officer must:
 - a. provide the Board with a copy of any procedural rules established under section 33; and
 - b. make the procedural rules available to members of the Plan, potential beneficiaries and APS.

Transition

33. For any administrative decision or reconsideration decision rendered between March 1, 2019 and the date this Policy is adopted by the Board, the time limit for

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- a. seeking reconsideration of an administrative decision; or
 - b. filing an appeal of a reconsideration decision
- starts on the date this Policy is adopted by the Board.

Approved: October 29, 2019