

Introduction

You can appeal decisions made by staff of the Ontario Teachers' Pension Plan about your entitlement to, or the amount of, a pension benefit. Here's how:

1. Contact our Client Services department at 416-226-2700 or 1-800-668-0105 to discuss your concerns with a Pension Benefits Specialist. Specialists are available weekdays, from 8 a.m. to 5:30 p.m.
2. If you are not satisfied, outline your concerns and the basis of your appeal in a letter addressed to a Client Services Manager.
3. If you are not satisfied with the manager's response to your letter, you can ask the pension plan's Director of Plan Policy to review your letter and provide a written response. (Instead of responding to you directly, the manager may forward your letter to the director for review.)
4. If you are not satisfied with the director's decision, you can launch a formal appeal to the Benefits Adjudication Committee (BAC) and have your issue presented at a hearing. Appeals are considered only if the first three steps fail to resolve your dispute.

Benefits Adjudication Committee (BAC)

The BAC is a standing committee of the Ontario Teachers' Pension Plan Board. BAC considers and resolves appeals about pension benefits provided under the Teachers' pension plan.

The BAC is an independent and impartial committee made up of:

- five nominees of the Ontario Teachers' Federation (OTF);
- three nominees of the Ontario Ministry of Education; and
- two members of the Board of the Ontario Teachers' Pension Plan.

No employees of the Teachers' pension plan sit on the committee. For a list of current BAC members, please consult the Board Committees page on our website at www.otpp.com. You will find the page in the Plan Governance section under the About Us tab.

Election to appeal to the BAC

1. File an appeal hearing form

If you want to appeal a decision of the Director of Plan Policy, complete the Benefit Appeal Hearing Request form. This form is provided with the letter you receive from the Director of Plan Policy.

The form requires you to select your choice of hearing format. You can present your case in person or your written submission can be considered without a formal presentation. More information on the hearing process is provided later in this publication.

After the BAC Secretary receives your hearing request form, you will receive a Notice of Hearing. This notice confirms the purpose, date, time and place of the hearing.

2. File a written submission

At least **60 days** before your hearing, submit an appeals package to the BAC Secretary that contains:

- Your name and address
- The basis for your appeal
 - Outline what you believe you should be entitled to and why.
 - Explain why you disagree with the pension plan's decision and how you believe staff incorrectly interpreted plan provisions.
 - Include all letters and other documents cited in your appeal.

- Your representative's name, address, and telephone number (if applicable)

You can appoint a representative to assist with your appeal any time before your hearing. The representative can be a lawyer, friend, family member, union representative, or anyone else that you choose. Your representative can accompany you to the hearing and even present on your behalf.

Before we can release personal information to your representative, we require your written authorization. The authorization, which can be a letter, must be signed and dated by you in the presence of an impartial third party who must also sign and date the document. Once authorization is received, both you and your representative will receive all future correspondence about the hearing.

Complaints about plan features

The Ontario Teachers' Federation (OTF) and the Ontario government, through the Minister of Education, set pension benefit and contribution levels. If you're unhappy about the benefits provided by the Teachers' plan, contact the OTF, your affiliate pension representative or the Ministry of Education. Pension plan staff and the BAC interpret plan provisions and legislation, but cannot change the terms of the Teachers' plan. Only the OTF and the government can change the pension plan.

Help available

Contact the BAC Secretary if you require information about the appeal process or procedures.

If you require information to assist in the preparation of your submission, please contact the Director of Plan Policy. Pension plan employees can assist you by providing:

- a more detailed explanation about the reasons for their decision;
- information from your personal pension file; or
- information about previous appeals involving the same or similar issues.

Confidentiality

All personal information you submit is treated as confidential in accordance with the pension plan's Privacy Code and Code of Business Conduct.

Preparing for the hearing

At least **45 days** before your hearing date, the BAC Secretary will provide you with a copy of the pension plan's submission. The submission explains the staff's decision and includes copies of all supporting documents. Review this submission as soon as you can. If, after reviewing it, you want to make an additional submission or provide more information in support of your appeal, you must do so at least **15 days** before the hearing date. This gives BAC members time to review the new submissions. If you cannot meet the deadline, contact the BAC Secretary.

Hearings

Hearing dates

Hearings are scheduled four times a year – in January, May, September and November. Dates are published in the *Benefit Appeal Hearing Request* form. This form is provided with the letter from the Director of Plan Policy.

Presentation

You can present your case in person or appoint a representative to present on your behalf. If you elect a hearing in person, you or your representative and a pension plan staff representative will make formal presentations to the BAC hearing panel. Make sure all the information you want to present at the hearing has been submitted to the BAC Secretary at least **15 days** before the hearing date. The BAC panel will ensure both you and the staff representative are given a fair and equal chance to present your information and arguments.

You will present your appeal first and then a pension plan staff representative will present his or her case. Any party is then permitted to ask questions. After the question period, the staff representative will summarize the plan's position and then you will be given the opportunity to summarize your position.

BAC hearing panel

A panel of six BAC members will review your appeal: two OTF nominees; two Ministry of Education nominees; and the BAC chair and vice-chair, both of whom are members of the Board of the Ontario Teachers' Pension Plan.

The decision

The BAC panel will meet privately to consider all oral and written submissions presented at the hearing. They will then vote on whether your appeal should be granted.

All parties will reconvene to hear the decision. A written decision, with the reasons for it, will also be provided to both parties within a reasonable time following the completion of the hearing.

The BAC panel may also defer a decision. In that case, the decision will be communicated to you in writing after the BAC reaches a decision.

In the event of a tie vote within the BAC panel, the appeal will be denied.

After the hearing

If your appeal is granted, a pension plan staff member will contact you to explain what is required to receive the benefit in accordance with the panel's decision at the hearing.

If your appeal is denied, and you remain dissatisfied with the result of the hearing, you may seek a judicial review of the BAC's decision by the Ontario Divisional Court.

The BAC chair will report your appeal and the results of the hearing to the Board of the Ontario Teachers' Pension Plan.

Key appeal deadlines

Deadline	Item
At least 60 days before hearing	You provide an appeals package to the BAC Secretary
At least 45 days before hearing	Pension plan staff provide a submission in response to your appeals package
At least 15 days before hearing	You may provide additional information in response to the pension plan's submission

Contacts

BAC Secretary

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