

Legal Services Trust Fund

LIUNA!

Local 837

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QUESTIONS AND ANSWERS ABOUT YOUR LEGAL PLAN

Q. WHAT IS THE LEGAL SERVICES PLAN?

A. The Labourers' Local 837 Legal Services Trust Fund is a group plan formed to provide legal financial assistance to the eligible members of LiUNA Local 837. Legal Service must be provided by a Lawyer in good standing with the appropriate governing body for the province. (eg. Law Society of Upper Canada, in Ontario)

Q. WHO ADMINISTERS THE PLAN?

A. The Labourers' Local 837 Health and Welfare Trust Fund provides the administrative services required for the Legal Trust Fund.

Q. HOW IS IT FINANCED?

A. Contributions to this Fund are made by employers based on an amount established through the Collective Bargaining Agreements. Eligible claims and administrative expenses are paid from the Trust Fund.

Q. WHO IS ELIGIBLE FOR THIS BENEFIT?

A. A Member is eligible if they are presently eligible for Benefits under the Labourers' Local 837 Health and Welfare Trust Fund. Legal services rendered for a period greater than 18 months from the date of submission will not be processed for reimbursement.

Q. HOW DO I USE THE LEGAL SERVICES PLAN?

A. If you have a legal problem, review your booklet and determine whether it is covered by the Plan; otherwise, call the Benefit Office for further assistance. The Plan has specific expenses that are covered with maximum dollar amounts or hours entitled for reimbursement. You should inquire with your lawyer the total costs that may be involved in any legal problem for which you are seeking legal advice. This will enable you and the lawyer to have a working understanding of what the Plan will absorb and what you will have to pay.

There is a general limitation of thirty (30) hours (in total) of legal services during a calendar year for any eligible Member, Spouse or Dependent Child under this Plan. Each code may only be utilized once in any calendar year and reimbursement is intended for legal fees only and no disbursements. Notwithstanding the above, any matter, action or court proceedings that may extend beyond a calendar year to complete, shall be deemed one proceeding and shall be entitled to coverage only once up to the maximum as per listed codes. All statements for services rendered must be submitted on the lawyer's letterhead, to be entitled for reimbursement. The Plan will reimburse part or all of the fees or charges of such lawyer in accordance with the prescribed fee schedule of the Plan. Cheques will be mailed directly to the Member.

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Q. WHAT IS EXCLUDED FROM PLAN COVERAGE?

A. The plan will NOT provide benefits or in any other manner pay for the following:

- fines and penalties, whether civil or criminal
- any judgment for civil damages, including judicially awarded costs
- disbursements attendant to the purchase or sale of real estate (e.g. registration fees, land transfer taxes, real estate agent's fee, etc.)
- title searches and survey fees
- legal services for appeals outside of Canada
- non-personal legal services (e.g., business or income producing matters, recovery of loans)
- matters involving federal, provincial, municipal or local election to any public office
- any proceeding against the Participant's employer or the Union, or any of their officers, agents, subsidiaries or dealers including any other labour union or association representing employees of the sponsors or any dispute involving the Plan
- any bankruptcy proceeding that would result in discharge of a debt owed to the Participant's employer or the Union
- proceedings against any benefit plan established or maintained by the Participant's employer or against any trust or insurance carrier through which benefits are provided to employees, retirees or dependents
- any proceeding arising under applicable Labour Relations Acts
- Workplace Safety & Insurance Board or Employment Insurance matters involving the Participant's employer
- fees incurred by Financial Institutions (e.g. Banks)

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A MESSAGE TO ALL ELIGIBLE MEMBERS

The legal Services Trust Fund, the “Plan”, is an important benefit and access to this plan will contribute to the peace of mind and well-being of Members and their families.

This booklet provides a description of the Legal Services Trust Fund which was adopted for eligible Members, Spouses and their Dependent Children, effective November 1, 1989.

This Plan has been instituted with the principle that its creation and operation will provide some financial assistance to eligible members in obtaining the legal services that may be required to protect the legal rights and interests of the Members and their families.

If you have a legal claim that fits any criteria for reimbursement outlined in this legal booklet, you are urged to mail or drop off your documentation to the office of the Administrators of the Plan.

When you or a Dependent Member of your immediate family discusses any of your legal issues with any staff of the Plan office, seeking assistance in accordance with the Plan, you can be assured that all discussions will be on a confidential basis.

The Plan shall refuse to provide reimbursement for services in any matter it believes to be clearly without merit or is frivolous.

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LABOURERS' LOCAL 837 LEGAL SERVICES TRUST FUND

ELIGIBLE MEMBERS

A Member who is currently eligible for benefit coverage under the Labourers' 837 Health and Welfare Trust Fund at the date of service, is eligible. Members shall continue to be eligible for benefits as long as they remain eligible under the Health and Welfare benefit plan.

Dependents of a Plan Member are also covered. The term "Dependent" is defined for purposes of these eligibility requirements to include any person with the following relationship to a Plan Member:

1. Spouse (as completely described in the most current Group Benefit Plan Booklet)
2. An unmarried child (including adopted and step-children) from live birth but under the age of 21 who is living at the principal family residence of a Member and is Dependent on the Member for support and maintenance and are not employed on a regular and full-time basis. Also, an unmarried child under the age of 25 who is attending school at an accredited college or university and is Dependent on the Member for support and maintenance (a letter confirming full-time attendance must be provided to the Benefit Office each year).

The following is a schedule of services covered under the Labourers' Local 837 Legal Services Trust Fund Program, and the Maximum amounts payable for each service.

1. Real Estate Matters

A Member shall be reimbursed to a maximum as per schedule, for legal services in connection with the sale or purchase of a family dwelling which shall be used by the Member's family as it's principle residence. The purchase of a lot on which to build a family dwelling (providing a building permit is issued within 1 year) and the purchase of a vacation property. Services in the arrangement of a new, or the renewal of mortgages, is also covered under the plan. A Member shall not be entitled to reimbursement in connection with legal services for commercial or income producing property.

Maximums include 1 sale, 1 purchase and 1 renewal in any 12 month period. Vacation Property shall be limited to a lifetime maximum of 1.

CODES		AMOUNT
11	Purchase Family Dwelling	\$550
12	Sale Family Dwelling	\$550
14	Purchase Lot for Family Dwelling	\$550
15	Purchase Vacation Property	\$550

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16	Mortgage New or Renewal	\$350
17	Discharge of Mortgage	\$150

2. Divorce and Domestic Proceedings

The Spouse of the Plan Member (i.e. the Spouse of the Member in respect of whom the contributions are being made for coverage under the Plan) shall be entitled to reimbursement in connection with any matrimonial or divorce proceedings to a maximum as per schedule.

Notwithstanding that the matter, action or court proceedings may extend beyond a calendar year to complete, coverage shall be limited to one payment up to the maximum as per listed codes. Reimbursement of claims for the Member and a Spouse shall include preparation of separation agreement, filing a petition for divorce or separation and all other acts necessary for terminating the relationship, establishing the custody of the children and effecting an equitable distribution of property subject to the maximum as per listed codes.

Cheques for legal services for a Member's Spouse in divorce or separation matters will be made payable to the spouse and mailed directly to their address. The spouse will be required to submit his/her SIN and address.

Under this item, each Member or Spouse, as the case may be, shall be entitled to representation in respect of the following:

- Divorce
- Separation (including Agreements)
- Modifications
- Adoption
- Guardianship
- Family Court
- Change of Name
- Birth Certificate Assistance
- Passport Assistance

CODES		AMOUNT
21	Divorce Member	\$500
22	Divorce Spouse	\$500
23	Separation Member	\$500
24	Separation Spouse	\$500
25	Separation Agreement-Member	\$400
26	Separation Agreement- Spouse	\$400
27	Modification	\$300
28	Adoption	\$300
29	Guardianship	\$300
30	Family Court	\$500

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31	Change of Name	\$250
32	Birth Certificate Assistance	\$200

3. Preventative Law

Each Member shall be entitled to reimbursement for legal advice and/or consultation on any problem that Member believes to be of a legal nature, to a maximum of \$100 per hour as per schedule.

CODES		AMOUNT
33	Preventative Law	2 hours

4. Non-Complex Legal Documents

Legal documents which are not deemed to be excessively complex will be reimbursed for the Members and their Spouse, to a maximum as per schedule. This item includes but is not limited to the following:

- Powers of Attorney
- Deeds
- Simple Contracts
- Leases
- Notarized Affidavits

CODES		AMOUNT
41	Power of Attorney	\$100
42	Deeds (transfer of)	\$100
43	Simple Contracts	\$200
44	Leases (non-commercial)	\$150
45	Notarized Affidavits	\$ 25

5. Wills and Estates

Members and/or their spouses shall be entitled to reimbursement for what is commonly regarded as a Simple Will, i.e., a Will which does not include the creation of any trust or other estate. A Member and/or his spouse shall, for the duration of membership in the Plan, be entitled to reimbursement for a periodic review and amendment of all testamentary instruments, including the preparation of new Wills and/or Codicils not to exceed \$100 per Member and Dependent in any 12 months, to a maximum as per schedule.

The Legal Fees on the Statement of Account must be broken down per person. If Powers of Attorney are included, they must be broken down as well.

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CODES		AMOUNT
51	Simple Will Member	\$100
52	Simple Will Dependent	\$100

6. Landlord and Tenant Matters

A Member, as Lessee, shall be reimbursed to a maximum as per schedule, in connection with any claims or controversies arising out of a lessor-lessee relationship in respect of their apartment or dwelling. Proceedings in which the Member is the Landlord will not be a covered benefit under this plan.

CODES		AMOUNT
61	Leases/Tenancy	\$300

7. Consumer and Personal Property Law

A Member shall be entitled to reimbursement from the Plan to a maximum as per schedule in connection with any claim against a manufacturer, distributor or retailer for defects in any merchandise, article or service or in a recovery on any warranty given in connection with the sale of any merchandise, article or service, where such claim is in excess of \$500.

Subject to the above limitation, the Plan may provide legal services to a Member in connection with the following:

- Contracts/Warranty
- Retail Installment Credit Act
- Bankruptcy – Voluntary petition not involving any business
- Garnishment of Wages
- Tax advice, excluding Preparation of tax returns

CODES		AMOUNT
71	Contracts/Warranty	\$100
72	Retail Installment Credit Act	\$300
73	Bankruptcy	\$400
74	Garnishment of Wages	\$300
75	Tax Advice	\$250

8. Litigation (defendant)

A Member shall receive reimbursement to a maximum as per schedule, for claims in connection with any civil action or civil administrative proceeding in which the Member, Spouse or Dependent is named as defendant or respondent provided that such representation shall not exceed fifteen (15) hours at **\$100 per hour** maximum,

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in a calendar year, for any litigation not represented by an insurance company. Any matter, action or court proceedings that may extend beyond a calendar year to complete, shall be deemed one proceeding and coverage shall be limited to one payment up to the maximum as per listed codes.

Members shall be required to pay any disbursements in connection with such defensive litigation including the costs of discovery, witness fees, etc.

9. Litigation (Plaintiff)

A Member shall be reimbursed in connection with the filing of a civil or administrative action for and on behalf of the Member in connection with any material injury to person or property for the deprivation or injury to any constitutionally or statutorily guaranteed right, any right conferred at common law for the adjustment of any grievance both recognizable and actionable in either law or equity, at a maximum hourly fee of **\$100 per hour** in a calendar year. No reimbursement shall be available under this item for any action that is either non-meritorious, vexatious, contrary to public policy and any action that the plan considers to be minor in nature.

In the event any damages are recovered or some form of monetary claim effected, the first \$4000 of any such recovery shall be free of any assessment by the Plan for legal costs expended on the Member's behalf. The Plan shall be entitled to recover any legal costs expended on behalf of the Member from costs awarded by the court and from any monetary settlement in excess of \$4000.

CODES		AMOUNT
81	Defendant Representation	15 hours
82	Plaintiff Representation	15 hours

10. Government Programs and Assistance

- Social Assistance
- Employment Insurance Administration
- Immigration

A Member shall be entitled to legal reimbursement to a maximum as per schedule, on behalf of himself or dependents in any matter requiring legal services on matters arising out of disputes or appeals with Social Assistance, Employment Insurance and Immigration matters.

CODES		AMOUNT
91	Social Assistance Administration	\$150
92	Employment Insurance Administration	\$150
93	Immigration	\$150

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11. Insurance Related Matters

Members shall be reimbursed in connection with any claim against his insurer (except for benefits provided by Local 837) by reason of failure to provide or pay the benefits as contracted for or to render advice in the interpretation of any policy provision. Included, but not limited to, are the following forms of insurance to which this item is addressed.

- Accident and Health
- Life and Annuity
- Fire and Homeowners
- Casualty
- Automobile Liability
- Marine

In the event it is necessary to litigate any claim against an insurance carrier, the conditions set forth in item 8 hereinbefore shall apply.

CODES		AMOUNT
101	Accident and Health	\$250
102	Life and Annuity	\$250
103	Fire and Homeowners	\$250
104	Casualty	\$250
105	Automobile Liability	\$250
106	Marine	\$250
107	Other	\$250

12. Automobile Related Matters

Members shall be reimbursed to a maximum as per schedule, in connection with the following automobile detailed events on a per case basis:

Parking violations are excluded from coverage under this item. Litigation under this item is subject to the limitations set forth in Item 8.

CODES		AMOUNT
201	Civil Actions	\$500
202	Damage and Personal- Injury	\$500
203	Uninsured Motorist	\$400

12. Criminal Matters –

Members and their dependents shall be entitled to reimbursement to a maximum as per schedule, under Provincial or Federal Statutes for the following provided they were eligible for Benefits when charged:

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- Summary Conviction Matters
- Indictable and Hybrid Offences
- Impaired driving/driving over (0.8 mg)

Representation for driving while impaired/driving over 0.8 mg is limited to 1 charge in any 12 month period and lifetime maximum of 2 charges. The Plan will pay 50% of the legal fee up to a maximum of \$500.00.

CODES		AMOUNT
301	Highway Traffic Act	\$400
302	Provincial Offenders Act	\$500
303	Criminal Code of Canada 50% to Max.	\$500

Administration of the Plan

During any year, a Member, Spouse or Dependent Child may individually or jointly receive no more than thirty (30) hours of legal reimbursement, within the calendar year. Any matter, action or court proceedings that may extend beyond a calendar year to complete, shall be deemed one proceeding and coverage shall be limited to one payment up to the maximum as per "listed code".

The Trustees shall be the governing body of the Plan. The Trustees may at any time and from time to time amend or modify or suspend the Plan and any and all parts and portions. Except as to the practice of law activities, the Trustees shall have full power and authority to the practice of law activities.

The Law Firm retained by the Trustees from time to time shall have full power and authority to interpret the Plan and all provisions thereof, and all such interpretations so made shall be final and binding.

Termination of the Plan

The Plan may be terminated at any time deemed necessary or appropriate by the Trustees. Legal expenses will be borne by the Member from the date of termination of the Plan.

Taxable Benefit

All claims paid by the Plan in any given taxation year are considered to be Taxable Benefits and as such a T4A will be issued. This T4A is to be included into Taxable Income when filing your Income Tax and Benefit Return as "other income".

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- Notes -

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