

## Policy on Reimbursement of Certification Costs

### Background

Wherever possible, CAUT encourages ~~local~~-member academic staff associations to pursue certification under the appropriate trade union act. -By way of support, CAUT provides financial assistance to member associations in order to defray the costs incurred in their efforts to certify. Authorization for payment of costs related to certification is the responsibility of the CAUT Executive Committee.

### 1

#### Purpose

The primary purpose of the fund is to assist ~~local~~-member associations to defray legal expenses related to their initial application for certification.

#### 1.1

Applications for assistance for other reasons may also be considered on a case-by-case basis. For instance, funds may be made available to assist a ~~member~~~~local~~ association defend its existing certification, certify new groups, or merge bargaining units.

### 2

#### Procedures

The following procedures will be followed with respect to applications for financial assistance:

#### 2.1

Applications for assistance must be made in writing to the Executive Director.

#### 2.2

Applications must outline the purpose for the request, for instance, whether it is an initial proceeding, a successive proceeding or an application to enhance an existing bargaining unit or organize a new unit.

#### 2.3

Applications for financial assistance must also include a description of plans for retention of any legal counsel as part of the certification process, including an estimate of time and hourly rates and any related overhead costs. As CAUT has worked with several law firms in most provinces in Canada, which has resulted in their becoming educated in the workings of universities and appropriate labour legislation, retention of legal counsel must be made in consultation with, and the agreement of, CAUT.

#### 2.4

The Executive Director will contact the ~~local~~-member association should any additional information be needed prior to its consideration by the CAUT Executive **Committee** and will then forward the application to the Executive **Committee** for approval.

## 2.5

In the event that the application for assistance is not for an initial certification, approval will be subject to receiving a positive opinion from CAUT ~~professional officers~~**staff**, with respect to the likelihood of success.

## 2.6

The decision of the Executive Committee will be communicated in writing to the local association.

## 2.7

Once the Executive **Committee** has given approval, the ~~local member~~ association should contact their legal counsel to request that they consult with ~~the assigned CAUT professional officers~~ prior to the preparation of a submission or the undertaking of research. ~~The CAUT professional officers~~**staff** will provide any information or relevant data that they deem appropriate. In addition, in issues involving significant time on the part of counsel, such as court action, the ~~local member~~ association must consult with ~~the assigned CAUT staff professional officers~~ prior to referring the matter to counsel.

In order to maintain costs at a reasonable level, CAUT lawyers and other ~~collective bargaining professional officers~~**staff** must be used whenever possible. -When seeking advice, the association must first resort to CAUT.

CAUT can and will provide telephone, written or on-site assistance on all matters relating to organization and the certification drive at no cost to the ~~local member~~ association. This assistance may include legal advice on matters which arise during the course of the organizing drive.

Once the drive is completed, the ~~member local~~ association must submit its plan for seeking labour board approval to the Executive Director of CAUT. -Upon approval, CAUT will cover the appropriate costs according to this policy.

## 2.8

Requests for reimbursement of expenses must be accompanied by a sufficient description of the nature of and reasons for the expenditure. Legal fees must include a breakdown by hours and rates. Such requests will be forwarded to the Executive Committee to approve payment. Expenditures must be supported by receipts wherever practical.

## 3

### Eligible Expenses

The following items will be considered eligible expenses for reimbursement:

### 3.1

Professional legal fees in relation to certification.

### 3.2

Travel in excess of 80 kilometres to consult legal counsel or attend labour board hearings.

### 3.3

Related overhead costs charged by legal counsel such as photocopying, postage and courier services.

#### **4**

##### **Ineligible Expenses**

CAUT funds are not available to assist with administrative expenses of the ~~local~~-member association or the costs of the certification campaign among its membership. Moreover, these funds are not designed to defray expenses incurred by legal counsel on matters that could reasonably have been dealt with by CAUT. Any questions concerning whether particular items are eligible expenses should be referred to the CAUT Executive ~~Committee~~Director.

#### **5**

##### **Amount of Assistance**

##### **5.1**

In the case of an application for initial certification, approved expenses will be reimbursed by CAUT to the local association on the basis of the following formula:

- all of the first \$~~150~~,000;
- 2/3 of the next \$~~2015~~,000; and
- 1/3 of the subsequent \$~~350~~,000.

Thus CAUT's cost sharing formula applies to the first \$~~7055~~,000. Expenses beyond \$~~7055~~,000 shall normally be the responsibility of the local association, subject to negotiation with CAUT. The local association may apply for a loan from CAUT for assistance with its portion of the approved expenses.

##### **5.2**

In the case of any other application for assistance, the contribution of CAUT will be determined by the CAUT Executive Committee.

**Approved by the CAUT Council, May 1997; amended November 2002,  
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Revised by the CAUT Executive Committee, September 2018.**