

Legal Services:

1) LEGAL SERVICES

General Information

- a) This policy outlines the procedures and processes used in the YTA's approval of legal assistance. The Executive Director is responsible for retaining legal services for the benefit of Active Members.
- b) Legal assistance may be provided to YTA members in good standing to aid in their representation to address issues of professional difficulty.
- c) Professional difficulty shall mean any matter directly arising from the employment relationship which adversely affects the member's collective agreement rights & entitlements, human rights, tenure, remuneration, pension benefits, conditions of work, professional status and the free exercise of professional duties.
- d) As a general policy, the YTA does not provide legal assistance to an individual member facing civil suit or criminal charges. Executive Committee approval and support for legal assistance may be granted, entirely at the discretion of Executive Committee, for certain civil or criminal actions that arise out of or in the course of a member's employment, where, in the opinion of the Executive Committee, the outcome may be significant for not only the individual member, but the general membership.
- e) Legal assistance for the cost of any appeal in any process is subject to Executive Committee approval and support.
- f) Legal assistance granted to an Active Member in accordance with this policy will, as a general rule, be continued to the completion of the specific case initiated while the member was an Active Member irrespective of whether the member's membership status alters in the interim.
- g) Access to legal assistance is a privilege of Active Membership and is not a right of a member.

Procedure

- a) Authorisation from the YTA Executive Committee for the engagement of legal assistance must be sought in advance of engaging legal services. No legal case initiated by a member will be supported by the YTA unless the YTA authorised the legal assistance.
- b) The provision of any legal assistance, including any continued legal assistance, is subject to prior consultation with and the agreement of the Executive Committee.

- c) Legal opinions must be reviewed and considered by the Executive Committee if legal assistance was obtained and a decision regarding the future conduct of a matter is required.
- d) The provision of legal assistance may be withdrawn by the YTA if the teacher fails to aid and co-operate with the YTA and its appointed legal counsel and/or fails to reasonably follow the advice of the YTA and its appointed legal counsel.
- e) Written requests by Active Members for the provision of legal assistance at the cost to the YTA relating to any proceeding or matter not contemplated by this policy will be considered and decided on a case by case basis by the Executive Committee where, in the opinion of the Executive Committee, the outcome may be significant for not only the individual member, but the general membership.