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photo: S. Horn

## ANNIVERSARY ISSUE

The CHR Trust Settlement Agreement between NIICHRO and Her Majesty represented by Treasury Board and Health Canada was signed on June 30, 2000. In the past year, the Trustees have been appointed, NIICHRO has put the CHR Compensation Office in place, and the Registration and Information Booklet was prepared and distributed. The Compensation Office is working on bringing to completion over 1150 applications for compensation. Last year, it was stated that the Good Faith payments would be given out on or around June 30, 2001. Instead of one Good Faith payment, the payments will be distributed at three separate time periods: March and August 2001 and again in January 2002 as more files are validated. Regular communication every three months is done through the NIICHRO Compensation Newsletter to assure that CHRs are kept informed of the progress made in the Trust Settlement.

### 1. JULY GOOD FAITH PAYMENT

The Trustees met on July 6, 2001 to approve the July Good Faith payment. The Trustees only reviewed files validated by T4 and T4E information. There are 380 CHRs that were approved to receive a payment. The other CHRs had insufficient information to determine if they were underpaid or it was determined that they were not underpaid so they did not receive a payment.

### 2. COLLECTING SALARY INFORMATION

The first applications were received in the fall of 2000. By the first anniversary of the signing, the Compensation Office has received over 1150 applications for the Community Health Representative wage compensation. The main task is to build the income history of each CHR application to determine if they are eligible for compensation. In March 2001, 208 CHRs were sent release forms, informing them that they had been underpaid and were approved to receive compensation and a Good Faith Payment. The next step is getting salary information from the rest of the CHRs to confirm if they were underpaid and by how much. An important reminder to all CHRs is that the more information collected the more accurate the amount of the estimated compensation.



photo: Lylee Williams

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*" Knowing  
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The CHR's have provided all types of income information such as the hours worked and earnings for every year employed as a CHR, band letters, pay stubs, pension plan records, pay roll records etc. This information is used to prepare a draft of a CHR's employment history.

The actuary compares what the CHR earned to the rate per hour that a CHR would have made corresponding to the seniority level of the CHR and the region where the employer was located. The underpayment for every month accumulated was indexed at the interest rates on Canada Savings Bonds from the month of the underpayment to the date of the Settlement, June 30, 2000. The indexed underpayment is what forms the basis of the distribution of the Settlement amount between eligible CHR's.

### **3. VALIDATION**

When the income figures presented by the CHR and those from Canada Customs and Revenue Agency (CCRA) match, the information for those matched years are considered validated. An approval for payment is only given for the years that are validated with T4 and T4E information. A CHR may have worked for 10 years but only 5 years of information has been validated therefore these 5 years are used in calculating the estimated compensation and Good Faith payment. Please note that when more information is validated, the additional information is included when your file is re-assessed.

When the income figures do not match, the CHR and/or the employer are contacted for clarification. Differences in the figures could be due to factors such as the applicant was only a CHR ½ time, may have taken a leave of absence for a short period or the end and/or start dates are clarified. It is understandable that the applicant cannot remember the exact start and end dates as a CHR since the eligibility period does span 20 years. These dates can be determined either through the Band's employment contract, Health Canada records or from Human Resources Development Canada's Record of Employment. Knowing the exact start and end dates helps in determining the proper level of compensation.

The problem faced by everyone involved is that the amount of information coming back from CCRA to validate files is minimal. NIICHR0 had sent CCRA a total of 1150 consent forms and only got back salary information for 459 CHR's. CCRA only began searching for T4 and T4E information in April 2001. This has reduced the number receiving the July Good Faith Payment. Since January 2001, the Trustees and NIICHR0 have looked for ways to regulate the problem and have the T4 and T4E searches start right away. Oliver Okemow, President of NIICHR0 wrote to the Minister of Revenue to request assistance from his department to speed up the search. Others have petitioned government sources to promote assistance in resolving the problem.

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#### 4. CONSENT FORMS

In the application, the three (3) consent forms must be signed to allow NIICHRRO to get the CHR's salary information from the government: Human Resources Development Canada (HRDC), Health Canada and Canada Customs and Revenue Agency (CCRA). Information supporting the CHR's request for compensation is being received in a reasonable amount of time from Health Canada and Human Resources Development Canada. As mentioned before, that is not the case with CCRA. As part of the validation process, CHRs that give all their salary information will still have their consent forms sent to the government. The government information is used to confirm the information submitted by the CHR.



#### 5. APPROVAL FOR COMPENSATION

Once a CHR is approved to receive compensation, they will receive a letter providing them the amount of the estimated compensation with the following in duplicate:

- ✓ An official release form "in favour of Her Majesty" with their name, social insurance number and the amount of their Good Faith Payment
- ✓ An official release form "in favour of the Trustees and the Settlor" with their name, social insurance number and the amount of their Good Faith Payment
- ✓ A "Declaration of Eligibility" that confirms that they are eligible for compensation

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*"CHR's that have  
already received  
a payment..."*

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**Cheques will only be distributed when the NIICHRRO Compensation Office receives the two original signed release forms and the signed declaration. Faxes will not be accepted.**

**REMINDER:** CHRs that have already received a payment, if you have not sent in your original signed release forms, please do so now as your file is still on hold. If you no longer have the release forms, contact your Claim Agent and they will be sent by mail in a NIICHRRO-addressed stamped envelope.



photo: Lylee Williams



## 6. THE TRUSTEES & THEIR ROLE

The Trustees have met regularly and meet face to face as needed. The CHR Settlement Trustees are Margaret Horn, Kathleen Mahoney, Norma Diamond, Rachel Ermineskin and Joe Marino, representative of the Royal Trust Corporation. The Trustees are to act in the best interest of the Beneficiaries. They are to administer the fund in trust, employ the resources necessary to identify eligible CHRs, make distributions from the settlement only when supporting documents have been collected, collated and verified, have a distribution model formulated and on the first distribution to a Beneficiary, have the release forms in favour of Her Majesty and in favour of the Trustees and Settlers signed. They will have the discretion to determine if distribution is from the Trust Fund interest income or from the capital as long as each CHR is treated in an equitable manner.

The Trustees have the responsibility of making decisions regarding the Trust. They are the ones the NIICHR Board has chosen to carry this burden of responsibility, i.e. the power to make decisions in the best interest of the beneficiaries who are all CHRs. The responsibility of making decisions rests with the Trustees. This is for efficiency purposes as well as liability purposes. If the Trustees make a wrong decision, they are the only ones responsible. This responsibility cannot be handed over to anybody else. The Trustees have accepted the appointment and must bear the responsibility of the job and take responsibility of all decisions. The NIICHR Board is kept informed of what is going on through the newsletter and monthly board reports. However, the decision-making role rests with the Trustees and cannot be shared with others so that others take responsibility. That is not permissible because then the Trustees would not be fulfilling their responsibility in the proper manner.

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*"CHR Trust  
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## 7. UNDERPAYMENT IS KEY ISSUE

The CHR Trust Settlement is to address underpaid CHRs. There are CHRs that want the process to go faster and have expressed that they should have just taken the previous Health Canada offer of up to a maximum of \$5,000. This was not acceptable. They deserve more than the \$0 - \$5,000 that was offered, depending on the years they worked. However, it takes time to build the employment history of each applicant to determine if they were underpaid and then have this confirmed by T4 and T4E information from Revenue Canada. If the income you earned while employed as a Community Health Representative was greater or equal to the General Services pay scale, you were not underpaid therefore you will not receive a compensation payment.

(Comments from CHRs that received a payment in March 2001)

"I'm thrilled! I did not know what to expect, so if I got a few dollars, that would be great. When I received the package, I found it was clear and liked that there was a sample to follow. I was surprised how fast I got a payment. Lucky that I save everything; I'm a packrat and had all my pay stubs. It was good that I kept my documents like the band letter with my starting salary. I am really happy. I put the money in the bank towards my retirement.

Carole Walker

Kahnawake, Quebec CHR

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“ I didn’t think that the CHRs would get compensation. Then I learned about the Settlement through the local CHRs and wasn’t sure my Grandfather was eligible. I was pleased (to get a payment). It was unexpected really. I know my grandmother needs it. She bought herself some household items like a washer etc.”

Pamela Spence  
Executor of the Estate of John D. (Jock) Spence  
Nelson House, Manitoba CHR

“ Happy. It took a few years and I would like to say thanks for working on getting the money to us. I am looking forward to the next payment [in June 2002]. We are building a new home so we put some money on that. I bought the kids some clothes and a few other things.”

Priscilla Marks  
Old Masset, British Columbia CHR

## 8. UNOFFICIAL RELEASE FORMS

In the April 2001 newsletter, a sample of the cover letter and the release forms was shown. The word SAMPLE should have been written across them. Putting these forms in the newsletter was to show the CHRs what to expect when they are approved for a payment. The Compensation Office received a number of the newsletter’s release forms signed by CHRs. These CHRs expect to receive a payment upon signing the forms. This is not the case. Only if a CHR is eligible for compensation and approved for a payment will the official release forms be sent. They contain the following information:

- ∨ Their name on the top line;
- ∨ The amount of their Good Faith Payment

The “newsletter” release forms that were signed and returned to NIICHR are not considered valid legal documents. CHRs that are approved compensation will receive an envelope marked CONFIDENTIAL containing a letter indicating the compensation estimate, two official release forms in duplicate, a Declaration of Eligibility and a NIICHR-addressed stamped envelope.



photo: S. Horn family (original, unknown)

## 9. TRUST AGREEMENT ON THE INTERNET

As of June 1, 2001, the CHR Trust Settlement is available on the NIICHR0 website: <http://www.niichro.com>. The Settlement is only available to claimants. CHRs that are registered with the Compensation Office can contact Kim Norton at the Compensation Office to verify that they are on the list to get the password. For the month of June, over 35 CHRs have accessed the Internet document.

## 10. CLAIM AGENT BY REGION

The Compensation Office receives numerous calls daily and that means that when you call, you may not be able to reach your Claim Agent. Especially prior to a Good Faith payment, the number of calls to and from CHRs increases dramatically. As an example, there were 2200 incoming and 1400 outgoing calls as well as 414 faxes received in May. The Compensation Office staff appreciates your patience and understanding in this matter. Please be sure to leave your full name and telephone number along with the area code and your Claim Agent will contact you as quickly as possible.



Photo: S. Horn

### Toll-free Help-lines

Telephone: 1 (866) 644-2476 Fax: 1 (866) 635-3135

Extension	Claim Agent	Region
222	Ken Williams	Ontario and Manitoba.
223	Kim Norton	Alberta, Saskatchewan & Internet Access
224	Brandi Meloche	Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, British Columbia, Yukon, North West Territories and United States.

