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"St. Lucie at Dusk"
Photo: L. Williams

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JUNE 30, 2003 APPLICATION DEADLINE

The Trust Settlement allows 36 months from the signing of the Agreement for applicants to submit a claim. Since the Settlement was signed on June 30, 2000, the deadline to submit an application for compensation from the CHR Trust Settlement is June 30, 2003. If you know of an individual who meets the eligibility requirements, please have him/her contact 1-866-NIICHRO (1-866-644-2476) to request a free copy of the *Community Health Representatives TRUST SETTLEMENT Information and Registration Booklet*.

Verification of the information provided and/or any information received from other sources could result in a revision of a claimant's eligibility or of his/her total estimated share of the Settlement.



DEFINITION OF "ELIGIBLE CHR"

The definition of "Eligible CHR" is provided in the Trust Settlement.

"Eligible CHR" means an individual who worked for income and provided service as a CHR to a First Nation, Innu or Inuit Entity at any time between September 9, 1980 and June 30, 2000, pursuant to a funding agreement for a CHR between that Entity and Her Majesty, and includes the personal representatives of any deceased or incompetent individual but, for greater certainty, does not include an individual employed under *the Public Service Employment Act (Canada)*, the *Public Service Act (Northwest Territories)* or under a funding agreement with a provincial government, the Government of the Northwest Territories or of Nunavut as "successor in title" for the period of time during which the individual was so employed.

Therefore, to be eligible for compensation from the CHR Trust Settlement, you must be able to prove **ALL** of the following:

Employed:	Worked for income as a CHR
Dates:	Between September 9, 1980 and June 30, 2000
Employer:	First Nation, Innu or Inuit Entity
Title:	CHR
Funding:	Contribution Agreement specifically for a CHR
Parties:	Her Majesty and the First Nation, Innu or Inuit Entity

Please be advised that all claims are subject to an ongoing verification process. Verification of the information provided and/or any information received from other sources could result in a revision of a claimant's eligibility or of his/her total estimated share of the Settlement.

INELIGIBLE CLAIMS

COMPARABLE COMPENSATION RATES

NIICHO's 1992 complaint to the Canadian Human Rights Commission and the subsequent litigation that resulted in the Trust Settlement was based on the fact that band-employed CHRs were being discriminated against because they were excluded from the 1987 Tribunal Consent Order regarding wage parity for federally employed CHRs who were under the Public Servant classification of Hospital Services Group (HS-03) or General Services Group (GS-03). The fund being litigated was the Contribution Agreement between the Band and her Majesty, which designates specific funding for CHRs. The litigation did not include funding from other government program funds.



The CHR wage parity compensation is based on the rate of pay equivalent to the following Public Service classifications:

CHR Position:

- ▶ GS-05 for the period September 9, 1980 – December 21, 1987
- ▶ HS-05 for the period December 22, 1987 – June 30, 2000

CHR in Training/Trainee

- ▶ GS-04 for the period September 9, 1980 – December 21, 1987
- ▶ HS-04 for the period December 22, 1987 – June 30, 2000

Referral Clerks and Transportation Coordinators fall under the CR classification and therefore are not eligible for compensation under the CHR Trust Settlement .

The Compensation Office has received compensation applications that are considered not valid or “ineligible.” A claim is **NOT** valid if:

- ✧ The applicant is requesting compensation for a period prior to September 9, 1980;
- ✧ The applicant is requesting compensation for a period after June 30, 2000;
- ✧ The applicant was employed by the Government of Canada;
- ✧ The applicant was employed by the Government of a Province;
- ✧ The applicant did not hold the job title of Community Health Representative; or
- ✧ The applicant was not funded through a Contribution Agreement for a CHR.

The CHR Trust Settlement is to compensate underpaid Community Health Representatives and not Referral Workers, Medical Transportation Coordinators, Mental Health Workers, Environmental Health Workers, Community Resources Coordinators, etc. If the applicant worked alongside a CHR, this does not mean that he/she was a CHR. If the applicant was a referral worker, he/she was not a CHR. If the applicant “did CHR work” but held another job title – he/she is not an eligible claimant. Only an applicant who was underpaid while employed as a CHR, funded by a Contribution Agreement for a CHR, and held the job title of a CHR, can be eligible for compensation.

ROLES AND RESPONSIBILITIES OF THE TRUSTEES

The Trustees - Margaret Horn, Rachel Ermineskin, Phil Fontaine, Kathleen Mahoney and Scott Hamilton, Representative of the Royal Trust - are there to make decisions that are in the best interest of CHRs. The Trust Settlement outlines the role of the Trustees as follows:

- **Administer** the Trust fund in trust on the terms and conditions provided in the Trust Agreement;
- **Retain** the services of NIICHR0 to assist them in administering the Trust Fund;
- **Power** to employ as Claim Administrators persons who can provide expertise in the areas of finance, statistics and information technology;
- **Power** to employ, pay and act upon the opinion, advice or information obtained from experts and professional persons;
- **Make** distributions from the CHR Trust Settlement only if: supporting documents have been collected, collated and verified; a distribution model has been formulated; and on the first distribution to a Beneficiary, in accordance with the Trust Agreement, Release forms are signed in favour of the Trustees and the Settlor and in favour of Her Majesty;
- **Absolute** discretion to determine whether distribution is made from the income earned by the Trust Fund or from the capital, or a combination of both, providing that all Beneficiaries are treated equitably;
- **Determine** procedures for reconsideration;
- **Absolute** discretion to accept any claim received after 36 months from the effective date of the Trust Agreement;
- **Hold**, invest and reinvest the Trust Fund as outlined in the Trust Agreement.



EARLY 2003 PAYMENT

For the early 2003 payment, the Compensation Office had placed priority on files where no payment had yet been issued and on files that were only partially validated. If you have already received 40 per cent or more of your estimated share of the Settlement, you should not have expected to be part of this payment distribution. There were 486 claimants who were informed by mail that they would receive a payment in the early 2003 distribution. A full report will be presented at NIICHO's Annual General Assembly to be held in Ottawa, Ontario, on June 12 – 14, 2003.

The deadline to submit an application for compensation or to provide information in support of a claim for compensation is June 30, 2003.



IMPORTANT NOTICE

Claimants that received an "Individual CHR Report" are obliged to review the information and contact their claim agent if they disagree with the dates, rates and/or income that were presented to them. The CHR must contact the Compensation Office by **May 30, 2003** to have the correction entered into their file. Do not wait until after the next payment to advise us of a discrepancy in the calculations. Please note, the figures that appear in the latest statement will be used to determine the final payment.

FALL 2003 PAYMENT

The deadline to submit information in support of your claim is June 30, 2003. If you are mailing your information, it must be postmarked no later than June 30, 2003. If you have not received a payment, please contact your Claim Agent as there may be insufficient salary information to reconstruct your employment history or your file may contain conflicting information.

When claimants were issued their latest payment, an Individual CHR Report was also included with the cheque. The report illustrated the dates and figures used to calculate their compensation and indicated their estimated share of the Settlement. Please note that even if your file is completely validated and finalized, the Trustees will only be issuing the last payment once all claims have been finalized. Consequently, do not expect to receive a final payment before the fall of 2003.

ISSUING OF THE 2002 T3

In order to ensure an equitable distribution of interest income among all beneficiaries, on March 17, 2003 the Trustees approved a model whereby **the interest income will be distributed based on the percentage of a CHR's entire share of the settlement.** This means that if you received a Good Faith Payment and received a T3, you could be issued a second T3 for the portion of your fall 2002 payment that was allocated from interest income. The objective is that by the end of all payouts, each CHR will have received approximately the same percentage allocation of interest income as his/her percentage share of the total settlement.

The Royal Trust issues a T3 to everyone who has been issued a payment from the interest income. A T3 will be issued even if the Release forms were not signed and the cheque was not sent to the beneficiary. Thirty-one cheques were issued but not forwarded to the claimants because: the Releases were not signed; there was no Appointment of Administrator (for estate files); or the cheque came back undelivered due to no forwarding address.

If you have already filed your tax report and you receive a 2002 T3, just submit the 2002 T3 to Canada Customs and Revenue Agency (CCRA) with a letter explaining that it arrived after you filed. CCRA will adjust your income tax claim accordingly.



FILE STATUS UPDATE

As of March 13, 2003, the Compensation Office database had a total of 1,569 Active Claims, 488 Potential Claims and 255 Ineligible Claims. The tables below provide more detail.

1,569	Active Claims	
	Received cheque(s)	989
	Received 40% or more of estimated share	249
	Waiting for Releases	68
	Files with conflicts	75
	Received more than estimated share	64
	Files with no letter from employer	45
	Received Application	39
	Files under re-assessment	30
	Applicant was not underpaid	10

Of the 1,569 active claims, 1,475 have been approved for payment.

488	Potential Claims	
	Mailing	262
	No Contact	220
	Not applying	6

The Compensation Office will be putting effort into communicating with the 220 individuals who have not yet contacted us. Their names came from merging a variety of mailing lists and these individuals may in fact never have been CHRs. Nevertheless, every effort will be made to reach them to ensure that if someone is an eligible CHR, he/she will have been contacted to complete an application for compensation before the June 30, 2003 deadline.

255	Ineligible Claims	
	Not CHRs	101
	Dates prior to or after settlement dates	65
	Federal CHRs	52
	Provincial CHRs	19
	NWT/Nunavut CHRs	16
	No CHR Funding	2

Through phone calls, cross-referencing of documents and/or other supporting evidence, these individuals were deemed ineligible. Only those who submitted a claim will receive correspondence confirming that they are not eligible for compensation.

RECONSIDERATIONS

The last newsletter made reference to the Appeal Guidelines and Submission Form. However, the Trust Settlement makes reference to the “reconsideration process.” The Trustees have decided that instead of “appeal,” the term that will be used from now on is “reconsideration.”

REASSESSMENTS

Thirty files are being reassessed. The Compensation Office has received new information from the applicants or from other sources that made it necessary to review the files again. Based on the verification of all currently available information, it may be found that these claimants do not qualify as “eligible beneficiaries” under the terms of the Trust. One consequence of this ineligibility is that if the claimant has already received a payment, the Trustees will be asking for repayment of the money that the claimant was not entitled to.

These claimants will be informed by mail of any change in the status of their file and will be provided with the forms to apply for reconsideration. Under the terms of the Trust, they have **thirty (30) business days** from receipt of this notice to file for reconsideration and to provide any information that would bring them within the eligibility criteria of the CHR Trust Settlement. The decision of the Trustees in respect of reconsiderations is final.



INTERNET ACCESS

The CHR Trust Settlement can be viewed by going to the NIICHO website at <http://www.niichro.com>.

Contact your Claim Agent for your:

User Name: _____

Password: _____

Please note that the Settlement is only available to claimants of the CHR Trust Settlement.

CLAIM AGENTS



ALBERTA	1-866-644-2476, Ext 222 Carlene Deer	e-mail: carlened@niichro.com
ATLANTIC	1-866-644-2476, Ext 221 Trudy Jacobs	e-mail: trudyj@niichro.com
BRITISH COLUMBIA	1-866-644-2476, Ext 224 Linda Diabo	e-mail: lindad@niichro.com
MANITOBA	1-800-632-0892, Ext 23 Wendy Mayo	e-mail: wendym@niichro.com
ONTARIO	1-866-644-2476, Ext 223 Joanne Jacobs	e-mail: joannej@niichro.com
QUEBEC	1-866-644-2476, Ext 221 Trudy Jacobs	e-mail: trudyj@niichro.com
SASKATCHEWAN	1-800-632-0892, Ext 26 Gale Laborgne	e-mail: galel@niichro.com
YUKON	1-866-644-2476, Ext 221 Trudy Jacobs	e-mail: trudyj@niichro.com

Toll-free fax lines: 1-866-635-3135
1-866-281-2014

CONDOLENCES

Of the 2,312 names in the Compensation Office database, 131 are classified as estate files. Some have passed away so long ago that the Claim Agents have been unable to even locate family members for them to submit an application for compensation to the estate. On the other hand, there are situations where the Claim Agent has been in regular contact with the claimant and is then informed that he/she has passed away. Whether as a result of a long illness or sudden death, we are deeply saddened to hear of a CHR's passing.



The Claim Agents and all who work on behalf of the CHRs want to take this opportunity to express our sincere sympathy and condolences to the family and friends of those CHRs who are no longer with us. It is truly hoped that with your family and friends, you have the strength and courage to endure the loss of your loved one. Please accept our sympathy and heartfelt condolences.

NIICHO ANNUAL MEETING

The National Indian and Inuit Community Health Representatives Organization announces the upcoming **Coming Full Circle** National Training Session and 12th Annual General Meeting:

June 12 - 14, 2003

Travelodge Hotel and Convention Centre - Ottawa West

1376 Carling Avenue

Ottawa, ON K1Z 7L5

For reservations, call 1-800-578-7878 or (613) 722-7600

Room rate: \$95 single/double + taxes

NIICHO will offer 2½ days' training on Healthy Living and Activity for the Frail and Disabled Aboriginal Elders.

Registration Fee of \$375 will include Training Manual, 28-min. *Coming Full Circle* video, three days of Breakfast and Lunch buffets, Banquet ticket and canvas bag.

Schedule:

Thursday, June 12

Annual General Meeting

9 a.m. - 12 noon

National Training Session

1 p.m. - 4 p.m.

Friday, June 13

National Training Session

9 a.m. - 4 p.m.

Banquet

6 p.m. - 9 p.m.

Saturday, June 14

National Training Session

9 a.m. - 4 p.m.



Contact: National Indian and Inuit Community Health Representatives Organization

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