



### Table of Contents

**Page 1** Payment by End of November 2003

**Page 1** Payments to Date

**Page 2** Status of Database

**Page 2** Trustees and Their Role

**Page 3** Interest Income and T3s

**Page 3** Compensation Office Reorganized

**Page 4** Reassessment of Claims

**Page 4** Reconsiderations

**Page 5** Valid claim or not?

**Page 5** NIICHRO Website

**Page 6** AIPC 2004 Conference

### Payment by End of November 2003

- ▶ The payment is expected to be by the end of November 2003;
- ▶ The exact date is not known;
- ▶ The amount for any specific beneficiary is not known.

All beneficiaries will be informed by mail. Do not contact your Claim Agent to ask if they know the date of the payment or if they know how much one is to get. No information concerning the payment date or amounts will be given over the phone... as compensation payment amounts are confidential.

One reason for this measure is to ensure that the phone lines are not flooded. If the Compensation Office told one person he/she was getting a certain amount of money – there would be over a thousand calls within the hour for similar information. Neither the phone system nor the Claim Agents can handle that volume of calls.

### Payments to Date

#### GOOD FAITH PAYMENTS

December 2000	\$1,144,923.10
June 2001	\$1,629,183.18
December 2001	\$1,839,891.85

#### CAPITAL PAYMENTS

June 2002	\$9,507,738.10
February 2003	<u>\$3,095,986.18</u>
<b>TOTAL</b>	<b>\$17,217,222.41</b>

The total amount already distributed to beneficiaries as indicated above is over \$17 million. Trustees have allocated \$20 million for the Fall 2003 distribution. The balance of approximately \$3.6 million will be set aside to address any contingency that may arise. It is anticipated that the balance of the Trust fund will be distributed in 2004, after the reconsiderations from this payment and any other issues have been addressed.



photo: lylee williams

Boy watching geese

## Status of Database

The Claim Agents have been working to complete all claims received by September 30, 2003. By the end of October, the database was considered 97 per cent complete. The other 3 per cent accounts for files sent by June 30, 2003 but containing no salary information, those with outstanding conflicts or still missing confirmation that the claimant was employed as a CHR by a First Nation under a Contribution Agreement for a CHR. The actuary processes the data to determine each beneficiary's share of the settlement. Once the list is prepared, it is reviewed and approved by the Trustees. The Royal Trust will be sent the approved list to issue the cheques. Meanwhile the Compensation Office will be:

- ▶ Preparing letters, statements and releases for those who will be receiving a first payment
- ▶ Preparing letters and statements for those who already received a payment
- ▶ Preparing approximately 1,650 CHR statements



*Coming Full Circle facilitators recognized for their efforts at the AGM in Ottawa*

## Trustees and Their Role

The Trustees - Margaret Horn, Rachel Ermineskin, Phil Fontaine, Kathleen Mahoney and Scott Hamilton, Representative of the Royal Trust - are there to make decisions 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 NIICHR 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.

## Interest Income and T3s

As indicated in the Trust Agreement, the interest income earned by the Trust is to be distributed among the beneficiaries. The Trustees have approved a distribution model based on the objective that each beneficiary will receive a share of the interest income generated by the Fund in direct proportion to his/her share of the overall settlement. CHRs are issued a T3 from the Royal Trust which identifies the amount of interest income they have received. This means that if for example a CHR received a payment of \$5,000 he/she could be issued a T3 for only \$2,340. The amount indicated on the T3 is considered as taxable income.

*"...interest  
income earned by  
the Trust is to be  
distributed among  
the beneficiaries."*



## Compensation Office Reorganized

As stated earlier, the database went to the actuary by the end of October, therefore some staff was no longer required. The contracts for three of the Claim Agents ended on October 17, 2003. On that day we said goodbye to Claim Agents Carlene Deer (AB), Gale Laborgne (SK) and Linda Diabo (BC and ON). The Trustees express their gratitude for the dedication and hard work of these individuals in bringing the claims from their region of responsibility to completion.

With these Claim Agents gone, the Compensation Office distributed the regions between the two remaining Claim Agents. To reach your Claim Agent:

**Telephone:** 1-866-644-2476  
**Fax:** 1-866-635-3135

Atlantic, Ontario, Quebec, Alberta and Yukon Region  
Trudy Jacobs, ext 221

Manitoba, Saskatchewan and Pacific Region  
Wendy Mayo, ext 222

► These numbers will remain in effect until mid-December. ◀

After December 19, 2003, there will be another reorganization and the new contact number for the Compensation Office will be:

Telephone: 1-800-632-0892  
Fax: 1-800-632-2111

## Reassessment of Claims

### Reconsiderations

The CHR Settlement Trust Agreement states that a claimant whose claim has been denied, or in respect of which the claimant disputes the amount to be awarded by the Trustees, may, within thirty (30) business days of receipt of a notice in regard to that claim, submit the claim to the Trustees for their reconsideration, in whole or in part, and the Trustees shall reconsider the Claim.

On September 5, 2003 the Trustees reviewed 19 requests for reconsideration. Five were recalculated based on new information submitted with the request for reconsideration, two required clarification on specific points and in twelve of the cases, the Trustees maintained their position as the individual did not provide any new information that would support revising their calculations or eligibility status.

There has been an enormous amount of cross-referencing of claims from the same community to the Contribution Agreements. In addition to the Contribution Agreements, other supporting documentation such as memos and reports were reviewed. When there are unanswered questions or conflicts, a file undergoes an investigation or reassessment resulting in revised calculations in one or more of the following: reduced hours, higher rates or deletion of a previously calculated period due to lack of supporting documentation.

#### Reduced Hours:

The number of hours calculated is reduced because the claimant may have been employed full-time as a CHR but the Contribution Agreement was only for a half-time CHR. Compensation will only be based on the half-time position as stated in the Contribution Agreement.

#### Higher Rates:

The amount initially calculated could have been because the person claimed for example \$11.25 an hour based on a 40-hour week with a T4 of \$23,400. However, from the Contribution Agreement we determine that the correct calculation is 37.5 hours per week at \$12/hour:

Initial Calculation:  $\$23,400 \div 2080$  (40 hours x 52 weeks)  
= \$11.25/hour

Revised Calculation:  $\$23,400 \div 1950$  (37.5 hours x 52 weeks)  
= \$12.00/hour

#### Deletion of Previously Calculated Periods:

Good Faith Payments could have been made based on a ten-year employment period but investigation leads the Compensation Office to conclude that for the first five years, the claimant was employed by the Band as a referral clerk, therefore this period is deleted from the claim and will not appear on the CHR Statement.

When the Compensation Office has determined that claimants

have received compensation for ineligible or miscalculated periods, the Trustees have had notices sent to these individuals to inform them that they have received more than their entitled share of the Settlement and must repay the Trust.



photo: lylee williams

Connie Gordon of Saskatchewan teaching CHRs at the last AGM in Ottawa

## Valid claim or not?

The Trustees have directed the Compensation Office to consider a claim **valid** based on the balance of probability using the following criteria:

<b>Employed:</b>	Worked for income as a CHR
<b>Dates:</b>	Between Sept. 9, 1980 and June 30, 2000
<b>Employer:</b>	First Nation, Innu or Inuit Entity
<b>Title:</b>	CHR
<b>Funding:</b>	Contribution Agreement for a CHR
<b>Parties:</b>	Her Majesty and the First Nation, Innu or Inuit Entity
<b>Evidence:</b>	Application, Consent forms, letters, memos, affidavits, Band Council Resolutions, minutes of meetings, payroll ledgers, pay stubs, Record of Employment forms, time sheets, T4s, Contribution Agreements, CWIS allocation



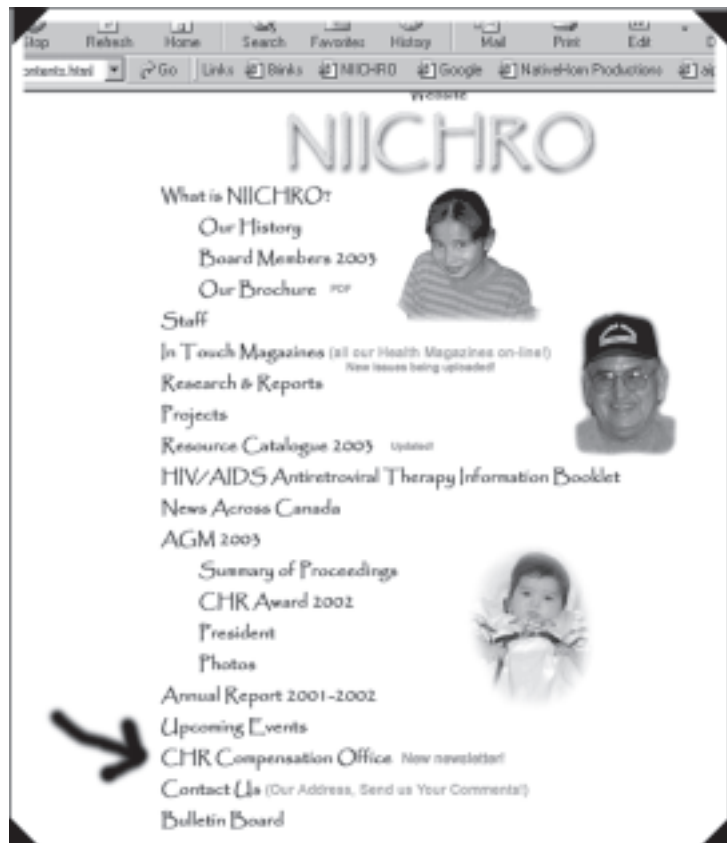
*Beatrice Morris was honored with CHR of the Year Award at the last AGM in Ottawa*

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

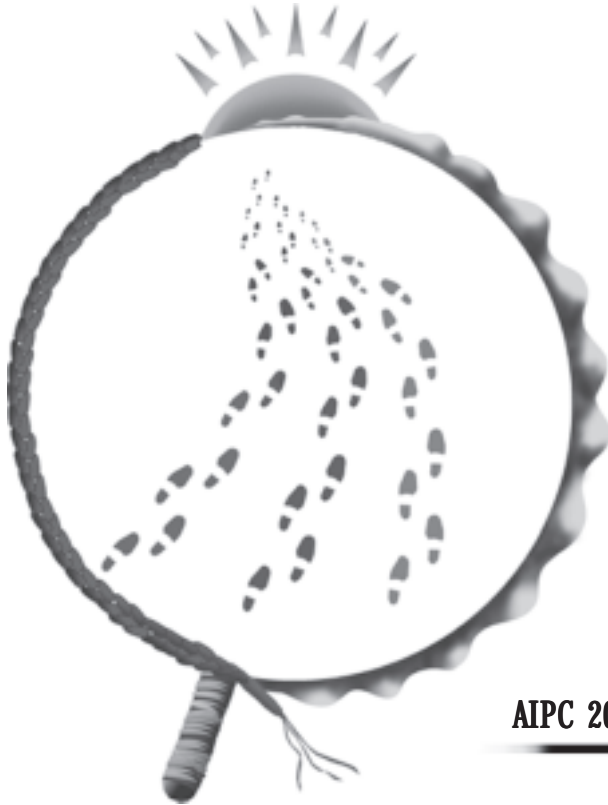
- ▶ The applicant is requesting compensation for a period prior to September 9, 1980;
- ▶ The applicant is requesting compensation for a period after June 30, 2000;
- ▶ The applicant was employed by the Government of Canada;
- ▶ The applicant was employed by the Government of a Province;
- ▶ The applicant did not have the job title of Community Health Representative;
- ▶ There was no funding for a CHR during the period of the claim.

## NIICHO Website

The NIICHO website: [www.niichro.com](http://www.niichro.com) offers access to Volumes 1 to 11 of the **NIICHO Compensation Newsletters** by clicking on CHR Compensation Office. Only eligible beneficiaries have access to the Settlement Agreement so you must contact a Claim Agent at 1-866-644-2476 for your username and password.



**NIICHO Compensation Office closed  
Dec 22, 2003 – January 2, 2004.**



## **AIPC 2004 Conference**

**The National Indian and Inuit Community Health Representatives Organization  
Presents  
the First National Aboriginal Injury Prevention Conference:**

### ***Towards Community Action on Aboriginal Injuries 2004***

[www.aipc2004.ca](http://www.aipc2004.ca)  
Winnipeg Convention Centre  
Winnipeg, Manitoba, Canada

**June 9-12, 2004**

Honorary Chair: Tina Keeper, Star of *North of 60*



Workshop Themes on Intentional and Unintentional Injuries:  
Injury Data and Surveillance  
Research  
Capacity Building  
Communication

Call for Abstracts deadline is November 28, 2003.

Registration Fee: \$395

[info@aipc2004.ca](mailto:info@aipc2004.ca) or (450) 632-0892, ext. 24

[www.aipc2004.ca](http://www.aipc2004.ca)