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#### ■ CHR SETTLEMENT TRUSTEES

Phil Fontaine  
Margaret Horn  
Kathleen Mahoney  
Rachel Ermineskin  
Scott Hamilton, Royal Trust Representative

#### ■ MESSAGE FROM NIICHRO'S PRESIDENT

Dear Community Health Representatives,

As your newly elected President, I would like to thank you for giving me your confidence and trust. Our national organization was successful in negotiating this settlement for Community Health Representatives during a time when core funding was cut. Nevertheless, the staff continued in this fight for equal pay and was still able to build our organization.

I visited the NIICHRO office in July 2002 and saw firsthand the complex method of assessing file eligibility and how difficult it is to collect what is needed to divide this settlement fairly between eligible CHR's. I must say that each and every file is different.

The staff is working hard to get all the information in each file – so the Trustees can be certain that when a payment is made, it is to the person who is truly eligible for a share. All eligible CHR's must assist in providing accurate documents to validate their file.

We must support our national office. After this settlement is complete, we will still be CHR's and will still need a national presence – a national office to continue working for all CHR's.

Sincerely,

*Karen Keshane*  
President, NIICHRO



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## ■ HISTORICAL OVERVIEW

On June 3, 1992 a resolution was presented at the First Annual General Meeting of NIICHR. The CHRs mandated NIICHR to seek a solution so that a ruling put forward by the Canadian Human Rights Commission regarding the Hospital Services rate of pay be applied to CHRs employed by First Nations.

NIICHR submitted a wage discrimination complaint to the Canadian Human Rights Commission on December 9, 1992, on behalf of the band-employed CHRs. The end result, after an eight-year struggle, was the signing of the CHR Trust Settlement Agreement on June 30, 2000. Five Trustees were appointed to administer the fund and make decisions in the best interest of the CHRs who are beneficiaries. The goal for all is an expedient and equitable distribution of the CHR Trust Settlement to eligible claimants.

The payment schedule is:

2001	————	Good Faith Payments.
2002	————	40% - 60% of Compensation Payments. Appeal Process implemented.
2003	————	Balance of payments. June 30, 2003 is the deadline to file a claim.
2004-2005	————	Complete unusual and/or difficult claims.

The Compensation Office was set up in September 2000. The CHR Trust Settlement Registration & Information booklet was distributed in October of that same year. The first applications began to come in by November 2000. Claimants were asked to submit any salary information they had that would assist the Compensation Office in reconstructing their employment history as CHRs. The application consent forms were forwarded to the relevant government departments so they would send any information they had in support of a claim to the NIICHR Compensation Office. The information collected was entered into a computer system. All data is sent to the consulting firm BDO/Eckler to calculate the eligibility of claims. In June 2001, the text of the Trust Settlement was made accessible through the Internet. As the Settlement is available only to CHRs, it is password-protected.

The CHR's file must contain sufficient salary information to be eligible to receive a payment. If Isolation Post Allowance (also called Northern allowance) was received, this information must be submitted to NIICHR's Compensation Office as this affects the amount of compensation. The type of supporting documents used

to calculate your earnings are T4s, T4Es, Contribution Agreements, pay stubs, payroll ledgers and Records of Employment. All these documents are used to determine the rate per hour and the number of hours the claimant worked as a CHR.

Before receiving a Good Faith Payment, the CHR will be required to sign release forms. The interest income earned by the Trust is what is being used to make the Good Faith Payments. In the first year (2000) the Trust earned over \$180,000 per month in interest. The CHRs were informed that the Good Faith Payments would be taxable because this money came from the interest income of the Trust.

Claims are not valid if the claimant was employed:

- ⇒ Prior to September 9, 1980
- ⇒ After June 30, 2000
- ⇒ By the Federal Government
- ⇒ By the Provincial Government
- ⇒ But did not hold the job title "Community Health Representative"

Compensation is based on the number of CHRs allocated to a community. The number of CHR positions is identified in the Contribution Agreement or Health Canada's Community Workload Increase System (CWIS). Conflicts arise when the number of claimants exceeds the number of CHRs allocated to a community. No salary calculations will be done for periods that present such conflicts. If the CHR allocation is for a half-time position, compensation will be based on half-time. The funding outside the CHR Contribution Agreement cannot be considered when calculating compensation.

CHR's submit an application on their own behalf. For CHR's who are deceased, only the legally recognized executor or administrator can make a claim to the CHR Trust Settlement on behalf of the estate. Only this person can sign the releases required to access the funds.

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## ■ FILE STATUS

Since November 2000, when the Compensation Office received the first applications, a total of 2,288 names have been collected in the database. These names are divided into two categories:

- A. File Status of Applications Received (1,593)
- B. Contact Status (695)

The following table provides an overview of the progress made by the Compensation Office.

<b>A. File Status of Applications Received</b>	<b>Number</b>	<b>Percentage</b>
Cheques sent	936	59%
Other, Conflicts in file	351	22%
Releases sent, once received, sending cheque	110	7%
Estimated share less than Good Faith Payment	59	4%
Already received 40% or more of share	58	4%
Received Application form	27	2%
Not underpaid	12	1%
Not eligible	40	3%

<b>B. Contact Status</b>	<b>Number</b>	<b>Percentage</b>
Sent an Application form	303	41%
No contact, name only	209	29%
Not a CHR	80	11%
Not Eligible, Dates	48	7%
Not Eligible, Federal CHR	38	5%
Not Eligible, Provincial CHR	11	2%
Not Eligible, NWT/Nunavut CHR	6	1%

There were a variety of letters that went out to claimants in October 2002:

- Here is your estimated share of the Settlement, attached are your releases.
- You received a Good Faith Payment; here is your next payment.
- You received a Good Faith Payment; your payment represents 40% or more of your revised estimated share.
- The result of your compensation calculations indicates you were not underpaid while you were a band-employed CHR.
- Due to information added to your file, there is a change in your estimated share of the settlement. The total estimated share is less than the amount you already received. This matter will be examined further.
- Due to conflicts in your file, the Trustees were unable to have a payment issued at this time.
- You are not eligible because during the period of your claim, you were not a band-employed CHR from September 9, 1980 – June 30, 2000.

As each file is unique, the Compensation could not personalize each letter to reflect each claimant's situation. These letters were generalized and often indicated a number of possible issues within a group of claimants.

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## ■ DISTRIBUTION OF THE TRUST FUND TO BENEFICIARIES

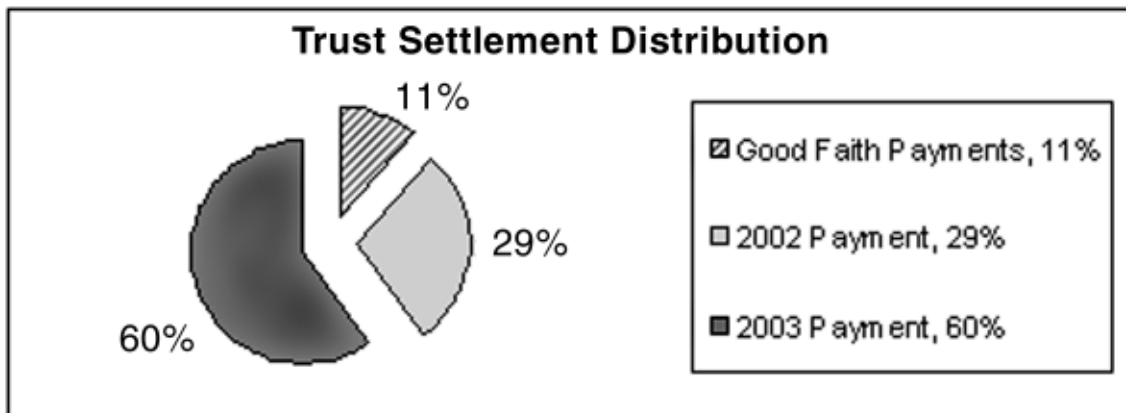
There are many CHRs who would like to know where their money is going. To provide a picture of how much was spent, a pie chart is shown below. Initially, it was thought that there would be only one Good Faith Payment (GFP) but that is not how things worked out. Instead there were three (3) Good Faith Payments for a total of \$4,613,998 distributed to 1,065 beneficiaries:

First: based on the Trust fund's interest income earned up to December 31 2000.

Second: based on the Trust fund's interest income earned up to June 30, 2001.

Third: based on the Trust fund's interest income earned up to December 31, 2001.

Description	Amount	Percentage
Good Faith Payments (3)	\$ 4,613,998.00	11%
2002 Payment	\$ 11,710,402.00	29%
2003 Payment	\$ 24,486,600.00	60%
<b>TOTAL</b>	<b>\$ 40,811,000.00</b>	



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## ■ ANOTHER PAYMENT IN EARLY 2003

The Trustees have decided that there will be another payment distribution in early 2003. Payments to 1,046 beneficiaries have already been approved under the recent distribution process. This represents over 65% of the claimants whose claims were based on validated years of service. However, there are still a number of people whose files contain conflicting information or lack salary information, making it difficult to determine if they were underpaid while working as CHRs. The Compensation Office is working to resolve these conflicts and identify excess claims where they occur. If there are changes to be made to your CHR Statement or to your claim, please contact your Claim Agent and provide the information by **NOVEMBER 22, 2002**.

For the final payment in 2003, there will be an amount set aside for the difficult files as it is expected that there will be claims that will not be finalized when the final payment is made. The Trustees anticipate a commitment of over \$24 million to be distributed to the beneficiaries for the final payment from the Trust fund.

## ■ LETTER OF APPRECIATION

The whole compensation process has been very trying to everyone involved. From the initial complaint in 1992, the eight-year legal battle leading up to the signing of the Settlement in 2000, the gathering of salary information of claimants, then the calculations to determine compensation payments, to finally the issuing of the cheques from the Trust fund capital, a lot of commitment has been demonstrated by all those involved. Here is a letter of appreciation sent to the Compensation Office from a former CHR who wanted to especially acknowledge the core group of people that initiated the battle for wage parity for band-employed CHRs.

	October 15, 2002, From Kanesatake, Mohawk Territory
	<p>I would like to take this time to say a well-appreciated Thank You to all whom have put their effort and time in pursuing the struggle on behalf of those who were underpaid such as myself (CHR). I was greatly surprised. You know in the many struggles I have fought on behalf of others in the past, I know a great amount of time, effort, frustration and willpower went into this one particular struggle resulting in a victory for those who fought on my behalf and it is very sweet to know that someone cared enough. Thank you, Merci, Meegwetch, Nia:wen kowa. Please make sure that this Thank You gets to those who spent so much of themselves.</p> <p><i>Mary Hannaburg,</i> Kanesatake, Quebec</p>

## ■ EXCESS CLAIMS CREATE DELAYS

An important directive from the August 30, 2002 meeting of the Trustees was that if there are conflicts in the file due to excess claims in a community then no payments will be distributed until the conflict is resolved to the satisfaction of the Trustees. The burden of proof that they were really a CHR is on the claimant.

Payments are being made in cases where it can be reasonably determined that the claimant meets the eligibility requirements as defined by the Trust Settlement Agreement. The goal is to avoid making payments on fraudulent claims. When there are questions regarding eligibility, it is the responsibility of the CHR to resolve the conflicts.



*The Compensation Office has been working on determining the number of claims per community and identifying non-valid claims.*

The table below is an example of how the information is collected and assessed.

	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	2000		
Claim 1																							
Claim 2																							
# Claiming	0	0	0	0	0	0	0	0	0	2	2	2	2	2	2	1	1	1	1	1	1	1	
CHR Allocation	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	
EXCESS	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	

The Contribution Agreements or Community Workload Increase System (CWIS) indicate the number of CHR's allocated to the community. In this example, the allocation is for one (1) full-time CHR from 1989 – 2000. However, the table shows that there is an excess of claims for the period 1981 – 1994. Each claimant has 1) A letter from their employer supporting their claim that they were employed as CHR's, and 2) Salary information (payroll, pay stubs, T4s).

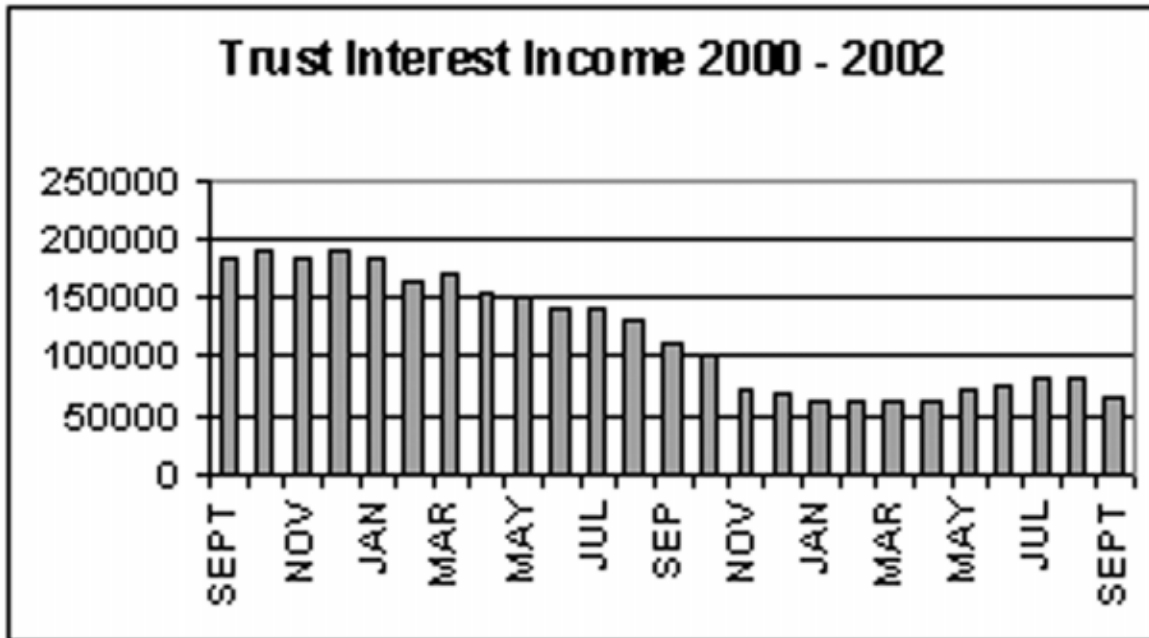
Upon close examination of the claims from this community, it is determined that Claim 1 was a Referral Clerk from 1981-88 and Claim 2 was a Medical Transportation Coordinator from 1989 -94. The person made an application stating (s)he was a CHR but in reality (s)he was the Transportation Coordinator or Referral Clerk.

6 These positions are not eligible for compensation under the CHR Settlement Agreement.

There are people who have submitted fraudulent claims. For example, one person submitted a claim for the period 1981 – 1994 (13 years). This individual had received a Good Faith Payment and called the Compensation Office to ask why she did not receive a second payment. Upon examining and cross-referencing her file it was determined that she was a Referral Clerk from 1981-1988. The individual was told that she would not be eligible for compensation for that period. Her claim was only valid from 1989 – 1994 (5 years). Her response was: “Damn it, how did you find out?” and then: “Well, you can’t blame me for trying!”. Having to investigate these types of claims has caused delays and affects valid claims.

## ■ INVESTMENTS TO INCREASE TRUST FUND

Interest rates have fallen since the Trust account was first opened on June 30, 2000. At that time the amount of money in the account was high and so were the interest rates. Over the last two (2) years, payments have been made from the Trust account and interest rates have fallen. This has resulted in less income for the Trust fund thus reducing the amount of money available for distribution to CHRs.



In order to maximize the Trust's income to ensure there is more money available to pay out to beneficiaries, the Trustees have decided to invest a portion of the Trust fund. The Trustees' powers to invest are outlined in the Trust Agreement and are limited to a very conservative investment strategy. Rest assured that the invested money can be withdrawn when needed for the 2003 payment.

## ■ INTERNET ACCESS TO TRUST SETTLEMENT

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.



The Trust Settlement shown accessible through the Internet

## ■ CLAIM AGENTS

As stated in the previous newsletter, there have been changes to our staff. Please take note of the Claim Agent for your region:



ALBERTA	1-866-644-2476, Ext 222 Carlene Deer e-mail: <a href="mailto:carlened@niichro.com">carlened@niichro.com</a>
ATLANTIC	1-866-644-2476, Ext 221 Trudy Jacobs e-mail: <a href="mailto:trudyj@niichro.com">trudyj@niichro.com</a>
BRITISH COLUMBIA	1-866-644-2476, Ext 224 Linda Diabo e-mail: <a href="mailto:lindad@niichro.com">lindad@niichro.com</a>
MANITOBA	1-800-632-0892, Ext 23 Wendy Mayo e-mail: <a href="mailto:wendym@niichro.com">wendym@niichro.com</a>
ONTARIO	1-866-644-2476, Ext 223 Joanne Jacobs e-mail: <a href="mailto:joannej@niichro.com">joannej@niichro.com</a>
QUEBEC	1-866-644-2476, Ext 221 Trudy Jacobs e-mail: <a href="mailto:trudyj@niichro.com">trudyj@niichro.com</a>
SASKATCHEWAN	1-800-632-0892, Ext 26 Gale Leborgne e-mail: <a href="mailto:galel@niichro.com">galel@niichro.com</a>
YUKON	1-866-644-2476, Ext 221 Trudy Jacobs e-mail: <a href="mailto:trudyj@niichro.com">trudyj@niichro.com</a>
Toll-free fax lines:	1-866-635-3135 1-866-281-2014

Compensation

Claimants are required to communicate only with the Claim Agent responsible for their region. Due to the changes in the Compensation Office, it has happened for instance that a CHR from Saskatchewan spoke with Joanne Jacobs (now Ontario Claim Agent) and the CHR may prefer to maintain that line of communication. However, each Claim Agent has been given a region. They must take over all the files in that area, so the Saskatchewan CHR will have to communicate all his/her information and concerns directly to Gale Leborgne, as Saskatchewan is now Gale's area of responsibility.

