

Darlene Alexander v. Her Majesty The Queen in Right of Ontario,

Court File No. CV-13-477703

NOTICE OF SETTLEMENT AND CLAIMS PROCESS

Were you a unionized employee in Ontario providing home care for a municipal provider that was transferred to a CCAC between 1996-1998 and either a member of CUPE at the time of the transfer or later became a member of CUPE?

If so, and if you did not receive any settlement monies from an earlier class action brought on behalf of ONA or OPSEU employees of such CCACs, you may be eligible for compensation. Please read this document carefully as it may affect your legal rights.

In a legal proceeding commenced in Ontario, the representative plaintiff, Darlene Alexander, brought a class action on behalf of certain unionized employees and former employees of Community Care Access Centres (“CCACs”) whose anticipated pension benefits were potentially impacted by the actions of the Government of Ontario.

On November 14, 2016 the Honourable Justice Perell approved a settlement in the amount of \$2,500.00 per class member (the “Settlement Amount”).

In order to be considered a class member and to be entitled to the \$2,500 payment, there are several criteria that individuals must establish regarding their employment, pension plan enrollment and union membership status. In addition, if you previously received a settlement through class actions which benefited ONA/OPSEU employees, you are not eligible to recover from this class action.

The Class has been defined by the Court as follows:

- (a) employees and former employees of municipalities or service providers associated with municipalities (hereinafter referred to as "municipal providers") whose employment was transferred from the municipal providers to newly-established Community Care Access Centres (“CCACs”) and who were members of CUPE at the time of the transfer and who did not subsequently become members of the Ontario Nurses Association (“ONA”) or the Ontario Public Service Employees Union (“OPSEU”) and for greater certainty, those who became enrolled in the Healthcare of Ontario Pension Plan, formerly known as the Hospitals of Ontario Pension Plan, (“HOOP”) and were previously enrolled in the Ontario Municipal Employees Retirement System or the VON Canada Pension Plan (“Former Plans”); and
- (b) employees of the municipal providers whose employment was transferred from the municipal providers to CCACs who subsequently became members of CUPE and who were not members of CUPE, ONA, or OPSEU at the time of the transfer.

(collectively referred to as the “Class Members” or the “Class”).

To determine whether you qualify for membership, please review the full legal notice at www.goldblattpartners.com, or contact the Administrator at RicePoint Administration Inc., Tel: 1 (866) 432-5534.

This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

Background

A class action was certified in 2014 against the Government of Ontario. The action was commenced in 2013 by Darlene Alexander on behalf of employees working for municipal or other employers who were transferred to a Community Care Access Centre (“CCAC”) without interruption and who were either CUPE members at the time of the transfer or who became CUPE members after the transfer and who were not OPSEU or ONA members either before or after the transfer (the “Class Members”). In the class action, Alexander alleged that the Government represented that the employees would suffer no losses to their pensions with this transfer. Alexander alleged that these employees did and will suffer losses as a result of receiving two pensions and that the Government is responsible for those losses.

The parties have reached a settlement through which the Government will pay monies into a fund that will be used to pay \$2,500.00 to each Class Member with a Valid Claim, and administration fees, and, possibly, a portion of the legal fees incurred on behalf of Class Members. On November 14, 2016 the Honourable Justice Perell approved the Settlement.

You are included in the Class, and an eligible Class Member, if you:

- a) worked as an employee for a municipality or other employer providing home care services and/or placement coordination services; and
- b) were then transferred to a Community Care Access Centre (CCAC) between 1996-1998 and continued your employment without interruption;
- c) were a member of CUPE at the time you were transferred to a CCAC and remained a member of CUPE, or you were a member of another union at the time of transfer but later became a member of CUPE;
- d) you were not a member of the Healthcare of Ontario Pension Plan, formerly the Hospitals of Ontario Pension Plan (HOOPP) prior to the transfer and became a member of HOOPP after the transfer;
- e) you did not receive settlement funds from other class actions that were commenced by Sue McSheffrey on behalf of OPSEU members and Diane LeClair on behalf of ONA members; and

f) you have not opted out of this class action.¹

Claims Process

If you believe you are a class member and you wish to claim a portion of the settlement monies, you must make a claim to the Class Action Administrator, NPT RicePoint Class Action Services Limited (the “Administrator”) no later than April 14, 2017.

A claims form is attached.

The timeframe for the processing of claims is as follows:

WHAT IS TO BE DONE	WHEN IS IT TO BE DONE
Settlement Approval Hearing	November 14, 2016
Approval Order Issued and Entered	Triggering Event (November, 15, 2016)
Administrator sets up website and telephone number	Within 30 days of the Issuance and Entry of the Approval Order
Notice of Settlement to be provided to the Class	Within 60 days of the Issuance and Entry of the Approval Order
Deadline for New Class Members to Opt-Out of the Class Action	On or before 90 days from the date of the publication of the Notice of Settlement
Claims to be submitted by the Claimant to the Administrator	Within 150 days of the Issuance and Entry of the Approval Order
Administrator may request additional information	Within 60 days of receipt of all claims
Claimant has opportunity to provide additional requested information	30 days from Administrator's request for additional information
Decision to be made by Administrator about validity of claim and communicated to Claimant	30 days after the expiration of time frame to provide such information
Ability/right of claimant to appeal a denial of	Within 30 days of the date of the

¹ New Class Members: If you want to be excluded from the class, you must send a letter indicating your desire to opt-out, including your name, address, phone number and any other contact information, to Tanya Atherfold-Desilva, Law Clerk, by regular mail to Goldblatt Partners LLP, 20 Dundas Street West, Suite 1100, Toronto, ON M5G 2GX or by email at tatherfold@goldblattpartners.com.

The deadline for opting out is on or before 90 days after the date of the publication of the Notice of Settlement. If your written request to opt out is not received by that date, you will remain a member of the class.

Class Members who do not opt out will be bound by the settlement of this action, whether or not they make a claim.

the claim to Referee	Administrator's decision
Appeals to take place	90 days from the date of the receipt of the request for an appeal
Decision of Referee	60 days from completion of the time frame for appeals to take place
Calculation and distribution of monies by Administrator up to 301	No later than 60 days from the decision of the Administrator about validity of the claim from the Class Member or from the decision of the third party Referee granting an appeal from the Administrator's decision denying the appeal
Calculation and distribution of monies by Administrator of each Valid Claim in excess of 301	HMQ to make payment to Administrator of \$2500 within 45 days of notice of each such additional Claim; Administrator to make payment to Class Member within 45 days

THIS NOTICE HAS BEEN APPROVED BY THE COURT.