

**NOTICE OF APPROVAL OF SETTLEMENT, OPT OUT PROCESS AND CLAIMS
PROCESS**

[LONG FORM NOTICE]

LEGAL NOTICE

Did you apply for, and were denied, a conversion of parental benefits to sickness benefits under the *Employment Insurance Act*?

The Court has approved a settlement. Please read this notice carefully.

The Federal Court authorized this notice. This is not a solicitation from a lawyer.

Jennifer McCrea (the “**Representative Plaintiff**”) sued the Federal Government of Canada (“**Canada**”), alleging negligence in the denial of sickness benefits to individuals who were in receipt of parental leave benefits under the *Employment Insurance Act* (“**EI Act**”) and were ill, injured, or in quarantine during their parental leave.

The court has now approved a settlement between the Representative Plaintiff and Canada that provides compensation to certain individuals who were denied sickness benefits while in receipt of parental leave benefits under the *EI Act*. The settlement agreement is not be construed as an admission of liability on the part of Canada.

Your legal rights are affected even if you do nothing. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

MAKE A CLAIM: You may make a claim for money. To do so, you must complete a Claim Form and send it to Employment and Social Development Canada (ESDC) by **September 3, 2019**. A copy of the Claim Form is available [here](#) or at www.cavalluzzo.com.

OPT OUT: If you do not want to be bound by the settlement, you must opt out of the class action by **April 2, 2019**. If you opt out, you will not be entitled to any benefits or compensation from the settlement, and your claim against Canada in respect of a denied conversion of parental benefits to sickness benefits from March 3, 2002 to March 23, 2013 will not be

released. To opt out of the settlement, you must submit an Opt Out Form to Class Counsel. A copy of the Opt Out Form is available [here](#) or at www.cavalluzzo.com.

If you have commenced a legal proceeding against Canada relating to a denied conversion of parental benefits to sickness benefits from March 3, 2002 to March 23, and you do not discontinue it on or before **April 2, 2019** you will be deemed to have opted out of the settlement.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why did I get this notice?
2. What is a class action?
3. What does this class action lawsuit complain about?
4. Why is there a settlement?

WHO IS INCLUDED IN THE SETTLEMENT?

5. Who is included in the settlement?
6. What if I am not sure whether I am included in the settlement?

SETTLEMENT BENEFITS

7. What does the settlement provide?
8. What am I giving up in the settlement?
9. May I remove myself from the settlement?

HOW TO RECEIVE A PAYMENT?

10. How will I receive a payment?
11. How will payments be calculated?
12. What if my claim is denied?
13. What if I disagree with the decision?

THE LAWYERS REPRESENTING YOU

14. Who is Class Counsel?
15. How will Class Counsel be paid?

GETTING MORE INFORMATION

16. How do I get more information?

BASIC INFORMATION

1. Why did I get this notice?

The Federal Court authorized this notice to let you know about a settlement and about all of your options. This notice explains the lawsuit, the settlement, and your legal rights.

2. What is a class action?

In a class action, one or more people called the representative plaintiff(s) sue on behalf of people who have similar claims. All of the people with a similar claim are called a class or class members. The court resolves the similar claims for all class members, except for those who clearly exclude themselves from the class action lawsuit.

3. What does this class action lawsuit complain about?

Jennifer McCrea, of Calgary, Alberta ("**Representative Plaintiff**"), commenced the lawsuit and is represented by Cavalluzzo LLP ("**Class Counsel**"). The Federal Government of Canada ("**Canada**") is defending the class action.

During the class period from March 3, 2002 to March 23, 2013, the *EI Act* provided for 15 weeks of maternity leave benefits for biological mothers, including surrogate mothers, who cannot work because they are pregnant or have recently given birth, and 35 weeks of parental leave benefits for parents who are caring for a newborn or newly adopted child or children. Sickness leave benefits are for people unable to work because of sickness, injury, or quarantine. This lawsuit alleges that during the period from March 3, 2002 to March 23, 2013, officials with Service Canada and the Canada Employment Insurance Commission were negligent in denying sickness benefits to individuals who were in receipt of parental leave benefits under the *EI Act* and were ill, injured, or in quarantine during their parental leave.

4. Why is there a settlement?

The Court approved a settlement between the Representative Plaintiff and Canada. By agreeing to the settlement, the parties avoid the costs and uncertainty of a trial and delays in

obtaining judgment, and Class Members receive the benefits described in this notice and in the agreement. In this case, it also means that the Class Members will not need to testify in court. The court found that the settlement is fair and reasonable and in the best interests of all Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

5. Who is included in the settlement?

The settlement includes all persons who, during the period from March 3, 2002 to, and including, March 23, 2013:

- i) Applied for and were paid parental benefits under the *EI Act* or corresponding types of benefits under Quebec's *An Act Respecting Parental Insurance*;
- ii) Suffered from an illness, injury or quarantine while in receipt of parental benefits;
- iii) Applied for sickness benefits in respect of the illness, injury or quarantine referred to in (ii); and
- iv) Were denied a conversion of parental benefits to sickness benefits because:
 - a) the person was not otherwise available for work; or
 - b) the person had not previously received at least one week of sickness benefits during the benefit period in which the parental benefits were received.

A person is also a Class member if they applied to convert to sickness benefits while in receipt of maternity benefits if the illness, injury or quarantine continued into the parental portion of their benefit period.

Estates of Class Members may be eligible. A claim must be filed by the Estate Executor or, if the Estate has been wound up, an immediate family member of a deceased class member.

All Class Members, except those who validly opt out of the settlement or who are deemed to have opted out, will be bound by the settlement and will be covered by the releases in the settlement and will not have the right to sue Canada for alleged harm caused by denied conversion of parental benefits to sickness benefits under the *EI Act* during the class period from March 3, 2002 to March 23, 2013.

6. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are included in the settlement, information is available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/sickness-benefits-class-action-long-notice.html>. You can also write to the Administrator of the EI Sickness Benefits Class Action, 140 Promenade du Portage, Phase IV, Mail Stop 212, Gatineau QC K1A 0J9. Telephone: 1-800-206-7218 (Enquiries); 1-800-529-3742 (TTY); 1-877-486-1650 (International).

You can consult class counsel at www.cavalluzzo.com, <https://www.facebook.com/M.O.M.lawsuit/> or call 1-844-964-5559 (toll free in Canada) or 416-964-5559. You can also send an email message to Elsicknesscase@cavalluzzo.com.

SETTLEMENT BENEFITS

7. What does the settlement provide?

The settlement provides:

- (a) Class Members who establish that they applied for sickness benefits for an illness, injury, or quarantine during their parental leave, and were denied, are eligible for compensation.
- (b) Employment and Social Development Canada (ESDC) will determine the amount of your payment. Canada has agreed to make payments to eligible Class Members in an amount that is equivalent to the amount of sickness benefits that they would otherwise have received.

More details are available in the Settlement Agreement, which is available at <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/sickness-benefits-class-action-long-notice.html> or www.cavalluzzo.com

8. What am I giving up in the settlement?

If you do not opt out of the settlement, you will give up your right to sue Canada for the claims being alleged by this proposed settlement. You will be “releasing” Canada, which means you cannot sue Canada for anything in respect of a denied conversion of parental benefits to sickness benefits from March 3, 2002 to March 23, 2013.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions about what this means, you may contact Class Counsel or your own lawyer.

9. May I remove myself from the settlement?

Yes. If you do not wish to be a part of the class action you must “opt out” by **April 2, 2019**. Opting out means you will not be bound by any order made in this class action and will not be eligible for compensation. You will be able to hire and pay for your own lawyer and commence your own lawsuit. If you want to commence your own lawsuit, you must opt out. If you opt out, you must abide by all applicable limitation periods and should consult a lawyer.

If you have commenced a legal proceeding against Canada relating to a denied conversion of parental benefits to sickness benefits from March 3, 2002 to March 23, 2013, and you do not discontinue it on or before **April 2, 2019**, you will be deemed to have opted out of the settlement.

To opt out of the settlement, you must submit a completed Opt Out Form that is postmarked no later than **April 2, 2019**, addressed to Class Counsel at EI Sickness Benefits Class Action, Cavalluzzo LLP, 474 Bathurst Street, Suite 300, Toronto, Ontario, M5T 2S6. You also have the option of sending the completed form by email to ElSicknesscase@cavalluzzo.com before **April 2, 2019**. A copy of the Opt Out Form is available [here](#) or at www.cavalluzzo.com.

HOW TO RECEIVE A PAYMENT

10. How will I receive a payment?

To ask for a payment, all Class Members must complete and submit a Claim Form. All claims will be assessed by the Claims Administrator. Eligible Class Members will not need to testify in court. Once the claim is verified by the Claim Administrator, Class Members will receive full compensation as soon as reasonably possible.

The Claim Form is available at <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/sickness-benefits-class-action-long-notice.html> or www.cavalluzzo.com or by calling 1-844-964-5559 (toll free in Canada) or 416-964-5559.

11. How will payments be calculated?

ESDC will review your Claim Form and determine if you qualify for a payment. If you do, ESDC will determine the amount of your payment based on the process described in Question 7.

12. What if my claim is denied?

If your claim is denied, you will receive a notice of the decision.

13. What if I disagree with the decision?

If you wish to dispute a claim decision, you may seek a review before the Designated Prothonotary.

THE LAWYERS REPRESENTING YOU

14. Who is Class Counsel?

The lawyers representing the Plaintiff and the class are: Cavalluzzo LLP. If you need help filling out your Claim Form, you should contact these lawyers and they will help you at no cost to you.

If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense.

15. How will Class Counsel be paid?

Class Counsel will be paid fees and disbursements in the amount of \$2,212,389, together with applicable taxes thereon. This amount will be paid directly by the Government of Canada and separately from the compensation paid to class members.

You will not need to pay any legal fees out of your own pocket unless you request additional services from Class Counsel. If a Class Member retains another lawyer, the Class Member must pay the fees, disbursements and taxes for their services on whatever basis they privately agree.

GETTING MORE INFORMATION

16. How do I get more information?

This notice summarizes the settlement. For full details, a copy of the Settlement Agreement is available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/sickness-benefits-class-action-long-notice.html> or www.cavalluzzo.com.

Administrator of the EI Sickness Benefits Class Action

140 Promenade du Portage
Phase IV, Mail Stop 212
Gatineau QC K1A 0J9

Website: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/sickness-benefits-class-action-long-notice.html>

Telephone: 1-800-206-7218 (Enquiries)
1-800-529-3742 (TTY)
1-877-486-1650 (International only)

Class Counsel

EI Sickness Benefits Class Action, Cavalluzzo LLP, 474 Bathurst Street, Suite 300, Toronto, Ontario M5T 2S6

Website: www.cavalluzzo.com

Facebook: <https://www.facebook.com/M.O.M.lawsuit/>

Email: ElSicknesscase@cavalluzzo.com

Telephone: 1-844-964-5559 (toll free in Canada) or 416-964-5559