

FREQUENTLY ASKED QUESTIONS

Table of Contents

General questions	4
1. What is this Class Action and Settlement about?	4
2. Who is eligible to participate in the Class Action?	4
3. What constitutes Harassment?	4
4. I was harassed by a member of the public in the course of my employment with the RCMP. Does this fall within the Settlement Agreement?	5
5. I experienced multiple instances of Harassment and discrimination at different times. Do I need to make a claim for each incident?	5
6. A group of Primary Class Members experienced the same incidents of Harassment and discrimination. Can we file a groupclaim?	5
7. I receive a pension. Can I still participate in the Claims Process?	5
8. I have received prior compensation for the same experiences I wish to include in my Claim. Can I still make a claim for those same events and injuries?	5
9. Can men who have been subjected to discrimination/harassment while employed or volunteering with the RCMP make a Claim under the Settlement Agreement?	6
10. Will I have to testify in public?	6
11. Who will conduct Claimant interviews?	6
12. How will the compensation amounts be decided?	6
13. Will I receive the full amount corresponding to the level at which my Claim is assessed?	7
14. How can I prove class membership?	7
15. What conduct is covered?	7
16. What is the eligible time period?	8
17. I am retired. Can I apply for compensation?	8
18. I already started a Harassment lawsuit against the RCMP. Can I apply for compensation under the Settlement?	8
19. What if I don't want to participate in the Settlement?	8
20. Is there anyone that can assist me in French?	8
21. What if I have questions about using the secure website?	8

22. Who are the Assessors?	8
23. What is the role of the Assessors?	8
24. Who is the Administrator and what is the role of the Administrator?	9
Questions about the Claims Process	9
25. Where do I submit my Claim?	9
26. What should I do if I have not received a Claim number?	9
27. When will my Claim be assigned for Assessor review? How will I know when it has been assigned to an Assessor?	9
28. What should I do if I did not send in all the mandatory documents?	10
29. What is the process once my Claim has been assigned to the Assessors?	10
30. Will the Administrator or the Assessors be investigating my Claim?	10
31. Can I expedite my Claim? How?	10
32. How will I know if I will be interviewed?	11
33. What happens during the interview?	11
34. Will I be reimbursed for my travel expenses?	11
35. Can a person accompanying me claim travel expenses?	11
36. How long will it take for me to receive my compensation and/or travel reimbursement after an interview?	11
37. Why has 7% (plus applicable taxes) been subtracted from my compensation award?	12
Questions about the Claim Form and timelines	12
38. How much time do I have to submit my Claim?	12
39. What supporting documents should I submit?	12
40. What if I don't have any supporting documents?	12
41. What if I don't have an answer for a question on the Claim Form or don't remember a specific date?	12
42. Who can witness my forms?	13
43. What if I am unable to submit my Claim before the deadline?	13
44. What do I need to provide to receive a deadline extension?	13
45. Who decides whether I receive a deadline extension?	13
46. Will my family be able to file a Claim?	13
47. Will my confidentiality be protected?	13
48. Will the Assessors contact individuals identified as witnesses by a Claimant and/or require any such witnesses to provide a statement?	14

49. Are the Claim forms available in French?	14
Questions about the decisions rendered.....	14
50. Why did I receive a decision denying my Claim?	14
51. My claim was denied because I was a Primary Class Member in Merlo/Davidson settlement. I did not make a claim in Merlo/Davidson settlement, so what does this mean?	15
52. Why was my Claim assessed at Level 1 or Level 2?	16
53. Why did I not get invited for an interview with the Assessor?	16
54. Why do Claims assessed at Level 2 have a reconsideration process?	16
55. What do I have to show to obtain a reconsideration of my Level2 decision?.....	17
56. What happens if my request for reconsideration is denied?	17
57. What happens if my request for reconsideration is allowed?.....	17
58. I received a Level 2 Award and do not wish to file a reconsideration. What steps do I need to take?	17
59. If I notify the Administrator that I do not wish to file a request for reconsideration of a Level 2 award, when will I receive my cheque?.....	17
60. Who is entitled to make a Secondary Class Claim?	18
61. What is required to make a Secondary Class Claim?	18
62. How are Secondary Class claims calculated?	18
63. Why was 7% (plus applicable taxes) subtracted from the SecondaryClass compensation award?.....	18
64. What can I do if I am not happy with the decision of the	18
65. Why is there no appeal of the Assessors' decisions?.....	19
66. When will my information be destroyed?.....	19
67. What if I have more questions about my eligibility to participate in this settlement?	19

General questions

1. What is this Class Action and Settlement about?

- The Settlement is a structure to provide compensation to women who experienced gender or sexual orientation-based discrimination or harassment while working or volunteering with the RCMP.

2. Who is eligible to participate in the Class Action?

- This Class Action concerns women (or those who identified as women at the time of the harassment) who experienced gender or sexual orientation-based harassment or discrimination while working or volunteering with the RCMP, during the Class Period (September 16, 1974 to July 5, 2019).
- This includes current and former living Municipal Employees, Regional District employees, employees of non-profit organizations, volunteers, Commissionaires, Supernumerary Special Constables, consultants, contractors, public service employees, students, members of integrated policing units and persons from outside agencies and police forces who are female or publicly identify as female and who were supervised or managed by the RCMP or who worked in an RCMP controlled workplace during the Class Period.
- Individuals who were class members in the Merlo/Davidson class action, the Ross/Roy/Satalic class action, the Association des membres de la police montée du Québec inc. class action, or those who have already been compensated from any source for the same injury(ies) and event(s) are not eligible for compensation under this Settlement Agreement.
- If you are unsure about whether you fall within the scope of the class or whether what you have experienced is harassment or discrimination, please consult the Settlement Agreement. Both 'Primary Class Member' and 'Harassment' are defined in section 1.01.
- If you still have questions about whether you are eligible to make a claim, you may consult a lawyer. Class Counsel for this action are Klein Lawyers and Higgerty Law; however, you are free to consult a lawyer of your choice.
- The Offices of the Administrator and the Independent Assessor cannot provide potential claimants with legal advice on their eligibility.

3. What constitutes Harassment?

- For the purposes of the Settlement Agreement, harassment is defined as gender and sexual orientation based improper conduct in the workplace (including any event or any location related to work) by any RCMP member or employee that is directed at and offensive to a Primary Class Member, where the individual engaging in such conduct knew or ought reasonably to have known would cause offence or harm. Examples include: sexual touching and acts, comments or displays that – on the basis of gender or sexual orientation – demean, belittle or cause personal humiliation or embarrassment and acts of intimidation or threats.

- It also includes harassment as set out in the *Canadian Human Rights Act* based on sex, sexual orientation, marital status and family status.
- Harassment can be a series of incidents but can also be one severe incident which has a lasting impact on the individual, for example, sexual assault and physical assault in the course of conduct otherwise constituting harassment.
- The full definition of 'Harassment' can be found in the Settlement Agreement under 'Article 1 – Interpretation', subsection 1.01 'Definitions'.

4. I was harassed by a member of the public in the course of my employment with the RCMP. Does this fall within the Settlement Agreement?

- No. Harassment by members of the public does not fall within the definition of harassment for the purposes of the Settlement Agreement.
- The full definition of 'Harassment' can be found in the Settlement Agreement under 'Article 1 – Interpretation', subsection 1.01 'Definitions'.

5. I experienced multiple instances of Harassment and discrimination at different times. Do I need to make a claim for each incident?

- No. A Claimant may only make one application for compensation. All incidents of harassment and discrimination should be identified on one claim form and will be considered together by one of the Independent Assessors when evaluating your Claim.

6. A group of Primary Class Members experienced the same incidents of Harassment and discrimination. Can we file a group claim?

- No. Each Claimant must apply individually for compensation. However, others who experienced the same events may be listed as witnesses on the Claim Form.

7. I receive a pension. Can I still participate in the Claims Process?

- Yes. Receipt of a pension, including a disability pension, does not preclude you from making a Claim for compensation under the Settlement Agreement.

8. I have received prior compensation for the same experiences I wish to include in my Claim. Can I still make a claim for those same events and injuries?

- No. You cannot make a Claim for an incident and injuries for which you have already been compensated. As part of the application process, all Claimants will have to complete a form certifying they have not received prior compensation for the same events and injuries.

9. Can men who have been subjected to discrimination/harassment while employed or volunteering with the RCMP make a Claim under the Settlement Agreement?

- No. To apply for compensation under the Settlement Agreement, the Claimant must be female or have identified as female at the time that the harassment occurred. For more detail on the definition of the Class and other terms, please refer to the [Settlement Agreement](#).

10. Will I have to testify in public?

- No. There will be no public testimony. Claimant confidentiality will be maintained at all times.
- Level 1 and 2 Claims will be assessed based on the Claim Form and the supporting documentation provided.
- Level 3 to 6 Claims will require an interview with one of the Assessors. All interviews with an Assessor will be conducted in a confidential manner. The interviews are not open to the public. Claimants may bring a friend, family member, or treating physician to the interview for moral support.

11. Who will conduct Claimant interviews?

- One of the Assessors will interview claimants assessed at Level 3 or higher.
- The Assessors operate with complete autonomy and independence and do not report to the RCMP or the Government of Canada. These interviews can be conducted in English or French.
- The Assessors will retain the services of any professionals necessary to assist in accomplishing their mandate. All professionals retained are bound by the same rules of confidentiality as the Assessors in relation to Claimant information.

12. How will the compensation amounts be decided?

- Compensation levels range from \$10,000 to \$220,000. There are 6 categories of compensation for incidents ranging from mild to severe based on the gravity of the acts of harassment and the damage caused. The Assessor will complete an analysis of the Claim assigned to them, and will provisionally place each case in one of the six categories.
- Level 1 and 2 Claims will be evaluated based on the Claim Form and supporting documentation provided by Claimants. Level 3 to 6 Claims will be determined based on the Claim Form and supporting documentation and an interview with an Assessor.
- The amounts awarded are predetermined for each level:

Level	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
Injury	Minimal	Mild	Low Moderate	Upper Moderate	Significant	Severe
Compensation	\$10,000	\$35,000	\$70,000	\$100,000	\$150,000	\$220,000

- The Assessor will determine what level of compensation, if any, that a Claimant should be awarded based on the terms of the Settlement Agreement. The decision of the Assessor is final, with one exception: it is possible for a Claimant assessed at Level 2 to have her case reconsidered, in exceptional circumstances, in order to be granted the right to an interview. Except for the limited possibility of an appeal in Level 2, the decisions of the Assessor cannot be appealed.

13. Will I receive the full amount corresponding to the level at which my Claim is assessed?

- The amount awarded to any Claimant is subject to a Class Counsel fee of 7% plus applicable sales tax. This fee has been approved by the Federal Court and will be deducted from the total amount of compensation awarded to a Claimant.

14. How can I prove class membership?

- The full definition of 'Primary Class Member' can be found in the Settlement Agreement under 'Article 1 – Interpretation', subsection 1.01 'Definitions'. Claimants are responsible for providing relevant documentation to demonstrate that they worked or volunteered with the RCMP during the Class Period (September 16, 1974 to July 5, 2019). Relevant documents may include the following: personnel file, proof of an RCMP email address, an employment contract on RCMP letterhead or referencing employment with the RCMP, a business card with an RCMP logo, or other documents referencing work or volunteer activity with the RCMP.

15. What conduct is covered?

- For the purposes of the Settlement Agreement, harassment is defined as gender and sexual orientation based improper conduct in the workplace (including any event or any location related to work) by any RCMP member or employee that is directed at and offensive to a Primary Class Member, where the individual engaging in such conduct knew or ought reasonably to have known would cause offence or harm. Examples include: sexual touching and acts, comments or displays that – on the basis of gender or sexual orientation - demean, belittle or cause personal humiliation or embarrassment and acts of intimidation or threats. It also includes harassment as set out in the *Canadian Human Rights Act* based on sex, sexual orientation, marital status and family status.
- Harassment can be a series of incidents but can also be one severe incident which has a lasting impact on the individual, for example, sexual assault and physical assault in the course of conduct otherwise constituting harassment.
- The full definition of 'Harassment' can be found in the Settlement Agreement under 'Article 1 – Interpretation', subsection 1.01 'Definitions'.
- Harassment by members of the public is not considered Harassment for the purposes of the Settlement Agreement.

16. What is the eligible time period?

- The Settlement covers harassment that occurred during the Class Period. The Class Period is September 16, 1974 to July 5, 2019.

17. I am retired. Can I apply for compensation?

- Yes, assuming you experienced gender or sexual orientation based harassment or discrimination while working or volunteering with the RCMP during the Class Period (September 16, 1974 to July 5, 2019).

18. I already started a Harassment lawsuit against the RCMP. Can I apply for compensation under the Settlement?

- In order to be eligible for compensation under the Settlement, you must have discontinued any existing Harassment lawsuit against the RCMP before the opt-out deadline (which was September 13, 2019); otherwise, you will be deemed to have opted out of the Class Action and will not be able to claim compensation under the Settlement.

19. What if I don't want to participate in the Settlement?

- You are not obligated to submit a Claim, and there is nothing you have to do to signify that you are not going to submit a claim.

20. Is there anyone that can assist me in French?

- Yes. The Offices of the Administrator and Assessors are able to assist Claimants from across Canada who would like services in French. Please indicate your language preference on your Claim Form and when communicating with the Administrator.

21. What if I have questions about using the secure website?

- If you have any questions about or are having any trouble using the Administrator's secure website to upload your Claim Form and supporting documentation, please contact the Administrator at rcmpsettlement@deloitte.ca or at 1-844-965-0088

22. Who are the Assessors?

- The Federal Court appointed former judges Louise Otis, Pamela Kirkpatrick, and Kathryn Neilson as the Independent Assessors on March 10, 2020. On May 6, 2021, the Court appointed additional Independent Assessors, former judges, Susan Lang and Deborah Gass.
- You can find out more information about the Assessors [here](#).

23. What is the role of the Assessors?

- The role of the Assessors is to carry out the duties and responsibilities assigned in respect of the Claims Process in Schedule B to the Agreement.
- The Assessors operate with complete independence in fulfilling their mandate. They do not report to the RCMP or the Government of Canada. The Assessors' role is to review, evaluate and render decisions in respect of all Claims, and award compensation in accordance with the terms of the Settlement

Agreement reached by the Parties and approved by the Federal Court on March 10, 2020.

24. Who is the Administrator and what is the role of the Administrator?

- The Federal Court appointed Deloitte LLP as Administrator on March 10, 2020.
- The role of the Administrator is to carry out the duties and responsibilities assigned to it in respect of the Claims Process.
- The Administrator operates with complete independence in fulfilling the duties of the Administrator set out in the Settlement Agreement. The Administrator is not an agent, servant or employee of Canada or a government institution for any purpose, and acts solely on its own behalf, as agreed to jointly by the Parties and as authorized by the Court.

Questions about the Claims Process

25. Where do I submit my Claim?

- Your Claim and all related documents should be submitted to the Administrator by mail, fax or using the [secure website](#). Submission details are included in the Claim Form and on the Administrator's [website](#).

26. What should I do if I have not received a Claim number?

- If you submit your Claim online, using the [electronic upload website](#), you should receive an email confirming receipt and providing you with your assigned Claim file number. If you have not received such an email, please check your spam folder for receipt prior to contacting the Administrator.
- If you mail your Claim, please allow a few weeks to receive a notice of receipt. Please keep a copy of any delivery receipt that you obtain from your delivery service.
- If you have not received a letter or email confirming receipt of your Claim, please contact the Administrator at rcmpsettlement@deloitte.ca or at 1-844-965-0088.

27. When will my Claim be assigned for Assessor review? How will I know when it has been assigned to an Assessor?

- Claims are assigned in chronological order (once all required information is provided) unless there is a request to expedite the claim for health or other reasons. You will hear from the Office of the Assessors if there is a point of clarification or if an interview is requested. Level 1 or 2 claims may be assessed without any contact between the Office of the Assessors and the claimant or her counsel in advance of the decision.

28. What should I do if I did not send in all the mandatory documents?

- Please refer to the submission checklist included in the Claim form (page 35) to ensure you have submitted all the required documents. This includes: completed Claim Form signed and witnessed, a copy of government-issued photo identification, signed Declaration, signed Authorization and Direction to Release Information and signed Certification of No Prior Compensation.
- If there are any documents that you wish to submit in support of your Claim, please include copies of such documents with your Claim submission, unless submitting them separately. Documents that are not immediately available can be sent or uploaded as soon as they are available, but no later than 60 days of submitting your Claim Form. The Administrator must be notified at the time of your claim submission, if documents will be sent after the submission of the Claim Form.
- When your Claim is received by the Administrator, the Administrator will verify that all necessary documents are on file. If anything is missing, the Administrator will be in touch to request the missing documentation. Your Claim file will not be assigned for Assessor review until all mandatory documents are received by the Administrator.

29. What is the process once my Claim has been assigned to the Assessors?

- Once the Administrator assigns your Claim to an Assessor, the Assessor will review the Administrator's preliminary conclusions with respect to Claim completeness and eligibility as a Primary Class Member, and ensure that you have not opted out or received prior compensation. For eligible Class Members, the Assessor will make an initial Level assessment based on the incidents and information provided in the Claim package.

30. Will the Administrator or the Assessors be investigating my Claim?

- The Administrator and the Assessors base their review and assessments on the information provided by the Claimant. However, where the Administrator and the Assessors feel it is necessary, they do have the authority to seek information from third parties to determine a Claim. The Administrator and the Assessors will not seek information about a Claimant without informing the Claimant, and giving her an opportunity to provide the missing information first.

31. Can I expedite my Claim? How?

- Claims may be prioritized where medical concerns require a faster resolution of the claim. To request that your Claim be expedited, you must send a request by email or in writing to the Administrator, along with medical documentation supporting your medical issue(s).

32. How will I know if I will be interviewed?

- Claimants whose Claims are assessed at Level 1 or Level 2 are not interviewed.
- Claimants whose Claims are assessed at Level 3 or higher will be interviewed by one of the Assessors. In such cases, the Administrator will be in touch with the Claimant or her lawyer to schedule the interview.

33. What happens during the interview?

- The interview is a non-adversarial process that allows a Claimant to tell their story to the Assessor. The Assessor may ask questions to clarify any elements of the Claim that are not evident from the Claim Form. It is not a cross-examination or investigation. The interview is informal and is not designed to re-victimize Claimants. To the contrary, the interview is intended to give Claimants an opportunity to discuss their experiences and how those experiences impacted their lives. Only the Assessor and their clerk will be present at the interview. The Claimant may bring any support person they choose (the support person cannot be a lawyer).

34. Will I be reimbursed for my travel expenses?

- Claimants who are required to travel more than 50 kilometres to attend an interview may request reimbursement of their travel expenses (after the expenses are incurred) by submitting a completed Travel Claim Form. The Settlement Agreement states that the rates set out in the National Joint Council (NJC) Travel Directive are applicable.
- For travel claims, Claimants are required to provide receipts for transportation (plane, taxis, ferries, parking, etc.) and accommodation (e.g. hotel). Receipts for meals are not required, as this is calculated on a fixed "per diem" basis. The NJC Travel Directive sets out the rates per kilometer for transportation by car.
- Travel claims should be sent by mail to the Administrator, and must reference your Claim number.

35. Can a person accompanying me claim travel expenses?

- The travel expenses of any person accompanying a Claimant are **not** reimbursable.

36. How long will it take for me to receive my compensation and/or travel reimbursement after an interview?

- The Assessor will first need to make their decision regarding eligibility and level determined before compensation may be issued to the Claimant. The timeline for this process has not yet been determined as it depends on the level assessed (ie. whether an interview is required).
- The Administrator is responsible for paying compensation to Claimants under the Settlement Agreement. To do so, the Administrator may only make a request for funds from the RCMP at the end of each calendar month based on the decisions of the Assessor during the month. Therefore, a Claimant whose

decision is rendered by the Assessor at the beginning of the month, can expect to receive her decision and compensation the next month.

- Similarly, a complete travel claim that is received at the beginning of a calendar month will be paid in the following month. In general, we advise Claimants that payment will take approximately 6 to 8 weeks.
- However, if a Claimant is represented by a lawyer, the decision letter and cheque will be sent to her lawyer (in trust if a Direction to Pay is provided). The lawyer will then be responsible for communicating with the Claimant and distributing the compensation payment to the Claimant.

37. Why has 7% (plus applicable taxes) been subtracted from my compensation award?

- In the March 10, 2020 Settlement Approval Order, the Federal Court awarded Class Counsel fees that included contributions from Class Members in the amount of 7%, plus applicable sales taxes, of the compensation awarded to each Class Member. Accordingly, this amount is deducted from your award even if you are represented by another lawyer.

Questions about the Claim Form and timelines

38. How much time do I have to submit my Claim?

- Claims must be submitted within 180 days (6 months) of the Implementation Date, by January 12, 2021. Please refer to the Important Updates section of the Administrator's website for specific timelines and dates.

39. What supporting documents should I submit?

- All cases are determined on a case-by-case basis. You should submit any documents that support your Claim, including employment records, medical reports, grievance documents, relevant emails, etc.

40. What if I don't have any supporting documents?

- If you do not have any supporting documents, you may still make a Claim. Please describe the incidents in as much detail as possible.

41. What if I don't have an answer for a question on the Claim Form or don't remember a specific date?

- Please answer all the sections of the Claim Form that apply to you. Do not try to guess the answers, but provide as much detail as you remember.
- If you cannot remember an exact date, you may provide an approximate period of time.
- If a section or a question does not apply to you or if you do not know an answer, please write "Not Applicable" (N/A) or "Don't Know". Do not try to guess the answers, but provide as much detail as you remember.

42. Who can witness my forms?

- Any adult who knows you may witness your Claim forms. They do not need to read the forms; they must only witness your agreement and/or signature. A relative may serve as a witness.
- You may also have a Notary Public or Commissioner of Oaths in your province or territory witness the forms for you, but you are not required to do so.

43. What if I am unable to submit my Claim before the deadline?

- If you are a Primary Class Member, you may seek an extension by completing and sending to the Administrator, a Request for Deadline Extension form.
- The Assessor will consider whether the circumstances that prevented you from submitting your Claim by January 12, 2021, justify granting you an extension. If the Assessor does not grant the extension, your Claim will not be assessed.
- Please note that along with your Request for Extension form you must include a completed Claim Form, a government issued photo identification, and all supporting documents.

44. What do I need to provide to receive a deadline extension?

- To make a request for an extension you must complete a Request for Deadline Extension form, setting out the reasons for the request that demonstrate exceptional circumstances, and attach a completed Claim Form along with all supporting documentation.

45. Who decides whether I receive a deadline extension?

- The Administrator will receive and perform a preliminary review of your Request for Deadline Extension.
- The Assessor will review each request for an extension and will make a decision based on the information provided by the Claimant.

46. Will my family be able to file a Claim?

- Current spouses and current or former Child(ren) of Primary Claimants who are assessed at Levels 5 or 6 are eligible for compensation under the Settlement.
- See Schedule C of the Settlement Agreement: Secondary Class Member Claims for more details.

47. Will my confidentiality be protected?

- Yes. The RCMP will not receive a copy your Claim file. The Settlement is designed to protect the Claimants' confidentiality. Only the Offices of the Administrator and Assessor will know the details of your Claim. The Administrator, the Assessors and staff are not employees of the RCMP or of the Government of Canada.
- Any information provided, created or obtained in the Settlement and Claims Process will be kept confidential, and managed in accordance with the

provisions of the Settlement Agreement (refer to Paragraph 12.01, and Schedules B and D for further details).

- All information provided by the Claimants to the Administrator and to the Assessors will be destroyed six months after the completion of all Claimant assessments and payments through the Claims Process.

48. Will the Assessors contact individuals identified as witnesses by a Claimant and/or require any such witnesses to provide a statement?

- If an Assessor is of the view that additional information is required in order to assess the claim, the Assessor may contact any third party the Assessor feels is necessary. However, the Assessor cannot require witnesses to provide a statement.

49. Are the Claim forms available in French?

- Yes, Claim forms in both English and French are available.

Questions about the decisions rendered

50. Why did I receive a decision denying my Claim?

- The Independent Assessor is bound by the definitions and eligibility requirements in the Settlement Agreement; she cannot decide to award compensation when a Claim does not fall within the scope of the Settlement Agreement. In most instances, if you received a letter refusing compensation it is because your Claim did not meet one or more of the requirements of the Settlement Agreement
- The Settlement Agreement requirements are:
 - that the Claimant is living at the time of assessment;
 - that the Claimant demonstrate that it is more likely than not that the alleged events occurred and, if so, if they occurred in, or in relation to, the workplace, between September 16, 1974 and July 5, 2019;
 - that the events found to have occurred constitute harassment within the definition set out in article 1.01 of the Settlement Agreement, that is, more specifically, they are the result of gender or sexual orientation-based discrimination or harassment;
 - that the nature and severity of harm suffered by the Claimant was caused or contributed to by the gender or sexual orientation-based workplace harassment and not some other incident such as a personal life event or non-gender or sexual orientation based harassment; and
 - that the level of compensation to be awarded is in accordance with Appendix 6 of Schedule B of the Settlement Agreement.
- The Settlement Agreement also provides that: "The Assessor may deny any Claim as unproven or on the basis that the events do not constitute

Harassment” (Schedule B Par 46). If the incidents described in your Claim do not meet the threshold of Harassment as defined in the Agreement or are not clearly linked to your gender or sexual-orientation, the Claim will be denied.

- Other grounds on which a Claim will be denied are:
 - The Claimant was a Primary Class Member in Merlo/Davidson class action, the Ross/Roy/Satalic class action, the Association des membres de la police montée du Québec inc., Gaétan Delisle, Dupuis, Paul, Lachance, Marc v. HMTQ Class Action;
 - The Claimant has already been compensated from another source for the same injury(ies) and event(s).
 - The Claimant is not, or was not, a Primary Class Member. For example, the Claimant is deceased at the time of assessment, the Claimant was male or identified as male at the time of the harassment, the Claimant was not a Municipal Employee, Regional District Employee, employee of non-profit organizations, volunteers, Commissionaires, Supernumerary Special Constables, consultants, contractors, public service employees, students, members of integrated policing units and persons from outside agencies and police forces and who was supervised or managed by the RCMP or who worked in an RCMP controlled workplace during the period between September 16, 1974 and July 5, 2019.
 - The Claimant has opted out or has been deemed to have opted out by not discontinuing related litigation, or the harassment was not gender or sexual orientation based.
 - The person responsible for the harassment was not an employee of the RCMP, for example, was a member of the public.
- If you received a decision that does not award you compensation, it means that the Assessor has reviewed your Claim, as required by the Settlement Agreement, and found that one or more elements required by the Settlement Agreement have not been met or established. The Assessor is bound by the Settlement Agreement to deny these Claims.

51. My claim was denied because I was a Primary Class Member in Merlo/Davidson settlement. I did not make a claim in Merlo/Davidson settlement, so what does this mean?

- The definition of “primary class members” under the Settlement Agreement in the Tiller/Copland/Roach class action excludes individuals who were primary class members in Merlo/Davidson. The definition of “primary class members” in Merlo/Davidson provided:

“Primary Class Members” means female current and former living Regular Members, Civilian Members and Public Service Employees (who are appointed by the Commissioner of the RCMP under the delegated authority of the Public Service Commission pursuant to the Public Service Employment Act, R.S.C., 1985, c. P-32; amended S.C. 2003, c. 22, ss.12, 13) who worked

within the RCMP during the Class Period, who experienced and/or continue to experience gender and/or sexual orientation based harassment and discrimination while working in the RCMP during the Class Period, and who have not opted out or are not deemed to have opted out of the Class Action on or before the expiry of the Opt Out Period.

For the purposes of this Agreement only "Regular Members" includes Regular Members, Special Constables, Cadets, Auxiliary Constables, Special Constable Members, and Reserve Members.

For the purposes of this Agreement only "Public Service Employees" includes Temporary Civilian Employees who, prior to 2014 were appointed under the now-repealed subsection 10(2) of the RCMP Act, R.S.C., 1985, c. R-10.

- Making a claim under the Merlo-Davidson settlement does not determine whether an individual meets the definition of a "Primary Class Member" under that Settlement Agreement.
- A link to the Merlo settlement can be found at <https://www.callkleinlawyers.com/class-actions/settled/rcmp/docs-english/>

Auxiliary Constables

Auxiliary constables were primary class members in the Merlo/Davidson settlement. On June 23, 2021, the representative plaintiffs filed a motion before the Federal Court seeking approval of a protocol for claims made by auxiliary constables in this Class Action. An update on the outcome of that motion will be provided when available.

52. Why was my Claim assessed at Level 1 or Level 2?

- All final assessments are made by the Independent Assessor after reviewing all the information and evidence provided by the Claimant. This review is based solely on the information and evidence provided by the Claimant. Incidents and injuries that you do not clearly include in your Claim Form cannot be considered in the assessment of your Claim.
- The Independent Assessor assesses Claims in accordance with the levels of culpable conduct, injury and compensation found in the Settlement Agreement.
- Your Claim was found to fall within Level 1 or Level 2 based on the conduct and injury you identified in your Claim Form.

53. Why did I not get invited for an interview with the Assessor?

- The Claims process established by the Settlement Agreement requires the Independent Assessor to make a preliminary paper-based determination of the level of a Claim, based on the documentary information provided.
- Only claims that have been preliminarily assessed at Level 3 or higher are given an interview.
- Claims that are preliminarily assessed at Levels 1 and 2 are assessed on a paper basis. If the information provided in the Claim Form does not support an award at Level 3 or higher, there will not be an interview.

54. Why do Claims assessed at Level 2 have a reconsideration process?

- Level 2 marks the threshold between Claim files that will be decided solely on the written record provided by the Claimant, and those claims where the Settlement Agreement requires that an Assessor interview the Claimant (Levels 3 to 6).
- To ensure that the Assessors meet all Claimants who should receive an interview, the Settlement Agreement provides for a reconsideration process where **new** evidence or information becomes available that would likely have led the Assessors to grant an interview.

55. What do I have to show to obtain a reconsideration of my Level 2 decision?

- To have a Level 2 assessment reconsidered, the Claimant must demonstrate that she has information that was **not reasonably available** when the Independent Assessor's decision was made, **and** that this information shows, on reasonable grounds, that the Independent Assessor should interview the Claimant before determining the final level of her Claim.

56. What happens if my request for reconsideration is denied?

- If the Assessor denies your request for reconsideration, your Claim will be finalized at Level 2 and a decision letter and cheque will be sent to you by the Administrator. This will close your Claim file.

57. What happens if my request for reconsideration is allowed?

- If your request for reconsideration is allowed, you will be invited to an interview.

58. I received a Level 2 Award and do not wish to file a reconsideration. What steps do I need to take?

- The Settlement Agreement gives claimants who have been assessed at Level 2 up to 30 days to seek reconsideration of the assessment of their claim. The Administrator cannot issue a compensation cheque until the earlier of the 30 days having passed or any request for reconsideration has been resolved. Claimants who do not wish to file a request for reconsideration of a Level 2 award may shorten that 30-day period by advising the Administrator (either directly or through their legal counsel) that they do not wish to file a reconsideration. To notify the Administrator, claimants or their legal counsel can send an email to the Administrator's email address at rcmpsettlement@deloitte.ca stating that they do not wish to file a request for reconsideration.

59. If I notify the Administrator that I do not wish to file a request for reconsideration of a Level 2 award, when will I receive my cheque?

- You will receive your cheque as soon as possible after the Administrator receives notification from you or your legal counsel stating that you do not

wish to file a request for reconsideration. The Administrator issues payments twice a month in accordance with the Final Settlement Agreement. After the Administrator has been notified that you do not wish to file a reconsideration, funds for your Level 2 award will be requested as soon as possible from Canada.

60. Who is entitled to make a Secondary Class Claim?

- If your Claim is assessed by the Assessor at Level 5 or Level 6, your current spouse and your children are then entitled to make a Secondary Class Claim. The form for a Secondary Class Claim will be provided to you along with your decision letter and must be returned to the Administrator within 60 days of the decision date (i.e., the date on the decision letter).

61. What is required to make a Secondary Class Claim?

- To make a Secondary Class Claim you must complete a separate Secondary class member Claim form for each person. You must provide government issued photo identification for the Secondary Class Member if he or she is an adult. You must also provide proof of your relationship with the Secondary Claimant. This includes, but is not limited to, a Separation Agreement awarding custody, a birth certificate naming you as a parent, an affidavit stating that you are the parent or current spouse of the Secondary Claimant, a marriage certificate or proof of cohabitation as common law spouses (bills, etc.). The Administrator will determine whether the proof of your relationship is sufficient.

62. How are Secondary Class claims calculated?

The designated eligible Spouse and Child(ren) (the Secondary Class Members) will each be awarded 5% of the amount awarded to the Primary Class Member, up to a maximum total of 10% of the amount awarded to the Primary Class Member. If there are more than two Secondary Claimants, the 10% maximum is divided between them. For example:

- One Secondary Claimant is entitled to 5% of the overall award.
- Two Secondary Claimants are entitled to 5% of overall award each.
- Three Secondary Claimants are entitled to 3.33% of the overall award each.
- Four Secondary Claimants are entitled to 2.5% each. Etc.

63. Why was 7% (plus applicable taxes) subtracted from the Secondary Class compensation award?

- In the March 10, 2020 Settlement Approval Order, the Federal Court awarded Class Counsel fees that included contributions from Class Members in the amount of 7%, plus applicable sales taxes, of the compensation awarded to each Class Member. This also applies to Secondary Class awards and Class Counsel fees are accordingly deducted from the compensation paid to Secondary Class Claimants.

64. What can I do if I am not happy with the decision of the

Assessor?

- With the exception of the reconsideration process established for Level 2 decisions, the Settlement Agreement clearly states that there is no appeal or judicial review of the Assessors' decisions.
- Once the Assessor has issued a decision, the Claim file is closed.

65. Why is there no appeal of the Assessors' decisions?

- The absence of an appeal mechanism provides closure and finality to the assessment process. This allows Claimants to benefit from confidentiality, in a non-adversarial context. The process selected avoids the need for judicial assessments of individual Claims, which could have gone on for many years.
- The representative plaintiffs and the RCMP agreed to this limitation and have indicated that they have confidence in the Assessors' judgment and their ability to determine claims fairly. All of the Assessors are retired justices of the Court of Appeal.

66. When will my information be destroyed?

- The Administrator and the Assessors will destroy all Class Member information and documentation in their possession six months after the completion of all Claimant assessments and payments through the Claims Process.

67. What if I have more questions about my eligibility to participate in this settlement?

- If you have further questions, you can contact Class Counsel at either [Klein Lawyers LLP](#) or [Higgerty Law](#). There is no charge to speak with Class Counsel to discuss any questions you may have about this settlement.
- Class counsel may be reached as follows:

Klein Lawyers LLP
1385 W 8th Avenue, Suite 400
Vancouver, BC
V6H 3V9
Attention: Whitney Santos
wsantos@callkleinlawyers.com
(604) 874 7171

Higgerty Law LLP
440 2nd Avenue SW, Suite 101
Calgary, AB
T2P 5E9
Attention: Dar Ford or Jill Taylor
stage6team@higgertylaw.ca
(403) 503 8888