

**Subject:** MEDIA RELEASE: Ontario Minister of Consumer Services John Gerretsen, Candidate for Kingston & The Islands, Refuses to Enforce His Act for Nortel Disabled

**Media Release From Dissenting Nortel Disabled Former Employees**

**September 23, 2011, 12 PM EST**

**Subject:**

**Ontario Minister of Consumer Services John Gerretsen, Candidate for Kingston & The Islands, Refuses to Enforce His Act for Nortel Disabled**

Ontario Minister of Consumer Services John Gerretsen, Candidate for Kingston & The Islands, answers questions at two All Candidates Debates this week about why he is not enforcing the Consumer Protection Act to force Nortel and Sun Life to pay for their misrepresentations of disability insurance sold to Nortel employees. He changes his answer between the Monday and Wednesday Debates as noted in the video and audio recording at the following two links.

25. [Queens University Provincial Election All Candidates Debate - Q & A on Nortel Disabled Sept. 19, 2011 \(Video\)](#)

Minister Gerretsen says the reason he is not enforcing the Consumer Protection Act is that Nortel is bankrupt and has no money. Kingston & The Islands Conservative, NDP and Green candidates say they would enforce the Consumer Protection Act.

26. [Kingston Community Health Center All Candidates Health Care Debate Sept. 21, 2011\(Audio\)](#)

Hugh Urquhart asks the following question at the September 21, 2011 Kingston Community Health Care Center Health Care Debate. Minister Gerretsen changes his answer from Queens University Debate to the Nortel disabled problem is not a Consumer Protection issue based on the legal advice he has received from the Attorney General lawyers. He agrees with respect to the disability issue, there is a fair complaint that needs to be looked into. The Ministry of the Attorney General and the Ministry of Finance are looking into it.

**Q: Nortel with \$10 billion in its bankruptcy estate is causing the poverty and premature death of its disabled employees. Since May 2011, Consumer Services Minister John Gerretsen refuses to meet with representatives of the Nortel disabled . He refuses to enforce the Consumer Protection Act, despite its legal jurisdiction over bogus disability insurance and despite costing the taxpayers nothing. What is the view of each candidate on using the Consumer Protection Act to force Nortel and Sun Life to pay for the misrepresented disability insurance sold to Nortel's employees?**

**In conversation after this Debate Minister Gerretsen denies seeing or knowing about the Rochon Genova LLP August 16 legal opinion letter. Minister Gerretsen denies knowing anything about Carol Sampson asking to meet him personally.**

At the second Debate, the Minister accepts that the Nortel disabled have a fair complaint, which is being looked into by the Ontario Ministries of the Attorney General and Finance. Attorney General lawyers James Stirling and Marilyn Marshall have stopped the Ministry of Consumer Services from initiating an investigation of the Nortel disabled Complaint under the Consumer Protection Act, for reasons described in the July 18, 2011 letter from Assistant Deputy Minister Frank Denton at the link below. The Attorney General lawyers' reasons are not well-founded based on the plain meaning of the Consumer Protection Act and the documented legislative intent and broad and flexible scope of the Act, which Ontario courts have accepted. Rochon Genova LLP provided a legal opinion in their letter of Aug. 16, 2011 below that a Ministry's application for determination of offences and remedies under the Act relating to Nortel's and Sun Life's misrepresentation of group disability insurance services would likely be determined by the court to be within the jurisdiction of the Consumer Protection Act.

13. [Letter from Assistant Deputy Minister Denton to Rochon July 18, 2011](#)

ADM Frank Denton does not honour his commitment to receive the detailed legal opinion and arguments of Rochon Genova LLP and sends a pre-emptive letter two days after the June 16 meeting indicating that the Ministry would not investigate the Complaint.

"The CPA is intended to regulate transactions between individual consumers and suppliers for goods and services, with a view to promoting a fair and balanced marketplace. It is not intended to regulate terms and conditions of employment or address disputes arising in the context of the workplace relationship. The provision of benefits in the context of an employment relationship would not be within the scope and purpose of the CPA. Your clients' claim against Nortel Networks Inc. and Sun Life Financial arises in the context of their status as former employees of Nortel Networks. It is the Ministry's position that the former employees' complaint is not in relation to a consumer transaction within the meaning of the CPA and is outside the jurisdiction of the CPA. Accordingly, the Ministry will not be commencing an investigation into your clients' complaint."

17. [Letter to Assistant Deputy Minister Denton from Rochon Aug. 16, 2011](#)

[Appendix A - Consumer Protection Act - Ontario Legislature and Committee Debates](#)

[Appendix B - Report on Misrepresentation Evidence](#)

Promised detailed legal opinion and arguments are provided by Rochon Genova LLP, Joel Rochon on Aug. 16, 2011. This is within one month of the July 15 meeting with Ministry staff and Marilyn Marshall, Attorney General lawyer, all of whom agreed to receive this legal opinion and continue discussion of it amongst the lawyers before Frank Denton reaches a final decision on whether his Ministry will investigate the Complaint.

"Based on a plain meaning interpretation of the CPA, as well as the documented legislative intent and broad and flexible scope of the Act, which Ontario courts have accepted, we believe that a judge hearing the Ministry's application for determination of offences and remedies under the Act relating to Nortel's and Sun Life's group disability insurance services would accept that the Complaint is within the jurisdiction of the CPA. It is not necessary for the court to engage in gap-filling powers to find that jurisdiction could be asserted and find a judicial solution for the poverty and potential premature death of Nortel disabled former employees within the CPA. We note that the judge has the power to make orders for compensation and restitution under section 117. The evidence on these unfair practices and misrepresentations in the Report on Misrepresentation Evidence found at APPENDIX B provides compelling support for the Ministry to achieve a successful prosecution of these offences under the CPA."

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**[Timeline for Communications with Minister John Gerretsen and Ministry Staff](#)**