

Rights for Nortel Disabled Employees Group

Media Release

Released: Media Conference at the Charles Lynch National Press Theatre at Wednesday, June 1, 2011, 11 A.M. EST.

Subject: **Financial Abuse of Nortel Disabled: Systemic Failure of All Employer Sponsored Disability Insurance in Canada**

I am releasing a comprehensive research report on employer sponsored disability insurance at a title is:

[Systemic Failure of Employer Sponsored Disability Insurance June 2011](#) **Solutions to Stop Financial Abuse of Disabled Employees in Canada**

The bankruptcy court's failure to protect Nortel's disability insurance in its Health and Welfare Trust ("HWT"), is causing all employer sponsored disability insurance in Canada to be unsafe. Accepting the status quo is to accept the financial abuse of Canadian disabled employees.

Jackie Bodie, a former Nortel employee with Early Onset Parkinson's Disease says: "Nortel's disabled employees have been at the mercy of corporate lawyers beating down a bunch of sick people into submission by holding our insurance money hostage. I hope the nasty tactics used by the Nortel bankruptcy lawyers to punish us for trying to fight back against their abuse will someday be exposed."

What has happened to the Nortel disabled meets the definition of abuse written by Professor Hilary Brown, U.K. Canterbury Christ Church University, in her report called [Safeguarding adults and children with disabilities against abuse](#):

"Any act, or failure to act, which results in a significant breach of a vulnerable person's ... dignity or general well-being, whether intended or inadvertent, including ... financial transactions to which the person has not or cannot validly consent, or which are deliberately exploitative.

Abuse may be perpetrated by any person (including by other people with disabilities) but it is of special concern when it takes place within a relationship of trust characterised by powerful positions based on:

- legal, professional or authority status;**
- unequal physical, economic or social power; "**

As set out in this new research report, each of the named parties in the courtroom and in government had the ability, and in some cases the fiduciary responsibility, to render decisions that could have avoided or, alternatively could have provided a remedy for, the dire circumstances of hardship facing the Nortel disabled as result of inadequate funding of their disability insurance in the Nortel Health and Welfare Trust ("HWT".)

This is no longer just politics. Nortel disabled are dying one by one due to their severe illnesses, while under the emotional shock of their unnecessary harsh treatment in the courtroom and by

the Federal Government. The Court Monitor' lawyer, Goodmans LLP, court appointed lawyers for the disabled, Koskie Minsky LLP, and CAW Canada made no arguments in the court to remedy the Nortel disabled poverty and risk of death using the available legal tools for breach of constructive trust and breach of fiduciary duties in a real trust.

These disabled persons are entirely justified in asking their Governments to provide for emergency relief not only because Canada's social security safety net for the disabled is inadequate, but also due to the fact that our bankruptcy laws and court procedures fail to safeguard the disabled. It must be recognized that we have a legal framework in this country that permits unsafe employer sponsored disability insurance and the removal of assets from the trust accounts funding disability insurance. Something needs to be done to fix the statutes so that these sorts of abuses are deterred and bankruptcy courts are forced to use effective and timely remedies for disabled employees.

The role of the Federal Government is at the following sections of my report:

Government Actions Urgently Needed To Compensate for the Nortel Disabled Abuse	9
Disability Insurance at Insolvent Employers Should Have Same Priority as Disability Insurance at Insolvent Insurers	10
Canada Revenue Agency Needs to Address Inconsistency of Nortel HWT Wind-up Settlement with ITA and CRA Rules for HWTs.....	12
CRA Signs \$2 B Retroactive Transfer Pricing Agreement Cutting Former Employees' CCAA Settlement by Close to 50%	39
Federal Government's Nine Specific Lost Opportunities to Assist the Nortel Disabled	42
Conservative Senators' Use Technical Reason for Rejecting Bill S-216, and Refuse Amendment to Address It	43
Dissenting Disabled Lawyers' Response (1) on CCAA Procedures Were Substantively Unjust	45
Dissenting Disabled Lawyers' Response (2) on Retroactive Law Can Fix This Abuse	45
Dissenting Disabled Lawyers' Response (3) on Interim Settlement is Not CCAA Final Plan	46
Dissenting Disabled Lawyers' Response (4) on Retroactive Replacing Retrospective Law	46
Exaggerated Unintended Consequences of Bankruptcy Reform for the Disabled	47
Dissenting Disabled Financial Expert's Response (5) on De Minimus Impact to Cost of Credit and Liquidation Versus Restructuring...47	
Federal Government's Long Term Failure to Protect the Canadian Disabled	50
CPP Disability Income a Woefully Inadequate Social Security Safety Net	53

We hope to hear whether the Supreme Court of Canada will grant the dissenting Nortel disabled Leave to Appeal on the Nortel HWT Wind-up Distribution by the end of June 2011.

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