

Media Release from the Rights For Nortel Disabled Employees

Friday, December 3, 2010 , 1:00 PM EST

Subject: Conduct and Votes of Some Senators Belies their Support for the International Day of Persons with Disabilities - December 3, 2010

The conduct and votes of Canadian Senators in the past two weeks belie their support for the International Day of Persons with Disabilities and the objectives for this special day of December 3, 2010.

See from the Senate Hansard of December 2, 2010, **Senator Vim Kochhar's** remarks about celebrating the International Day of Persons with Disabilities on Dec. 3, 2010. Not six days prior, as seen in the video clip at the following link,

[Senate Banking Trade and Commerce Committee - Vim Kochhar on Bill S-216, November 18, 2010](#)

Senator Vim Kochhar is vigorously speaking against Bill S-216 at the Senate Banking Trade and Commerce on Nov. 18th. He expresses opposition to Bill S-216 since he says it will cause litigation against the Nortel long term disabled employees for many years in the future and it will therefore harm the Nortel long term disabled employees. Yet, experts before the Senate Banking Trade and Commerce Committee testified otherwise. The failure to pass Bill S-216 ensures that Canadians with disabilities live a life of poverty and homelessness after their employers file for bankruptcy.

The Government of Canada has the right to include a clearly written retroactive clause in Bill S-216 to specifically supersede the Nortel March 31st settlement with the Nortel long term disabled employees so that these persons may obtain justice and live their lives in dignity. Senator Vim Kochhar has made no effort to write an amendment of the retroactive clause in Bill S-216 to fully satisfy his concern about litigation. Senator Vim Kochhar has provided no alternative solution for 400 Nortel long term disabled employees being forced into poverty by a settlement that was ordered by the court, while there are serious questions on: (a) whether the settlement received majority approval by the Nortel long term disabled employees, (b) the settlement was imposed under the duress of medical funding being cut off within 24 hours; and, (3) whether disclosure of material information 5 months after the settlement, about \$60 million being improperly removed from the trust for the disabled, allowed for the disabled to provide informed consent of the settlement.

Canada Senate Hansard, Thursday, December 3, 2010 International Day of Persons with Disabilities

Hon. Vim Kochhar: Honourable senators, I stand here today to bring to your attention that tomorrow, December 3, is the International Day of Persons with Disabilities. On this planet there are more than 650 million people who live with disabilities and often we are not aware of the challenges they face.

It was more than 30 years ago when I picked up the torch for the disability movement from an extraordinary woman, Marg McLeod. I remember at that time in Toronto, Bloorview was called the Crippled Children's Centre, and the Centre for Addiction and Mental Health was called the Hospital for the Insane. I remember when the media called our Paralympians "crippled athletes." I remember when the only place for the severely disabled was to live in an institution or at home. I remember when any service to people who were deaf-blind was considered a waste of time and money. From the outset, we believed there was absolutely nothing that people with disabilities could not achieve and that they should be recognized for their achievements. We also believed that the wheelchair was no longer a symbol of disability but a symbol of freedom for those who could not walk.

This week, honourable senators, we pause to celebrate the many milestones we have established. We celebrate the opening of the Canadian Helen Keller Centre in Toronto, the only training centre for people who are deaf-blind in Canada. We celebrate the opening of Rotary Cheshire Homes where 16

people who are deaf-blind live barrier-free and independently in their own apartments. This is still the only facility of its kind in the world.

We celebrate the election victory of Minister Fletcher, who is a quadriplegic, and his appointment to the cabinet. We celebrate the appointment of David Onley, who is physically disabled, as the Lieutenant-Governor of Ontario.

We have not achieved everything in full measure, but we have redeemed enough to celebrate on December 3. Today, Canada is the best country in the world for people with disabilities. Please keep the International Day of Persons with Disabilities in mind this week, and we will continue to work together to make a difference in the way Canadians think about disability.

Carol Sampson, one of the Nortel disabled employees, said in an email to Senate Leader Marjorie LeBreton on Dec. 3rd that, "I didn't think it was appropriate for **Senator David Braley** to say that our extensive communications with the Senators, Industry Canada and Industry Minister Tony Clement made us look like fools. ... I was further disturbed to learn that David Braley, on the day before the December 3, 2010 International Day of Persons with Disabilities, hung up on our Financial Expert, when she called to discuss the impact of the March 31st settlement on the poverty of our long term disability employees group and to further explain our problems to him with details that I couldn't provide."

[Letter to Senate Leader Marjorie LeBreton December 3, 2010 - International Day of Persons With Disabilities](#)

Senator Irving Gerstein took the same stance as Senator Vim Kochar at the Senate Banking Trade and Commerce on Nov. 17th about Bill S-216 causing litigation of the Nortel long term disabled employees. Six of the Senators voted no to Bill S-216 on Nov. 25th, relying upon the testimony of the Canadian Bankers Association's Assistant General Counsel Bill Randle and Gowlings' lawyer Patrick Shea, both of whom did not present any statistics to back their arguments for opposing Bill S-216.

[Senate Banking Trade and Commerce Committee - Irving Gerstein on Bill S-216, November 17, 2010](#)

At 2:48 minutes in Patrick Shea's answer shown on the video at the following link, **he jokes that** a partial settlement for the disabled to avoid a CCAA closing delay would "also involve litigation, because **let's be fair, lawyers are making a lot of money on the Nortel file.**"

[Senate Banking Trade and Commerce - Patrick Shea, Gowlings on Bill S-216 November 17, 2010](#)

[Hall Of Shame - Nortel Bankruptcy Proceedings \\$328 M Professional Fees 2009 & 2010](#)

[Canadian Bankers Association on Bill S-216 Senate Banking Trade and Commerce Committee November 17, 2010](#)

Go to www.protectourtomorrow.com for additional information about Canada turning a blind eye to unsafe long term disability benefits in the workplace. There you will begin to understand how a court order that puts 400 Nortel LTD employees into poverty within four weeks time, based on a settlement that was not voted on by the affected long term disabled persons and for which material disclosures for about \$60 million being improperly withdrawn from the trust for the disabled, did not occur until five months after the settlement.

One unelected disabled employees' representative agreed to this settlement, which is now the subject of debate in Ottawa.

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