



Claim Form for Compensation for Financial Damages Caused by the Phoenix Pay System

Privacy notice statement

The personal information requested in this form is collected under the authority of the *Financial Administration Act* and will be used to determine eligibility and assess your payment amount in accordance with the Damages Agreement. Refusal to provide the requested personal information will result in the Treasury Board of Canada Secretariat (TBS) not being able to process the claim. The personal information you provide may be shared with:

- TBS
- Public Services and Procurement Canada
- Canada Revenue Agency
- Employment and Social Development Canada
- Your bargaining agent

Personal information will be protected, used and disclosed in accordance with the *Privacy Act* and as described in Personal Information Bank PSU 931 (Accounts Payable). Your information may also be used or disclosed for financial reporting and program evaluation.

Under the *Privacy Act*, individuals have a right to request access to and correction of their personal information. If you wish to avail yourself of these rights or require clarification about this privacy notice statement, please contact your organization's Privacy Coordinator, whose contact information can be found at <https://www.tbs-sct.gc.ca/hgw-cgf/oversight-surveillance/atip-aiprp/coord-eng.asp>. If you are not satisfied with the response to your privacy concern, you may wish to communicate with the Office of the Privacy Commissioner by telephone at 1-800-282-1376 or by email at info@priv.gc.ca.

Purpose of this form

This form is for processing claims by current and former employees for compensation where, due to problems with the Phoenix pay system, they have:

- lost investment income
- paid interest on certain types of debt due to delayed severance or pension payments
- had their payments of pay, severance or pension delayed

A threshold of \$1,500 applies with respect to these claims for compensation as outlined in the

Damages Agreement. Claimants are asked to keep track of their items and provide evidence that supports their claims. To avoid unnecessary delays and increased paperwork, claimants are encouraged to bundle their eligible items as much as possible. However, if further pay problems occur, claimants may file an additional claim.

A legal representative can file a claim on behalf of the estate of a deceased employee or of a former employee who is not capable of making the claim themselves.

Instructions

Instructions on how to complete this form start on [page 5](#). Note that an asterisk (*) denotes a mandatory field.

Section 3: Lost investment income

a) Did you cash in a publicly available financial investment instrument[†] (that you owned prior to experiencing Phoenix pay problems) because you were not paid by the Phoenix pay system? If yes:

- complete the table below
- attach copies of the supporting account statement or trade summary of the disposition of the financial instrument
- attach documentation supporting the lost investment income, such as:
 - the price of the financial investment instrument (for example, stock) on the day that you received your missing pay
 - the interest rate of the interest-earning financial instrument that was disposed of
 - dividends that would have been earned on the dividend-earning financial instrument that was disposed of

[†] Publicly available financial investment instruments include stocks, bonds, mutual funds, interest-bearing accounts and guaranteed investment certificates.

	Name of publicly available financial investment instrument	Date the missed pay was received	Date the financial instrument was sold	Number of units sold	Selling price per unit	Price per unit on date the missed pay received	Penalties / selling cost
1							
2							
3							
4							

b) Did you have to withdraw money early from a registered retirement savings plan (RRSP) because you were not paid by the Phoenix pay system? If yes:

- complete the table below
- attach copies of the supporting account statement or trade summary
- attach a copy of your latest income tax Notice of Assessment or Reassessment for the year in which you withdrew early from your RRSP.

	Description of registered plan	Date withdrawn	Amount withdrawn	Penalties/fees
1				
2				
3				
4				

c) Did you have a delayed payment of your pay, severance or pension because of problems with the Phoenix pay system? If yes, please provide details on the length of the delay in the following table.

If you have now received payment or a partial payment of the missing amount, please include a copy of the pay stub that indicates the date and amount of payment. If you have not yet received any payment, please provide the dates that the missing payments were due to you.

If you are retired, please provide a document that confirms your retirement date.

The interest rate payable to you is the rate that the federal government pays on overdue supplier accounts. This rate is calculated as the average [Bank of Canada discount rate](#) from the previous month plus 3%. Interest is payable from the date the payment should have been made to the date payment was issued.

Please attach an extra sheet if required.

	Description of delayed or missing pay, pension or severance	Date of retirement or date that missing salary was due	Date paid	Amount
1				
2				
3				
4				

Section 4: Interest on debt as a result of delayed severance or pension payments

Did you have to pay interest on a loan, mortgage, credit card or other debt because you were not paid your severance or pension by the Phoenix pay system? If yes, please complete the following table:

	Date on which interest was incurred (yyyy-mm-dd)	Amount of interest claimed	Type of debt (examples are a loan, mortgage, credit card, line of credit)	Type of document attached that supports your claimed expense (examples are a bank statement, loan agreement, line of credit statement, credit card statement, invoice from financial service provider)
1				
2				
3				
4				

***Section 5(a): Certification by claimant**

Have you, or the individual or estate you represent, filed a grievance regarding the items listed in this claim?

Yes _____ No _____

If yes, please provide the grievance reference number: _____ . If you do not know the number, please write "unknown".

Certification of claim

- I certify that the items claimed in this form have not been claimed previously by me, another person on my behalf, or another person who is also a federal public servant.
- I acknowledge that if I, another person on my behalf, or another person who is also a federal public servant, has previously received compensation respecting the same pay issues or damages reported on this form, part or all of that compensation may be deducted from the present claim.
- I understand that a one-time \$1,500 threshold applies to claims filed under the Phoenix Damages Agreement.
- I certify that the statements provided in this form are true and complete.

Suspected fraudulent claims may be referred to the appropriate authorities within your department or institution, including its Departmental Security Officer and/or its Chief Financial Officer, for further examination in accordance with pertinent legislation.

Date

Claimant's signature

Telephone number

Section 5(b) Certification by Departmental Claims Authority		Amount to be paid
My signature below certifies the following: <ul style="list-style-type: none"> the claimant has accurately completed the form the claimant has provided the required supporting documentation to support the identified pay problem and the compensation claimed 		
Name	Title	
Signature	Date	

How to complete this claim form

Note: an asterisk (*) denotes a mandatory field in the claim form.

Leave the “Claim No.” field blank, as this field is for administrative use only.

Section 1: Claimant information

Enter the required information in each field.

Section 2: Statement of facts

In the first part of Section 2, describe your pay problem. Provide a clear description of what happened and include pertinent dates.

Attach supporting documents such as Compensation Web Application pay stubs, investment or bank statements, or screen captures of Phoenix payments.

Examples of statements of facts about pay problems (estimated amounts are acceptable)

- On March 9, March 23 and April 6, 2017, my biweekly pay was not deposited to my bank account. Each pay deposit should have been for \$X,XXX, for a total of \$X,XXX. I received an emergency salary advance of \$X,XXX on April 20. My regular pay was reinstated on May 4, 2017.
- I started working for National Defence on May 16, 2016, but my first pay deposit was not made until September 7, 2016. My net biweekly pay should have been \$X,XXX, for a total of \$X,XXX.

In the second part of Section 2, provide the group, level and step you occupied during the claimed period. For example, a bilingual employee in a substantive financial analyst position (FI-02) since May 9, 2016, who is acting as a supervisor (FI-03) for a period of three months and subsequently promoted would fill in this section as follows:

Start date (yyyy-mm-dd)	Substantive position or end date of acting position (yyyy-mm-dd)	Group, level and pay step (Step 1, Step 2, etc.)	Allowances or entitlements and their amounts (for example, bilingual bonus)
2016-05-09	Substantive	FI-02 step 3	<ul style="list-style-type: none"> Bilingual bonus: \$800 per year
2016-08-09	2017-01-01	FI-03 step 1 (acting)	<ul style="list-style-type: none"> Bilingual bonus: \$800 per year
2017-01-02	Substantive	FI-03 step 2 (promotion)	<ul style="list-style-type: none"> Bilingual bonus: \$800 per year

Section 3: Lost investment income

Provide a statement of facts to explain any publicly available financial investment instruments that were cashed in or from which withdrawals were made because of Phoenix pay issues.

For each item, list your supporting document(s) and attach a copy (for example, a copy of a statement showing the penalties charged on the publicly available financial investment instrument).

Examples of statements of facts about claims for compensation

- 1) At the end of March 2017 and at the end of April 2017, I did not have enough money in my bank account to cover the monthly pre-authorized payment for my mortgage. I had to cash in a guaranteed investment certificate (GIC). This resulted in:
 - penalty charges of \$XX on the disposition (or partial disposition) of my GIC
 - loss of investment income

Supporting evidence

- A copy of a statement showing the penalty charges (when applicable)
- A copy of the investment statement showing the disposition transaction and the interest rate of the GIC

- 2) During the month of May 2017, my biweekly pay was not deposited to my bank account. I had to withdraw money from my RRSP to pay for groceries during May 2017 and June 2017. This resulted in:
 - a penalty charge and selling costs of \$XX on the withdrawal from my RRSP
 - a loss of investment income

Supporting evidence

- A copy of the RRSP statement that shows the disposition, penalty charges and selling costs
- A copy of your latest Notice of Assessment (or Reassessment) from Canada Revenue Agency of your 2017 income taxes.

- 3) I submitted my retirement documents on May 9, 2016, and did not receive my severance payment within the 30-day processing time. My severance payment was deposited on May 4, 2018. This resulted in missed opportunity to accumulate interest in a savings account during that period.

(Interest will be calculated as the average [Bank of Canada discount rate](#) from the previous month plus 3% from the date the payment should have been made to the date the payment was issued.)

Supporting evidence

- A document that confirms your retirement date
- A copy of the pay stub showing the date and amount of payment

Section 4: Interest on debt as a result of delayed severance or pension payments

In the table in Section 4, provide the following details for the expenses incurred:

- date
- amount
- type of debt
- type of document(s) attached to support your claim

Example of an entry in the table

	Date that interest was incurred (yyyy-mm-dd)	Amount of interest claimed	Type of debt (examples are a loan, mortgage, credit card, line of credit)	Type of document attached that supports your claimed expense (examples are a bank statement, loan agreement, line of credit statement, credit card statement, invoice from financial service provider)
1	2016-08-23	\$75.00	Loan	Bank statement

Note: In your supporting documents, please cross out any information that concerns transactions that are not related to your claim. Please ensure that the name of the account holder and interest rates are visible on the statements.

Section 5(a): Certification by claimant

Enter the required information in each field.

Indicate whether you, the individual or estate you represent, or another federal public servant has filed a grievance regarding the items listed in this claim. If so, please provide the grievance reference number. If you do not know the number, please write “unknown”.

By signing this form, you certify that:

- neither you, another person on your behalf, nor another person who is also a federal public servant has made a previous claim for the items listed in this claim
- the statements made in this claim are true and complete

For the purposes of processing this claim, your information may be shared with:

- TBS
- Public Services and Procurement Canada
- Canada Revenue Agency
- Employment and Social Development Canada
- Your bargaining agent

To avoid delays in processing your claim, please remember to:

- complete all required fields in your claim form
- include all required supporting documentation
- date and sign your claim

If you need further guidance on how to complete and submit your claim, please contact your [Departmental Claims Officer](#).