

## **SCHEDULE B – APPENDIX 4**

### **IDENTIFICATION OF PREVIOUS CLAIMS**

1. The Claimant will complete and submit to the Administrator the Claim Form in Schedule B – Appendix 1 of this Agreement, including the answer to question 12 relating to prior court action or administrative proceeding for compensation for gender or sexual orientation based harassment or discrimination in the workplace by any Regular Member, Special Constable, Cadet, Auxiliary Constable, Special Constable Member, Reserve Member, Civilian Member, Public Service Employee, or Temporary Civilian Employee, working within the RCMP, male or female, that is directed at and offensive to a Primary Class Member.
2. The Claimant will complete and submit to the Administrator the Certification of No Prior Compensation form in Appendix 8 to Schedule B.
3. Canada will provide to the Assessor and the Administrator a list of individuals who have been paid compensation by Canada further to a civil claim, grievance or harassment complaint, including a complaint to the Canadian Human Rights Tribunal, and to which Canada was a party, or who have otherwise had such a claim in which compensation was claimed, resolved in respect of gender or sexual orientation based harassment or discrimination in the workplace. This list will have limitations in that it will not include claims which may have been filed against a third party without Canada's involvement or knowledge (e.g., a Workers' Compensation claim).
4. The Administrator will conduct a preliminary review by checking the list provided by Canada further to paragraph 3 above and inform the Assessor whether the Claimant's name is on the list when providing the Claim Package to the Assessor. Where the Claimant's name appears on the list, the Administrator will gather information related to the previously resolved complaint and provide it to the Assessor.
5. The Assessor will verify the truthfulness of the statements made by the Claimant, when, and in the manner in which he or she deems necessary, by, including, but not limited to:
  - (a) checking the list provided by Canada further to paragraph 3 above;
  - (b) seeking further information from the Claimant by telephone call;
  - (c) seeking further information from and discussing the response with the Claimant in the interview, where applicable;
  - (d) seeking information necessary from third parties to properly determine the attestation regarding no prior compensation.
5. If the Assessor believes there may have been a prior civil claim, grievance or harassment complaint, including a complaint to the Canadian Human Rights Commission, or a claim to a provincial or territorial workers' compensation scheme, made by a Claimant with respect to the same event(s) and injury(ies) as claimed in the Claim Form, he or she may in his or her discretion request information and documents from Canada, or third parties, regarding the

previous claim and the outcome, including but not limited to any pleadings, complaint or application forms, statements, decisions rendered, settlement documents and releases.

6. If the Assessor determines that a previous civil claim, grievance or harassment complaint, including a complaint to the Canadian Human Rights Commission or a claim made pursuant to a provincial or territorial workers' compensation scheme, has been resolved by a Claimant for compensation for gender or sexual orientation based discrimination or harassment with respect to the same event(s) and injury(ies) as claimed in the Claim Form, the Assessor will deny the Claim, state the reason for the denial in the Decision, and advise the Claimant.