



Claim damages caused by Phoenix: General compensation for damages for former employees

Published: 2020-04-28

© Her Majesty the Queen in Right of Canada,
represented by the President of the Treasury Board, 2020

Published by Treasury Board of Canada, Secretariat
90 Elgin, Ottawa, Ontario, K1A 0R5, Canada

Catalogue Number: BT22-243/2-2020E-PDF
ISBN or ISSN: 978-0-660-34748-6

This document is available on the Government of Canada website, [Canada.ca](https://www.canada.ca)

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Réclamer des dommages causés par Phénix : indemnisation
générale pour les anciens employés



Claim damages caused by Phoenix: General compensation for damages for former employees

From Treasury Board of Canada Secretariat

On this page

- [Eligible former employees](#)
- [How former employees can submit a claim](#)
- [Track your electronic claim](#)
- [Contact us](#)

The Government recognizes that employees have been impacted, either directly or indirectly, by the implementation of the Phoenix pay system and has reached an agreement with a number of bargaining agents to compensate employees for damages.

Eligible former employees

Eligible current and former employees who worked in an organization using Phoenix between April 1, 2016 and March 31, 2020 are entitled to the compensation whether they experienced pay problems or not, provided they are eligible as per the terms of the agreement on damages caused by the Phoenix pay system.

The agreement provides **current employees** with general compensation for damages in the form of additional leave. This is for financial and/or non-financial damages, including but not limited to interest, general stress, aggravation and lost time.

If, as a current employee, you did not receive additional leave credits over the summer of 2019, contact your HR specialist.

As a **former employee**, you can request a payment equivalent to the value of the additional leave allocated to current employees, provided you are **eligible to the compensation** under the Phoenix damages agreement.

Similarly, if you are the legal representative of a former employee or represent the estate of a deceased employee, you may make a claim on their behalf.

If you worked at least one day in each of the fiscal years covered by the agreement, you can request a payment equivalent to:

- 2 days of leave for fiscal year 2016-2017
- 1 day of leave for fiscal year 2017-2018
- 1 day of leave for fiscal year 2018-2019
- 1 day of leave for fiscal year 2019-2020

The agreement became official on **June 12, 2019**. If you left the public service during 2019, please see the [frequently asked questions](#).

▼ Check your eligibility

The Phoenix damages agreement **applies to:**

Current employees, former employees and the estates of deceased employees represented by these bargaining agents:

- Association of Canadian Financial Officers
- Association of Justice Counsel
- Canadian Association of Professional Employees
- Canadian Federal Pilots Association
- Canadian Merchant Service Guild
- Canadian Military Colleges Faculty Association
- Canadian Union of Public Employees Local 104

- Canadian Union of Public Employees Local 2656 (National Film Board)
- Canadian Union of Public Employees SGCT 4835 (National Film Board)
- Federal Government Dockyard Chargehands Association
- Federal Government Dockyard Trades and Labour Council (East)
- Federal Government Dockyard Trades and Labour Council (West)
- International Brotherhood of Electrical Workers
- Professional Association of Foreign Service Officers
- Research Council Employees' Association
- The Professional Institute of the Public Service of Canada
- Unifor Local 87-M (Non-Supervisory Printing Services)
- Unifor Local 5454 (Canadian Air Traffic Control Association)
- Unifor Local 2182 (Radio Operations)
- Union of Canadian Correctional Officers

Other eligible employees

The agreement **also applies to:**

- employees excluded from bargaining agents who have signed on to the agreement
- unrepresented employees
- executives

Note: Employees of **separate agencies** who have a similar agreement may submit a claim.

This agreement **does not apply** to members of the class action as certified in *Bouchard c. Procureur Général du Canada (200-06-000214-174)* and any other member of the class that could be added by the courts, including:

- students
- casual employees
- workers working no more than one third of regular hours
- employees with terms of less than three months

How former employees can submit a claim

Before you begin, you may want to consider that:

- you can only make a claim once for any given fiscal year
- your payment will be calculated using the **last rate of pay shown** in the Phoenix pay system at the time your claim is processed

Therefore, if you have any **outstanding pay increases** that are owed to you, you may wish to wait until the increases have been processed in Phoenix and paid out before submitting your claim.

Determine if you should file an electronic claim or a paper claim:

- If **you know** your Personal Record Identifier (PRI), **and have** a personal e-mail account, you can **file an electronic claim**.
- If you don't recall your PRI or don't have a personal e-mail account, or if you are the legal representative of a former or deceased employees **complete the PDF form** and follow instructions.

▼ Privacy notice statement

The personal information requested in this form is collected under the authority of the *Financial Administration Act*. The information submitted via this form will be combined with pay information in a database of pay information held within Treasury Board of Canada Secretariat (TBS) in order to:

- determine eligibility
- assess your payment amount in accordance with the Damages Agreement

Refusal to provide the requested personal information will result in TBS not being able to process the claim. The information you provide will be validated against a database of pay information held within TBS in order to:

- confirm eligibility
- calculate payment based on your last rate of pay

If your claim is accepted and a payment is issued to you, your Social Insurance Number (SIN) will be obtained from the Public Services and Procurement Canada (PSPC) database of pay information to issue you a T4 and/or RL-1 tax slip and will be shared with Canada Revenue Agency and/or Revenu Québec for income tax purposes.

Personal information you provide is being collected by the TBS Claims Office and may be shared with PSPC and the last federal organization of employment in order for that organization to issue payment.

Personal information will be protected, used and disclosed in accordance with the *Privacy Act* and as described in Personal Information Bank TBS PCE 742. Your information may also be used or disclosed for financial reporting and program evaluation.

Under the *Privacy Act*, individuals have a right to access and correct their personal information. If you wish to avail yourself of these rights or require clarification about this privacy notice statement, please contact the TBS Access to Information and Privacy Coordinator by email at atip.aiprp@tbs-sct.gc.ca. 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.

Track your electronic claim

Check the [status of your electronic claim](#).

More information

- [Frequently asked questions: general compensation for damages for former employees](#)
- [Compensation for damages caused by the Phoenix pay system](#)
- [Phoenix damages agreement](#)

Contact us

If you have questions regarding this claims process, please contact:

Public enquiries

Treasury Board of Canada Secretariat

Toll-free: 1-877-636-0656

Email: questions@tbs-sct.gc.ca

Note: If you are making an enquiry via email, please include a phone number so that we can reach you in case we need more information. Please do not include protected information such as your date of birth or social insurance number (SIN).

We may contact you by email to get more information either to start or continue processing your application, or to ask for more documents. We will always reference your claim number when we do.

For more information on how to protect your personal information, please visit the [Office of the Privacy Commissioner of Canada](#).

Date modified:

2020-02-04