



Canadian Hemophilia Society  
Help Stop the Bleeding  
Société canadienne de l'hémophilie  
Arrêtons l'hémorragie

**Press release  
FOR IMMEDIATE RELEASE**

## **Quarter-billion dollar surplus in the Trust Fund of the 86-90 Hepatitis C Settlement Agreement must be directed at enhancements to benefits for class members**

**MONTREAL, September 17, 2015** – The Canadian Hemophilia Society (CHS), urges federal political parties to publicly commit during the election campaign to not attempt to recover any portion of the projected quarter-billion dollar surplus in the Trust Fund of the 1986-1990 Hepatitis C Settlement Agreement.

### **Background**

Following widespread contamination of blood and blood products with hepatitis C (HCV) in the late 1980s, a settlement of the 1986-1990 Hepatitis C Class Action was approved by the Courts in Ontario, British Columbia and Quebec in 1999. The settlement created a fund paid for by the federal, provincial and territorial governments totalling but not exceeding \$1.18 billion. This amount and the investment income generated are used to pay scheduled benefits to class members over the course of their lifetimes and to their dependants after their death depending on the severity of their illness and what losses they suffer as a result of infection with HCV. Approximately one-quarter of the infected persons are (or were) people with hemophilia and other inherited bleeding disorders.

After the most recent financial sufficiency review, the actuaries retained by a Joint Committee, representing the class members, and the federal government expressed the opinion that the Trust Fund is sufficient to meet the expected needs of class members and family class members and there is an estimated surplus of between \$236 million and \$256 million.

### **What to do with the surplus**

The orders approving the settlement allow the Joint Committee and the governments to apply to the Courts when there is a surplus. The Courts have discretion to decide what to do with the surplus. Applications regarding the surplus will be considered by the Courts at a Joint Hearing that will take place in Toronto on June 20-22, 2016.

“As the years went by, it became evident that the settlement has fallen short in meeting the financial needs of people affected by hepatitis C. Loss of employment income, reduction in pension benefits, increased home and health care costs and denial of insurance are just a few of the direct economic impacts of hepatitis C related disease,” evokes CHS President, Craig Upshaw.

“It bears stating that no amount of economic redress compensates for the loss of life or health,” added Mr. Upshaw.

The CHS will submit its recommendations to the Courts through the Joint Committee on how the plan could be enhanced to best meet the needs of infected people and their families. Allocation of the surplus to enhance benefits to class members according to the spirit of the original settlement will be at the core of its

recommendations. These recommendations can be found on the CHS Web site at [www.hemophilia.ca/en/hcv-hiv/hepatitis-c-and-hiv-compensation/chs-response-to-86-90-surplus](http://www.hemophilia.ca/en/hcv-hiv/hepatitis-c-and-hiv-compensation/chs-response-to-86-90-surplus).

It is the opinion of the CHS that any attempt by the federal government to claw back or reallocate the surplus would be seen by both the people affected and by many in the general public as a heartless cash grab and an insult compounding Canada's worst public health disaster.

Therefore the CHS has called on party leaders to take advantage of the current election campaign to state that, if elected, their government would support reasonable enhancements to benefits for class members and not attempt to recover the surplus, and, if in opposition, would oppose any clawback.

### **About the Canadian Hemophilia Society**

Founded in 1953, the Canadian Hemophilia Society (CHS) is a national voluntary health charity. Its mission is to improve the health and quality of life of all people with inherited bleeding disorders and ultimately to find a cure. Its vision is a world free from the pain and suffering of inherited bleeding disorders.

### **The 1986-1990 Hepatitis C Settlement Agreement**

Detailed information on the 1986-1990 Hepatitis C Settlement Agreement and the schedule leading to the 2016 hearing on the surplus can be found at [www.hepc8690.ca](http://www.hepc8690.ca).

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### **For more information**

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