

WAGE EARNER PROTECTION PROGRAM

Trustee/Receiver obligations under the Wage Earner Protection Program Act

As you are aware, in order for Service Canada to proceed with an application from a potential Wage Earner Protection Program (WEPP) client/applicant, a trustee or receiver must have been appointed to administer the bankruptcy or receivership under the *Bankruptcy and Insolvency Act*.

The *Wage Earner Protection Program Act* specifies the duties that are to be performed by trustees and receivers under the WEPP. These duties include:

- Identifying workers who are owed wages;
- Determining the amounts owed to workers;
- Informing workers of the existence of the WEPP;
- Providing Service Canada and applicants with information necessary to establish eligibility for payment; and
- Informing Service Canada of when the trustee is discharged or when the receiver completes their duties, as the case may be.

Trustees/Receivers are also required to:

- Submit their identifying Trustee/Receiver information to Service Canada for verification and authentication against the Office of the Superintendent of Bankruptcy's database
- Submit a signed *Trustee/Receiver Agreement* to Service Canada. This outlines how Service Canada and the Trustee/Receiver will interact and details what each party is responsible for in relation to administration of the program.
- Submit a completed *Trustee/Receiver Information* form to Service Canada for each employee owed wages. This details:
 - the date of bankruptcy or receivership
 - the name, address, telephone number, social insurance number (SIN), and employee number of the individual
 - the wages that were earned and are owed to the individual within six months preceding the date of bankruptcy or receivership
 - whether or not the individual submitted a proof of claim for wages owing under Section 124 of the Bankruptcy and Insolvency Act and;
 - the names of the company's officers, directors and owners
- Inform Service Canada if any amount owing to the client/applicant client was paid from the estate prior to the application being made. If

so, this amount will be deducted by Service Canada from the WEPP payment calculation.

If Service Canada receives an inquiry from a client/applicant about the WEPP prior to information about a bankruptcy or receivership being received from a Trustee/Receiver, Service Canada will investigate and determine which Trustee/Receiver has been appointed to administer the estate. Service Canada will then contact the Trustee/Receiver to identify if there is an issue with submitting the appropriate information and/or acquiring the information.