

HARDY CLASS ACTION/FEDERAL INDIAN HOSPITALS  
SETTLEMENT IMPLEMENTATION NOTICE PLAN

1. INTRODUCTION

- a. Phase I Notice addressed the Notice of Certification and Settlement Approval Hearing and was completed by disseminating court-approved notices announcing that the Action was certified pursuant to the Federal Court's certification order. The notices advised Class Members of their legal rights as a result of certification, including the binding nature of the Action on all Class Members who did not opt out of the Settlement. Further, the notices advised of the procedures and deadlines whereby those who wished to opt out of the Settlement could do so. This phase also described the proposed Final Settlement Agreement, the dates and location for the Settlement Approval Hearing, where and how to access information about the Settlement, as well as providing information on how to object, if desired. These activities continued after the Settlement Approval Hearing to ensure that Class Members were aware of the approval of the Settlement and their right to opt out of the Settlement by August 25, 2025.
- b. This Notice Plan outlines the communication and outreach strategy for providing notice to the Class Members of Settlement Approval and the Claims Process, and overall implementation of the Settlement, pursuant to the Settlement Agreement approved by the Federal Court on June 24, 2025. This Notice Plan describes how Class Members will be informed through each phase of the Claims Process, through to the winding down of the Settlement, including:
  - a. Settlement Approval
  - b. Launch of the Claims Process
  - c. Ongoing communications and awareness initiatives
  - d. Post-Claims Period communications
  - e. Final Settlement close out
- c. This multi-phased approach to noticing will ensure Class Members are informed and have multiple methods by which to receive notice and are provided with

numerous opportunities to engage with the Settlement within the principles provided under s 4.02 of the Settlement Agreement:

- a. Notice shall be continuous and ongoing throughout the entirety of the Claims Period;
- b. Notice shall be Class Member centred;
- c. Notice shall be culturally sensitive;
- d. Notice shall be trauma informed;
- e. Notice shall include community focused elements; and
- f. Notice shall be direct, whenever possible.

## 2. COMMUNICATIONS OBJECTIVES

- a. Objective: Notify and engage the greatest practicable number of Class Members, so they are aware of the Settlement and understand:
  - a. The criteria for eligibility to receive compensation;
  - b. how to access the Claim Form, information, resources and support to complete their Claim throughout the Claims Process;
  - c. the Settlement Agreement and their rights to receive compensation under it;
  - d. the Claims Process and timeline; and,
  - e. available mental health and wellness resources and supports.

## 3. ABOUT THE CLASS

- a. The Settlement includes two Classes:
  - a. Primary Class: all persons who were admitted to a Federal Indian Hospital during the Class Period; and,
  - b. Family Class: all persons who are spouses or former spouses, children, grandchildren or siblings of the members of the Primary Class and the spouses of the children, grandchildren, or siblings of the Primary Class Members, or any other individual with a derivative claim in accordance with the applicable family law legislation arising from a relationship with a Primary Class Member.

- b. The Class Period is the period from, and including, the date on which Canada assumed management and control of a Federal Indian Hospital listed in [Schedule D](#), beginning January 1, 1936 and ending on the earlier of:
  - a. The date of closure of any Federal Indian Hospital; or
  - b. The date on which management and control of any Federal Indian Hospital was effectively transferred from Canada; or,
  - c. December 31, 1981.
- c. Both Parties engaged experts to estimate the size of the Class. One expert estimated that the number of Primary Class Members alive as of January 2016 likely ranged from 96,800 – 167,100. Another expert estimated that the number of Primary Class Members alive as of January 2016 was approximately 131,031. One expert estimated that 47% of Primary Class Members were under the age of 18 at the time of admission and 54% over the age of 18 at the time of admission.
- d. *Based on these parameters, Class Counsel estimates the following:*
  - a. *Expected number of Claims: **87,120 – 150,390***
  - b. *Expected number of Claims per compensation grid category:*
    - 1. *Level 1: 69,696 – 120,312*
    - 2. *Level 2: 3,990 – 68,88*
    - 3. *Level 3: 1,120 – 1,934*
    - 4. *Level 4: 7,961 – 13,743*
    - 5. *Level 5: 4,353 – 7,513*
  - a. Estate Claims for Deceased Class Members will include those Primary Class Members who passed away on or after January 25, 2016.

#### 4. FACTORS IMPACTING THE DELIVERY OF NOTICE

- a. According to the 2021 Census, there are 1,807,250 Indigenous people living in Canada.<sup>1</sup>

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<sup>1</sup> Statistics Canada. (2021). *Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed.* <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm?indid=32990-2&indgeo=0>.

- b. Class Members are located throughout Canada, including on reserve, within Indigenous communities/settlements, outside of Indigenous communities/settlements. Those residing outside of an Indigenous community are located in both rural and urban areas. 2021 Census data indicates that approximately 60% of First Nations people do not reside on Reserves.<sup>2</sup> In addition, there may be Class Members no longer residing in Canada.
- c. Some Class Members may be currently housed in correctional facilities or detention centres. According to the [Office of the Correctional Investigator Annual Report 2021-2022](#), 32% of the incarcerated population is made up of Indigenous peoples. This limits access to information and support.
- d. Class Members are located throughout Canada, and due to the fact that many Class Members were transported to Federal Indian Hospitals far from their communities, they may not necessarily be located in close proximity to the Federal Indian Hospitals listed in [Schedule D](#). Consideration will be required for Class Members located in rural, urban and remote areas of Canada, including Inuit populations, as well as those who may be incarcerated and/or no longer residing within Canada.
- e. According to the 2021 Census, [189,000 people reported speaking at least one Indigenous language](#). Heritage Canada points out that the [most spoken Indigenous languages in Canada are](#): Cree, Ojibway, Oji-Cree, and Dene. Communications for the purposes of Notice will include English and French with some materials available in Innu, Cree, Anishinaabemowin, Atikamekw, Inuktitut, Dene, Mi'kmaq, Oji-Cree. Where possible, consideration should be given for ASL/LSQ for certain communications efforts.
- f. Many Class Members will hear about the Settlement through in-direct communications. Multi-media approaches, extensive community engagement and regular communications at all stages of the Claims Process will be important to ensure awareness.
- g. The youngest Primary Class Members will be around 45 years old, making this an older Class with varied access to communications channels, specifically social

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media, and requiring an approach that includes radio and print as well as digital and direct methods.

- h. An older Class may lead to a higher level of Estate Claims, which can be complex for families to navigate, requiring specific communications efforts, tools and resources.
- i. There may be confusion amongst individuals who who may have received treatment at other institutions outside of the Federal Indian Hospitals.
- j. Connectivity is a consideration both for those Class Members living in rural or remote areas with lower accessibility to Internet and digital communications. Further, older audiences may not use the Internet, requiring specific focus on radio, television, in-community and outreach activities.
- k. Creating materials that enables family members and friends of Class Members to help raise awareness of the Settlement.
- l. Many Class Members and their family members have experienced at least one, and typically more, Adverse Childhood Experiences (ACEs), which are traumatic events that occur in childhood, between the ages of 0 and 17. Experiencing adversity during childhood can disrupt typical developmental pathways and consequently affect health outcomes throughout the lifespan. These experiences can last for decades and have an impact on subsequent generations in a family.
- m. The announcement of the Settlement Approval and the launch of the Claims Period may be welcome news for some but can also raise strong emotion in others. This may be compounded by the nature of the Settlement which includes compensation for psychological, verbal, physical and/or sexual abuse/harms experienced at Federal Indian Hospitals. Communications must be trauma-informed, culturally appropriate and ensure Class Members are directed to mental health and wellness supports.
- n. Efforts will be required to ensure Class Members understand that this Settlement does not provide compensation for medical malpractice or other claims connected to medical treatment at a Federal Indian Hospital.

- o. Community outreach will be important, especially with an older Class, and given the nature of the Class and the issues in the Action, outreach should expand beyond the areas around the hospital locations.
- p. Canada's Anti-Spam Legislation (CASL) and the protections for the collection and use of personal information under the Privacy Act requires a multi-faceted approach to providing notice that includes direct outreach, paid advertising, and outreach to communities and partners to reach as many Class Members as possible.
- q. Settlements are, by their nature, complex and often technical. Varied literacy, education levels and cumulative traumatic experiences may impact the ability of Class Members to respond to highly technical and legal language. Negative experiences with other court processes and institutions may add to these challenges. Plain, trauma-informed language is important to ensure understanding and engagement.

## 5. APPROACH

- a. The Notice Plan provides simple, clear, multilingual communications that reach as many Class Members as possible, including those living in urban areas, on reserve, in Canada's rural and remote communities, as well as those incarcerated or residing outside of Canada. The unique circumstances of audiences, including age and geographical range, their lived experiences, generational communication differences, diversity of languages and cultures, literacy levels, and uneven access to reliable internet are taken into consideration. To that end, the Notice Provider will develop communications strategies, campaigns and tactics for several phases of Settlement Implementation:
  - a. Phase 1: Notice of Settlement Approval and Opening of the Claims Process (0–6 months)
  - b. Phase 2: Ongoing Communications and Outreach (6-18 months)
  - c. Phase 3: Countdown Period (18–30 months)
  - d. Phase 4: Post-Claims Period (0–18 months after deadline)
  - e. Phase 5: Close-Out of Settlement

- b. The Notice Provider will implement a program for issues management, including traditional and social media monitoring, and feedback from communities to address issues of misinformation, disinformation, confusion and/or instances of individuals or organizations falsely representing the Settlement, and ensure appropriate responses are put into place to protect the interests of Class Members.

## 6. STRATEGIC CONSIDERATIONS

- a. Ensure that certain court documents (e.g., Short- and Long-Form Notices) and other pertinent information are developed in plain, clear language, in highly visual and accessible formats (including large print) and provided in languages appropriate for communicating with those affected (English and French with some materials available in Innu, Cree, Anishinaabemowin, Atikamekw, Inuktitut, Dene, Mi'kmaq, Oji-Cree). Where appropriate, ASL/LSQ will be incorporated for those with hearing difficulties.
- b. Develop communications in multiple formats (written, visual, audio) and with consideration for different language and accessibility needs and literacy levels to accommodate diverse learning styles and linguistic backgrounds.
- c. Create messaging guided by the Settlement Approval Notice and subsequent Notices that is clear and concise, trauma-informed and culturally grounded.
- d. Develop a distinct and culturally appropriate look and feel for communications around this Settlement, using colour, visual and other high-profile and accessible cues, to create clarity around who this Settlement is for and what it means for Class Members.
- e. Anticipate and prepare for questions Class Members may have regarding the Settlement, and develop clear, accessible and sensitive answers in conjunction with the Claims Administrator and other parties.
- f. Provide direct notice to as many Class Members as practicable, understanding the limitations related to obtaining contact information, using means including letters, email messages, unaddressed mail-drops, call campaigns, in-person third-party organizations, engagement and outreach efforts as well as through the Settlement website.

- g. Use a combination of online (social and digital), traditional earned and paid media, out-of-home advertising, and direct communication tactics to reach individuals through the channels they frequent and trust as sources of information and direct them to the supports and resources available.
- h. Mitigate the risk of misinformation through issues management, media relations, and proactive and responsive engagement in social and traditional media channels.
- i. Ensure those providing direct supports to Class Members have access to communications resources, wellness and other supports to raise awareness.
- j. Leverage local and regional trusted community channels, such as newsletters, radio, and community organizations, when possible, to spread awareness and share supports available for Class Members.
- k. Develop a communications approach specifically for incarcerated Class Members to ensure all Class Members are aware of the Claims Process and eligibility criteria and have an opportunity to submit a Claim.

## 7. SPECIFIC NOTICING TACTICS

- a. The following series of tactics and activities would be used to implement the Notice Plan. Additional tactics and approaches may be recommended as required.
  - a. Website. The current Settlement website will be expanded to serve as a key “source of truth” for Class Members regarding the Settlement Agreement, as well as a hub for any resources developed to support people in navigating the Claims Process. This website will house copies of the Settlement Agreement, Court documents, Notices, Claims Form and other Claims Process documents, FAQs, interactive videos, instructional resources, and other informational resources. Web chat options will support Class Members in accessing information quickly and efficiently.

Website to be referenced in all notice materials and advertisements. The website will be designed to comply with accessibility standards (WCAG 2.1 Level AA), will be responsive and ensure that information

can be accessed in a variety of formats and environments, including areas with low connectivity. Notices will be prominently and proactively displayed to website visitors, providing readability and audio options to improve access to information.

- b. An online Eligibility Information Tool and navigation aid will be made available to support the Class Members in understanding eligibility and direct them to resources and supports available to submit a Claim.
- c. Class Members will be able to subscribe to marketing and communications lists on the website to receive news and updates.
- d. The Claimant Info Line (1-888-592-9101) will be managed by the Claims Administrator, providing bilingual, toll-free assistance to Class Members, their families, their representatives, and others who make inquiries about the Settlement Agreement, or who request assistance in making Claims. The Info Line will provide support to Class Members by phone in a prompt, thoughtful manner, clarifying information and directing individuals to appropriate resources for Claimant support, mental health and wellness services. Callers will be provided the option of:
  1. Pressing 1 to speak to the Claims Administrator
  2. Pressing 2 to be connected to a Claims Helper for direct support
  3. Pressing 3 to be directly connected to the Hope for Wellness Helpline
  4. Class Members who do not make a choice and stay on the line will be directed to the Claims Administrator automatically
- e. Direct Notice: Print notices and communication materials, including communication toolkits with hard-copy and digital promotional materials (notice documents, brochures, postcards, social media posts and posters) shall be sent (in hard copy or digital formats) at various times during Settlement implementation to each of the following:
  - First Nations, Inuit and Métis organizations and communities (starting with communities near the Federal Indian Hospitals and

spreading out to include all communities in Canada as appropriate);

- Community, resource and service organizations who are known to interact or provide support to Class Members and their families;
  - Community members who reach out to the Administrator and/or the Notice Provider requesting communication materials such as Notice Plans, Claim Forms, or other informational materials regarding the Settlement;
  - Class Members who have registered to receive updates on the Settlement, either through the Settlement website or by registering with Class Counsel; and
  - Via unaddressed mail drops to Indigenous communities with a specific focus on areas surrounding and/or associated with the 33 Federal Indian Hospitals listed on [Schedule D](#).
- f. Regular emails, SMS and call campaigns: subscribers to the Settlement list will receive regular updates (via the channel of their preference) to raise awareness and encourage engagement.
- g. Mailed postcard: Grassroots level awareness will be boosted through a targeted postcard mail drop, in addition to direct notice, at regular intervals to various communities with a specific focus on areas surrounding and/or associated with the 33 Federal Indian Hospitals listed on [Schedule D](#), with the potential for additional mail drops in remote communities to increase awareness, respond to issues/concerns, or address misinformation.
- h. National press release(s): A series of press releases will be created and distributed through a national wire distribution service and/or NationTalk at various stages of the Claims Process such as, but not limited to, Settlement Approval, Claims Launch Period, and reminder campaigns. The objective is to bring awareness of the Settlement, share details of Notice, explain eligibility, and introduce the Claims Process and resources and supports available, as well as pertinent deadlines. The press release will be translated into French and Indigenous languages

for distribution and posting on the website: Innu, Cree, Anishinaabemowin, Atikamekw, Inuktitut, Dene, Mi'kmaq, Oji-Cree.

- i. Media outreach: To complement the distribution of the press releases and drive more awareness, a proactive media outreach strategy will be prepared for each release. The strategy will include proactive outreach to national and regional journalists/outlets that cover Indigenous issues and serve Indigenous audiences. Journalists/ media outlets will be identified and monitored for their ability to reach target audiences and will be reviewed regularly and updated to best reflect communications trends and preferences of Class Members.
- j. Organic social media: An organic social media strategy will be created and implemented to ensure that Class Members can access accurate and accessible information through the social channels they frequent. This will likely include the creation and set up of at least one “official” social media channel on Meta (Facebook and Instagram) for Settlement information, as well as the regular creation and posting of informative content. This will include community guidelines and management for all social channels, responding to questions about the Settlement (using pre-approved messaging) and correcting misinformation where appropriate.
- k. Paid media: To reach key audiences through their preferred platform, a multi-channel digital advertising approach will be implemented. These efforts are key in reaching Class Members who may not receive direct notice, and are not aware of the website, or engaged on social media. Paid media will be concentrated to support the launch the Claims Process and specific reminder campaigns and in addition to regular baseline digital paid advertising in between campaign periods to maintain awareness and engagement. Paid media will seek to improve awareness and understanding of the Settlement and ensure Class Members can exercise their rights and participate. This will include:
  - a. Google Ads – A Google Ads Search campaign will capture people actively searching for information related to Federal Indian Hospitals and direct them to the Settlement website.

- b. Digital display: A combination of display ads on appropriate premium Indigenous publishers will reach those visiting the sites. Contextual targeting on other news content publishers with specific attention to Indigenous news, in combination with additional opportunities for audio and video advertising based on research and monitoring of the most effective opportunities to reach Class Members.
- c. Social media advertising: Paid advertising on Meta (Facebook and Instagram) will offer considerable reach and penetration for our key audiences. This will include geographic and context-based advertising on Facebook and Instagram and may include other social media platforms as needed to effectively reach Class Members.
- d. Print: A combination of print advertising in key Indigenous and other publications across Canada. The designed ads will include relevant information for Class Members, using culturally appropriate and trauma-informed visuals and plain language messaging to direct Class Members to the dedicated website to learn about the Settlement, their options and to access and fill out the Claim Form(s). Efforts will be made to ensure national and regional reach in appropriate mainstream and Indigenous publications. Print promotions will include bi-weekly or monthly placements for a campaign duration of 6-8 weeks at regular intervals throughout the Claims Period. Additional online advertising (banners) will be placed on publication websites where available. Potential publications for placement include (but are not limited to):
  - i. Ha-Shilth-Sa (BC)
  - ii. Alberta Native News (AB)
  - iii. Saskatchewan Indigenous News (SK)
  - iv. Wawatay News (ON)

- v. Turtle Island News (Nat./ON)
  - vi. The Nation (QC)
  - vii. Mi'kmaq Maliseet Nations News (Atl)
  - viii. Yellowknifer (NWT)
  - ix. Yukon News (YT)
  - x. Nunatsiaq News (Nunavut)
- e. Radio: Radio will be an important tactic given the age and potential location of the Class. Ads will be aired on Canadian urban, rural, and Indigenous radio networks across the country for national, regional, and local coverage. These radio ads will consist of 30-second radio spots that will run in several rounds during national campaigns with additional radio advertising as required in specific communities to support awareness, engagement and address issues and misinformation. In addition, community outreach efforts will attempt to secure radio public service announcements in smaller communities with smaller radio stations or channels. Stations will include (but not limited to):
- i. CFWE/CJWE/Raven (AB)
  - ii. CJNY (Vancouver, BC)
  - iii. CJRR-FM (Vancouver, BC)
  - iv. CKCC-FM (Campbell River, BC)
  - v. CIRX-FM (BC)
  - vi. CFVB-FM (BC)
  - vii. CFNR Network (North & Central BC,)
  - viii. CHUT-FM (Lac Simon, BC)
  - ix. CJLJ-FM – (Williams Lake, BC)
  - x. Nuxalk Radio - (Bella Coola, BC)

- xi. Tsilhqot'in Rado (Williams Lake, BC)
  - xii. NCI Network – 40+ stations (MB)
  - xiii. Wawatay Radio (Sioux Lookout, ON)
  - xiv. CKRZ-FM (ON)
  - xv. CKIQ-FM (NU) – Iqaluit
  - xvi. CFAN-FM (Miramichi, NB)
  - xvii. CKHJ (Fredericton, NB)
  - xviii. CFQM-FM (Moncton, NB)
  - xix. CKOH-FM/CKOK-FM (NLFD)
  - xx. CHOZ (St. John's, NFLD)
  - xxi. CKTY-FM (Truro, NS)
  - xxii. CHFX-FM (Halifax, NS)
  - xxiii. AVR99.7 (Digby, NS)
  - xxiv. CHER & CKPE (Sydney, NS)
  - xxv. AVR & MAGIC (Kentville, NS)
  - xxvi. CKLB-FM (NWT)
  - xxvii. CFYK-FM (Yellowknife, NWT)
  - xxviii. CKQK-FM (Charlottetown, PEI)
  - xxix. MBC Network – 30+ stations (SK)
  - xxx. CITK-FM (Opitciwan, QC)
  - xxxi. CIMB-FM (Pessamit, QC)
  - xxxii. CKAU-FM (Mani Utenam, QC) - Sept-Iles
- f. TV: Television advertisements will run in campaign intervals on national networks and those focused on Indigenous audiences (during periods of high viewership).

30-second broadcast spots using contextual targeting (Indigenous content) and regional targeting.

- g. Out of Home (OOH): OOH advertisements in the form of posters, banners, billboards and/or transit advertising will be created for community centres, senior centres, convenience stores in rural and remote areas, and street-level advertisements in large urban areas to help capture a broad audience base, specifically those who are harder-to-reach with other proposed channels. These vulnerable communities might have limited access to other paid channels.
- i. Webinars: A series of live or pre-recorded informational webinars will be developed to cover key aspects of the Claims Process. These webinars will be conducted in both English and French and posted on the website for Class Members to view on demand. Subtitled versions of the webinars in other Indigenous languages may be produced and made available online.
- m. Outreach may be conducted through multiple channels, including but not limited to, direct emails, phone calls and posts in community Facebook groups. The network of communities and cultural hubs will be regularly updated and expanded.
- n. To connect with the most vulnerable, grass-roots outreach programs will be used in urban centres that usually have a strong connection with the unhoused population, cultural programs provided to incarcerated individuals across the country, local shelter organizations, local food banks, local addiction centres and community health centres and local missions that have a strong connection to transitional homes and individuals experiencing homelessness.
- o. Educational videos and interactive modules: Educational videos and interactive modules will be created to support Class Members by providing information about the Claims Process with a focus on Estate Claims as well as supports and resources available. These resources

will be put on a USB, to be shared with correctional institutions or communities that have connectivity issues.

- p. Additional outreach/communications efforts as identified by the Notice Provider or other parties: Opportunities to further provide Class Members with information about the Settlement Agreement and the Claims Process may arise throughout the implementation of the Notice Plan.
- b. Media, social media monitoring and response to Class Member questions will inform the development of materials designed to address confusion, misinformation or disinformation and potential predatory actions that Class Members may face.
- c. Regular reporting, with recommendations: The Notice Provider will monitor campaign performance and provide regular reports with insights and recommendations for improvement.

## 8. ROLE OF THE NOTICE PROVIDER

- a. The Notice Provider plays a key role in making sure that information about the Federal Indian Hospitals Class Action is shared clearly, respectfully, and in ways that reach as many Class Members as possible. Their work is guided by the terms of the Settlement Agreement and focuses on communication, outreach and community awareness.
- b. The Notice Provider is responsible for:
  - a. Distributing official public notices: This includes the Long-Form and Short-Form Notices that explain who may be eligible, what the proposed compensation is for, and how to learn more. These notices are published in multiple languages and formats.
  - b. Maintaining the official website: Working with the parties, the Notice Provider manages content on the Settlement website, ensuring it is up to date, accurate and meets all accessibility and privacy standards.
  - c. Working with the Claims Administrator, ensure Class Members have access to a toll-free information line to respond to questions, provide

direct support in completing Claim Forms and direct to mental health and wellness supports.

- d. Managing social media and public communication: This includes maintaining the official Facebook and Instagram pages, sharing approved posts, and monitoring for misinformation, hurtful comments, or disclosures of trauma.
- e. Producing and running outreach campaigns: The Notice Provider plans and delivers public education efforts beyond notices, such as radio announcements or elder-focused outreach. These campaigns are especially important for reaching Class Members in northern, rural, or remote areas.
- f. Monitoring and responding to misinformation: The Notice Provider is responsible for monitoring, analyzing and, where appropriate, addressing instances of false or misleading information shared outside official channels, particularly when it may confuse or harm Class Members.
- g. Providing translated and accessible materials: The Notice Provider ensures that all public-facing materials are available in approved languages, including Indigenous languages where possible, and that they meet plain-language and trauma-informed standards.
- h. Sharing public progress updates: The Notice Provider is also expected to communicate overall progress back to communities. This may include updates on the Claims Process, key dates.
- i. In all of this, the Notice Provider is not responsible for assessing Claims or making decisions about compensation, nor for notifying Claimants of decisions or providing updates on their Claims. That work belongs to the Claims Administrator. The Notice Provider's role is to support understanding, reduce confusion, and honour the experiences of Class Members by making information as clear, and accessible as possible.