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Notice of Certification and Settlement Approval Hearing (Long Form)

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**Indian Boarding Homes Class Action**

**Were you placed by the Government of Canada in a private home for the purpose of attending school? If yes, please read this notice carefully because it affects your legal rights.**

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- On June 28, 2019, the Federal Court certified the Indian Boarding Homes lawsuit as a class proceeding.
- On December 7, 2022, the parties reached an Agreement in Principle to settle the case.
- On September 12, 13, and 14, 2023, the Federal Court will hold a Settlement Approval Hearing. The Court will consider whether the settlement is fair, reasonable, and in the best interest of the class.

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**What are my legal rights and options?**

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1. Do nothing – If you agree with the proposed settlement, you do not have to take any action now.
2. Show your support – If you agree with the proposed settlement and would like the court to consider your support, you must write to either of the lawyers listed below. You must send your statement of support no later than **August 25, 2023**.
3. File an objection – If you disagree with the proposed settlement and would like the court to consider your objection, you must write to one of the law firms listed below. You must send your objection no later than **August 25, 2023**.
4. Participate in the hearing – If you would like to speak in court, either in person or by video, you must write one of the law firms listed below. You must send your request to participate no later than **August 25, 2023**.
5. Watch the hearing – If you would like to watch the hearing, you can attend in Federal Court, 701 W. Georgia St., Vancouver, BC, or use the attendee video link (public) [https://cas-satj.zoom.us/webinar/register/WN\\_cOzZSGfQ2-bgs\\_p3JB\\_KQ](https://cas-satj.zoom.us/webinar/register/WN_cOzZSGfQ2-bgs_p3JB_KQ) . The hearing will be on September 12, 13, and 14, 2023, starting at 9:30 am PST (later in time zones further east).

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### **1. What is a class action?**

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A class action is a lawsuit filed on behalf of multiple individuals with common claims. The individuals are called Class Members. Unless they exclude themselves, they are included in the lawsuit.

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### **2. What was the Indian Boarding Home Program?**

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The Indian Boarding Home Program was an educational program in which the Government of Canada placed children from First Nations communities and Inuit villages in other communities (usually non-Indigenous) to stay with private families for the purpose of attending school. The program was part of Canada's policy of culturally assimilating Indigenous persons into mainstream Canadian society.

The Indian Boarding Home Program began during the 1950s as Canada began to end the Indian Residential Schools program. Canada continued to operate the Indian Boarding Home Program into the early 1990s.

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### **3. What is the class action about?**

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The class action alleges that Canada's actions in creating, operating, and maintaining the Indian Boarding Home Program were wrong. These actions created an environment where children were abused, harassed, and suffered other harms. The prolonged absence from family and community also caused loss of culture, language, and community bonding. The class action alleges that Canada's conduct was negligent and in breach of its fiduciary duties owed to Indigenous persons. Class Members have suffered serious and lasting harms as a result.

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### **4. Who is included in the proposed settlement?**

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The classes are defined as:

a) Primary Class	Individuals who were placed in private homes, during the period of September 1, 1951 and June 30, 1992, for
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	the purpose of attending school, not including placements for post-secondary education. Individuals placed after June 30, 1992, are also included if Canada was responsible for their placement.
b) Family Class	Members of the individual's family who lost the guidance, care, or companionship they could expect from the individual.

An individual who was placed in a private home without government involvement is not included in this settlement; individuals who were placed by Indigenous governing bodies after June 30, 1992, are not included.

To be eligible for compensation, the Primary Class Member must have been alive on July 24, 2016.

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## **5. What benefits does the proposed settlement provide?**

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The proposed settlement must be approved by the Federal Court before compensation will be available to class members. If approved, eligible Primary Class Members will receive compensation under two categories:

- Category 1 compensation is a single payment for each Eligible Primary Class Member – it will be paid to anyone who was in the Indian Boarding Homes Program.
- Category 2 compensation will be determined in accordance with a compensation grid – it will be based on the harms that an individual suffered.

You may apply for Category 1 compensation and make a separate application for Category 2 compensation. You may qualify for payment under both Category 1 and Category 2. You will not be entitled to receive more than one payment under Category 1 and one payment under Category 2.

If the settlement is approved by the Court, the deadline to submit applications will be specified in the Court order.

You may hire your own lawyer to help prepare your application for Category 2 compensation. In that case, Canada will pay the lawyer an amount equal to 5% (plus tax) of the Category 2 payment you receive.

A foundation will be created to support commemoration, healing, and preserving languages and culture. To support these reconciliation projects for the benefit of the class members, Canada will pay \$50 million to be administered by the Foundation.

Family Class Members will not receive direct compensation. Their claims will be recognized and addressed by the indirect compensation available through the Foundation's reconciliation projects.

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**6. How much will I get?**

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Every eligible Primary Class Member will be eligible for a Category 1 payment of \$10,000 for placement in the Boarding Home Program.

You may also apply for Category 2 compensation, with amounts to be paid based on the harm you suffered. The settlement agreement will define 5 levels of increasingly severe psychological, physical or sexual abuse, to be compensated at the following levels:

2A	\$10,000
2B	\$50,000
2C	\$100,000
2D	\$150,000
2E	\$200,000

You will be compensated for the most severe abuse you suffered.

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**7. How do I receive a payment?**

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If the Federal Court approves the settlement, you will need to submit an application form for each category of compensation. If your application for Category 1 compensation is approved, you will receive a Category 1 payment of \$10,000. If your application for a Category 2 compensation is approved, you will receive a payment based on the level of harm that you suffered.

The application process has not started, and you cannot request compensation at this time. Applications will be available if the Court approves the settlement.

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**8. Who are the lawyers for the class?**

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Class Counsel	Counsel for the Quebec Subclass
Klein Lawyers LLP 1385 W 8th Avenue #400 Vancouver, BC V6H 3V9 1-604-874-7171 ibhclassaction@callkleinlawyers.com	Dionne Schulze 507 Place d'Armes, Suite 502 Montreal, QC H2Y 2W8 1-514-842-0748 percival@dionneschulze.ca

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**9. How are the class action lawyers paid?**

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Canada has agreed to pay class counsel fees to Class Counsel and Quebec Subclass Counsel for their work on behalf of the class as a whole in an amount the Court approves as fair and reasonable. No part of the class counsel fee will be paid by class members

and there will be no reduction in any amount payable to a class member to pay for class counsel fees.

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**10. What if I do not want to participate in the class action?**

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If the Settlement Agreement is approved, you will be able to exclude yourself (“opt-out”) if you do not want to receive compensation under the settlement and wish to keep your right to bring your own lawsuit regarding your participation in the Boarding Homes Program. To exclude yourself, you must submit an Opt Out form before expiry of the Opt Out period. To submit an opt out, please visit [www.boardinghomesclassaction.com](http://www.boardinghomesclassaction.com) / [www.FoyersFamiliauxFederaux.com](http://www.FoyersFamiliauxFederaux.com) to obtain an Opt Out form and submit the completed form to one of the law firms listed below. The Opt Out Deadline will be set by the Court and will be at least sixty (60) days from the date on which the Court issues an order regarding approval of the settlement.

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**11. How do I get more information?**

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If you want more information about your rights and options, information about the settlement and details about the settlement approval process in the Indian Boarding Homes Class Action, and see the settlement agreement, please visit the following website at [www.boardinghomesclassaction.com](http://www.boardinghomesclassaction.com) / [www.FoyersFamiliauxFederaux.com](http://www.FoyersFamiliauxFederaux.com)

*This notice has been authorized by the Federal Court of Canada*