

## **SEEKING JUSTICE FOR DAY SCHOOL SURVIVORS AND THEIR FAMILIES: THE INDIAN DAY SCHOOLS CLASS ACTION**

*Garry Leslie Mclean, Roger Augustine, Angela Elizabeth Simone Sampson,  
Margaret Anne Swan, and Mariette Lucille Buckshot v Her Majesty The Queen*

*McLean v Canada* is a Class Action lawsuit against the Canadian government for the abuses suffered by students forced to attend “Indian Day Schools” across Canada after 1920. This is the first Canada-wide, court-certified Class Action seeking compensation for Indian Day School students and their families.

On March 12, 2019, Minister of Crown-Indigenous Relations (Carolyn Bennett) announced that a Settlement Agreement between Canada and class counsel was signed. The proposed settlement with Canada includes everyone who attended a Federal Indian Day School. Compensation for harms associated with attending a Federal Indian Day School ranges from \$10,000 to a maximum of \$200,000, depending on the severity of abuse suffered. Eligible Class Members will receive a payment reflecting the most severe harms they suffered while attending an Indian Day School, irrespective of the number of schools attended. The proposed settlement also includes a \$200M Legacy Fund to support commemoration projects, health and wellness programs, as well as language and culture initiatives for communities

The Settlement must be approved by the Federal Court before compensation will become available to Class Members. The proposed Settlement Approval Hearing was May 13, 14 and 15, 2019 at the Winnipeg Federal Court. We are awaiting a decision from the Court on whether the proposed settlement is approved. Further information will follow once a decision has been reached.

### **What are Indian Day Schools?**

“Indian Day Schools” were schools established, funded, and operated by the federal Department of Indian Affairs. After 1920, Aboriginal students across Canada were forced to attend these schools by law, under the *Indian Act*.

Unlike Indian Residential Schools, students did not reside at Indian Day Schools – they attended during the day and went home at night. Only in very limited circumstances (for example, due to inclement weather conditions) would a student sleep at an Indian Day School.

Those who attended Indian Day Schools were never compensated for the abuses they suffered. They were excluded from the Indian Residential Schools Settlement Agreement.

### **Church involvement in Indian Day Schools**

In most cases, Indian Day Schools were operated and maintained by the very same religious organizations administering Indian Residential Schools. This included Roman Catholic, Church of England, Methodist, and Presbyterian denominations.

### **Abuse and damages at Indian Day Schools**

Students who attended Indian Day Schools suffered the very same types of abuses suffered by students who attended Indian Residential Schools. Indian Day School students have reported severe physical, sexual,

mental and psychological abuse by teaching staff, officials, students and other third parties. Families of these students suffered the same types of damage as the families of Indian Residential School Survivors.

In addition, the Indian Day Schools system inflicted systemic harm and damage upon Aboriginal cultures and languages.

### **Who is covered by the *McLean* Class Action?**

The *McLean* Class Action covers all students who attended Indian Day Schools that operated separate and apart from Indian Residential Schools. This includes students who are Metis or Inuit, as well as First Nations students. Collectively, these students are referred to as the “Survivor Class.”

The Class Action also covers the families (spouses, former spouses, children, grandchildren, or siblings, and their spouses) of students who attended Indian Day Schools. Collectively, these family members are referred to as the “Family Class.” Family members of these former students will not receive direct compensation but rather will receive compensation in the form of a \$200M Legacy Fund to support commemoration projects, health and wellness programs, as well as language and culture initiatives for communities. Information on how to make a claim for compensation will become available if the proposed settlement is approved in the months ahead.

To date, there is no other Canada-wide, court-certified class proceeding which has sought or obtained compensation for the damages suffered by Indian Day School Survivors and their families.

### **Is there a deadline to register for the *McLean* Class Action?**

There is currently no deadline to register. However, if a Settlement Agreement is reached, notification of the registration deadline will be widely published.

### **Can I register for the *McLean* Class Action if I received a Common Experience Payment (CEP) or compensation for attending an Indian Residential School?**

Yes, you can register for the Class Action.

### **Are there any fees or costs to being a Class Member?**

There are no legal fees or costs payable by you to register for the Class Action.

### **Registration for Deceased Survivors**

Our position is that compensation is owed to the estates of deceased persons who attended an Indian Day School. If a person passed away on or after July 31, 2007, the estate of that person can make a claim on that person’s behalf.

### **How will I be compensated?**

Former students of Federal Day Schools will receive a form of direct compensation. Compensation for harms associated with attending a Federal Indian Day School ranges from \$10,000 to a maximum of \$200,000, depending on the severity of abuse suffered. Eligible Class Members will receive a payment

reflecting the most severe harms they suffered while attending an Indian Day School, irrespective of the number of schools attended.

**What if I do not remember the Indian Day School(s) or year(s)/grade(s) I attended?**

Try to provide as much information as you can remember. Additional research will be completed at a later stage to verify the school(s) and year(s)/grade(s) that you attended.

**Whom can I contact to get more information about the *McLean* Class Action?**

The law firm Gowling WLG (Canada) LLP has been appointed as Class Counsel (the responsible lawyers) for all members of the Survivor Class and Family Class. The lead lawyers in this matter are Robert Winogron and Jeremy Bouchard.

Mr. Winogron and Mr. Bouchard have over 30 years of combined legal experience in the area of Aboriginal Law and litigation. Gowling WLG is a national law firm which is consistently recognized for its representative work on behalf of First Nations and Aboriginal organizations across Canada.

**What if I am feeling a lot of negative emotions when thinking about my Day School experiences?**

Please contact the Hope for Wellness Helpline which is accessible 24/7.  
It is available in 5 languages at [1-855-242-3310](tel:1-855-242-3310)

Robert Winogron  
[robert.winogron@gowlingwlg.com](mailto:robert.winogron@gowlingwlg.com)

Jeremy Bouchard  
[jeremy.bouchard@gowlingwlg.com](mailto:jeremy.bouchard@gowlingwlg.com)

Vanessa Lessard – Law Clerk  
[vanessa.lessard@gowlingwlg.com](mailto:vanessa.lessard@gowlingwlg.com)

**Toll Free Number: 1 (844) 539-3815**

We have a webpage designated to the Indian Day School Class Action: <http://www.indiandayschools.com>

**Mailing Address**

Gowling WLG (Canada) LLP  
160 Elgin Street, Suite 2600  
Ottawa Ontario K1P 1C3

You can also keep updated by following:

Facebook: @McLeanClassAction

Twitter: @IndianDaySchool

Law Firm Website: [www.gowlingwlg.com](http://www.gowlingwlg.com)





## THE INDIAN DAY SCHOOL CLASS ACTION REGISTRATION FORM

*McLean v Canada* is a Class Action lawsuit against the Canadian government for the abuses suffered by students who were forced to attend “Indian Day Schools” across Canada after 1920. This is the first national Class Action seeking compensation for Indian Day School students and their families.

If you wish to get more information, please see the attached Information Sheet. If you wish to register for our Class Action database, please complete this form. If you have any questions, please feel free to contact our law firm, Gowling WLG, by email at [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com) or on our toll-free number at 1 (844) 539-3815. You may also refer to our website, [www.gowlingwlg.com/dayschool](http://www.gowlingwlg.com/dayschool), to complete an online Registration Form.

### Personal Information

First Name: \_\_\_\_\_ \*required

Special Assistance Needed: Yes: \_\_\_\_\_

Last Name: \_\_\_\_\_ \*required

No: \_\_\_\_\_

Maiden Name: \_\_\_\_\_

Gender: Male: \_\_\_\_\_

Female: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ \*required

Deceased Date of Death: \_\_\_\_\_

### Contact Information \*at least one method is required

First and Last Name of Contact:

Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

Province/State: \_\_\_\_\_

Postal/ZIP Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Best way to contact you: \_\_\_\_\_

**You will be asked to write your story regarding the abuse you experienced on the official Claim Form at a later date.**

**School Information**

What Indian Day School(s) did you attend? If possible, please include the years or grades you attended.

**School 1:**

School Name, Location (if known): \_\_\_\_\_

Year Started: \_\_\_\_\_ Year Left: \_\_\_\_\_ **OR** Grades Attended: \_\_\_\_\_

**School 2 (if applicable):**

School Name, Location (if known): \_\_\_\_\_

Year Started: \_\_\_\_\_ Year Left: \_\_\_\_\_ **OR** Grades Attended: \_\_\_\_\_

**School 3 (if applicable):**

School Name, Location (if known): \_\_\_\_\_

Year Started: \_\_\_\_\_ Year Left: \_\_\_\_\_ **OR** Grades Attended: \_\_\_\_\_

**Please return the completed form by mail, email or fax as per below:**

**Mail**

**Vanessa Lessard  
Gowling WLG (Canada) LLP  
160 Elgin Street, Suite 2600  
Ottawa, ON K1P 1C3**

**Fax: 1-613-563-9869; Attention: Vanessa Lessard**

**Email: [vanessa.lessard@gowlingwlg.com](mailto:vanessa.lessard@gowlingwlg.com)**

General information is also available at the following website: [www.indiandayschools.com](http://www.indiandayschools.com)