

## **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.

The action was certified (approved) on June 21, 2018, as a class proceeding. On December 6, 2018, Garry McLean and Minister of Crown-Indigenous Relations (Carolyn Bennett) announced that an Agreement-in-Principle has been reached between the parties. The Agreement-in-Principle includes individual compensation for harms suffered while attending an Indian Day School including cultural harm and physical and sexual abuse. In addition to the individual compensation, the Agreement-in-Principle includes \$200 million in funding available to support healing, wellness, education, language, culture and commemoration. Specific details regarding individual compensation will be made available in early 2019. The Court still has to approve any terms of settlement, which we intend to seek in spring of 2019. Feel free to check our website for updates or reach out to our office in a few months’ time to see if there is any further update that we can provide to you.

### **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.”

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. This issue has not yet been resolved.

**How long do Class Actions take?**

Each Class Action is different. Class Actions may take several years to be resolved depending on the circumstances.

**How will I be compensated?**

Former students of Federal Day Schools will receive a form of direct compensation. Specific details regarding individual compensation will be made available in early 2019. The Agreement-in-Principle includes individual compensation for harms suffered while attending an Indian Day School including cultural harm and physical and sexual abuse.



Family members of these former students will receive compensation in the form of a \$200 million investment in commemoration, wellness/healing, and the restoration and preservation of Indigenous languages and culture.

Once there is a settlement and it is approved by the Court, there will a mechanism set up by the Court for determining and distributing the amount of compensation.

**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.

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