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- Ontario Works
- Education Department
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FROM THE OFFICE OF THE CHIEF

DAY SCHOOL CLASS ACTION

As most of you are aware, there is a Class Action Lawsuit that is currently in settlement negotiations. In 2009, Garry McLean started a legal action regarding the forced attendance of Aboriginal students at Indian Day Schools who were excluded from the Indian Residential Schools Settlement Agreement. On June 21, 2018 the action was approved as a Class proceeding. On December 6, 2018 an Agreement-in-Principle had been reached between McLean and Canada. The Agreement 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 includes funding to support healing, wellness, education, language and commemoration. **Specific details regarding individual compensation have not yet been released.**

Indian Day Schools

Indian Day Schools were in operation from 1920 until a First Nation took over administrative control from the Federal Department of Indian Affairs. There are over 100,000 survivors of Indian Day Schools across Canada. There were approximately 700 day schools established where attendees suffered physical, sexual and psychological abuse as well as a loss of language and culture. The Indian Day Schools operated under the same education curriculum of Indian Residential Schools but remained as separate institutions.

At a meeting that I attended in Wikwemikong on November 28, 2018 with respect to Indian Day Schools the presenters indicated it has been clearly identified that the purpose of Indian Day Schools was to *"remove the Indian from the child"* and that the thought by the government and school was that *"if we teach these Indian children in our ways (settler ways) and teach English and settler religion, their lives will be improved"*.

HEALTH CENTRE

Tel: 705-377-5347
Fax: 705-377-5090

WELLNESS CENTRE

61 Lakeview Drive
Tel: 705-377-4240
Fax: 705-377-4179

LAKEVIEW SCHOOL

18 Lakeview Dr.
Tel: 705-377-4988
Fax: 705-377-5080
Library
Ph: 705-377-5540

BINOOJINH GAMGOONHS DAY CARE

4 Assance Dr.
Tel: 705-377-5383
Fax: 705-377-4377

This Action should not be confused with the "Day Scholars" Class Action. In order to help with defining which action is which, I offer the following:

Indian Residential School Settlement: Individuals who attended an Indian Residential School Institution full time.

Day Scholar Class Action: Individuals who attended Indian Residential School but went home after each day.

Day Schools Action: Day Schools established or designated by the Federal Department of Indian Affairs, mostly located on reserve where children went home after each day.

Class Action

The Class action covers all students who attended Indian Day Schools that operated separate and apart from Indian Residential Schools. This Action also covers families (spouses, former spouses, children, grandchildren, or siblings, and their spouses) of students who attended Indian Day Schools.

Class Action Classes and Compensation

There are two types of classes and compensation being negotiated that are identified in this Action as follows:

Survivor Class

Persons who attended an Indian Day School after January 1, 1920.

Survivor Class Compensation (being negotiated): Direct compensation based on a paper based process. The range of compensation will be based on harms.

Family Class

Spouses, former spouses, children, grandchildren and siblings of Survivor Class members

Family Class Compensation (being negotiated): A "legacy fund" will be created. Funding will be available for healing initiatives and cultural and language revitalization. Funding will be available for community based commemorative events and for ceremonies on and off reserve for communities to come together to discuss what happened.

Again, more details to be released in the future.

Deceased Survivors

This issue has not yet been resolved. However, it is the position of the Class Action that compensation is owed to the estate of deceased persons who attended an Indian Day School.

Cautions by Legal Team

The Legal Team has indicated that they have received reports that there are people are going around to communities and having individuals sign off on forms. These forms are a retainer agreement to pay a percentage of what you may get back. The legal team has made it very clear that **GOWLINGS WLG** represents the Day School Attendees and that they will not take a fee from any compensation. Therefore, if you are ever approached to sign a document as a Day School Attendee, the law firm of Gowlings WLG recommends you give their office a call.

Next Steps

The legal team (Gowling WLG) will continue attempts to reach a resolution outside of court by negotiating a resolution. If no settlement is reached, the matter will proceed to Trial. There is no timeline for settlement however, the legal team confirms that they are moving ahead on an aggressive basis.

Attached you will find the Indian Day Schools Class Action Registration Form. M'Chigeeng took over Administrative Control of Education on September 1, 1980. Therefore if you attended any of the M'Chigeeng Day Schools prior to this date we encourage you to fill this form and send to Gowling WLG to be registered. Our Administration Office can assist you with filling out this form and submitting it to Gowling WLG.

If you require any further information do not hesitate in contacting any of the following at the office or by the following contact information:

Ogimaa Kwe Linda Debassige: chief@mchigeeng.ca or cell: 705-210-9985

Enaagdenjged Sam Manitowabi: samm@mchigeeng.ca

Melanie Corbiere, Executive Assistant to Chief and Council: melaniec@mchigeeng.ca

Marlene Debassige, Office Administrator: marlened@mchigeeng.ca

I have requested a Community Presentation from Gowling WLG and am awaiting confirmation of a date. Once received, notice will be provided.

Miigwech,



Ogimaa Kwe Linda Debassige



THE INDIAN DAY SCHOOLS CLASS ACTION REGISTRATION FORM
*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 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.

"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 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. Students at Indian Day Schools were subjected to physical, sexual, and psychological abuse.

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

The Federal Court has certified *McLean* as a class proceeding and appointed Gowling WLG as Class Counsel.

If you wish to get more information or register for our class action database, please complete this form or feel free to contact our law firm, Gowling WLG, toll free at 1 (844) 539-3815. You may also refer to our website, <http://gowlingwlg.com/dayschool>, to complete an online Registration Form.

Filling out this form does not create any financial obligation for you and does not make you a client of Gowling WLG (Canada) LLP. Any information that you provide will be kept in strict confidence and will not be shared with any other parties without your consent. If you are a member of the proposed class and potentially entitled to receive any compensation, you will be required to complete an official Claim Form at a later date.

First Name: _____
Last Name: _____
Maiden Name: _____
Male _____ Female _____
Date of Birth: _____
Email: _____
Address: _____
City/Town: _____
Province/State: _____
Postal/ZIP Code: _____
Country: _____
Home Phone: _____
Cell Phone: _____
Fax: _____



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

Mail

Gowling WLG (Canada) LLP
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3
Attention: Christina Ruest

Fax#: 1-613-563-9869, Attention: Christina Ruest

Email: christina.ruest@gowlingwlg.com

General information is also available at the following websites:

Indian Day School Class Action Website: <http://gowlingwlg.com/dayschool>

Representative Plaintiffs' Website: <http://www.indiandayschools.com>