

WHAT YOU SHOULD KNOW ABOUT THE PROPOSED INDIAN DAY SCHOOL SETTLEMENT

- 1.0 **Less than IRS Compensation** - The proposed Settlement provides significantly less compensation for Indian Day School Students (IDSSs) for the same abuses that residential school survivors suffered.
- 2.0 **No Common Experience Payment** – each IRS student got \$10,000 for the first year and \$3,000 for each additional year. IDSSs will need to prove they suffered specific types of verbal and physical abuse in order to get the Level 1 payment of \$10,000 and will not get anything extra for additional years in school. Someone who attended an Indian Day School for 10 years will receive the same amount as someone who attended for one year.
- 3.0 **No Compensation for Future Care** – IRS students received up to \$10,000 extra for future care to deal with the lasting harms. IDSSs will get nothing.
- 4.0 **No Emotional Support** – A big deal has been made about Canada not wanting IDSSs to be “retraumatized” by having to tell their abuse stories in hearings. This means that IDSSs will be left on their own to write out how they were abused, without emotional or administrative support.
- 5.0 **Insufficient Time** – IDSSs will be given only 1 year to get their application in to the gov’t after the agreement is approved by the courts in May. IRS survivors had 5 years. One year is not enough time for everyone to process their trauma and bring it forward. One year is not enough time to gather all the documents required to prove the claim. It is not enough time to reach Indian Day School survivors that are in remote communities, incarcerated, in care homes, on the street or even in other countries.
- 6.0 **No Choice in Trusted Legal Counsel** – Canada will only pay the legal fees to the law firm in Ottawa. The result is that Indian Day School survivors are not able to choose their own lawyer. And, even if this was acceptable, how will the law firm in Ottawa help up to 200,000 Indian Day School survivors in one year? Is the Ottawa law firm going to help IDSSs get the records they will need and fill out all the forms?
- 7.0 **Document Collection:** No financial support to help Indian Day School survivors to collect and send in documents that may be needed to support the application. IDSS must gather and pay for their own medical records, school records, treatment records, sworn declarations, photographs, diaries, family statements while many of IDSSs do not have the money or ability to do so.

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- 8.0 Lack of Confidentiality:** IDSSs may have to obtain a witness statement and the witness is under no obligation to keep the information confidential.
- 9.0 Complex Written Process:** Will IDSSs be able to understand all the paperwork, complete the paperwork, gather supporting documents and get this all done without help and within one year?
- 10.0 Does not Include Day Scholars** – The proposed agreement does not include Day Scholars who attended Indian residential schools and whom went home at night.
- 11.0 No provision to add schools to the list** - It fails to include all Indian Day Schools on the list and there is no process to add schools to it even though there are communities left out. And, the entire Metis Nation seems to be excluded.
- 12.0 Lack of Disclosure:** Canada's lawyer can provide documents to dispute the Level 2-5 claims, but they do not have to let the IDSSs view those documents. *The proposed Settlement fails to ensure fair disclosure of documents by Canada.*
- 13.0 No Court oversight:** The Agreement does not provide for court oversight for one of the largest Class Actions settlements in Canadian history. The only appeal process to be through an Exception Committee that is not required to be culturally competent or experienced in matters of sexual and physical trauma.
- 14.0 Will be Re-traumatizing:** The Agreement fails to protect IDSSs from re-traumatization because they are still expected to describe the abuse, and this time they are expected to do it alone and at their own expense.
- 15.0 No appeal for Level 1 Claims that are dismissed:** The proposed Settlement fails to provide meaningful assistance or support for claims that might be dismissed. The \$10,000 is not automatic.

WHAT SHOULD YOU DO IF YOU ARE AN INDIAN DAY SCHOOL STUDENT? Contact the law firm of your choice and ask for an OBJECTION FORM and contact your Chief & Council! You can object to the agreement TERMS without opting out. When you voice your concerns and file the Objection Form you will not be excluded. This document was prepared by the three indigenous lawyers below, but you can contact any lawyer you want. If you want to contact one of us, email us your concerns. These are just some of the problems we are raising on for our existing clients.