



For Immediate Release
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Indian Day School (IDS) Survivors Demand Fair Timeline to Seek Compensation

Legal action launched against Government of Canada to extend unrealistic deadline for survivors to seek compensation under IDS class action settlement

Six Nations of the Grand River, December 21, 2022 – Today, legal action was launched against the federal government over a class action Settlement Agreement (The Agreement) providing compensation for systemic abuse suffered by First Nations children attending government-run IDS.

The Six Nations of the Grand River Elected Council (Six Nations) and class member Audrey Hill (Ms. Hill) assert that The Agreement's timeline, notification and support process for survivors to seek compensation is unrealistically short, culturally insensitive and retraumatizing. In addition, the process took place almost entirely within the COVID-19 pandemic.

To give class members a true opportunity to seek compensation, Six Nations and Ms. Hill filed a Notice of Motion today, arguing that The Agreement's deadline should be extended to December 31, 2025.

"IDS survivors endured physical, sexual, and emotional abuse at the day schools, and were separated from their culture and identity. Many IDS survivors continue to suffer from intergenerational trauma as a result of the abuse experienced in these schools," said Chief of Six Nations of the Grand River, Mark Hill. "The class action settlement has favoured speed and cost efficiency over providing the trauma-informed and culturally appropriate assistance that our people needed."

The Agreement's claim process opened January 2020 and almost immediately afterwards, the pandemic hit. This exacerbated challenges with the short timeline and the plan for notifying and assisting class members, which needed to be done in-person given two-thirds of households in First Nations communities do not have access to high-speed internet. Since the pandemic began, approximately only 28 community sessions have been held in 26 of the approximately 700 affected communities (less than 4%).

"To this day, a significant number of class members have not yet made a claim because of limited claims assistance, a lack of cultural sensitivity and unfair timelines," said Ms. Hill. "We know that trauma survivors are often only able to recall or disclose trauma in stages, and most importantly, with time. Because of the lack of reasonable and culturally sensitive assistance provided, I felt compelled to voluntarily assist others with their claims. It should not have come to this."

"The Government of Canada has ignored public statements from First Nations communities noting that their members will be unable to make a claim within the Claims Period," said Chief Hill. "As Six Nations of the Grand River, we support other IDS actions and are watching closely to see the outcomes. It is disheartening that we now must file another motion with the courts to move towards reconciliation."

Through the courts, Six Nations and Ms. Hill are seeking an extension of the settlement deadline to December 31, 2025.

Background

- Systemic abuse was suffered by generations of First Nations children attending IDS run by the Government of Canada for over a century.
- IDS survivors launched a class action lawsuit against the federal government. In 2019 a settlement agreement was established to compensate class members.
- The claims period was arbitrarily set at two and a half years, compared to five years for the Indian Residential School Settlement Agreement.
- The claims period began on January 13, 2020, and was quickly derailed by the COVID-19 pandemic, which had a disproportionate impact on First Nations communities.
- The agreement specifically called for cultural sensitivity to minimize the risk that class members would be retraumatized when claiming compensation. This did not happen.
- Since 2019 when The Agreement was approved, class members have not received the necessary notice and assistance to complete their claims; and
- The process did not account for First Nations cultural sensitivities and the claims period was too short for a trauma-based case, particularly in light of the pandemic.

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