

Long Form Notice

LEGAL NOTICE

Have you experienced racial discrimination or racial harassment in the Canadian Armed Forces?

**A proposed class action settlement may affect you.
Please read this notice carefully.**

*The Federal Court has authorized this notice.
This is not a solicitation from a lawyer or a lawsuit against you.*

Your legal rights are affected by a proposed settlement (“**Settlement**”) even if you do nothing. Please read this notice carefully.

While not admitting liability, the Government of Canada has agreed to a proposed Settlement of a class action (“**Class Action**”) for current and former members of the Canadian Armed Forces (“**CAF**”) who experienced racial discrimination and/or racial harassment in connection with their military service.

All current or former CAF members who experienced racial discrimination and/or racial harassment in connection with their military service may be able to receive a payment under the proposed Settlement if it is approved by the Court.

A hearing to determine if the proposed Settlement is fair, reasonable and in the best interests of the Class Members is scheduled to take place before the Federal Court, commencing at 9:30 a.m. ADT on July 16, 2024, at the Halifax Marriott Harbourfront Hotel, Room D, 1919 Upper Water Street in Halifax, Nova Scotia, and by videoconference.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT

- 1. DO NOTHING:** If you agree with the proposed Settlement, there is nothing more to do. By doing nothing, you give up any right to object to the proposed Settlement.
- 2. STATEMENT OF SUPPORT:** If you wish, you may provide a statement of support for the proposed Settlement by completing a Participation Form. The Participation Form is located online at: www.forcesaction.com. Class Counsel must receive your completed Participation Form by mail, courier or email on or before **June 27, 2024**. If Class Counsel do not receive your completed Participation Form on or before

June 27, 2024, you will not be entitled to speak to the Court, and the Court will not consider your statement of support at the Settlement Approval hearing.

3. **OBJECT:** If you disagree with the proposed Settlement, you can also file a completed Participation Form. The Participation Form is located online at: www.forcesaction.com. Class Counsel must receive your completed Participation Form by mail, courier or email on or before **June 27, 2024**. If Class Counsel do not receive your completed Participation Form on or before June 27, 2024, you will not be entitled to speak to the Court, and the Court will not consider your objection, at the Settlement Approval hearing.
4. **GOING TO THE HEARING:** Anyone is free to attend the Federal Court hearing commencing at 9:30 a.m. ADT on July 16, 2024, at the Halifax Marriott Harbourfront Hotel, Room D, 1919 Upper Water Street in Halifax, Nova Scotia, or by videoconference.

More information is available at: www.forcesaction.com

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BASIC INFORMATION

1. Why did I get this notice?

The Federal Court has authorized this Notice to inform you about the proposed Settlement and your options before the Court decides whether to give final approval to the proposed Settlement. This notice explains the lawsuit, the proposed Settlement, and your legal rights.

2. What is a class action?

In a class action, one or more people called "**Representative Plaintiffs**" sue on behalf of those who have similar claims. All of these people are called a "**Class**" or "**Class Members**." The courts resolve the issues for everyone affected by the class action, except for those who exclude themselves, or "opt out" of, the lawsuit.

3. What is this lawsuit about?

The Class Action relates to CAF members who have experienced racial discrimination and/or racial harassment in connection with their military service. Canada has not admitted liability, however, it has agreed to a proposed Settlement.

4. Why is there a Settlement?

The Plaintiffs and Canada have agreed to a proposed Settlement of the Class Action. The proposed Settlement is not binding unless approved by the Federal Court. By agreeing to settle the lawsuit, the parties avoid the costs, uncertainty, and delay of going to trial and obtaining judgment. In this case, it also means that Class Members will not need to testify in court.

The Representative Plaintiffs and the lawyers for the Class (“**Class Counsel**”) believe the proposed Settlement is fair, reasonable, and in the best interests of the Class.

WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

5. Who is Included in the proposed Settlement?

The proposed Settlement affects any person who falls under the Class Definition defined as:

All persons who are or have been enrolled as CAF Members at any time from April 17, 1985, and for any duration up to and including the Approval Date, and who assert that they have been subjected to Racial Discrimination and/or Racial Harassment.

PROPOSED SETTLEMENT BENEFITS

6. What does the proposed Settlement provide?

If approved, the proposed settlement provides:

- a) payment for Class Members who experienced racial discrimination and/or racial harassment connected with their military service;
- b) the option to participate in a restorative engagement process for Class Members to communicate their experiences of racial discrimination and/or racial harassment with senior CAF leadership with the assistance of qualified and trained restorative practitioners; and

- c) other systemic relief measures to improve the organizational culture and systems within the CAF with the objective of addressing and eliminating racial discrimination and racial harassment in the CAF.

Individual Payments to Class Members

Category	Payment Level	
<p>Common Experience payment:</p> <p>Class Member confirms that they experienced racial discrimination and/or racial harassment connected with their military service</p>	\$5,000	
<p>Assessment of Narrative Evidence:</p> <p>Class Member chooses to share their experiences of racial discrimination and/or racial harassment connected with their military service. Independent Assessors will determine whether Class Members are entitled to additional payment focused on the duration and severity of impacts on personal dignity, bodily and/or emotional integrity, spiritual well-being and individual relationships.</p>	Level A	\$10,000
	Level B	\$20,000
	Level C	\$30,000

The potential range of individual payments for Class Members is between \$5,000 and \$35,000, subject only to the *pro rata* provisions below.

The total amount of individual payments to all Class Members cannot exceed \$150 million. The individual payments to Class Members, as assessed by the Independent Assessors, may need to be reduced on a *pro rata* basis so that the total amount of payments to Class Members does not exceed \$150 million.

If the total amount of individual payments to Class Members is less than \$100 million, the individual payments to Class Members may be increased by a maximum of 20%.

7. How will the lawyers be paid?

You are not responsible for payment of legal fees. Class Counsel will not be paid until the Federal Court approves the proposed Settlement and declares that the proposed legal fees are fair and reasonable.

Class Counsel will ask for approval of fees in the amount of \$5 million, plus repayment of reasonable disbursements and applicable tax. The Federal Court will decide the value of fees and disbursements to award. These amounts will be paid directly by Canada and will not be deducted from any amounts that eligible Class Members may receive.

8. What if I don't want to be included in the lawsuit or settlement?

If the proposed Settlement is approved, and you do not want to be bound by it, you will have an opportunity to “**Opt Out**” after the Court has decided whether to approve the Settlement. The Parties have agreed that the Opt-Out Period will be 90 days from the Approval Date (the date the Court issues an Order approving the Settlement).

If you Opt Out, you will not be entitled to any payment from the settlement, but you will keep your right to sue Canada or others on your own or bring a Human Rights complaint about the same legal claims in the lawsuit, subject to any time limits or other legal limitations applying to your claim.

You may have already commenced a legal proceeding against Canada for damages resulting from racial harassment or racial discrimination suffered in connection with your military service. If you do not discontinue it on or before the Opt-Out Deadline fixed by the Court when the settlement is approved, you will automatically be deemed to have Opted Out of the settlement.

THE LAWYERS REPRESENTING YOU

9. Who are Class Counsel, the lawyers for the Class?

Class Counsel are the law firm Stewart McKelvey in Halifax, Nova Scotia.

If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense.

MAKING YOUR VIEWS KNOWN

10. How do I tell the Court if I approve of, or object to, the proposed Settlement?

If you agree with the proposed Settlement there is nothing more to do. You may nonetheless provide a statement in support of the Settlement by filing a Participation Form. You may download a Participation Form from www.forcesaction.com. If you do not have access to a computer, you may call (902) 420-3322 and a Participation Form will be mailed to you.

If you object to the proposed Settlement, you may file a Participation Form expressing your objection. You may download a Participation Form from www.forcesaction.com. If you do not have access to a computer, you may call (902) 420-3322 and a Participation Form will be mailed to you.

You can send your completed Participation Form by email to forces.class.action@stewartmckelvey.com or by mail or courier to Forces Class Action, c/o Stewart McKelvey, 600-1741 Lower Water Street, P.O. Box 997, Halifax, Nova Scotia, B3J 2X2. Class Counsel must receive a Participation Form no later than June 27, 2024. If your Participation Form is not received by the deadline, your views will not be conveyed to the Court. Filing a Participation Form does not mean you have opted out of the Class Action.

In your Participation Form, you may ask to speak at the hearing either in person or by videoconference. You may also file a Participation Form without appearing at the hearing. Class counsel will make Participation Forms received on or before June 27, 2024 available to the Court even if you do not appear in person or by videoconference.

THE APPROVAL HEARING

11. When and where will the court decide whether to approve the proposed Settlement?

The Federal Court will hold a hearing commencing at 9:30 a.m. ADT on **July 16, 2024**, at the Halifax Marriott Harbourfront Hotel, Room D, 1919 Upper Water Street in Halifax, Nova Scotia to decide whether to approve the proposed Settlement and Class Counsel's request for legal fees and disbursements. You may attend the hearing in person or by videoconference and ask to speak, but attendance is not required. If you intend to object to the Settlement, Class Counsel must receive your completed Participation Form by the June 27, 2024 deadline.

There will be a videoconference link allowing you to watch the Settlement Approval hearing online. If the hearing is re-scheduled, the videoconference link may be changed. If you intend to participate by videoconference, it is a good idea to check www.forcesaction.com the day before the hearing to make sure you have the correct link.

12. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. If you wish to observe, you are welcome to attend the hearing in person or by videoconference. You may also have your own lawyer attend at your expense, but attendance is not necessary.

13. May I speak at the hearing?

You may ask the Court for permission to speak at the approval hearing. To be entitled to speak at the hearing, your Participation Form must be received by the June 27, 2024 deadline and indicate that you wish to speak to the Court at the approval hearing.

14. What if I do nothing?

If you do nothing, you are choosing, by default, not to object to the proposed Settlement. The Settlement Approval hearing will proceed and the Federal Court will consider whether the Settlement is fair, reasonable, and in the best interests of the Class, and whether Class Counsel's fees should be approved, without considering your views. If you agree with the Settlement, nothing further is required.

GETTING MORE INFORMATION

This notice summarizes the proposed Settlement. To speak with Class Counsel, please obtain details at www.forcesaction.com, send an email to forces.class.action@stewartmckelvey.com, or call (902) 420-3322.