

## Short 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.*

While not admitting liability, the Government of Canada has agreed to 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.

## **WHO IS INCLUDED?**

The proposed settlement covers members and former members of the CAF who experienced racial discrimination and/or racial harassment in connection with their military service at any time from April 17, 1985 (the “**Class Members**”).

To be eligible for a payment you must be a member of the Class. The Class is 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.

The terms of the proposed settlement will be binding on all Class Members, except those who opt out of the Class Action by a specified date.

**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 in Halifax, Nova Scotia on July 16 and 17, 2024.**

## WHAT DOES THE 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.

If the Federal Court approves the proposed settlement, you may make a claim for payment. To do so, you will have to complete a **Claim Form** and send it to the claims administrator during the claims period.

## WHAT ARE YOUR LEGAL RIGHTS AND OPTIONS?

<b>1. Do nothing</b>	If you support the proposed settlement, you do not have to do anything right now. Please note that by doing nothing, you will give up any right to object to the settlement and you will give up the right to sue Canada on your own.
<b>2. Opt Out</b>	If the settlement is approved by the Court, and you don't want to be bound by it, you can Opt Out of the class action. You will have 90 days from the date the Court issues an order approving the settlement to make your decision. If you Opt Out, you will not be entitled to any payment from the settlement, but you will keep your right to sue Canada on your own, subject to any time limits or other legal limitations applying to your claim.
<b>3. Submit a statement of support</b>	If you do not wish to attend the hearing, but you wish to explain why you support the proposed settlement, you can complete a <b>Participation Form</b> . This form will include your name, address, and the reasons why you support the settlement. The Participation Form can be found at <a href="http://www.forcesaction.com">www.forcesaction.com</a> . You must mail, courier or email this Form to the contact information indicated on this Form, and it must be received by no later than <b>June 27, 2024</b> .

<p><b>4. Object to the proposed settlement</b></p>	<p>If you do not wish to attend the hearing, but you want to explain why you object to the proposed settlement, you can complete a <b>Participation Form</b>. This form will include your name, address, and the reasons why you do not support the settlement. The Participation Form can be found at <a href="http://www.forcesaction.com">www.forcesaction.com</a>. You must mail, courier or email this Form to the contact information indicated on this Form, and it must be received by no later than <b>June 27, 2024</b>.</p>
<p><b>5. Participate at the settlement hearing</b></p>	<p>You can attend the approval hearing in person at the <b>Federal Court on July 16, 2024, at the Halifax Marriott Harbourfront Hotel, Room D, 1919 Upper Water Street in Halifax, Nova Scotia, commencing at 9:30 a.m. ADT, or by videoconference</b>, to participate in the proceeding and voice your support or objection to the proposed settlement.</p> <p>The Court will decide if you will be permitted to make oral submissions at the time of the hearing. However, in order to be eligible to participate, you must have completed and submitted the participation form setting out your reasons for supporting or objecting to the proposed settlement.</p>

## **AM I RESPONSIBLE FOR LEGAL FEES?**

You are not responsible for payment of legal fees. Class Counsel, the lawyers for the Class, 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.

## **FURTHER INFORMATION?**

Contact Class Counsel by phone, email, or online:

Visit: [www.forcesaction.com](http://www.forcesaction.com)

Call: (902) 420-3322

Email: [forces.class.action@stewartmckelvey.com](mailto:forces.class.action@stewartmckelvey.com)

## **WHAT KIND OF PAYMENT AM I ELIGIBLE FOR?**

Your payment will depend on the duration and severity of your experience of racial discrimination and/or racial harassment in connection with your military service. It may

also depend on how many Class Members submit claims. The potential range of individual payment for Class Members is from \$5,000 to \$35,000. 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%.