

# What you need to know about the Indian Day School settlement

After the federal government's announcement about a settlement in the case, CBC spoke to lawyer Bob Winogron about who's eligible, how they apply, and how long it will take.

## Federal gov't announced multi-million dollar settlement for survivors

Hilary Bird · CBC News · Posted: Mar 14, 2019 5:00 AM CT | Last Updated: March 14



Mariette Buckshot and Margaret Swan, left, console each other during an Indian Day school litigation announcement in Ottawa earlier this week. Many still have questions about eligibility. (Adrian Wyld/Canadian Press)

There are still questions from many former Indian Day School students and their families about who is eligible for compensation after the federal government announced Tuesday that a settlement has been reached.

Students of the federally-run institutions, dozens of which were in the North, launched a class-action lawsuit alleging they faced abuse and neglect while in the care of the state.

- **Ottawa announces compensation of up to \$200K for students of Indian Day Schools, \$200M legacy fund**

On Tuesday, Crown-Indigenous Relations Minister Carolyn Bennett announced that, as part of the proposed settlement, students who suffered harm while attending the schools will be eligible for \$10,000 in individual compensation. Those students who experienced physical and sexual abuse, meanwhile, are eligible for additional compensation, with amounts ranging from \$50,000 to \$200,000.

CBC reporter Hilary Bird spoke with lawyer Bob Winogron of Gowling WLG law firm in Ottawa to answer some questions. Winogron's firm represented Indian Day School survivors in the recent class-action suit that resulted in this settlement.

*The interview has been edited and condensed for clarity and length.*

**Q: People are eligible for a settlement of up to \$200,000 if they suffered abuse. Will they need to prove that abuse took place? How will that happen?**

Well this is one lesson we learned from [the [Residential School Settlement process](#)]. There was a lot of re-traumatization. People were grilled on their stories and many were re-traumatized having to live through it again and be challenged on it. So our process is designed to avoid that.

They will not be grilled or asked any questions by lawyers or anyone else. They will be presumed to be truthful.

Claimants will fill out paper forms and submit those forms to the administrator. There's not going to be any cross examination. They will not be grilled or asked any questions by lawyers or anyone else. They will be presumed to be truthful.

**Q: Can someone apply for a settlement if they already received payment for time they spent in residential school, if they also spent years at a federally-run day school?**

Yes, that's the short answer. It doesn't matter where someone lived or where else they went to school. If they attended a day school they will be eligible to apply for compensation.



Bob Winogron represented Indian Day School survivors in the recent class-action lawsuit. (submitted by Bob Winogron)

**Q: Who can apply for the Legacy Fund?**

The legacy fund is a pool of \$200 million. Communities can apply for funding for wellness and healing initiatives. Communities can also apply for language, cultural initiatives. They can also apply for commemoration funding. So, every First Nation in Canada can apply for funding to hold some sort of event, the design of which they will come up with themselves to commemorate the day school experience

**Q: Can the relatives of a day school survivor who has died apply for the settlement?**

Estates can make claims. This will go back as far as November 2007. If a person has passed away between November of 2007 and today, the estate of that person can still make a claim on that person's behalf. So conceivably family members would share in the proceeds of those compensation on behalf of the estate.

**Q: What is going to happen next?**

We have signed a settlement agreement with the government of Canada, but that doesn't mean that it's a done deal, of course. The federal court still has to approve it and we're expecting that to take place probably in May, although that's not confirmed yet.

- **Trudeau apologizes for 'colonial,' 'purposeful' mistreatment of Inuit with tuberculosis**

Once the federal court approves the settlement it will, at the same time, appoint an administrator. That administrator won't be us. Another company will administer the entire settlement. They will have forms and claimants will fill out claim forms and submit them to the administrator. The administrator will review it and then send out a cheque.

***Here's a list of federal day schools included in the settlement:***

Alberta	Peigan (RC)	Peigan #2	1950*	September 1, 1986	In Brocket on the Peigan Reserve	Roman Catholic
Alberta	R.B. Steinhauer School	Steinhauer, R.B. Steinhauer School, R.B Stein Mission Protestant Day School	1952*	March 1960*	On the Saddle Lake Reserve	United Church
Alberta	Saddle Lake (RC)	Saddle Lake (#1) Onchaminahos	1881 September 1949	April 30, 1924 1980*	Located on the Saddle Lake reserve	Methodist Roman Catholic
Alberta	Saddle Lake (UC)	Saddle Lake (#2)	January 1888	June 30, 1924	Located on the Saddle Lake reserve	United Church
Alberta	Samson	Battle River Hobbema # 2	1899 September 1960	June 29, 1926 June 7, 1973*	Samson Reserve	United Church
Alberta	Sarcee		January 25, 1922	September 1, 1961*	On the Sarcee	Anglican Methodist United Church Mennonite Roman Catholic
Alberta	St. Mary's	Blood	April 1969		On the Blood Reserve	Roman Catholic
Alberta	Standoff		September 14, 1953	September 1, 1988	At Standoff, on the Blood Reserve	Roman Catholic
Alberta	Stoney Plain	Stony Plains Stony Plain Winterburn	1949*	1977*	Stony Plain Reserve	Roman Catholic
Alberta	Sunchild Cree	Sunchildcree Sunchild Mission Sunchild O'Chiese Stelfox Henry Stelfox Rocky Mountain House	January 1950	Between 1994 and 1998	In Rocky Mountain House on the Sunchild Cree Indian Reserve	United Church Mennonite
Alberta	Upper Hay River	Meander River	1950-1951	September 1, 1971	Meander River, AB	Roman Catholic
Arctic Quebec	Fort Chimo	Fort Chimo Anglican Mission School	October/November 1949	1979/80*	Fort Chimo, QC	Anglican Church

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Alberta	Ermineskin Kindergarten		1971*	September 1991	Ermineskin Reserve	Roman Catholic
Alberta	Ermineskin Primary		September 1969*	September 1991	Ermineskin Reserve	Roman Catholic
Alberta	Fort McKay	McKay Fort Mackay	August 1949*	June 30, 1963	Was near Fort McMurray, not on the reserve	Roman Catholic
Alberta	Fox Lake		1957/1958*	September 1, 1964	On the Fox Lake Reserve, Vermilion Agency	Roman Catholic
Alberta	Frog Lake	Napayo Napaya Napewow Napeweaw	September 1975	1985-1986*	Frog Lake, Alberta	
Alberta	Frog Lake (AC)		September 1914	September 1975	Frog Lake, Alberta	Anglican Church
Alberta	Frog Lake (RC)		September or October 1956	September 1975	Frog Lake, Alberta	Roman Catholic
Alberta	Gooderham	Wabamum/Wabamun Duffield Paul's Paul's Elementary	1950*	Between 1975 and 1976*	Located on the Wabamun Reserve	United Church
Alberta	Goodfish Lake (RC)	Pakan	September 1953	Between 1994 and 1998*	Located in Saddle Lake, Alberta, on the Goodfish Lake Reserve	Methodist Roman Catholic
Alberta	Habay		August 1962*	September 1965	Located in the village of Habay at the Hay Lake Reserve	Roman Catholic
Alberta	Heart Lake School		January 1973* September 1981*	October 26, 1978 September 1986*	Lac La Biche, AB	
Alberta	Hobbema No. 1		September 1949	1964/1965*	In the community of Hobbema	Methodist United Church
Alberta	Hobbema No. 2		September 1950	April 1957	On the Samson Reserve	Roman Catholic
Alberta	Hobbema No. 3	Montana	1950*	June 1973	Located on Montana Reserve	Baptist
Alberta	Horse Lake		September 1952*	September 1959	Fort St. John Agency, AB	Roman Catholic
Alberta	Janvier		December 1950*	July 1, 1963	Janvier Indian Reserve near Chard, AB	Roman Catholic

Alberta	Levern	Glenwood Lavern	1964*	September 1, 1988	In Glenwood, Alberta on the Blood Reserve	Roman Catholic
Alberta	Long Lake	Kehewin Keeheewin Kahwin Kehiwin	1918*	Sep-64	On the Kehewin Reserve No. 123 in Alberta	Roman Catholic
Alberta	Louis Bull	Bear's Hill School	1888/1889 September 1950*	June 1927 September 1, 1960	Louis Bull Reserve	Methodist (1888-1924) Baptist (1950-1960) Roman Catholic (1950-1956)
Alberta	Michel		September 1948	September 1955	Michel Indian Reserve	Roman Catholic
Alberta	Montana Kindergarten		September 1991	September 1, 1992	Located on Montana Reserve	
Alberta	Morley Indian Day School	Morleyville David Bearspaw Bers Paw	1873 - The Morley Day School opened  1951 - The new Morley Day School opened  1969 - The IRS closed and the day school continued to operate	1929 - All Day Students were attending the Morley Residential School  1954 - The school amalgamated with the Morley IRS  August 31, 1986	Morley Reserve	Methodist United Church
Alberta	Nome		September 1959	January 1970*	Calais, AB	Roman Catholic
Alberta	Nordegg	Rocky Mountain House	1955/1956 1970/1971*	1967 1973	Rocky Mountain House	Mennonite
Alberta	Old Sun	Chief Old Sun	September 1971	Between March 1983 and January 1994*		
Alberta	Pakan	Goodfish Lake (UC)		1968	Located in Saddle Lake, Alberta, on the Goodfish Lake Reserve	United Church
Alberta	Peigan (AC)	Peigan #1, Brocket Day School	September 1995	June 1970*	In Brocket on the Peigan Reserve	Anglican Church