

ABORIGINAL DAY SCHOOL CLASS ACTION MCLEAN, GARRY v. HER MAJESTY THE QUEEN

In 2009, Garry McLean, with the support of Ray Mason and Spirit Wind Inc., started a legal action regarding the forced attendance of Aboriginal Students at Indian Day Schools across Canada. This proposed national class action was the first of its kind and seeks compensation for the damages and abuses suffered by all Indian Day School Students who were forced to attend Indian Day Schools and were excluded from the Indian Residential Schools Settlement Agreement.

What is an Indian Day School?

Indian Day Schools include all those day schools established or designated as such by the federal Department of Indian Affairs in which Aboriginal students across Canada were required to attend by law (*Indian Act*), and were funded in part or solely by the federal government. Unlike Indian Residential Schools, Aboriginal students did not reside at Indian Day Schools. Only in very limited circumstances (seasonal weather conditions etc.) would a student reside at an Indian Day School. Indian Day Schools includes those day schools that operated either on reserve, or in some cases off reserve.

Church involvement in Indian Day Schools

In most cases, Indian Day Schools were operated and maintained by the very same religious organizations administering Indian Residential Schools. This included Roman Catholic, Church of England, Methodist and Presbyterian denominations.

Abuse and Damages at Indian Day Schools

Aboriginal students who attended Indian Day Schools have reported suffering the very same types of abuses experienced by those Aboriginal Students who attended Indian Residential Schools. In this regard, Indian Day School Students have reported suffering severe physical, sexual, mental and psychological abuse by teaching staff, officials, students and other third parties. Families of these students suffered the same types of damage as the families of Indian Residential School Survivors. This is in addition to the systemic harm and damage inflicted upon Aboriginal culture and languages.

Who is Covered by the McLean Class Action?

To date, there is no other national class proceeding which has sought or obtained compensation for the damages suffered by Indian Day School Survivors and their families.

- The Indian Residential Schools Settlement Agreement only covered Aboriginal students who resided at recognized Indian Residential Schools
- *Gottfriedson v. Canada* (BC Case) only covers students who attended recognized Indian Residential Schools but did not reside there.

The McLean Class Action, however, covers Aboriginal students who attended Day Schools that operated separate and apart from Indian Residential Schools.

Who can I Contact to get more Information about this Class Action?

The plaintiffs in this matter are represented by class counsel Robert Winogron and Jeremy Bouchard of the law firm Gowling WLG (Canada) LLP. Mr. Winogron and Mr. Bouchard have over 30 years of combined legal experience in the area of Aboriginal Law and Litigation. Gowling WLG is a national law firm which is consistently recognized for its representative work on behalf of First Nations and Aboriginal organizations across Canada.

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Additional Information Available

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