

## CLASS ACTION LAWSUITS

## Grade 12

## MAIN IDEA

This lesson will give students the opportunity to acquire several individual and group skills. The class will reflect on and discuss prior knowledge regarding Class Action Lawsuits in Canada. The Indian Residential Schools Settlement Agreement (IRSSA) is the largest class action settlement in Canadian history. On May 10, 2006, the government of Canada announced approval by all parties of the IRSSA. Each student will be responsible for reading through a related article and working with a group to gather important points of information. Initial groups will split to form new groups where students will teach each other about the article they researched. Communication skills will be utilized during this part of the activity. In the final stages of the lesson, students will be given a quiz to recall information from the article and show what they learned from each other.

## ONTARIO SPECIFIC EXPECTATIONS

## NATIVE STUDIES

### Students will...

- Describe recent developments in the legal and political dialogue between Aboriginal peoples and the government of Canada.
- Assess the potential for respectful and reciprocal relationship between Aboriginal peoples and other Canadians.

MATERIALS	RESOURCES & SOURCES
Handouts	<p>Article: Indian Day School Survivors Launch \$15 Billion Dollar Lawsuit  <a href="http://www.cbc.ca/news/canada/manitoba/story/2009/07/31/mb-day-school-survivors-lawsuit-winnipeg.html">http://www.cbc.ca/news/canada/manitoba/story/2009/07/31/mb-day-school-survivors-lawsuit-winnipeg.html</a></p>
Quiz	<p>Article: Judges Approve Residential School Deal  <a href="http://www.cbc.ca/news/canada/story/2006/12/15/residential-schools.html">http://www.cbc.ca/news/canada/story/2006/12/15/residential-schools.html</a></p> <p>Article: School Abuse Victims Getting \$1.9 Billion  <a href="http://www.cbc.ca/news/canada/story/2005/11/23/residential-package051123.html">http://www.cbc.ca/news/canada/story/2005/11/23/residential-package051123.html</a></p> <p><b><i>EXTRA ACTIVITY OPTION:</i></b></p> <p>Truth &amp; Reconciliation Commission of Canada: Reconciliation –  <a href="http://www.trc.ca">http://www.trc.ca</a></p> <ul style="list-style-type: none"> <li>• Have students create a Twibbon.</li> </ul>



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1. **Distribute Handout #1.** Read the quote to the class. Have each student give a one-word response on how this quote makes him or her feel. The teacher may want to start. Some examples may include: frustrated, hopeful, encouraged, positive, sad, overwhelmed. Have students answer the questions on **Reconciliation: Class Action Lawsuits**. Discuss each question once students have had a chance to think and respond to them. Encourage students to add to their answers during class discussion.
2. **Jigsaw Activity:** Split the class into 3 groups. Distribute a different article to each group; each person should receive their own copy. \*Article links in Materials section. Have each group read the article together or on their own. Discussion of the article is encouraged. Students will record information onto the **Article Review Chart** for their own article. The initial group is considered the 'expert' group.
3. Each 'expert' group will now be familiar with their own article. Number off the groups to form 5 or 6 new groups, each group will consist of three students. These will be smaller groups, considered 'teaching' groups. Each person in the group will teach the other members of the group about their article. This lesson focuses on building communication skills; therefore students should not simply swap charts. Circulate the room to ensure 'teaching' is taking place.
4. When it appears that each group has completed their chart, have students go back to their own desks. As a class, discuss the cases presented in each article: Why are there lawsuits? What progress has been made? How do you feel about the amount of each settlement? Is this an effective form of reconciliation? Do you think there is a more effective form of reconciliation?
5. Distribute the quiz, **Handout #3**, to assess the students learning in this lesson.

### Diagnostic: Quiz





Nishnawbe Aski Nation

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## DISCUSSION QUESTIONS

Name: \_\_\_\_\_

### RECONCILIATION: CLASS ACTION LAWSUITS

1. How would you define a Class Action Lawsuit?


2. Who would be involved in a Class Action Lawsuit?


3. Do you think the outcome of a Class Action Lawsuit would benefit both parties involved?


4. What do you think 'aggressive assimilation' means?


5. What would be some positive and negative results of Class Action Lawsuits?




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Name: \_\_\_\_\_





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Name: \_\_\_\_\_



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## Name: \_\_\_\_\_

Answer the following questions on lined paper. Use full sentences and provide as much information and detail as possible from the articles discussed in class.

## Article #1 - Indian Day School Survivors Launch \$15B Dollar Lawsuit

1. What is the hope of this Class Action lawsuit?
2. What was the reasoning behind the legal document going through a sweat lodge and traditional pipe ceremony?
3. Why is the Spirit Wind survivors group seeking \$15 billion in damages?
4. Contrast and compare residential schools with day schools.
5. Why is this case especially important to First Nations people?

## Article #2 - Judges Approve Residential School Deal

1. Approximately how many people are involved in this deal?
2. What is the payout amount of this deal?
3. What is the hope of the settlement according to Phil Fontaine?
4. This settlement includes individual payouts for residential students. What else will the money go towards?
5. Over the past two decades, how many lawsuits have been filed against the government and/or churches involved in cases of abuse?





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## QUIZ ANSWER KEY

1. What is the hope of this Class Action lawsuit?
  - It lead to healing
  - It includes all victims of abuse, not just students of residential schools
2. What was the reasoning behind the legal document going through a sweat lodge and traditional pipe ceremony?
  - “To pray for the statement and bring it to life just like past ancestors did with treaties. The document is alive now”.
3. Why is the Spirit Wind survivors group seeking \$15 billion in damages?
  - Physical and sexual abuse
  - Stripping of language, culture, and heritage
4. Contrast and compare residential schools with day schools.
  - Contrast - students boarded at residential schools, whereas students returned home while attending day schools
  - Comparisons - funded by the federal or provincial government and run by the churches
5. Why is this case especially important to First Nations people?
  - Some members of First Nation communities feel left out of present settlements that include survivors of residential schools. Everyone who experienced some form of abuse at school, whether it be residential or day school, should be compensated for damages.



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## Article #2 - Judges Approve Residential School Deal

- ### Article #3 - School Abuse Victims Getting \$1.9B

- Burton Consulting Services



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**QUIZ continued...**

13. What must individuals receiving a compensation payout agree to?

- One cannot sue the federal government and the churches running the schools except in cases of sexual and serious physical abuse.

14. What does Karen Shaboyer, a former residential school student, hope will be an outcome of the agreement? Give an example.

- She hopes it will open the eyes of non-native people. For example, not making judgment of those people who are “staggering on the street”, and knowing that they are experiencing a lot of pain and do not know how to deal with it.

15. How would you interpret the following quote made by the New Democrat MP: “The government is doing the honourable thing, but it does have the stink of desperation to it”?

- Answers will vary.