

NOTICE OF CERTIFICATION AND SETTLEMENT
(LONG FORM)

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

**A 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 may be affected by a settlement (“**Settlement**”) even if you do nothing. Please read this notice carefully.

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.

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 Settlement.

**THE FEDERAL COURT HAS APPROVED THIS SETTLEMENT AS BEING FAIR,
REASONABLE AND IN THE BEST INTERESTS OF THE CLASS MEMBERS.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

1. **DO NOTHING:** If you do nothing, you will give up the right to collect under the settlement and you will give up the right to sue Canada or others or bring a human rights complaint in relation to any racial discrimination or racial harassment you experienced in connection with your military service.
2. **SUBMIT A CLAIM FORM:** In order to make a claim for a monetary award, and/or to request a personalized letter of apology from the Chief of the Defence Staff, and/or to participate in restorative engagement processes, you will need to submit an Individual Claim Form to the Claims Administrator.

Individual Claim Forms will be available from the Claims Administrator once the claims period is open. The claims period will open after April 10, 2025, but may be delayed for certain reasons. Further details and updates will be available from the Claims Administrator at: <https://cafrdclaims.com>

If you would like assistance with completing an Individual Claim Form once the claims period is open, Class Counsel can provide this assistance at no charge.

The deadline to file an Individual Claim Form with the Claims Administrator is 12 months from when the claims period opens.

3. **OPT OUT:** If you don't want to be bound by the settlement, you can Opt Out of the Class Action. Opt Out Forms are available from the Administrator, and may also be accessed at: www.forcesaction.com

The deadline to file an Opt Out Form with the Claims Administrator is April 10, 2025.

If you do not file an Opt Out Form with the Claims Administrator by April 10, 2025, you will be bound by the settlement even if you do not wish to participate in the settlement.

If you Opt Out, you will not be entitled to make a claim for a monetary award under the settlement, but you will keep your right to sue Canada or others or bring a human rights complaint in relation to any racial discrimination or racial harassment you experienced in connection with your military service.

If you have already commenced a legal proceeding against Canada for damages resulting from the racial discrimination or racial harassment that is also covered by this settlement, and if you do not discontinue your legal proceeding before April 10, 2025, **you will be automatically deemed to have Opted Out of this settlement and you will not be able to make a claim for a monetary award under the settlement.**

WHAT THIS NOTICE CONTAINS

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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 approved Settlement and your options. On December 20, 2024, the Federal Court certified this lawsuit as a class action and approved the Final Settlement Agreement as entered into by the parties. The Approval Date for the purposes of settlement administration is January 10, 2025.

This notice explains the lawsuit, the 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 from, 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 final Settlement.

4. Why is there a Settlement?

The Plaintiffs and Canada have agreed to a Settlement of the Class Action. 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 Federal Court has approved the Settlement as being fair, reasonable, and in the best interests of the Class.

WHO IS INCLUDED IN THE SETTLEMENT?

5. Who is Included in the Settlement?

The 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 (January 10, 2025), and who assert that they have been subjected to Racial Discrimination and/or Racial Harassment.

SETTLEMENT BENEFITS

6. What does the Settlement provide?

The 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 to senior CAF leadership with the assistance of qualified and trained restorative practitioners;
- c) the option to receive a personalized letter of apology from the Chief of the Defence Staff; and
- d) 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	
Common Experience payment: Class Member confirms that they experienced racial discrimination and/or racial harassment connected with their military service		\$5,000
Assessment of Narrative Evidence: 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.	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. Who are the lawyers, and do I need to pay them?

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

You are not responsible for payment of any legal fees to Class Counsel. At no cost, Class Counsel can assist you with completing an Individual Claim Form for filing with the Claims Administrator, once the claims period is open.

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

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

If you do not want to be bound by the Settlement, you will have an opportunity to “**Opt Out**”. The Opt-Out Period will be 90 days from the Approval Date, which is **April 10, 2025**. **If you do not Opt-Out within that Opt-Out Period, you will be bound by the terms of the Settlement even if you do not wish to participate in 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, you will automatically be deemed to have Opted Out of the Settlement.

GETTING MORE INFORMATION

If you have any questions or require further details about the participation in the Settlement or how to Opt Out of the Settlement, please contact the Claims Administrator:

Visit: <https://cafrdclaims.com>
Call: 1-844-720-0499
Email: cafrd@deloitte.ca

If you have questions about your legal rights, please do not hesitate to contact Class Counsel by phone, email, or online:

Visit: www.forcesaction.com
Call: 902-420-3322
Email: forces.class.action@stewartmckelvey.com