



Day Scholars Class Action: Survivors left frustrated and betrayed over Canada’s continued refusal to provide fair and equal compensation for Day Scholars

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Kamloops, BC – Day Scholars are extremely disheartened to report that negotiations with Canada for fair and equal compensation for Day Scholar survivors of Residential Schools have broken down because the government refuses to deal with Day Scholars survivors on the same terms as other Residential School survivors. Day Scholar survivors now have no choice but to fight their claims out in court at great expense and further delay.

“Day Scholars” are individuals who attended a federally owned and operated Indian Residential School during the day but returned home at night. Day Scholars suffered the same destruction of language and culture as other students at Residential Schools, but were unjustly and arbitrarily excluded from the 2006 Indian Residential Schools Settlement Agreement. Day Scholars are one of the few remaining groups who suffered the evils of Canada’s Residential School policy who have yet to receive proper compensation for harms suffered by them, despite the TRC’s Call to Action urging Canada to do just that.

The Day Scholars claim was certified along with a Band Class, comprising 2 representative Bands and 103 Bands from across Canada that have opted into the claim, and a Descendant Class, comprising first generation survivors of Survivors class members. All claims seek redress for the imposition of the Residential Schools Policy by Canada, including for loss of language, culture and associated damages done to the aboriginal communities across the country over the many decades of the Residential Schools operations.

“Prime Minister Trudeau talks a lot of good talk about reconciliation. How can we take him seriously when this government won’t provide fair and equitable treatment to the survivors of residential schools who have been left out?” said Jo-Anne Gottfriedson, the Day Scholar Executive Committee Chair. “How can we even begin to talk about reconciliation when this government still refuses to properly acknowledge the full damage done by Residential Schools?”

“In 2015, we agreed to suspend litigation in order to negotiate with the government in good faith,” said Councilor Selina August of Sechelt First Nation. “Where did that get us? Almost four years later, the government’s positions remain as unreasonable as ever. This is yet another example in a long history of the government acting in bad faith towards Aboriginal peoples.” Chief Garry Feschuk, one of the original representative plaintiffs for the Band Class, recalls: “Minister Bennett told me that Canada wants to settle this case out of Court and that Canada wanted to implement the TRC’s Call to Action to settle the claims of those left out of the Residential School Agreement, which referred to the Day Scholars.

The government continues to take extremely offensive and adversarial positions in the lawsuit including denying that there even was a Residential Schools Policy and refusing to acknowledge that Aboriginal

peoples have an Aboriginal right to speak their traditional languages and engage in their traditional customs.

“The positions taken by the government in this litigation are frankly disgusting,” said Doctor Matthew Coon Come, former National Chief of the Assembly of First Nations. “Day Scholar survivors are literally dying, and yet the government is going to force us to litigate whether there was a residential school policy aimed at destroying our language and culture? This is the opposite of reconciliation.”

In the case of the Day Scholars themselves, the Survivors have made their position to the government clear – they only ask to be treated the same as other residential school students, seeking only for compensation based on the exact same 10:3 formula the that other Residential School survivors received (\$10,000 for the first year in a residential school, and \$3000 for every additional year). The Day Scholars, many of whom have died since this case commenced, are seeking justice now before they all have died. They are willing to settle the Survivor claim now, inclusive of all legal fees, based on the 10:3 formula.

“The Day Scholars were left out of the Residential School Settlement in 2007 at the insistence of the Harper government. We had hoped that the Trudeau government would end the politics of exclusion” said Chief Casimir of Tk’emlùps te Secwépemc.

“I frankly don’t understand the government’s position,” said Councilor August, “What’s fair is fair. We ask only to be treated the same as other Residential School survivors. This should happen now, before one more Day Scholar dies without having received justice.”

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