Cassels

Government of Canada Reaches $2.8 Billion Settlement with First Nations for Loss of Language, Culture

Thomas Isaac, Mackenzie Hayden

01/23/2023

The Government of Canada and 325 First Nations from across Canada reached an agreement on January 21, 2023, to settle a class action lawsuit which sought damages for the loss of language and culture brought on by Canada's Indian residential school system. The settlement, which must still be approved by the Federal Court, is the conclusion of a class action suit which began in 2012, known as Gottfriedson (Gottfriedson Settlement).

The Gottfriedson Settlement is intended to compensate the band class members, and funds will be disbursed to each member of the band class. The settlement with the band class compensates communities for the *collective* harms to language and culture that occurred to the bands during the era of residential schools in Canada.

The settlement includes a provision whereby members of the band class agree to release the Crown "fully, finally, and forever" from claims that could conceivably arise from the collective harms that the residential school system inflicted on First Nations as a collective but does not include further individual claims that have not been captured by previous settlements, including claims where children died or disappeared while being forced to attend residential schools.

Under the Gottfriedson Settlement, an independent, not-for-profit trust fund will be established which will operate for 20 years and provide bands with an initial payment of $200,000 to revitalize their languages and cultures, with band class members receiving a share of annual investment income generated from the trust. The trust will be guided by "Four Pillars" developed by the plaintiffs.

The Four Pillars include:

- Revival and protection of Indigenous languages;
- Revival and protection of Indigenous cultures;
- Protection and promotion of heritage; and
- Wellness for Indigenous communities and their members.

The Gottfriedson Settlement represents and important step towards reconciliation of past wrongs committed by Canada towards Indigenous peoples.

Cassels

Thomas Isaac, Chair of the Aboriginal Law Group at Cassels, served as the Minister's Special Representative for the Minister of Crown-Indigenous Relations in the settlement discussions of this matter.

Further Information

The Government of Canada's news release can be found here.

The National Indian Residential School Crisis Line provides 24-hour crisis support to former Indian Residential School students and their families toll-free at 1-866-925-4419.

Individuals impacted by the issue of Missing and Murdered Indigenous Women and Girls are encouraged to contact the MMIWG Crisis Line toll-free at 1-844-413-6649.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.