

SCHEDULE C

PHASE I NOTICE PLAN – FEDERAL INDIAN HOSPITALS PROPOSED FINAL SETTLEMENT AGREEMENT

I. OVERVIEW

A. Background

1. The Class Action was certified by the Federal Court, on consent, on January 17, 2020 and includes two Classes:
 - a. **Primary Class:** all persons who were admitted to a Federal Indian Hospital during the Class Period; and
 - b. **Family Class:** means all persons who are spouses or former spouses, children, grandchildren or siblings of the members of the Primary Class and the spouses of the children, grandchildren, or siblings of the Primary Class Members, or any other individual with a derivative claim in accordance with the applicable family law legislation arising from a relationship with a Primary Class Member;
2. The Class Period is the period from and including the date on which Canada assumed management of any particular Indian Hospital (Schedule D of Settlement Agreement), beginning January 1, 1936 and ending on the earlier of:
 - a. The date of closure of any particular Federal Indian Hospital; or
 - b. The date on which management of any particular Federal Indian Hospital was effectively transferred from Canada; or
 - c. December 31, 1981.

B. About the class

1. Hundreds of thousands of individuals were admitted to Federal Indian Hospital during the Class Period with approximately 46.5% under the age of 18 at the time of admission and 53.5% over the age of 18 at the time of admission.
2. The Class Action includes 33 Federal Indian Hospitals (Schedule D) operating under management of Canada between January 1, 1936, and December 31, 1981, with varying dates associated with individual hospitals.
3. Estate Claims for Deceased Class Members will include those Primary Class Members who passed away on or after January 25, 2016.

C. Factors impacting delivery of Notice

1. According to the 2021 Census, there are 1,807,250 Indigenous people living in Canada¹.
2. Class Members are located throughout Canada, and due to the fact that many Class Members were transported to Federal Indian Hospitals far from their communities, they may not necessarily be located in close proximity to the Federal Indian Hospitals listed in Schedule D. Consideration will be required for Class Members located in rural, urban and remote areas of Canada, specifically Inuit populations, those who may be incarcerated, and/or those no longer residing in Canada.

¹ Statistics Canada. (2021). Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed. <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm?indid=32990-2&indgeo=0>.

3. According to the 2021 Census, [189,000 people reported speaking at least one Indigenous language](#). Heritage Canada points out that the [most spoken Indigenous languages in Canada are](#): Cree, Ojibway, Oji-Cree, and Dene. Communications for the purposes of Notice will include English and French with some materials available in Innu, Cree, Anishinaabemowin, Atikamekw, Inuktitut, Dene, Mi'kmaq, Oji-Cree.
4. The youngest Primary Class Members will be around 45 years old, making this an older Class with varied access to communications channels, specifically social media, requiring an approach that includes radio and print as well as digital and direct methods.
5. Communicating across generations will support creating a call-to-action that enables children and grandchildren of Class Members to help raise awareness of the proposed Settlement.
6. Many Class Members and their families have experienced at least one, and typically more, Adverse Childhood Experiences (ACEs), which are traumatic events that occur in childhood, between the ages of 0 and 17. Experiencing adversity during childhood can disrupt typical developmental pathways and consequently affect health outcomes throughout the lifespan. These experiences can last for decades and have an impact on subsequent generations in a family.
7. The announcement of the proposed Final Settlement Agreement and the Settlement Approval Hearing may be welcome news for some but can also raise strong emotion in others. This may be compounded by the nature of the Settlement which includes compensation for specific harms experienced at Federal Indian Hospitals. Communications must be trauma-informed, culturally appropriate and ensure Class Members are directed to mental health and wellness supports.
8. Canada's Anti-Spam Legislation (CASL) and the protections for the collection and use of personal information under the Privacy Act requires a multi-faceted approach to providing notice that includes direct outreach, paid advertising, outreach to communities and partners to reach as many Class Members as possible.
9. Settlements are, by their nature, complex and often technical. Varied literacy, education levels and cumulative traumatic experiences may impact the ability of Class Members to respond to highly technical and legal language. Negative experiences with other court processes and institutions may add to these challenges. Plain, trauma-informed language is important to ensure understanding and engagement.
10. This Notice was developed considering the evolution of noticing for Indigenous settlements, including Sixties Scoop, Federal Indian Day Schools, First Nations Drinking Water and the First Nations Child and Family Services and Jordans Principle. This Notice compares favourably to those noticing programs. As with those matters, this Notice, based on research and understanding of the class, applies a trauma-informed, culturally sensitive approach that seeks to use plain language and various methods of communication to respond to the unique circumstances of Federal Indian Hospital Class Members.
11. Class Members will receive notice in two phases: Phase I and Phase II. This Notice Plan focusses on Phase I Notice.

II. NOTICE PLAN OVERVIEW

A. Notice Plan Objectives

1. To notify the greatest practicable number of Class Members, providing opportunities to see, read, or hear about the Class Action, the proposed Final Settlement Agreement, the Settlement Approval Hearing, and their rights to object by May 23, 2025 or opt-out of the action from the publication of the Phase 1 Notice until the date which is 60 days from the date of the Settlement Approval Order.

B. Notice Plan Approach

1. Notice is generally delivered to Class Members in two phases. This Notice Plan addresses the first phase of Notice as described below:
 - a. Disseminate Court-approved notices and information, advising Class Members of the proposed Final Settlement Agreement, the dates and location of the Settlement Approval Hearing and how to access information about the Settlement, including how to opt-out or object to the proposed Settlement.
 - b. All communications with and for Class Members will use information from the Court-approved Short-Form and Long-Form Notice which includes information about the Settlement, the process and implications of opting out, and where to go for more information.
 - c. Class Members who wish to opt-out of the Settlement will be required to complete the Court-approved opt-out form and submit the form to the Notice Administrator from the publication of the Phase 1 Notice until the date which is 60 days from the date of the Settlement Approval Order.
 - d. Class Members who do not opt-out of the Class Action will be bound by the terms of the Final Settlement Agreement if approved by the Federal Court.
 - e. In this phase of Notice, Class Members will be advised of:
 - i. The proposed Final Settlement Agreement
 - ii. Date of the Settlement Approval Hearing
 - iii. How Class Members can attend the Settlement Approval Hearing (in person or virtually, where possible)
 - iv. Class Members' legal rights
 - v. How to file an objection to the Settlement
 - vi. How to opt-out of the Settlement
 - vii. Contact information for the Notice Administrator and Class Counsel
 - viii. The difference between objection and opt-out and the impacts of each decision on the Class Member
 - ix. Where to find information about the class action in general

III. NOTICE PLAN IMPLEMENTATION

1. The approved short-form and long-form notices provide extensive information to Class Members and will be used to create multi-media communications in plain-language with a trauma-informed and culturally sensitive approach.
2. Given the experience of many Class Members, their age and the cumulative impact of multiple Indigenous Class Actions, there may be confusion related to terms such as "object" and "opt-out" leading to Class Members feeling they need to opt-out to receive compensation under the Final Settlement Agreement. Communications will need to clearly explain the opt-out and objection procedures and offer follow-up conversations with Class Members through the Federal Indian Hospitals Class Action Info Line.
3. Execution of this Notice Plan is expected to begin immediately upon approval of the Federal Court.

A. Tactical delivery of the Notice Plan:

1. **Website.** A dedicated website, www.IHClassAction.ca, will be available (in French and English, with some materials in the aforementioned Indigenous languages) to serve as a key “source of truth” for Class Members and will include information regarding the proposed Final Settlement Agreement, the Settlement Approval Hearing, the short-form and long-form notices, how to object or opt-out of the Settlement, as well as relevant documents and information resources and links to a dedicated Info Line and mental health and wellness resources.

The website will be referenced in all notice materials and advertisements. The website will be designed to comply with current accessibility standards, will be mobile responsive and ensure that information can be accessed in areas with low connectivity.

Class Members will be encouraged to join an email list to receive news and updates.

2. **Info Line:** the Federal Indian Hospitals Class Action Info Line (1-888-592-9101) will provide toll-free support to Class Members and their representatives who have questions about the proposed Final Settlement Agreement, how to opt-out or object to the Settlement, and other information. The Info Line will be available from Monday to Friday, 8:00 am ET to 8:00 pm ET and will offer service in English and French. The Info Line welcome message will also provide an opportunity for Class Members to be directed to the Hope for Wellness Helpline to access mental health or wellness support.
3. **Emails:** while significant efforts will be made to provide direct Notice to Class Members, the nature of the Settlement, those impacted, and the duration, requires additional communications to raise awareness and encourage engagement. Advertising and supplementary communications materials will use the information contained within the Notice to communicate effectively with Class Members.

Email notice will be provided and include copies of (or direct links to) the short-form and long-form notice, information about the settlement and how to subscribe for updates, to each of the following:

- a. Band offices
 - b. Indigenous communities (Band Councils and Chiefs)
 - c. Tribal Councils
 - d. Friendship Centres
 - e. Additional network of community organizations as identified by the parties or the Notice Administrator
 - f. Class Members who have registered with Class Counsel to receive email updates on the class action, or who have registered and provided their email address through the website at www.IHClassAction.ca
 - g. Community members that reach out to the Notice Administrator requesting communication materials such as short-form and long-form notice, official messaging and other information
4. **Enhanced Outreach:** the Notice Administrator will also proactively reach out to community contacts and organizations with communication toolkits that provide copies of short-form and long-form notices, frequently asked questions, newsletter content, recommended social media posts and printed posters that can be used to reach Class Members where they may congregate. This list will be expanded as new contacts are gathered through community outreach.
 5. **National press release(s):** an initial press release will be issued by Canada and linked on the IHClassAction.ca news and documents section. Future press releases and advisories, if required, will be created and distributed through a national wire distribution service and NationTalk. The press release(s) will be initially posted in English and French and translated in the aforementioned Indigenous languages.

6. **Media relations:** to ensure sustained awareness and understanding, information updates will be disseminated proactively (following the initial press release to be distributed by Canada) to national and regional journalists/ outlets that cover Indigenous issues and serve Indigenous audiences. Media coverage will be regularly monitored to evaluate effectiveness of communications and identify emerging issues.
7. **Organic social media:** an organic social media plan will be created and implemented to ensure that Class Members can access accurate and accessible information on an official Facebook page for the Federal Indian Hospitals Class Action (providing information in English and French). This page will include regular posting of content and will be monitored daily to respond to questions and comments raised by Class Members and other individuals with questions.
8. **Paid Advertising:** given the age of the Class, a multi-channel digital advertising approach, augmented with select print and radio, will be implemented. These efforts are key in reaching Class Members who may not receive direct notice, and are not aware of the website, or engaged on social media. This will include:
 - a. **Google search advertising:** Google search advertising will ensure that anyone actively looking for information on “Indian Hospitals”, “Federal Indian Hospitals” and various other search terms, as approved by the parties, will be immediately directed to the settlement webpage.
 - b. **Digital display:** a combination of display ads on appropriate premium Indigenous publishers will reach those visiting the sites, including but not limited to APTN, CBC, CBC Indigenous, CTV, Global and online versions of Indigenous publications.
 - c. **Social media advertising:** paid advertising on Meta (Facebook and Instagram) will be a central digital tactic, offering considerable reach and penetration for our key audiences.
 - d. **Print:** a combination of full page and half page ads in Indigenous publications across Canada produced in English and French (and Inuktitut where appropriate). Ads will include relevant information from Short-Form Notices. Smaller ads will include short-form information, presented using, plain language messaging and will direct Class Members to the www.IHClassAction.ca website to view the notice(s), learn more and sign up for settlement updates.

Print promotions will include bi-weekly or monthly placements for a campaign duration of 4 weeks. Additional online advertising (banners) will be placed on publication websites where available. Potential publications for placement include (but are not limited to):

- i. Ha-Shilth-Sa (BC)
- ii. Alberta Native News (AB)
- iii. Saskatchewan Indigenous News (SK)
- iv. Wawatay News (ON)
- v. Turtle Island News (Nat./ON)
- vi. The Nation (QC)
- vii. Mi'kmaq Maliseet Nations News (Atl)
- viii. Yellowknifer (NWT)
- ix. Yukon News (YT)
- x. Nunavut News (Nunavut)

- e. **Radio:** radio ads will be aired on urban, rural, and Indigenous radio networks across the country for national, regional, and local coverage with a concentrated focus on northern, rural and remote communities. These radio ads (English, French and Inuktitut) will consist of 30-second placements for a duration of approximately 4 weeks. In addition, community outreach efforts will attempt to secure public service announcements in smaller communities with smaller radio stations or channels. Stations will include (but are not limited to):
 - i. CFNR (BC) - Terrace
 - ii. CFWE/CJWE/Raven (AB)
 - iii. MBC Network – 30+ stations (SK)
 - iv. NCI Network – 40+ stations (MB)
 - v. Wawatay Radio (Sioux Lookout, ON)
 - vi. CKAU-FM (Mani Utenam, QC) - Sept-Iles
 - vii. CKLB-FM (NWT)
 - viii. CKIQ-FM (NU) – Iqaluit
 - ix. Nunatsiaq News (NUt)

IV. ISSUES MANAGEMENT AND FRAUD COMMUNICATIONS

- 1. Media, social media monitoring, and responses to Class Member questions will inform the development of materials designed to address confusion, misinformation or disinformation and potential predatory actions that Class Members may face.

V. EVALUATION AND PERFORMANCE

- 1. The Notice Administrator will provide regular reports on the performance of the Notice Plan, including but not limited to:
 - a. Performance of paid advertisements against industry standards
 - b. Website analytics
 - c. Social and traditional media coverage, volume and sentiment
 - d. Calls to the Info Line
 - e. Requests by Class Members
 - f. Number of objections or opt-out forms received

VI. CONCLUSION

- 1. This Notice Plan will begin upon Federal Court approval following the March 5, 2025 Case Management Conference and continue until 60 days after the Settlement Approval Order to ensure Class Members have full opportunity to opt-out if they choose. The Notice Plan will provide sufficient information on the Final Settlement Agreement in plain, trauma-informed language, to ensure Class Members understand the Settlement, how it may impact them, how to attend or view the Settlement Approval Hearing, how to object or opt-out if they choose, and how to sign up for updates and news about the matter.