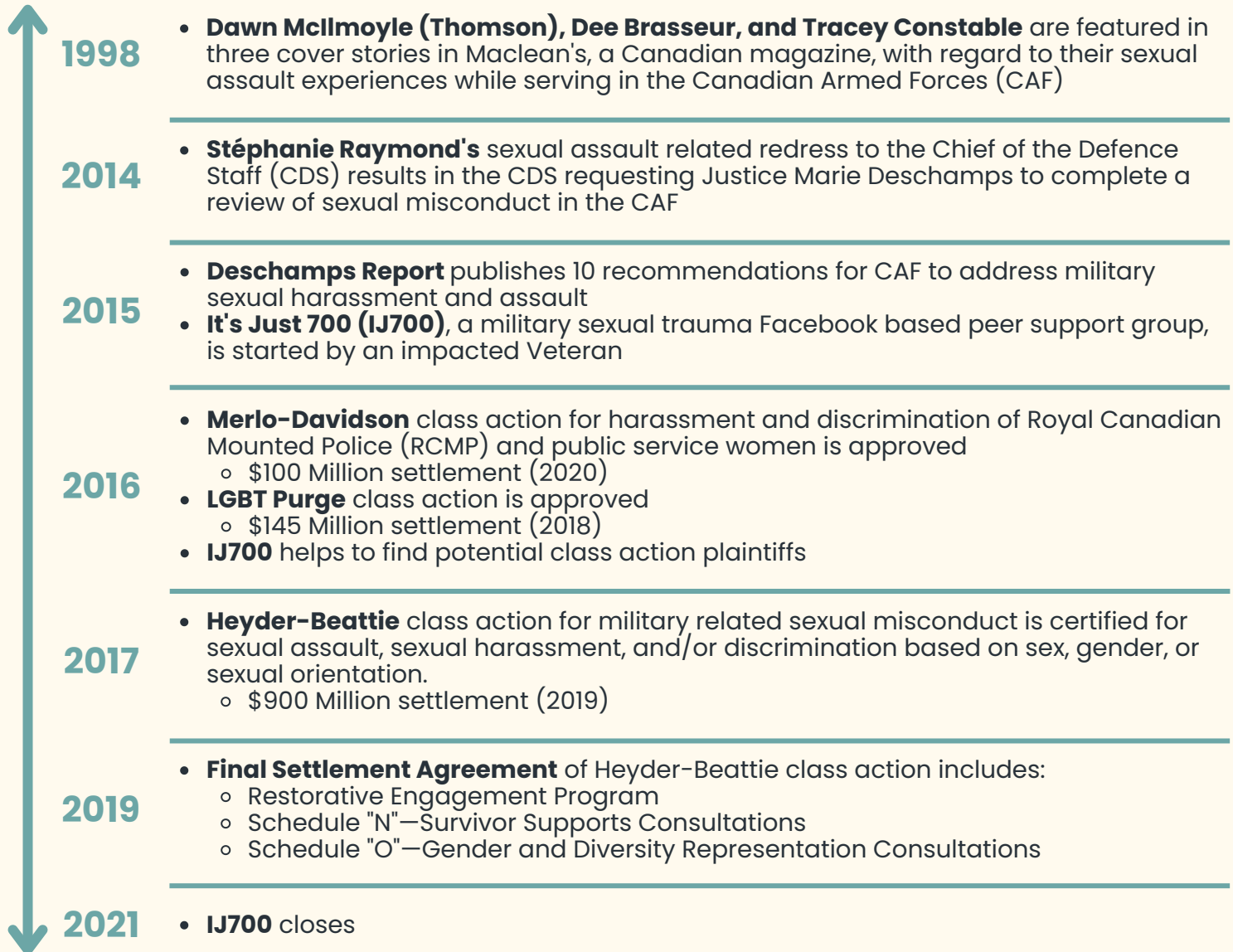


Canadian Sexual Misconduct Class Action: Lessons Learned

Timeline



Resources

CAF/DND Sexual Misconduct Class Action Final Settlement Agreement:

- <https://www.caf-dndsexualmisconductclassaction.ca/>

Deschamps Report:

- <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015.html>

Merlo Davidson Settlement Agreement:

- <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20211207/09-en.aspx>

Schedule N – Survivor Support Consultation:

- <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/survivor-support-consultation-group-final-report/schedule-n-survivor-support-consultations-summary-report.html>

Schedule O – Gender Representation and Diversity Consultation:

- <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/schedule-o.html>

Lessons Learned

1 Establish a supportive inclusive class member community

- It takes a village to do this work, but ideally with one leader
- Social media platforms can be very helpful
 - to “find” each other
 - to support each other
 - to disseminate information publicly and privately
- Plaintiffs have extra unique pressures and need to be kept informed
- Class members need resources for self-care and to share with family, friends, employer, co-workers, and community groups

2 Learn from previous class actions in your own country and abroad

- In Canada, the RCMP women’s Merlo Davidson and the LGBT Purge class actions set a precedent and offered a number of important lessons learned for the Heyder-Beattie class action
- Canada’s experience can be a lesson learned for other militaries, and we continue to capture lessons learned after the court case approval

3 Learn how to effectively advocate

- To change anything in the military, you need to learn how to advocate
- To advocate for military change is political by definition, and requires learning how to best navigate the political system
- Allow class members to advocate for themselves
- Include diverse voices in the conversation

4 Select your lead law firm carefully

- Consider the pros/cons of a firm with class action expertise vs. employment law expertise
- Ensure that the firm has the resources to support a case of this size
- Ensure that the firm is like minded for end goals and priorities of class action
- Ensure that the plaintiffs are comfortable working with the firm

5 Define class members carefully

- Ensure that the definition used does not include certain class members unintentionally
- Ensure the diversity of lived experience voices in the initiation of the class action to prevent unintended harm

6 Integrate research into the process

- Include participatory trauma-informed research at all stages of the class action process, from preparatory phase, court proceedings, to final settlement agreement implementation

7 Ensure transparency and effective implementation

- Dissemination must be clearly mandated
- Actioning recommendations often require dedicated resources
- Ensure lived experience voices are included into the oversight mechanism put into place

This document is a summary of the virtual international colloquium on military sexual and other forms of abuse. View the colloquium via the following link: <https://youtu.be/vAtjPxhhzPU>
Contributors included: Major (Retired) Dr. Karen Breeck, Second Lieutenant (Retired) Christine Wood, Leading Seaman (Retired) Nadine Schultz-Nielsen, and Dr. Maya Eichler