



## First Nations Drinking Water SETTLEMENT

# Quick Facts

## First Nations Drinking Water Settlement Claims Process Now Open

Impacted First Nations have up to December 2, 2022 to accept the settlement agreement by Band Council Resolution. The deadline for individuals to submit a claim is March 7, 2023.

### What is this Class Action Settlement about?

In 2019, Neskantaga First Nation, Curve Lake First Nation and Tataskweyak Cree Nation – with the help of law firms Olthuis Kleer Townshend LLP (OKT) and McCarthy Tétrault LLP (McCarthy Tétrault) started national class action lawsuits to address long-term drinking water advisories in their communities and other First Nations across Canada.

The lawsuits addressed Canada's failure to take all reasonable steps to ensure that First Nations communities have adequate access to safe drinking water.

On December 22, 2021, the Courts approved a Settlement between Canada and certain First Nations and their members who were under drinking water advisories that lasted for at least one year between November 20, 1995, and June 20, 2021.

### How much is the Settlement?

The \$8 billion Settlement includes:

- \$1.8 billion in compensation to individuals and Impacted First Nations.
- An additional \$50 million for those eligible individuals who suffered Specified Injuries because of drinking water advisories that lasted at least one year between November 20, 1995, and June 20, 2021.
- \$6 billion to support construction, upgrading, operation, and maintenance of water infrastructure in First Nations communities.
- A renewed commitment to Canada's Action Plan for the lifting of all long-term drinking water advisories.
- Planned modernization of Canada's First Nations drinking water legislation.
- The creation of a First Nations Advisory Committee on Safe Drinking Water.
- Support for First Nations to develop their own safe drinking water by-laws and initiatives.

### Who is eligible?

You might be included in the Settlement if you:

- Are a member of a First Nation; and
- Were born before November 20, 1995 and lived on an Impacted First Nation that was under a drinking water advisory that lasted for a year or longer, between November 20, 2013, and June 20, 2021; or
- Were born on or after November 20, 1995 and lived on an Impacted First Nation that was under a drinking water advisory that lasted for a year or longer, between November 20, 1995, and June 20, 2021.

The Settlement also includes children, those under disabilities and loved ones who passed away on or after November 20, 2017 (if they also meet the criteria above). Additional compensation may be available for those who suffered Specified Injuries because of a long-term drinking water advisory.

### Which First Nations are included?

- Impacted First Nations eligible for this Settlement include those who were under drinking water advisories that lasted at least one year between November 20, 1995, and June 20, 2021. You can find a list of Impacted First Nations at [www.firstnationsdrinkingwater.ca](http://www.firstnationsdrinkingwater.ca).

### What am I, or my First Nation giving up in the Settlement?

- Individuals are giving up their right to sue Canada. This means you will not be able to sue Canada for damages caused by Canada's failure to provide safe drinking water in your community before June 20, 2021.
- Impacted First Nations who do not accept the Settlement will not be bound by it. **Individuals can still submit a claim even if their Band Council does not participate.**

### How do individuals submit a Claim Form?

- You can apply by submitting a Claim Form found on [www.firstnationsdrinkingwater.ca](http://www.firstnationsdrinkingwater.ca)
- In some cases, you might be included in the information submitted by your Band Council as part of the Band Council Confirmation list.
- **Before completing the Claim Form**, check [www.firstnationsdrinkingwater.ca](http://www.firstnationsdrinkingwater.ca) to see if your First Nation has filed a claim on behalf of its members. If it has, please call the Administrator at 1-833-252-4220 to check if you're on the list. Individuals included on the list will not be named on the website so you must call to find out.
- If you are on the list, no further action is required, unless you are planning to claim for Specified Injuries. **Individuals seeking compensation for Specified Injuries must submit a Claim Form.**
- **Individuals must also submit a Claim Form if:**
  - You prefer to file an Individual Claim Form rather than be included in your Band Council Confirmation list.
  - Your Band Council has not accepted the Settlement.
  - You are filing as a personal representative for a person under disability.
  - You are filing on behalf of a minor child.
  - You are filing on behalf of a family member who passed away on or after November 20, 2017. There are specific rules around who can apply, so please check the Making a Claim section of [www.firstnationsdrinkingwater.ca](http://www.firstnationsdrinkingwater.ca) to learn more.
- **You only need one Claim Form** even if you lived in several First Nations or suffered multiple Specified Injuries.

### What kinds of injuries are included?

Specified Injuries associated with the following types of harm are included:

- Digestive (gastroenterological)
- Respiratory/Breathing
- Dermatological (skin)
- Liver
- Neurological (brain/nervous system)
- Bloodstream infections

- Kidney
- Tumors or Cancer
- Mental Health

### **What supports are available to individuals and First Nations as they go through this process?**

Filling out the Claim Form might be confusing, emotionally difficult, or even traumatic.

But you are not alone. There are a variety of supports available to help.

- **The Administrator** can help with the claims process, including questions about the Claim Form and can be reached at 1-833-252-4220. Start with these folks if you have questions.
- **Class Counsel** can provide legal advice and support with Specified **Injuries claims** or answer your legal questions about the class action settlement at no cost. They can be reached at 1-833-265-7589.
- **Mental health counselling and crisis support** is available 24 hours a day, 7 days a week through the Hope for Wellness Help Line at 1-855-242-3310 or online at [www.hopeforwellness.ca](http://www.hopeforwellness.ca).
- **The settlement website**, [www.firstnationsdrinkingwater.ca](http://www.firstnationsdrinkingwater.ca) provides easy to use tools and resources to guide you through the claims process.

