



What is a Class Action?

The Public Guardian and Trustee has started a legal action called A.W. & D.W. v. Her Majesty the Queen claiming that the government is legally responsible for abuse that took place at Woodlands. The PGT will ask the court this spring to certify this action as a Class Action.

Q: How can the PGT sue the government?

A: The PGT has an arms-length relationship with government and therefore has the right and the duty to sue the government on behalf of its clients if necessary.

Q: What is a class action?

A: A class action is a type of law suit where one or more people who have been hurt by the same defendant can ask the court to decide certain issues for every person who was hurt by that defendant in the same way. It can save money and time where there have been a lot of people harmed. For example, the Supreme Court of Canada said that it was appropriate to have a class action for the people abused at Jericho Hill School.

Q: How does a class action work?

A: The Class Proceedings Act provides the steps for bringing a class action. After someone starts a lawsuit, they can ask the court to certify it as a class action. The court will decide if all the people in the class have the same kind of claim and if there is a benefit to bringing all the claims together as a class action. If the court decides that there should be a class action, it is certified and the court sets out the “common questions” which are the same for everyone in the class. There is a trial at which the court is asked to answer the common questions. If the court believes that there was abuse then it will set out the way for each individual to prove how they were abused and how to get compensation.



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Q: Why have a class action about Woodlands?

A: There are a lot of adults who lived at Woodlands School. Some of these adults have limited ability to tell their stories. A class action is a way that the people who lived at Woodlands can join together to tell their stories to the court. If the court believes that a legal wrong was committed there, it can award compensation to the people who were abused at Woodlands.

Q: What if I don't want to be part of a class action?

A: The Class Proceedings Act gives you a right to "opt out" of the class action. You must get legal advice before you make this decision.

Q: Will it cost me any money to participate in the class action?

A: The legal fees and disbursements for a class action are approved by the court. After the court decides what compensation should be paid to the members of the class action, the lawyers will get paid from the total amount of money. Therefore, everyone who benefits from the class action will share the cost of the lawyer's fees and disbursements. Some class participants will be paying in advance for the lawyer's disbursements and you can also make a contribution to that fund if you want to.