Canadian Armed Forces Racial Discrimination and Racial Harassment Class Action

Frequently Asked Questions (FAQs)

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Q1. What does the settlement provide?

The Settlement provides for:

a) Individual Monetary Awards for Class Members who experienced Racial Discrimination and/or Racial Harassment connected with their military service;
b) The option to participate in Restorative Engagement processes for Class Members to communicate their experiences of Racial Discrimination and/or Racial Harassment to senior CAF leadership with the assistance of qualified and trained restorative practitioners;
c) The option to receive a personally addressed letter of apology signed by the Chief of the Defence Staff; and
d) Canada agrees to implement Systemic Relief Measures to improve the organizational culture and systems within the CAF with the objective of addressing and eliminating racism, Racial Discrimination and Racial Harassment in the CAF.

Q2. Can I opt out of the Final Settlement Agreement (FSA)?

The opt out period ended on April 10, 2025. Class Members who did not opt out before this deadline are bound by the terms of the FSA.

Q3. How are Class Members defined?

The Class is defined in the FSA as: “All persons who are or have been enrolled as CAF Members at any time from April 17, 1985, and for any duration up to and including the Approval Date [January 10, 2025], and who assert that they have been subjected to Racial Discrimination and/or Racial Harassment”.

Q4. How are Racial Discrimination and Racial Harassment defined?

“**Racial Discrimination**” is defined in the FSA as: “any unfair treatment, adverse differentiation or bias occurring in connection with military service and involving military members (CAF or foreign), DND employees, Staff of the Non-Public Funds employees, or CAF/DND contractors, and that is based on an individual’s race, ethnicity, colour and/or Indigeneity”.

“**Racial Harassment**” is defined in the FSA as: “any conduct that is based on another individual’s race, ethnicity, colour and/or Indigeneity that is known or should reasonably be known to be offensive or cause harm – including objectionable act(s), comment(s), or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat - occurring in connection with military service and involving military members (CAF or foreign), DND employees, Staff of the Non-Public Funds employees, or CAF/DND contractors. Harassment may be a series of incidents or one incident which has a lasting impact on the individual”.

Appendix D of the FSA provides further context:

"To understand the context in which Class Members have experienced Racial Discrimination and Racial Harassment, it is necessary to consider all the components of Racism that exist in the CAF.

(a) On an interpersonal level, racialized individuals are likely to be subject to racist behavior that is based on the belief that people who are not of European descent are inferior; beliefs that are often passed down intergenerationally with their roots in Colonialism and the African slave trade.

(b) On a systemic level, these racist beliefs and attitudes permeate the structures and operations of institutions and organizations. These beliefs and attitudes are inherent in the policies and established practices that guide the actions of individuals.

(c) Indigenous, Black and other racialized persons suffer daily indignities that affect their mental and physical health, limit their access to resources and social inclusion, and reduce their capacity to advance economically and socially."

Q5. How is "racialized people" defined?

The Individual Claim Form in Appendix F of the FSA includes definition of racialized people "based on the visible minority variable in the Canadian census (Statistics Canada, 2023). [The Census follows] the *Employment Equity Act* which defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour'".

Individuals who do not identify with the listed groups on the Individual Claim Form may provide further details in the "Open Description of Identity" (section 4c of the Individual Claim Form) to explain their race, colour and/or Indigeneity.

Q6. What should I do if I am not sure whether I meet the class definition?

You may contact Class Counsel should you have any questions:

Website: www.forcesaction.com
Call Centre: 1-902-420-3322
Email: forces.class.action@stewartmckelvey.com

In addition, see the Final Settlement Agreement for more information: https://www.classaction.deloitte.ca/en-CA/caf-racism-class-action/final-settlement-agreement

Q7. What recourse does a claimant have if denied eligibility

A claimant may request reconsideration within 30 days of receiving a denial decision. A claimant submitting a request for reconsideration should include new substantive information in their request for reconsideration.

Q8. What are the levels of payments?

The potential range of individual payments for Class Members is between $5,000 and $35,000, subject to the provisions below.

Individual Monetary Awards for Class Members are as follows:

Assessment Levels	**Payment Levels**
Common Experience Payment (CEP): Claimant attests that they experienced Racial Discrimination and/or Racial Harassment connected with their military service by ticking the appropriate box in Part 4 or describe their racial identity in the open text box in Part 4. The claimant is not required to share their experiences.	$5,000
Assessment of Narrative Evidence (ANE): Claimants can choose to share their personal experience of Racial Discrimination and/or Racial Harassment as defined in the FSA. The ANE payment is based on the duration and severity of described impacts on personal dignity, bodily, and/or emotional integrity, spiritual well-being and individual relationships.	Level A $10,000 Level B $20,000 Level C $30,000

In order to be considered for the CEP, claimants must complete the Individual Claim Form.

Claimants who wish to apply for the additional monetary amount beyond the CEP, must complete a narrative of their personal experience of racial discrimination and/or racial harassment in connection with their military service and involving military members (CAF or foreign), Department of National Defence employees, Staff of the Non-Public Funds employees, or CAF/DND contractors

This narrative will need to be provided in the original Individual Claim submission (Part 5). Please note:

- A description of personal experiences of racial discrimination and or harassment while in the CAF is required.
- The threshold of assessment will vary and focus on duration and severity of its impact on their dignity, bodily and emotional integrity, spiritual well-being, and individual relationships.

The criteria for the Payment Levels above are set out in the Monetary Assessment Scheme of the FSA.

Q9. Is it necessary to include evidence and documentation of Racial Discrimination and Racial Harassment while submitting a claim?

No. The claimant is NOT required to provide supporting documents, medical records or corroborating evidence. However, should a claimant wish, they may choose to also provide a narrative including a description of personal experience with racial discrimination and/or racial harassment in connection with their military service and involving military members (CAF or foreign), Department of National Defence employees, Staff of the Non-Public Funds employees, or CAF/DND contractors, as well as describe the impact (and duration of the impact) on the personal experience..

Claimants do not need to address each of these four factors, but the more detailed the better, as these details will help the Claims Administrator assess claims.

Q10. How much money is available for payments related to this Class Action?

The total amount of payments to all Class Members is $150 million. Depending on the total number of claims, individual payments to Class Members, as assessed by the Claims Administrator, may need to be reduced on a *pro rata* basis so that the total amount of payments to Class Members does not exceed $150 million.

If the total amount of individual payments to Class Members is less than $100 million, the individual payments to Class Members may be increased by a maximum of 20%. The potential range of individual payments for Class Members is between $5,000 and $35,000, subject to the pro rata provisions described above.

Q11. How do I submit a claim?

The Individual Claim Form is available here (https://www.classaction.deloitte.ca/en-CA/caf-racism-class-action/cafrd-individual-claim-form). Claimants may submit their completed forms by mail, email, or fax. Alternatively, claims can be completed and submitted through a secure, designated online portal (https://portal.cafrdclaims.ca/).

Please note that further to Appendix G of the FSA, “No more than one Individual Claim Form may be filed on each claimant’s behalf.” As a result, subsequent submissions with additional information, or duplicate submissions, will not be reviewed.

The deadline for submission of a completed Individual Claim Form is **October 15, 2026,** at 11:59 p.m. (PST).

If you have questions about how to complete this form, you can contact Class Counsel at no cost to you.

Class Counsel contact information:

Website: www.forcesaction.com
Call Centre: 1-902-420-3322
Email: forces.class.action@stewartmckelvey.com

Q12. What is the process and timing for assessing claims?

Claims are processed as follows:

- The initial review and verification of an Individual Claim Form occurs within 60 days of receiving an Individual Claim Form.
- If an Individual Claim form is incomplete, the Claims Administrator contacts the claimant for additional information.
- Once a claim is complete, the Claims Administrator prepares and sends required information to Canada for confirmation of service in the Canadian Armed Forces between 17 April 1985 to 10 January 2025.
- Canada confirms service in the CAF within 30 days of receiving the confirmation request from the Claims Administrator.
- Based on information provided by the claimant and Canada, an eligibility decision is made and communicated to a claimant within 60 days of receiving Canada's confirmation of service.
- After the eligibility decision is communicated, the Assessment of Narrative Evidence (ANE) that was provided in the initial complete claim is reviewed.
- A decision denying a claim for an ANE level is sent to the claimant, who then has the opportunity to submit a reconsideration request.
- **After *all* claims have been assessed, and all Reconsideration Decisions have been made, the payment amounts are calculated, and payment decisions are communicated to the claimants.**

Q13. How will my Individual Monetary Award be assessed?

The Claims Administrator will calculate payments for eligible claimants in accordance with the Monetary Assessment Scheme (see Canadian Armed Forces Racial Discrimination/Racial Harassment Class Action Claims Administration, or https://www.classaction.deloitte.ca/en-CA/caf-racism-class-action/).

Q14. Will there be repercussions for my involvement in the Settlement?

No. Section 18.02 of the FSA indicates that retaliation against any Class Members for their participation in any measures contemplated in the Settlement would be contrary to the express provisions of CAF legislation, regulations, and policies. All personal information collected during the process shall be treated confidentially and securely.

Any concerns of retaliation should be addressed with assistance from your Chain of Command or raised through existing CAF conflict and grievance processes as outlined on the 'Misconduct, conflict, and complaints' intranet page (internal DND/CAF access only, https://intranet.mil.ca/sites/DefenceTeam/conduct-culture/misconduct-conflict-complaints.page).

Q15. How will suspected fraudulent claims be treated?

Suspected fraudulent claims will be treated seriously to maintain fairness, integrity, and credibility of the process. Knowingly submitting a false claim constitutes fraud, a criminal offense, and may lead to criminal charges or prosecution.

Further to FSA, Appendix G, section IX, entitled “Management of Claims Rising Concerns”, the Claims Administrator will advise Canada and Class Counsel when the listed situations of concern arise. In such cases, the Parties may jointly direct the Claims Administrator to:

- Seek clarification and further information from the claimant;
- Deny the claim.

The Parties may, individually or jointly, refer the matter to the Court should they be unable to provide joint directions to the Claims Administrator.

By implementing these measures, the Final Settlement Agreement aims to ensure that Class Members receive fair payment while minimizing the risk of fraud.

Q16. What are Systemic Relief Measures?

Systemic Relief Measures are initiatives set out in the FSA and undertaken by DND/CAF that address racism, systemic racism, racial discrimination and racial harassment, all to improve the organizational culture and systems within the CAF, while supporting DND/CAF’s efforts to embrace a high-performing culture, characterized by trust, respect and where equity, diversity and inclusion can flourish. The Systemic Relief Measures will also provide opportunities to focus on individuals that are affected by Racial Harassment and Racial Discrimination. The Systemic Relief Measures will strengthen DND/CAF’s overall approach to anti-racism implementation and contribute to the building of culturally evolved workplaces that break down the Systemic Barriers for Indigenous, Black, and other racialized peoples so they can advance and thrive in the organization.

Q17. What specific actions or initiatives related to Racial Discrimination and Racial Harassment are included in the Final Settlement Agreement (FSA)?

The FSA aims to contribute to the ongoing efforts to eliminate Racial Harassment and Racial Discrimination, dismantling systemic racism, and promoting racial equity within the CAF by:

- Acknowledging the harm experienced by racialized groups in the CAF through individual apology letters;
- Providing payments to recognize the harm suffered by Class Members;
- Promoting diversity and inclusion and fostering dialogue and understanding within the organization; and
- Implementing Systemic Relief Measures to improve the organizational culture and systems within the CAF, including Restorative Engagement.

This Settlement does not include a punitive process or punitive damages.

Q18. Will letters of apology be issued?

Yes. Further to section 5.01 of the FSA, “Canada agrees to provide a personally addressed letter of apology, signed by the Chief of the Defence Staff, to all Eligible Class Members who request one.”

The Eligibility Decision letter confirming that a claimant is a Class Member includes a “Personalized Letter of Apology and/or Restorative Engagement Form”. On this Form, claimants may select the option to receive a personalized letter of apology signed by the Chief of the Defence Staff. This Form must be completed, signed, dated and returned to the Claims Administrator for processing.

Q19. If I, as a Class Member, change my mind on receiving an apology letter can it be requested at a later date?

Yes. A Class Member can request an Apology Letter at any time within the administration period (i.e. until the Administrator is discharged).

Q20. What is Restorative Engagement (RE) on Systemic Racism?

Restorative Engagement (RE) is a voluntary process that, in accordance with the Final Settlement Agreement, will:

- Provide Class Members with opportunities where they are supported to share their experiences, impacts and insights related to Racial Discrimination and Racial Harassment;
- Create opportunities for representatives of the CAF to acknowledge, understand, and learn from Class Members’ experiences of Racial Discrimination and Racial Harassment, and take responsibility on behalf of the institution, for its causes and responses;
- Support Class Members and CAF representatives to identify lessons learned and to take action to contribute to broader CAF culture evolution efforts; and
- Use a restorative approach as a response to harm, and as a way to build an inclusive and respectful institutional culture now and into the future.

In accordance with the Final Settlement Agreement, RE on Systemic Racism is available to all Class Members, except those who opted out of the Settlement or who fall outside the applicable time period.

To participate, claimants must complete an Individual Claim Form through the claims administration process. The Administrator Eligibility Decision letter confirming that a claimant is a Class Member includes a “Personalized Letter of Apology and/or Restorative Engagement Form”. On this Form, the Class Member may select the option to participate in RE as RE is voluntary and optional.

Since the claims administration process is the only mechanism to indicate a desire to participate in RE, once the administration process is complete and the Claims

Administrator has been discharged there is no further ability to demonstrate interest in participating in the program under the FSA.

Q21. Where can I go to find out more about the Restorative Engagement (RE) associated with the Racial Discrimination and Racial Harassment Class Action Settlement?

Information about the RE associated with the Settlement can be obtained by:

- visiting the RE on Systemic Racism webpage (https://www.canada.ca/en/department-national-defence/services/benefits-military/health-support/sexual-misconduct-response/restorative-engagement-main/restorative-engagement-systemic-racism.html),;
- by sending a message to the SRCA RE mailbox SRCARE-RCRSDR@forces.gc.ca; or
- by requesting more information through the Claims Administrator at Canadian Armed Forces Racial Discrimination/Racial Harassment Class Action Claims Administration (https://www.classaction.deloitte.ca/en-CA/caf-racism-class-action/).

Q22. Can family members or support persons be involved in SRCA Restorative Engagement (RE) with me?

Family members or support persons can be involved in the SRCA RE process. More information about requirements and the scope of support person participation will be shared once the SRCA RE program is launched.

Q23. If I, as a Class Member, change my mind about participating RE can a request be made at a later date?

Yes. A Class Member can request participation in RE at any time within the administration period (i.e. until the Administrator is discharged).

Q24. Will my participation in Restorative Engagement (RE) on Systemic Racism be confidential and who will know?

Participation in RE and information shared with the program will be confidential, within legal limitations. All personal information is handled in accordance with the *Privacy Act*.

Confidential and bilingual supportive counselling adapted to diverse experiences is available through the Defence Community Support and Resource Centre's 24/7 support line at **1-844-750-1648**.