

Frequently Asked Questions

GENERAL LITIGATION/CLASS ACTION QUESTIONS	3
1. WHAT IS A CLASS ACTION?	3
2. WHAT IS THIS CLASS ACTION ABOUT?	3
3. WHO IS A CLASS MEMBER?	3
4. WHO ARE THE LAWYERS FOR THE CLASS MEMBERS?	3
5. I THINK I AM A CLASS MEMBER, WHAT DO I NEED TO DO NOW?	4
6. HOW DO I OBTAIN MORE INFORMATION?	5
SETTLEMENT QUESTIONS	5
7. HAS THE SETTLEMENT BEEN APPROVED?.....	5
8. WHAT DOES THE SETTLEMENT PROVIDE?	5
9. WHAT IF I DO NOT WANT TO PARTICIPATE IN THE SETTLEMENT?	7
CLAIM PROCESS FOR FINANCIAL COMPENSATION QUESTIONS	7
10. HOW DO I SUBMIT A CLAIM?	7
11. DO I NEED TO PROVIDE WITNESSES OR DOCUMENTS TO MAKE A CLAIM?	7
12. CAN I APPLY FOR ALL CATEGORIES FOR FINANCIAL COMPENSATION?	7
13. WHO IS ELIGIBLE FOR COMPENSATION UNDER CATEGORY C?	7
14. WHAT IF I AM NOT SURE WHETHER I AM ELIGIBLE FOR COMPENSATION UNDER CATEGORY C?	8
15. WHO WILL REVIEW MY CLAIM FORM?	8
16. HOW WILL MY COMPENSATION BE CALCULATED?	8
17. WHEN WILL MY CLAIM BE PROCESSED?	8
18. IS IT POSSIBLE TO AMEND MY CLAIM?.....	8
19. IS THERE A DEADLINE FOR AMENDING MY CLAIM?	9
20. HOW WILL I RECEIVE MY DECISION?	9
21. CAN I DISPUTE A CLAIM DECISION?	10
22. WHEN WILL I RECEIVE MY PAYMENT?	10
23. WHERE CAN I GET MORE INFORMATION ABOUT MAKING A CLAIM?	10
CONFIDENTIALITY QUESTIONS	11
24. WHO WILL BE TOLD ABOUT WHAT I'M WRITING IN MY CLAIM?	11
25. WILL I BE PROTECTED FROM RETALIATION FOR SUBMITTING A CLAIM?.....	11
26. HOW DO I KNOW MY CLAIM WILL BE CONFIDENTIAL?	11
NON-FINANCIAL RELIEF UNDER THE SETTLEMENT	11
27. WHAT IS RESTORATIVE ENGAGEMENT?.....	11
28. DO I HAVE TO PARTICIPATE IN RESTORATIVE ENGAGEMENT TO MAKE A CLAIM FOR FINANCIAL COMPENSATION?	12

29.	HOW DO I PARTICIPATE IN RESTORATIVE ENGAGEMENT?.....	12
30.	WHERE CAN I GET MORE INFORMATION ABOUT RESTORATIVE ENGAGEMENT?	12
31.	DO I NEED TO SUBMIT A CLAIM IN ORDER TO SEEK TO PARTICIPATE IN THE RESTORATIVE ENGAGEMENT PROGRAM?	12
32.	DO I HAVE TO MAKE A VICTIM IMPACT STATEMENT IN ORDER TO MAKE A CLAIM FOR FINANCIAL COMPENSATION?	12
33.	WHEN AND WHERE CAN I MAKE A VICTIM IMPACT STATEMENT?	13
34.	DO I NEED TO SUBMIT A CLAIM IN ORDER TO MAKE A VICTIM IMPACT STATEMENT..	13
35.	WHERE CAN I GET MORE INFORMATION ABOUT MAKING A VICTIM IMPACT STATEMENT?	13
	WHO IS INVOLVED IN THIS CASE?	13
36.	WHO IS COUNSEL FOR LEDUC?.....	13
37.	WHO IS THE ADMINISTRATOR AND WHAT DO THEY DO?.....	13
38.	WHO IS THE ASSESSOR?	13

General Litigation/Class Action Questions

1. What is a class action?

In a class action, the Plaintiffs act as “Class Representatives” and sue on behalf of themselves and other people who have similar claims. This group of people is called the “Class,” and the people in the Class are called “Class Members.” One court decision resolves the issues for all Class Members, except for people who opt-out and specifically exclude themselves from the Class.

2. What is this class action about?

In 2022, Mindy Smith and Christa Steele, who are employees of the City of Leduc, initiated a class action against Leduc alleging sexual harassment, sexual assault and discrimination based on sex and gender (“Sexual Misconduct”) in connection with their employment at Leduc.

On consent of the parties, on July 4, 2023, the Alberta Court of King's Bench certified the lawsuit as a class proceeding and approved a settlement agreement that provides compensation to current and former Leduc employees who experienced Sexual Misconduct.

3. Who is a Class Member?

If you are a current or former Leduc employee who has experienced or been affected by discrimination, sexual harassment, or sexual assault since January 1, 2022, you are a Class Member, and are included in the settlement,

“**Class Members**” have been defined as follows:

All female current and former employees who worked for the City of Leduc between January 1, 2002 and July 4, 2023 who allege that they were subject to discrimination, sexual misconduct, or sexual assault as Leduc employees from January 1, 2002 to July 4, 2023.

4. Who are the lawyers for the Class Members?

Burnet, Duckworth & Palmer LLP is legal counsel to the Class (“Class Counsel”). You can reach out to Burnet, Duckworth & Palmer LLP using the information available at www.leducclassaction.com if you believe you are a Class Member and have questions. Class Members can seek legal advice from Class Counsel concerning the settlement and your claim at any time at no cost to you. You can contact Class Counsel using the contact info below:

By Mail:

Burnet, Duckworth & Palmer LLP
Attention: Leduc Class Action Settlement
2400, 525 8th Avenue SW
Calgary, AB T2P 1G1

By Phone or Email:

Class Counsel

- leducclassaction@bdplaw.com

Robert Martz

- Tel: 403-260-0393
- Email: rmartz@bdplaw.com

Sydney Black

- Tel: 403-260-0104
- Email: sblack@bdplaw.com

Alanna Wiercinski

- Tel: 403-260-0229
- Email: awiercinski@bdplaw.com

If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense.

5. I think I am a Class Member, what do I need to do now?

If you think you are a Class Member and want to seek financial compensation, participate in Restorative Engagement, or make a victim impact statement, you must submit a Claim Form to the Administrator. Claims must be submitted between August 4, 2023 and August 4, 2024. For more information on submitting a Claim Form visit www.leducclassaction.com.

You may opt out of the Settlement. If you Opt Out, you will not be entitled to any financial compensation from the settlement, but you will keep your right to sue Leduc on your own in relation to any Sexual Misconduct you experienced while employed at Leduc, subject to legal limitations that may apply to your claim.

Opt-Out forms are available at <http://leducclassaction.com> or can be requested from Burnet, Duckworth & Palmer LLP at leducclassaction@bdplaw.com. Opt Out Forms must be submitted by email to leducclassaction@bdplaw.com or by regular mail to: Leduc Class Action, c/o Burnet, Duckworth & Palmer LLP, 2400, 525 8th Ave SW, Calgary, AB, T2P 1G1. The deadline to opt out is **September 4, 2023**.

You may also do nothing. If you do **not** opt out and do **not** submit a claim, **you will not receive any benefits** from the Settlement and you will have given up the right to sue on your own or bring a Human Rights complaint in relation to any sexual harassment, sexual assault or discrimination you experienced while employed with Leduc.

6. How do I obtain more information?

You can obtain more information about this class action by contacting Class Counsel using the information provided at www.leducclassaction.com.

Settlement Questions

7. Has the settlement been approved?

Justice Price of the Alberta Court of King's Bench approved the settlement on July 4, 2023. The decision approving the settlement can be found [here](#).

8. What does the settlement provide?

The settlement provides:

- **Financial compensation**

Class Members may be eligible for a payment for harm suffered from gender discrimination, sexual harassment, or sexual assault during their employment with Leduc from January 1, 2002 to July 4, 2023 as set out in the Financial Compensation Grid below.

Financial Compensation Grid		
Category	Compensation Amount / Harm Level	
A. Sexual harassment or gender-based discrimination	\$10,000	
B1. Targeted or ongoing or severe sexual harassment and/or sexual assault in the form of unwanted sexual touching	Low Harm	\$10,000
	Medium Harm	\$20,000
	High Harm	\$30,000
B2. Sexual assault in the form of sexual attack or sexual activity where the Class Member did not consent or was unable to consent	Low Harm	\$45,000
	Medium Harm	\$60,000
	High Harm	\$75,000
C. Enhanced Payment – Class Members who suffer or suffered from PTSD or other diagnosed mental injuries, or physical injuries directly arising from sexual assault or sexual harassment	Low Harm	\$90,000
	Medium Harm	\$140,000
	High Harm	\$200,000

- **Apology**

Leduc will issue a public apology to the women who have experienced gender discrimination, sexual harassment or sexual assault. The apology will be read out by Mayor Young at a City Council Meeting. The date of the meeting is still to be determined.

- **Restorative Engagement**

Class Members have the option to participate in a restorative engagement program where survivors can choose to share their experiences of gender discrimination, sexual harassment and sexual assault during their employment at Leduc with senior Leduc leadership.

Restorative engagement sessions will occur in person through a confidential process enabled by a facilitator external to Leduc.

Class members are not required to participate in restorative engagement to make a claim for financial compensation.

- **External Review**

Leduc has agreed to retain an external third party to perform a review of its Equity, Diversity and Inclusion strategy and outcomes within four years of its implementation.

- **Whistleblower Policy**

Leduc has agreed to investigate the implementation of a whistleblower program.

- **Respectful Workplace Policy (RWP) and Other Policies**

Representative Plaintiffs Mindy Smith and Christa Steele along with Class Counsel have reviewed and provided recommendations on revisions to Leduc's Respectful Workplace Policy. Leduc has agreed to provide those recommendations to the consultant performing their Equity, Diversity and Inclusion strategy review for consideration.

- **Awards for Firefighters**

Leduc has agreed to provide Class Members with any outstanding firefighter awards. Such awards will be presented in the same manner as those being presented to others in Leduc. If you have earned but not received an award you were entitled to as a firefighter at Leduc, please advise Class Counsel so a request can be made for your award.

- **Victim Impact Statements**

Class Members will have the opportunity to make a victim impact statement to Leduc City Council during an in-camera meeting. The date for such meeting has not yet been determined. Class Members are not required to make a victim impact statement.

9. What if I do not want to participate in the settlement?

The deadline to opt out of the settlement is **September 4, 2023**.

If you Opt Out, you will not be entitled to any financial compensation from the settlement, but you will keep your right to sue Leduc on your own in relation to any Sexual Misconduct you experienced while employed at Leduc, subject to legal limitations that may apply to your claim.

Opt-Out forms are available at <http://leducclassaction.com> or can be requested from Burnet, Duckworth & Palmer LLP at leducclassaction@bdplaw.com. Opt Out Forms are submitted by email to leducclassaction@bdplaw.com or by regular mail to: Leduc Class Action, c/o Burnet, Duckworth & Palmer LLP, 2400, 525 8th Ave SW, Calgary, AB, T2P 1G1.

Claim Process for Financial Compensation Questions

10. How do I submit a claim?

The deadline to file a claim is **August 4, 2024**.

In order to submit a claim for financial compensation, and/or participate in the restorative engagement program, and/or make a victim impact statement, you must submit a Claim Form together with all supporting documentation to the Administrator by **August 4, 2024**.

Claim Forms are available at www.leducclassaction.com. If you have a question about completing or submitting a Claims Form, you can contact Class Counsel using the information available at www.leducclassaction.com.

11. Do I need to provide witnesses or documents to make a claim?

You do not need to provide witnesses to make a claim. Only if you are making a claim for Category C compensation are documents showing your medical condition required. While documents may be helpful for Category B claims, they are not required.

12. Can I apply for all categories for financial compensation?

You may submit a claim under all categories but compensation will only be awarded under Category A, either Category B1 or B2 (but not both) and Category C.

13. Who is eligible for compensation under Category C?

To be eligible for a payment under Category C, a Class Member must:

1. be approved for a Category B claim; and
2. provide records showing that they have a diagnosed medical condition with a duration of more than six months that arises from the discrimination, sexual harassment, or sexual misconduct they experienced at Leduc.

14. What if I am not sure whether I am eligible for compensation under Category C?

If you are unsure if you are eligible, there is no harm in including a claim for Category C on your claim form. Legal counsel to the Class and the Assessor, if necessary, will review your claim and will determine if you are eligible. If you still have questions, please contact Class Counsel using the information found at www.leducclassaction.com.

15. Who will review my Claim Form?

Claims Forms will initially be reviewed by the Burnet, Duckworth & Palmer LLP (the "Administrator") and external legal counsel for the City of Leduc, Brownlee LLP. Burnet, Duckworth & Palmer LLP and Brownlee LLP will review your claim and seek to agree on your eligibility and categorization.

If Burnet, Duckworth & Palmer LLP and Brownlee LLP cannot agree, your claim will be provided to and reviewed by an independent third-party Assessor. The Assessor will review all disputed claims in this process and determine eligibility and categorization.

16. How will my compensation be calculated?

Your payment will depend on the type of Sexual Misconduct you experienced in connection with your employment and an assessment of the harm you suffered.

The range of individual compensation is between \$10,000 and \$285,000.

17. When will my claim be processed?

Your claim will be processed by the Administrator as soon as all of the information is received, and must go through various stages before a decision is ultimately reached. Each claim is assessed individually and the timeline for processing each claim may differ. Given the volume of claims submitted, the processing of a claim could take a couple of months. The Administrator and Assessor are working to ensure a fair and efficient process. We appreciate your patience.

18. Is it possible to amend my claim?

Every Class Member may submit only one (1) Claim Form and yes, it is possible to amend claim selections initially submitted.

For this reason, it may be important to carefully reconsider all of the selections made when the claim was initially submitted. For example, a Class Member may want to add or withdraw a category (A, B, C) claim.

A Class Member must immediately contact the Administrator if a claim submission does not reflect the category(ies) intended to be claimed.

Please contact the Administrator using the information available at www.leducclassaction.com.

Class Members may also contact Class Counsel for legal advice relating to the various compensation categories, at no charge.

19. Is there a deadline for amending my claim?

Yes, there are three deadlines that can affect a Class Member's ability to amend the initial claim selection(s) and they are outlined below.

Deadline #1

Once a Class Member receives a **Decision and the thirty (30) day period allowed to request a Reconsideration** has expired, they may no longer add any category(ies) or submit new information and the claim will be processed based on the initial selection(s).

A Reconsideration Form must be submitted or post-marked within 30 days of the date of your claim Decision.

-OR-

Deadline #2

Once a Class Member receives a Reconsideration Decision Letter, they may no longer add any category(ies) or submit new information. The Reconsideration Decision is a final decision and cannot be appealed or reviewed.

-OR-

Deadline #3

All claim categories must be added by the Claims Deadline on **August 4, 2024**.

20. How will I receive my decision?

When you completed the application, you selected to receive communications by email or mail, which also applies to the decision letter, which will be sent to you when it is complete. If you wish to change this selection, please contact the Administrator to advise. You can email leducclassaction@bdplaw.com.

It is recommended that you contact the Administrator as soon as possible if you wish to change the method of delivery or request advance notice, as decisions are issued regularly.

You might want to plan to be in a safe space before opening your decision letter, or have someone else read it for you, as reading it may bring back difficult memories and emotions. Please note that a support line is also available. Resources that you can contact for assistance include:

- If suicide is a possibility, call 911
- Talk Suicide Canada: [\(833\) 456-4566](tel:8334564566)
- Alberta Mental Health Help Line: [1 \(877\) 303-2642](tel:18773032642)
- Alberta Addictions Helpline: [1 \(866\) 332-2322](tel:18663322322)
- Distress Line (Edmonton and area): [\(780\) 482-4357](tel:7804824357)

- Distress Centre (Calgary and area): [\(403\) 266-4357](tel:4032664357)
- Distress Line of South Western Alberta: [\(403\) 327-7905](tel:4033277905)
- First Nations and Inuit Hope for Wellness Help Line: [1 \(855\) 242-3310](tel:18552423310)
- Kids Help Phone: [1 \(800\) 668-6868](tel:18006686868)
- Rural Distress Line: [1 \(800\) 232-7288](tel:18002327288)
- For LGBTQ2S+ support, please visit our [LGBTQ2S+ resources page](#).
- 211 is here to help you find the right community and social services. You can dial 2-1-1 to speak to an Information & Referral Specialist, or search the [online](#) community resource directory, or chat online with them from 12-8pm MT daily.

21. Can I dispute a claim decision?

Yes, you may dispute a claim Decision made by the Administrator or an Assessor. You must complete a Request for Reconsideration Form.

A Request for Reconsideration Form **must be submitted or post-marked within 30 days of the date of your claim Decision**. Be sure to read the instructions provided on the Request for Reconsideration Form carefully.

Once completed, you must **return your Request for Reconsideration Form, with any new information and/or documentation to the Administrator**, one of two (2) ways:

1. **Email:** leducclassaction@bdplaw.com
2. **Mail:**

Attention: Leduc Class Action Settlement
 2400, 525 8th Avenue SW
 Calgary, AB T2P 1G1

The Administrator will give a complete copy of your request for reconsideration submission and any documentation you submitted to the Assessor. The Assessor will review the information you submitted and may or may not provide a written response within 30 days. The Administrator will promptly inform you of the Reconsideration Decision.

22. When will I receive my payment?

If you are approved for Category A, B, and/or C, you will receive a payment for the entire award as soon as possible. However, please note that a delay may occur between the times when you receive a decision letter and when a payment (if any) is made to you.

23. Where can I get more information about making a claim?

You can obtain more information about the claims process by contacting the Class Counsel using the information found at www.leducclassaction.com.

Confidentiality Questions

24. Who will be told about what I'm writing in my claim?

The information and documents you provide in your claim will be kept confidential. Your information will not be disclosed to any of your current or former co-workers, supervisors or anyone in Leduc leadership. Any alleged perpetrators will not be notified that they have been named in your claim. Your claim will be received and assessed by legal counsel for the Class, legal counsel for Leduc at Brownlee LLP and, where necessary, by an independent Assessor.

25. Will I be protected from retaliation for submitting a claim?

In addition to the confidential claims process, Leduc has agreed to take whatever steps are reasonably necessary to ensure that there is no retaliation against a person for their participation in this Class Action or for making a claim.

26. How do I know my claim will be confidential?

Confidentiality is of central importance to the claims process. Your claim is only reviewed by Burnet, Duckworth & Palmer LLP, Brownlee LLP and, where necessary, an independent third-party assessor. No one at Leduc will have the opportunity to review your claim. No one mentioned in your claim will be contacted to verify the content of your claim.

There are limited circumstances in which your claim may be shared with Leduc:

- In the event that legal counsel to the Class Members or legal counsel to Leduc reasonably believe that your claim is fraudulent or that you have made intentional errors or omissions that would materially affect the compensation that you may be awarded, you will be contacted and advised that a further investigation is required.
- Where you choose to start legal proceedings against Leduc for the same issues asserted in this settlement.
- Where we are unable to verify your employment with Leduc and you have no documentary records confirming your employment with Leduc, we will contact you to request permission to share your identity with Leduc for the limited purpose of confirming your employment.

Non-Financial Relief Under the Settlement

27. What is Restorative Engagement?

Restorative Engagement provides class members with an opportunity to share their sexual misconduct experiences with senior representatives at Leduc. This process will be facilitated by an external facilitator. Participation in, and information shared within the Restorative Engagement program will be confidential.

The purpose of Restorative Engagement is to provide an opportunity for claimants to participate in a process that would allow them to share their experiences of gender discrimination, sexual misconduct and sexual assault at Leduc. The primary objectives are:

- allow claimants' personal experiences to be heard and acknowledged by Leduc;

- contribute to culture change within Leduc by increasing awareness and understanding of the experiences of claimants and the context within which harm has occurred; and
- begin the process of restoring the relationship between Claimants and Leduc.

28. Do I have to participate in Restorative Engagement to make a claim for financial compensation?

No. Participation in Restorative Engagement is optional. You are not required to participate in Restorative Engagement to make a claim for financial compensation.

29. How do I participate in Restorative Engagement?

In order to participate in Restorative Engagement you must be a Class Member that submitted a Claim Form to the Administrator during the claims period between August 4, 2023 and August 4 2024.

If you indicated your interest for the Restorative Engagement program on your claim form, Class Counsel will contact you directly to provide further information about the program.

If you wish to participate in the Restorative Engagement program, and did not indicate this on your claim form, you must send a written request to the claims Administrator during the claims period using the information available at www.leducclassaction.com.

Participation in Restorative Engagement is completely voluntary, and claimants can change their mind about participating at any time.

Participation in the Restorative Engagement program is intended to be confidential and information shared within the program is kept confidential unless the participants agree to disclosure or as might be required by law in exceptional circumstances.

30. Where can I get more information about Restorative Engagement?

If you have questions about the Restorative Engagement program, please contact Class Counsel using the information available at www.leducclassaction.com.

31. Do I need to submit a claim in order to seek to participate in the Restorative Engagement program?

Yes. If you are a Class Member, you will have to complete a Claim Form and send it to the Administrator during the claims period starting August 4, 2023, and ending August 4, 2024.

32. Do I have to make a victim impact statement in order to make a claim for financial compensation?

No. Making a victim impact statement is optional. You are not required to make a victim impact statement in order to make a claim for financial compensation.

33. When and where can I make a victim impact statement?

Leduc will hold an in-camera (private) City Council meeting where Class Members who want to make a victim impact statement can do so. The date for this meeting is not set yet.

34. Do I need to submit a claim in order to make a victim impact statement.

Yes. If you are a Class Member, you will have to complete a Claim Form and send it to the Administrator during the claims period starting August 4, 2023 and ending August 4, 2024.

35. Where can I get more information about making a victim impact statement?

If you have questions about the victim impact statements, please contact Class Counsel using the information available at www.leducclassaction.com.

Who is involved in this case?

36. Who is counsel for Leduc?

Brownlee LLP is external legal counsel representing the City of Leduc in this action.

37. Who is the Administrator and what do they do?

Burnet, Duckworth & Palmer LLP is the Administrator. The Administrator's duties include:

- receiving, recording and managing the Opt Out process;
- developing, installing and implementing systems and procedures for processing, evaluating and making decisions respecting Individual Applications which reflect the need for simplicity in form, including performing initial intake and other screening functions, and ensuring that the Individual Applications are complete;
- keeping, or causing to be kept, accurate accounts of its activities;
- receiving and responding to all enquiries and correspondence respecting the validation of Individual Applications, reviewing and evaluating all Individual Applications for compensation under Categories A, B, and C; and
- providing a confidential final list of all eligible Class Members and the amounts assessed and paid thereto under the Settlement Agreement to Leduc Counsel that shall not be shared with Leduc, except as provided for herein.

38. Who is the Assessor?

The Assessor is an independent third-party professional mediator/arbitrator.