

NOTICE OF CERTIFICATION AND SETTLEMENT IN THE CITY OF LEDUC SEXUAL MISCONDUCT CLASS ACTION

NOTICE OF CERTIFICATION AND SETTLEMENT IN THE CITY OF LEDUC

If you experienced sexual harassment, sexual assault, or discrimination based on your sex or gender while employed at the City of Leduc this lawsuit may affect you. Please read this notice carefully.

The process of making a claim or participating in the class action is confidential and your identity will not be made public.

In 2022, two female employees of the City of Leduc, Mindy Smith and Christa Steele (the "Representative Plaintiffs"), initiated a class action lawsuit against the City of Leduc ("Leduc") alleging sexual harassment, sexual assault, and discrimination based on sex and gender ("Sexual Misconduct") in connection with their employment. 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 employees of Leduc who experienced Sexual Misconduct. The settlement is not to be construed as an admission of liability on the part of Leduc.

The process for making a claim is confidential: your identity will not be made public and will not be disclosed to Leduc.¹ The process for making a claim is designed to be simple and non-adversarial. For most claims supporting documentation will not be required and you will only be required to fill out a claim form. Any claims that are submitted will be assumed to have been made honestly and in good faith. The claims process is also intended to prevent fraud and abuse. In the circumstance where fraud or abuse are suspected, Class Counsel will contact you and a further investigation may take place.

To learn more about this settlement go to:

<https://leducclassaction.com>

Current and former female employees who have experienced Sexual Misconduct may be able to claim compensation under the settlement. To be eligible to make a claim, you must be a class member. "Class Members" are defined as:

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.

This notice explains how to make a claim and the deadline for doing so.

¹ There is one narrow circumstance where Leduc will be made aware of the identity of a claimant: where an individual subsequently brings a claim in another venue (e.g. the Court of King's Bench or the Alberta Human Rights Commission) on the same grounds covered by the class proceeding, or relating to the same or similar conduct, Leduc may confirm whether that individual has already participated in the class settlement process.

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What is a class action?

In a class action, one or more people called representative plaintiffs sue on behalf of people with similar claims. Together, the people with similar claims are called the "Class" or "Class Members." The class action resolves the shared legal issues for everyone affected, except for those who exclude themselves from the lawsuit by opting out.

Why is there a settlement?

The Representative Plaintiffs and Leduc engaged in lengthy negotiations to arrive at a fair settlement on behalf of all Class Members. The benefits to the parties to this settlement include:

1. avoiding the costs and uncertainty of a trial;
2. avoiding delays in obtaining a judgment;
3. timely access to financial compensation;
4. obtaining access to a restorative engagement program and other non-monetary remedies that would not ordinarily be available through the Court; and
5. forgoing the need to testify in court to obtain compensation, while maintaining an opportunity to tell their story to Leduc City Council and Leduc officials, if a Class Member so chooses.

Why did I get this notice?

As part of the settlement of the class action, and direction by the Court, Leduc has provided the contact information that it has maintained for current and former female employees of Leduc between January 1, 2002 and July 4, 2023. This Notice is provided to all such women and does not reflect any investigation or assessment performed by Leduc or Plaintiffs' counsel. You may be eligible for compensation under the settlement.

Who are the lawyers representing you?

The lawyers for the Class ("Class Counsel") are Burnet, Duckworth & Palmer LLP in Calgary.

You are welcome to seek legal advice from these lawyers concerning the settlement and your claim – at any time and at no cost to you. If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense

How the lawyers are paid

As part of the settlement, Leduc agreed to pay Class Counsel's legal fees. These amounts will be paid directly by Leduc and will not be deducted from any amounts that eligible Class Members may receive.

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What does the settlement provide?

1. A confidential and simple claim process for Class Members to seek financial compensation;
 - a. Claimants only need to fill out a Claim Form, swear or affirm to the truth of the information before a Commissioner of Oaths, and then submit it by email or regular mail to the Administrator;
 - b. You do not need to appear in person before the Administrator or a Judge and you do not need supporting statements from witnesses.
 - c. If you are applying for Enhanced Payment (defined below), you are required to provide corroborating medical information; and
 - d. The fact that you made a claim is not made public.
2. The option to participate in a restorative engagement program for survivors to share their experiences of Sexual Misconduct with senior Leduc officials.
3. An apology from Leduc, to be read out by the Mayor at a City Council meeting.
4. The option to provide a victim impact statement to Leduc City Council.
5. A commitment by Leduc to ensure that there is no retaliation for women who make claims.
6. Review of Leduc policies and other measures addressing Sexual Misconduct at Leduc.

Compensation

Class Members may be entitled to the following compensation:

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

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The categories are cumulative: if a claimant qualifies for category B (1 or 2), they also receive compensation for category A. For example, if a claimant is found to have suffered medium harm under Category B1, they will receive \$30,000 (\$20,000 + \$10,000). Details are explained in the settlement agreement.

Restorative Engagement

Class Members may also request to participate in a program of restorative engagement that has been designed to allow Class Members to share their experiences of sexual harassment, sexual assault, and/or discrimination with senior Leduc management and an external facilitator. The aim is to allow Class Members to be heard and acknowledged, to contribute to culture change by increasing awareness and understanding of the experiences of Class Members and to begin the process of restoring the relationship between Class Members and Leduc. Participation in restorative engagement is completely voluntary.

Victim Impact Statements

Individuals that suffered harm from discrimination, sexual harassment, or sexual assault while employed at Leduc may also provide victim impact statements that may be read out at a closed session of City Council. The intent is to foster healing and to provide a venue for individuals to communicate their experiences.

Leduc Measures

The settlement also includes several policy measures and initiatives intended to provide support and increase awareness around the issue of Sexual Misconduct at Leduc.

These include:

- An apology to be read out by the Mayor at a City Council meeting, date to be announced;
- Ongoing engagement and the development of programs by experts in diversity to ensure a safe work environment;
- An external review where Leduc's ongoing efforts to combat discrimination, sexual harassment, and sexual misconduct are assessed; and
- Consideration of the implementation of a whistleblower policy.

More details are in the settlement agreement found at

<http://leducclassaction.com>

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What qualifies as gender discrimination and harassment?

Gender Discrimination means practices or attitudes which have the effect of limiting employment conditions or opportunities because you are a woman and includes sexual harassment

Harassment includes:

- (a) inappropriate verbal or non-verbal sexual communication, including sexual jokes, unwanted sexual attention, inappropriate sexual comments, or inappropriate discussions about sex life;
- (b) exposure to sexually explicit materials, including having sexually explicit materials displayed, showed or sent to the claimant, or taking and/or posting inappropriate or sexually suggestive photos or videos of the claimant without consent; or
- (c) physical contact or sexual relations, including indecent exposure or inappropriate display of body parts, pressure from the same person for dates or sexual relationships, unwelcome physical contact or getting too close, or offering workplace benefits for engaging in sexual activity or being mistreated for not engaging in sexual activity.

Some examples of harassment and discrimination may include:

- (a) suggestions that a woman doesn't act the way a woman is supposed to act;
- (b) being insulted, mistreated, ignored, or excluded because you are a woman;
- (c) comments that you or someone else is either not good at a particular job or should be prevented from having that job because they are a woman;
- (d) being prevented from having a particular job or an opportunity because you are a woman;
- (e) repeated sexual jokes or repeated inappropriate sexual comments about your appearance or body, or someone's appearance or body;
- (f) repeated unwanted sexual attention;
- (g) inappropriate discussion about your sex life, or someone else's sex life;
- (h) being sent or shown sexually explicit messages or materials like photos or videos, or being directed to view those materials online;
- (i) indecent exposure or inappropriate display of body parts;
- (j) repeated pressure from the same person for dates or sexual relationships;
- (k) unwelcome physical contact of a sexual nature;
- (l) without reasonable explanation being asked whether you are, or plan to become, pregnant during an interview or discussion of upcoming work opportunities;
- (m) without reasonable explanation being terminated, laid off, demoted or reassigned during pregnancy or due to breastfeeding; or
- (n) without reasonable explanation not being allowed the opportunity to breastfeed or pump breastmilk while at work.

More detailed information about Class Member eligibility, the harm thresholds and limitations on eligibility can be found in the settlement agreement, which is available at <http://leducclassaction.com>.

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What if I'm not sure whether I'm included in the settlement?

There are people who can help you understand your legal rights and next steps. If you are not sure whether you are included in the settlement, you can visit <http://leducclassaction.com> or contact Class Counsel at Burnet, Duckworth & Palmer LLP at the following email addresses: leducclassaction@bdplaw.com; Robert Martz at rmartz@bdplaw.com, Sydney Black at sblack@bdplaw.com, or Alanna Wiercinski at awiercinski@bdplaw.com.

What are my legal rights and options?

Do nothing	<p>If you do nothing, you will give up the right to collect under the settlement and your right to sue Leduc or bring a Human Rights complaint on your own in relation to any Sexual Misconduct you experienced while employed at Leduc.</p>
Submit a Claim Form	<p>To make a claim for financial compensation, participate in the restorative engagement program, or provide a victim impact statement, you must submit an Individual Claim Form, with supporting documentation where applicable, to the Class Counsel at Burnet, Duckworth & Palmer LLP by the Claims Deadline.</p> <p>Claims forms are available and can be submitted using the fast, secure and easy website: https://leducclassaction.com. They can also be requested from Burnet, Duckworth & Palmer LLP at leducclassaction@bdplaw.com</p> <p>Printable versions of the claim form can found on the website and 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.</p> <p>The deadline to submit a Claim Form is August 4, 2024.</p>
Opt Out	<p>If you don't want to be bound by the settlement, you can opt out of the class action. You will have until September 4, 2023 to submit your Opt Out Form.</p> <p>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 or bring a Human Rights complaint 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.</p> <p>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.</p>

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GETTING MORE INFORMATION

This notice summarizes the settlement, the process for submitting a claim for compensation under the settlement and the process for Opting Out of the settlement. More details are in the settlement agreement. You can get a copy of the agreement at <http://leducclassaction.com> or can send your questions to Leduc Class Action, c/o Burnet, Duckworth & Palmer LLP, 2400, 525 8th Ave SW, Calgary, AB, T2P 1G1 or by email to Class Counsel at Burnet, Duckworth & Palmer LLP at the following email addresses: leducclassaction@bdplaw.com; Robert Martz at rmartz@bdplaw.com, Sydney Black at sblack@bdplaw.com, or Alanna Wiercinski at awiercinski@bdplaw.com.