The largest class action settlement in Canadian history to date, the Indian Residential Schools Settlement Agreement (IRSSA) recognized the damage inflicted by the residential schools, and established a multi-billion-dollar fund to help former students in their recovery. The IRSSA, which came into effect in September 2007, has five main components: the Common Experience Payment, Independent Assessment Process, the Truth and Reconciliation Commission, Commemoration, and Health and Healing Services.

The Residential School System

While there were residential schools in Canada as early as the 17th century in New France, the residential school system did not really develop until after the passage of the Indian Act in 1876, which gave the federal government the right and responsibility of educating (and assimilating) Aboriginal people in Canada. Beginning in the 1880s, the government cooperated with Roman Catholic and Protestant churches to establish a system of residential schools across Canada. In 1894 the Indian Act was amended, making attendance at residential schools compulsory. By 1930, when the system was at its peak, there were about 80 schools across Canada, mostly in the western provinces and the territories, although some existed in northwestern Ontario and in northern Québec as well. While some of the educators were dedicated, the experience was traumatic for many Aboriginal children, who were removed from their families and subjected to harsh discipline, the devaluation of their culture and religion, and even physical and sexual abuse. In 1969 the government decided to end its partnership with the churches, and students were gradually integrated into the provincial school systems, although the last residential school did not close until 1996. About 150,000 Aboriginal youth attended residential schools from the 1880s to 1990s, and it was estimated that 80-90,000 former students would be affected by the Indian Residential Schools Settlement Agreement.

The Indian Residential Schools Settlement Agreement (IRSSA)

Aboriginal communities, governments, and church organizations have long struggled to heal the wounds inflicted by the residential school system. From the 1980s on, former students launched legal campaigns to push the government and churches to recognize the abuses of the system, and to provide some compensation. In 1998 the federal government issued a Statement of Reconciliation that acknowledged the abuses suffered
by former students, and established the multi-million-dollar Aboriginal Healing Foundation. The Alternative Dispute Resolution process was launched in 2003, providing an out-of-court mechanism for determining compensation and offering psychological support. The more comprehensive IRSSA, which came into effect on 19 September 2007, resulted from discussions between representatives of former students, the Assembly of First Nations and other Aboriginal organizations, the involved churches, and the federal government.

**Common Experience Payment (CEP)**

Under the Indian Residential Schools Settlement Agreement, $1.9 billion was set aside for all former residents of the schools. Every former student would receive $10,000 for the first year of schooling, and $3,000 for each subsequent year. According to Indigenous and Northern Affairs Canada (INAC), 98 per cent of the estimated 80,000 eligible former students had received payment by the end of December 2012, with over $1.6 billion in total approved for payment.

**Independent Assessment Process (IAP)**

In addition to the CEP, funds were allocated for the Independent Assessment Process, an out-of-court process for resolving claims of sexual abuse and serious physical and psychological abuse. As of 31 December 2012, over $1.7 billion in total had been issued through the IAP. According to Dan Ish, chief adjudicator of the Indian Residential School Adjudication Secretariat, around three times more applications were received than expected, and the IAP is forecast to continue hearings until around 2017.

**Truth and Reconciliation Commission (TRC)**

The Settlement Agreement also set aside $60 million for a five-year Truth and Reconciliation Commission that would provide opportunities for individuals, families, and communities to share their experiences. The Commission, established in 2008, was directed to raise public awareness through national events (e.g., Winnipeg in June 2010; Inuvik, NWT, in June 2011; Halifax in October 2011; Saskatoon in June 2012), and its support of regional and local activities. It would also create a “comprehensive historical record” on the residential schools (and, budget permitting, a research centre). By August 2012, the federal government had released over 941,000 documents to the TRC related to residential schools.

**Commemoration**

An important aspect of the IRSSA was the emphasis on acknowledging the impact of the residential schools and honouring the experiences of former students and their families and communities. To this end, the Settlement Agreement established a fund of $20 million for commemorative projects. This process involved the TRC, which would review and recommend proposals, and the AANDC, which would allocate the funds. In 2011, for example, the TRC recommended 72 proposals (three of these were subsequently withdrawn), and the final 69 projects received a total of $8.5 million from the AANDC.

**Health and Healing Services**

The Settlement Agreement also included $125 million for the Aboriginal Healing Foundation (AHF), and it established the Indian Residential Schools Resolution Health Support Program. This program would provide support for former students in terms of mental and emotional health, with the services provided by elders and Aboriginal community health workers as well as psychologists and social workers.

**Criticism**

While the IRSSA has distributed large amounts of money in compensation and assisted residential school
survivors in their recovery, the system is also open to abuse. In particular, some former students who applied for additional compensation under the IAP were the victims of unethical private lawyers, who charged their clients high fees in addition to the 15 per cent they received from the Canadian government. While the Settlement stated that lawyers could charge their clients up to 15 per cent for difficult cases, a number of lawyers routinely charged this percentage, and others applied improper interest, fees, and penalties. Chief adjudicator Dan Ish led investigations into a number of private lawyers involved in the IAP that led to one disbarment and an expulsion from the IRRSA, among other penalties.

Residential Schools in Newfoundland and Labrador

The benefits of federal compensation packages excluded survivors of residential schools in Newfoundland and Labrador. Since Canada did not establish or operate residential schools in that province (Newfoundland was not part of Canada when the schools began operating), the federal government argued that it was not responsible for compensating former students. After survivors launched a class-action lawsuit against the government, a settlement of $50 million was reached on 10 May 2016. The settlement was approved by Newfoundland and Labrador Supreme Court Justice Robert Stack on 28 September 2016. More than 800 survivors in the province will now have some closure, but they are still waiting for an official apology from Prime Minister Justin Trudeau.

See also Aboriginal People: Education.