

# **ANNEXE 4**

## **NOTICE OF CLASS ACTION AUTHORIZED BY THE SUPERIOR COURT OF QUEBEC**

### **WERE YOU A VICTIM OF ABUSE OF POWER BY THE ROYAL CANADIAN MOUNTED POLICE (RCMP) WHILE A MEMBER OR A CIVILIAN MEMBER OF THE RCMP? YOU MAY BE A MEMBER OF A CLASS ACTION.**

- On August 15<sup>th</sup>, 2018, the Superior Court of Quebec authorized a class action against the Attorney General of Canada on behalf of RCMP members and civilian members who during the course of their service in the RCMP, were victims of abuse of power by the RCMP.
- The class action is to proceed in the judicial district of Montreal.
- **The judgement authorizing this class action may affect your rights, whether you take action or not. Please read this notice carefully.**

<b>YOUR RIGHTS IN THIS CLASS ACTION:</b>	
<b>OPT OUT</b>	If you opt out, you will not receive any payment if a settlement is reached between the parties or if the Court grants a final decision in favour of the applicants. This option allows you to pursue your own lawsuit against the Attorney General of Canada for abuse of power by the RCMP identified in this notice.
<b>DO NOTHING</b>	If you are a class member and you wish to be included in the present class action against the Attorney General of Canada, you have nothing to do in order to participate in this class action.

- These rights-**and the deadline for exercising them**- are explained in this notice.

### **QUESTIONS?**

**CONTACT DUGGAN AVOCATS-LAWYERS AT  
(514)-879-1459 or visit  
<https://www.rcmpclassaction.ca/>**

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## **THE CLASS ACTION**

### **1. WHY ARE YOU RECEIVING THIS NOTICE?**

On August 15<sup>th</sup>, 2018, the Superior Court of Quebec authorized the QUEBEC MOUNTED POLICE MEMBERS' ASSOCIATION Inc. ("AMPMQ") et al, to undertake this class action against the Attorney General of Canada. This notice explains how the class action works, who the class members are and what their rights are.

### **2. WHAT IS A CLASS ACTION?**

It is a legal procedure instituted by an individual or individuals called the "class representatives" on behalf of everyone who faces a similar problem, called the "class member". A class action allows the Court to rule on the dispute regarding all class members, except for those who choose to opt out. In this class action, the AMPMQ, Paul Dupuis and Marc Lachance act as the class representatives.

### **3. WHAT IS THIS CLASS ACTION ABOUT?**

The main issues of fact and law to be dealt with collectively:

- (a) were the RCMP and its staff obligated to respect the rights of the members under the Charters and to provide a workplace exempt from Abuse of power, including protection on the basis of belonging to the language group of French locutors or of their militancy in favour of freedom of association or the right to unionize?
- (b) were the RCMP and its staff obligated to the members to prevent Abuse of power on the basis of belonging to the language group of French locutors or of militancy in favour of freedom of association and the right to unionize?
- (c) does misconduct by the RCMP and its staff justify awarding damages to the members, and if so, what amount thereof?
- (d) does the misconduct by the RCMP and its staff justify awarding punitive damages, and if so, what amount thereof?

The conclusions sought by the present class action are:

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(a) Declare that the defendant, the RCMP and its staff were obligated towards the members of the class and subclasses:

1. to show reasonable diligence in ensuring the well-being of the members;
2. to provide a workplace safe and free from harassment, retaliation, discrimination and abuse of power of any kind, including for reasons linked to the exercise of rights protected by the Charters, among which language affiliation and the defense of freedom of association and of unionization;
3. to provide work and promotion opportunities to all its members, without discrimination and regardless of language affiliation or of the defense of freedom of association and of unionization;
4. to design and implement appropriate policies, codes, guidelines and procedures in order so as to ensure performance of the obligations mentioned above;

(b) Declare that the RCMP and its staff defaulted on said obligations to the members of the class and subclasses;

(c) Quantify the injury suffered by the members of the class and subclasses, on a collective basis or on an individual basis; if on a collective basis, SET the amount of damages and punitive damages; if on an individual basis, SET the modalities of individual recovery;

(d) Condemn the defendant to pay compensatory damages and punitive damages;

(e) Order that the RCMP put in place preventive and restorative measures against the various types of Abuse of power;

(f) Condemn the defendant to pay judicial and extrajudicial fees and expenses of the plaintiffs, including fees for expert reports and costs in this instance, and order collective recovery of same;

(g) Condemn the defendant to pay to the members the amounts stated above, increased by interest at the legal rate plus the additional indemnity provided by law, starting on the date of service of the application for authorization;

(h) Condemn the defendant to pay all costs borne for the investigations required in order to establish liability, including the extrajudicial fees of counsel for the plaintiffs and the members as well as the fees of experts and their reports;

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### **THE CLASS MEMBERS**

#### **4. WHO IS A CLASS MEMBER?**

1. "**Main class member**": all members and civilian members of the Royal Canadian Mounted Police holding a document (or series of documents) issued by the RCMP stating a position detrimental to them and allowing to presume that they were victims of one of the Injuries contained in the expression "Abuse of power" (defined hereinafter), by a member of the Staff of the RCMP (defined hereinafter), on the condition of fulfilling one of the following requirements:

- having suffered the Injury in Quebec;
- having suffered Injury resulting from a Fault committed by a Staff member then situated in Quebec;
- having to perform their duties for the RCMP in Quebec, at the time when the Injury was committed;
- having their domicile or their residence in Quebec when they suffered the Injury;

2. "**First subclass member**": as the first subclass, all the members of the main group who, while meeting the criteria of subparagraph 1, suffered the Injury by reason of belonging to the language group of French locutors;

3. "**Second subclass member**": as the second subclass, all the members of the main group who, while meeting the criteria of subparagraph 1, suffered the Injury by reason of their activities related to freedom of association and the right to unionize;

4. "**Excluded person**": are however excluded all persons belonging to the class governed by the judgement of the Federal Court rendered on May 30, 2017 in the matter of *Merlo v. Canada* (file no. T-1685-16).

5. The word "Staff" includes alternatively:

- (a) any officer of the RCMP holding at the time of the Injury a rank higher than that of the victim;
- (b) a person holding an attribute of the RCMP's management rights as employer, in particular by performing functions of labour relations, human resources, staffing, occupational health and safety, remuneration, social benefits, finances or litigation;

6. The expression "Abuse of power" is a synonym of "Injury" and comprises: physical harassment, psychological harassment, retaliation, discrimination and all other form of abuse of power.

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### **5. HOW DO I PARTICIPATE IN THIS CLASS ACTION?**

If you are a class member and wish to be included in the present class action against the Attorney General of Canada, you have nothing to do in order to participate in this class action.

### **6. CAN I INTERVENE IN THIS CLASS ACTION?**

Yes. If you are a class member and you request it, the Court may allow you to intervene in the court proceedings, if your intervention is deemed useful to the class. If you intervene, you may be subject to an examination at the Attorney General of Canada's request or you may have to pay judicial fees.

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### **OPTING OUT**

**This is your only opportunity to opt out from the class action.**

#### **7. WHAT HAPPENS IF I OPT OUT?**

- 1) You retain your rights to institute your own lawsuit against the Attorney General of Canada for abuse of power by the RCMP.
- 2) You will not be bound by the judgements rendered by the Court in this class action; but
- 3) You will not be entitled to receive a payment if a settlement is reached between the parties, or if the Court grants a final decision in favor of the class.

Any member who has not opted out of the class action will be bound by every further judgment to be rendered in this case, as provided by law.

A class member who does not discontinue an originating application having the same subject matter as the class action before the time for opting out has expired is deemed to have opted out.

#### **8. WHAT HAPPENS IF I DO NOT OPT OUT?**

- 1) You give up your rights to institute your own lawsuit against the Attorney General of Canada for abuse of power by the RCMP.
- 2) You will be bound by the judgements rendered by the Court in this class action;
- 3) You may be entitled to receive a payment if the Court grants a final decision in favor of the class, or if a settlement is reached.

#### **9. HOW DO I OPT OUT?**

If you do not wish to be bound by this class action, you can opt out by sending to the clerk of the Superior Court of Quebec a signed letter containing the following information:

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- The file number: 500-06-000820-163;
- Your name, address and telephone number;
- Your declaration: *I am a class member and I want to opt out of the class action;*
- Your signature.

**You must send your letter by registered or certified mail not later than May 22, 2019, to the following address:**

Clerk of the Superior Court of Quebec  
File: 500-06-000820-163  
Montreal Courthouse  
1 Notre Dame East, Suite 1.120  
Montreal (QC) H2Y 1B6



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### **THE CLASS COUNSEL**

#### **10. WHO ARE THE LAWYERS WORKING ON THIS CLASS ACTION?**

The law firm Duggan Avocats-Lawyers represents the AMPMQ et al, and therefore, the class members.

**Duggan Avocats-Lawyers**

Windsor Station

1100 Avenue des Canadiens-de-Montreal (West)

Suite 900

Montreal, QC, H3B 2S2

Telephone: (514)-879-1459

Email: [info@dugganavocats.ca](mailto:info@dugganavocats.ca)

#### **11. ARE THERE FEES FOR THE CLASS MEMBERS?**

**No. You do not have to personally pay the class counsel working on this class action.**

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### **FOR MORE INFORMATION**

It is possible to read the judgement that authorizes the AMPMQ et al, to undertake this class action against the Attorney General of Canada on the following website:

<https://www.rcmpclassaction.ca/>

As well, you may consult the Registry of Class Actions on the following website:

<https://www.registredesactionscollectives.quebec/en#>

If you have any questions, please contact:

**Duggan Avocats-Lawyers**

Windsor Station

1100 Avenue des Canadiens-de-Montreal (West)

Suite 900

Montreal, QC, H3B 2S2

Telephone: (514)-879-1459

Email: [info@dugganavocats.ca](mailto:info@dugganavocats.ca)