

CLASS ACTION FAQ

1. Q: In broad terms, who qualifies for this class action?

A: Aviation employees who were subject to Transport Canada's "[Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 43](#)" ("the Order" and subsequent updates), and who suffered harm due to non-compliance with its mandated vaccination policy (failing to disclose their vaccination status or failing to become vaccinated).

2. Q: Can employees in other fields such as rail or Canada Post workers, who were subject to similar Orders, also take part?

A: No, they must have been subject to the Order above.

3. Q: I retired early to avoid the mandate. Can I participate?

A: Important in answering this question is para 9 of the Statement of Claim:

9. The Class (to be defined by the Court) is intended to include all employees, contractors, and all persons hired within the federally regulated aviation industry during the Class Period who were subjected to discipline, including but not limited to suspension of employment and termination, pursuant to the Order as a result of failing to disclose their vaccination status or failing to become vaccinated ("Class Members"). The Class Period is October 29, 2021, (when the Order came into force) to the date this action is certified as a class proceeding

We want to represent as many as possible, but the Class boundaries need to be considered in assessing validity. Ideally, you will have made clear (in a recorded format) your opposition to the conditions laid out in the Interim Order. If you simply retired quietly prior to the mandatory conditions in the Interim Order, it will be difficult to make a case for Class eligibility. For those who still feel their case is valid, you are welcome to register, make payment, and once we get class certification we will assess individual cases. In the event your situation does not meet requirements, we can withdraw your name and will refund any payment.

4. Q: I was on sick leave before the mandate came into effect, and came back after it was suspended, can I participate?

A: Unless you suffered harm directly due to the Order, likely not. There may be extenuating circumstances where the stress from mandates created mental/emotional health trauma which led to being off work on sick leave. As such, harm is

directly attributable to the Order. Para 9 of the Statement of Claim helps bound Class eligibility:

9. The Class (to be defined by the Court) is intended to include all employees, contractors, and all persons hired within the federally regulated aviation industry during the Class Period who were subjected to discipline, including but not limited to suspension of employment and termination, pursuant to the Order as a result of failing to disclose their vaccination status or failing to become vaccinated (“Class Members”). The Class Period is October 29, 2021, (when the Order came into force) to the date this action is certified as a class proceeding

As with retirees, if you feel your particular case is strong (ie emotional or mental health harm directly caused by the mandate), you are welcome to register, make payment, and once we get class certification we will assess individual cases. In the event your situation does not meet the requirements, we can withdraw your name and will refund any payment.

5. Q: I took advantage of a voluntary leave of absence so as to avoid the impact of the Order, am I still eligible?

A: Unless you suffered harm due to the Order, as summarized above, most likely not.

6. Q: How much financial compensation are we seeking?

A: The Statement of Claim references general, special, exemplary, and punitive damages, but it is too early to assess and discuss figures.

7. Q: Will each person be able to name their own amount for damages?

A: No.

8. Q: Do we need to fill out a questionnaire or statement about our individual situations and the harm, suffered?

A: Once we get through class certification we will be asking for additional details and evaluating at that time.

9. Q: What could we be looking at for additional costs?

A: If the class action ‘goes the distance’ in the courts, costs will reach into the hundreds of thousands, at least. At that stage we will need to look at a more

appropriate payment structure with our legal team, likely along the lines of a contingency fee structure.

10. Q: Will there be information such as webinars provided as we move forward?

A: Yes, once we allow sufficient time for registrations we will begin regular updates, via newsletters and webinars, as progress dictates.

11. Q: What is the deadline for signing up?

A: At present we have not established a formal deadline as we are still working at preparation for class certification and registration can continue throughout that period., Realistically this could take at least another month or two (as of June 12th).