



***A class-action lawsuit against a religious group (and an institution it ran) for sexual abuse can go forward, the Supreme Court has ruled.***

JJ said he was sexually abused by both his teacher and a priest in the 1950s. Both were members of the *Congrégation de Sainte-Croix*. He said the teacher abused him at school. He said the priest abused him at the *Oratoire Saint-Joseph du Mont-Royal*, where JJ was an altar boy. The priest died in 2001 and the teacher died in 2004.

JJ didn't tell anyone about the abuse for decades. He said he had nightmares and flashbacks for years. He believed there were other victims like him, so he decided to launch a "class action" in Quebec in 2013.

A class action is a special kind of lawsuit when a group of people with the same kind of problem get together to sue. In the phrase "class action," the "class" is the group and the "action" is the lawsuit. Class actions can affect many people and their legal rights, even if they aren't actively involved. A judge has to give permission for (authorize) a class action to go ahead. The judge is just supposed to look at whether the class action meets the conditions to go to court, not whether it will succeed. They have to assume the facts are true unless they are clearly wrong or unlikely. A "representative plaintiff" represents the group and asks for permission to launch the class action by applying to the court. JJ wanted to be the representative plaintiff in this case.

JJ said the *Congrégation* and the *Oratoire* were directly responsible for what happened to him by their own acts. He said they knew (or should have known) about the abuse but didn't stop it, and even covered it up. He said they were also responsible for the acts of the teacher and the priest, because they assigned them to work with children.

The *Congrégation* and the *Oratoire* said the class action shouldn't be allowed. They said the class members didn't have similar issues because the abuse happened in different places. They said JJ waited too long after the men he said abused him died. They said JJ didn't show enough facts that anything happened. The *Oratoire* said it couldn't be responsible just because abuse might have happened on its property.

The judge agreed with the *Congrégation* and the *Oratoire* that the class action couldn't go forward. But the Court of Appeal disagreed. It unanimously said the class action against the *Congrégation* could go forward. The majority said the class action against the *Oratoire* could go forward as well.

All the judges of the Supreme Court agreed it wasn't too late for JJ to sue. They noted that Quebec had a new three-year time limit to sue if the abuser or victim died. But most judges said the rule didn't apply to a lawsuit against third parties like the *Congrégation* and the *Oratoire*. It only applied to lawsuits brought against the abuser's succession (estate), or brought by the victim's succession, after they died. Just because the men JJ said abused him died didn't mean he couldn't sue the *Congrégation* and the *Oratoire* for their own failures to prevent or stop the abuse. In any case, most judges said the time limit started when a victim realized that the abuse was responsible for their injury. This could be long after the abuser died. Most judges noted that the changes to the law were meant to make it easier for victims of sexual abuse to get justice, not harder.

Most judges said the class action could go forward against the *Congrégation*. The majority said all the class members had a similar issue. They wanted to know whether the *Congrégation* was responsible for sexual assaults on children by members assigned to work with those children. The majority said that just because the children didn't report the abuse at the time didn't mean that the *Congrégation* didn't know what was happening.

The majority said the class action could go forward against the *Oratoire* as well. It wasn't being sued because it was the location of some of the assaults. It was being sued because of its close connection to the *Congrégation*, and because its directors—who were all *Congrégation* members—failed to stop (or covered up) the abuse.

This case doesn't mean that JJ won the class-action lawsuit. It only means that a court can now hear all the arguments and make a decision.

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**Breakdown of the decision:** *Majority:* Justice Russell [Brown](#) dismissed the appeals (Justices [Abella](#), [Moldaver](#), [Karakatsanis](#), and [Martin](#) agreed) | *Dissenting in part:* Justice Clément [Gascon](#) had the majority's agreement on whether it was too late to sue (prescription) and agreed the lawsuit could go forward against the Congrégation, but said the allegations against the Oratoire were too vague and would have allowed its appeal (Chief Justice [Wagner](#) and Justice [Rowe](#) agreed) | *Dissenting:* Justice Suzanne [Côté](#) would have allowed both appeals; she agreed (for different reasons) that JJ wasn't too late to sue, agreed with Justice Gascon that the allegations against the Oratoire were too vague, but said that JJ didn't show a legal link between himself and the corporation of La Province Canadienne de la Congrégation de Sainte-Croix, because it had not been created at the time of the alleged abuses

**More information (case # 37855):** [Decision](#) | [Case information](#) | [Webcast of hearing](#)

**Lower court rulings** (in French only): [decision on authorization of class action](#) (Superior Court of Quebec) | [appeal](#) (Court of Appeal of Quebec)

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