

## Manitoba inmates placed in solitary confinement can soon seek compensation

Some inmates who were placed in solitary confinement in Manitoba-run jails will soon be able to apply for compensation after a settlement in a class-action lawsuit was approved this week.

Manitoba Court of King's Bench Justice Theodor Bock authorized a \$129-million settlement agreement on Thursday following months of negotiations between the provincial government and class-action counsel.

The lawsuit alleged the province's use of solitary confinement, which has been described as segregating someone to a room or area without meaningful contact for at least 22 hours in a day, was negligent and breached sections of the Canadian Charter of Rights and Freedoms.

Proactio, the company administering the claims, says Manitoba denied liability but opted to resolve the lawsuit without a trial.

The settlement will see eligible class members receive payments starting at \$3,000 for adults and \$9,000 for youth, with the maximum compensation available being up to \$100,000 depending on circumstances.

James Sayce, lead class-action counsel, says the claims process will open up in the coming weeks and will remain open for a year.

"We think it's a very fair outcome. We believe that it will provide quite generous compensation to class members. It recognizes the seriousness of the allegations," he said on Friday.

A spokesman for Justice Minister Matt Wiebe acknowledged the court's approval of the settlement.

"Further comments will be reserved pending the release of the written decision," the statement said.

The class-action was first filed in 2021 and was supposed to go to trial last November but was adjourned so the parties could work together on a settlement.

It applies to three groups of people who were subjected to solitary confinement -- current and former inmates living with mental-health illnesses who were put into isolation beginning Sept. 12, 2012; current and former inmates under the age of 18 who were segregated for any period beginning Sept. 12, 2006; and any inmate who was placed in solitary confinement for 15 consecutive days or more between Sept. 12, 2006 to now.

It's unclear how many people this would impact, but Sayce estimated it could be "thousands and thousands."

Part of the settlement conditions include reforming segregation practices in Manitoba institutions.

Sayce said class-counsel will meet with representatives from Manitoba to develop a reform process that is aimed at improving the conditions of confinement in provincial jails.

"Our hope is that solitary confinement is not practiced. It's one thing to temporarily separate a person from the rest of the correctional population, but it's another thing completely to put them in conditions that amount to solitary confinement."

The use of solitary confinement has been widely criticized over the years, with the practice being described as cruel, inhumane and a form of torture.

Research has shown that the effects can lead to the deterioration of an inmate's physical and mental health.

The Canadian Association of Elizabeth Fry Societies, an organization that provides support to women and gender-diverse people in the prison system, has said Indigenous women, Black women, the gender-diverse and others from marginalized communities are subjected to these types of stays more often than other inmates.

The settlement of the class-action suit in Manitoba follows similar cases in other provinces.

The British Columbia government settled a class-action lawsuit for up to \$60 million over the use of solitary confinement in provincial correctional facilities over a period of 20 years. One was settled in Ontario in the amount of \$30 million.

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