

## Scotiabank vacation/holiday pay class action

### Frequently Asked Questions

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

A former employee of The Bank of Nova Scotia (“**Scotiabank**”) has started a class action lawsuit against the bank regarding the payment of vacation pay and holiday pay under the *Canada Labour Code* in connection with incentive awards and other forms of variable compensation.

Under the *Canada Labour Code*, vacation pay and holiday pay must be calculated based on each employee’s “wages”, defined at section 166 as “every form of remuneration for work performed,” excluding tips and other gratuities.

This class action alleges that Scotiabank’s calculations of vacation pay and holiday pay failed to include employees’ variable compensation (i.e., incentive awards paid as part of incentive plans or as restricted share units granted as part of a RSU Plan). The plaintiff alleges that employees who received variable compensation were underpaid their statutory minimum entitlements because the variable compensation was not included in the calculation. This allegation has not yet been tested in court.

Scotiabank denies it has failed to calculate and pay employees’ vacation pay and holiday pay in accordance with the class members’ employment contracts and the requirements of the *Canada Labour Code*.

#### **DOES THIS CLASS ACTION RELATE TO VACATION TIME?**

No. The claim only relates to the calculation of statutory vacation pay and holiday pay in connection with incentive awards and other forms of variable compensation, and not to the use or expiry of vacation time. The claim originally included allegations relating to vacation time but those claims were discontinued.

#### **WHAT DOES IT MEAN THAT THE CLASS ACTION WAS ‘CERTIFIED’?**

When a court certifies a class action, it means that the court thinks it is appropriate for the court to deal with the common issues for the whole class on a common basis.

The plaintiff’s allegations have not yet been tested in court, and Scotiabank is defending against the allegations.

#### **WHO ARE THE CLASS MEMBERS?**

All former and current Canadian employees of Scotiabank, who received incentive awards or other forms of variable compensation in addition to their hourly wages or annual salary between December 14, 2020 and April 10, 2025\* are automatically included as Class Members, and do not need to take further steps to participate in the class action.

\* Excluding home financing advisors (formerly known as mortgage development managers), officers, directors, and C-suite executives.

If you **do not** want to participate in the class action, you, or your legal designee, can opt by sending a written election by email to the Notice Administrator at [\*\*info@bnsvacationpaysettlement.ca\*\*](mailto:info@bnsvacationpaysettlement.ca) with your

full name and current address and a statement that you wish to be excluded from the class action. The deadline to opt out is **February 10, 2026**.

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

**If you opt out by the deadline**, then you will be excluded from the Class. This means that if the plaintiff obtains a settlement or judgment, you will not be able to obtain compensation from this class action. You will, however, retain your rights to commence your own separate claim if you wish to do so.

**If you fall within the Class definition and you do nothing**, then you will be included in the Class automatically. That means that if the class action succeeds in obtaining compensation for the Class, you will be entitled to participate in the settlement or judgment, but if the class action fails, you are bound by the result.

### **DO I HAVE TO PAY ANYTHING? AM I EXPOSED TO ANY LEGAL, FINANCIAL, OR WORKPLACE RISK IF I DO NOT OPT OUT?**

No. Class Counsel **will never** ask Class Members for payment during the course of the litigation. Class Counsel will be paid only if the class action is resolved in favour of the Class (either through settlement or after trial).

As a Class Member, it is a breach of the *Canada Labour Code* for your employer to retaliate against you for participating in a class action to enforce your statutory employment rights.

### **HOW CAN I RECEIVE UPDATES ABOUT THE CLASS ACTION?**

The Court ordered Scotiabank to provide to Class Counsel available contact information of former and current employees meeting the class definition. This contact information will be used to send important updates about the case, including an update if the case resolves and compensation is available for Class Members. Class Counsel has undertaken to take all steps to protect class members' personal information contained in the contact information provided to it through Court order by Scotiabank.

You can also contact Class Counsel to ensure that your contact information is up to date.

### **WHO ARE THE LAWYERS PROSECUTING THE CLASS ACTION? IF I WANT INFORMATION ABOUT THIS CLASS ACTION AND MY LEGAL RIGHTS, WHO CAN I CONTACT?**

Class Counsel are Phillips Barristers Professional Corporation and Randy Ai Law Corporation.

Any Class Member may contact Class Counsel at any time to ask questions or learn more about the class action. **All communications with Class Counsel are confidential, and Class Counsel will never charge a fee to Class Members seeking information about the class action.**

For more information on the class action, you can visit the class action's website at **[bnsvacationpayclassaction.ca](http://bnsvacationpayclassaction.ca)**.

You can also contact Class Counsel by email at **[Scotiabank@phillipsbarristers.ca](mailto:Scotiabank@phillipsbarristers.ca)** or by telephone at **647-261-4486**.

Class Counsel cannot answer questions about your employment with Scotiabank. Questions about your employment or remuneration should be directed to HR.