

## **NOTICE OF CERTIFICATION AS A CLASS ACTION**

**WERE YOU AN EMPLOYEE OF SCOTIABANK BETWEEN  
DECEMBER 14, 2022 AND APRIL 10, 2025?**

**This class action may affect your rights.  
Please read this notice carefully.**

A class action has been certified by the Ontario Superior Court of Justice against The Bank of Nova Scotia ("Scotiabank"), file number CV-22-00691702-00CP.

### **1. Who is this notice for?**

You are a "**Class Member**" if you were employed by Scotiabank between December 14, 2020 and April 10, 2025, **and** you received incentive awards or other forms of variable compensation in addition to hourly wages or salary pursuant to the terms of the incentive plans listed at Appendix "A" or pursuant to the terms of the Restricted Share Unit ("RSU") Plan while employed at Scotiabank.

The Class **does not** include Scotiabank officers, directors, C-suite executives, or home financing advisors (formerly known as mortgage development managers). The Class also **does not** includes salaried employees who did not receive variable compensation pursuant to the identified plans.

### **2. What is the purpose of this notice?**

On April 10, 2025, the Ontario Superior Court of Justice certified this lawsuit, *Ngan v The Bank of Nova Scotia*, to proceed as a class action. Justin Ngan was appointed as the representative plaintiff. Phillips Barristers Professional Corporation and Randy Ai Law Office are Class Counsel.

This Notice explains your rights from the certification order.

### **3. What is this class action lawsuit about?**

This class action lawsuit is about vacation entitlements owed to Scotiabank employees under the *Canada Labour Code* and your employment contracts.

The class action lawsuit alleges that Scotiabank did not pay employees vacation pay and holiday pay on incentive awards or other forms of variable compensation.

The claim asserts that the defendant, Scotiabank, failed to calculate employees' vacation pay (including vacation pay adjustments) and holiday pay by failing to include all "wages" as defined in the *Canada Labour Code*. The plaintiff alleges that "wages", within the meaning of the *Canada Labour Code* includes variable compensation, including incentive pay awards pursuant to incentive plans and restricted share units, but that these were not included in calculating the minimum statutory vacation and holiday pay entitlements, either at the time of payment or within vacation pay adjustments.

For more information about the claim, you can review the statement of claim and the certification order setting out the common issues for trial at: [www.bnsvacationpayclassaction.ca](http://www.bnsvacationpayclassaction.ca).

Scotiabank denies the allegations made against it. None of the allegations have yet been proven in court.

#### **4. Does this class action relate to expired vacation days?**

No. Although the original statement of claim contained allegations with respect to pay in lieu of vacation days when employees did not use all their contractually agreed vacation time, this portion of the claim has been discontinued by Court-order. The action certified by the Court **does not** deal with employees' entitlement to vacation time.

Class Counsel **cannot** provide individual advice to Scotiabank employees on their entitlement to vacation time.

#### **5. What does it mean to be a Class Member? / What is certification?**

Every potential class action must be approved ("certified") by the Court before it can go ahead as a class action. This lawsuit has now been certified. This means that everyone who falls within the class definition is automatically included in the class action and will be bound by the outcome of the class action, including any settlements or judgment, unless they exclude themselves from the class action by "opting out" of the class action.

Class Members may be entitled to share in the amount of any judgment or settlement reached in the class action if it succeeds.

**If you are a Class Member who wishes to participate in the lawsuit, then you do not need to do anything at this stage.**

Certification is not a determination of the merits of the plaintiff's claim or the defendant's defences, which have not yet been considered by the Court. Certification is simply approval by the Court for the lawsuit to proceed as a class action.

If you are a member of the Class, you are encouraged to notify the Notice Administrator (see below) of your current contact information, so that we can ensure that you receive any further communications about the class action directly.

#### **6. Do I have to pay anything?**

No. **There is NO PAYMENT required by Class Members to participate in the class action. If you are a Class Member, you will have no obligation to pay any legal fees or costs, directly.** Class Counsel will only be paid from the proceeds of any judgment or settlement at the end of the lawsuit, and only if the lawsuit is successful.

Class Counsel have entered into a contingency fee agreement with the representative plaintiff, which provides for a contingency fee of 25-33%, along with reimbursement of disbursements and taxes, however, the Court must approve the legal fees before they are paid to Class Counsel.

Class Counsel in this action have not collected, and will never collect, any funds from individual Class Members.

## **7. If I do not wish to participate in the class action, how do I opt out?**

**If you decide to opt out, you will not be bound by the terms of any judgment or settlement in this class action. This means that you will also not be eligible for any of the benefits of any judgment or settlement if the action is successful.**

If you do not want to participate in this class action, then you must say so in writing by delivering a completed Opt-Out Form by email to Verita Global at [info@bnsvacationpaysettlement.ca](mailto:info@bnsvacationpaysettlement.ca). This form can be found on our dedicated website: [bnsvacationpayclassaction.ca](http://bnsvacationpayclassaction.ca).

Emailed opt-out forms must be received by 5:00pm on February 10, 2026.

Opt-out forms received after that time will not be accepted and will be invalid.

## **8. How do I participate in the class action?**

As a Class Member, **you are not required to do anything at this stage, and you are not required to pay any money to Class Counsel.** You are not obliged to participate as a witness in the common issues trial. If the trial is successful or if a settlement is reached, you may be asked, at that time, for information to calculate your minimum statutory vacation pay and holiday pay entitlements.

If the common issues trial is successful, but no money judgment is awarded because each Class Member has to prove they suffered a loss, there will be a further notice explaining how that individual proof of loss process will take place, and what your responsibilities are to participate in the proof of loss process.

Should this class action settle, a further notice will be provided to you outlining your rights to support or object to the settlement, and how to participate in obtaining a payment from the settlement.

## **9. What if I have more questions?**

Any questions about the matters in this notice should be addressed to Class Counsel at either:

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| Phillips Barristers Professional Corporation<br>36 Toronto Street, Suite 1120<br>Toronto ON M5C 2C5<br><a href="mailto:Scotiabank@phillipsbarristers.ca">Scotiabank@phillipsbarristers.ca</a><br>647-261-4486 | Randy Ai Law Office<br>100 King Street West, Suite 5700<br>Toronto, ON M5X 1C7<br><a href="mailto:randy@randyai.com">randy@randyai.com</a><br>416-549-8004 |
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This notice is a summary of the terms of the certification order. If there is a conflict between the provisions of this notice and the terms of the certification order, the certification order prevails. The certification order can be viewed at [www.bnsvacationpayclassaction.ca](http://www.bnsvacationpayclassaction.ca).

**This notice was approved by the Ontario Superior Court of Justice.**