

News Release

For Immediate Release
May 4, 2020

TORONTO LAW FIRM SEEKING \$5 MILLION IN DAMAGES FOR VARIABLE COMPENSATION EMPLOYEES OF MEDCAN HEALTH MANAGEMENT

TORONTO, Ont. — Medcan Health Management Inc., a Toronto-based company, recognized for several years as one of Canada's best managed firms, and its directors are facing a \$5-million class action lawsuit for shortchanging variable compensation employees on vacation and public holiday pay.

Monkhouse Law has filed a statement of claim to certify the class action in the Superior Court of Ontario, alleging that the company violated the Employment Standards Act (ESA) by failing in its obligations to accurately pay vacation and public holiday pay on commissions and bonuses.

The suit was filed on behalf of two longstanding sales executives at the company who earned income mainly in the form of variable commission payments. The class action alleges that the variable compensation employees were underpaid as the company only paid them vacation and public holiday pay solely on their base salary and not their total compensation, as required by the ESA.

The class action is the fifth filed by Monkhouse Law against a large Canadian company for shortchanging employees on vacation and public holiday pay. Class actions were previously filed against the [Approval Team](#), [Bank of Montreal](#), [RBC Insurance Agency Ltd.](#) and [Aviva Insurance Co.](#), and [RBC Life Insurance Co.](#)

“Shortchanging employees on vacation and statutory holiday pay is a widespread issue and companies must realize that the practice violates the Employment Standards Act and denies employees of their statutory rights,” said Andrew Monkhouse, founder of Monkhouse Law in Toronto. “We are seeking an order to certify this class action to ensure that variable compensation employees who worked for Medcan get paid properly for what they are really owed.”

The class action alleges that Medcan improperly and systemically denied variable compensation employees adequate payment based on their total wages. Under the ESA, employees must be paid additional public holiday pay above and beyond their regular pay.

The class action seeks to recoup the unpaid wages owed to former and current Medcan employees and a declaration that the company was unjustly enriched. Allegations cited in the statement of claim must still be proven in court. [Here](#) is the full statement of claim.

“For several years, Medcan has been cited as one of the best managed companies, yet it failed for many years to compensate its employees fairly,” said Monkhouse. “I would encourage any variable compensation employees of the company to get in touch with us as they might qualify for unpaid vacation and holiday pay under the ESA.”

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Former Medcan employees can have a confidential conversation about the matter by contacting Alexandra Monkhouse at 416-907-9249, ext. 211 or alexandra@monkhouselaw.com. Individuals can also complete this [form](#) on the Monkhouse Law website.

Toronto-based [Monkhouse Law](#) is an employment law firm that specializes in: wrongful dismissal, human rights law, labour law, employment insurance claims, and denied long-term disability claims. Monkhouse Law has a strong history of representing employees in class actions, including having started the first Canadian contractor misclassification case of [Sondhi v. Deloitte](#) in 2015 and having successfully certified [an employee misclassification class action](#) for solar panel sales representatives in 2019.

More Information

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