

LONG FORM NOTICE OF SETTLEMENT AND FEE APPROVAL HEARING

WERE YOU AN EMPLOYEE OF SOS (SUDBURY) INC. OR WORKFORCE INC. BETWEEN JANUARY 1, 2011 AND DECEMBER 31, 2022

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

On September 29, 2021, Jordan Lock (the “**Plaintiff**”), commenced a proposed class action seeking to represent current and former employees who worked for Workforce Inc. and/or SOS (Sudbury) Inc. (the “**Defendants**”) who are allegedly owed compensation as a result of receiving unpaid training by, or on behalf of, the Defendants or others. The Defendants have denied all the plaintiff’s allegations.

Monkhouse Law represents the proposed class (“**Class Counsel**”).

The parties to the proposed class proceeding have reached a settlement (the “**Proposed Settlement**”). The Proposed Settlement is a compromise of disputed claims against the defendants without any admission of liability by the defendants. You may be entitled to compensation under the Proposed Settlement if you fall within the following definition:

All non-salaried employees of Workforce Inc. or SOS (Sudbury) Inc. from January 1, 2011 to December 31, 2022 who received unpaid training from or at the direction of the Defendants. (“**Class Members**”)

The Proposed Settlement is subject to Court approval. The Proposed Settlement, if approved, will conclude the class proceeding. The purpose of this document is to provide notice to putative Class Members that a motion will be heard on **March 9, 2023, at 10:30 AM** by Zoom to certify this action as a class proceeding and to approve the Proposed Settlement and Class Counsel’s fees. Zoom log-in details will be available from Class Counsel one week before the motion.

The Ontario Superior Court of Justice has authorized distribution of this Notice.

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A. BASIC INFORMATION

1. Why did I get this notice?

The Ontario Superior Court of Justice authorized this notice to let potential Class Members know about the Proposed Settlement.

This notice explains the lawsuit, the Proposed Settlement, and your legal rights.

2. What is a class action?

In a class action, one or more people called the "representative plaintiff(s)" sue on behalf of people who have similar claims, called the "class" or "class members".

In a class action, the court can resolve all or some of the class members' claims at the same time. People who meet the definition of a "class member" are automatically included in the claim unless they choose to "opt out". Opting out is explained in more detail below.

3. What is this class action about?

On September 29, 2021, Jordan Lock (the "Plaintiff"), commenced a proposed class action seeking to represent current and former employees who worked for Workforce Inc. and/or SOS (Sudbury) Inc. (the "Defendants") who are allegedly owed compensation as a result of receiving unpaid training by, or on behalf of, the Defendants or others. The Defendants have denied all the plaintiff's allegations.

4. Has there been a trial?

This case has not yet gone to trial. A judge has not made any decision regarding the certification of this proposed class action or the merits of this lawsuit. The parties reached the Proposed Settlement before the "certification motion" was heard and decided by the court.

5. Why is there a proposed settlement?

The Plaintiff and the Defendants have agreed to the Proposed Settlement. The Proposed Settlement is a compromise of disputed claims against the Defendants without any admission of liability by the Defendants.

By entering into the Proposed Settlement, the parties are seeking to avoid the costs and uncertainty of a trial and the potential delays in obtaining judgment. It also means that the class members will not need to testify in court.

The Plaintiff and Class Counsel believe that the Proposed Settlement is in the best interests of all Class Members.

B. WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

6. *Who is included in the proposed settlement?*

You are a Class Member and may be entitled to compensation under the Proposed Settlement if you fall within the following definition:

All non-salaried employees of Workforce Inc. or SOS (Sudbury) Inc. from January 1, 2011 to December 31, 2022 who received unpaid training from or at the direction of the Defendants. (“**Class Members**”)

Estates of Putative Class Members may be eligible. A claim must be filed under the Proposed Settlement by the Executor or Administrator of the Estate of the Putative Class Member.

If the Proposed Settlement is approved, all Putative Class Members, except those who validly opt out of the settlement, will be bound by the Proposed Settlement, and will automatically release any claims they may have against the Defendants relating to any conduct alleged, or which could have been alleged, in this action.

7. *What if I am not sure whether I am included in the proposed settlement?*

If you are not sure whether you are included in the Proposed Settlement, you may wish to reach out to Class Counsel: call 416-907-9249 ext 211 or visit

<https://www.monkouselaw.com/workforce-and-sos-unpaid-training-class-action/>.

C. PROPOSED SETTLEMENT

8. *What does the Proposed Settlement provide?*

If approved, the Proposed Settlement provides that Putative Class Members are eligible for compensation.

- To receive payment, Class Members **must** fill out a claims form that details, to the best of their abilities, the dates which they worked for the Defendants, and their contact information.
- Class Counsel will receive these claims forms and will review the records of the Defendants to corroborate the information contained therein.

- Class Counsel will send a notification letter to each Putative Class Member and explain what they have concluded regarding the Putative Class Member's work history.
- If a Putative Class Member disagrees with the assessment, they can file an appeal with a designated referee.
- Once all appeals are resolved, Class Counsel will calculate the estimated amount each putative Class Member is entitled to receive under the settlement using a pre-determined formula.

The Proposed Settlement is for a global, all-inclusive amount of \$650,000, inclusive of legal fees, disbursements, taxes, and settlement administration costs. The amount of approximately \$367,768 will be divided among Class Members who file valid claims, according to a pre-determined formula based upon the dates each eligible Class Member worked for the Defendants and the positions held as outlined in the "**Distribution Plan**" appended to the "**Settlement Agreement**" which can be viewed in full at: <https://www.monkouselaw.com/workforce-and-sos-unpaid-training-class-action/>

9. What am I giving up in the proposed settlement?

Once the Proposed Settlement becomes final, you will have given up your right to sue the Defendants in connection with the claims outlined in Section 4 of the Settlement Agreement. In other words, you will be "releasing" the Defendants from liability in connection with any conduct alleged, or which could have been alleged, in this action, including anything in respect of pay for unpaid training from January 1, 2011 to December 31, 2022.

This is not a complete description of the claims that you will release. Section 4 of the Settlement Agreement contains the complete description of the released claims, so please read it carefully. If you have any questions about what this means, you may contact Class Counsel or you may engage your own lawyer. If you decide to retain your own lawyer, you are responsible for paying your lawyer's legal fees.

10. May I remove myself from the proposed settlement?

Yes. If the Proposed Settlement is approved, a notice will be sent describing the process for removing yourself from the class action. This is called "Opting Out".

If you do not wish to be a part of the class action, you must opt out before a date that will be set by the Court. If you opt out, you will not be bound by any order made in this class action and you will not be eligible for compensation under the Proposed Settlement. You may hire and pay for your own lawyer and may be able to commence your own lawsuit. If you want to commence your own lawsuit, you must opt out. If

you opt out, you must abide by all applicable limitation periods. We strongly recommend you consult a lawyer before deciding to opt out.

Further information on how to opt out - and the deadline by which you must do so - will be available if the Proposed Settlement is approved.

<p>D. HOW TO RECEIVE A PAYMENT IF THE PROPOSED SETTLEMENT IS APPROVED</p>
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11. How will I receive a payment?

To be eligible to receive a payment under the Proposed Settlement, all Class Members will be required to complete and submit a Claim Form. Class Counsel will assess all claims using a pre-determined formula agreed upon by the parties and approved by the court. Class Members will not need to testify in court. Once all the claims have been assessed, Class Members will receive compensation as soon as reasonably possible.

Before anyone can file a Claims Form or have their eligibility to receive payment under the Proposed Settlement assessed, the Ontario Superior Court of Justice must decide whether to grant final approval of the Proposed Settlement and Fees (see the “**Approval Hearing**”, below).

If the Proposed Settlement is approved, you will receive additional information about the claims process, including the Claim Form, in a further notice.

12. How will payments be calculated?

Your Claim Form will be reviewed to determine if you qualify for a payment. If you do, the amount of your payment will be determined based on the pre-set formula described in the Settlement Agreement and approved by the court.

The amount each Class Member will receive will depend on several factors. They are:

- (1) The number of Class Members that apply for payment;
- (2) When each class member worked for the Defendants; and
- (3) The positions each Class Member held with the Defendants (i.e., labourer, attendant, rescuer or coordinator).

Class Counsel will review the records provided by the Defendants to determine when each Class Member worked for the Defendants, as well as each Class Member’s positions with the Defendants. This information will be used to

perform a calculation that will be used to determine what share of the net total settlement amount each Class Member will receive. The total payment will also depend on the total costs incurred in administering the settlement.

A complete copy of the Settlement Agreement can be found at:

<https://www.monkouselaw.com/workforce-and-sos-unpaid-training-class-action/>

The Settlement Agreement explains fully how much is being paid and how it is being distributed.

13. What if I disagree with the decision?

If you disagree with how the assessment of your entitlement under the Proposed Settlement, you can appeal the assessment.

E. THE LAWYERS REPRESENTING YOU
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15. Who is Class Counsel?

Monkhouse Law represents the Plaintiff, and, if this action is certified for settlement purposes, the Class Members. If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense.

16. Do I have to pay Class Counsel anything?

No.

Class Counsel is asking for the approval of fees, HST and disbursements in the amount of \$267,232. This amount will be paid directly by the Defendants from the total amount set aside to settle the class action. Class Counsel will not be paid unless the Ontario Superior Court of Justice declares that the proposed legal fees are fair and reasonable.

You will not need to pay any legal fees out of your own pocket for services from Class Counsel relating to the Class Action. If a Class Member retains other lawyers or a personal representative, that Class Member is responsible for paying their own lawyer or representative's fees, disbursements, and taxes.

F. PARTICIPATING IN THE PROPOSED SETTLEMENT AND FEE APPROVAL HEARING

You may participate in the hearing to voice your support for the proposed

settlement, you may object to the proposed settlement if you disagree with all or part of it, and you may also voice support or disapproval of the proposed legal fees payments. The Court will consider your views.

Participation in the hearing is optional. You may choose to wait for the outcome of the hearing.

17. How do I tell the Court if I support the proposed settlement?

To express your support for the Proposed Settlement, the proposed legal fees, or both, you may write a letter or an email that includes the following:

- Your full name, contact information;
- A statement saying that you support the Proposed Settlement, legal fees, or both;
- The reasons you support the Proposed Settlement, legal fees, or both, along with any supporting materials; and
- Your signature or that of your legal agent acting with your instructions.

You may mail or email your letter to:

Workforce Class Action
c/o Monkhouse Law, 220 Bay Street,
Suite 900,
Toronto, Ontario, M5J 2W4
Email: Alexandra@monkouselaw.com

18. How do I tell the Court if I do not like the proposed settlement or legal fees?

To object to the proposed settlement, you may either:

(a) **Make a written objection:** Write a letter or email that includes the following information:

- Your full name, current mailing address, email address and telephone number;
- A statement saying that you object to the Proposed Settlement or the legal fees or both;
- The reasons you object to the Proposed Settlement, legal fees, or both, along with any supporting materials; and
- Your signature or that of your legal agent acting with your instructions.

(b) Make an oral objection at the approval hearing: You must fill out an Objection Form and indicate that you intend to appear at the hearing to object. The approval hearing before the Court is scheduled to be heard in Toronto, Ontario **on March 9, 2023, via Zoom.** **The link for the approval hearing will be provided by Class Counsel one week before the hearing.**

All objecting letters or emails, including any Objection Forms, must be sent on or before **March 2, 2023**, at 5:00 pm to:

Workforce Class Action
c/o Monkhouse Law, 220 Bay Street,
Suite 900,
Toronto, Ontario, M5J 2W4
Email: alexandra@monkhouselaw.com

G. THE APPROVAL HEARING

19. When/where will the Court decide whether to approve the Proposed Settlement and/or the legal fees?

The Ontario Superior Court of Justice will hold the Approval Hearing via Zoom on **March 9, 2023**. Zoom log-in details will be available from Class Counsel one week before the motion.

This is a public hearing, and you may attend if you wish. As a potential Class Member, you may also ask to speak, but you do not have to.

The hearing date could be moved to a different date or time without additional notice. If you plan to attend the hearing, we recommend you check Class Counsel website at <https://www.monkhouselaw.com/workforce-and-sos-unpaid-training-class-action/> or call 416-907-9249 ext 211.

At the hearing, the Court will consider whether the Proposed Settlement is fair, reasonable, and in the best interests of the Class. If there are objections, the Court will listen to the people who submitted an Objection Form and asked to speak at the hearing.

After the hearing, the Court will decide whether to approve the Proposed Settlement. We

cannot guarantee when the Court will release its decision.

The Court will, at the same, consider whether the proposed legal fees and honorarium for the Plaintiff are fair and reasonable.

20. What if I do nothing?

If you do nothing, you will be deemed to have accepted the Proposed Settlement. The approval hearing will proceed, and the Court will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class. You will have no further opportunity to make objections to the Court with respect to the Proposed Settlement.

H. GETTING MORE INFORMATION

21. How do I get more information?

This notice summarizes the proposed settlement. For full details, a copy of the Settlement Agreement is available at: <https://www.monkouselaw.com/workforce-and-sos-unpaid-training-class-action/>

If you have any questions, you may send them to:

Workforce Class Action
c/o Monkhouse Law, 220 Bay Street,
Suite 900,
Toronto, Ontario, M5J 2W4
Email: Alexandra@monkouselaw.com
Call us at: 416-907-9249 ext 211

To ensure you do not miss any important notices please add Monkhouse Law to your Contacts or ensure emails from Monkhouse Law are not routed to your spam/junk folder by classifying them as a “Safe Sender”.