

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL

***HORNER V. PRIMARY RESPONSE INC. AND
GARDA CANADA SECURITY CORPORATION***

Court File No.: CV-18-00603648-00CP

**PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS
THE COURT HAS APPROVED A SETTLEMENT IN THIS CASE. THE MANNER IN
WHICH CLASS MEMBERS WILL BE COMPENSATED IS DESCRIBED BELOW.**

This Notice is published by order of the Ontario Superior Court of Justice

PURPOSE OF THIS NOTICE

On August 20, 2018, a class action lawsuit was commenced in the Ontario Superior Court of Justice by Kionna Horner (“Horner”) against Primary Response Inc. (“Primary Response”) and Garda Canada Security Corporation (“Garda”). The lawsuit alleges that Primary Response failed to pay wages and overtime owing to Class Members and made unlawful deductions for uniforms (“Class Action”). The lawsuit addresses a period prior to the sale of Primary Response to Garda.

The parties reached an agreement to settle the Class Action. This settlement has been approved by the Ontario Superior Court of Justice.

This Notice describes the settlement in greater detail, including who it applies to, the details of the settlement, and the process by which Class Members will be compensated.

1. WHO DOES THE SETTLEMENT APPLY TO?

The settlement applies to all persons who are members of the Class as described in the court order certifying this case as a class action. The Class includes:

All security guards (including concierges), mobile security guards, dispatchers/communications operatives, supervisors and mobile supervisors employed by Primary Response Inc. in the Province of Ontario, for the period from February 27, 2011 to January 15, 2018, save and except for those employed under a Collective Agreement (the “Class” and “Class Members”).

Members of the Class are bound by the terms of settlement unless they validly opted out.

2. WHAT IS THE CLASS ACTION ABOUT?

There were four main issues raised in the Class Action:

1. Off-the-clock pre-shift work

Primary Response required employees to attend work a minimum of fifteen minutes early in full uniform for a debriefing as part of the shift changeover but had a systemic practice of failing to pay for such work. Rather, employees were paid for their scheduled hours.

2. Unlawful overtime averaging

Primary Response failed to pay Class Members for their weekly overtime after the expiry of its overtime averaging permit for the period August 6, 2016 to January 15, 2018, before the sale of Primary Response to Garda. There was no permit in place permitting the averaging of overtime from August 5, 2016 to January 15, 2018, and Primary Response failed to pay weekly overtime during this period.

3. Unlawful uniform deductions

Primary Response made deductions from employees’ wages for uniforms and other items. The Class Action alleged that the forms authorizing these deductions did not comply with employment standards legislation.

4. Unpaid training

Primary Response required employees to undergo certain training and orientation sessions without pay.

3. WHAT ARE THE DETAILS OF THE SETTLEMENT?

The detailed terms are set out in the settlement agreement between the parties. A copy can be found at <https://primaryresponseclassaction.com/> or <http://primaryresponsesettlement.com/> or www.goldblattpartners.com or by contacting Class Counsel.

Pursuant to the settlement, the Defendants will pay \$2.9 million (the “Settlement Fund”). Payments will be made from the Settlement Fund for Class Counsel Fees, disbursements, a representative plaintiff honorarium, and the Class Proceedings Fund Levy. There will also be holdbacks for administrative expenses and taxes. The remaining amount (the “Claim Fund”) will be distributed to Class Members through a claims process overseen by a Claims Administrator, RicePoint Administration Inc.

Under the settlement, Class Counsel will direct that a certain amount of the Claim Fund will be allocated to each of the four issues (see above for description of issues). It is estimated that the amounts will be approximately as follows:

- | | |
|-----------------------|--------------|
| a. Pre-Shift Time | \$700,000.00 |
| b. Overtime Averaging | \$600,000.00 |
| c. Training | \$170,000.00 |
| d. Uniforms | \$140,000.00 |

Class Members will make a claim to the Claims Administrator for one or more of the issues. The Claims Administrator will determine how many Class Members claimed per issue and will divide the amounts equally between Class Members for each issue. Only Class Members who worked between August 6, 2016 to January 15, 2018 are eligible to claim for issue (b) and Class Members should only make a claim for this issue if they were subjected to overtime averaging during this period. The amounts in issues (a), (b), and (c) are taxable and subject to employment-related deductions such as CPP/EI, and the amounts in issue (d) are non-taxable reimbursements.

MAKING A CLAIM

To receive a payment under the settlement you must complete an Administration Form and submit it to the Claims Administrator by the deadline of April 14, 2021 (90 days from Final Approval of the settlement). A copy of the Administration Form is enclosed with this Notice and is also available on <http://primaryresponsesettlement.com/>, or you can contact Class Counsel for a copy. The Administration Form should be submitted directly to RicePoint by email, fax, or mail.

If your name is on the Class List provided by the Defendants, you will be considered a member of the Class. If your name is not on the Class List, you may be required to submit documents proving your membership in the Class. If the Claims Administrator determines you are not a Class Member, you may appeal to a referee, provided you pay a fee.

The Administration Form allows you to indicate which of the four issues you are claiming (the issues are described above under the heading What is the Class Action About?). You may claim for more than one issue. Any Class Member is eligible to claim for the issues relating to pre-shift time, training, and uniform deductions. Only Class Members who worked at any time during August 6, 2016 to January 15, 2018 may claim for the overtime averaging compensation, and should only do so if they were subjected to overtime averaging.

You are not required to file any documents or other proof to receive payment, but you may be required to verify that you worked for Primary Response during the relevant period and are an eligible member of the Class. Class Members who signed a release in favour of Primary Response are not entitled to make a claim for payment under the settlement.

The Claims Administrator will provide a Notification Letter describing your payment, and if you do not agree with the amount, you may appeal to a referee, provided you pay a fee.

You will receive payment by your choice of e-transfer, or cheque.

4. WHAT IS THE EFFECT OF THE SETTLEMENT?

The settlement entirely resolves the issues in the Class Action.

The settlement represents a compromise of the disputed issues in the litigation. The settlement takes into account a variety of factors including the risks inherent in continuing the litigation and the time that would be required to finally resolve the matter, including appeals.

5. CLASS COUNSEL FEES / CLASS PROCEEDINGS FUND LEVY

The Court has approved payment of Class Counsel Fees in the amount of 25% of the Settlement Amount, being \$750,000.00, plus disbursements of \$4,611.19, plus HST. The Court has approved payment to the Class Proceedings Fund (CPF) of \$96,727.58 for disbursements plus the 10% levy in the amount of \$183,140.12.

The Court has also approved payment of an honorarium to the representative plaintiff in the amount of \$7,500.00.

MORE INFORMATION AND CLASS COUNSEL CONTACT

For more information, or if you have any questions, please contact Class Counsel at the address below:

Goldblatt Partners LLP

Attention: Tanya Atherfold-Desilva

20 Dundas Street West, Suite 1039

Toronto, Ontario, M5G 2C2

Tel: 416-979-4233

Fax: 416-591-7333

Email: tatherfold@goldblattpartners.com

THIS NOTICE WAS APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.