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The Supreme Court recently provided clarity in two leading employment class action cases for unpaid overtime. Just over one year ago, the Ontario Court of Appeal handed down two significant decisions where employees claimed for unpaid overtime work. The appeal court had certified class action lawsuits against two of Canada's largest and most prominent banks: the Bank of Nova Scotia ('Scotiabank') and the Canadian Imperial Bank of Commerce (CIBC). In both cases – *Fulawka v Scotiabank* and *Fresco v CIBC* – the banks commenced applications to the Supreme Court seeking leave to appeal the decisions. On March 21 2013 the Supreme Court denied the banks leave to appeal. As is customary when the Supreme Court denies leave to appeal, no reasons were given.

As a result, the two class actions will proceed to trial and will be decided on their merits, unless a settlement is reached in the meantime.

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Your Key Contacts



Norm Emblem

Counsel, Toronto

D +1 416 863 4487

M +1 647 501 4487

norm.emblem@dentons.com



Marina E. Sampson

Partner, Toronto

D +1 416 863 4783

marina.sampson@dentons.com