

Top court allows bank overtime class-actions

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OTTAWA — The Supreme Court of Canada has cleared the way for a pair of class-action lawsuits against **CIBC** and **Scotiabank** seeking hundreds of millions of dollars for unpaid overtime to go ahead.

The banks had sought leave to appeal a lower court decision allowing the cases, but the Supreme Court dismissed the application.

The lawsuits allege thousands of workers were denied overtime pay even though they were assigned more work than could be completed within their standard hours.

A lower court had denied class action status to the CIBC case, while a different court had allowed class action status be granted to the Scotiabank lawsuit.

However, the Ontario Court of Appeal felt both cases, which have not been proven in court, should be handled the same way and ruled they could go ahead.

In the CIBC case, teller Dara Fresco filed a lawsuit in June 2007.

Fresco launched the case on behalf of more than 31,000 tellers and other front-line customer service employees working at more than 1,000 CIBC branches across Canada.

Cindy Fulawka, a personal banking representative at Scotiabank, filed her class-action lawsuit against the bank in December 2007 seeking to represent some 5,000 Scotiabank personal or senior bankers, financial advisers and small business account managers.