



Seasonal In Store Service - Handbook

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This handbook is for the exclusive use of _____, an employee of:

Jeffery's Greenhouses Plant II Limited
2411 Fourth Avenue
Jordan Station, ON L0R 1S0
Ph. (905) 934-0514 Fax (905) 934-9044
Toll Free Phone (800) 472-2294 Toll Free Fax (866) 706-6881

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1.0 Welcome

Welcome to Jeffery's Greenhouses Plant II. We pride ourselves on the way we run our business and are confident that your stay here will be a positive experience for us all.

You will get to know us better and faster if you read this handbook that describes our company policies. It is intended to familiarize you with general information about our organization beyond that which you may have received in other documents or brochures outlining specific benefits and conditions of employment relating to your position. If you have any questions about your job, please direct them to your Merchandising Supervisor or the Merchandising Manager, Brian Bajuk who will be pleased to discuss them with you or refer you to the appropriate person to speak to (such as Human Resources).

As an employee of Jeffery's Greenhouses Plant II, the importance of your contribution to our operation cannot be overstated. Every employee's work has an influence and impact on the success of our company and our reputation within the greenhouse industry. We believe each staff member should have an equal opportunity to access and receive benefit from human resources processes and practices including recognition, constructive feedback and direction, open and honest communications, and a safe work environment.

Likewise, each staff member has a responsibility to develop and maintain the highest level of personal and professional standards, integrity and cooperative work ethic. We also expect that each staff member will provide regular and reliable attendance and carry out their job duties to the best of their ability. A friendly and cooperative attitude is essential to a pleasant and productive work environment.

We welcome you to Jeffery's Greenhouses Plant II and wish you the best of personal and professional success. We hope your employment with us will prove to be beneficial and rewarding for you and the company.

Sincerely,

Barbara Jeffery-Gibson
Jeffery's Greenhouses Plant II
President

1.1 Introduction

This handbook is designed to acquaint you with Jeffery's Greenhouse Plant II and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Jeffery's to benefit employees. The goal of this handbook is also intended to reduce conflicts and problems between employees and supervisory staff. By fulfilling these goals, this handbook will provide the following;

Consistent Communication: All of our business policies will be written down in order to avoid unnecessary problems and questions and all employees will receive the same information.

Fair Employee Treatment: If everyone follows the guidelines, everyone will be treated fairly and consistently.

Improved Performance: Knowing what is expected of you on the job so that you can perform your work competently and efficiently.

No employee handbook can anticipate every circumstance or question about policy. Jeffery's reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion.

The information contained in this handbook applies to all employees of Jeffery's. Following the policies described in this handbook is considered a condition of continued employment. However, nothing in this handbook alters an employee's status. The contents of this handbook shall not constitute nor be construed as a promise of employment or as a contract between the Company and any of its employees. The handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

This handbook is the property of the company and can be used for company business only. Any other use is prohibited.

1.2 Changes in Policy

This handbook supersedes all previous employee manuals and memos that may have been issued from time to time on subjects covered in this handbook.

However, since our business and our organization are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes. Changes will be effective on the dates determined by the Company, and after those dates all superseded policies will be null.

No individual supervisor or manager has the authority to change policies at any time. If you are uncertain about any policy or procedure, speak with your direct supervisor.

1.3 Company Mission Statement

Jeffery's Greenhouses Plant II mission is to continue to strengthen our reputation as an industry leader in the growing and mass-market distribution of high quality bedding plants and potted plants.

We plan to do this by;

- Recognizing that our employees are our most valuable resource by treating them with honesty and respect, and providing them with opportunities to advance in their careers.
- Treating our customers with respect and courtesy.
- Selling only those plants that meet the highest possible standards of quality.
- Utilizing the latest available technology in the industry.
- Maintaining ethical business practices.

1.4 General Head Office Contact Information

- **Toll Free Phone: (800) 472-2294**
 - ✓ **Sales Order Fulfillment extension 221 or 231**
 - ✓ **Human Resources, Payroll, and WSIB extensions 228**
 - ✓ **Controller (Privacy Officer, alternate Human Resources, Payroll, and WSIB) ext. 224**
 - ✓ **President extension 226**
- **Toll Free Fax (866) 706-6881**
- **Website: www.jefferysgreenhouses.com**
- **General Email ; info@jefferysgreenhouses.com**

Your Area Merchandising Supervisor will provide you with their direct contact information (cell phone and email address).

The email addresses of all parties are also available on the Jeffery's website after you log on.

2.0 General Policies

2.1 Attitude and Team Cooperation

When working, you should show a willingness to help others. While your first responsibility is to the job you were hired to do, you should be willing to help others. This could be by sharing helpful information with another employee, customer or Home Depot Associate by demonstrating a procedure to another person or sharing plant care information etc.

2.2 Harassment & Violence at the Work Place

Our Company is committed to providing you with a positive work environment that is free from violence and harassment in any form. This policy covers our employees and activity while on Company property as well as on our clients' (Home Depot Canada) property. Jeffery's Greenhouses Plant II Ltd, does not condone and will not tolerate acts of violence, threats of violence, discrimination, harassment, sexual harassment, intimidation or bullying against or by any Jeffery's Greenhouses Plant II Ltd employee in the workplace or involved in Company business. Similarly, weapons are strictly prohibited from both the Company's or Client's premises.

Violence is defined as a threat or an act of aggression resulting in physical or psychological damage, pain or injury to another person.

Harassment is defined as any unwelcome action by any person, whether verbal or physical, on a single or repeated basis, which humiliates insults or degrades another person. "Unwelcome" refers to any action which the harasser knows or ought to reasonably know is not desired by the victim of the harassment.

Sexual Harassment is any conduct, comment, gesture or physical contact because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. It includes making sexual solicitations or advances where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

The Company has implemented a prevention program that is documented in our Health and Safety Manual - **Policy A-8 Workplace Anti-violence, Harassment and Sexual Harassment. A full copy of this policy and the A-8 Workplace Harassment and/or Violence Incident Report** is posted on the Jeffery's Greenhouses website under the "Employment Forms" section when you log on.

Procedures to Respond to Incidents of Workplace Violence

Any employee who is a victim of or witness to violence or threat of violence must immediately:

- Remove themselves from the threat (if it is safe and possible to do so) by going to a safe place,
- Seek immediate assistance from police/ambulance by calling 911
- Report the incident to their supervisor or manager immediately

- Document the incident as soon as possible in **A-8 Workplace Harassment and/or Violence Incident Report form** and submit it to the Human Resources Manager for further investigation. A Manager or the Human Resources Manager may assist you in preparing the report.

In the case of a physical attack an employee should:

- Make a scene, blow a whistle, yell or scream as loud as possible. Try shouting words like, **“STOP, FIRE or HELP”**.
- If you are being pulled along or dragged, fall to the ground and roll
- Give bystanders specific instructions to help you. Single someone out and send them for help, - example **“You in the yellow shirt, call the police”**.
- If someone grabs your purse, briefcase, deposit bag or other belongings, **DO NOT RESIST**. Throw the item to the ground several feet away from the person and run in the opposite direction, yelling **“HELP”**.
- **DO NOT CHASE A THIEF**.
- Run to the nearest safe place, office or open store, house etc.

Reporting Incidents

All incidents of violence and formal complaints of harassment/sexual harassment perpetrated against or by any employee, should be reported to their Merchandising Supervisor or the Human Resources Manager and documented on the **“A-8 Workplace Harassment and/or Violence Incident Report”** as soon as possible following the incident.

False or Frivolous Complaints

It is important to realize that knowingly making false or malicious complaints may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of violence, harassment or sexual harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

2.3 Alcohol and Drug Use

Jeffery’s strives to create a work environment that is both healthy and comfortable for all its employees. It is recognized that the use of alcohol or drugs may have serious adverse effects on an employee’s health, safety, and job performance.

Alcohol and illegal or prescription drug usage

- All employees are expected to be fit for duty when reporting to work and remain fit for the duration of the day. This implies that employees must not be impaired by alcohol, illegal drugs, or prescription drugs.
- Employees on prescription medication (including medical marijuana) must communicate to their Manager, any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment. Prescription medication should not inhibit their ability to proficiently and safely perform their job functions.

- Consumption of medical marijuana in the workplace during working hours is prohibited, as is smoking medical marijuana in the outdoor designated smoking areas.
- Employees are not to have alcohol, illegal drugs, or related paraphernalia in their possession while in the work place.
- Possession, use, or selling of alcohol, drugs, or drug paraphernalia on/off Jeffery's property or in company vehicles as well as well on clients (Home Depot Canada) property is prohibited.
- Use of alcohol for social functions or any circumstances related to company business may be permitted when approved by owners. Approval must be obtained to ensure the use of alcohol does not contravene the intent of this policy.
- Employees should report unfit co-workers or other workplace parties to their Supervisor.
- Employees should communicate past, current or emerging dependency to their Supervisor or Human Resources so that they can be accommodated appropriately and seek appropriate treatment, where required. All medical information will remain confidential.

Policy Violations

Should there be reason to believe that an employee's job performance is being negatively affected by alcohol, illegal or prescription drugs, or that this policy is being violated in anyway, Jeffery's is entitled to inquire as to the nature of the problem and to take appropriate action; which may include disciplinary action.

If there is reasonable belief that an employee is impaired at work:

- If possible, the employee's Manager will first seek another Manager's opinion to confirm the employee's status.
- Next, the employee's Manager and another Manager (Human Resources) will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour that may include, but not limited to, slurred speech, difficulty with balance, watery and/or red eyes, dilated pupils, and/or there is an odor of alcohol, the employee will not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
- If an employee is considered impaired and deemed "unfit for work" this decision is made based on the best judgment of two members of management and DOES NOT require a breathalyzer or blood test. The employee will be advised that Jeffery's Greenhouses Plant II has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a manager/supervisor or another employee if necessary.
- If the employee refuses Jeffery's Greenhouses Plant II organized transportation and makes the decision to drive their personal vehicle the Company is obligated to and will contact the police to make them aware of the situation.
- A meeting will be scheduled for the following work day to review the incident and determine a course of action.

Jeffery's Greenhouses Plant II will differentiate between behavior that is properly characterized as an illness or disability, and behavior that is not.

Agreement for Continuation of Employment

Should an illness or disability be present, Jeffery's deems to work with the employee towards a goal of rehabilitation and the duty to accommodate under the Human Rights Code. Jeffery's Greenhouses Plant II reserves the right to invoke an Agreement for the Continuation of Employment in accordance with an employee's commitment to become, and remain alcohol and drug-free. The Agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions and may include a requirement for drug and alcohol testing.

Disciplinary Action

Employees will be subject to disciplinary action, up to and including termination of employment for failure to adhere to the provisions of this policy, including, but not limited to:

- Failure to meet prescribed safety standards as a result of impairment from alcohol and/or illegal or prescription drugs;
- Failure to disclose any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment while on prescription medication (including medical marijuana) and,
- Engaging in illegal activities (e.g. selling drugs and/or alcohol while on Jeffery's Greenhouses Plant II or clients' premises).

2.4 Smoking and Vaping (Electronic Cigarettes)

Employees who desire to smoke or use electronic cigarettes must do so during rest or lunch breaks only and in the designated outdoor areas. For safety and legal reasons (Smoke Free Ontario Act and Electronic Cigarette Act) smoking and the use of e-cigarettes are prohibited while working on the job or in any enclosed workspaces.

In accordance with the Smoke Free Act of Ontario, smoking is prohibited in any enclosed public place or enclosed workplace or within a nine metre radius surrounding any entrance or exit of those places. Accordingly, smoking in any of the Home Depot stores or garden centres or within a nine metre radius of their entrance is strictly prohibited.

If you must smoke or vape, do so in the outdoor smoking areas designated by Home Depot Management or in your own personal vehicles, at break and lunch time only and only dispose of your tobacco products in the outdoor containers designated by Home Depot Management.

Smoking or vaping in any unauthorized area or during unauthorized times, will result in disciplinary action up to and including dismissal.

2.5 DRESS CODE

It is important that our service representatives are dressed respectably. We have an industry reputation for high quality product and it is important that our service people reflect the same image. An employee's personal appearance and hygiene is a reflection on the company's character. Employees are expected to dress appropriately for their individual work responsibilities

and position. Employees are required to dress for their job tasks in such a way that their clothing does not pose a hazard to them or to their co-workers. Dress code requirements will depend upon individual workers' job tasks. These requirements address only "street clothes" or worker-selected attire and accessories; they do not address required safety clothing, such as safety glasses or safety shoes.

Jeffery's reserves the right to change, extend, revise, revoke, or continue this policy at its discretion. This policy is intended to be read with any other specific dress code policies that the employer has published including the company safety manual. Managers and supervisors are responsible for monitoring and reinforcing the dress code.

An employee who fails to arrive for work correctly attired in the appropriate work wear and personal protective equipment, regardless of the reason, will be instructed to return home to obtain the correct attire. It will then be the employee's responsibility to make his or her own way back to work. The period of absence shall be deemed to be leave without pay.

All employees are hereby advised that full compliance with this policy is a condition of employment at the Company. Any employee who violates this policy will be subject to discipline, up to and including discharge.

Attire (Clothing)

Shirts - Company shirts with our logo must be worn every day while on the job.

Pants or Shorts - Pants or respectably long shorts must be worn (preferably in neutral colors). Jeans are acceptable providing that they are in good condition and do not have tears or worn areas.

Contact lenses - Are not recommended to be worn at work or in garden centres as your eyes may become irritated due to trapped dust/soil.

Safety Boots/Shoes - Must be worn throughout the Home Depot Store/Garden Centre, to prevent injuries due to stubs, slips and cuts and they are a requirement of Home Depot. Jeffery's is prepared to contribute 50% of the total cost of your purchase up to a \$25.00 value. Please retain your safety boot/shoe receipt and submit it with your timesheet. Replacements will be accepted after two full seasons worked at the same reimbursement rate.

Sunglasses or Safety glasses - Must be worn when working in the garden centre to prevent airborne dust/soil from the plants or shipping racks irritating your eyes.

Straw hats and Sunscreen lotion - Are strongly recommended when working in the garden centre. Overexposure to the sun may lead to skin cancer.

Work/Garden gloves - Are strongly recommended due to potential cuts from sharp edges of trays. Gloves are also recommended if you have sensitive skin, in order to avoid minor skin irritation or allergic reactions from certain plants.

Long hair: Must be worn tied back to avoid entanglement in the shipping racks.

Special Accommodations

With exception concerning the employee's safety, every effort will be made to reasonably accommodate employees with a disability or with religious beliefs that may make it difficult for that employee to comply fully with the dress code policy. Employees should contact their supervisor to request such a reasonable accommodation. Supervisors will work the employees to develop a reasonable accommodation plan to meet the employee's specific needs while complying to the greatest extent possible with Jeffery's policies.

2.6 Home Depot Equipment/Tools

Home Depot equipment and tools used to perform your work must be treated with care. Moveable equipment such as watering wands and hoses, watering containers, step ladders and tools must be returned to the appropriate Home Depot designated storage area after use.

Any tools lost or broken during use must be reported immediately to your Home Depot Store Contact.

AT NO TIME MAY AN EMPLOYEE REMOVE ANY HOME DEPOT TOOLS AND EQUIPMENT FROM THE STORE.

2.7 General Safety Rules

The management of Jeffery's Greenhouses Plant II is committed to providing a safe and healthy work environment for all employees and customers.

Safety and the prevention of workplace accidents, injuries and disease is the responsibility of everyone - In store Service Representatives, Jeffery Supervisors and Home Depot Staff alike.

First Aid Stations – Consult the Home Depot Store contact to determine the location of any First Aid Stations or Certified First Aid Staff at the Home Depot Store.

Fire Safety – Know the procedure for reporting fires, the location of all fire escapes/exits, and where fire extinguishers within the Home Depot Store. Consult any site map posted in the Home Depot Store and the Home Depot Store Contact regarding the appropriate procedures you are to follow.

A general overview of the Company's Safety Rules is provided in this section:

1. Report all accidents/injuries immediately to your direct Supervisor or if the Supervisor is not available, to the Merchandising Manager. Inform the Home Depot Store Contact, who will direct you to First Aid, if First Aid Treatment is required. You must complete a **“Personal Injury/Accident and Property Damage Report”** and submit it by fax to the Jeffery's office. Your Supervisor will assist you in completing this form. A copy of this form can be found on the Jeffery's Greenhouses website, under the “Employment Forms” section when you log on. If there are any questions, regarding the incident you will be called. If you require medical treatment please consult the WSIB section 6 of this Handbook.
2. Report all malfunctioning or damaged Home Depot equipment and unsafe work practices/conditions immediately to the Home Depot Store Contact. They will ensure that appropriate action is taken to remedy the problem.
3. Ensure that you understand the duties you are to perform and how they are to be performed safely. If you are not sure of what constitutes safe work procedures for the task you are assigned, ask your Supervisor and/or the Home Depot Store Contact for guidance/instruction, including any Personal Protective Equipment that you are to wear to perform the job.

4. No employee shall knowingly be permitted to work while under the influence of drugs or alcohol.
5. No employee shall be permitted to work with impaired ability or alertness due to fatigue, illness or other factors that would cause the employee or co-workers exposure to bodily harm.
6. Horseplay or any other act that would tend to have an adverse influence on the safety or well being of others is prohibited.
7. Before operating any Home Depot equipment, make sure that you are authorized by the Home Depot Store Contact to use it and understand how to use it correctly.
8. Be alert and watch out for others, especially other employees and visitors/customers while performing your work.
9. Keep physically fit and obtain sufficient rest to be able to perform your job safely.
10. Anticipate every way in which a person might be injured on the job and conduct your own work with the intent to avoid such injuries.
11. Do not ride on any power equipment in the Home Depot Store. Hitching rides on forklifts, pallet jacks, or any other rolling equipment is strictly prohibited.
12. Keep aisles, floors, stairs and walkways in the garden centres free from debris, which may cause a person to slip and fall. Use caution on wet surfaces.
13. Be alert to any moving machinery/equipment on the walkways in the garden centre/stores, between buildings and around loading areas.
14. Do not block exits, stairs, exit signs, or fire extinguishers with plants or equipment.
15. Obey all company (Home Depot and Jeffery's) safety rules, safe work practices and warning signs.
16. Use personal protective equipment as required and every possible aid available towards promoting safe operations.
17. All work shall be planned and supervised to prevent injuries.

2.8 Safe Work Procedures

Shipping Rack Procedures

When moving a shipping rack it is important to:

- Identify which side of the rack has the turning wheels. These wheels should face you when moving racks.
- Stand off to the side of the rack standing about a foot or so ahead of the rack.
- Pull the rack with your arm reaching back.

- Always make sure the tow-bar is in the upright position when moving or in a stationary position (so that customers do not trip over the bar while you are unloading racks)
- Do Not push the rack from behind (soil from the shelves could possibly get in your eyes) and plants on the shelves can block your line of sight.
- Make sure your feet are far away from the wheels, so you won't clip your ankle
- On windy days, wood shelves should be knocked down to waist level to prevent shelves from blowing up and striking your face.
- When moving racks to the storage area no more than 1 rack should be taken at a time. **DO NOT PULL THEM IN A TRAIN!**
- The wheels of the empty racks in the storage area must be blocked (paving stones, etc.) to prevent them from being blown around.
- Racks are to be placed 'Tow Bar to Tow Bar' in bump outs to avoid tripping, and the wheels must be blocked (paving stones, etc.) to prevent them from being pushed by the wind out into the parking lot.

Safe Watering

- When watering with a garden hose and wand, grip the watering wand from below with one hand (wrist upward), tucking the garden hose under that arm for support and grasp the garden hose with the other hand, placing the hose behind (i.e. around the back of your waist).
- To easily move the garden hose, support the hose across the back of your shoulders and pull it along.
- Please be mindful of where the hose is located during watering, to ensure that you don't knock over displays or customers in the garden centre.
- Try to keep the hose along the edge of the aisle, so that customers do not trip over the hose.
- If water accumulates on the ground due to watering product, then a "Wet Floor" sign should be placed in the area. Signs are kept in the seasonal department.

Safe Lifting and Carrying Techniques

- Size up the load and check overall conditions. Don't attempt the lift by yourself if the load appears to be too heavy or awkward. Check that there is enough space for movement, and that the footing is good. "Good housekeeping" ensures that you won't trip or stumble over an obstacle.
- Make certain that your balance is good. Feet should be shoulder width apart, with one foot beside and the other foot behind the object that is to be lifted.
- Bend the knees, don't stoop. Keep the back straight, but not vertical (tucking in the chin straightens the back).
- Grip the load with the palms of your hands and your fingers. The palm grip is more secure. Tuck in the chin again to make certain your back is straight before starting to lift.
- Use your body weight to start the load moving, and then lift by pushing up with the legs. This makes full use of the strongest set of muscles.
- Keep the arms and elbows close to the body while lifting.
- Carry the load close to the body. Don't twist your body while carrying the load. To change direction, shift your foot position and turn your whole body.
- Watch where you are going.
- To lower the object, bend the knees. Don't stoop. To deposit the load on a bench or shelf, place it on the edge and push it into position. Make sure your hands and feet are clear when placing the load.

- Where the weight, shape, or size of an object makes the job too much for one person, **ask for help.**
- Ideally, workers should be of approximately the same size when working with another person.
- To ensure proper co-ordination, only one individual needs to be responsible for control of the team action. If one worker lifts too soon, shifts the load, or lowers it improperly, either they or the person working with them may be injured.

Housekeeping

- Please ensure that the Garden Centre walkways are clear of dead leaves, excess water and debris. Throw refuse into the containers designated by Home Depot.
- Return all tools, garden hoses, watering wands/cans to their designated storage area after use.
- Sweep/wipe walkways, squeegee excess water – Check with the Home Depot Store Contact, for the proper tools to use.
- Place empty shuttle trays back on the empty racks for return to Jeffery's Greenhouses.
- Place empty racks for return to Jeffery's in the area designated by Home Depot.

2.9 Visitors

Jeffery's employees are not permitted to have friends or family members visit them while working at a Home Depot Garden Center. Such visits are often distracting lead to lost job productivity and/or errors and could potentially result in injury to the worker, visitor or Home Depot customer.

If a family member or friend is shopping as a customer, then employees should may only assist them in the garden centre as they would assist any other shopping customer of the Home Depot.

At no point may any person(s) other than another employee of Jeffery's or Home Depot, assist with the performance of the merchandising duties of this job,

If you are unable to attend work, you must notify your supervisor immediately of your absence. Under no circumstance may you send a friend or relative to work in your place.

This policy applies to all known persons visiting Home Depot Garden Centers who are not currently employed by the company, including friends or relatives of current employees and all former employees.

3.0 Employee Work Policies

The following constitutes the General Employee Work Policies of the Company:

3.1 Hours of Work

Full Time Seasonal Contract Term Positions

In store starting time is generally 8:00 am to 4:30 pm (8 hour day) Monday through Sunday (if required).

Hours will be flexible at certain times due to workload, weather or other circumstances. Your visits will be scheduled according to a schedule set by your direct Supervisor.

Part Time Seasonal Contract Term Positions

Hours vary depending on the location. Your visits will be scheduled according to a time table set by your direct Supervisor.

Breaks

One unpaid thirty (30) minute lunch break must be taken after 5 consecutive hours of work.

Two fifteen (15) minute breaks are available per 8 hours shift. Please take one in the morning and the afternoon.

Travel Time

The company will pay travel time between stores. However, travel time and mileage from your home to your first store and from the last store back to your home is not remunerated.

Public Holidays

You are entitled to Public Holiday Pay. Ontario has nine Statutory Holidays – New Year's Eve, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

The amount of Public Holiday pay that you are entitled to is calculated as follows - all of the regular wages earned by the employee in the pay period before the public holiday, divided by the number of days the employee worked in that period. Different pay periods are used if either:

- The employee was on a personal emergency leave, on vacation or both for the entire pay period before the public holiday, or
- The employee was not employed during the pay period before the public holiday.

Regular wages does not include any overtime pay, vacation pay, public holiday pay, premium pay, personal emergency leave pay, domestic or sexual violence leave pay, termination pay, severance pay or termination of assignment pay payable to an employee.

If the employee was on a personal emergency leave (see "Personal emergency leave" later in this Guide) or on vacation or both for the entire pay period before the public holiday, the regular wages earned by the employee in the pay period before the start of that leave or vacation, divided by the number of days the employee worked in that period is used to calculate the public holiday pay. If the employee was not employed during the pay period before the public holiday, the public holiday pay is calculated using the regular wages earned by the employee in the pay period that includes the public holiday, divided by the number of days the employee worked in that period.

3.2 Overtime Hours

Your normal workweek is based on the schedule set by your Supervisor and may include Saturday, Sunday and/ public holidays. The plant product that we grow is perishable product and must have the care that it needs at the immediate time of need. Every endeavor will be made to give you adequate notice of overtime work.

All overtime work must be approved by your Supervisor in order for you to receive compensation for it.

Hours in excess of 44 hours per week will be paid at a premium rate of 1.5 times your regular rate of pay.

3.3 Attendance

All employees of Jeffery's Greenhouses Plant II have an obligation to regularly perform the functions they were hired to do. Jeffery's is also committed to working with and assisting employees who have illnesses, injuries or other conditions beyond their control that cause them to miss work or prevent them from attending regularly.

The purpose of this attendance policy is

- Establish standards for attendance and
- Establish a framework for response, both non-disciplinary and if necessary, disciplinary, when employees don't meet standards
- Ensure this policy is in accordance with Jeffery's legal obligations, including but not limited to its right to make reasonable accommodations under the Ontario's Human Rights Act as well as the regulations outlined in the Employment Standards Act.

Arrival:

We expect our employees to arrive at the scheduled times at the Home Depot Stores and be prepared to work.

Call In Procedure:

If you are absent from work, you must call your direct Supervisor before your scheduled shift starts and inform them of your absence, the reason for your absence and the expected duration of your absence. If you are not sure of when you will return, you are expected to contact them before the start of your shift each day during the duration of your absence.

Attendance Standards:

Absenteeism (other than emergency leave) should be avoided since the position is just for a limited term. Excessive lateness or illness prevents employees from performing the functions they were hired to fulfill.

Personal appointments (doctor, dentist, etc) should be scheduled around your work schedule. However, we understand that in some cases it is not always possible to do so. In these cases,

where you know that you will require time away from work, you will need to request approval from your Supervisor at least one week in advance of the day(s) off being requested.

Excessive tardiness, absenteeism, or failure to notify the Supervisor in advance of your absence cannot be tolerated and will result in disciplinary action. An employee who fails to report for work and call in for two (2) days in a row will be presumed to have quit their job and will be replaced, unless the emergency was such that the employee did inform the Supervisor of his/her absence as soon as practicable.

3.4 Employee Accountability and Discipline

Jeffery's Greenhouse Plant II promotes fair and constructive treatment of unacceptable conduct or work performance. Management and employees are committed to abide by all of the Company's policies, terms and conditions relating to behavioural conduct and employment. Breaches of this commitment will result in the onset of corrective progressive disciplinary procedures as outlined in this policy.

The purpose of this progressive discipline policy is:

- To provide employees with advance warning that certain actions or certain behaviour is inappropriate and that a positive change is necessary;
- To ensure fair and consistent corrective action for all employees;
- To provide written documentation of behavioural or performance issues and the corresponding corrective action that was taken; and
- To inform employees of the consequences of unacceptable behaviour before it happens.

The supervisor is responsible for promptly identifying and responding to any unsatisfactory conduct or performance. Before initiating a progressive disciplinary process, the supervisor communicates both verbal and written expectations to the employee and ensures that he or she knows the expected standard and that failure to comply could result in disciplinary action.

ACCEPTABLE WORKPLACE CONDUCT AND PERFORMANCE IS AN EXPECTATION OF JEFFERY'S GREENHOUSES PLANT II THAT WILL NOT BE COMPROMISED. IF YOU ARE HAVING A PROBLEM, YOU MUST TAKE RESPONSIBILITY. ASK FOR HELP AND CORRECT THE PROBLEM BEFORE THERE IS A SEVERE CONSEQUENCE.

Disciplinary Procedure

The progressive disciplinary process is initiated for serious situations in which policies, procedures or professional practices have been ignored or contravened or an employee's performance fails to meet acceptable standards.

The progressive disciplinary process consists of both informal verbal and formal written discussions which occur when there are specific deficiencies in your work conduct. These incidents are logged in your file. You are expected to correct problems immediately and ensure that they do not recur. Pending the severity of the incident under review, the expected process will consist of one verbal documented warning, one written documented warning with possible termination occurring on the third incident.

Human Resources is available for consultation at any stage of the process and must be involved prior to a written warning. Human Resources and the Merchandising Manager must be involved prior to suspension or dismissal.

3.5 Expense Reimbursement

The company will reimburse you for the following items at the following rates and they are to be submitted on the Biweekly Hours and Mileage/Expense Claim Form:

Mileage allowance – You will be reimbursed for kilometers traveled in your personal vehicle between Home Depot Stores when required at the rate of \$0.35 per kilometer. Kilometers traveled from home to your first store and from your last store back to home will not be reimbursed.

Safety Boots – Upon presentation of proof of purchase, you will be reimbursed 50% of your purchase up to a \$25.00 value. Please retain your safety boot/shoe receipt and submit it with your timesheet. Replacements will be accepted after two full seasons worked at the same reimbursement rate.

Cellular/Telephone Expense – Cellular or telephone expenses incurred for long distance charges will be reimbursed upon presentation of the receipt detailing the charges claimed. However, this should be rare since you may contact our Head Office from Home Depot using our toll free number 1 800-472-2294 or use our Toll Free fax number 1-866-706—6881 without incurring long distance charges and you may email your Supervisor from the Jeffery's Greenhouses website when you log in at the store, and your Supervisor can then contact you at the store.

3.6 Vacations

There will be no vacation time granted to anyone who is working on a seasonal contract (less than one year). However, Vacation Pay, which is calculated in accordance with the Employment Standards Act as four per cent (4%) of all gross wages, will be paid out to all seasonal employees at the end of their seasonal work contract term.

Gross wages on which vacation pay is calculated includes:

- Regular earnings including commissions
- Bonuses and gifts that are non-discretionary or are related to hours of work
- Overtime pay
- Public holiday pay
- Termination pay; and
- Allowances for room and board

4.0 Employee Pay Information

The following constitutes the general policies of the Company relating to Employee Pay.

4.1 Recording Your Hours Worked

Record your hours worked and kilometers traveled in your personal vehicle (if applicable) on the "Timesheet Fillable Form" located on **Jeffery's website** at the end of each week (by Sunday). The Supervisor will review and approve your mileage and hours worked. If only recording hours you may use the "Hours Worked Submission – Web Punch" button to punch in and out.

Please note the time that you arrive at your first store in the day and the time that you leave your last store of the day, compute the hours worked. Please note that your thirty (30) minute lunch is unpaid. If you work through your lunch break, you will not be paid for it unless you include in the comments that you worked through lunch and your Supervisor has authorized it in advance.

4.2 Pay Date and Method

All employees are paid on a bi-weekly basis by direct deposit to the employee's bank account. During a pay week, payroll information is processed on Tuesday and transferred to the bank for deposit to the employee's bank account on Thursday morning.

A statement of your wages paid and deductions taken is available on Thursday and will be mailed to you. If you have not received this advice within five days of the pay date, please call the Payroll Department at our toll free number.

If you have any questions regarding your pay stub please do not hesitate to contact the Payroll Department (Allison Beekhuis / Gina Marchionda). They would be happy to answer all questions or review your payment advice with you.

Also, any changes to your Personal Data such as Name, Address, Telephone Number, Banking Information, Emergency Contact and Extra Tax Deductions must be given immediately to the Payroll Department. In order to ensure you receive your paper copy of your record of employment at the end of the season, please ensure your apartment or unit number is on your pay slip (if applicable). Please fax or e-mail the changes required to the Payroll Department (Allison Beekhuis).

Remember, it is your responsibility to notify us of any changes and advise us of your hours. If you want them to take effect for your next pay or if you want to be paid, the information must be given to the Payroll Department no later than the Monday morning of that pay week.

5.0 Time Away From Work

The following constitutes our policy regarding leaves of absence for seasonal employees.

5.1 Rights During ESA Protected Leaves

Employees who are on pregnancy, parental, personal emergency, declared emergency, family caregiver, family medical, critical illness, organ donor, domestic or sexual violence, child death or crime-related child disappearance leave have the following rights;

The Right to Reinstatement

Upon return from an ESA protected leave, the employee is entitled to;

- ✓ The same job the employee had before the leave began; or
- ✓ A comparable job, if the employee's old job no longer exists

In either case, the employee will be paid at least as much as he or she was earning before the leave.

However, Jeffery's Greenhouses is not required to reinstate the employee if the employee has been dismissed for legitimate business reasons that are totally unrelated to the fact that the employee took an ESA protected leave or the ***employee is on a seasonal contract for which the employment term expires prior to the leave ending.***

The Right to be Free from Penalty

Employees will not be penalized in any way because they took such an ESA protected leave, plan to or they are eligible or will become eligible to take such an ESA protected leave.

5.2 Unpaid Leaves

In accordance with the Employment Standards Act of Ontario (ESA), an employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay because of a personal illness, injury or medical emergency. This is defined as follows;

Sick Leave

An employee's entitlement to leave under this section is limited to a leave of absence without pay because of a personal illness, injury or medical emergency. An employee's entitlement to leave under this section is limited to a total of **three unpaid days** in each calendar year after two consecutive weeks of employment. An employee who wishes to take a leave under this section shall advise his or her employer that he or she will be doing so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it. If an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day. An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

Family Responsibility Leave

An employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay because of any of the following:

1. The illness, injury or medical emergency of an individual as defined to be a family member (see below).
2. An urgent matter that concerns an individual as defined to be a family member (see below).

An employee's entitlement to leave under this section is limited to a total of **three unpaid days** in each calendar year. An employee who wishes to take a Family Responsibility Leave shall advise his or her employer that he or she will be doing so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it. If an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day. An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

Bereavement Leave

An employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay because of the death of an individual as defined to be a family member. (See below). An employee's entitlement to leave under this section is limited to a total of **two unpaid days** in each calendar year.

An employee who wishes to take a leave under this section shall advise his or her employer that he or she will be doing so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it. If an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day. An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

For entitlement for the Family Responsibility and Bereavement Leaves,

Family members are defined as the following individuals:

1. The employee's spouse.
2. A parent, step-parent or foster parent of the employee or the employee's spouse.
3. A child, step-child or foster child of the employee or the employee's spouse.
4. A grandparent, step-grandparent, grandchild or step-grandchild of the employee or of the employee's spouse.
5. The spouse of a child of the employee.
6. The employee's brother or sister.
7. A relative of the employee who is dependent on the employee for care or assistance.

Rights during leave

Employees who take personal emergency leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, Jeffery's cannot threaten, fire or penalize in any way an employee who takes or plans on taking a personal emergency leave.

5.3 Pregnancy and Parental Leave

Pregnant employees have the right to take **pregnancy leave** of up to 17 weeks of unpaid time off work. In some cases, the leave may be longer. Employers do not have to pay wages to someone who is on pregnancy leave.

New parents have the right to take parental leave – unpaid time off work when a baby or child is born or first comes into their care. Birth mothers who take pregnancy leave are entitled to up to 61 weeks' leave. Birth mothers who do not take pregnancy leave and all other new parents are entitled to up to 63 weeks' parental leave.

Parental leave is not part of pregnancy leave and so a birth mother may take both pregnancy and parental leave. In addition, the right to a parental leave is independent of the right to pregnancy leave.

For example, a birth father could be on parental leave at the same time the birth mother is on either her pregnancy leave or parental leave.

Employees on leave have the right to continue participation in certain benefit plans and continue to earn credit for length of employment, length of service, and seniority. In most cases, employees must be given their old job back at the end of their pregnancy or parental leave.

An employer cannot penalize an employee **in any way** because the employee is or will be eligible to take a pregnancy or parental leave, or for taking or planning to take a pregnancy or parental leave.

Ontario's ESA and the federal *Employment Insurance Act*

The *Employment Standards Act, 2000* (ESA) provides eligible employees who are pregnant or are new parents with the right to take unpaid time off work.

In contrast, the federal *Employment Insurance Act* provides eligible employees with maternity and/or parental benefits that may be payable to the employee during the period they are off on an ESA pregnancy or parental leave.

The rules governing the right to take time off work for pregnancy and parental leave under the ESA are different from the rules regarding the payment of maternity benefits and parental benefits under the federal *Employment Insurance Act*. For example, a new father may choose to commence a parental leave under the ESA up to 78 weeks after the child is born. However, there may be restrictions on accessing the employment insurance parental benefits at that time. **It is extremely important that employees obtain information about their rights to EI benefits if they are considering taking a pregnancy or parental leave under the ESA.** For information about maternity and parental benefits, contact Service Canada's Employment Insurance Automated Telephone Information Service at 1-800-206-7218.

Pregnancy Leave

Pregnant employees have the right to take pregnancy leave of up to 17 weeks, or longer in certain circumstances, of unpaid time off work.

Qualifying for pregnancy leave

A pregnant employee is entitled to pregnancy leave whether she is a full-time, part-time, permanent or term contract employee provided that she started her employment with the company at least 13 weeks before the date her baby is **expected** to be born (the "due date").

Note that an employee does not have to **actively** work the 13 weeks prior to the due date to be eligible for pregnancy leave. It is only necessary that she have commenced employment at least 13 weeks before the baby is expected to be born.

When a pregnancy leave can begin

Usually, the **earliest** a pregnancy leave can begin is 17 weeks before the employee's due date. However, when an employee has a **live** birth more than 17 weeks before the due date, she will be able to begin her pregnancy leave on the date of the birth. Ordinarily, the **latest** a pregnancy leave can begin is on the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born. Within these restrictions, an employee can start her pregnancy leave any time within the 17 weeks up to and including her due date. The company cannot decide when the employee will begin her leave even if the employee is off sick or if her pregnancy limits the type of work she can do.

Length of a pregnancy leave

A pregnancy leave can last a maximum of 17 weeks for most employees. However, if an employee has taken a full 17 weeks of leave but is still pregnant, she may continue on the pregnancy leave until the birth of the child. If she has a live birth, the pregnancy leave will end on the date of the birth and then, in most cases, she will be able to commence her parental leave. An employee may decide to take a shorter leave if she wishes. However, once an employee has started her pregnancy leave, she must take it all at once. She **cannot** use up part of the 17 weeks, return to work and then go back on pregnancy leave for the unused portion. If she returns to work for the employer from whom she took the leave, even if it is only part-time, under the ESA she gives up the right to take the rest of her leave. (Note, under the ESA, a return to work, even on a part-time basis, would end the pregnancy leave.)

Miscarriages and stillbirths

An employee who has a miscarriage or stillbirth **more than 17 weeks before her due date** is not entitled to a pregnancy leave. However, if an employee has a miscarriage or stillbirth **within the 17-week period preceding the due date**, she is eligible for pregnancy leave. The latest date for commencing the leave in that case is the date of the miscarriage or stillbirth.

The pregnancy leave of an employee who has a miscarriage or stillbirth ends on the date that is the **later** of:

- 17 weeks after the leave began; **or**
- 12 weeks after the stillbirth or miscarriage.

This means that the pregnancy leave of an employee who has a stillbirth or miscarriage will be at least 17 weeks long. In some cases it may be longer.

Notice requirements for pregnancy leave

Giving notice about starting a pregnancy leave

An employee must provide the company at least two weeks' written notice before beginning her pregnancy leave. Also, if the requested, she must provide a certificate from a medical practitioner (which may include a medical doctor, a midwife or a nurse practitioner) stating the baby's due date.

Retroactive notice

Sometimes an employee has to stop working earlier than expected (for example, because of complications caused by the pregnancy). In that case, the employee has two weeks after she stops working to give the company **written notice** of the day the pregnancy leave began or will begin.

An employee does not have to start her pregnancy leave at the time she stops working if she has stopped work due to illness or a complication caused by her pregnancy. She may choose instead to

treat the time off as sick time and plan to commence the pregnancy leave later (but no later than the earlier of the birth date or due date). In that case, she has two weeks after she stops working to give the company written notice of the day the leave will begin.

If the company requests it, the employee has to provide a medical certificate issued by a medical doctor, a midwife or a nurse practitioner stating the baby's due date and stating that she was unable to perform the duties of her position because of the complication.

If an employee stops working earlier than expected because of a birth, stillbirth or miscarriage, she has two weeks after she stops working to give the company **written notice** of the day the leave began. The pregnancy leave begins no later than the date of the birth, stillbirth or miscarriage. If the company requests it, the employee has to provide a medical certificate issued by a medical doctor, a midwife or a nurse practitioner stating the due date and the date of birth, stillbirth or miscarriage.

Changing the date a pregnancy leave starts

Suppose an employee has given notice to begin a pregnancy leave. She can begin the leave **earlier** than she originally told the company if she provides a new **written notice** at least two weeks before the **new, earlier date**.

Failing to give notice

An employee who fails to give the required notice **does not** lose her right to a pregnancy leave.

Giving notice about ending a pregnancy leave

An employee can tell the company when she will be returning to work, but she is not required to do so. If the employee does not specify a return date, the company is to assume that she will take her full 17 weeks of leave (or any longer period that she may be entitled to).

The company cannot require an employee to return from her leave early. Also, the company has no right under the ESA to require an employee to prove, through medical documentation, that she is fit to return to work. The decision to return to work is the employee's.

Changing the date a pregnancy leave ends

An employee may want to change the date her leave was scheduled to end to an **earlier date**. If so, she must give the company a **new** written notice at least four weeks before the **new, earlier** day.

An employee may want to change the date her leave was scheduled to end to a **later** date. In this case, she must give the company a **new** written notice at least four weeks before the date the leave was **originally** going to end. Unless the employer agrees, she cannot schedule a new end date to her pregnancy leave that would result in her taking a longer leave than she is entitled to under the ESA.

When an employee decides not to return to work

Suppose an employee wants to resign before the end of her pregnancy leave, or at the end of the leave. She must give the company at least four weeks' written notice of her resignation. This notice requirement does not apply if the employer constructively dismisses the employee.

Parental leave

Both new parents have the right to take parental leave of up to 61 or 63 weeks of unpaid time off work.

Qualifying for parental leave

A new parent is entitled to parental leave whether they are a full-time, part-time, permanent or term contract employee provided that the employee was employed by the company for at least 13 weeks before commencing the parental leave.

An employee does not have to **actively** work in the 13- week period preceding the start of the parental leave. For example, the employee could be on layoff, vacation, sick leave or pregnancy leave for all or part of the 13-week qualifying period and still be entitled to parental leave. The ESA only requires the employee to have been **employed** by the employer for 13 weeks before they may commence a parental leave.

A "parent" includes:

- a birth parent;
- an adoptive parent (whether or not the adoption has been legally finalized); or
- a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own. This includes same-sex couples.

When a parental leave can begin

A birth mother who takes pregnancy leave must ordinarily begin her parental leave as soon as her pregnancy leave ends. However, an employee's baby may not yet have come into her care for the first time when the pregnancy leave ends. For example, perhaps her baby has been hospitalized since birth and is still in the hospital's care when the pregnancy leave ends. In this case, the employee can either commence her leave when the pregnancy leave ends or choose to return to work and start her parental leave later. If she chooses to return to work, she will be able to start her parental leave anytime within 78 weeks of the birth or the date the baby first came home from the hospital.

All other parents must **begin** their parental leave no later than 78 weeks after:

- the date their baby is born; **or**
- the date their child **first** came into their care, custody and control.

The parental leave does not have to be **completed** within this 78-week period. It just has to be started.

Length of a parental leave

Birth mothers who take pregnancy leave are entitled to take up to 61 weeks of parental leave. All other new parents are entitled to take up to 63 weeks of parental leave. Employees may decide to take a shorter leave if they wish. However, once an employee has started parental leave, they must take it all at one time. The employee **cannot** use up part of the leave, return to work for the company and then go back on parental leave for the unused portion. (Note: under the ESA, a return to work, even on a part-time basis, would end the parental leave.)

Miscarriages and stillbirths

An employee who has a miscarriage or stillbirth, or whose spouse or same-sex partner has a miscarriage or stillbirth, **is not** eligible for parental leave.

Notice requirements for parental leave

Giving notice about starting a parental leave

An employee must give the company at least two weeks' **written notice** before beginning a parental leave. Because EI benefits can be taken over a shorter period or longer period, it is

strongly advised that employees tell the company exactly how many weeks they plan to take as parental leave when they give notice. If an employee does not tell the company how much leave they plan to take, the company is to assume that the employee will be on leave for the full 61 or 63 weeks (see “giving notice about ending a parental leave” and “changing the date a parental leave ends,” below). In that case, the employee is required to give four weeks’ written notice if they want to return to work before using 61 or 63 weeks of leave. If an employee is also taking a pregnancy leave, she may, but is not required to, give the company notice of the parental leave when she gives notice of her pregnancy leave.

Retroactive notice

Sometimes, an employee may stop working earlier than expected because a child is born or comes into the employee's custody, care and control for the first time earlier than expected. In this case, the employee has two weeks after stopping work to give the company written notice that they are taking parental leave. The parental leave begins on the day the employee stops working.

Changing the start of a parental leave to an earlier date

Suppose an employee has given notice to begin a parental leave. The employee can begin the leave **earlier** than they have told the company by giving a new **written notice** at least two weeks before the **new, earlier date**. If the employee intends to use less than 61 or 63 weeks of leave, it is advised that the employee clearly state the number of weeks they plan to take in the new written notice. See “giving notice about starting a parental leave,” above.

Failing to give notice

An employee who fails to give the required notice **does not** lose their right to a parental leave.

Giving notice about ending a parental leave

An employee can tell the company when they will be returning to work, but is not required to do

so. If the employee does not specify a return date, or did not specify a return date when the original notice that the employee was planning to take the leave was given, the company is to assume that the employee will take their full 61 or 63 weeks of leave. For example, if an employee did not specify that in the original notice that they planned to take 35 or 37 weeks of leave, the company will assume that the employee will take the full 61 or 63 weeks of leave. If the employee wants to return to work after 35 or 37 weeks of leave, they must provide four weeks’ of written notice prior to their return to work unless the company allows the employee to return. The company cannot require an employee to return from leave early.

Changing the date a parental leave ends

An employee may want to return to work **earlier** than the date they were scheduled to return. If so, the employee must give the company written notice at least four weeks before the **new, earlier day**. An employee may want to return to work **later** than they were scheduled to return. In this case, the employee must give the company **new** written notice at least four weeks before the date the employee was **originally** going to return. However, unless the company agrees, the employee cannot schedule a new return date that would result in the employee taking a longer leave than they are entitled to under the ESA.

When an employee decides not to return to work

Suppose an employee decides to resign before the end of their parental leave, or at the end of the leave. The employee must give the company at least four weeks’ written notice of the resignation. This notice requirement does not apply if the company constructively dismisses the employee.

Rights for employees taking pregnancy and parental leaves

Employees on pregnancy or parental leave have several rights.

The right to reinstatement

In most cases, an employee who takes a pregnancy or parental leave is entitled to:

- the same job the employee had before the leave began; **or**
- a comparable job, if the employee's old job no longer exists

unless the contract term of the employee ends before the end of the pregnancy/parental leave.

In either case, the employee must be paid at least as much as they were earning before the leave. Also, if the wages for the job went up while the employee was on leave, or would have gone up if they hadn't been on leave, the employer must pay the higher wage when the employee returns from leave. If an employer has dismissed an employee for legitimate reasons that are **totally** unrelated to the fact that the employee took a leave, the employer does not have to reinstate the employee.

The right to be free from penalty

The company cannot penalize an employee **in any way** because the employee:

- took a pregnancy or parental leave;
- plans to take a pregnancy or parental leave;
- is eligible to take a pregnancy or parental leave; or
- will become eligible to take a pregnancy or parental leave.

5.4 Unpaid Leave for Jury Duty

We are required by law to honor all requests for time off to perform jury duty. Leave for jury duty is unpaid time off.

Employees must inform us upon receipt of the jury duty summons and submit it along with a copy of your jury duty summons, to your Supervisor for approval.

5.5 Domestic or Sexual Violence Leave

Domestic or sexual violence leave is a job-protected leave of absence. It provides up to 10 days and 15 weeks in a calendar year of time off to be taken for specific purposes when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. The first five days of leave taken in a calendar year are paid, and the rest are unpaid.

Eligibility

Employees who have been employed by the company for at least 13 consecutive weeks are entitled to domestic or sexual violence leave if the employee or the employee's child has experienced or been threatened with domestic or sexual violence, and the leave is taken for any of the following purposes:

- To seek medical attention for the employee or the child of the employee because of a physical or psychological injury or disability caused by the domestic or sexual violence.
- To access services from a victim services organization for the employee or the child of the Employee.
- To have psychological or other professional counselling for the employee or the child of the Employee.
- To move temporarily or permanently.
- To seek legal or law enforcement assistance, including making a police report or getting ready for or participating in a family court, civil or criminal trial related to or resulting from the domestic or sexual violence.

- An employee is not entitled to this leave if the employee committed the domestic or sexual violence.
- “Child” means a child, step-child, child under legal guardianship or foster child who is under 18 years of age.

Length of domestic or sexual violence leave

Employees are entitled to up to 10 full days of domestic or sexual violence leave every **calendar year**, whether they are employed on a full- or part-time basis.

There is no pro-rating of the 10-day entitlement. An employee who begins work partway through a calendar year is still entitled to 10 days during the remainder of that year. Employees cannot carry over unused domestic or sexual violence leave days to the next calendar year. The 10 days of domestic or sexual violence leave do not have to be taken consecutively. Employees can take domestic or sexual violence leave in part days, full days, or in periods of more than one day. If an employee takes only part of a day as domestic or sexual violence leave, the company will count it as a full day of leave.

In cases where the employee takes part of a day, the company still has to pay the employee for any part of the day that the employee worked, and has to include the hours worked for the purpose of determining whether overtime was worked or a daily or weekly limit on hours of work was reached. Employees are also entitled to take up to 15 weeks of domestic or sexual violence leave within a **calendar year** for the purposes set out above. A “week” is defined as running from Sunday to Saturday.

The 15 weeks can be taken consecutively or separately. The employee may take leave for periods less than a full week (for example, single days, at the beginning, middle or end of a week), but if they do, they are considered to have used up one week of their 15-week entitlement. If the employee is on leave for two or more periods within the same week (for example, on leave on Monday and Thursday of the same week), only one week of the 15-week entitlement is used up.

The company cannot require the employee to take an entire week of leave if the employee only wants to take leave for a single day(s), cannot prevent the employee from working prior to taking a single day(s) of leave during a week, and cannot prevent the employee from returning to work after a single day(s) of leave during the week.

Domestic or sexual violence leave pay

The first five days of domestic or sexual violence leave taken in a calendar year must be paid. The rest are unpaid. The first five days are to be paid whether the employee takes leave from the 15-week entitlement, or the 10-day entitlement.

Domestic or sexual violence pay – what is it and when is it payable?

For domestic or sexual violence leave pay, an employee is generally entitled to be paid what they would have earned had they been at work and not taken the leave. If the employee is paid fully or partly by a performance-related method (like commission only, commission plus salary, commission plus hourly rate, or piece work) then they must be paid the greater of their hourly rate or the applicable minimum wage for the time at work they missed because they were on personal emergency leave. If the employee missed part of a day to take the leave, the employee would be entitled to be paid any wages they actually earned during the time they were at work in addition to domestic or sexual violence leave pay.

Notice requirements: Advance notice

There are two lengths of domestic and sexual violence leave that can be taken within a calendar year:

- a 10-day period which can be taken as either individual days or in any combination up to 10 days, and
- a 15-week period which can be taken continuously or not.

If an employee plans to take one or more days from the 10-day period, the employee must tell the company that they will be doing so in advance. If the employee can't give advance notice, notice must be given to the company as soon as possible after starting the leave. Notice doesn't have to be in writing.

If an employee plans to take one or more weeks or part weeks from the 15-week entitlement, the employee must tell the company that they will be doing so in writing before the leave is taken. If the employee can't give notice, notice must be given to the company in writing as soon as possible after starting the leave.

The employee does not have to use the 10-day leave first. For both types of leave, the employee has to give notice to the employer that they are taking the leave every time the leave is taken. An employee who does not give notice does not lose their right to the leave.

5.6 Family Caregiver Leave

Family caregiver leave is unpaid, job-protected leave of up to eight weeks per calendar year per specified family member.

Family caregiver leave may be taken to provide care or support to certain family members for whom a qualified health practitioner has issued a certificate stating that they have a serious medical condition.

Family medical leave is another job-protected leave available under the *Employment Standards Act, 2000* (ESA) for employees with certain relatives who have a serious medical condition. One of the main differences between family caregiver leave and family medical leave is that an employee is only eligible for the latter if the family member who has a serious medical condition has a significant risk of death occurring within a period of 26 weeks. Employees may also be entitled to take critical illness leave to provide care or support to a minor child or adult who is a family member, whose baseline state of health has changed significantly and whose life is at risk from an illness or injury. Critical illness leave may be taken for up to 17 weeks to care for an adult, and up to 37 weeks to care for a minor child.

Eligibility

All employees, whether full-time, part-time, permanent, or term contract, who are covered by the ESA, may be entitled to family caregiver leave. There is no requirement that an employee be employed for a particular length of time, or that the company employ a specific number of employees for the employee to qualify for family caregiver leave.

Care or support includes, but is not limited to: providing psychological or emotional support; arranging for care by a third-party provider; or directly providing or participating in the care of the family member.

The specified **family members** for whom a family caregiver leave may be taken are:

- the employee's spouse (including same-sex spouse)

- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, step-child or foster child of the employee or the employee's spouse
- a grandparent or step-grandparent of the employee or the employee's spouse
- a grandchild or step-grandchild of the employee or the employee's spouse
- a spouse of a child of the employee
- a brother or sister of the employee
- a relative of the employee who is dependent on the employee for care or assistance.

The specified family members do not have to live in Ontario for the employee to be eligible for family caregiver leave.

Qualified health practitioner

For family caregiver leave purposes, a qualified health practitioner is a person who is qualified to practice as a physician, registered nurse or psychologist under the laws of the jurisdiction in which care or treatment is being provided. In Ontario, this includes psychiatrists and nurse practitioners. Different types of health practitioners may be able to issue certificates in different jurisdictions; it will depend on the laws of the jurisdiction.

The medical certificate

The employee does not have to have the medical certificate before they can start the leave, but a certificate must eventually be obtained. If a certificate is never issued, the employee will not be entitled to the leave. This means that the employee would not be entitled to any of the protections afforded to employees on family caregiver leave.

The certificate from the qualified health practitioner must name the individual and state that the individual has a serious medical condition. There is no requirement that the note specify what the medical condition is; it need only state that it is "serious." This can include conditions that are chronic or episodic.

If a medical certificate sets out a period during which the individual will have a serious medical condition, the certificate will support absences as family caregiver leave during that period. If no period is set out, the certificate will support absences as family caregiver leave from the date it is issued until the end of the calendar year in which it is issued.

The company is entitled to ask an employee for a copy of the certificate to provide proof that they are eligible for a family caregiver leave. The employee is required to provide the copy as soon as possible after the request.

The employee may wish to provide the health practitioner with a copy of the "Medical certificate to support entitlement to family caregiver leave, family medical leave, and/or critical illness leave" form to fill out. The health practitioner is not required to use this particular form; any certificate stating that the patient has a serious medical condition can be used.

The employee is responsible for obtaining and paying the costs (if any) of obtaining the certificate. The Ministry of Labour cannot assist the employee in obtaining the certificate.

Interaction among different leaves

Family caregiver, personal emergency, declared emergency family medical, critical illness, domestic or sexual violence, child death, and crime-related child disappearance are different types of leaves. The purposes of the leaves, their length, the individuals with respect to whom they can be taken and the eligibility criteria vary.

An employee may be entitled to more than one leave for the same event. Each leave is separate and the right to each leave is independent of any right an employee may have to the other leave(s).

Length of family caregiver leave

A family caregiver leave can last up to eight weeks per calendar year for each specified family member. A “week” is defined as running from Sunday to Saturday.

The eight weeks can be taken consecutively or separately. The employee may take leave for periods less than a full week (for example, single days, at the beginning, middle or end of a week), but if they do, they are considered to have used up one week of their eight-week entitlement. If the employee is on leave for two or more periods within the same week (for example, on leave on Monday and Thursday of the same week), only one week of the eight week entitlement is used up. The employee is entitled to be on leave only when the employee is providing care or support to a specified family member.

The company cannot require the employee to take an entire week of leave if the employee only wants to take leave for a single day(s), cannot prevent the employee from working prior to taking a single day(s) of leave during a week, and cannot prevent the employee from returning to work after a single day(s) of leave during the week.

Notice requirements

An employee must inform the company in writing that they will be taking a family caregiver leave of absence. If an employee has to begin a family caregiver leave before notifying the company, they must inform the company in writing as soon as possible after starting the leave. If the employee does not take the eight-week leave all at once, the employee is required to provide notice to the company with respect to each part of the leave.

The company may discipline an employee who does not properly inform the employer, but only if the reason for the discipline is the failure to properly notify the employer and **not in ANY way** because the employee took the leave.

Rights during and at the end of a family caregiver leave

The company does not have to pay wages when an employee is on family caregiver leave. Employees who take family caregiver leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, the company cannot threaten, fire or penalize in any other way an employee for taking, planning on taking, being eligible or being in a position to become eligible to take a family caregiver leave.

5.7 Family Medical Leave

Family medical leave is unpaid, job-protected leave of up to 28 weeks in a 52-week period.

Family medical leave may be taken to provide care or support to certain family members and people who consider the employee to be like a family member in respect of whom a qualified health practitioner has issued a certificate indicating that they have a serious medical condition with a significant risk of death occurring within a period of 26 weeks. Family caregiver leave is another job protected leave available under the *Employment Standards Act, 2000* (ESA) for employees with certain relatives who have a serious medical condition.

One of the main differences between family medical leave and family caregiver leave is that an employee may be eligible for family caregiver leave even if the family member who has a serious

medical condition does not have a significant risk of death occurring within a period of 26 weeks. Employees may also be entitled to take critical illness leave to provide care or support to a minor child or adult who is a family member, whose baseline state of health has changed significantly and whose life is at risk from an illness or injury. Critical illness leave may be taken for up to 17 weeks to care for an adult, and up to 37 weeks to care for a minor child.

Eligibility

All employees, whether full-time, part-time, permanent, or term contract, who are covered by the ESA are entitled to family medical leave. There is no requirement that an employee be employed for a particular length of time, or that the company employ a specified number of employees in order for the employee to qualify for family medical leave.

Care or support includes, but is not limited to: providing psychological or emotional support; arranging for care by a third party provider; or directly providing or participating in the care of the family member.

The specified **family members** for whom a family medical leave may be taken are:

- the employee's spouse (including same-sex spouse)
- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, step-child or foster child of the employee or the employee's spouse
- a brother, step-brother, sister, or step-sister of the employee
- a grandparent or step-grandparent of the employee or of the employee's spouse
- a grandchild or step-grandchild of the employee or of the employee's spouse
- a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee
- a son-in-law or daughter-in-law of the employee or of the employee's spouse
- an uncle or aunt of the employee or of the employee's spouse
- a nephew or niece of the employee or of the employee's spouse
- the spouse of the employee's grandchild, uncle, aunt, nephew or niece
- family medical leave may also be taken for a person who considers the employee to be like a family member.

Employees wishing to take a family medical leave for a person in this category must provide the company, if requested, with a completed copy of the compassionate care benefits attestation form, available from Employment and Social Development Canada, whether or not they are making an application for EI Compassionate Care Benefits or are required to complete the form to obtain such benefits.

The specified family members do not have to live in Ontario in order for the employee to be eligible for family medical leave.

Length of family medical leave

A family medical leave can last up to 28 weeks within a specified 52-week period. "Week" is defined for family medical leave purposes as a period of seven consecutive days beginning on a Sunday and ending on a Saturday. The 52-week period starts on the first day of the week in which the 26-week period specified in the medical certificate begins.

Where an employee provides care or support for only part of a week

Employees will not always need or want to take an entire week off to provide care or support to the individual. In any week (which is defined as running from Sunday to Saturday), an employee's right to take family medical leave only begins on the first day the employee is providing care or support. If the employee stops providing care or support before the end of that week, the employee is entitled to be on leave until the end of the week, and they can return to work only if the employer

agrees. (The agreement does not have to be in writing.) Even if an employee only takes part of a week off work as family medical leave, it is still counted as one week of the eight-week entitlement.

Note: Prior to the amendments to the ESA that came into force on October 29, 2014, employees had the right to be on family medical leave only on days on which they provided care or support, and employers could not prevent an employee from returning to work during a week in which leave was taken.

Sharing family medical leave

The 28 weeks of family medical leave must be shared by all employees in Ontario who take a family medical leave under the ESA to provide care or support to a specified family member. For example, if one spouse took 18 weeks of family medical leave to care for their dying father, the other spouse would be able to take only 10 weeks of family medical leave. The spouses could take leave at the same time, or at different times.

Taking more than 28 weeks of family medical leave

If an employee qualifies for family medical leave, the employee may take up to 28 weeks within the 52-week period running from the beginning of the 26-week period stated in the certificate. If the family member does not pass away by the point that the 26-week period ends, the employee can remain on leave until all 28 weeks have been used up, and another medical certificate does not have to be issued with the 52-week period set by the certificate.

Family medical leave for additional family members

If an employee has more than one specified family member who has a serious illness with a significant risk of death within a period of 26 weeks, the employee will be entitled to an 28 –week family medical leave for each of the specified family members.

Timing of family medical leave

If a qualified health practitioner issues a certificate stating that a specified family member has a serious medical condition and there is significant risk of death occurring within a period of 26 weeks, an employee must take the family medical leave within the 52-week period starting on the first day of the week the 26-week period begins.

Where two or more certificates are obtained by two or more employees wishing to take leave with respect to the same family member, the 52-week period within which the family medical leave must be taken is determined by whichever certificate was issued first.

Earliest date a family medical leave can begin

The earliest an employee may start the leave is the first day of the week in which the 26-week period identified on the medical certificate begins. "Week" is defined for the purposes of family medical leave as a period of seven consecutive days, beginning on a Sunday and ending on a Saturday. If the date indicated on the certificate is a day other than a Sunday, the 26 week period will run from the preceding Sunday. Likewise, regardless of what day of the week the employee actually begins the leave, the week of family medical leave would be considered to have begun on the preceding Sunday.

Last date of a family medical leave

There are three important periods of time relating to family medical leave:

- the 26-week period specified in the medical certificate within which the family member has a significant risk of death
- the 52-week period that starts on the first day of the week in which the 26-week period specified in the medical certificate begins.
- the 28 weeks of family medical leave.

The latest day an employee can remain on leave is:

- the last day of the week in which the family member dies,
- the last day of the week in which the 52-week period expires
- the last day of the 28 weeks of family medical leave,

whichever is **earlier**.

Based on the definition of “week” for family medical leave, the last day an employee can be on leave will always be a Saturday.

Medical certificate

The employee does not have to have the medical certificate before they can start the leave, but a certificate must eventually be obtained. If a certificate is never issued, the employee will not be entitled to the leave. This means that the employee would not be entitled to any of the protections afforded to employees on family medical leave. The company is entitled to ask an employee for a copy of the certificate of the qualified health practitioner to provide proof that they are eligible for a family medical leave. The employee is required to provide the copy as soon as possible after the company requests it. The certificate must name the family member and state that the family member has a serious medical condition with a significant risk of death occurring within a specified 26-week period. There is no requirement that the notice specify what the medical condition is; it need only state that it is serious and that there is a significant risk of death occurring within a 26-week period.

The employee may wish to use the Ministry’s “Medical certificate to support entitlement to family caregiver leave, family medical leave, and/or critical illness leave” form when obtaining the medical certificate. It is available on the ministry’s website on the employment standards forms page. The employee is responsible for obtaining and paying the costs (if any) of obtaining the certificate. The Ministry of Labour cannot assist the employee in obtaining the certificate. If an employee is applying for Employment Insurance (EI) compassionate care benefits, a copy of the medical certificate submitted to Employment and Social Development Canada may also be used for the purposes of supporting an entitlement to family medical leave.

Qualified health practitioner

For the purposes of family medical leave, a qualified health practitioner is a person who is qualified to practice medicine under the laws of the jurisdiction in which care or treatment of the family member is being provided. A qualified health practitioner can also be a nurse practitioner (a holder of an extended certificate of registration under the Nursing Act, 1991).

In Ontario, only a medical doctor or a nurse practitioner can issue a certificate. Different types of health practitioners with equivalent qualifications may be able to issue certificates in different jurisdictions - it will depend on the laws of that jurisdiction.

Notice requirements

An employee must inform the company in writing that they will be taking a family medical leave of absence. If an employee has to begin a family medical leave before notifying the company, they must inform the company in writing as soon as possible after starting the leave.

If the employee does not take the 28-week leave all at once, the employee is required to provide notice to the company each time the employee begins a new part of the leave.

An employee who does not give notice does not lose their right to a family medical leave. While an employee is required to tell the company in advance that they are taking a leave (or, if this is not possible, as soon as possible after starting the leave), the employee will not lose the right to

take family medical leave if the employee fails to do so. The company may discipline an employee who does not properly inform the employer, but only if the reason for the discipline is the failure to properly notify the company and **not in any way** because the employee took the leave.

Rights during and at the end of a family medical leave

The company does not have to pay wages when an employee is on family medical leave. Employees who take family medical leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, the company cannot threaten, fire or penalize in any other way an employee for taking, planning on taking, being eligible or being in a position to become eligible to take a family medical leave

5.8 Organ Donor Leave

Organ donor leave is unpaid, job-protected leave of up to 13 weeks, for the purpose of undergoing surgery to donate all or part of certain organs to a person. In some cases, organ donor leave can be extended for up to an additional 13 weeks.

Qualifying for organ donor leave

An employee is entitled to organ donor leave whether they are a full-time, part-time, permanent, or term contract employee. To qualify for organ donor leave, the employee must:

- Have been employed by the company for at least 13 weeks;
- Undergo surgery to donate all or part of one of the following organs to another person:
 - ✓ Kidney
 - ✓ Liver
 - ✓ Lung
 - ✓ Pancreas
 - ✓ Small bowel

When an organ donor leave can begin

Generally, organ donor leave begins on the date of the surgery. It may begin on an earlier date, as specified in a certificate issued by a legally qualified medical practitioner.

Length of an organ donor leave

The employee may take leave for up to 13 weeks. The employee may extend the leave if a legally qualified medical practitioner issues a certificate stating that the employee is not yet able to perform the duties of their position because of the organ donation, and will not be able to do so for a specified period of time. The employee is entitled to extend the leave for the specified period of time. The leave may be extended more than once, but the total period of extension must not be more than 13 weeks. Therefore, where the leave is extended, the maximum amount of time allowed for organ donor leave is 26 weeks in total. Employees may also have the right to personal emergency leave.

Notice requirements

An employee who wishes to take organ donor leave must provide the company with at least two weeks' written notice both before beginning or extending the leave, if possible. If this is not possible, the employee must provide written notice as soon as possible after beginning or extending the leave. However, if the employee does not provide notice to begin the leave, provided the employee meets the requisite criteria, the employee still has the right to take the leave. The employee may end the leave early by giving the company at least two weeks' advance written notice.

Medical certificate

The company may ask the employee to provide a medical certificate for the following reasons:

- Confirming that the employee has undergone or will undergo surgery to donate an organ;
- When the employee is to begin the leave if it is before the day of the organ donation surgery; and/or
- To extend a leave for a period of time because the employee is not yet able to perform the duties of their position.

The employee must provide the certificate to the company as soon as possible after the employer's request.

Rights during leave

Employees who take organ donor leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, the company cannot threaten, fire or penalize in any way an employee who takes or plans on taking an organ donor leave.

The employee's entitlement to organ donor leave is in addition to any personal emergency leave entitlement the employee may have.

5.9 Emergency Leave: Declared Emergencies and Infectious Disease Emergencies (Paid and Unpaid)

The ESA provides for two infectious disease emergency leaves. One leave is unpaid and one leave is paid.

Unpaid infectious disease emergency leave

There is no specified limit to the number of days an employee can be on unpaid infectious disease emergency leave.

Employees have the right to take unpaid, job-protected infectious disease emergency leave if they are not performing the duties of their position because of specified reasons related to a designated infectious disease. This leave is available to all employees who are covered by the ESA.

Employers cannot threaten, fire or penalize an employee in any other way because the employee took or plans on taking an infectious disease emergency leave.

The only disease for which unpaid infectious disease emergency leave may be taken at this time is COVID-19. Although the ESA was amended to include unpaid infectious disease emergency leave on March 19, 2020, the leave entitlements for COVID-19 are retroactive to January 25, 2020 and have no end date. An employee is entitled to take this unpaid leave so long as the conditions set out in the Ontario Employment Standards Act 2000 "Infectious disease emergency leave" regulation are met.

Paid infectious disease emergency leave

The Employment Standards Act, 2000 (ESA) was amended on April 29, 2021 to require employers to provide eligible employees with up to three days of paid infectious disease emergency leave for certain reasons related to COVID-19. The leave is retroactive to April 19, 2021. Eligible employers can apply to be reimbursed for these payments through the Workplace Safety and Insurance Board within 120 days of the date the employer paid the employee, or by July 29, 2023, whichever is earlier. **Paid infectious disease emergency leave was set to end July 31, 2022. It will now continue until March 31, 2023.**

Although paid infectious disease emergency leave has been extended into 2023, employees are not entitled to additional days specific to 2023. Employees are entitled to up to three days total during the period in which paid infectious disease emergency leave is available.

Right to paid leave under an employment contract

Employees who have certain rights to paid leave under their employment contract (which includes a collective agreement) may not be eligible for paid infectious disease emergency leave or may be entitled to fewer than three days of paid leave under the ESA.

Where, on April 19, 2021, an employee is entitled to a paid leave under their employment contract for one or more of the same reasons that paid infectious disease emergency leave can be taken under the ESA, the number of paid days under the contract may reduce the number of days of paid infectious disease emergency leave the employee is eligible to take under the ESA.

7.0 Workplace Safety and Insurance Coverage

The Company pays for Workplace Safety and Insurance Board (WSIB) coverage for its employees, as required by law. This coverage provides partial income replacement in the event of an on-the-job injury or illness.

Please report any on-the-job injury or work related illness that you experience **immediately** to your direct Supervisor and complete a “Personal Injury/Accident and Property Damage Report” located on the website. Please be sure to note any witnesses to the injury including any Home Depot Store associate.

Depending on the severity of the injury/illness, first aid treatment and/or medical attention may be needed.

If first aid only is required, your Home Depot Store Contact will direct you to the First Aid Station or certified First Aid associate so that treatment can be administered.

If first aid is all that is required and you return to work, or you receive first aid and/or go back immediately to modified work at regular pay for up to seven (7) calendar days from the incident, than no further action is required. The Personal Injury/Accident Report will be forwarded to the appropriate departments as listed and retained on file. If however, modified work at regular pay exceeds seven (7) calendar days, than a WSIB Form 7 must be completed by the WSIB coordinator/Return to Work Case Managers (Gina Marchionda/Allison Beekhuis), and submitted to WSIB.

If you wish to seek medical treatment, please notify your Supervisor and the WSIB coordinator (Allison Beekhuis/Gina Marchionda) before you go to the doctor. The WSIB coordinator will determine if you must take a WSIB –“ **Functional Abilities Form For Timely Return to Work**” to be completed by the Doctor and/or a “**Worker’s Claim/Consent Form**” that must be given to the doctor or medical facility.

The functional ability analysis (FAA) completed by your doctor/attending physician determines your new level of functional capability and facilitates in your return to work. The Company may find other modified duties for you to perform while you rehabilitate to your pre-accident position. You are obligated to participate in a functional ability analysis (FAA) for your return to work otherwise your entitlement to WSIB benefits could be jeopardized.

Immediately following treatment you should contact or visit the Company WSIB Coordinator and relay/forward the results of the FAA so that your return to work can be planned.

The Company will pay you for any hours missed from work on the day of the accident/illness. WSIB will pay partial income replacement for any time missed subsequent to that day as a result of the injury/illness that it deems appropriate.

8.0 Human Rights Policy

Jeffery's Greenhouses is committed to providing equal treatment with respect to employment according to the protected grounds established under the Ontario Human Rights Code. Jeffery's Greenhouses has adopted this policy to ensure that our employees are provided with meaningful employment that is ethical and fair, and is in compliance with all applicable employment, and human rights legislation.

Discrimination

Discrimination is any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

Guidelines

Our Human Rights Policy is in place to ensure we provide a working environment for all employees that fosters openness and tolerance. This policy is intended to ensure that Jeffery's Greenhouses practices and the practices of all our employees are free from direct and indirect discrimination. Under the **Human Rights Code of Ontario**, employers have the ultimate responsibility for ensuring a healthy and inclusive work environment, including preventing and addressing discrimination and harassment.

Protected Grounds

The following is a list of the protected grounds in Ontario:

- Age
- Ancestry
- Citizenship
- Creed
- Colour
- Disability (mental or physical)
- Ethnic origin
- Family status
- Gender expression
- Gender identity
- Marital status
- Place of origin
- Race/colour
- Record of offences
- Sex
- Sexual orientation
-

Accessibility in Employment

Jeffery's Greenhouses is committed to providing accessibility across all stages of the employment cycle, by removing barriers and creating a workplace that is accessible to all job candidates and

employees. Any applicant to Jeffery's Greenhouse that communicates the need for accommodation shall be considered in a manner that is non-discriminatory, and respectful of our human rights obligations.

Accommodation

Jeffery's Greenhouses will support the accommodation of employees and job applicants who require workplace accommodation under any of the grounds described in the Human Rights Code. We will work to achieve a workplace free of barriers by providing accommodation for the needs of those individuals covered by the Code, up to the point where it causes undue hardship for Jeffery's Greenhouses. Every effort will be made such that the impact of accommodation will not discriminate against another group protected by the Code.

Jeffery's Greenhouses shall provide accommodation as appropriate, using a consultative approach that involves the company, the individual, and as appropriate, any applicable healthcare professionals, and other third parties that are required to assist in the accommodation process.

Jeffery's will work with the individual that requests accommodation in an effort to ensure that the measures taken are both effective and mutually agreeable. Jeffery's encourages individuals to make any needs for accommodation known to their immediate supervisor, and to work with them in addressing the issue.

Accommodation may be temporary, or permanent, based on the requirements of the individual.

Accommodation Process and Plans

Any employee requesting accommodation must make a request to their manager or immediate supervisor.

The manager, in collaboration with the Human Resources Manager is responsible for ensuring that a written description of the accommodation plan is prepared for any employee.

In the creation of an accommodation plan, Jeffery's Greenhouses shall:

1. Identify the need for accommodation.
2. Gather relevant information and the needs.
3. Determine objectives for performance in the role, and potential barriers.
4. Create a plan for achieving the objectives in an alternative manner.
5. Examine the options for accommodation, and select the most appropriate avenue for accommodation.
6. Implement the accommodation process.
7. Provide training as appropriate.
8. Review and revise the plan based on feedback.

Please consult Jeffery's Greenhouses Accommodation Policy posted on the Jeffery's website in the "Employment Forms" section.

Investment in Materials

Where the accommodation plan required necessitates an investment in materials, equipment or increased budget for the position, requests for financing must be directed to the General Manager.

Job Redesign

In the event that the accommodation requires a substantial change in the position, involving duties or hours, the position may be redesigned.

Complaint

In the event that the employee requesting accommodation feels that their needs have not been met in a reasonable manner, they may file a written complaint. The complaint must be submitted to the Human Resources Manager or the Controller.

Religious Accommodation

Jeffery's Greenhouses is committed to respecting the religious beliefs and practices of all employees. Jeffery's will strive to accommodate employees who must be absent from work for all or part of a regularly scheduled working day due to a bona fide religious obligation.

Jeffery's employees who require religious accommodation are directed to provide as much advance notice as is possible, and we will strive to provide the required time off through the normal scheduling of work.

Dress Code

Jeffery's Greenhouses shall strive to allow for religious accommodation where the accommodation does not conflict with established Health and Safety Policies, or where the work uniforms can be modified easily to permit the person concerned to wear the required item(s) of clothing. Clothing or gear with a health or safety rationale may constitute a reasonable occupational requirement.

Break Policy

Jeffery's Greenhouses recognizes that some religions require the observation of prayer periods at specific times. While this requirement may create a conflict with standard hours of operations, Jeffery's shall work to accommodate the employee's needs, short of undue hardship. Where possible, Jeffery's Greenhouses shall allow for a modified schedule for breaks.

Inability to Accommodate in Current Position

In the event an employee cannot be accommodated in their current position it will be reasonable to accommodate an individual in another position. Management will attempt to place the employee in another available position. This may require the assistance of third parties with specialized expertise.

Where an employee is placed in an alternate position, Jeffery's Greenhouses shall ensure that the employee:

- Has the requisite qualifications and skill-sets necessary for success in the position;
- Is capable of performing the tasks associated with the position; and
- Agrees that the alternate work is acceptable.

In the event that the employee requesting accommodation feels that their needs have not been met in a reasonable manner, they may file a written complaint to the General Manager.

Undue Hardship

Jeffery's Greenhouses shall work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where all options have been considered and it is established that no forms of appropriate accommodation exist, or where the creation of accommodation would cause excessive costs that create undue hardship for the organization, or where the accommodation would create a health and safety hazard.

Where the provision of accommodation is found to cause undue hardship on the organization, Jeffery's Greenhouses shall work to find a fair and equitable compromise that meets the needs of the employee and the organization to the greatest extent possible.

Reporting a Human Rights Issue

While Jeffery's Greenhouses will ensure to adhere to following the Human Rights Code in all of its practices, it is essential that employees adhere to the Code as well. In the event that any employee feels they are being discriminated against or that the company is in violation of the Code, they may make a written complaint to the Human Resources Manager or Controller. The written complaint must include the following information:

- The date and time of each incident you wish to report;
- The name of the person(s) involved in the incident(s);
- The name of any person or persons who witnessed the incident(s); and
- A full description of what occurred.

Investigation

Once a written complaint has been received, Jeffery's Greenhouses will complete a thorough investigation. If it is determined discrimination (or another violation of the Code) has occurred, appropriate disciplinary measures will be taken immediately.

Confidentiality

All records of direct and indirect discrimination and harassment, reports filed, and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

False or Frivolous Complaints

It is important to realize that unfounded/frivolous allegations of discrimination may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of discrimination, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Unresolved Human Rights Issue

If you still feel that your issue has not been appropriately addressed after reporting it to the company, you may file a complaint with the Human Right's Commission. Consult their website at www.ohrc.on.ca or call the Tribunal at 1-866-598-0322.

9.0 Accessibility for Ontarians with Disabilities

Commitment

Jeffery's Greenhouses is committed to providing a barrier-free environment for all stakeholders with disabilities including our clients/customers, employees, job applicants, suppliers, and any visitors who may enter our premises, access our information, or use our services. As an organization, we respect and uphold the requirements set forth under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), and its associated standards and regulations.

Jeffery's Greenhouses understands that we have a responsibility for ensuring a safe, dignified, and welcoming environment for everyone. We are committed to ensuring our organization's compliance by incorporating accessibility legislation into our policies, procedures, equipment requirements, training, and best practices. We will review these policies and practices annually, as organizational changes occur, or in anticipation of compliance deadlines. In addition, we will strive to meet the needs of individuals with disabilities in a timely and effective manner.

Integrated Accessibility Standards

To meet our commitment, Jeffery's has developed an **Integrated Accessibility Standards Policy and Multi-Year Accessibility Plan** which can be found posted on the company's website.

With respect to employment, Jeffery's Greenhouses is committed to following fair and accessible employment practices.

- **Recruitment, Assessment or Selection Process** - We will notify job applicants that accommodations are available upon request in relation to the materials or processes to be used. If a selected applicant requests accommodation, we will arrange for a suitable accommodation that takes into account the applicant's disability.
- **Notice to Successful Applicants** - Successful applicants will be notified of our policies for accommodating employees with disabilities.
- **Informing Employees of Supports** - We will continue to inform employees of our policies used to support persons with disabilities, including policies on the provision of job accommodations that take into account accessibility needs due to disability.
- **Accessible Formats and Communication Supports for Employees** – Upon the request of an employee with a disability, Jeffery's Greenhouses will consult with the employee to provide, or arrange for the provision of accessible formats and communication supports for information that is needed to perform his/her job and information that is generally available to other employees.
- **Workplace Emergency Response Information** – Jeffery's will provide individualized workplace emergency response information to employees who have a disability and identify their need by completing the "**Employee Emergency Information Self-Assessment Worksheet**" posted on the Jeffery's website under the "Employment Forms" section .
- **Documented Individual Accommodation Plans** – A documented process for the development and maintenance of individual accommodation plans has been developed for employees with disabilities. These plans shall include information regarding accessible formats and communication supports. Please consult Jeffery's Greenhouses

Accommodation Policy posted on the Company's website under the "Employment Forms" section.

- **Performance Management, Career Development, Advancement and Redeployment** – Jeffery's will continue to take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when conducting performance management, providing career development and advancement to employees, or when redeploying employees.
- **Return to Work (RTW)** – Jeffery's maintains a documented RTW process in our Health and Safety Manual (Policy D-27 Early and Safe Return to Work/Work Reintegration Policy posted on the Jeffery's website) for employees who have been absent from work due to a disability and who require disability related accommodations in order to return to work. The process outlines the steps to be taken to facilitate the employee's return to work, including individual accommodation RTW plans.

Accessible Customer Service Plan

Jeffery's Greenhouses is committed to excellence in serving all customers of Jeffery's Greenhouses and the Home Depot including people with disabilities.

We will ensure that our In-Store Service Merchandising Representatives are trained and familiar with

- How to interact and communicate with people with various types of disabilities.
- How to interact with people with disabilities who use an assistive device or require the assistance of a service animal or support person.
- What to do if a person with a disability is having difficulty in accessing the goods and services of Jeffery's Greenhouses and the Home Depot.

Please consult the Jeffery's Greenhouses Accessible Customer Service Plan and the Home Depot Accessible Customer Service Plan posted on the Jeffery's website.

10.0 PIPEDA Compliance Policy

The Personal Information Protection and Electronic Documents Act (PIPEDA) establishes rules to govern the collection, use, and disclosure of personal information in a manner that recognizes the right to privacy of individuals with respect to their personal information and the need of organizations to collect, use, or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.

Jeffery's Greenhouses is committed to protecting and respecting the personal information of its customers, employees, business partners, and all other entities it interacts with in accordance with PIPEDA. This policy will provide guidelines to ensure that Jeffery's Greenhouses remains compliant with PIPEDA requirements.

Definitions

Breach of security safeguards

The loss of, unauthorized access to, or unauthorized disclosure of personal information resulting from a breach of Jeffery's Greenhouses security safeguards, or from a failure to establish those safeguards.

Personal information

Information about an identifiable individual (employee, manager, supplier, customer etc.)

Security safeguards

Security safeguards include the following:

- ✓ Physical measures, for example, locking filing cabinets and restricted access to offices;
- ✓ Organizational measures, for example, security clearances and limiting access on a "need-to-know" basis; and
- ✓ Technological measures, for example, the use of passwords and encryption.

Significant harm

Includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record, and damage to or loss of property

Guidelines

The following guidelines have been implemented to ensure Jeffery's Greenhouses remains compliant with PIPEDA requirements. The personal information of Jeffery's Greenhouses employees, customers, clients, business partners, etc., must be managed so as to meet the following PIPEDA requirements:

- All personal information in Jeffery's Greenhouses possession or custody must be protected in an appropriate manner.
- Individuals must be informed as to why personal information is being collected.
- Consent must be obtained for the collection of information.

- The consent of an individual is only valid if it is reasonable to expect that the individual understands the nature, purpose, and consequences of the collection, use, or disclosure of the personal information.
- Personal information may only be collected without consent if:
 - ✓ The collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;
 - ✓ It was produced by the individual in the course of their employment, business, or profession, and the collection is consistent with the purposes for which the information was provided;
 - ✓ The collection is made for the purpose of making a disclosure; or
 - ✓ Any other reason as defined in PIPEDA's section 7. (1).
- Individuals have the right to withdraw their consent.
- Personal information collected is only collected, used, or disclosed for purposes that a reasonable person would consider appropriate in the circumstances.
- Personal information is used only for the purposes for which it was collected, except with the consent of the individual or as required by law.
- Personal information is retained only for the period of time that it is reasonably required.
- Personal information is destroyed that is no longer required using a safe, secure, and effective manner (e.g., shredding).
- All personal information collected is accurate.
- Individuals are allowed to gain access to their personal information, and make corrections as appropriate.
- Appropriate security and safeguards are employed for the protection of personal information. Access to personal information is limited to authorized personnel who have a legitimate need to access the information.
- Consent must generally be obtained prior to the release of personal information to any third party.
- Consent to disclose personal information to a third party is not required if:
 - ✓ Jeffery's Greenhouses has reasonable grounds to believe that the information could be useful in the investigation of a contravention of the laws of Canada, a province/territory, or a foreign jurisdiction, and the information is used for the purpose of investigating that contravention;
 - ✓ It is used for the purpose of acting in respect to an emergency that threatens the life, health, or security of an individual;
 - ✓ The information was produced by the individual in the course of their employment, business, or profession, and the use is consistent with the purposes for which the information was produced; or
 - ✓ Any other circumstances as defined in PIPEDA's section 7. (2) are met.
- The forms of information being collected must be identified and communicated to the individual as well as the rationale for the collection of these forms of information.
- Individuals must be notified and consent must be obtained prior to using personal information for any reason other than those provided at the time of collection.

Privacy Officer

In addition to the above requirements, Jeffery's Greenhouses will designate a representative "Privacy Officer" to hold accountability for the company's compliance with PIPEDA. The representative will hold responsibility for the management of the personal information policies and procedures of Jeffery's Greenhouses.

- The Privacy Officer shall be the **Controller (Gina Marchionda)** .

The Privacy Officer shall be responsible for:

- Developing and implementing policies and practices under PIPEDA including: Procedures that address the collection, use, retention, destruction, and management of personal information;
- Procedures for protecting personal information;
- Procedures for complaints and inquiries; and
- Staff training on PIPEDA obligations.
- Employing privacy agreements/contracts to ensure the protection of personal information where the information must be provided to a third party.
- Reviewing policies, practices and procedures on an annual basis, or as needed, making appropriate revisions.

Breaches of Security Safeguards

Reporting Breaches

(Please note this section is not yet in force under the Act or Regulations):

If Jeffery's Greenhouses becomes aware of a breach of our security safeguards that compromises the privacy of the personal information retained by the company, the following action shall be taken:

- The **Privacy Officer** is responsible for coordinating the response to the breach and ensuring that all reasonable action is taken to address the breach
- When legislatively enacted, the **Privacy Officer** will notify the Privacy Commissioner of the breach in the prescribed form and manner as soon as feasible once Jeffery's Greenhouses has determined that a breach has occurred.
- Jeffery's Greenhouses will comply to the greatest extent possible and in a timely manner with any requests, orders, or other instructions from the Office of the Privacy Commissioner in order to respond to and address the security breach.
- Jeffery's Greenhouses shall maintain records of every breach of security safeguards, and will provide the Privacy Commissioner with access to, or a copy of, a record of a breach, at the request of the Commissioner.

Notifying Affected Individuals

Determining Whether a Real Risk of Significant Harm Exists

Jeffery's Greenhouses will assess the following factors when determining whether a security breach constitutes a real risk of significant harm to an individual or individuals:

- The sensitivity of the personal information involved in the breach;
- The probability that the personal information has been, is being, or will be misused; and
- Any other prescribed factor.

Notifications

The **Privacy Officer** is responsible for ensuring that all individuals affected by the breach for which the breach creates a real risk of significant harm are notified at the earliest available opportunity, subject to any legal restrictions. Notifications shall:

- Contain sufficient information to allow the individual to understand the significance to them of the breach and to take steps, if any are possible, to reduce the risk of harm from it or to mitigate that harm.
- Contain any other prescribed information.

- Be conspicuous and given directly or indirectly to the individual in the prescribed form and manner as legislatively required as the situation dictates.
- Be given as soon as feasible after the organization determines that the breach has occurred.

In addition to the individual(s) affected by the breach, Jeffery's Greenhouses may notify other parties of the breach or disclose personal information relating to the breach, subject to the following guidelines:

- Jeffery's Greenhouses shall notify other organizations, government institutions, or part(s) of government institutions if it is believed that doing so can reduce or mitigate the harm from the breach.
- Jeffery's Greenhouses may disclose personal information without the knowledge or consent of the individual if:
 - ✓ The disclosure is made to the other organization, the government institution, or the part of a government institution, that was notified under the breach; and
 - ✓ The disclosure is made solely for the purpose of reducing the risk of harm to the individual that could result from the breach or mitigating that harm.

11.0 Resources

11.1 Employment Standards Poster

The Employment Standards Act, 2000 (ESA) Version 7.0 sets minimum standards for most workplaces in Ontario. The Employment Standards Poster (produced by the Ontario Ministry of Labour) advises you of your rights under the Employment Standards Act of Ontario and can be found on the next page.

11.2 Employee Acknowledgement

A copy of the Employee Acknowledgement form must be signed and returned to your Supervisor as confirmation that you have read and understand the information contained in this Handbook and agree to abide by the terms and conditions set outlined in this handbook.

Employment Standards in Ontario

The *Employment Standards Act, 2000* (ESA) protects employees and sets minimum standards for most workplaces in Ontario. **Employers are prohibited from penalizing employees in any way for exercising their rights under the ESA.**

What you need to know

Public holidays

Ontario has a number of public holidays each year. Most employees are entitled to take these days off work and be paid public holiday pay. Visit Ontario.ca/publicolidays.

Hours of work and overtime

There are daily and weekly limits on hours of work. There are also rules around meal breaks, rest periods and overtime. Visit Ontario.ca/hoursofwork and Ontario.ca/overtime.

Termination notice and pay

In most cases when terminating employment, employers must give employees advance written notice of termination or termination pay instead of notice. Visit Ontario.ca/terminationofemployment.

Vacation time and pay

There are rules around the amount of vacation time and pay employees earn. Most employees can take vacation time after every 12 months of work. Visit Ontario.ca/vacation.

Leaves of absence

There are a number of job-protected leaves of absence in Ontario. Examples include sick leave, pregnancy leave, parental leave and family caregiver leave. Visit Ontario.ca/ESAguide.

Minimum wage

Most employees are entitled to be paid at least the minimum wage. For current rates visit Ontario.ca/minimumwage.

Other employment rights, exemptions and special rules

There are other rights, exemptions and special rules not listed on this poster, including rights to severance pay and special rules for assignment employees of temporary help agencies.

Subscribe to our newsletter and stay up to date on the latest news that can affect you and your workplace. Visit Ontario.ca/labournews.

Learn more about your rights at:

Ontario.ca/employmentstandards
1-800-531-5551 or TTY 1-866-567-8893

 @ONTatwork  @OntarioAtWork  @Ontarioatwork

11.2 Employee Acknowledgement

I, _____, hereby acknowledge receipt of the Jeffery’s Greenhouses Plant II Limited Seasonal In-Store Service Hand book. I understand that it is my continuing responsibility to read and know its contents and I declare that:

- (i) I am aware that Jeffery’s Greenhouses Plant II Limited policies are available to me in the employee handbook, upon request to Human Resources, or upon request to my direct Supervisor. It is my responsibility to familiarize myself with these policies and to ask questions if further clarification is required.
- (ii) In addition, I confirm that I have received, read (or will read) and understood the following policies:
 - Orientation Check list
 - Dress Code
 - Employee Work Policies
 - Employee Pay Information Policies
 - Workplace Safety and Insurance Coverage Policy-Accident Reporting
 - Health and Safety-Including...
 - Job Specific Hazards
 - Personal Protective Equipment
 - Fire Safety
 - Health & Safety Videos- Including...
 - MOL Worker Health & Safety Awareness in 4 Steps Training (on-line or workbook/quiz)
 - Racks – safe operating procedures (watch video/complete quiz)
 - Job Specific Training
- (iii) I agree to conduct my activities in accordance with Jeffery’s Greenhouses Plant II Limited policies and understand that breaching these standards may result in disciplinary action up to and including possible termination.
- (iv) I understand that this manual contains information regarding Jeffery’s Greenhouses rules, regulations and benefits which affect me as an employee. I acknowledge that I have read (or will read) and understand the Company policies and agree to ask questions if further understanding or clarification is required.
- (v) I also understand that the Jeffery’s Greenhouses Plant II Limited may revise, supplement or rescind policies or procedures as described in this welcome package, with or without notice.
- (vi) I also agree not to copy or reproduce the contents of this handbook without the express written permission of the management of Jeffery’s Greenhouses Plant II Limited, or distribute this Handbook to any person who is not employed by Jeffery’s as a Seasonal In-Store Merchandising Representative.
- (vii) And as an employee to only use the handbook for his/her exclusive purpose only;

Signed this ____ day of _____, 20__ at _____, Ontario by:

Employee Name (Printed):	Signature
Jeffery’s Greenhouse Plant II	Supervisor
Name (Printed)	Signature