



**Area Merchandising Supervisor**  
**Handbook**  
**(Plant II)**  
**Last revised March, 2023**

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# **1.0 Introduction**

## **1.1 Welcome**

Welcome to Jeffery's Greenhouses Plant II Limited. 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, your Team Leader will be pleased to discuss them with you or refer you to the appropriate person to speak to (such as the Human Resources, Production Manager or the General Manager).

As an employee of Jeffery's Greenhouses, 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, 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 Limited

## **1.2 Introduction**

This handbook is designed to acquaint you with Jeffery's Greenhouses 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.

## **1.3 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.

## **1.4 Company History**

Jeffery's Greenhouses (the "Company"), owned and operated by the Jeffery family, is a third generation family farm corporation. George Jeffery started the original farm on Lakeshore Rd., St. Catharines in 1943. Over the past sixty-five years, the original operation (Jeffery's Greenhouses Inc. termed "Plant I") was expanded by Jim and Sandy (George's son and daughter-in-law) from a small scale fruit and vegetable farm to a large greenhouse operation totaling 9 acres of indoor growing space for ornamental plants and spring propagative material.

Demand for the company's spring annual product was so strong, that Jim and Sandy's children, Jim Jr, Kim and Barbara started Jeffery's Greenhouses Plant II Limited located at 2411 Fourth Avenue in Jordan Station that finishes spring bedding plants and annual planters and baskets from material propagated at the original farm.

Plant II has surpassed the original farm in size with over 11 acres of indoor growing space and employs over 20 full-time staff, with an additional 70 seasonal employees for the busy spring season. Our customers are located in Ontario. We ship our spring products to retail mass-merchants, grocery chains and wholesale florist distributors and nurseries.

We have established ourselves as being one of the largest suppliers of Bedding Plant material with the widest variety in all of Ontario.

Jeffery's Greenhouses is at the forefront of the Greenhouse Industry in terms of quality, service and integrity.

## **1.5 Company Mission Statement**

Jeffery's Greenhouses 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.

## **1.6 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](http://www.jefferysgreenhouses.com)**
- **General Email ; [info@jefferysgreenhouses.com](mailto:info@jefferysgreenhouses.com)**

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

## **1.7 Organizational Structure**

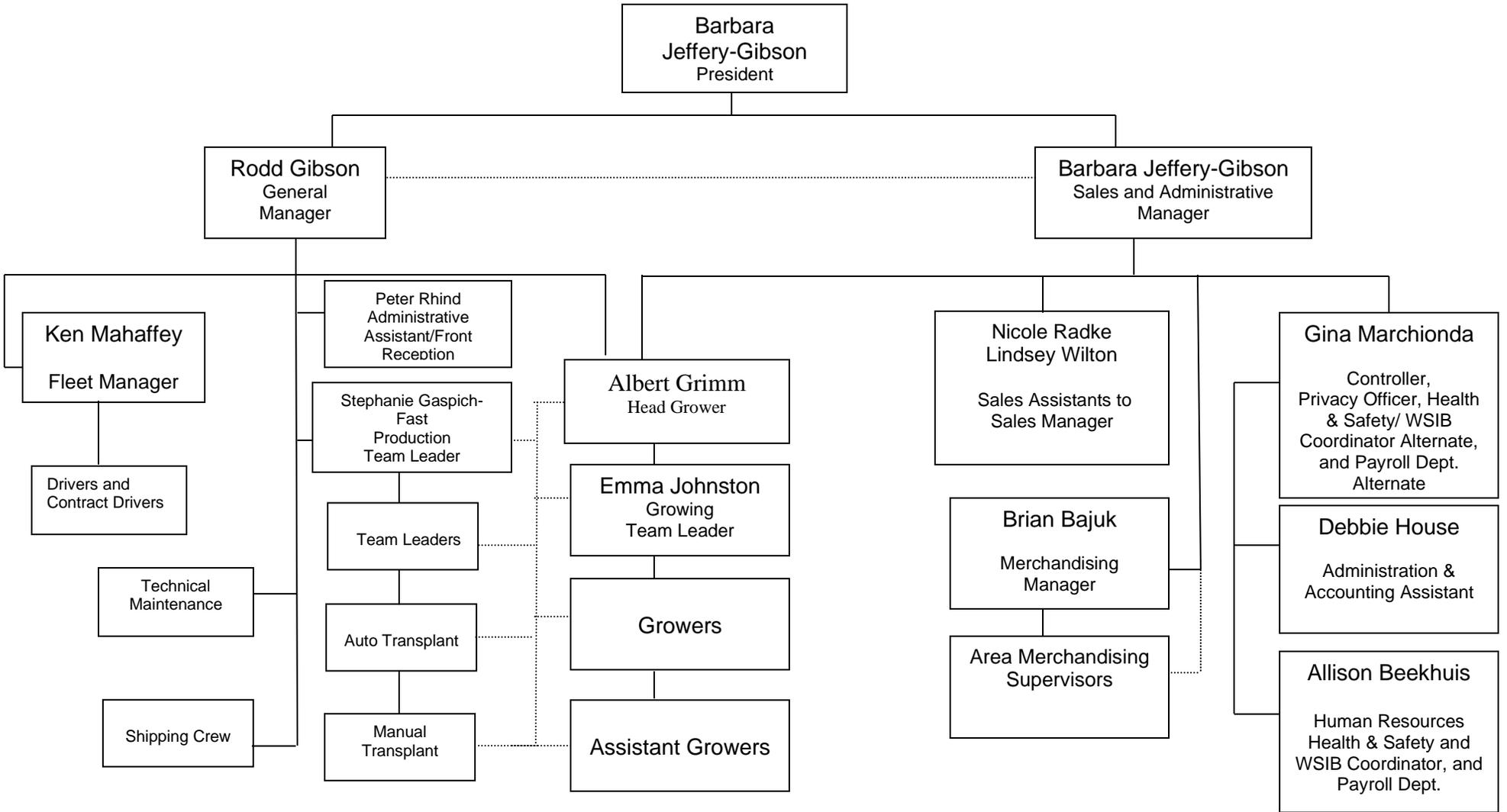
We have various levels of Management in our Company. An overview of the Company structure is provided on the following Organizational Chart.

As a Supervisor, you have the responsibility to get a new employee off to a good start, by introducing the employee to their fellow co-workers, advising them of company policies, where things are located, how the work is to be done and any safety measures to be taken, and generally, be helpful in any area that is necessary.

Always look to the Merchandising Manager, for direction and job instructions at all times. If a conflict arises, the Sales and Administrative Manager is always available for consultation.

An organizational chart is provided on the next page.

# 1.7 Organization Chart



# 2.0 Employment

## 2.1 Equal Opportunity

Jeffery's Greenhouses employs people based on their training, experience and overall qualifications to do their work well. Our company encourages training which will allow hard working and qualified employees to be promoted.

There will be no discrimination by management, team leaders or employees against anyone because of race, religious creed, colour, national origin, ancestry, age, sex, handicap, sexual orientation, marital or family status, ethnic origin, citizenship or any record of offences.

Please consult our Human Rights Policy contained in section 11 and our Accessibility for Ontarians with Disabilities Policy contained in section 12.

## 2.2 Equal pay for Equal work

Ontario has legislation called the Pay Equity Act to ensure that women and men receive equal pay for performing jobs that may be very different but are of equal value. The Employment Standards Act, 2000 (ESA), on the other hand, has provisions that ensure women and men receive equal pay for performing substantially the same job. That is, they are entitled to receive equal pay for "equal work," meaning work that is substantially the same, requiring the same skill, effort and responsibility and performed under similar working conditions in the same establishment.

According to the ESA, a woman cannot be paid less than a man if she is doing "equal work." This also applies in reverse; a man cannot receive less pay than a woman if he is doing "equal work."

### **Substantially the same work**

This means that the work is similar enough that it could reasonably be considered to fall within the same job classification. The jobs do not have to be identical in every respect, nor do they have to be interchangeable.

### **Substantially the same skill, effort and responsibility**

Skill refers to the degree or amount of knowledge, physical, or motor capability needed by the employee performing the job. Effort is the physical or mental exertion needed to perform a job. Responsibility is measured by the number and nature of an employee's job obligations, the degree of accountability, and the degree of authority exercised by an employee in the performance of the job.

### **Similar working conditions**

Working conditions refer to such things as exposure to the elements, health and safety hazards, workplace environment, hours of work, etc

- They are in the same municipality; or
- There are common "bumping rights" for at least one employee across municipal borders.

## Exceptions

Even if a man and a woman are doing substantially the same work, they can be paid different rates of pay if the difference is due to:

- **A seniority system:** An employee with greater seniority than another employee of the opposite sex may be paid more than the other employee even though both are doing substantially the same work if the difference in pay rates is based on a seniority system.
- **A merit system:** An employee may be paid more than another employee of the opposite sex even though both are doing substantially the same work if the difference in pay rates is based on a system that objectively measures merit.
- **A system that measures earnings by quantity or quality of production:** An employee may be paid more than another employee of the opposite sex even though both are doing substantially the same work if the difference in pay rates is based on a system that measures how much employees produce or the quality of what they produce.
- **Any difference that is not based on the sex of the employee:** For example, an employee may be paid more than an employee of the opposite sex even though both are doing substantially the same work if the difference in pay rates is based on a factor other than sex. For example, employee A may at one time have been in a position that required greater skill than the position that employee B has and so was paid more. However, when A's original position was abolished, he was demoted to the same position that B had but was "red-circled," i.e., he kept the same rate of pay that he had when he was in his original position. The ESA allows this because the reason for A being paid more than B has nothing to do with the sex of either employee.

## 2.3 Recruitment & Selection

All employment opportunities at Jeffery's are posted to encourage internal promotion as well as sharing of the post with qualified friends and family. They are posted on Jeffery's website and on the websites of affiliated organizations. Occasionally, they are posted on employment websites or with an employment agency. Applications are encouraged from current employees but will be screened in the same manner as applications received from outside applicants.

Applicants are invited to submit their application, along with a current résumé, demonstrating that they meet the minimum criteria for the position being sought. At the closing date, all applications are screened, and candidates selected for interview are contacted. If the interview is positive, references will be contacted. Depending on the feedback provided, a position may be offered to the applicant.

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## 2.4 Nepotism

Although Jeffery's Greenhouses is a family owned and operated business, it is necessary to address the issue of employment of relatives beyond the Jeffery family.

We believe that it is in everyone's best interests to keep business and professional relationships separate from personal and family relationships. All efforts will be made to ensure that no candidate shall be hired for a position where they may report to, or supervise a member of their immediate family.

The Company also reserves the right to not employ close relatives of officers or other high level employees of our customers, competitors, or others with whom the Company conducts business with in order to avoid conflict of interest (or the appearance of) or to protect confidential information.

Personal relationships with other employees should be disclosed prior to accepting any offer from the employer. If two staff members, who work in the same department or supervise the other, develop a spousal relationship after employment, one of the two may be transferred to another department, or possibly terminated if no suitable position is available. The decision as to which employee will be terminated if transfer is not possible, will be left to the two employees involved, unless business necessity requires the Company to make the decision. Failure to disclose this information would be considered contradictory to the company code of ethics.

Where relatives are hired, they will be treated fairly and consistently with all other staff in accordance with the Company rules and policies. For the purposes of this policy immediate family is defined as: parent(s), step parent(s), foster parent(s), sibling(s), grandparent(s), spouse (including common law and/or same sex partner), step child(ren) or ward of the staff member, father-in-law or mother-in-law (including parent of same sex partner).

## **2.5 Seasonal Nature**

Our industry is driven by the seasonality of Mother Nature and the associated changes in the weather. Accordingly Jeffery's expands and reduces its workforce as dictated by these seasonal changes. Jeffery's strives to extend the employment period will as the market and weather changes reduce or extend your hours as we go through our annual business cycle.

## **2.6 Outside Work**

As a rule, no outside work for competing employers is permitted. Performance of work for employers other than Jeffery's is expressly prohibited in circumstances where it interferes with employment at Jeffery's. In no circumstances are employees to use company time, facilities or materials of Jeffery's in connection with any other employment or for personal use. A failure to abide by this requirement may result in termination from employment with Jeffery's.

## **2.7 Orientation**

All new employees to Jeffery's shall receive an orientation session with the Human Resources Manager and/or the Merchandising Manager. You will be informed of the date and time of the orientation session upon your hiring and will be paid for your time. This session will encompass an overview of general policies, procedures and operations.

The orientation session will include:

- A tour of our greenhouses, the client's garden centre and an explanation of how your job fits into our operation.

- An explanation of our personnel policies as they relate to you and the general rules and regulations of the Company.
- A review of the safety policies of the Company and how they relate to the performance of your job.
- An introduction to other members of the Jeffery's team and the management of the company.

Orientation will provide employees new to either a position or to Jeffery's, an opportunity to learn the performance expectations management has with regard to the position in question. You will be given a copy of this Employee Handbook and will be expected to learn its contents. All new hires will be required to sign an orientation checklist, evidencing that our policies have been explained to you.

As an Area Merchandising Supervisor, you will be responsible for orienting your seasonal merchandisers to their position and job duties. Where possible, we recommend that you assign a coworker to mentor/shadow them for the first two (2) weeks of their employment. The mentor will be there to provide you with any guidance you may require while on the job and answer any further questions you may have.

## **3.0 Employment Status & Records**

### **3.1 Introductory Period**

The first six (6) months of employment are an introductory or probationary period for seasonal work and may only fill the need for additional employees. During that time you will become acquainted with your work and fellow employees. To maintain our standard of quality employees, our Managers monitor and evaluate the attitude, attendance and performance of all new employees. This also provides management an opportunity to assess skill levels and address areas of potential concern.

If at the end of the 6 month introductory period an employee's work is found to be satisfactory, a six (6) month evaluation will be held in the event of a full time job opening. If a Manager feels that an employee has demonstrated the necessary skills needed, the employee will be put on a full time contract, and only at that time will wages, level moves and benefits be discussed.

### **3.2 Employee Duties**

Attached to an Offer of Employment, is a description of the job and the associated responsibilities, along with any additional tasks possibly required. This document will be used to evaluate performance both during the probation period and after. If an employee is unsure of its contents, they should not hesitate to ask for clarification.

From time to time, it may be necessary to amend an employee's job description. These amendments will be discussed with the employee in advance however; the final decision on implementation will be made by management.

### **3.3 Definitions of Employee Status**

**Seasonal employees** are employees that are hired on a specified contract term that does not exceed one year or are employees that are hired to perform a specified task that will not take longer than one year to complete. The hours may be part-time (up to 20 hours per week) or full-time (35 hours or more per week).

**Full-time employees** are employees that are hired for a set number of hours and/or days per week per season, on a long-term or indefinite basis following a six (6) month introductory/probationary period.

### **3.4 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. The store visits will be determined based on anticipated business volume and store deliveries.

### **Part Time Seasonal Contract Term Positions**

Hours will vary depending on the location and will be scheduled according to anticipated store deliveries.

### **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 hour 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 (excluding overtime pay) payable to you in the four weeks ending just before the work week with the public holiday, divided by 20.

If you are required to work on the public holiday, you will be paid for the hours worked on the public holiday at the premium rate of 1.5 times your regular rate of pay and you will also be paid the public holiday pay that you are entitled to, unless you agree in writing to work the public holiday at regular pay and take an alternate day off with Public Holiday pay. By contract, all Area Merchandising Supervisors have agreed to work the Victoria Day holiday at regular pay and take an alternate day with pay calculated at the Public Holiday amount.

## **3.5 Overtime and Reduced 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.

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

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

## **3.6 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.

## **3.7 Performance Appraisals**

Performance appraisals are designed to evaluate your performance in a particular job. The factors to be evaluated include your productivity, the quality of your work, your attendance, your attitude, and the development of your skills or abilities as an employee of the Company.

Performance appraisals are done at the following times:

- At the end of the first six months of employment with the Company (ie. when switching from a Seasonal Term Contract to a Full-Time Contract) or first six months employment in a new position with the Company and thereafter,
- Annually, at the end of Fall shipping.

The performance appraisals are intended to be a constructive process. An employee will gain a better understanding of the Company's expectations and the Company's view of their job performance. At the same time the employee is able to share any of their views or concerns.

The performance review will be performed by your supervisor, the Merchandising Manager in conjunction with the President/General Administrative & Sales Manager.

Before the review is done, you will be asked to complete a self-evaluation as well as identify your goals as an employee of the Company for the upcoming year.

# 4.0 Disciplinary Action

## 4.1 Employee Accountability and Discipline

Jeffery's Greenhouses 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 THAT WILL NOT BE COMPROMISED. IF YOU ARE HAVING A PROBLEM TAKE RESPONSIBILITY. ASK FOR HELP AND CORRECT THE PROBLEM BEFORE A SEVERE CONSEQUENCE RESULTS.**

### 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.

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 President or General Manager must be involved prior to suspension or dismissal.

### Informal Discipline

Informal verbal discussions will result when specific deficiencies in your work conduct occur. These incidents are logged in your file. You are expected to correct problems immediately and ensure that they do not recur.

## **Formal Discipline**

### **1<sup>st</sup> Warning – Oral Discussion**

If you fail to correct problems that were discussed with you informally, you will receive an Oral Warning. This involves a formal discussion with your supervisor to outline what the problems are, exactly what must be done to correct them and what assistance is available to you. A record of your oral discussion will be drafted for you to sign. You will receive a copy and a copy will be inserted in your personnel file.

### **2<sup>nd</sup> Warning - Written Warning**

If subsequent violations occur, not necessarily related to the oral warning already received, a formal written warning will be given to you with a copy to your file. Depending on the severity of the infraction, a one day work suspension without pay may also be in order. This warning is possibly the last chance to bring your performance within the acceptable limits of the Company standards before termination, so DO NOT take it lightly. After you receive the letter you will meet with your supervisor to set specific goals, deadlines and discuss available assistance for immediate improvement. A record of your discussion will be drafted which you will be required to sign. You will receive a copy and a copy will be inserted in your personnel file.

### **3<sup>rd</sup> Warning – Second Written Warning, Suspension or Dismissal**

If subsequent violations occur, you should expect disciplinary action ranging from a second written warning, or a work suspension without pay of up to three (3) days, or dismissal depending on the severity of the infraction.

## **Examples of Conduct Warranting Disciplinary Action**

The discipline imposed must be appropriate to the offence and surrounding circumstances. Circumstances may vary i.e. Was it a deliberate act, what was the motive behind the offence? This guide is not to be assumed to be a total list. Discipline may be imposed for offences not included. It is important that all employees accept and observe any rules set out by Jeffery's.

The Company's guidelines for discipline include, but are not limited to the following circumstances:

### **Minor Offences** might include:

- Leaving work area without authorization or just cause
- Lateness
- Uncooperative Behaviour or Attitude
- Violation of the Company policies and procedures
- Unsatisfactory performance
- Restricting, interfering with or hindering work schedules or operations
- Non-compliance with dress code
- Failing to report injuries or accidents as soon as possible
- Smoking anywhere other than designated areas and/or other than designated times

**Minor Offences are dealt with in this manner- verbal warning, two written warnings and then dismissal.**

**Moderate Offences** might include:

- Absent without authorization / failure to report without notice
- Leaving work early without authorization
- Minor insubordination
- Unacceptable behavior (indecent conduct, threatening bodily harm)
- Disputes with coworkers
- Foul or abusive language
- Negligence
- Conflict of Interest
- Excessive Absenteeism
- Violation of Safety or Sanitation Rules
- Abuse of Company property (tools, ladders, tractors, machinery or other equipment)
- Making false, vicious or malicious statements about any employee or the Company
- Mistreatment of fellow employees, customers or sub-contractors of the company, through negative or confrontational communication or actions

**Moderate Offences are dealt with in this manner- 2 written warnings and then dismissal.**

**Major Offences** might include:

- Falsifying employment applications, hours worked, payroll information, insurance records/application or any other Company documents and records.
- Fighting, horseplay, practical jokes, or other disorderly conduct that could endanger the wellbeing of any employee or Company operation.
- Falsifying time records
- Theft, unauthorized removal, falsification or alteration of company or fellow employee's property or records
- Abusing, misusing or destroying company property or the property of members or other employees
- Possessing dangerous or deadly weapons on company premises or while performing company duties
- Gambling, carrying weapons, or violating criminal laws while on Company premises.
- Supplying false or misleading information when applying for employment.
- Gross insubordination
- Reporting for or being at work under the influence of alcohol or non-prescription drugs
- use or possession of alcohol or non-prescription drugs while on company time or premises
- Harassment
- Willful disobedience, insubordination or repeated failure to comply with the instructions of a supervisor (Team Leader/Manager) or refusal to perform work assigned.
- Malicious damage to, or intentional neglect of Company, employee, customer or sub-contractors property
- Major Conflicts of Interest – where employees perform non-work related activities during working hours

**Major Offences may lead to dismissal on first offences.**

## **4.2 Attendance**

All employees of Jeffery's Greenhouses 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 to**

- establish standards for attendance,
- establish a framework for response, both non-disciplinary and if necessary, disciplinary, when employees don't meet standards and
- 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.

### **Definitions**

#### **Culpable Absenteeism:**

Failure to be present for work as a result of factors within the control of the employee, including but not limited to; failure to notify, absence without leave, abuse of leave and coming to work late or leaving early without notification or authorized excuse. Culpable absenteeism is grounds for discipline up to and including termination.

#### **Non-Culpable Absenteeism:**

Failure to be present for work due to illness, injury or other physical and mental conditions deemed to be "disabilities" under the Ontario Human Rights Act. Non-culpable absenteeism is subject to non-punitive correction action in accordance with the terms of this policy.

### **Procedures**

#### **Arrival:**

Jeffery's expects our employees to arrive on time and be prepared to work. Daily instructions and work teams are given out first thing in the morning and your lateness will delay your work and inconvenience others. We suggest that you arrive at least fifteen (15) minutes in advance of your scheduled start time, so that you have time to put your personal belongings away and are ready to begin work on the job when your shift commences.

#### **Call In Procedure:**

If you are absent from work, you must call and email your Supervisor and Human Resources before your scheduled shift starts and inform us 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 us before the start of your shift each day during the duration of your absence.

#### **Abandonment of Employment**

An employee who is absent from work for two (2) consecutive days without permission from their supervisor or without contacting their supervisor will be considered to have abandoned their position and will be deemed to have resigned. This will be upheld unless the employee can demonstrate that circumstances beyond their control kept them from reporting to work and/or from contacting their supervisor.

**Days Off Requests**

Absenteeism (other than personal emergency leave) should be avoided. Personal appointments (doctor, dentist, etc.) should be scheduled around your work time. 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 complete a **Days Off Form** and submit it to your Supervisor for approval at least one week in advance of the day(s) being requested.

Depending on the workload and the availability of alternate staff, your request for days off may or may not be approved. Your Supervisor will notify you of their decision within two (2) days of receipt of your request. Requests for time off during our peak seasonal period (the months of March through to the end of May) are less likely to be approved. However, the earlier that you submit your request to your Supervisor, the easier it is to re-schedule work or other employees to cover your shift.

**Attendance Standards**

Jeffery’s will determine the average number of absences and rate of attendance that is an acceptable standard over the course of a year. Absences in such calculation will include those above or outside the acceptable Personal Emergency Leave days as defined in the Employment Standards Act, as well as excessive lateness or illnesses which prevent them from performing the functions they were hired to fulfill.

**Attendance Review**

Employees who fail to meet the attendance standards as established by Jeffery’s will be subject to an attendance review. This review will be managed in partnership with Human Resources and the Supervisor. The review will determine whether or not the absence is culpable or non-culpable.

**Response to Culpable Absences**

If it is determined that the employee’s failure to meet the attendance standards was a result of culpable absenteeism, the situation will be treated as a disciplinary matter subject to Jeffery’s Progressive Discipline Policy in accordance with the chart below:

	<b>Occurrences/Days</b>	<b>Discipline Step and Action</b>
<b>Occurrence</b> One occurrence is equal to: <ul style="list-style-type: none"> <li>• 1 Unscheduled Absence</li> <li>• 1 Tardy/Late Occurrences</li> <li>• 2 Missed Clock Punches</li> </ul>	4 Occurrences	Step 1: Verbal Warning
	6 Occurrences	Step 2: Written Warning
	8 Occurrences	Step 3: Final Written Warning
	10 Occurrences	Step 4: Termination
<b>Total # of Days Absent</b> <ul style="list-style-type: none"> <li>• Consecutive or Non Consecutive</li> <li>• Culpable or non-supported non-culpable (eg. No doctor’s note)</li> <li>• Does not apply to Tardy</li> </ul>	6 Days	Step 1: Verbal Warning
	9 Days	Step 2: Written Warning
	12 Days	Step 3: Final Written Warning
	15 Days	Step 4: Termination
<b>Single Day of No Call In and No Show</b>	1 Occurrence	Written Warning
	2 Occurrences	Final Written Warning
	3 Occurrences	Termination

## **Response to Non-Culpable Absences**

Employees are entitled to up to 10 personal emergency leave days per year as soon as they start working for an employer. These leaves fall under the “Non-Culpable” Absenteeism. The first two days of the leave in each calendar year are paid if the employee has been employed for one week or longer. An employee who missed part of a day to take the leave would be entitled to any wages they actually earned while working, in addition to personal emergency leave pay for any leave taken.

Non-Culpable Absences in excess of the allotted 10 days will be treated as a matter of non-disciplinary attendance management and subject to the following procedures:

### **Initial Meeting**

Jeffery’s will conduct an informal interview with the employee with following agenda:

- Notify him/her of its concerns with attendance;
- Explain the impact of absences on work operations;
- Set expectations for improved attendance and
- Identify resources available to the employee for assistance.

### **Formal Meeting 1**

If the employee’s attendance fails to improve within the timeline specified in the Initial Meeting, Jeffery’s will hold a formal meeting and issue a formal letter with the following agenda:

- Notify him/her of its concerns with attendance;
- Explain the impact of absences on work operations;
- Set expectations for improved attendance;
- Give him/her an opportunity to explain the reasons for his/her absenteeism;
- Identify resources available to the employee for assistance and
- Set out a course of action for correction with timelines, including any accommodations that have been agreed to in order to improve attendance.

### **Formal Meeting 2**

If the employee’s attendance fails to improve after Formal Meeting 1, Jeffery’s will hold a second formal meeting and issue a second formal letter with the following agenda:

- Notify him/her that current attendance levels are unacceptable;
- Give him/her an opportunity to explain the reasons for his/her absenteeism;
- Identify resources available to the employee for help;
- Set out expectations for satisfactory improvement including timelines;
- Review the course of action and/or accommodation plan from Formal Meeting 1, adjust if necessary based on provided medical recommendations or any new information and
- Review potential consequences of failure to comply, including imposition of disciplinary action.

### **Formal Meeting 3**

If the employee’s attendance fails to improve within the recommended timeline found in the course of the action plan after Formal Meeting 2 Jeffery’s will hold a third and final meeting and issue a third and final formal letter

- to re-state the points of Formal Meetings 1 & 2, and
- set out expectations of improvement and potential consequences of failure to achieve it up to and including termination.

# 5.0 Time/Record Keeping & Payroll Information

## 5.1 Personnel File

Your personnel file is confidential. Only authorized personnel have access to the information it contains. Employee records are maintained for several important reasons:

- To ensure that legal, regulatory, and procedural requirements have been met
- To provide a basis for making personnel decisions (e.g. benefits, salary, termination)
- To assist with human resources management
- To collect information for statistical human resources reports for the board of directors and/or the government.

*Here is a summary of the contents of your personnel file:*

- Employee information sheet
- Home address and telephone number
- Emergency contact
- Hiring and termination dates
- Birth date
- Benefit status and information
- Job description
- Application form and/or résumé
- Employee tests completed and results
- Reference check documentation
- Employment letter of agreement (job offer and acceptance)
- Leave request forms and any applicable medical certificates
- Compensation history
- Performance review forms
- Professional development and training completed
- Employee counseling records including disciplinary letters, if applicable
- Confidential correspondence with employee
- Termination information and/or letter of resignation
- Letters of recommendation

Your personnel file is a record of facts about you and your job at Jeffery's. Some of these facts must be collected by law for tax, Employment Insurance benefits and pension reasons. Records of events including promotions, transfers, special assignments, and other changes are documented. Tardiness, absenteeism, and work issues are also noted.

An employee may examine his/her personnel file maintained in Human Resources. The file cannot be removed from Human Resources and must be examined in the presence of a member of the Human Resources department or their Supervisor.

In the event an employee believes the information on file is inaccurate, they may add a statement to the file to document that opinion.

Jeffery's will not confirm employment or release or disclose any information from an employee's file to any outside party without the employee's permission.

If you terminate employment the following will be added to your file:

- Your written resignation
- A written record of your work performance

If you resign, retire or are terminated, we are required by law to retain your personnel file for seven years.

Should you have any concerns about the use of your personal information or requests for access to information, please contact Human Resources. It is your responsibility to advise Human Resources of any changes to your personal information.

## **5.2 Employee Time Recording**

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). Your Supervisor will review and approve your mileage and hours worked.

Indicate the time that you arrive at your first store in the day and the time that you leave your last store of the day and 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.

### **Payroll Processing of Time Recordings**

The information from each form is transferred to a computer time program by the Payroll Department (Human Resources or Controller). For payroll purposes, a printed report of dates, times and hours worked is then printed and used as the basis for computing your pay.

You should keep copy yourself on all time submitted via the website fillable forms so that you can compare them to your actual pay for the period. If any discrepancies are noted, please notify the Payroll Department (Human Resources Manager or Controller) immediately.

### **Falsification of Time Records**

An employee who submits falsified time records will be subject to disciplinary action in accordance with Section 4 of this Handbook.

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

## **5.4 Change of Information**

Any changes to your Personal Data such as Name, Address, Telephone Number, Banking Information, Emergency Contact, or Benefits (Beneficiary Change, RRSP deduction etc.), and Extra Tax Deductions must be given immediately to the Payroll Department.

A “**Change of Information Form**” is available on the website or from the Payroll Department (Allison Beekhuis or Gina Marchionda).

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

## **5.5 Cash Advances**

Cash advances are available for approved business expenses only. Consult your Manager for the appropriate form to fill in - “**Staff Expense Report**”.

## **5.6 Bonuses**

Bonuses are a discretionary form of compensation that the Company uses as a way of thanking employees for extraordinary effort during the year. If bonuses are paid, they will be done in the month of September. Provided that the Company has sufficient earnings in order to pay a bonus, the amount of bonus paid to an employee will vary depending on the following factors:

- Willingness to work extra hours to get a job/task completed especially during peak seasonal periods.
- Excellent attendance – can always be relied to show up at work, especially during peak seasonal periods.
- Excellent attitude – maintains a positive attitude while working, getting along well with fellow workers in order to complete specific tasks.

## **5.7 Pay Raises**

Jeffery’s considers the wage or salary information of our employees to be confidential. Publishing a wage grid would not only breach this confidentiality, but could create (in appearance or fact) a rigid structure limiting the Company from rewarding employees for outstanding performance or skills.

Wages and salary are determined according to the following factors:

- Skills and abilities of the employee

- Previous experience as it relates to the position
- Responsibility the position carries
- Competitive forces in the industry
- Financial position of the Company
- Employment Standards Act of Ontario (Minimum Wage)

The Company's objective is to develop a workforce that is skilled, highly motivated, and committed to serving our customers. The success of the business contributes to our employee's prosperity and job security. For this reason, length of service with the Company is one of the relevant factors considered in such matters as vacation entitlement, promotions and layoffs.

Requests for pay rate increases will only be considered at each annual performance appraisal in (see – Performance Appraisals section 3.7). Whether or not a pay rate increase is granted will depend on the factors listed above with major emphasis placed on your job performance, attendance, and willingness to try different tasks or take on new or additional responsibilities.

# 6.0 TIME AWAY FROM WORK

Jeffery's Greenhouses has adopted this Time Away from Work policy to ensure that its employees are provided with authorized time off as per applicable legislation without fear of a negative impact on their employment status or opportunities with the organization. Jeffery's Greenhouses is committed to providing a work-life balance for its employees and understands that situations can and will arise that call for an employee to request time away from work for a specific period.

This policy covers both instances where employees may need to take planned/unplanned leave of absence in order to attend to situations that directly affect their families or dependents as well as planned and approved vacation. Determining which leave may be applicable depends on the criteria and is ultimately decided by Service Canada, not the Employer. The leaves outlined in this Time Away From Work policy cover both ESA protected leaves and unprotected leaves.

## **Interaction between personal emergency leave and other leaves**

PEL, family caregiver leave, family medical leave, domestic or sexual violence leave, critical illness leave, child death leave and crime-related child disappearance leave are different types of leaves. The purposes of the leaves, their length and eligibility criteria are different.

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). This means that a single absence can only count against one statutory leave, even if the event that triggered it is a qualifying event under more than one leave. Employees are advised to contact Service Canada directly at 1-800-206-7218 for further guidance.

## **6.1 Rights During ESA Protected Leaves**

Employees who are on pregnancy, parental, unpaid job protected sick leave, family responsibility leave or bereavement leave, 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 Certain Benefit Plans**

Employees on ESA protected leaves have the right to continue to take part in the Jeffery's Greenhouses extended health and dental benefit plans that they are entitled to be enrolled in. Jeffery's will continue to pay its share of the premiums for these benefits including the group life insurance that was offered before the leave. However, the employee must continue to pay their share of the premiums while on leave, in order to continue to participate in these plans. Employees must meet with the Payroll Department (Allison Beekhuis or Gina Marchionda) to indicate how their share of the premium will be paid during their leave (i.e. lump sum withholding on their final pay cheque before the leave or monthly payment by cheque or post-dated cheques). If the employee is not capable of paying their share of the premium for the extended health and dental benefit plans, then the coverage will be cancelled until their return.

An employee who is on a reservist leave does not have the right to continue to participate in these plans during their leave. However, if the employer postpones the employee's reinstatement, the employer is required to pay the employer's share of premiums for certain benefit plans related to their employment and allow the employee to participate in such plans for the period during which the return date is postponed.

## **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.

## **The Right to Earn Credits for Length of Employment/Service**

Entitlement to vacation time will continue to accrue to employees while on these leaves and will continue to earn credits toward length of employment/service. However, the period of leave is not included when determining whether an employee has completed a probationary period. If an employee was on probation at the start of a leave, he/she must complete the probationary period after returning to work.

## **6.2 Vacations**

In accordance with the Employment Standards Act of Ontario, all employees (part-time, seasonal and full-time) are entitled to receive an annual minimum vacation time of two weeks and a minimum vacation pay of four per cent (4%) of gross wages (excluding vacation pay paid and bonuses) for every twelve (12) month period worked and employees with five or more years of employment are entitled to three weeks of vacation time and a minimum vacation pay of six percent (6%) of gross wages (excluding vacation pay paid and bonuses). These twelve (12) months include time that an employee spends away from work because of temporary layoff, injury, approved leaves, and the ESA protected leaves such as pregnancy/parental leaves, emergency leaves, etc.

<b>Years of Full-time Service</b>	<b>Vacation Pay % of Gross Wages</b> (excluding vacation pay and bonuses)	<b>Weeks of Vacation Time Earned</b> (after 12 month period worked)
0 to 4 years (ESA)	4%	2 weeks per year
5 or more years (ESA)	6%	3 weeks per year

## **Gross Wages**

The gross wages on which vacation pay is calculated include:

- 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

## **Notice**

Employees are required to complete a **Vacation Form** a minimum of two months in advance of their vacation preference and submit it to their Supervisor for approval. Vacation approval is subject to reasonable control over scheduling by the Supervisor and an employee shall take no vacation time during the first twelve (12) months of employment.

It is recommended that employees take no more than two (2) consecutive weeks' vacation at one time, especially those in supervisory positions. Consideration will be given to extraordinary circumstances as well as to written requests for vacation time in periods of less than one (1) week or non-consecutive days.

We will try to accommodate your preferred vacation time. Due to the seasonal nature of our business, vacations may not be scheduled during our peak seasonal period from the beginning of March to the end of June, or during other peak shipping periods of the year. We advise you to check with your Supervisor before confirming arrangements in order to avoid any disappointments in your holiday planning.

## **6.3 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.

## **6.4 Unpaid Job-Protected Leave**

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 leave in accordance with ESA under section 6.4 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 an unpaid leave under this section.

### **Full Time Employees and Paid Personal Emergency Leave (PEL)**

Jeffery's full-time employees will be granted up to 2 days of the 8 days of unpaid, job protected leave mandated in the Employment Standards Act of Ontario as paid Personal Emergency Leave (PEL) days. These two paid PEL days must be taken for the first 2 missed days worked (no choosing when they are applied) and do not carry over to the next calendar year. However, the two paid PEL days will be in addition to any other paid leave the full-time employee is entitled to under section 6.15 Paid Bereavement Leave. If the two paid PEL days are not used within the calendar year, the employee loses entitlement to them (ie. they may not be accumulated by carrying unused days forward to the next year). The employer may consider a half day taken to be a full day.

Requests for the paid day must be made directly to the worker's supervisor and Human Resources for the pay to be processed. It will not be automatically paid simply because you are not here, or you called in to your supervisor- you must specifically request it be paid.

### **Emergency Leave: Declared Emergencies and Infectious Disease Emergencies**

The declared emergency leave provisions provide employees with the right to an unpaid leave of absence if the employee will not be performing the duties of the employee's position because of an emergency declared by the Lieutenant Governor in Council or the Premier and if one of certain other eligibility criteria is met.

The infectious disease emergency leave provisions provide employees with the right to a leave of absence if the employee will not be performing the duties of the employee's position because of certain specified reasons related to a designated infectious disease. The diseases that have been designated as infectious diseases are set out in O. Reg. 228/20. From April 19, 2021 to July 31, 2022, eligible employees are entitled to up to three paid days of infectious disease emergency leave in certain circumstances. Otherwise, the leave is unpaid. (Note that paid infectious disease emergency leave was initially available until September 25, 2021. It was extended to December 31, 2021 and then was further extended to July 31, 2022.) Paid infectious disease emergency leave was set to end July 31, 2022. It will now continue until March 31, 2023.

## **6.5 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.

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 company must pay the higher wage when the employee returns from leave. If the company has dismissed an employee for legitimate reasons that are **totally** unrelated to the fact that the employee took a leave, the company does not have to reinstate the employee.

#### **The right to be free from penalty**

Jeffery's Greenhouses 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.

#### **The right to continue to participate in benefit plans**

Employees on pregnancy or parental leave have a right to continue to take part in certain benefit plans that Jeffery's Greenhouses offers. These include:

- pension plans;
- life insurance plans;
- accidental death plans;
- extended health plans; and
- dental plans.

The company will continue to pay its share of the premiums for any of these plans that were offered before the leave, unless the employee tells the company **in writing** that they will not continue to pay their own share of the premiums.

Employees must continue to pay their share of the premiums in order to continue to participate in these plans.

Employees who are on pregnancy or parental leave can also continue to participate in other company benefit plans if employees who are on other types of leave are able to continue to participate in those plans.

#### **The right to earn credits for length of service**

Employees continue to earn credits toward length of service during periods of leave.

#### **Probation**

The period of a leave is not included when determining whether an employee has completed a probationary period. If an employee was on probation at the start of a leave, they must complete the probationary period after returning to work.

## **6.6 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 employed by Jeffery's Greenhouses, may be entitled to family caregiver leave. There is no requirement in ESA 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.

Jeffery's Greenhouses 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.

### **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 do so 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. 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 caregiver leave if the employee fails to do so. Jeffery's Greenhouses 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**

Jeffery's Greenhouses 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 any protected of the other leaves.

## **6.7 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 employer 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 Jeffery's Greenhouses, 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.

### **Employment insurance benefits**

Under the federal *Employment Insurance Act*, 26 weeks of employment insurance benefits (called "compassionate care benefits") may be paid to EI eligible employees who have to be away from work temporarily to provide care to a family member who has a serious medical condition with a significant risk of death within 26 weeks and who requires care or support from one or more family members. For information about EI visit Service Canada's website, or contact Service Canada's Employment Insurance Automated Telephone Information Service at 1-800-206-7218. The right to take time off work under the family medical leave provisions of the ESA is not the same as the right to the payment of compassionate care benefits under the federal *Employment Insurance Act*. An employee may be entitled to family medical leave whether or not they have applied for or is qualified for the compassionate care benefits.

### **Interaction between family medical and personal emergency, family caregiver, critical illness, domestic or sexual violence, child death, and crime-related child disappearance leave**

Family medical, personal emergency, declared emergency, family caregiver, critical illness, domestic or sexual violence, child death, and crime-related child disappearance are different types of leaves. For example, the purposes of the leaves, their length, the individuals with respect to whom they can be taken, and eligibility criteria are different. See the respective chapters of this Guide for more information on each leave. 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 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 company 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.

Jeffery's Greenhouses 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 requests. 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 do so 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.

### **Rights during and at the end of a family medical leave**

Jeffery's Greenhouses 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.

## **6.8 Critical Illness Leave**

Critical illness leave is unpaid job-protected leave of absence of up to 37 weeks in relation to a critically ill minor child, or 17 weeks in relation to a critically ill adult within a 52-week period.

### **Eligibility**

Critical illness leave may be taken to provide care or support to a critically ill minor child or adult who is a family member of the employee for whom a qualified health practitioner has issued a certificate stating:

- That the minor child is a critically ill minor child, or the adult is a critically ill adult who requires the care or support of one or more family members, and
- sets out the period during which the minor child or adult requires the care or support.

A "minor child" means a child, step-child, foster child or child who is under legal guardianship, and who is under 18 years of age. An "adult" means a person who is 18 years of age or older.

"Critically ill" means that a person's baseline state of health has significantly changed and their life is at risk as a result of an illness or injury. It does not include chronic conditions.

A "family member" means:

- 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
- critical illness leave may also be taken for a person who considers the employee to be like a family member.

Employees wishing to take a critical illness 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 critical illness leave. An employee can take critical illness leave to care to a minor child who is their own child, or a minor child who is a family member from the list above (for example, a nephew, niece or grandchild). The specified family members do not have to live in Ontario in order for the employee to be eligible for critical illness leave.

An employee can take critical illness leave to care to a minor child who is their own child, or a minor child who is a family member from the list above (for example, a nephew, niece or grandchild). All employees who have been employed by Jeffery's Greenhouses for at least six consecutive months and who are covered by the *Employment Standards Act, 2000* (ESA) may be entitled to critical illness leave, whether they are full-time, part-time, permanent or term contract.

### **Qualified health practitioner**

For critical illness 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 that 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 critical illness leave.

The certificate must:

- name the minor child or adult
- state that the minor child or adult is critically ill or has been critically injured (there is no requirement that the certificate specify **what** illness or injury the person has; it need only state that the person is critically ill or critically injured)
- state that the minor child or adult requires the care or support of at least one family member, and
- set out the period during which the minor child or adult requires the care or support.

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 critical illness leave. The employee is required to provide the copy as soon as possible after the employer requests it. The employee may wish to provide the health practitioner with the "Medical certificate to support entitlement to family caregiver leave, family medical leave, and/or critical illness leave" form for him or her to fill out. It is available on the ministry's website on the employment standards forms page. There

is no requirement that the health practitioner use this particular form. Any certificate that states that a minor child is a critically ill or injured minor child or that an adult is a critically ill adult needing the care or support of one or more family members, and indicating the period during which the care or support will be required 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. If an employee is applying for Employment Insurance (EI) benefits for caregivers of critically ill minor children or adults who are family members, 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 critical illness leave.

### **Employment Insurance benefits**

Family members who take leave from work to provide care or support to a critically ill child may be eligible to receive Employment Insurance (EI) special benefits for caregivers of critically ill minor children who are family members for up to 35 weeks. There is a similar benefit for family members who take leave from work to care to critically ill adults for up to 15 weeks. For information about EI, visit Service Canada's website, or contact Service Canada's Employment Insurance Automated Telephone Information Service at 1-800-206-7218. The right to take time off work under the critical illness leave provisions of the ESA is not the same as the right to the payment of EI benefits under the federal *Employment Insurance Act*. An employee may be entitled to a critical illness leave whether or not they have applied for, or qualified for, the new EI benefits for caregivers of critically ill minor children or adults who are family members.

### **Death of a minor child or adult**

If a critically ill minor child or adult dies while an employee is on a critical illness leave, the employee's entitlement to be on leave ends at the end of the week (which is defined as being a Saturday) in which the person dies.

### **Sharing critical illness leave**

The total amount of critical illness leave that may be taken under the ESA by one or more employees in respect of the same minor child who is critically ill is 37 weeks. For a critically ill adult, the same rule applies but the total amount of leave that may be taken is 17 weeks. For example, a critically ill minor child requires the care or support of a family member for 40 weeks. If one family member took critical illness leave pursuant to the ESA for 35 weeks, the other family member can only take critical illness leave pursuant to the ESA for 2 weeks. The family members could take the leave at the same time or at different times.

### **Further leave**

A qualified health practitioner might underestimate the period of time a minor child or adult will require the care or support of a family member. If the practitioner estimated the period to be less than 52 weeks but the minor child or adult is still critically ill at the end of the period set out in the certificate, a second medical certificate can be issued to allow an employee to extend their leave.

### **Minor child turns 18 while employee is on critical illness leave**

Employees do not lose eligibility for critical illness leave if their child turns 18 after starting the leave. If a child turns 18 after a 37 week leave has already been started, the employee would be able to complete the leave and apply for further leave if necessary. However, in order to take additional critical illness leave for a critically ill adult (up to 17 weeks), the employee would need

to wait until the end of the 52-week period related to the last 37 week leave taken in relation for a minor child.

#### **Notice requirements: advance notice and written plan**

An employee who intends to take critical illness leave must inform Jeffery's Greenhouses in writing that they will be taking such leave and provide a written plan that indicates the weeks in which they will take the leave.

If an employee has to begin a critical illness leave before notifying the company, they must inform the Jeffery's Greenhouses in writing and provide a written plan as soon as possible after starting the leave.

#### **Change in employee's plan**

An employee may take a leave at a time other than that indicated in their original plan provided to their Jeffery's Greenhouses so long as the new dates fall within the dates the ESA allows, and:

- the employee requests permission from the company to do so in writing and the company grants permission in writing; or
- the employee provides the company with reasonable advance notice of the change in writing.

There is no limit on the number of times the employee can change their plan, so long as the requirements described above are met each time.

#### **Rights during and at the end of a critical illness leave**

Jeffery's Greenhouses does not have to pay wages when an employee is on critical illness leave. Employees who take critical illness 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 critical illness leave.

## **6.9 Child Death Leave**

Child death leave is an unpaid, job-protected leave of absence. It provides up to 104 weeks with respect to the death of a child.

#### **Eligibility**

Employees who have been employed by their Jeffery's for at least six consecutive months and who are covered by the *Employment Standards Act, 2000* (ESA) are entitled to child death leave if a child of the employee dies.

An employee is not entitled to this leave if the child died as a result of a crime and the employee is charged with the crime, or if it is probable, considering the circumstances, that the child was a party to the crime. "Child" means a child, step-child, child under the legal guardianship of the employee or foster child who is under 18 years of age. Generally speaking, crime means an offence under the Criminal Code of Canada.

#### **Federal income support grant**

An employee who takes time away from work because of the crime-related death of their child may be eligible for the Federal Income Support for Parents of Murdered or Missing Children

grant. For information about this grant, visit Service Canada's website or contact them at 1-877-842-5601.

### **Time of a child death leave**

A leave for the death of a child must be taken within the 105-week period that begins in the week the child died. The leave must be taken in a single period.

### **Sharing child death leave**

The total amount of child death leave taken by one or more employees for the same death (or deaths that are the result of the same event) is 104 weeks. The employees can take the leave at the same time or at different times. The sharing requirement applies whether or not the employees work for the same employer.

### **Notice requirements: Advance notice and a written plan**

An employee must inform the company in writing that they will be taking a child death leave and must provide a written plan that indicates the weeks in which they will take the leave. If an employee has to begin such a leave before notifying the company, they must inform the company in writing and provide a written plan as soon as possible after beginning the leave. An employee who does not give notice does not lose their right to the leave.

### **Change in employee's plan**

An employee may take a leave at a time other than that indicated in their original plan provided to the company so long as the new dates meets the restrictions of the ESA and,

- the employee requests permission from the company to do so in writing and the company grants permission in writing, **Or**
- the employee provides the company with four weeks' written notice before the change takes place.

### **Evidence**

An employee who takes a child death leave may be required to provide reasonable evidence of the employee's entitlement to the leave.

### **Rights during and at the end of child death leave**

Jeffery's will do not pay wages when an employee is on a child death leave. Employees who take child death leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, an employer 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 child death leave.

## **6.10 Crime-Related Child Death/ Disappearance Leave**

All employees who have been employed with Jeffery's Greenhouses for at least six (6) consecutive months are entitled to up to one hundred and four (104) weeks of unpaid job protected leave if an employee's child disappears and it is probable, considering the circumstances that the child disappeared as the result of a crime.

Generally, an employee who takes a crime-related child death or disappearance leave must take the leave in a single time period, although limited exceptions do apply. For exceptions and unusual circumstances related to this leave, please consult your manager or refer to the Employment Standards Act, 2000.

If an employee's child is found alive while the employee is on a crime-related disappearance leave, the employee is entitled to stay on leave for an additional fourteen (14) days. If an employee's child is found dead, the employee's entitlement to be on leave ends at the end of the week in which the child is found.

If it becomes probable, considering the circumstances, that the disappearance of an employee's child is not the result of a crime; the leave must end on the day in which it no longer seems probable.

Please note that an employee is not entitled to this leave of absence if the employee is charged with the crime or if it is probable that the child was party to the crime.

### **Evidence**

Jeffery's Greenhouses may ask an employee to provide reasonable evidence to support the employee's entitlement to a crime-related child disappearance leave.

### **Notice**

Employees are required to give notice in writing to Jeffery's Greenhouses prior to the start of a crime-related child disappearance leave. The employee must also provide a written plan that indicates the weeks in which he or she will take the leave.

If an employee must begin a crime-related child disappearance leave prior to notifying Jeffery's Greenhouses due to an emergency situation, the employee must notify Jeffery's Greenhouses in writing about the leave as soon as possible after beginning it and provide a written plan that indicates the weeks in which he or she will take the leave.

### **Federal income support grant**

An employee who takes time away from work because of the crime-related death or disappearance of their child may be eligible for the Federal Income Support for Parents of Murdered or Missing Children grant. For information about this grant, visit Service Canada's website or contact them at 1-877-842-5601.

### **Timing of a crime-related child disappearance leave**

A leave for the crime-related disappearance of a child must be taken within the 105-week period that begins in the week the child disappeared. An employee must take the leave in a single period.

## **6.11 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.

All employees (full-time, part-time, or seasonal) are eligible for the leave if they have been employed by Jeffery's Greenhouses for at least 13 week and they undergo surgery to donate all or part of one of the following organs to another person:

- ✓ kidney
- ✓ liver
- ✓ lung
- ✓ pancreas
- ✓ small bowel

### **Timing of an 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:

- Be covered by the ESA;
- Have been employed by their employer 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 employer 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 employer at least two weeks' advance written notice.

### **Medical certificate**

The employer 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 employer 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. Employers 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.

## **6.12 Reservist Leave**

Employees who are reservists and who are deployed to an international operation or to an operation within Canada that is or will be providing assistance in dealing with an emergency or its aftermath (including search and rescue operations, recovery from national disasters such as flood relief, military aid following ice storms, and aircraft crash recovery) are entitled under the ESA to unpaid leave for the time necessary to engage in that operation. In the case of an operation outside Canada, the leave would include pre-deployment and post-deployment activities that are required by the Canadian Forces in connection with that operation.

In order to be eligible for reservist leave, you must have worked for your employer for at least six consecutive months. Generally, reservists must provide their employer with reasonable written notice of the day on which they will begin and end the leave.

Employees on a reservist leave are entitled to be reinstated to the same position if it still exists or to a comparable position if it does not. Seniority and length of service credits continue to accumulate during the leave.

Unlike the case with other types of leave, an employer is entitled to postpone the employee's reinstatement for two weeks after the day on which the leave ends or one pay period, whichever is later. Also, the employer is not required to continue any benefit plans during the employee's leave. However, if the employer postpones the employee's reinstatement, the employer is required to pay the employer's share of premiums for certain benefit plans related to their employment and allow the employee to participate in such plans for the period the return date is postponed.

## **6.13 Jury Duty Leave**

Jeffery's Greenhouses recognizes and respects the need for employees to complete jury duty and will make accommodations for employees who have been selected to participate on a jury.

Procedure:

- Employees who are selected for jury duty must provide as much advance notice as possible of the start of their jury duty
- Employees should include in their advance notice a copy of their summons to jury duty.
- Employees will be granted leave without pay to perform their civic duty as jurors.
- Where the jury duty lasts for only part of a day, the employee is required to return to work (where possible) for the remainder of the day.
- Once the jury leave has concluded, the employee will be required to provide evidence of the jury leave in the form of documentation from the court clerk confirming the days that the employee participated on the jury.
- Any employee who is required to appear in a court of law as a plaintiff, defendant, or witness shall not be eligible for a paid leave of absence. In these instances, the employee may use vacation time, or request an unpaid leave of absence.

Employees should complete a **"Days Off" form** upon receipt of the jury duty summons and submit it along with a copy of your jury duty summons, to your Team Leader/Manager for approval.

## **6.14 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 Jeffery's Greenhouses for 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 employer can count it as a full day of leave.

In cases where the employee takes part of a day, the employer 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.

### **Evidence**

Jeffery’s Greenhouses will require an employee to provide evidence reasonable in the circumstances that they are eligible to take domestic or sexual violence leave. What will be reasonable in the circumstances will depend on all of the facts of any given situation, such as the duration of the leave, whether there is a pattern of absences, whether any evidence is available, and the cost of the evidence.

### **Rights during and at the end of domestic or sexual violence leave**

Employees who take domestic or sexual violence 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 domestic or sexual violence leave.

## **6.15 Paid Bereavement Leave**

Full-time employees will be granted three days paid bereavement leave in the event of the death of an immediate family member. The employee may be asked to provide reasonable evidence confirming entitlement to the leave requested.

Immediate family includes: spouse (common law or same sex partner), child, parent, sibling, parent-in-law.

In the event of the death of a grandparent, brother-in-law or sister-in-law, one day of paid leave will be granted to all Full-time employees.

Unpaid leave for bereavement may be requested by all Full-time, Part-time and Seasonal employees under the provisions of Section 6.4 Personal Emergency Leave (PEL).

## **6.16 Leave for Religious Days**

Jeffery's respects your wishes to practice your religion. If you complete "**Days Off**" form and submit it to your Team Leader/Manager at least two weeks in advance of the requested time off, we will try to work together to accommodate your request.

## **6.17 Time Off for Voting**

Voting is our civic duty and Jeffery's encourages its employees to participate in the election of government leaders by exercising their right to vote. In most cases, the polls are open long enough to allow you to vote and employees should make arrangements to vote prior to or following normal work hours.

However, sometimes this is not the case. If your schedule is such that you would not normally have the 4 consecutive hours to vote, please ensure that your supervisor has been made aware of your intention the day prior to the vote so that any necessary arrangements may be made.

## **6.18 Leave of Absence (Unpaid)**

Employees may need a day or part day off work for personal reasons, other than for emergencies. As mentioned earlier under section 4.2 Attendance, we recommend that you schedule your personal appointments around your work schedule whenever possible. 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 complete a "**Days Off**" form and submit it to your Team Leader/Manager for approval at least two weeks in advance of the day(s) being requested.

Depending on the workload and the availability of alternate staff, your request for time off may or may not be approved. Your Team Leader/Manager will notify you of their decision within two (2) days of receipt of your request. Requests for time off during our peak seasonal period (the months of March through to the end of May) should be avoided. The earlier that you submit your request to your Team Leader/Manager, the easier it is to re-schedule work or other employees to cover your shift and the more likely your request will be granted.

Generally, all leave of absences are unpaid, unless it is specifically indicated otherwise. Jeffery's will consider granting staff longer unpaid leaves of absence for the purposes of education, service, and personal emergencies. Should it be discovered that the granted leave of absence is being used for a situation other than what was indicated in the application, the authorization for leave of absence will be revoked and the employee will be expected to return to work immediately or will be considered to have resigned from their position.

## **6.19 Returning to Work**

The Company's objective is to develop a workforce that is skilled, highly motivated and committed to serving our customers. For this reason, length of service with the Company is one of the relevant factors considered in such matters as vacations, promotions or layoffs.

Your service will continue to accrue during any of the following absences:

- Personal Emergency Leave
- Pregnancy and Parental leave
- Family Medical Leave
- Family Caregiver leave
- Critical Illness leave
- Child Death Leave
- Crime-related child disappearance leave
- Domestic and sexual violence
- Reservists leave
- Organ Donor leave
- Jury duty
- Bereavement leave
- Leave due to work related injury/illness

Where a leave of absence is other than for those reasons listed above, Jeffery's may at its own discretion provide an opportunity for employment at the end of the leave but

- will not guarantee the same or similar position that was vacated
- will not accrue years of service during the leave for purposes of vacation or pay entitlements and
- will not recognize prior years of service if the leave was for longer than 6 months.

# **7.0 Employee Conduct**

## **7.1 Attitude**

As an employee of Jeffery's Greenhouses we have two main goals, which are for all employees and all positions. It is our pride and promise to...

- work in a safe, healthy, respectful and productive manner;
- gain satisfied customers by providing quality products and service;

We are a team, and can only achieve all our goals if we pull together. We have three expectations of all employees: **Commitment**, **Attitude**, and **Results**. Each of these can be clearly defined as follows...

**Commitment** is demonstrated by dependability, time at work, outside study, proper sanitation practices, communication style and content, candor, honesty, and no surprises. We expect every employee to behave in a manner that will advance themselves in their job and not undermine their own success.

**Attitude** is demonstrated by working with and supporting the team, identifying and going the extra mile when needed, plant sense, people sensitivity, cost sensitivity and awareness. Be a solution finder. Keeping the company's goals foremost in your mind at all times. Show loyalty to each other.

**Results** are demonstrated by accomplishment of our production targets. Provide customer satisfaction with quality, quantity and availability of product. Recognizing people as resources and growing people for the company while meeting the highest level of safety standards

## **7.2 Code of Ethics**

### **Conflict of Interest**

It is the policy of the company that each employee conducts his/her business affairs with such standards of integrity that no conflict of interest exists or can be reasonably implied or construed. The following paragraphs set forth legal and moral restrictions with respect to legal and ethical business conduct. The following actions and conditions are specifically prohibited, but are not intended to enumerate all actions or situations, which might be avoided.

- No employee shall have any direct interest in any company which competes with The Company, which sells or supplies to, or buys from The Company any products or property, or which furnishes any service to the company.
- No employee shall borrow money or accept advances or other personal payments or gifts or entertainment, from any company or firm (or any person acting directly or

indirectly for any company or firm), which has transactions with The Company as, described above.

- No employee shall enter into any transaction or acquire any interest or take any action, which, in his/her own judgment, is contrary to the interest of The Company or is incompatible with loyalty and obligation inherent to his/her employment.
- The foregoing prohibitions apply not only to the employee personally, but also to the employee's spouse and dependent minor children.

With regard to **Conflicts of Interest**, the company expects that all of its employees will conduct themselves with the pride and respect associated with their positions, their fellow employees, customers, suppliers and everyone else associated with the company in one form or another. Employees should always use good judgment and discretion in carrying out the company's business. Any situation involving a possible conflict of interest, which arises in relation to the above outlined policies, must be brought to the attention of the employee's supervisor or management.

Employees of the company should always use the highest standards of ethical conduct.

### **Confidential Information**

From time to time, employees of Jeffery's may come into contact with confidential information, including but not limited to information about Jeffery's members, suppliers, finances and business plans. Employees are required to keep any such matters that may be disclosed to them or learned by them confidential.

Furthermore, any such confidential information, obtained through employment with Jeffery's must not be used by an employee for personal gain or to further an outside enterprise.

No employee will store information outside of the company (either written or electronic form) about any matter pertaining to the conduct of the company's business. No information regarding the company's purchase prices, installation procedures or business processes shall be given to anybody without permission of the General Manager.

Conversations that address the prices, problems, gossip, etc. about one vendor or customer to another is prohibited.

Idle gossip or dissemination of confidential information within the company will result in disciplinary action up to and including termination.

### **Intellectual Property**

Any intellectual property, such as trademarks, copyrights and patents, and any work created by an employee in the course of employment at Jeffery's shall be the property of Jeffery's and the employee is deemed to have waived all rights in favour of Jeffery's. Work, for the purpose of this policy refers to written, creative or media work. All source material used in presentation or written documents must be acknowledged.

## **7.3 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 or demonstrating a procedure to another employee so that he/she can perform his work efficiently or with the approval of your direct supervisor, assist another with their task.

## **7.4 Violence and Harassment 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. Jeffery's Greenhouses 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 employee in the workplace or involved in Company business. Similarly, weapons are strictly prohibited from the Company'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 solicitation or advance 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 Program. Please consult this policy in the Jeffery's Greenhouses Health and Safety Manual for further details. A full copy of the manual is posted on the Company's internal website.

### **Reporting Incidents**

All incidents of violence and formal complaints of harassment/sexual harassment perpetrated against or by any employee, should be reported to their Manager 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. These forms are located with all personnel forms on the Company's internal website.

## **False or Frivolous Complaints**

It is important to realize that knowingly making false or malicious complaints of harassment, sexual harassment and/or violence, 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.

## **7.5 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 drugs**

- 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, Jeffery's customers' property or in company vehicles 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 Management.
- Employees should communicate past, current or emerging dependency to Management 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 wo;; 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 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 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 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 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 premises).

## **7.6 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 customers' 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 (company vehicles) and farm buildings (warehouse, seeding room, lunch room, washrooms, boiler room, chemical storage room, loading docks etc.) because of the potential fire hazard, contamination of crops and health hazard to co-workers.

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

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

## **7.7 Employee Phone Calls**

### **Outgoing Calls**

Employees are not permitted to use the customers' telephones or use their personal cellular phones while working for personal outgoing calls during business hours.

We do realize that you sometimes need to make personal telephone calls during the workday. Please make any necessary personal calls using your cell phone or a public phone during your breaks or lunch period.

## **7.8 Cell Phone, Headphones, iPod/MP3 Usage**

The purpose of this policy limiting the use at work of cell phones, communication devices and iPod's/MP3players or radios collectively termed "Devices" is to protect you. Inappropriate use of these devices at work can cause injuries because it's distracting and may interfere with their proper and safe use of equipment and machinery. Communication devices, headphones or wireless ear pieces may also get tangled in machinery or interfere with the proper use of personal protective equipment.

This Policy applies to all work-related activities, including but not limited to driving to and from work and to conduct job-related activities, whether such vehicles are owned by the Company or the worker. The Policy applies to all conversations, whether personal or business-related.

### **Prohibited Uses**

#### **General**

While in the workplace during work hours, workers are expected to focus on work and may not inappropriately use any Device in the workplace for any inappropriate purposes, including but not limited to:

- ✓ Engaging in personal conversations;

- ✓ Listening to music etc.
- ✓ Playing games;
- ✓ Surfing the internet;
- ✓ Checking e mail; and
- ✓ Sending or receiving text messages.

### **Driving**

While operating a vehicle, workers may not answer a communication device unless and until they pull over in a safe spot (or let a passenger answer the call). If it's urgent, workers may accept or return the call, provided that they remain parked off the roadway. They may not resume driving until their conversation is over. Workers may not make outgoing calls while driving. If workers need to place a call, they must first pull over in a safe spot. Use of hands-free devices while driving is not permissible

### **Permitted Uses**

Workers may use Devices in designated areas (lunchroom and outdoor smoking areas) during their break or lunch times. .

### **Violations**

Workers who violate this policy will be subject to disciplinary measures up to and including dismissal, depending on the circumstances.

## **7.9 Parking**

We ask that you adhere to the signs in the customers' parking lot and refrain from parking at or around the garden centre loading areas or in the reserved parking areas.

Jeffery's assumes no responsibility for damage or loss to employee's vehicles or contents while in our parking lot. Please keep your vehicle locked at all times.

## **7.10 Home Depot Equipment/Tools/Records**

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.**

## **7.11 Valuables**

You are responsible for your possessions while at work, so please take care of them. We suggest leaving any unnecessary valuables (jewelry, etc.) at home and locking your personal belongings while working in your vehicle.

## **7.12 Cell Phone, Internet, Computer and Email Policy**

The purpose of this policy is to ensure the proper use of Jeffery's cell phone, internet and email system. All messages distributed via the company's cellular phone and email system, even personal emails, are Jeffery's property. All emails sent must coincide with Jeffery's values and mission statement, as they represent the company to the receiver. You must have no expectation of privacy in anything that you create, store, send or receive on the company's computer network and email system. Your emails and internet usage can be monitored without prior notification if/when Jeffery's deems this to be necessary. If there is evidence that you are not adhering to the guidelines set out in this policy, the company reserves the right to take disciplinary action, up to and including termination and/or legal action. If you have any questions or comments about this Internet and Email Policy, please contact your supervisor.

The following outlines acceptable standards for the use of the Jeffery's computing systems, facilities and related stored information.

### **Use of Jeffery's Cellular Phone, Internet and Email System**

Jeffery's supports a Local and Wireless Area Computer Network.

- ✓ E-mail and texts within Jeffery's network is for work-related correspondence among people who have accounts ("Users").
- ✓ E-mail and text correspondence, at all times, will be professional in tone. Abusive, fraudulent, harassing or obscene messages and/or materials shall not be sent from, to, or stored on Jeffery's systems. At all times, generally accepted standards of texting and e-mail etiquette are expected.
- ✓ Making copies of system configuration files for personal use or to provide to a user external to the Company is forbidden, as is downloading or installing security programs that reveal weaknesses in systems security. For example, Jeffery's users shall not run password-cracking programs.
- ✓ Users are not to share computer network or email accounts or passwords
- ✓ Users shall not purposely engage in activity with the intent to circumvent Jeffery's security measures or gain access to Jeffery's systems for which proper authorization has not been given.
- ✓ All text and e-mail correspondence should be treated with the same care and diligence applied to hard-copy memoranda and as outlined in Jeffery's "Netiquette" policy section 7.13.

## **Use of software**

It is the policy of Jeffery's to respect the proprietary rights of a computer software developer. As a User, you are required to comply with the license agreements associated with the computer software products. Permitted activities in license agreements vary from product to product.

Generally, the following procedures should be followed:

- ✓ Users may not make copies of or modify copyrighted software, except to the extent permitted in the license agreement.
- ✓ Users may not download and/or use personally acquired software, public domain software, electronic bulletin boards or shareware without prior approval from the Controller.
- ✓ Software which is not licensed for use on a network can generally be used on a stand-alone basis on a computer which is connected to a network as long as it is not used on the network. Where the licensed software is authorized for use on a network, then only the authorized number of users should use the software on the network.
- ✓ Acquisition of software packages must be approved by the Controller
- ✓ Any questions regarding the terms and conditions of copyrighted software should be referred to the Controller

## **Use of the internet**

Jeffery's recognizes that the Internet is a useful tool to aid employees in discharging their duties. As such, its primary use is for education, research, communication and administration as applicable to Jeffery's business. Understanding that all activities on the Internet may be traced back to Jeffery's, work on the Internet shall be conducted in such manner that public confidence and trust in the integrity, objectivity and professionalism of Jeffery's Greenhouses is conserved and enhanced.

In particular:

- ✓ None of Jeffery's information shall be made available for public access without approval of the appropriate internal authorized properties (General Manager, Administrative Manager)
- ✓ Non work-related activity on the Internet, including e-mail, shall be conducted on an individual's own time, outside of regular hours of work. During this time, these guidelines remain in force.
- ✓ Under no circumstances is it appropriate, at any time, to peruse inappropriate web sites, post inappropriate messages, or send inappropriate e-mail correspondence. The term "inappropriate" includes, but is not limited to, sites or subjects that advocate principles or beliefs not in keeping with Jeffery's Fundamental Principles, sites/subjects that advocate illegal activities and sites/subjects that are sexual or pornographic in nature.
- ✓ Where, for legitimate research purposes, a user wishes to access a site or deal with a subject that may be considered prohibited, it must be discussed in advance, and approved, by her/his direct supervisor who, if in doubt, will raise it with the Controller.

## **Monitoring**

Jeffery's Greenhouses reserves the right to monitor cellular phone and computer activities, including Internet and email usage among its Users.

Breach of security or materials is strictly prohibited at the Jeffery's or anywhere else. Security breaches must be reported to the Controller.

At all times Jeffery's guidelines concerning "Netiquette" in section 7.13 as well as "Confidentiality" in section 7.2, shall apply while utilizing Jeffery's computer system, including internet and email usage.

Failure to comply with the above-mentioned directives may result in disciplinary up to and including termination of employment. Illegal activity may be prosecuted.

## **7.13 Netiquette**

"Netiquette" or "network etiquette" defines appropriate communication in the online environment. The online environment includes any communication that occurs via technology such as email, discussion boards, chat rooms, web sites, blogs, text messages and instant messaging.

Jeffery's encourages staff to use common courtesy and respect in all forms of communication to promote effective and positive interactions.

- ✓ Avoid offensive language of any kind.
- ✓ Avoid threatening language or repeated harmful attacks on others.
- ✓ Avoid "outing" which is where someone posts personal information about another in an online environment, without their permission.
- ✓ Avoid "flaming" which is the expression of extreme emotion or opinion in an email or online discussion board communication.
- ✓ The use of bold fonts and the colour red often convey a tone of anger to your reader.
- ✓ Use a clear email or discussion board posting subject line that relates directly to your message. Consider it to be the headline of a news article.
- ✓ Avoid acronyms or abbreviations unless your audience is familiar with them.
- ✓ When communicating online or in an email, avoid instant messaging shorthand such as "u" for you. Communicate intelligently.
- ✓ Use spell check and take time to proof read your communication. Electronic communication may be the only impression someone has of you.
- ✓ Be cautious - email postings stand on their own merit, often without context, and may be instantly forwarded to many people. It is impossible to rescind a written communication when it becomes available for all to see.
- ✓ Be considerate of mistakes. If you decide to inform someone of a mistake or correct factual information, be polite and inform them by private email rather than group email or discussion board posting.

## **7.14 Dispute Resolution**

Regrettably, conflict can occur in any working environment. In an effort to resolve conflict in an expedient, yet fair manner Jeffery's recommends the following process for conflict or dispute resolution.

- ✓ Speak to the person you are having the dispute with. Many times disputes arise due to misunderstandings and miscommunications.
- ✓ If speaking to the individual does not work, speak to your supervisor or Human Resources. They will arrange a meeting between those involved in the dispute, to determine a resolution.

## **8.0 Employee Benefits**

### **8.1 Group Life, Health and Dental Insurance**

#### **Group Life Insurance**

After completing six (6) consecutive months of full-time employment with the Company, the employee is entitled to Group Term Life Insurance/Accidental Death and Dismemberment coverage on the life of the employee plus Dependent Life Insurance coverage, all at the Company's cost.

The Term Life Insurance benefit payable to your designated beneficiary, is equivalent to one (1) times your Annual Salary (maximum \$50,000) in the event of your death while employed by the Company.

Should you suffer an accidental injury while an employee of the Company that results in one of the losses specified in the insurance policy (ie. life, hand, foot etc.) you or your designated beneficiary will receive an Accidental Death/Dismemberment insurance benefit of up to 100% of your annual salary, in accordance with the loss schedule contained in the insurance policy.

The Dependent Life Insurance benefit payable to you in the event of the death of your spouse and/or dependent children is equivalent to \$5,000 for your spouse and \$2,500 for each of your dependent children.

#### **Group Extended Health and Dental Insurance**

The employee is also entitled to obtain single or family coverage under the group plan for Extended Health and Dental Insurance. The cost of this coverage is shared between the Company and the employee. The employees' share of the monthly premium for this coverage is deducted through payroll on the first two biweekly pays of each month. On each annual policy renewal date, participating employees are given written notification of the new monthly premium and their share thereof.

Briefly, the extended health benefit coverage includes:

- Prescription Drug Benefit - 100% of the cost, employee pays a deductible equivalent to the dispensing fee; an annual maximum limit may apply.
- Out of Province of Residence Emergency Medical Benefits – 100% of the cost subject to lifetime maximums
- Paramedical services (chiropractor, physiotherapist etc.) – up to \$350 per calendar year
- Private Duty Nursing - \$5,000 per individual – per calendar year

- Vision Care - \$100 maximum in any consecutive 24 month period
- Hearing Aids - \$500 maximum per individual in each 5 year period

The dental benefit coverage includes, briefly:

- Basic Restorative and Periodontics/Endodontic procedures – 80% of the current dental fee guide to a maximum of \$1,500 per calendar year per person. Orthodontic procedures are not covered.
- Dental Recall Frequency – every nine (9) months

An enrollment application will be given to you on your eligibility date and must be returned to the Human Resources Department within ten (10) days. Failure to return it in a timely fashion may result in a mandatory physical examination prior to joining the plan.

The medical and dental portion of the coverage may only be refused if you are covered under another plan (spousal / common law partner plan). You will be required to indicate the Insurer name and policy number of the other plan you are covered under.

This handbook does not contain the complete terms and/or conditions of any of the Company's current insurance benefit plans. It is intended only to provide general explanations. *[If there is ever any conflict between the Manual and any documents issued by one of the Company's insurance carriers, the carrier's guideline regulations will be regarded as authoritative.]*

## **8.2 Employee Family Assistance Program**

Upon enrollment in the Group Life Insurance program, the employee and his insured dependents, are also entitled to crisis and non-crisis counselling and work-life services through in-person, telephone and internet sessions provided by a third party service provider engaged by the Company. Topics include but are not limited to relationships, child/elder care concerns, personal or emotional difficulties, interpersonal conflict, drug/alcohol abuse, work related concerns, violence, bereavement, smoking cessation, stress, and general advice on legal issues regarding divorce/separation, real estate, bankruptcy, contracts, or wills and trusts.

## **8.3 Group RRSP**

The Company sponsors full-time employees in a Group RRSP plan through Desjardins Insurance.

Employees have the option of joining this plan and contributing to their retirement savings through payroll deductions. Since contributions to an RRSP are tax deductible, employees benefit by taking advantage of the tax savings immediately with each payroll contribution rather than waiting each year until their annual income tax return is filed. Additionally, employees benefit by earning income earlier on your RRSP investments than if they made one annual contribution.

Contributions are deducted from your pay on the first two biweekly pays of every month. The Company does not match the employee's contributions. However the company covers all administrative costs of the plan.

To participate in the plan, an application form must be completed and the investments selected. We can have a financial planner meet with you to discuss your retirement needs and explain the investment options to you within the Group RRSP plan. Please notify Human Resources if you wish to participate in this plan.

## **8.4 Training and Educational Reimbursement**

Jeffery's Greenhouses has a progressive philosophy regarding training and education. We take all possible efforts to provide additional training in areas where we can assist you in obtaining the skills you require to fulfill your working obligation with us.

### **In-house Training**

On-the-job training will occur during your first two weeks of employment with the Company or during the first two weeks of employment in a new department. Primarily your Team Leader and/or the mentor assigned to you, will provide the training you require to complete your assigned tasks.

In-house training is almost always provided during normal working hours and therefore, you will be paid for working a normal workday. In the event that in-house training is offered after hours or during non-scheduled times, the Company will compensate you for your time upon approval by the Department Manager.

### **Off-Premises Training**

Off-premises training can take many forms such as:

- Seminars
- Association trade shows
- Continuing education courses
- Industry specialists workshops

Required training is defined as training deemed necessary for you to be able to perform your job at the level expected by the Company. Required training is provided at the discretion of your direct supervisor with the approval of the General or Administrative Manager.

The Company will pay for the following pre-approved training expenses:

- Tuition or course registration – if the course is passed.
- Mileage, if the course is located more than forty (40) kilometers away from the Company premises.
- Meals – will be reimbursed with receipt, if you are required to be out of town for more than one consecutive day. The meal allowance provided is up to \$40.00 per person per day (or \$5.00 breakfast, \$15.00 lunch, and \$20.00 dinner). Where you will just be away for your normal working hours, a lunch allowance of up to \$15.00 will only be provided.
- Accommodations – when out of town for more than one consecutive day.
- Airfare – when the distance is such that it is deemed necessary.
- Employee's time – will be paid for up to a normal standard working day (i.e. up to 8 hours/day)
- Parking fees – will be reimbursed up to \$10.00 per day with receipt.

In order to receive reimbursement for training expenses incurred, a “**Staff Expense Form**” authorized by your Manager should be submitted to the Payroll Department. Receipts must be attached to this claim form for each reimbursement claimed (except for mileage) as well as a copy of a course certificate (if provided) or mark achieved for insertion in our personnel files.

### **Training after normal working hours:**

You will be paid for this time only if the training is not considered to be a Continuing Education course. Any paid time must be pre-approved your Manager and submitted to the Payroll Department on an authorized **Fillable Time Sheet form** with an explanation in the comments..

**Continuing Education Courses** consist of courses offered by an educational body such as Niagara College, Brock University or through the District School Board of Niagara. As these courses are taken over a period of time, around your normal working hours and usually result in course credit, your time will not be paid for when attending these courses.

## **8.5 Mileage/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 applicable on the date of travel. 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.

**Office Supplies Expense** – Expenses for supplies will be reimbursed upon presentation of the receipt detailing the charges claimed and pre-approval by your Manager. However, this should be rare since the company will provide to you upon request, all supplies that you may require to carry out your job duties.

# **9.0 Health and Safety**

## **9.1 Jeffery's Health and Safety Policy**

The Management of Jeffery's is vitally interested in its employees' health and safety. Protecting employees from injury or occupational disease is a major continuing objective.

Jeffery's will make every effort to provide a safe, healthy work environment. All supervisors and workers must be dedicated to continuing to reduce the risk of injury.

Supervisors will be held accountable for the health and safety of workers under their supervision. Supervisors are responsible to ensure that machinery and equipment are safe and that workers work in compliance with established safe work practices and procedures. Workers must receive adequate training in their specific work tasks to protect their health and safety.

Every worker must protect his or her own health and safety by working in compliance with the law and with safe work practices and procedures established by the company.

It is in the best interest of all parties to consider health and safety in every activity. Commitment to health and safety must form an integral part of this organization, from the president to the workers.

Jeffery's provides information to employees about workplace safety and health issues through regular internal communication such as:

- ✓ Training sessions
- ✓ Team meetings
- ✓ Bulletin board postings in the Lunchroom
- ✓ Memorandums and other written communication
- ✓ Jeffery's Greenhouses Health and Safety Manual
- ✓ Jeffery's Internal Website found at  
<https://jefferysgreenhouses.sharepoint.com/default.aspx>  
Password: your email password

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor.

Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

### **Joint Health and Safety Committee (JHSC)**

The Joint Health and Safety Committee exists to allow both employees and management to work together to promote a safe and health working environment. Worker representatives from respective departments are elected every two years. Members of the JHSC are posted on the lunchroom bulletin board. If you have any Health and Safety concerns that you feel are not be addressed appropriately or in a timely fashion by your direct supervisor, you may speak to one

of the members regarding your concerns, or complete a **“Safety Memo” Form** found on the company’s internal website and hand it to a JHSC member.

### **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 Home Depot procedure for reporting fires, the location of all fire escapes/exits, and where fire extinguishers are 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.

### **Personal Hygiene and Care**

Ensure that you wash your hands before eating or taking a break after working in the greenhouse/production areas and handling plants or soil.

Ensure the date of your last tetanus vaccine is within 10 years, as soil may contain the bacteria causing tetanus.

### **Individualized Emergency Response Procedures**

Individualized workplace emergency response information will be provided to those employees who have a disability, upon request. Simply complete the **“Employee Emergency Information Self-Assessment Worksheet”** located on the company internet website.

### **General Safety Rules**

A general overview of the Company’s Safety Rules is provided in this section. For a more detailed overview, please consult our Health and Safety Manual that documents all our safety policies and procedures.

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.

It is our policy that the above safety policy as well as those listed in the Jeffery's Greenhouses Health and Safety Manual should be strictly observed at all times.

Although these rules are considered to be very important, it is impossible to publish a rule to cover every circumstance. If a rule that might cover any specific safety hazard condition has been omitted, that shall be no excuse for carelessness or a disregard of common sense in the performance of your work.

You are urged to cooperate fully. Abuse or a disregard of these rules is a violation of Company policy and will be subject to disciplinary action. Remember, your help in preventing accidents benefits you and your fellow employees. We should all strive for a record of zero accidents.

## **9.2 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.

## **9.3 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.

For more detailed information concerning this entire process please **consult Policy D-27 Early and Safe Return to Work/Work Re-integration Policy** in our Health and Safety Manual.

# 10.0 Departure from the Company

## 10.1 Introduction

Jeffery's recognizes that employees are one of Jeffery's most valuable resources. As such Jeffery's is committed to recruiting, retaining and motivating the best qualified persons who can effectively contribute to the organization's goals and objectives.

However, from time to time, even with sound leadership and retention practices, employees make the decision to move on or unacceptable performance or behavior can develop and persist. Depending on the severity of the performance issues or behaviors a decision to terminate the employment relationship may have to be made.

Employee terminations are either voluntary or involuntary:

- Voluntary terminations (i.e. resignations) are initiated by the employee
- Involuntary terminations (i.e. layoff that is longer than a temporary layoff or dismissal) result from actions taken by the Company.

If an employee resigns for any reason, no termination pay will be provided.

If an employee is dismissed for willful misconduct or disobedience, or willful neglect of duty that has not been condoned by the employer, no termination notice or pay in lieu needs to be provided.

If an employee is dismissed for reasons other than noted above, the employee will be provided with notice of termination in writing and/or termination pay as prescribed by law. Further information is provided below, otherwise please consult your Human Resources Department for the most current information.

## 10.2 Resignation (Voluntary Termination)

If an employee resigns from the Company, as a matter of courtesy, the Company requests that as much written notice to the Company be given, (at minimum two weeks) in order that a replacement can be found for the position being vacated.

A written "Notice of Resignation" should be handed to your direct supervisor (Team Leader or Manager), who will in turn submit it to the Payroll/Human Resources Department (Allison Beekhuis or Gina Marchionda) along with a "**Layoff/Termination Form**" completed by the supervisor. The Company may waive the resignation notice period in whole or in part at any time by providing payment of regular wages for the period so waived.

## **10.3 Involuntary Terminations**

There are two forms of involuntary terminations -

### **“For Cause” Dismissal**

One form is when the organization terminates employment for “cause”. The definition of “cause” includes, but is not limited to, willful misconduct, willful neglect of duty, and a material breach of the Jeffery’s policies or the code of conduct. In the case of with “cause” terminations, Jeffery’s will have the right to terminate the employment of an employee without notice and without any payment or compensation in lieu of notice if Jeffery’s has just and reasonable cause to terminate the employment of the employee.

### **“Without Cause” Dismissal**

The second form of involuntary termination is in the case of “without cause”, Jeffery’s may terminate an employee, without just and reasonable cause, upon providing notice and termination pay, such payment as in accordance with the Employment Standards Act of Ontario.

## **10.4 Termination Process Procedures**

At the termination of employment, whether by resignation or dismissal, any outstanding entitlements owing to the employee shall be paid in full.

At the termination of employment, whether by resignation or dismissal, the employee shall immediately pay in full any outstanding amounts owing to Jeffery’s. The employee authorizes the employer to deduct any outstanding amounts from the final pay cheque.

At the termination of employment of an employee by dismissal, Jeffery’s shall pay the employee all remuneration owing (regular pay, termination pay if, and vacation pay owing) either (7) seven days after the employee is terminated or on the employee’s next regular pay date, whichever is later. A copy of the Record of Employment (ROE) which is filed electronically by the Company, will also accompany the payment.

At termination of employment by resignation, Jeffery’s shall pay the employee all remuneration owing (regular pay and vacation pay owing) at the next regular pay date. A copy of the Record of Employment (ROE) which is filed electronically, will also accompany the payment.

These will be mailed to the employee on the day prepared or they can be picked up at our Reception office if the employee notifies the Payroll Department that they wish to pick it up when ready.

It is the employee’s responsibility to keep the Payroll Department informed of any change of address or contact information in order to receive both the ROE and as well as the T4 form.

Upon termination of employment for any reason, all items of any kind created or used pursuant to the employee’s service or furnished by the Employer including but not limited to cellphones, keys, computers, reports, files, USB storage devices, manuals, literature, confidential information, or other materials shall remain and be considered the exclusive property of

Jeffery's Greenhouses at all times, and shall be surrendered to your direct supervisor and/or Human Resources , in good condition, promptly and without being requested to do so.

Prompt notification to the staff and the appropriate employees regarding immediate dismissal of a Jeffery's employee shall be the responsibility of Human Resources. Terminated employees (voluntary or involuntary) are asked not to be on site unescorted and without proper notification to Human Resources or Management.

## **10.5 Employment Reference or Confirmation**

Letters of reference will only be provided with the written consent of the employee/ex-employee for whom the reference is requested.

Prospective employers and others calling for written or verbal employment references or confirmation of employment of an individual must all be directed to the Human Resources Manager.

The Human Resources Manager will:

- ✓ Ensure that a written consent from the employee/ex-employee is first obtained
- ✓ Consult with individual's direct supervising manager
- ✓ Issue the written reference (developed in conjunction with the direct supervising manager) or document the content of any verbal reference given
- ✓ Retain a copy of the written consent and a copy of any written reference, or confirmation of employment issued or retain notes of any employment reference conversations held given and file them in the employee's personnel file.

**Under no circumstances is any Employee, Supervisor, or Manager to provide an Employment Reference or Confirmation of Employment (verbal or written) on behalf of Jeffery's Greenhouses.**

This does not preclude a individual employed by Jeffery's Greenhouses from providing a **Personal/Character Reference** for a current or past employee. A personal reference is usually given by someone who knows the person well enough to be able to provide a good insight into their personality and overall character.. However, it must be made clear to the person seeking the reference that you are only speaking from your personal knowledge of the individual and not from your professional or work related experience.

# **11.0 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.

## **11.1 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.

## **11.2 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.

## **11.3 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 Company's internal website (under the AODA policies) or in the lunchroom Safety Bulletin Board.

### **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.

## **11.4 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.

## **11.5 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.

## **11.6 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 Rights Commission. Consult their website at [www.ohrc.on.ca](http://www.ohrc.on.ca) or call the Tribunal at 1-866-598-0322.

# 12.0 Accessibility for Ontarians with Disabilities

## 12.1 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.

## 12.2 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 internal 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**".

- **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 internal website (under the AODA policies) or in the lunchroom Safety Bulletin Board.
- **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) 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.

# **13.0 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.

## **13.1 Definitions**

### **Breach of security safeguards**

Refers to 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

## **13.2 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. **Absolutely, no personal information is to be emailed in an unsecured format.**
- 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.

## 13.3 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**.

**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.

## **13.4 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.

# **14.0 Resources**

On the following pages you will find a copy of:

## **14.1 Employment Standards Poster**

The Employment Standards Act, 2000 (ESA) sets minimum standards for most workplaces in Ontario. Special rules and exemptions apply to certain employees such as employees of “Flower Growers”. Jeffery’s Greenhouses is an agriculture operation growing flowers and is exempted from certain provisions of the ESA.

The Employment Standards Poster (produced by the Ontario Ministry of Labour) advises you of your rights under the Employment Standards Act of Ontario phones in the event of an emergency.

## **14.2 Employee Acknowledgement**

A copy of the Employee Acknowledgement form must be signed and returned to the Human Resources Manager 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.

# 14.1 Employment Standards Poster

Ministry of Labour, Training and Skills Development

## 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](http://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](http://Ontario.ca/hoursofwork) and [Ontario.ca/overtime](http://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](http://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](http://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](http://Ontario.ca/ESAGuide).

#### Minimum wage

Most employees are entitled to be paid at least the minimum wage. For current rates visit [Ontario.ca/minimumwage](http://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](http://Ontario.ca/labournews).

Learn more about your rights at:

[Ontario.ca/employmentstandards](http://Ontario.ca/employmentstandards)  
1-800-531-5551 or TTY 1-866-567-8893

 @ONTatwork  @OntarioAtWork  @Ontarioatwork

## **14.4 Employee Acknowledgement**

I, \_\_\_\_\_ acknowledge that I have read (or will read) the content of Jeffery's Plant II Merchandising Supervisor Handbook and agree to abide by the terms and conditions outlined in this handbook. It is my job to ask questions of my supervisor or Human Resources if further understanding is required. A copy of this acknowledgement will be placed in my personnel file.

The employee handbook describes important information about the company, and I understand that I should consult my immediate supervisor or the Human Resources Manager regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that the revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

I also understand and agree that this Handbook contains confidential information about the organization and I agree not to distribute or disclose any of the information contained therein to anyone not in the employ of Jeffery's Greenhouses.

Upon resignation or termination of my employment, I agree to return my copy of the Handbook to my supervisor or the Human Resources Manager.

**Date** \_\_\_\_\_

**Employee Signature** \_\_\_\_\_

**Witness** \_\_\_\_\_