

HARRIS RYAN

2018 12 10

Mr. Dana Lenehan, Q.C.
Martin Whalen Hennebury Stamp
Barristers & Solicitors
15 Church Hill,
PO Box 5910
St. John's, NL
A1C 5X4

Dear Mr. Lenehan:

**Re: Hotel and Restaurant Workers Local 779 (HRW 779) v. Sodexo Canada Ltd. (Sodexo)
Your letter of November 21, 2018**

I am in receipt of your instruction letter of November 21, 2018 and the decision of David Alcock dated November 9, 2018 entitled "Part 3 – Ruling on Friday Overtime". I have reviewed these documents and I respond to the requests contained in your letter as follows:

1. You have requested that I calculate the cumulative interest from July 1, 2018 to November 30, 2018. Using the same methodology I employed previously, the interest in the period from July 1, 2018 to November 30, 2018 is \$81,983.07, and the cumulative balance of interest owing at November 30, 2018 is \$753,926.50.
2. You have requested that I calculate a per diem interest amount which would apply if the damages and interest are not fully paid by November 30, 2018. I have done so, and the figure is \$535.83 per day.
3. Finally, you instructed me to determine the distribution of the damages and interest as of November 30, 2018 among the affected employees, the union and the designated recipients of remittances in accordance with the collective agreement as determined by the original award of July 21, 2014 and the penultimate award. You have indicated in your letter that the accepted

amount of the total damages and interest due as of June 30, 2018 is \$7,358,565.52. I have added to that figure the interest to November 30, as calculated in item 1 above, \$81,983.07, to arrive at a total distributable amount of \$7,440,548.59. As several elements of the settlement are not specifically dealt with in the collective agreement, I have proposed a scheme of distribution which is in line with the calculations previously done by this firm. I believe this scheme of distribution is fair to the employees affected, and will facilitate the preparation of the payroll cheques and other remittances required. The overall scheme of distribution is as follows:

Wages to Individuals \$ 5,165,744.97

Benefits

	<u>Hours</u>	<u>Rate</u>	
Health	222,463.10	\$3.00	667,389.31
Pension	222,463.10	\$5.00	1,112,315.52
Promotion	154,236.38	\$1.61	248,320.58
Recovery	154,236.38	\$1.00	154,236.38
NLBCTC	154,236.38	\$0.30	46,270.91
CLRA	154,236.38	\$0.30	46,270.91

\$ 7,440,548.59

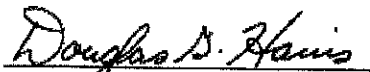
We have attached the following schedules:

- *Schedule A – Allocation of Award Among Affected Union Members as Wages*, which is a list by person of the amount described above as “Wages to Individuals”.
- *Schedule B – Benefits by Employee*, which is a list by person of each of the benefit amounts described in the table above.
- *Schedule C – Union Dues by Employee*, which is a list by person of the Union dues (including both monthly and working dues) that are to be deducted from each employee and remitted to the Union.

The source data for these Schedules is a modified version of the Excel spreadsheet that was entered into evidence by the undersigned during the hearing of the matter. This modified spreadsheet will be made available to Sodexo in electronic format so that the verification of the numbers contained above and in the attached Schedules can be readily performed. Finally, we have also attached a memo outlining the methodology we used to arrive at the numbers above and in the Schedules.

I trust the foregoing is satisfactory.

Yours very truly,



Douglas G Harris, CPA, CA
Partner