

What You Should Know

About The Ontario Employment Standards Act

The Employment Standards Act, 2000, known as the ESA, is a law that sets minimum standards for fair workplace practices in Ontario. If you work in Ontario, you are probably protected by the ESA. It does not cover employees in federal jurisdiction and persons in a few other special categories. There are exceptions and special rules for some employees.

Your Rights and Responsibilities at Work

Employers cannot intimidate, fire, suspend, or otherwise punish an employee, or threaten any of these actions because the employee asks for or asks about their ESA rights. If an employee thinks that an employer is not following the ESA law, he or she can contact the Ministry of Labour for help.

Note: Unionized employees should talk to their union representative before contacting the Ministry of Labour if they think their rights have been violated.

Hours of Work – Generally, employees cannot be forced to work more than

- Daily Limit: 8 hours a day – or the number of hours in a regular work day, if it's more than 8. Employees may work more than the daily limit if requirements for obtaining their written agreement are met.
- Weekly Limit: 48 hours a week. Employees may work more than 48 hours in a week if requirements for obtaining their written agreement are met and the employer has an approval from the Director of Employment Standards. (In certain cases and subject to restrictions, where an approval application has been pending for at least thirty days, employees may work a limited number of excess weekly hours.)

Rest Periods - Generally, employees must have at least

- 11 consecutive hours off work each day.
- 24 consecutive hours off work each week or 48 consecutive hours off work in every 2-week period.

Overtime Pay – Most employees must be paid overtime pay after 44 hours of work each week. The overtime rate must be at least 1½ times the regular rate of pay.

Minimum Wage – Most employees are entitled to be paid at least the minimum wage.

| February 1, 2004 | February 1, 2005 | February 1, 2006 | February 1, 2007 |
|------------------|------------------|------------------|------------------|
| \$7.15 per hour | \$7.45 per hour | \$7.75 per hour | \$8.00 per hour |

Note: The minimum wage is different for students, liquor servers, homeworkers, and hunting and fishing guides.

Payday – Employees must be paid on a regular, recurring payday and given a statement showing their wages and deductions for that pay period.

Vacation Time and Pay – Most employees earn at least 2 weeks of vacation time after every 12 months. Employees are entitled to be paid at least 4 per cent of their total wages earned as vacation pay.

Public Holidays - Ontario has 8 public holidays every year. Most employees take these days off work, with public holiday pay.

Leaves of Absence – Eligible employees are entitled to these unpaid, job-protected leaves:

- 17 weeks of pregnancy leave
- 35 or 37 weeks of parental leave
- 10 days each calendar year of emergency leave for personal illness, injury or medical emergency, or for the death, illness, injury, medical emergency or urgent matter of certain family members
- 8 weeks in a 26-week period of family medical leave to care for or support certain family members who have a serious illness with a significant risk of dying within a period of 26 weeks.

Termination Notice and Pay – Generally, if an employee has been working for 3 months or more and his or her job is terminated, the employer must give the employee advance written notice, or termination pay instead of notice, or a combination of both.

Young Workers - *For more information on your rights and responsibilities at work, please visit: www.labour.gov.on.ca/english/site/youngworkers.html*

There are other ESA rights not covered on this poster and not all employees qualify for all ESA rights.

Contact the Ministry of Labour for More Information

Call 416-326-7160, toll-free 1-800-531-5551 or Hearing Impaired TTY 1-866-567-8893

Visit www.labour.gov.on.ca for more information and to contact the Ministry by e-mail.

Employment Standards publications and forms can be obtained by visiting a ServiceOntario Centre. To locate the nearest centre, call 1-800-267-8097.

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