

How long does it take?

Claims are investigated as quickly as possible. The time it takes to complete the process varies.

What happens after the investigation?

If the Employment Standards Officer finds that your employer has not violated your rights, the officer will tell you. If you don't agree with the decision, you have 30 days to apply to have it reviewed.

If the Employment Standards Officer finds that your employer broke the law, the officer can order your employer to:

- pay wages that are owed to you
- follow the rules of the ESA
- give back your job
- compensate you.

The officer can also charge your employer with an offence, including a ticket. If convicted, your employer may be fined or sent to jail.

Are there time limits?

Yes. You should file your claim for unpaid wages as soon as possible because generally, you can only recover wages that should have been paid to you in the six months before you filed your claim. You must file all other claims within two years of the violation.

Contact the Ministry of Labour

- Call the Employment Standards Information Centre at 416-326-7160 (Toronto area), 1-800-531-5551 (toll-free), or 1-866-567-8893 for Hearing Impaired TTY.
- Visit www.labour.gov.on.ca for copies of the ESA, fact sheets, claim forms and bulletins and to contact the ministry by e-mail.

If you don't speak English or French, find someone who can and have them with you when you call or visit the Ministry of Labour.



This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should, where possible, verify the information before acting on it.

Claim Your Rights



A step-by-step guide on
How to File a Claim

The Employment Standards Act, 2000, known as the ESA, is a law that sets minimum standards for fair workplace practices in Ontario.

If you are protected by the ESA, you have rights at work. Your employer cannot:

- Intimidate you
- Fire you
- Suspend you
- Reduce your pay
- Punish you in any way
- Threaten any of these actions,

because you **ask about** or **ask for** your rights.

Who can help me get my rights?

If you think your employer isn't following the ESA law and you're not getting your rights, contact the Ministry of Labour. Unionized employees should talk to their union representative first.

Ministry staff can help you understand your rights, answer your questions and investigate your complaint. Your employer cannot punish you for talking to the Ministry of Labour about your rights.

After speaking with us, you may decide to file a claim.

3 Steps to filing a claim

1. **Contact the Ministry of Labour.** If you believe your rights have been violated you should try to resolve the matter first with your employer. You can get a Self Help Kit from the Ministry of Labour that contains a form letter you can send to your employer. The Self Help Kit is available at ServiceOntario Centres and online at www.labour.gov.on.ca.

2. **If you are unable to resolve the matter with your employer, fill out a claim form.** Claim forms are available at ServiceOntario Centres and online at www.labour.gov.on.ca.

3. **File the claim form.** Call the Employment Standards Information Centre at (416) 326-7160, toll-free at 1-800-531-5551 or Hearing Impaired TTY 1-866-567-8893 for information on where to file your claim.

Filing a claim is free. Your employer cannot punish you for filing a claim.

The information you need

On the claim form, the Ministry of Labour will ask you for some or all of the following:

A description of your complaint

- what happened
- when it happened (dates, times)
- why it happened
- who was involved
- witness information

- what you're asking for
- how you tried to solve the problem before filing the claim

Information about you and your job

- your Social Insurance Number
- copies of pay stubs or paycheques
- copies of T4 slips
- a copy of your written notice of termination, if applicable
- a copy of your Record of Employment
- a copy of your contract of employment, if you have one
- copies of any warning letters or notices you received
- a record of the hours you worked

Information about your employer

- your employer's full address and telephone numbers
- the name of your employer's bank
- is your employer still operating?
- does your employer operate any other places of business?

NOTE: Even if you do not have all this information, you can still file a claim.

What happens next?

Once your claim is filed, we will try to help you solve the problem directly with your employer. If the issue cannot be settled, an investigation may begin.

The Employment Standards Officer conducts investigations by telephone, through letters, by visiting the workplace and/or by arranging a meeting with you and your employer.