

Your rights at work

A law called the *Employment Standards Act, 2000* (ESA) sets minimum standards for employment rights including pay, hours of work and time off. Most workplaces in Ontario must follow this law and your rights are the same whether you work full-time or part-time.

Standards at work

A young worker in Ontario is any employee under the age of 25. In most cases, young workers have the same rights under the ESA as other employees. For more information on the rights listed below, visit Ontario.ca/youngworkers or Ontario.ca/ESAGuide.

Pay day

You should have a regular pay period and pay day. You should also receive a wage statement (pay stub) that includes: your gross and net wage (after deductions), your pay period and your wage rate, if applicable. Any deductions, such as Employment Insurance, taxes and Canada Pension Plan, must be noted.

Minimum wage

Most employees are entitled to be paid at least the minimum wage. However, there are different minimum wages for students, homeworkers, hunting and fishing guides and wilderness guides. The **three-hour rule** is when you typically work more than three hours a day and your employer asks you to work less, they must pay you for a minimum of three hours at your regular rate of pay — even if you work less than three hours, with some exceptions.

Tips or other gratuities

Employers cannot withhold tips or other gratuities from employees or make deductions from their employees' tips to cover things such as spillage, breakage, losses or damage. However, employers can make deductions from employees' tips or other gratuities if it is authorized by statute or a court order, or if the amount will be distributed to other employees as part of a tip pool.

Working time, rest and eating periods

There are limits to the number of hours you can be required or allowed to work. In addition, you are entitled to a certain number of hours free from work and to be provided with eating periods.

Overtime is payable after 44 hours in most jobs.

Overtime pay is at least 1.5 times your regular hourly rate.

Public holidays

There are nine public holidays in Ontario. Generally, you have a right to have these days off work with public holiday pay. These rights begin when you start your job. Try our Public Holiday Pay Calculator at Ontario.ca/ESAtools.

If you lose your job

After working for an employer continuously for three months, most employees must receive advance notice in writing and/or termination pay when their employer ends their employment. The amount of notice depends on how long they have worked for the employer. Try our ES self-service tool at Ontario.ca/ESAtools.

Your employer does not have to provide a reason for ending your employment, but it cannot be for such things as:

- asking about your employment standards rights (this is called reprisal)
- refusing to work in excess of the daily and weekly hours of work maximums

The employment standards top ten

- 1. It should be in writing.** Expect a regular pay day and a pay stub that is clear. Make sure to keep a record of the hours that you work.
- 2. Uniforms and other costs for employees.** Some employers require you to pay for work uniforms or other items as a condition of having a job. However, deductions like these from your wages may only be made if you agree in writing. Ask about any special requirements before accepting a job.
- 3. Deductions not allowed.** If a customer leaves without paying or your error costs your employer money, that amount cannot be deducted from your wages. That amount can also not be deducted from your tips or other gratuities.
- 4. Employment Standards Poster.** Your employer is required to provide you with a copy of the most recent version of the Employment Standards Poster within 30 days of hiring you. Did they?
- 5. What is work time?** Time spent in training that is required by the employer or by law is counted as work time. If you have to transport materials from the workplace to another job site, that is work time too. Try our ES self-service tool at Ontario.ca/ESAtools.
- 6. Can I be required to work on a public holiday?** If you work in a hotel, motel, tourist resort, restaurant, tavern, hospital or an establishment with continuous operations, you may be required to work on a public holiday.
- 7. Sometimes there's an exception.** Some jobs have special rules or exemptions. Try our Guide to special rules and exemptions at Ontario.ca/ESAtools.
- 8. What's my vacation pay?** Employees with less than five years of employment, vacation pay is at least four per cent of gross wages (excluding vacation pay) earned in the 12-month vacation entitlement year or if applicable, a period shorter than 12 months (stub period). Employees with five or more years of employment get paid at least six per cent of gross wages earned in the 12-month vacation entitlement year or if applicable, a period shorter than 12 months (stub period). Any vacation pay not already paid is owed to you when your employment ends.
- 9. Are you a "temp", "intern or trainee?"** If you work for a temp agency, you generally have the same rights as other employees under the ESA, including public holiday pay and notice of termination. In some cases, you may have additional rights if you work for a temp agency.

Someone called an intern or a trainee who is receiving training from an employer or is being trained in a skill that is used by the employer's employees will generally be considered an employee, subject to some exceptions. One possible exception applies to college and university programs. The ESA does not apply if you are working under a placement program approved by a university or by a college of applied arts and technology.

10. Call us if you need us.

Ministry of Labour, Immigration, Training and Skills Development
Employment Standards Information Centre

416-326-7160 (Greater Toronto Area)

1-800-531-5551 (Toll-free Canada-wide)

1-866-567-8893 (TTY for hearing impaired)

Information is available in multiple languages.

Workplace warning signs

- Not getting paid on time
- No pay stub
- Not paid for all hours worked or not paid overtime
- No time to eat
- No public holiday pay
- Unexplained deductions from your pay

Employment Insurance

Employment Insurance (EI) provides temporary financial assistance to individuals who qualify. EI is run by the federal government.

Toll-free: 1-800-206-7218

TTY: 1-800-529-3742

Disclaimer: This resource has been prepared to help employees and employers understand some of the minimum rights and obligations established under the *Employment Standards Act, 2000* (ESA) and regulations. It is not legal advice. It is not intended to replace the ESA and its regulations and reference should always be made to the official version of the legislation. Although we endeavour to ensure that the information in this resource is as current and accurate as possible, errors do occasionally occur. The ESA provides minimum standards only. Some employees may have greater rights under an employment contract, collective agreement, the common law or other legislation. Employers and employees may wish to obtain legal advice.