



YOUR RIGHTS AT WORK

The Basics – Employment Standards in Ontario

Ezhi Gaabowii'in enji nokiing

Aabideg waategin—Nokii Naakinigewinan maanpii Ontario

Minimum Wage

You must be paid at least the minimum wage for every hour you work. Some jobs have different rates and not all workers have jobs that are covered by the minimum wage.

Getting Paid

Your boss can pay you by cash, cheque or direct deposit. Whichever way you are paid, you must be provided a record or a paystub every time.

Signing a Contract

You cannot sign away your rights. If you sign a contract that is illegal, your boss is breaking the law, not you. Even if you sign, you are still entitled to your rights under the law.

Weekly Hours

The maximum number of hours your boss can schedule you in a week is 48. If your boss wants to exceed this limit they must ask you to sign a written agreement from the Ministry of Labour. It is your legal right to refuse. If you sign it, you can cancel the agreement by giving your boss 2 weeks' notice.

Daily Hours & Breaks

The maximum hours you can work in a day at one job is 13. This includes a half hour unpaid break for every 5 hours you work. Your boss should not force you to work more than your regular work day; however, there may be exceptions where you could be asked to stay later. Check with S.W.E.A.C or the Ministry of Labour for details about your specific situation.

Overtime

After 44 hours in one week, you should get paid 1.5 times your regular pay. You can agree in writing to take paid time off instead of overtime. You should get 1.5 hours paid time off for each hour of overtime.

Vacation

After 1 year working for the same employer, you are entitled to take 2 weeks of paid vacation. Your boss has the right to decide when you can take your vacation. You are entitled to 4% vacation pay for every dollar you earn or get vacation time off with pay. If you leave a job without taking vacation, you get your 4% vacation pay.

Public Holidays

There are 9 public holidays in Ontario. New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving, Christmas Day, Boxing Day. You must work your scheduled shift before and after the holiday to qualify for public holiday pay. If you work on a public holiday you can agree in writing to be paid premium pay (1.5 times the hourly rate for all hours worked **and** public holiday pay) **OR** to work on the public holiday at your regular rate and take another day off with public holiday pay. You can check out the Ministry of Labour website for great tools on how to calculate your holiday pay.

Termination Notice

Your boss can terminate you without notice if you have worked less than 3 months. After 3 months, your boss must give you written notice of the date you will be terminated. If you do not get notice, you should get pay instead. Termination pay or notice depends on how long you have worked for your employer up to a maximum of 8 weeks.

Severance Pay

To get severance pay you must have worked for the same employer for at least 5 years. **ALSO**, the employer must have an annual payroll of more than \$2.5 million **OR** must have terminated 50 or more employees in the last 6 months. Severance pay is one week of pay for every year worked up to a maximum of 26 years.

Contact S.W.E.A.C for more information specific to your situation and how to address any violations of your rights at work.

Who is covered under the law? Wenesh bemiikwin zhonda naaknigewining?

Even if you are part-time, temporary, working through an agency or do not have status - you have rights under Ontario's labour laws. The Ministry of Labour is the provincial government body that enforces the Employment Standards Act, and they also have the power to update and change the laws. This is where non-unionized workers can file a claim for unpaid wages. This is a free service.

Be Aware! Kowaamdamaazan!

Not all workers are covered equally under the law. Some workers like superintendents or information technology workers for example, do not have the same rights to minimum wage, overtime or public holiday pay as other workers.

If you are self-employed, you are not covered under the ESA. If your boss calls you self-employed or an independent contractor in order to pay you less, you can file a claim at the Ministry of Labour or go to Small Claims Court for any wages owing to you. You will have to prove you are really an employee. There may be special rules or exemptions for your job - call the Ministry of Labour for more detailed information.

Employment Rights Information Nokiitaageng Naagdawenjige Dibaajimowin

An Employment Standards poster must be provided to all workers in the workplace. As a new worker, you should receive it within 30 days of being hired. The Employment Standards poster is no longer required to be displayed within the workplace. A worker has the right to ask for the poster in their first language. These posters are available in 23 languages at the Ministry of Labour.

Supports and Resources Aasgaabowitaadwinan

The Sudbury Workers Education and Advocacy Centre

There are other laws in Ontario that cover you on the job such as the Ontario Human Rights Code or the Occupational Health and Safety Act. Hiring a lawyer or going to Small Claims Court are also options for collecting your unpaid wages. Contact S.W.E.A.C for support and referrals.

Ministry of Labour

For information on your rights under the Employment Standards Act and how to file a claim. Check out their on-line tools to help you calculate unpaid wages:

www.labour.gov.on.ca/english/es/tools

1-800-531-5551 - www.labour.gov.on.ca

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For social and economic justice

 The Law
Foundation
of Ontario

Protect Yourself Naagdawendizan

- Keep your own records of paid wages, hours and dates worked. Keep your notes at home.
- Collect information about your boss; a home address or license plate number. This could help later if the boss moves or there is no office address.
- On or after February 20th, 2015, there is no limit on the amount of wages you can claim from your employer. Workers who have unpaid wages that become due on or after February 20th, 2015, will also have **two years to file a claim** to recover those wages. There will be a transition period as the new rules are phased in which may affect any claims on wages owing before February 20th, 2015.
- If you are working without a SIN number or a valid work permit, call us to discuss a plan to get your unpaid wages.
- If you are fired or penalized for asking about your rights, this is called a reprisal. Document all the details of the incident.

Contact S.W.E.A.C

For information on your rights at work:

(705) 470-2173

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