

# What businesses need to know

The *Employment Standards Act, 2000* (ESA) is a law that sets out the rights and responsibilities of employees and employers in Ontario with respect to rates of pay, hours of work and overtime, vacations, public holidays, leaves of absence and more. The ESA applies to most employees and employers in Ontario. Every Canadian province and most industrialized countries have similar laws to protect employees.

## Key employment standards to know

### Employment standards poster

The employment standards poster gives a description and provides links to important rights and requirements under the ESA. Employers are required to provide every employee with a copy of the poster within 30 days of being hired. It is available in multiple languages for free.

[Ontario.ca/ESAposter](https://ontario.ca/ESAposter)

### Hours of work

There are limits to the number of hours employees can work in a day and in a week. Employees can agree to work more hours to meet your business needs, but only if there is an electronic or written agreement between the employee and employer. [Ontario.ca/hoursofwork](https://ontario.ca/hoursofwork)

### Vacation time and pay

Most employees with less than five years of employment earn at least two weeks of vacation time after every 12 months and must be paid at least four per cent of the total wages they earned as vacation pay. Most employees with five or more years of employment earn at least three weeks of vacation time and must be paid at least six per cent of the total wages they earned as vacation pay.

[Ontario.ca/vacation](https://ontario.ca/vacation)

### Termination notice and pay

If you are terminating an employee's job, the employee generally qualifies for written notice, termination pay instead of notice, or a combination of both. The amount of notice or pay depends on how long the employee has been working for you and the number of employees being terminated in a four-week period.

[Ontario.ca/terminationofemployment](https://ontario.ca/terminationofemployment)

### Public holidays

Ontario has nine public holidays every year. Most employees are entitled to take these public holidays off work with public holiday pay. Try our Employment Standards Self-Service Tool and calculate the public holiday pay for your employees. [Ontario.ca/ESAtools](https://ontario.ca/ESAtools)

### Minimum wage

Most employees are entitled to be paid at least the minimum wage. A general minimum wage applies to most employees. There are different minimum wages for students, homeworkers, and hunting and fishing guides.

[Ontario.ca/minimumwage](https://ontario.ca/minimumwage)

### Record keeping

Employers are required to keep written records about each employee for a certain time period. Records can either be kept by the employer or someone authorized to keep them on the employer's behalf (an accountant or payroll company). These records have to be readily available for a Ministry of Labour, Immigration, Training and Skills Development employment standards officer to review. [Ontario.ca/ESAguide](https://ontario.ca/ESAguide)

### Leaves of absence

Under the ESA, eligible employees are entitled to several types of job-protected leaves of absence. Employees cannot be terminated for asking for or taking these leaves of absence. [Ontario.ca/ESAguide](https://ontario.ca/ESAguide)

# Employment standards enforcement

## Complaints and investigations

Employees who feel their rights have been violated under the *Employment Standards Act* (ESA) can file a complaint with the Ministry of Labour, Immigration, Training and Skills Development and have their complaint investigated by an employment standards officer. The employer is provided with an opportunity to participate in the investigation. They may be required to provide evidence, records or other information. If an employment standards officer determines that an employee's rights have been violated, the employer will be required to remedy the violation (for example, by paying money that is owed to the employee). In addition, the employer may be prosecuted.

## Reprisals

Employees cannot be punished by their employer for asking about or exercising their ESA rights. This is known as a 'reprisal'. Businesses that commit a reprisal have been ordered to compensate employees, often for thousands of dollars.

## Inspections

The ESA is enforced by employment standards officers who visit businesses throughout Ontario to help educate employers on their obligations and ensure that employees' rights are being protected. Employment standards officers may visit businesses even if no complaint has been filed by an employee. These officers will provide compliance assistance to help you correct areas where your business is not complying with the ESA. Employment standards officers usually provide advance notice of a visit. They will review your records and speak to you and your employees. If there are issues of non-compliance, they will discuss these with you and, depending on the nature of the violation, they may provide an opportunity to correct them before taking enforcement action.

## Prosecutions

The ministry may prosecute employers for violating the ESA. Some prosecutions have resulted in fines and/or court orders of tens of thousands of dollars or more. Where the employer is an individual, rather than a corporation, they can also face jail time. In addition, directors of corporations can be held personally liable for their company's violations and can also face monetary penalties and jail sentences. In the long run, these penalties cost businesses much more money than compliance. Some names of convicted employers and directors are posted on the ministry's website.

**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.

## Online resources

The best place to find information about the ESA is on the ministry's website, [Ontario.ca/labour](https://Ontario.ca/labour).

Read Your guide to the *Employment Standards Act* (ESA) at [Ontario.ca/ESAGuide](https://Ontario.ca/ESAGuide).

For the mandatory ESA poster and information sheets in multiple languages (see below), visit [Ontario.ca/employmentrights](https://Ontario.ca/employmentrights).

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|-------------------------|--------------|
| • Arabic                | • Portuguese |
| • Chinese (Simplified)  | • Punjabi    |
| • Chinese (Traditional) | • Russian    |
| • Eastern Ojibwe        | • Spanish    |
| • French                | • Tagalog    |
| • Hindi                 | • Tamil      |
| • Korean                | • Thai       |
| • Mohawk                | • Ukrainian  |
| • Moose Cree            | • Urdu       |
| • Oji-Cree              | • Vietnamese |

## Have a question?

Call the Employment Standards Information Centre. Information is available in multiple languages.

**416-326-7160**

Greater Toronto Area

**1-800-531-5551**

Toll-free

**1-866-567-8893**

TTY for hearing impaired