



# Your rights at work

What you should know about:

- hours of work • pay • overtime • breaks
- holidays • vacations • leave from your job
- enforcing your rights



## **If you speak French**

You have the right to services in French from the Ministry of Labour, including the right to file your claim under the Employment Standards Act in French. To find out more about your language rights, ask a lawyer or a community legal clinic.

## **Si vous parlez français**

Vous avez droit à des services en français de la part du ministère du Travail. Ainsi, toute plainte déposée par vous sous le régime de la Loi sur les normes d'emploi peut-elle être déposée en français. Pour en savoir plus sur vos droits linguistiques, consultez un avocat ou des représentants d'une clinique juridique communautaire.

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This booklet is about your rights at work under the Ontario Employment Standards Act (ESA). The ESA has minimum standards that employers must follow.

## III Does the ESA apply to all workers?

No. Not all jobs are covered by the Employment Standards Act (ESA) and, for some jobs, only parts of the ESA apply.

Some employers say that their workers are self-employed and the ESA does not apply to them. If this is your situation, it is a good idea to get legal advice. Even if you signed something that says you are an “independent contractor” or in business for yourself, the rights in the ESA might still apply to you.

Some industries are covered by federal laws. These industries include banks, airlines, some trucking companies, and broadcasting. Workers in these industries are covered by the Canada Labour Code. Like the ESA, the Canada Labour Code sets out minimum standards employers must follow. For more information, contact the federal government’s Labour Program, Ontario Region at **1-800-641-4049**.

Other examples where the ESA does not apply include:

- students in “work experience programs” approved by a school board, college, or university,
- people on social assistance doing community participation under Ontario Works, and
- inmates in work programs and people ordered or sentenced by a court to work.

You do not need to be a Canadian citizen, permanent resident, or have a work permit to be covered by the ESA.

If you are not sure whether you are covered by the ESA, see [page 34](#) for where to get information and help.

## III What are the rules about hours of work?

In most jobs, your employer can say you have to work 8 hours a day. If your employer's regular work day is more than 8 hours, they can say you have to work the number of hours in their regular work day. But, in most jobs, the regular work day cannot be more than 13 hours. And the regular work week cannot be more than 48 hours.

The rules about hours of work may not apply to you if you agreed in writing to different rules. If you are protected by a union, the union can make an agreement with your employer about hours of work.

## III Can my employer ask me to work longer hours?

Yes. And you have the right to refuse, unless you have already agreed in writing to work longer hours.

Before asking you to sign an agreement to work longer hours, your employer must give you a copy of the Ministry of Labour information sheet about hours of work and overtime pay.

If you agreed to work longer hours, you have the right to **cancel** this agreement.

You do this by telling your employer in writing that you no longer agree to work longer hours. Your agreement ends **2 weeks** after you give this written notice to your employer.

### III **Does an employer have to give weekends off?**

No. An employer has to give one day off in each 7-day work week, or 2 consecutive days off in a 2-week period. So, your employer can require you to work 6 days in a row before giving you one day off, or 12 days in a row before giving you 2 days off.

### III **How much does my employer have to pay me?**

It depends on your job. There are different minimum wage rates for different jobs.

In most jobs, you must be paid the general minimum wage of at least \$14.00 an hour.

If you work serving alcohol in a place where you usually get tips, you must be paid at least \$12.20 an hour.

If you are a homemaker, you must be paid at least \$15.40 an hour. Homeworkers are employees who do work out of their own homes. Examples of homework could include sewing, stuffing envelopes, or telemarketing at home.

If you are a student under 18 years of age and you work during school holidays, or less than 28 hours a week during the school term, you must be paid at least \$13.15 an hour.

<b>Most jobs</b>	<b>Serving alcohol</b>	<b>Homeworker</b>	<b>Student under 18 years</b>
\$14.00	\$12.20	\$15.40	\$13.15

On or before your payday, your employer must give you a statement of your wages. This is often called a pay stub. The pay stub must include:

- your rate of pay, for example, how much you make in an hour,
- the pay period covered,
- your wages for that period, before and after any deductions, and
- the amount and reason for any deductions.

Your employer can make “statutory deductions” such as income tax, Employment Insurance (EI) premiums, and Canada Pension Plan (CPP) deductions.

Your employer may also be able to deduct money that you owe if a court orders it or, in some circumstances, if you have agreed in writing to a specific deduction.

The pay stub must be in writing. Or, your employer can email it to you if you can print a copy at work.



## III Does my employer have to pay me overtime?

In most jobs, when you work more than 44 hours in a week, the hours above 44 are overtime hours. You earn 1½ times your hourly pay for each hour of overtime that you work. For example, if your hourly wage is \$16.00, your overtime rate would be \$24.00 an hour.

The rules about overtime pay may not apply to you if you agreed in writing to different rules. If you are protected by a union, the union can make an agreement on your behalf.

## III Can my employer ask me to agree to different rules about overtime?

Your employer might ask you to sign an agreement with rules that are different than the general rules in the ESA about overtime.

An employer could ask you to agree to:

- take paid time off instead of getting overtime pay
- “average” your overtime hours

### Agreeing to paid time off

You can agree to get overtime as paid time off instead of overtime pay. This means you get 1½ hours of time off for every hour of overtime that you work.

You must get this time off within 3 months of the week in which you earn it. This does not apply if you sign an agreement with your employer to get the time off within 12 months.

## Agreeing to “average” overtime

You can agree to have your overtime “averaged”. This means you get overtime pay on the average number of overtime hours you work during a period of 2 weeks or more, up to a maximum of 4 weeks, not the actual number of overtime hours you work in each week.

Employers use averaging agreements to avoid paying overtime. **If you sign an averaging agreement, you get less for your overtime.**

Overtime averaging agreements must be signed and dated, include expiry dates, and cannot last more than 2 years.

## Compare overtime with or without an averaging agreement

In most jobs, the hours you work over 44 hours a week are overtime hours. The following examples compare how much overtime pay you get with or without an averaging agreement if:

- your regular work week is 35 hours
- you work a total of 180 hours in 4 weeks

**If you did not sign an averaging agreement:**

If you **did not sign** an agreement to “average” your overtime over 4 weeks, your total number of overtime hours for the 4-week period would be 22.

<b>4-week period</b>	<b>Hours worked</b>	<b>Paid as overtime</b> actual hours over 44
<b>Week 1</b>	35	0
<b>Week 2</b>	50	6
<b>Week 3</b>	60	16
<b>Week 4</b>	35	0
<b>TOTAL</b>	180	<b>22</b>

**If you did sign an averaging agreement:**

To find out your **average** overtime hours in the 4-week period, take the total number of hours you worked in the 4 weeks and divide by 4.

Then subtract the 44 hours you must work in a week to qualify for overtime. This gives you the “average” number of overtime hours per week. Then you multiply this by 4 to get the averaged number of overtime hours for the 4-week period.

In this example, you only get overtime pay for 4 hours.

<b>4-week period</b>	<b>Hours worked</b>	<b>Calculation for averaging total number of paid overtime hours</b>
<b>Week 1</b>	35	$180 \text{ hours} \div 4 \text{ weeks} = 45 \text{ hours}$  $45 \text{ hours} - 44 \text{ hours} = 1 \text{ hour}$  $1 \text{ hour} \times 4 \text{ weeks} = 4 \text{ hours}$
<b>Week 2</b>	50	
<b>Week 3</b>	60	
<b>Week 4</b>	35	
<b>TOTAL</b>	180	<p><b>paid as overtime</b> average hours over 44 = <b>4</b></p>

### ||| **What if my employer asks me to sign an agreement that affects my rights?**

You do not have to sign an agreement that affects your rights as a worker. For example, you do not have to agree to extend your work hours, take time off instead of getting overtime pay, or “average” your overtime over a period of weeks.

But if you are applying for a job and do not agree to sign, the employer might decide not to hire you.

If you are already in the job, it is against the law for an employer to punish you or fire you if you refuse to sign an agreement.

But some employers do not follow the law. If you are punished or fired, you need to find out what you can do to take action against the employer. Get legal advice to help you understand your options and decide what to do. See [page 34](#) for information about where to get help.

## III **What can I do if I sign an agreement and then change my mind?**

It depends on the agreement.

If you agreed to work more than 8 hours a day (or more than the regular work day for your job), or more than 48 hours a week, you can cancel the agreement by giving your employer 2 weeks' written notice.

Overtime averaging agreements cannot last more than 2 years. When an agreement ends, you do not have to renew it. But to cancel it before it ends, you and your employer must agree.

Get legal advice if your employer claims that you made an agreement about your rights under the ESA but:

- you did not make an agreement,
- you did not understand the agreement, or
- your employer forced you to agree even though you did not want to.

You should not be forced to follow rules that you did not understand or you did not agree to willingly.

## III What breaks do I get at work?

In most jobs, you get at least 30 minutes off after every 5 hours of work. This is often called a meal break. You do not have to be paid for this time.

If you agree to it, you get two 15-minute breaks instead of one 30-minute meal break. You can make this agreement in writing or by talking to your employer.

Your employer does not have to give you any other breaks. If you do get other breaks, like coffee breaks, your employer has to pay you if you have to stay at work during those breaks.

## III What are the rules about public holidays?

In most jobs, you have the right to get public holidays off work with holiday pay. If the ESA rules about public holidays cover your job, they apply:

- if you work full-time or part-time
- no matter how long you have worked in that job
- whether or not the public holiday falls on a day that you would usually work.

In Ontario, there are **9 public holidays** each year. Some people call these “stat holidays”.

<b>New Year’s Day</b>	January 1
<b>Family Day</b>	third Monday in February
<b>Good Friday</b>	Friday before Easter Sunday (falls either in March or April)
<b>Victoria Day</b>	Monday before May 25
<b>Canada Day</b>	July 1
<b>Labour Day</b>	first Monday in September
<b>Thanksgiving Day</b>	second Monday in October
<b>Christmas Day</b>	December 25
<b>Boxing Day</b>	December 26

If a public holiday falls on a day that you do not usually work or when you are on vacation, you get another day off with holiday pay.

For example, if you work Monday to Friday and July 1 is on a Saturday, your employer can decide that you will get Monday, July 3 off with holiday pay.

Or, if you agree in writing, you can get holiday pay for the public holiday. In that case, you do not get another day off.

### **Getting another day off**

If you work on a public holiday and get another day off, you have to get the other day off within 3 months of the holiday. Or, you can agree in writing to take the day off within 12 months of the holiday.

Before the public holiday, your employer has to tell you in writing:

- the public holiday that you are working
- the date you get a day off because you are working on the holiday
- the date your employer is giving you this information in writing

### **Holiday pay**

To get holiday pay, you must meet the “last and first” rule. This rule says that you must work your regular work day, before and after the holiday, unless you had “reasonable cause” not to work. Examples of reasonable cause include illness or injury.



To figure out your holiday pay:

- add up your regular wages plus vacation pay for the 4 work weeks before the work week with the holiday in it
- divide that total by 20

## Working on a public holiday

Some people have to work on public holidays. For example, you might have to work on a public holiday if you work in one of the following:

- a hotel, motel, or tourist resort
- a hospital or nursing home
- a business that stays open for 24 hours each day over a period of 7 days

And if you do not have to work, **you can agree** in writing to work on a holiday and get paid in either of these ways:

- You can get holiday pay plus premium pay. Premium pay is 1½ times your regular rate of pay.
- You can get your regular pay and another day off with holiday pay.

But even if you have an agreement, you will get **only** premium pay for working on a holiday if you **do not meet** the “last and first” rule, explained on [page 12](#).

If you have to work on the holiday because of the kind of job you have, **your employer decides** if:

- You get holiday pay plus premium pay. Premium pay is 1½ times your regular wages.
- You get your regular pay and another day off with holiday pay.

## III Do I get time off for vacation?

The ESA gives most people the right to either 2 or 3 weeks of vacation in a year. You earn your vacation by working 12 months for the same employer.

If you have worked less than 5 years for your employer, you get **2 weeks** of vacation in a year.

If you have worked 5 years or more for your employer, you get **3 weeks** of vacation in a year.

### Earning your vacation

The period of 12 months in which you earn your vacation is called your “entitlement year”. Your employer decides when this year begins. It could begin:

- when you start working for your employer
- on a different date, for example, January 1, if your employer uses the calendar year as the entitlement year

If the entitlement year starts on a date that is different than the date you started working, you still earn vacation from your first day of work to the day before the entitlement year begins.

## Taking your vacation

Your employer has the right to decide when you can take your vacation, and whether you can take all of your vacation at the same time. If you get at least 2 weeks' vacation, your employer can say whether you can take all your vacation weeks in a row.

You do not have to take your vacation in periods of less than one week at a time, unless you want to. If this is what you want, ask your employer in writing and get your employer to agree in writing.

Your employer must let you take your vacation within 10 months of when you earn it.

## III What are the rules about vacation pay?

The amount of vacation pay that you get depends on how long you have worked for your employer.

If you have worked less than 5 years, vacation pay must be at least **4%** of the wages, not including vacation pay, that you earn during your entitlement year.

If you have worked 5 years or more, your vacation pay must be at least **6%** of the wages, not including vacation pay, that you earn during your entitlement year.

If your entitlement year starts on a different date than the date you started working, you also get vacation pay from your first day of work to the day before the entitlement year begins.

The general rule is that your employer has to pay you your vacation pay before your vacation starts. But they can pay it on your regular pay day while you are on vacation if:

- they pay by direct deposit into your bank account, or
- you are taking less than one week of vacation.

If you already got your vacation pay, you get the time off without pay. For example, some employers add vacation pay to your wages every pay period.

When you leave a job, your employer must pay you any vacation pay they owe you.

## ||| **What if I need a few days off for illness and other personal emergencies?**

The ESA gives some workers time off for illnesses and certain kinds of personal emergencies. The time off is called a “leave of absence” or a leave.

You may be able to take the following short leaves of absence each calendar year:

- 3 days of sick leave
- 3 days of family responsibility leave
- 2 days of bereavement leave
- 10 days of domestic or sexual violence leave

A calendar year means between January 1 and December 31. But you get the same number of days each year even if you started working for your employer partway through the year.

The ESA says that you have the right to be paid for the first **5 days** of domestic or sexual violence leave each year. The ESA **does not say** that your employer has to pay you for any other time that you take as a leave. But you might have the right to be paid if:

- you are in a union
- you have a workplace policy or employment contract that gives you this right

If you only take part of a day, your employer can count it as one of your leave days. For example, if you go to work and leave early because you are sick, your employer can count this as one of your 3 days of sick leave for the year.

## Sick leave

You may be able to take sick leave if you have worked for your employer for at least 2 weeks in a row.

You can use up to **3 days** of sick leave if you:

- are sick or injured
- have a medical emergency

A medical emergency includes surgery that is set up in advance, if you need it for medical reasons.

Your employer can require you to get a medical note as proof of your need for sick leave.

## Leave for a family emergency or death

You may be able to take family responsibility leave or bereavement leave if you have worked for your employer for at least 2 weeks in a row.

You can use up to **3 days** of family responsibility leave because a family member:

- is sick or injured
- has a medical emergency
- has an “urgent matter”

Something is an urgent matter if:

- it was not planned and is out of your control, and
- there could be serious problems if nothing is done to deal with it.

For example, it might be an urgent matter if your babysitter cancels and there is no one to look after your child.

You can use up to **2 days** of bereavement leave because a family member has died.

The ESA includes the following people as **family members** for family responsibility leave or bereavement leave:

- your spouse, including a common-law or same-sex partner
- your child or spouse’s child, including a stepchild or foster child
- your child’s spouse

- your grandchild or spouse's grandchild, including a step-grandchild
- your brother or sister
- your parent or spouse's parent, including a step-parent or foster parent
- your grandparent or spouse's grandparent, including a step-grandparent
- a relative who depends on you to care for them or give them personal assistance

## Domestic or sexual violence leave

To get domestic or sexual violence leave, you must have worked for your employer for at least 13 weeks in a row.

You may be able to take the leave if you or your child, under 18 years of age, has:

- experienced domestic or sexual violence
- been threatened with domestic or sexual violence

Your child includes a stepchild, foster child, and a child you are the legal guardian of.

There are 2 lengths of domestic or sexual violence leave you may be able to take each calendar year. This means that you may be able to take:

- up to 10 days, **and**
- up to 15 weeks.

You can take domestic or sexual violence leave only for the following reasons:

- to get medical care because of an injury or disability caused by the violence
- to get help from a victim services organization
- to get psychological or other professional counselling
- to move, permanently or for a short time
- to deal with the police or the legal system because of the violence

The ESA says that you have the right to be paid for the first **5 days** of domestic or sexual violence leave each year.

### **Telling your employer and proving you need a leave of absence**

Tell your employer as soon as you know you need a leave of absence. If you have to start your leave before talking to your employer, contact them as soon as you can to say:

- why you need the leave, and
- for how long.

If you speak to your employer in person or by phone, send an email or give them a note as soon as you can to confirm:

- when you spoke, and
- what you said.



Your employer can require you to prove that you need a leave of absence. But they can only require you to give proof that's "reasonable in the circumstances".

What is reasonable depends on your situation, for example:

- why you need the leave
- how long you need the leave to be
- any past leaves you have had or periods you have been away from work
- whether you can get proof of why you need the leave
- how much it would cost to get proof

### Examples of proof

If you need proof for a **sick leave**, you might need to get a note signed by a doctor or other health professional. The note should include:

- how long you need the leave to be
- when you went to the health professional
- whether the health professional who signed the note saw you in person

Your employer does **not** have the right to know about your medical diagnosis or treatment.

If you need proof for a **family responsibility leave**, your employer can require you to tell them:

- the name of the family member
- how your family member is related to you
- the reason you need to be away from work

If the leave is because your family member is sick or injured, your employer does **not** have the right to know about their diagnosis or treatment.

Other examples of proof you might need for family responsibility leave include a letter from your child's school or a police report.

To prove you need **bereavement leave**, you might have to show a death certificate, death notice, or obituary.

To prove you need **domestic or sexual violence leave**, you might have to show:

- police reports
- court documents
- a letter from a health professional or a counsellor

## III What if I need more than a few days off because of a family member's illness or other crisis?

You might be able to take time off work if you qualify for:

- family caregiver leave
- family medical leave
- critical illness leave
- domestic or sexual violence leave
- child death leave
- crime-related child disappearance leave
- organ donor leave
- reservist leave

If you are covered by the ESA, you might be entitled to one of these leaves. See [page 1](#) for more information about whether the ESA applies to you.

The table that starts on [page 24](#) gives basic information about each of these leaves.

Type of leave	Maximum leave
<p><b>Family caregiver leave:</b> To provide care or support to a family member with a serious medical condition</p>	<p>8 weeks in a calendar year</p>
<p><b>Family medical leave:</b> To provide care or support to someone who is dying and is:</p> <ul style="list-style-type: none"> <li>● a family member or</li> <li>● someone with whom you have as close a relationship as a family member</li> </ul>	<p>28 weeks in a 52-week period</p>
<p><b>Critical illness leave:</b> To provide care or support to a critically ill family member or child under 18, including a step-child, foster child or if you are the child’s legal guardian</p>	<ul style="list-style-type: none"> <li>● 37 weeks in a 52-week period for a child under 18</li> <li>● 17 weeks in a 52-week period for an adult family member</li> </ul>

### **To qualify**

You must get a medical certificate from a doctor, nurse, or psychologist saying that the person has a serious medical condition.

You must get a medical certificate from a doctor or a nurse practitioner saying that the family member or close friend is seriously ill and at significant risk of dying within 26 weeks.

You must have worked for your current employer for at least 6 months in a row.

You must get a medical certificate from a doctor, nurse, or psychologist saying that the person is critically ill and needs the care or support of a family member for a specific period of time.

Type of leave	Maximum leave
<p><b>Domestic or sexual violence leave:</b> For specific reasons related to the violence, for example, to get medical care, professional counselling, or help from a victim services organization, to move, or to deal with the legal system</p>	<p>Up to 10 days <b>and</b> up to 15 weeks in a calendar year</p>
<p><b>Child death leave or crime-related child disappearance leave:</b> If your child, step-child or foster child under 18 years of age has died or disappeared</p>	<p>Up to 104 weeks</p>
<p><b>Organ donor leave:</b> To have organ donor surgery</p>	<p>Up to 13 weeks (with possible extension of up to 13 more weeks)</p>
<p><b>Reservist leave:</b> For members of the Canadian army reserve forces sent to help because of an emergency situation</p>	<p>As long as the army is helping out with the emergency</p>

### To qualify

You must have worked for your current employer for at least 13 weeks in a row.

Your employer can ask you for proof that is “reasonable in the circumstances” to show that you need the leave.

You must have worked for your current employer for at least 6 months in a row.

Your employer can ask you for “reasonable evidence” of your right to take the leave — for example, a police report about the missing child.

You must have worked for your current employer for at least 13 weeks.

You must have worked for your current employer for at least 6 months in a row.

You must give your employer written notice of when the leave will begin and end.

## ||| Are there benefits that I can get while I am on leave?

If you are on family medical leave, you might be able to get Employment Insurance (EI) compassionate care benefits for up to 26 weeks.

If you are on critical illness leave, you might be able to get benefits from Employment Insurance (EI). The Family Caregiver benefit for adults can be up to 15 weeks and the Family Caregiver benefit for children can be up to 35 weeks.

If you are on child death leave or crime-related child disappearance leave, you might be able to get the Canadian Benefit for Parents of Young Victims of Crime for up to 35 weeks.

If you are on organ donor leave, you might be able to get Employment Insurance (EI) sickness benefits for up to 15 weeks. You might also be able to get benefits from the Program for Reimbursing Expenses of Living Organ Donors (PRELOD). This program is run by the Ontario Ministry of Health and Long-Term Care. To find out more, check the Trillium Gift of Life Network website at [www.giftoflife.on.ca](http://www.giftoflife.on.ca). Or call **1-888-9-PRELOD** or **416-619-2342**.

For more information about EI and other federal benefits, contact a Service Canada Centre or a community legal clinic. To find the Service Canada Centre for your area call **1-800-622-6232**. Or you can check the Service Canada website at [www.canada.ca](http://www.canada.ca). To find out how to contact a community legal clinic, see [page 34](#).



The ESA also gives pregnancy and parenting leaves to workers who qualify. For more information about this, see our booklet called **Taking time off work: For new and expecting parents**. To view it online, go to [www.cleo.on.ca](http://www.cleo.on.ca).

## ||| **What are my rights if I am protected by a union?**

If you are protected by a union, check your collective agreement to find out about your rights at work, or talk to your union representative. Your rights may be different from the rights set out in the ESA. You usually have to use the grievance procedure in the collective agreement to enforce your rights.

Most workers in Ontario have the right to join or form a labour union. A union is an organization of workers that bargains with employers to set conditions of employment such as wages, hours of work, and overtime pay. This process is called collective bargaining. To find out more about unions and union organizing, contact the Canadian Labour Congress, Ontario Region at **1-800-387-3500**. In the Toronto area, call **416-441-3710**.

## III How can I enforce my rights as a worker?

You may be able to make an employment standards claim against your employer. The Ministry of Labour can order your employer to pay you money that you are owed.

A claim for unpaid wages must be filed with the Ministry of Labour within 2 years of the date the wages were owing.

In some cases, the Ministry can order your employer to give you your job back and to compensate you for any loss caused by your employer's actions. For example, this can happen if your employer broke the law by punishing you for exercising your legal rights.

Examples of exercising your legal rights under the ESA are:

- taking the pregnancy or parental leave you are entitled to, and returning to your job at the end of your leave,
- asking about your rights or asking your employer to obey the law,
- refusing to sign an agreement affecting your rights (for example, an agreement about how you will be compensated for overtime),
- making a claim against your employer, or
- giving information to an Employment Standards Officer who is investigating your employer.

If you make an ESA claim against your employer, it is very helpful to have records of the hours and dates that you worked. Make notes about incidents that might be relevant to your claim. Include the names of any witnesses to events that relate to your claim.

Keep any documents or pay stubs you get from your employer. Also keep copies of any other documents that have to do with your job.

In some cases, you may be able to enforce your rights by suing your employer. If you do, you cannot file a claim for the same violation of your rights with the Ministry of Labour.

If your employer has gone bankrupt, you may be able to get wages, vacation pay, severance pay, and termination pay owing to you by applying to the federal Wage Earner Protection Program (WEPP).

The maximum that you can get from WEPP is an amount equal to 7 weeks of “insurable earnings” under the Employment Insurance Act (\$7,148.05 for 2019) minus 6.82% and deductions. You can get wages and vacation pay that you earned in the 6 months before your employer’s bankruptcy. You can get severance or termination pay owing only if you lost your job in the 6 months before your employer’s bankruptcy. You must have a valid Social Insurance Number (SIN). To find out more about who can qualify and how to apply, contact Service Canada:

Toll-free ..... **1-800-622-6232**

Toll-free TTY ..... **1-800-926-9105**

Website..... [www.canada.ca](http://www.canada.ca)

## **Other legal rights**

You have other legal rights besides those in the ESA.

If you are discriminated against or harassed because of your race, sex, age, disability, or other reasons that violate your human rights, you may be able to make a claim to the Human Rights Tribunal of Ontario.

You also have legal rights if you are having problems at work because of a health and safety issue in your workplace, or because you raised a concern about your employer not obeying environmental protection laws.

Your community legal clinic may be able to give you information or advice if you are experiencing discrimination or other problems related to your rights at work. To find out how to contact a community legal clinic, see [page 34](#).

## III How do I file an employment standards claim?

The Ministry of Labour has an Employment Standards Claim Form that you can fill out and file. The form is available on the Ministry of Labour website at [www.labour.gov.on.ca](http://www.labour.gov.on.ca).

You can complete and submit the form online, fax it to the Ministry of Labour at **1-888-252-4684**, or mail it to:

Provincial Claims Centre  
Ministry of Labour  
70 Foster Drive, Suite 410  
Roberta Bondar Place  
Sault Ste. Marie, ON  
P6A 6V4

## ||| Where can I find out more and get legal help?

CLEO's **Steps to Justice** website has step-by-step information about common legal issues, including your rights as a worker. Visit [www.stepstojustice.ca](http://www.stepstojustice.ca) and see the information in the **Employment and Work** section.

You can also call the Ministry of Labour's Employment Standards Information Centre:

Toll-free ..... **1-800-531-5551**

Toronto area ..... **416-326-7160**

Toll-free TTY ..... **1-866-567-8893**

For legal help and advice, you can contact a community legal clinic or a lawyer.

To find your nearest community legal clinic, go to the Legal Aid Ontario (LAO) website at [www.legalaid.on.ca](http://www.legalaid.on.ca) or call LAO at:

Toll-free ..... **1-800-668-8258**

Toronto area ..... **416-979-1446**

Toll-free TTY, call Bell

Relay Service ..... **1-800-855-0511**

You can also see CLEO's booklet called **Getting Legal Help: A Directory of Community Legal Clinics in Ontario**. To view it online, go to [www.cleo.on.ca](http://www.cleo.on.ca) and click on "**Legal System**".

For legal advice and help with human rights, you can contact the Human Rights Legal Support Centre. Visit their website at [www.hrlsc.on.ca](http://www.hrlsc.on.ca) or call them:

Toll-free ..... **1-866-625-5179**

Toronto area ..... **416-597-4900**

Toll-free TTY ..... **1-866-612-8627**

Toronto area TTY ..... **416-597-4903**

This booklet gives only general information. You should get legal advice about your own situation.

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CLEO has more free publications on Employment and Work and other legal topics.

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

For our Discard List, or to order or view our publications online, visit [www.cleo.on.ca](http://www.cleo.on.ca). You can reach us by phone at **416-408-4420**.

CLEO's **Steps to Justice** website has step-by-step information about common legal problems. Visit [www.stepstojustice.ca](http://www.stepstojustice.ca).