



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

In many cases, you have the right to government services and legal actions in French. This includes hearings with French-speaking decision makers.

Ask a lawyer or community legal clinic about your French-language rights.

Si vous parlez français

Il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures judiciaires en français, comme la tenue d'une audience devant un décideur qui parle français.

Vous pouvez demander à des avocat(e)s ou à une clinique juridique communautaire de vous informer de vos droits liés au fait de parler français.

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III Employment Standards Act

This booklet is about your rights in Ontario's Employment Standards Act (ESA). The ESA has minimum standards that employers must follow.

What jobs does the ESA cover?

Not all jobs are covered by the 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.

The rights in the ESA might still apply to you, even if you signed something that says:

- you are an independent contractor, or
- you are in business for yourself.

See [page 34](#) for where to get legal help.

Some industries are covered by the **Canada Labour Code**. This includes banks, airlines, some trucking businesses, and broadcasting. Like the ESA, the Canada Labour Code sets out rules that employers must follow.

For more information, contact the Government of Canada's Labour Program, Ontario Region at **1-800-641-4049**.

The ESA does **not** apply to:

- students in work experience programs that a school board, college, or university approved,
- people on social assistance doing community participation through Ontario Works,
- people in jail who are in work programs, and
- people ordered or sentenced by a court to work.

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

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

III Rules about pay

There are different minimum wage rates for different jobs. The government usually increases these rates each year.

In most jobs, you must be paid at least the general minimum wage of **\$16.55** an hour.

If you are a homemaker, you must be paid at least **\$18.20** an hour. Homeworkers are employees who do work out of their own homes. For example, they might do sewing, filling envelopes, or telemarketing at home.

If you are a student who is younger than 18, you must be paid at least **\$15.60** an hour if you work:

- during the school holidays, or
- less than 28 hours a week during the school term.

Most jobs	Homeworkers	Students younger than 18
\$16.55	\$18.20	\$15.60

Getting a pay stub

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

Your pay stub must be **in writing**. Your employer can give you a paper copy, email it to you, or keep it in a secure online database that is used for payroll.

If your employer emails it or uses an online database, they must make sure that you:

- have the technical skills to get your pay stub,
- can use email or the database at work, and
- can print a copy at work.

Your pay stub must include:

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

What are deductions?

There are “statutory deductions” that your employer must take from your pay. These include income tax, Employment Insurance (EI) premiums, and Canada Pension Plan (CPP) contributions.

Your employer can also take money from your pay if:

- a court orders it, for example, because you owe child support payments
- your employer made a mistake and paid you too much
- you are in a union and the money covers things like union dues or payments for health benefits or a pension plan

Before your employer can take any other amounts from your pay, you must agree to this **in writing**.

But even if you agree in writing, your employer cannot take money because they say you did not do a good job.

And they cannot take money to cover cash or property that are missing unless:

- you were the only person who could have taken it, and
- you agree in writing that your employer can do this.

This also means your employer cannot take money from your pay if a customer leaves without paying.

III Rules about hours of work

In most jobs, your employer can say you have to work 8 hours a day.

Your employer's regular work day may be more than 8 hours. If it is, your employer can say you must 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 belong to a union, the union can make an agreement with your employer about hours of work.

Working longer hours

Your employer might ask you to work longer hours. You have the right to refuse, unless you have already agreed in writing to work longer hours.

Your employer must give you a copy of the Ministry of Labour's information sheet about hours of work and overtime pay. And they must do this before asking you to sign an agreement to work longer hours.

If you agree to work longer hours, you have the right to **cancel** the 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.

Working on weekends

Your employer does **not** have to give you weekends off.

You must get one day off in each 7-day work week, or 2 days off in a row every 2 weeks.

This means that your employer can make you work:

- 6 days in a row before giving you one day off, or
- 12 days in a row before giving you 2 days off.

Rules about 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 \$20, your overtime rate would be \$30 an hour.

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

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

Your 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” your overtime

You can agree to have your overtime “averaged”.

This means that you get overtime pay on the average number of overtime hours you work during a period of 2 to 4 weeks. You do not get it on the actual number of overtime hours you work each week.

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

An averaging agreement must:

- be in writing, signed, and dated, and
- give the date when it ends.

The agreement can last for **2 years** but not any longer.

Overtime pay with or without an 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 when you have an averaging agreement and when you do not. The examples are based on:

- having a regular work week of 35 hours
- working 180 hours in 4 weeks

No averaging agreement

In this example, your total number of overtime hours for the 4 weeks is **22**.

4-week period	Hours worked	Overtime hours (over 44)
Week 1	35	0
Week 2	50	6
Week 3	60	16
Week 4	35	0
Total	180	22 hours

With 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,
- divide by 4, and
- subtract the 44 hours you must work in a week to qualify for overtime.

This gives you the “average” number of overtime hours in a week. Then multiply this by 4 to get the average number of overtime hours for the 4-week period.

In this example, your average number of overtime hours for the 4 weeks is **4**.

4-week period	Hours worked	Figuring out overtime hours
Week 1	35	180 hours ÷ 4 weeks = 45 hours 45 hours - 44 hours = 1 hour 1 hour x 4 weeks = 4 hours
Week 2	50	
Week 3	60	
Week 4	35	
Total	180	4 hours

Ending an averaging agreement

To cancel this type of agreement, you must tell your employer in writing 2 weeks before you want the agreement to end.

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.

III An agreement that takes away your 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:

- work more 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 not hire you.

If you are already in the job and refuse to sign an agreement, it is against the law for your employer to:

- punish you, or
- fire you.

Get legal advice if this happens so you can decide what to do. See [page 34](#) for more information.

You should also get legal advice if your employer claims that you made an agreement that affects your rights in 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.

III Rules about breaks

In most jobs, you get at least 30 minutes off after every 5 hours of work. This is often called a meal break. Your employer does **not** have to pay you for this time.

If you agree to it, you can get 2 breaks of 15 minutes instead of one meal break of 30 minutes. You can agree in writing or by talking to your employer.

Your employer does **not** have to give you any other breaks.

If you get other breaks, like coffee breaks, your employer must pay you if you have to stay at work during those breaks.

The law does not say anything about washroom breaks. But your employer should be reasonable about letting you use the washroom when you need to.

III 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”.

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

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

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, and
- divide that total by 20.

Earning holiday pay

You get another day off with holiday pay if the public holiday is on a day when:

- you do not usually work, or
- you are on vacation.

For example, 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 just get holiday pay for the public holiday. This means that you do not get another day off.

Getting another day off

If you work on a public holiday and get another day off, you must 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 must 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

Having to work on a public holiday

Some people must work on public holidays. For example, you might have to work on a public holiday if you work in:

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

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.

Agreeing to work on a public holiday

If you do not have to work, you can **agree in writing** to work on a holiday. And you can get paid in one of these ways:

- regular pay and another day off with holiday pay, or
- holiday pay plus premium pay. Premium pay is 1½ times your regular rate of pay.

You have fewer options of how to get paid if you do **not** meet the “last and first” rule.

Last and first rule

This rule says that you must work your regular workday, before and after the holiday, unless you had “reasonable cause” not to work. Examples of reasonable cause include being sick or injured.

If you do not meet this rule, your employer will pay you premium pay for the hours you worked. You do not get holiday pay. And you cannot get another day off with holiday pay.

Rules about vacation time

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

- when you start working for your employer, or
- on a different date.

For example, your employer might say that you earn your vacation in a calendar year. This means that you start earning vacation on January 1. If this happens, you also get vacation pay from your first day of work up to December 31.

Taking your vacation

Your employer has the right to decide:

- when you can take your vacation, and
- if you can take all of it at the same time.

If you get at least 2 weeks of vacation, your employer can decide whether you can take all your weeks of vacation in a row.

You do not have to take your vacation in periods of less than one week at a time. But you can if you want to. If you do, 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 Rules about vacation pay

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

Less than 5 years: Your vacation pay must be at least **4%** of your wages, not including vacation pay, that you earn during your entitlement year.

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.

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

When you get your vacation pay

The general rule is that your employer must pay you your vacation pay **before** your vacation starts.

Your employer can pay you 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.

Another option is to get your vacation pay at any time that you and your employer both agreed on.

Or, you can agree to have your employer add your vacation pay to your wages each pay period. If you do this, you do not get paid when you take your vacation.

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

III Time off for sickness and personal emergencies

The ESA gives some workers time off:

- when they are sick or a family member is sick, and
- for 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 plus 15 weeks of domestic or sexual violence leave (see more on [page 22](#))

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 part of the way through the year.

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

Getting paid while on leave

The ESA says that:

- you have the right to be paid for the first **5 days** of domestic or sexual violence leave each year
- your employer does **not** have 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

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 set up in advance. But you must need it for medical reasons.

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

Infectious disease emergency leave

You can get infectious disease emergency leave if you are:

- sick with COVID-19,
- getting a COVID-19 vaccine, or
- caring for a family member with COVID-19.

You can take as much of this **unpaid** leave as you need.

Read more in **When can I take a leave from work because of COVID-19?** at stepstojustice.ca/leave-covid.

Leaves for a family emergency or death

If you have worked for your employer for at least 2 weeks in a row, you may be able to take:

- family responsibility leave
- bereavement leave

Family responsibility leave

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.

Bereavement leave

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

Who is a family member

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

- your spouse or common-law partner
- your child or your spouse's child, including a stepchild or foster child
- your child's spouse
- your grandchild or your 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 help or care for them

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 who is younger than 18 has:

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

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

There are 2 domestic or sexual violence leaves you may be able to take each calendar year. One lets you take one or more days off at a time. And the other lets you take time off in periods of weeks. This means that you may be able to take:

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

These are the **only** reasons for taking domestic or sexual violence leave:

- to get medical care because of an injury or disability caused by the violence
- to get help from a victim services organization
- to get professional counselling
- to move, even 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.

Proving you need a leave of absence

Tell your employer as soon as you know that you need a leave. 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 right after. This is 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 ask you for proof that is “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

Proof for a sick leave

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 condition or treatment.

Proof for a family responsibility leave

For a **family responsibility leave**, your employer might ask you to tell them:

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

If your family member is sick or injured, your employer does **not** have the right to know details about their medical condition or treatment.

Examples of proof you might use for a family responsibility leave include:

- a letter from your child's school
- a police report
- a receipt from your drug store

Proof for bereavement leave

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

Proof for domestic or sexual violence leave

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 Other leaves

If you are covered by the ESA, you might be able to take time off work using one of these **unpaid** leaves:

- family caregiver leave
- family medical leave
- critical illness leave
- child death leave
- crime-related child disappearance leave
- organ donor leave
- reservist leave

The table on [pages 26 and 27](#) has basic information about each of these leaves.

The ESA also gives pregnancy and parenting leaves to workers who qualify. For more information, see **Taking time off work: For new and expecting parents**.

View it online at cleo.on.ca/parents. Order it for free at cleo.on.ca.

Type of leave	Most time you can take off	How to get the leave
<p>Family caregiver leave: To give care or support to a family member with a serious medical condition.</p>	<ul style="list-style-type: none"> ● 8 weeks in a calendar year (January to December) 	<p>Get a medical certificate from a doctor, nurse, or psychologist that says the person has a serious medical condition.</p>
<p>Family medical leave: To give care or support to a family member or close friend who is dying.</p>	<ul style="list-style-type: none"> ● 28 weeks in a period of 52 weeks 	<p>Get a medical certificate from a doctor or nurse practitioner that says the family member or close friend is:</p> <ul style="list-style-type: none"> ● seriously ill, and ● very likely going to die within 26 weeks.
<p>Critical illness leave: To give care or support to a family member or child under 18 who is critically ill.</p> <p>This includes a stepchild, foster child, or child you are the legal guardian of.</p>	<ul style="list-style-type: none"> ● 37 weeks in a period of 52 weeks for a child under 18 ● 17 weeks in a period of 52 weeks for an adult family member 	<p>You worked for your current employer for at least 6 months in a row.</p> <p>Get a medical certificate from a doctor, nurse, or psychologist saying that the person:</p> <ul style="list-style-type: none"> ● is critically ill, and ● needs the care or support of a family member for a specific period of time.
<p>Child death leave or crime-related child disappearance leave: If your child, stepchild, or foster child under 18 has died or disappeared.</p>	<ul style="list-style-type: none"> ● up to 104 weeks 	<p>You worked for your current employer for at least 6 months in a row.</p> <p>Your employer can ask for “reasonable evidence” to show that you need the leave, for example, a police report about the missing child.</p>
<p>Organ donor leave: To have organ donor surgery.</p>	<ul style="list-style-type: none"> ● up to 13 weeks and you could get up to 13 more weeks 	<p>You worked for your current employer for at least 13 weeks.</p>
<p>Reservist leave: For members of the Canadian Armed Forces reserves.</p>	<ul style="list-style-type: none"> ● for as long as the Canadian Armed Forces needs you to work as a reservist 	<p>You worked for your current employer for at least 2 months in a row.</p> <p>Tell your employer in writing when the leave will begin and end.</p>

Getting benefits while on leave

Your employer does not pay you when you take one of these leaves. But you may be able to get money from Employment Insurance (EI) and other benefits.

Family medical leave: You might be able to get EI compassionate care benefits for up to 26 weeks.

Critical illness leave: You might be able to get one of these EI benefits:

- Family Caregiver benefit for adults can be up to 15 weeks
- Family Caregiver benefit for children can be up to 35 weeks

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.

Organ donor leave: You might be able to get 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 Long-Term Care.

To find out more, go to giftoflife.on.ca. Or call Trillium Gift of Life Network at **1-888-977-3563**.

More information on benefits

For more information about EI and other benefits from the Government of Canada, 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 check the Service Canada website at [servicecanada.gc.ca](https://www.servicecanada.gc.ca).

Find out how to contact a community legal clinic on page 34.

III Rights when you belong to a union

If you are in a union, find out about your rights at work by:

- checking your collective agreement, or
- talking to your union representative.

Your rights may be different from the rights 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 union.

A union bargains with the employer to set working conditions for its members, 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 **416-441-3710**.

III If your employer breaks the law

You may be able to make a claim with the Ministry of Labour if your employer does not follow the rules in the ESA.

The Ministry can order your employer to pay you any money that they owe you.

You must make a claim for unpaid wages within **2 years** of when your employer owed you the money.

In some cases, the Ministry can order your employer to:

- give you your job back, and
- pay you for any loss you had because of what your employer did.

This can happen if your employer breaks the law by punishing you for exercising your legal rights that are in the ESA.

For example, you are exercising your legal rights if you:

- take the pregnancy or parental leave you have a right to, and return to your job at the end of your leave
- ask about your rights or ask your employer to obey the law
- refuse to sign an agreement that affects your rights, such as an agreement about how your employer will pay you for overtime
- make an ESA claim against your employer (see [page 31](#))
- give information to an Employment Standards Officer who is investigating your employer

Take notes and keep documents

If you make a claim against your employer, it is very helpful to have records of the hours and dates that you worked.

Make notes about events that might relate to your claim. Include the names of any witnesses.

Keep your pay stubs and any documents that relate to your job like your employment contract.

How to make an ESA claim

Get the Ministry of Labour's **Employment Standards Claim Form** at a ServiceOntario Centre or labour.gov.on.ca. Fill out the form and:

- send it in online,
- take it to a ServiceOntario Centre,
- fax it to the Ministry of Labour at **1-888-252-4684**, or
- mail it to the Provincial Claims Centre, 70 Foster Drive, Suite 410, Sault Ste. Marie, Ontario P6A 6V4.

To find the nearest ServiceOntario Centre, visit ontario.ca/page/serviceontario.

Or call the Employment Standards Information Centre at **1-800-531-5551**. For TTY, call **1-866-567-8893**.

Suing your employer in court

In some cases, you may be able to **sue your employer in court**. If you do, you cannot make a claim for the same reason with the Ministry of Labour.

III Other rights for workers

You have other legal rights that are not in the ESA.

For example, you have rights related to:

- harassment or discrimination
- health and safety

Your local community legal clinic may be able to give you information or advice about problems related to your rights at work. Find out how to contact a community legal clinic on [page 34](#).

Make a human rights claim

If your employer does not respect your human rights, you may be able to bring a claim to the Human Rights Tribunal of Ontario.

In most cases, you must do this within **one year** of when the problem happened. And you cannot make a claim for the same reason with a court or the Ministry of Labour.

The **Human Rights Legal Support Centre** has information to help you apply to the Human Rights Tribunal of Ontario. Visit hrlsc.on.ca. Or call **1-866-625-5179**. For TTY, call **1-866-612-8627**.

III If your employer is bankrupt

You may be able to get back money that your employer owes you, if your employer:

- has gone bankrupt,
- is insolvent, or
- is in receivership.

Wage Earner Protection Program

You can apply to the **Wage Earner Protection Program (WEPP)** to get:

- wages your employer did not pay you,
- vacation pay, and
- severance pay and termination pay.

How much you can get

The most you can get from WEPP is 7 times what the Employment Insurance Act says are your maximum weekly “insurable earnings”.

For 2024, the most you can get is **\$8,507.66** before deductions like income tax.

You can get wages and vacation pay that you earned in the 6 months before your employer’s bankruptcy.

How to apply

To apply online, go to canada.ca and type “apply WEPP” in the search box. You must have a valid Social Insurance Number (SIN).

For more information about WEPP and to get a paper copy of the application form, call the WEPP information line at **1-866-683-6516**. For TTY, call **1-800-926-9105**.

||| Legal help and information

Contact **your union** or one of the places listed below.

For legal help and advice, contact a **community legal clinic**.

To find your local clinic, visit legalaid.on.ca/legal-clinics. Or call Legal Aid Ontario at **1-800-668-8258**. For TTY, call **711**.

The **Workers' Action Centre** gives information to workers for free.

Visit workersactioncentre.org or call their Workers' Rights Information Line at **1-855-531-0778**.

Pro Bono Ontario has a free legal advice hotline that offers 30 minutes of help and advice over the phone.

Visit probonoontario.org/hotline or call **1-855-255-7256**.

The **Ontario Legal Information Centre** offers a free 30-minute meeting with a lawyer by video or by phone. They give legal information and referrals but not legal advice.

Visit legalinfocentre.ca/en or call **1-844-343-7462**.

For more information about **your rights as a worker**, visit stepstojustice.ca/emp-and-work.

This is general information for people in Ontario, Canada. It is not legal advice.

Cette publication est également disponible en français.

Vous pourriez avoir droit à des services en français du gouvernement et des fournisseurs désignés. Visitez justicepasapas.ca/droits-linguistiques-francophones.

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