

FOUR STEPS TO FILING A CLAIM

√ **Step 1: Read the Important Employment Standards Claim Information located at the beginning of the claim form**

√ **Step 2: Fill out the claim form**

- Please refer to the Claim Form Guide.
- For help estimating the amount of money you are claiming you are owed please refer to the Employee Self Help Kit calculation worksheets.

√ **Step 3: Send your claim form to the Ministry of Labour and receive your claim number**

It is **recommended** that you file your claim **online** at the Ministry of Labour website www.labour.gov.on.ca. You will receive your **claim number** immediately.

You may also file your claim:

In person at a ServiceOntario Centre (1-800-267-8097). You will receive a letter, with your **claim number**, in the mail.

By mail to the Provincial Claims Centre, Ministry of Labour, 70 Foster Drive, Suite 410, Roberta Bondar Place, Sault Ste. Marie, ON, P6A 6V4. You will receive a letter, with your **claim number**, in the mail.

By fax: 1-888-252-4684. You will receive a letter, with your **claim number**, in the mail.

Please only file your claim once. For example, if you have filed your claim online, please do **not** send another copy of your claim form to the Ministry of Labour.

√ **Step 4: Send copies of your documents to the Ministry of Labour**

FOR MORE INFORMATION

To access the **Claim Form Guide**, the **Self Help Kit** and to read more about your employment standards rights, please refer to the Employment Standards section of the **Ministry of Labour Website**, www.labour.gov.on.ca.

For help understanding your employment standards rights, please contact the **Employment Standards Information Centre** at 416-326-7160 or 1-800-531-5551.

INTRODUCTION

Read these instructions before you start to fill out this form.

Note: *In this booklet, the **Employment Standards Act, 2000** is called the **ESA**.*

This information is provided as a public service. It is not legal advice. Although we try to ensure the information is as current and accurate as possible, we cannot guarantee the accuracy of the information. Readers should, where possible, verify the information before acting on it.

Are you protected by the ESA?

The ESA applies to most, but not all employers and employees in Ontario.

The ESA does not apply to you if you work for any employer under federal jurisdiction; for example, post offices, airlines, banks, and TV and radio stations. Employees in these industries should contact the Federal Labour Program (www.labour.gc.ca) of Human Resources and Skills Development Canada, toll-free 1-800-641-4049.

Employees on **certain jobs are not covered by all parts of the ESA;** for example, doctors, lawyers, architects, teachers and students training in those professions.

If you want to know whether you are covered by the ESA, please refer to *Your Guide to the Employment Standards Act: Industries and Jobs with ESA Exemptions and/or Special Rules*. The *Guide* and other information about employment standards are available on the Ministry of Labour's website at www.labour.gov.on.ca

The ESA contains provisions that apply to assignment employees and prospective assignment employees of temporary help agencies and to clients of such agencies even though the client is not the employer of the person filing a complaint under the ESA.

A **temporary help agency** is an employer that employs people for the purpose of assigning them to perform work on a temporary basis for clients/client businesses of the agency. Temporary help agencies may also be called "temp agencies," "employment agencies," "personnel staffing agencies," or "staffing firms."

You are a temporary help agency **assignment employee** if you are employed by a temporary help agency, for the purpose of being assigned by the agency to perform temporary work for client(s) of the agency.

The temporary help agency is the employer of the temporary help agency employee.

A **client** business is a person or entity that enters into an arrangement with a temporary help agency under which the agency agrees to assign one or more of its employees to perform work on a temporary basis in the client's workplace(s).

If you were covered by a collective agreement when the matter you are complaining about occurred, you should ask your union representative for assistance. If you still want to file a claim, you must first get approval from the Ministry of Labour's Director of Employment Standards.

In most cases if you have already started a court action against the employer you **cannot** file a claim for the same matter.

If, after you file a claim, you wish to start a court action against the employer on the same matter, you must withdraw your claim within two weeks from the date of filing your claim with the court in order to proceed with the court action.

How to contact us

Call the Employment Standards Information Centre at 416-326-7160, our Toll Free line at 1-800-531-5551 from anywhere in Canada, or 1-866-567-8893 for Hearing Impaired TTY. **Please have a pen, paper and a list of your questions ready before you telephone us.**

Some helpful information:

If you believe your rights have been violated, you should first try to resolve the matter with the employer.

- For example, speak with the employer or send the employer a letter.
- If you choose to write a letter, try to explain what the problem is and how you expect the employer to resolve it.

You can get a Ministry of Labour self help kit to help you calculate any money you think the employer owes you. **The Self Help Kit** also has a form letter that you can send to the employer and other helpful information. You can download the self help kit from the Ministry of Labour's website, www.labour.gov.on.ca. **Always keep a copy of your letter and proof of how you sent it to the employer.** For example, if you send the letter by registered mail, make sure you keep the registered mail receipt and a copy of the letter.

If you are unable to resolve the matter by yourself, contact the Employment Standards Information Centre for assistance.

If you decide to file a claim against the employer, an employment standards officer (officer) will be assigned to handle your claim after the Ministry of Labour has received it. The officer will contact you. **The investigation of your claim will take time.**

During an investigation:

- The officer must first collect and review all of the evidence before deciding if the employer has violated the ESA.
- If the officer finds that there was a violation, the employer can resolve the issue by voluntarily complying with the officer's decision.
- If the employer does not comply with the officer's decision, the officer can issue an order which the employer can appeal to the Ontario Labour Relations Board.
- If the Ministry of Labour is unable to collect money that is owed to you, the Ministry may then authorize a collection agency to try to collect the money.
- The Ministry of Labour may also choose to prosecute the employer. The Court may impose a fine or term of imprisonment, or both.

It is important for you to file a claim within a certain time

There are three different time limits:

Six-Months

In most cases, the Ministry of Labour can only recover wages that became due within the six months before the date you file the claim.

Generally, wages become due (owed to you) on your regular payday. However, if the employer terminated your employment, all wages the employer owes you are due either **within seven days, or on your next regular payday, whichever is later**.

One Year

If the officer finds the employer has committed the same violation of the ESA in respect of wages owed to you more than once, including at least once in the previous six months, the officer can issue an order for wages owed to you as a result of the violation in the 12 months before the date you file the claim. Also, the Ministry of Labour can issue an order to recover vacation pay that came due in the 12 months before the date you file the claim.

Two Years

In some cases, an employee can file a claim up to two years after the violation of certain rights, including:

- If there has been a reprisal:
 - Employers cannot punish an employee or threaten an employee because he/she asked his/her employer to follow the **ESA**, filed an **Employment Standards Claim**, exercised or tried to exercise his/her rights under the **ESA** or because an employee's wages are subject to a garnishment order.
 - Clients of a temporary help agency cannot intimidate an assignment employee, refuse to have an assignment employee perform work, terminate an assignment employee's assignment, or otherwise penalize him/her because he/she asked his/her employer to follow the **ESA**, filed an **Employment Standards Claim**, exercised or tried to exercise his/her rights under the **ESA** or because an employee's wages are subject to a garnishment order.
 - Please refer to page 15 for more information on reprisals.
- If a temporary help agency has a) charged prohibited fees or b) restricted the temporary help assignment employee's ability to secure direct work with a client of the agency.
- If the employer has violated other non-monetary standards such as not providing proper meal breaks or failing to provide wage statements.

INSTRUCTIONS FOR COMPLETING THE CLAIM FORM

You must fill out all the areas marked with an asterisk (*) to prevent delays in processing your claim. The information you provide will help Ministry staff conduct the investigation.

Contact the Ministry of Labour immediately if you change your address, phone number, or email address. Include your claim number in your correspondence with the Ministry.

Use a pen to fill out the form. **PRINT** as clearly as possible.

Please read the section titled “Important Employment Standards Claim Information” on the first three pages of the claim form and check off the box at the end of the section.

All data provided on the claim form will be converted into an electronic format and stored in a secure database only accessible by Employment Standards Program staff.

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Any information, either written or oral, that you provide to the Ministry of Labour in support of your claim, including the information provided on the claim form, is collected under the authority of the *Employment Standards Act, 2000* to assist in the investigation of alleged violations of the ESA. The *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 F.31 (as amended) governs the collection, use and disclosure of this information.

Any information that you provide to an employment standards officer that is relevant to your claim and is considered necessary for the investigation and enforcement of the claim may be shared with the employer or the employer’s representative.

The ministry or its agent may contact you for the purposes of conducting a survey about the quality of the ministry’s service. Any information you provide to the ministry that is necessary to conduct the survey may be shared with the ministry’s agent.

If you have any questions concerning collection, use and disclosure of personal information, you may contact the Ministry of Labour’s Freedom of Information and Privacy office at 400 University Ave., 10th Floor, Toronto ON M7A 1T7 (416) 326-7786.

SECTION A - INFORMATION ABOUT YOU

Are you covered by a collective agreement?

If you were covered by a collective agreement when the matter you are complaining about occurred, you must put a check mark (√) in the “yes” box. If your answer is yes, you should ask your union representative for assistance. If you still want to file a claim, you must first get approval from the Ministry of Labour’s Director of Employment Standards.

Write to: Ministry of Labour, Director of Employment Standards
 Employment Practices Branch
 400 University Avenue, 9th Floor
 Toronto, ON M7A 1T7

Previous Last (Family) Name (if the employer knows you by that name)

If the employer knows you by a previous last name, for example, if you changed your last name after getting married, place the previous last name on the form.

Commonly Used First Name (if applicable)

If the employer knows you by a different first name than your first (given) name, please provide the commonly used first name on the form. Commonly used first names could include nicknames or using your middle given name as a first name.

Students Only: Date of Birth

Students need to provide this information so the Ministry of Labour can tell if you were eligible for the “student minimum wage” or the “general minimum wage”.

Home Mailing Address

Please provide as complete and accurate information as possible to prevent delays in processing your claim.

Alternative Mailing Address

To help us serve you better, if you have another address and phone number where we can contact you, please write it here.

Do you authorize anyone to act on your behalf?

You may wish to authorize someone else to act on your behalf and/or discuss your claim with us, such as a lawyer, parent, spouse, or friend.

If you choose to authorize someone, please print the person's name, describe his/her relationship to you (for example: lawyer, parent, spouse, or friend) and write down his/her phone number.

SECTION B1 - INFORMATION ABOUT THE EMPLOYER'S BUSINESS OR COMPANY THAT YOUR CLAIM IS RELATED TO

IMPORTANT: Check this box if your claim is related to a temporary help agency. Your temporary help agency is the employer. Please provide information about the temporary help agency in sections B1 and B2. If your claim concerns a reprisal by a client of the temporary help agency that employs you, please provide information about the client business in C1 and C2.

Please check this box if:

1. You are or were employed by a temporary help agency to perform work on a temporary basis for client(s) of the agency and you are filing a claim against the agency.
2. You are or were employed by a temporary help agency and you are filing a claim against a client business of the agency.
3. You were charged prohibited fees by the agency (e.g. for filling out an application or helping you write a resume) and you are filing a claim against the agency.

Employer's Business Name (name of company)

Indicate the employer's legal name here (if you know it). The employer's legal name may be on your pay cheque, pay stub, or T4 slip. The employer's legal name may be different from the name it operates as. For example, the employer's legal name might be 123456 Ontario Inc. and operate as John Smith & Sons.

If this employer operates using any other name(s), please provide these names, if known.

Some employers will have a legal and a business or operating name. See explanation above. Please provide the employer's operating name or business name here if it is different from the legal name.

Address of the Employer's business (e.g. Head Office, Main Office, Headquarters)

Please put the employer's head office, main office, or headquarter location here.

Examples:

1. If you work for a construction company that has a head office in Toronto but you work at a site in Hamilton, put the Toronto head office address here and the Hamilton site location in the space provided for "address of the location where you work(ed)".
2. If you work for a large manufacturer in one of their factories in Sudbury and the manufacturer's headquarters is in the United States, put the headquarter address (United States) here and the location of the factory where you work in the space provided for "address of the location where you work(ed)".

3. If you work for a temporary help agency in downtown Ottawa and you perform work for one of their client businesses in Kanata, provide the temporary help agency's Ottawa address here and the address of the client business in the space provided for "address of the location where you work(ed)."

Address of the location where you work(ed) (if different from above)

Write the address where you performed your job if it is different from the employer's head office, main office, headquarters, or address provided above. See examples provided above.

Name of your supervisor, or contact name, if known

If you know the name and position of the person you reported to at work, please provide that information.

SECTION B2 - YOUR WORK HISTORY WITH THE EMPLOYER'S BUSINESS OR COMPANY THAT YOUR CLAIM IS RELATED TO

Assignment and prospective assignment employees of a temporary help agency may be claiming that the agency charged prohibited fees and assignment employees may be claiming that the agency did not provide required information upon hiring. In such cases, the claimant may have no work history with the temporary help agency.

If you are an assignment or prospective assignment employee and you have not yet performed work for the temporary help agency, please proceed to Section D.

What was your job title? What kind of work did (or do) you do?

Write your job title and describe, in a few words, the kind of work you did for this employer.

Examples:

1. If your job title was "Building Superintendent" and your job was fixing and repairing things around the building, then you would write that your title was "Building Superintendent" and you "fixed and repaired things around the building".
2. If you worked as an assignment employee for a temporary help agency and you performed administrative work, then you would write that your title was "temporary help agency assignment employee" and you "performed administrative work".

Did you work the same number of hours each day?

If your hours of work changed from day to day or from week to week, please put a check mark (✓) in the "No" box, and explain why your hours were not regular.

Examples:

1. Temporary help agency assignment employee – numerous assignments that varied week to week.
2. Receptionist – Monday to Wednesday 8 hours a day, Thursday and Friday 4 hours a day.
3. My hours per day per week vary but I always work 40 hours a week.

Pay Period

Did the employer pay you every week, every two weeks, twice every month, once every month, or some other period?

How were you paid?

How were your wages or salary calculated?

- Per hour: You were paid the same amount of money for each hour that you worked.
- Salary: You were usually paid the same amount of money for every pay period (for example, every week or every two weeks), even if the number of hours that you worked may have varied.
- Commission: You were paid a percentage of each sale that you made.
- Piecework: You were paid for each piece of work you completed. For example, by the number of pieces of material that you cut or number of pages typed.
- Other: Please explain. For example, hourly wage plus commission.

Rate of pay before deduction

What was your regular pay before taxes, Canada Pension Plan (CPP), Employment Insurance, etc. were taken out of your pay? Do not include in this amount any overtime pay that you may also have earned.

Date you started working for this employer

Enter the date when you started working for the employer. If you cannot remember the exact day, enter the month and year that you started working for the employer. **Note:** Even if you began a period of training on the first day of work, you should count that day as your first day of work.

Are you still working for this employer?

- Put a check mark (✓) in the “still working” box if you are still working for the employer.
- Put a check mark (✓) in the “fired” box if you were terminated, “let go”, “downsized”, dismissed or discharged.
- Put a check mark (✓) in the “laid off” box if the employer suspended, cut back or stopped your employment without permanently firing or dismissing you. For example, when there is not enough work, the employer might temporarily “lay off” employees.
- Put a check mark (✓) in the “quit” box if you quit your job.
- If you put a check mark (✓) in the “other” box, please explain.

Did you receive notice of termination before the last day?

Were you told **before** your last day on the job that you were going to be fired or let go?

Date notice of termination was received

If you were told that your employment was going to be terminated or you were going to be laid-off before your last day on the job, please state the date when you were told.

Was the notice written or oral?

Were you given this information in writing (written), or did the employer only inform you by speaking to you (oral)?

SECTION C1 – REPRISAL: INFORMATION ABOUT THE CLIENT BUSINESS THAT YOUR CLAIM IS RELATED TO

IMPORTANT: only complete this section if you are or were an assignment employee of a temporary help agency and if you are claiming that a client of the agency intimidated, penalized or threatened to penalize you for exercising your rights under the ESA.

All other claimants, please go to Section D.

Complete this section only if all of the following apply:

- You are (or were) employed by a temporary help agency,
- The temporary help agency assigned or attempted to assign you to perform work for a client and,
- You are claiming a reprisal by the client. For more information on reprisal, please see page 15.

Client Business Name (name of company)

Indicate the client's legal name here (if you know it). Your temporary help agency is required to provide you with the client's legal name when you are offered an assignment. The client may have a legal name that is different from the operating or business name. For example, the client's legal name may be 654321 Ontario Inc and it may operate as Jane Smith & Daughters.

If this business operates using any other name(s), please provide these names, if known.

Indicate the client's operating or business name here. Your temporary help agency is required to provide you with the client's operating or business name if it is different from the legal name.

Address of the Client Business Location Where You Worked

Please provide the address of the client that you are claiming reprisal against you. You may still be assigned to this client (in which case you will enter the same information here as you did for B1 "address of the location where you work(ed)" or this claim may relate to a client you are no longer assigned to perform work for. In either case, please provide the full address of the client location where you worked.

Name of your client business supervisor, or other contact name, if known

If you know the name and position of the person you reported to while working for the client, please **provide** that information. If you know the name of another contact person of the business, please provide that information.

SECTION C2 – YOUR WORK HISTORY WITH THE CLIENT BUSINESS THAT YOUR CLAIM IS RELATED TO

NOTE: If you have no work history with the client, please leave this section blank and continue to section D.

What was your job title? What kind of work did (or do) you do?

Write your job title and describe, in a few words, the kind of work you did for this client.

For example: If you worked as an assignment employee for a temporary help agency and you performed administrative work, then you would write that your title was “temporary help agency assignment employee” and you “performed administrative work”.

Did you work the same number of hours each day?

If your hours of work changed from day to day or from week to week, please put a check mark (✓) in the "No" box, and explain why your hours were not regular.

Examples:

1. Temporary help agency assignment employee – numerous assignments that varied week to week.
2. Monday to Wednesday 8 hours a day, Thursday and Friday 4 hours a day.
3. My hours per day per week vary but I always work 40 hours a week.

When did you begin your work assignment with the client business?

Please provide the date of when you started working for the client.

When did your work assignment end with the client business?

If you are no longer working on an assignment for the client business, please provide the date of your last day of work for the client.

If you are still currently working for the same client, please check the box “I am still currently assigned to perform work for the same client.”

SECTION D1 - DETAILS ABOUT YOUR CLAIM

Note: Before you fill out this section, please read the online information available from the Ministry of Labour on employee and employer rights and responsibilities at www.labour.gov.on.ca. Your Guide to the Employment Standards Act may be of particular help as each employment standard has a dedicated chapter along with examples. For help estimating the amount you are claiming, please refer to the Self-Help Kit. This kit has worksheets with step by step details on how to calculate the amount you believe you are owed for each monetary employment standard.

You can also call the Employment Standards Information Centre at 416-326-7160, or our Toll Free line at 1-800-531-5551 from anywhere in Canada for more information on your employment standards rights.

Please fully complete this section as accurately as possible. All the information you provide will help the Employment Standards Officer in conducting an investigation of your claim.

*All calculations you include here will be regarded by the officer as **estimates only** and as a guide to assist the officer in investigating your claim. If you cannot estimate the amount you believe is owed to you, leave the space blank.*

You must identify which employment standard(s) you are claiming were not followed.

Put a check mark (✓) in the box(s) that describe why you are filing this claim.

Unpaid Wages:

If you are claiming the employer owes you wages that you earned during your regular hours of work (not including overtime or public holidays) put a check mark (✓) in this box. Please provide the dates and the number of hours worked for which you were not paid in section D2. Please give an estimate of wages owed in the space provided. See Unpaid Wages Worksheet in Self Help Kit.

Overtime Pay:

If you are claiming the employer owes you wages that you earned working overtime (generally, more than 44 hours in a work week) put a check mark (✓) in this box. Please provide the dates and the number of overtime hours worked for which you were not paid in section D2. Please give an estimate of overtime pay owed in the space provided. See Overtime Pay Worksheet in Self Help Kit.

Vacation Pay /Vacation Time:

If you are claiming the employer owes you vacation pay put a check mark (✓) in this box. Please provide an estimate of the amount of vacation pay owed in the space provided. If you are claiming the employer did not give you the amount of vacation time owed to you put a check mark (✓) in this box., Please provide the number of vacation weeks or days that you believe you are entitled to but did not receive in section D2. Please give an estimate of vacation pay owed in the space provided. See Vacation Pay Worksheet in Self Help Kit.

Public Holidays /Public Holiday Pay:

Put a check mark (✓) in this box if you are claiming the employer did not give you the time off for a public holiday that you were entitled to. Please provide the date(s) of the public holiday(s) in section D2.

Put a check mark (✓) in this box if you are claiming the employer owes you public holiday pay and/or premium pay. Please provide an estimate of the public holiday pay and/or premium pay owed in the space provided. See Public Holiday Pay Worksheet in the Self Help Kit.

Deductions from wages:

Only three types of deductions can be made from an employee's wages: statutory deductions, court orders, and, in certain circumstances, when an employee provides written authorization. If you are claiming the employer took money from your pay that should not have been deducted put a check mark (✓) in this box and give an estimate of the amount owed in the space provided. Please indicate when the deductions were made and why they were made in section D2. See Unauthorized Deductions Worksheet in the Self Help Kit.

Minimum Wage:

If you are claiming the employer paid you less than the required minimum wage put a check mark (✓) in this box. Please provide the dates and number of hours that you worked in section D2. There are special minimum wage rates for liquor servers, students, hunting and fishing guides and homeworkers. Please give an estimate of wages owed in the space provided. See Minimum Wage Worksheet in the Self Help Kit.

Minimum Wage Rate	Feb. 1, 2006	Feb. 1, 2007	March 31, 2008	March 31, 2009	March 31, 2010
General Minimum Wage	\$7.75 per hour	\$8.00	\$8.75	\$9.50	\$10.25
Student Minimum Wage	\$7.25 per hour	\$7.50	\$8.20	\$8.90	\$9.60
Liquor Servers Minimum Wage	\$6.75 per hour	\$6.95	\$7.60	\$8.25	\$8.90
Hunting and Fishing Guides Minimum Wage	\$38.75: Rate for working less than five consecutive hours in a day; \$77.50: Rate for working five or more hours in a day whether or not the hours are consecutive	\$40.00	\$43.75	\$47.50	\$51.25
		\$80.00	\$87.50	\$95.00	\$102.50
Homeworkers Wage (110 per cent of the general minimum wage)	\$8.53 per hour	\$8.80	\$9.63	\$10.45	\$11.28

Termination Pay:

If you are claiming the employer did not provide you with the required written notice of termination or pay instead of notice put a check mark (√) in this box. Please indicate how long you worked for the former employer, the date you received written notice (if any), and your last day that you worked in section D2. Provide an estimate of termination pay owed in the space provided. See Termination Pay Worksheet in the Self Help Kit.

Severance Pay:

Generally, you are entitled to severance pay if the employer severs your employment and:

1. You have been employed by the employer for five years or more, **and**
2. The employer has an annual payroll in Ontario of at least \$2.5 million **or** the employer severed the employment of 50 or more employees in a six month period because all or part of the employer's business was permanently discontinued.

If you are claiming the employer owes you severance pay put a check mark (√) in this box. Provide an estimate of severance pay owed in the space provided. See Severance Pay Worksheet in the Self Help Kit.

Temporary Help Agency charged prohibited fees

If you are claiming a temporary help agency charged fees that it should not have charged, please put a check mark (√) in this box. Provide an estimate of the prohibited fees charged in the space provided. Please indicate what the fees were charged for in section D2.

Temporary Help Agency did not provide required information

If you are claiming a temporary help agency did not provide required information to you about the agency, client, your work assignment, and/or did not provide you with the Ministry of Labour Information Sheet entitled Your Employment Standards Rights: Temporary Help Agency Assignment Employees, please put a check mark (√) in this box. Describe what information was not given to you in section D2.

Temporary Help Agency restricted the Client Business from hiring you or providing you with references

If you are claiming a temporary help agency restricted a client from hiring you directly to work for the client, or that an agency restricted a client from providing you with a reference, please put a check mark (√) in this box. Describe the circumstances regarding the restriction in section D2.

Limits on Hours of Work / Eating Periods / Rest Periods (between shifts, daily, weekly or biweekly):

If you are claiming the employer did not follow the employment standards about limits on hours of work, rest periods, or eating periods put a check mark (√) in this box. Please explain in section D2.

Leaves of Absence (Pregnancy, Parental, Family Medical, Organ Donor, Personal Emergency, Declared Emergency, Reservist):

If you are claiming the employer did not follow the employment standards on pregnancy leave, parental leave, family medical leave, organ donor leave, personal emergency leave, declared emergency leave, or reservist leave put a check mark (✓) in this box. Please explain in section D2.

If you are claiming the employer punished or threatened you because you plan to take or did take a leave of absence, please put a check mark (✓) in the “Reprisal by the Employer” box. If you are claiming that a client of a temporary help agency punished or threatened you because you plan to take or did take a leave of absence, please put a check mark (✓) in the “Reprisal by the Client Business of the Temporary Help Agency” box.

Reprisal by the Employer (which includes a Temporary Help Agency)

Employers cannot reprimand you, that is punish you or threaten you because you ask the employer to follow the **ESA**, file an **Employment Standards Claim**, exercise or try to exercise your rights under the **ESA** or because your wages are subject to a garnishment order. If you are claiming the employer has reprimanded against you put a check mark (✓) in this box. Please explain in section D2.

Employers cannot punish you or threaten you for:

- Asking the employer to comply with the ESA
- Asking questions about your rights under the ESA
- Filing a complaint under the ESA
- Exercising or trying to exercise your rights under the ESA
- Giving information to an officer
- Taking, planning on taking, being eligible or becoming eligible to take a pregnancy, parental, family medical, organ donor, personal emergency, declared emergency, or reservist leave
- Being subject to a garnishment order (that is, a court order to have money deducted directly from your wages to pay off a debt)
- Participating in any proceedings under the ESA, or section 4 of the *Retail Business Holidays Act*
- Refusing to take a lie detector test
- Refusing Sunday work (for certain retail employees only).

Note: As explained earlier in this booklet, an employee has up to two years to file a claim with the Ministry of Labour if an employee is claiming there has been a reprisal by the employer.

Reprisal by the Client Business of the Temporary Help Agency

Please only check this box if **all of the following apply**:

- You are (or were) employed by a temporary help agency,
- The temporary help agency assigned or attempted to assign you to perform work for a client, and
- You are claiming a reprisal by the client.

Clients of a temporary help agency cannot intimidate you, refuse to have you perform work, terminate your assignment, or otherwise penalize or threaten to penalize you for:

- Asking a client or a temporary help agency to comply with the ESA
- Asking questions about your rights under the ESA
- Filing a complaint under the ESA
- Exercising or trying to exercise your rights under the ESA
- Giving information to an officer
- Taking, planning on taking, being eligible or becoming eligible to take a pregnancy, parental, family medical, organ donor, personal emergency, declared emergency, or reservist leave
- Being subject to a garnishment order (that is, a court order to have money deducted directly from your wages to pay off a debt)
- Taking part in any proceedings under the ESA, or section 4 of the *Retail Business Holidays Act*

Note: As explained earlier in this booklet, an assignment employee has up to two years to file a claim with the Ministry of Labour if an assignment employee is claiming there has been a reprisal by the client.

If you check this box, **please ensure that you have completed Section C.**

Other (specify):

**The Ministry of Labour cannot help you get your T4 slip or Record of Employment form.
The Ministry of Labour cannot help you with Employment Insurance or Income Tax issues.**

The ESA provides rights to employees that are not covered by the list of employment standards above, including:

- Rights of some employees in retail business establishments to refuse to work on Sundays or public holidays,
- Requirement for employers to post a poster about the ESA in the workplace,
- Prohibition against discrimination in benefit plans,
- Equal pay for equal work, and
- Lie detectors.

If you checked "Other" please explain in section D2, the employment standard you are claiming the employer did not follow.

SECTION D2 – ADDITIONAL DETAILS

Please explain in detail why you are filing a claim. Refer to the instructions in section D1 for each standard that you have checked.

This space is for additional information to explain why you have put a check mark in the box next to the employment standard(s). Provide the information that has been requested for each standard. If there is additional information that you think the Ministry of Labour needs to have in order to start processing your claim, please include the information in this space.

SECTION E – APPLICANT’S CERTIFICATION

Be sure to:

- Read the declaration—make sure you understand and agree to what it says
- Sign and date this form if you understand and agree with the declaration.

The declaration asks you to confirm that you believe the information you provided is accurate. Filing false or misleading information is an offence under the ESA. A person who files false or misleading information may be subject to prosecution.

WHAT HAPPENS AFTER YOU FILE YOUR CLAIM

An Employment Standards Officer of the Ministry of Labour will investigate your claim. This is usually done by contacting the employer and/or client and by inspecting both the employer's and/or client's records and any records you may have kept (for example, record of hours worked, any letters from the employer or client). The officer may also interview you, the employer, and other people.

The officer will make a decision based on all relevant information including, employer records, client records, employee records, and interviews.

You may have to attend a meeting conducted by the officer. If a meeting is required, you will receive a letter setting out the time, date, and place of the meeting. The employer and/or client may also be required to attend this meeting. You are welcome to bring along any documents that you think will support your case. You may also bring your representative, if you have one, to the meeting. The officer will ask you to explain what your concerns are and ask the employer and/or client to explain his or her side.

After both parties have had an opportunity to present information, the officer will decide if the employer or client followed the ESA.

If the officer decides the ESA was not followed the officer may issue an Order or a Notice of Contravention against the employer and/or client.