

Your Rights Under the Employment Standards Act, 2000

Disclaimer: This resource has been prepared to help employees and employers understand some of the minimum rights and obligations established under the Employment Standards Act, 2000 (ESA) and regulations. It is not legal advice. It is not intended to replace the ESA or regulations and reference should always be made to the official version of the legislation. Although we endeavor to ensure that the information in this resource is as current and accurate as possible, errors do occasionally occur. The ESA provides minimum standards only. Some employees may have greater rights under an employment contract, collective agreement, the common law or other legislation. Employers and employees may wish to obtain legal advice.

This information sheet provides a summary of your rights as a foreign national employed in Ontario under the [Employment Standards Act, 2000](#) (ESA). The ESA is a law that sets minimum standards in most Ontario workplaces, such as minimum wage and limits on hours of work. Special rules and exemptions apply to certain employees. For more information, visit Ontario.ca/ESAGuide.

Your employer is also required to provide you with a copy of the Employment Standards Poster within 30 days of the date you become an employee. You may request a translated version and if it is available from the Ministry of Labour, your employer must provide it in addition to the English copy. The poster is available at Ontario.ca/ESAposter.

What are my employment standards rights at work?

Regular payment of wages and wage statements

You must be paid on a regular payday and receive a wage statement.

Limits on hours of work and eating periods

Generally, you cannot be required to work more than 8 hours a day or your regular daily work schedule (if more than 8 hours) and no more than 48 hours in a week. Most employees are entitled to at least 11 consecutive hours off work each day and 24 consecutive hours off each week or 48 consecutive hours off in every 2-week period. You may work more hours if you agree

to do so in writing, including electronically and certain conditions are met. You cannot work more than 5 consecutive hours without a 30-minute eating period.

Overtime pay

For most jobs, overtime is payable after 44 hours of work in a week. The overtime rate must be at least 1½ times your regular rate of pay. You can learn more about overtime, as well as limits on hours of work and eating periods at [Ontario.ca/hoursofwork](https://www.ontario.ca/hoursofwork).

Minimum wage

Most employees are entitled to be paid at least the minimum wage. You can find the most current rates at [Ontario.ca/minimumwage](https://www.ontario.ca/minimumwage).

Vacation with pay

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

Public holidays and public holiday pay

There are nine public holidays in Ontario every year. Most employees are entitled to take these days off work and be paid public holiday pay. To learn more about public holidays visit [Ontario.ca/publicolidays](https://www.ontario.ca/publicolidays).

Leaves of absence

There are a number of job-protected leaves of absence including pregnancy, parental, family caregiver, and personal emergency leave. Eligible employees have the right to a job-protected leave of absence whether you are a full-time, part-time, permanent, or a contract employee. To learn more about leaves of absence visit [Ontario.ca/ESAguide](https://www.ontario.ca/ESAguide).

Termination notice and /or pay instead of notice (if employed for at least three months)

If you have been employed for at least three months, you generally have a right to receive notice of termination if your employer ends (terminates) your employment relationship. You may get notice while you are working, pay instead of working notice, or a combination of both. Generally, the minimum notice you must get ranges from one week (if you have been employed for at least three months but less than one year) to eight weeks (if you have been employed for eight years or more). To find out if you might be entitled to termination notice or pay, try the Termination Tool available at [Ontario.ca/ESAtools](https://www.ontario.ca/ESAtools).

Termination of assignment notice/or pay instead of notice (applies to assignment employees of a temporary help agency)

Termination of assignment differs from termination of employment, and occurs when an assignment employee has their assignment with a client terminated, yet remains employed with the temporary help agency.

Generally, a temporary help agency is required to provide an assignment employee with **either one week's written notice of termination of assignment, termination of assignment pay or a combination of the two, if:**

1. the assignment employee is assigned to perform work for a client;
2. the assignment had an estimated term of three months or more at the time it was offered to the employee; and
3. the assignment is terminated before the end of its term.

For further information on termination of assignment, please see the "Temporary Help Agencies" chapter in *Your Guide to the Employment Standards Act, 2000*, available at [Ontario.ca/ESAguide](https://www.ontario.ca/ESAguide).

You cannot be punished for asking about or exercising your ESA rights

If you ask about your rights under the ESA or ask that you be given your rights, your employer cannot punish you in any way, including by ending your employment relationship. You also have the right not to be punished by your employer for asking about or exercising your ESA rights.

If you are a foreign national covered under the Employment Protection for Foreign Nationals Act, 2009

A foreign national covered under the [Employment Protection for Foreign Nationals Act, 2009](https://www.ontario.ca/EPFNA) (EPFNA) is entitled to receive an information sheet about their rights under the EPFNA along with this document. If your first language is not English, your employer or recruiter must find out if the information sheet is available in your first language and, if it is, provide you with the translated version as well. For more information, please visit [Ontario.ca/EPFNA](https://www.ontario.ca/EPFNA).

If you have a question or want to file a claim

For more information, please visit [Ontario.ca/employmentstandards](https://www.ontario.ca/employmentstandards) or call the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551) or, for the hearing impaired, at TTY 1-866-567-8893. Information is available in multiple languages.

If you believe that you have not received your rights under the ESA and want to file a claim, you can access the Employment Standards Claim Form online at [Ontario.ca/ESAforms](https://www.ontario.ca/ESAforms). **Please note that separate forms are used to file claims under the ESA and the EPFNA.**