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Navigating Our Rights Project

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**The Law
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Améliorer l'accès à la justice



EMPLOYMENT LAW PUBLIC EDUCATION GUIDE

UPDATED OCTOBER 20, 2026



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Navigating Our Rights Project

01



Foundations & Core Rights

Know your legal status, workplace rights, and the three key laws in Ontario.

02



Pay, Deductions & Overtime

Understand minimum wage, permitted deductions, and overtime entitlements.

03



Time Off & Leaves

Learn about breaks, vacation, public holidays, unpaid leaves, and protected leave types.

04



End of Employment

Know your rights to termination pay and severance entitlements.

05



Human Rights & Accommodation

Understand protections, and the right to accommodation in the workplace.

06



Safety & Injury Protection

Know your rights under OHSA and WSIB coverage.

GENERAL INFORMATION. NOT PERSONAL ADVICE.

This guide explains general legal information only. It does not assess your facts or replace advice from a qualified professional.

Rules can change quickly. Before making any decisions, confirm current rules and instructions on official websites.



WHAT IS EMPLOYMENT LAW?

Employment law governs the relationship between an employee and employer.

1



FINANCIAL RIGHTS

Minimum wage, overtime pay, pay equity, and deductions

2



TIME-RELATED RIGHTS

Hours of work, overtime, rest and breaks, vacation, and public holidays

3



WORKER PROTECTION

Job protected leaves, human rights, discrimination, and accommodation

4



SAFETY & PROTECTION

Occupational health and safety, workplace harassment, and violence prevention.

Your Role. Your Rights. Know the Difference.



Who is an Employer?

A person or organization that hires workers and holds legal duties: payment of wages, providing a safe workplace, and duty to accommodate.



Who is an Employee?

A person hired by an employer or organization to perform specific tasks or services in exchange for regular wages or a salary



Independent Contractor

A self-employed person or business that provides services to a client under a contract while keeping control over how the work is done



Why Labels Don't Decide Status

Courts look at the actual working relationship, not job titles. When status is unclear, legal advice is strongly recommended.



Status affects your rights and protections.
Know the facts. Know the law.

Employee vs. Independent Contractor Status

Why labels don't decide your legal status — the actual working relationship is what matters.



Control

Does the employer control your schedule, work methods, and daily tasks? Greater control points toward employee status.



Equipment & Financial Risk

Who provides the tools? Does the worker risk financial loss? Providing own equipment and bearing risk suggests contractor status.



Subcontracting & Integration

Can the worker hire a substitute? Is the work integral to the business? Integration and no substitution indicate employee status.



Seek Legal Advice

No single factor decides status. When your situation is unclear, consult a legal professional for guidance.

The Three Pillars of Employment Law in Ontario

01



Employment Standards Act (ESA)

Employment Standards Act: sets minimum standards for wages, hours of work, leaves, and termination entitlements.

02



Occupational Health and Safety Act (OHSA)

Occupational Health and Safety Act: governs workplace safety, harassment prevention, and violence protection.

03



Ontario Human Rights Code (OHRC)

Ontario Human Rights Code: prohibits discrimination, ensures accommodation, and guarantees equal treatment.



These three laws work together to provide comprehensive protection for **all workers in Ontario.**

The Employment Standards Act (ESA)

Ontario's statutory minimum workplace standards employers may provide more, **but never less.**



Minimum Wage & Permitted Deductions



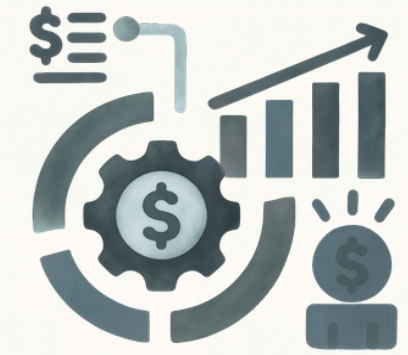
1



Current Minimum Wage

Ontario's general minimum wage is \$17.60 per hour. Employers must pay at least this rate to all eligible employees.

2



Upcoming Wage Increase

On October 1, 2026, the general minimum wage rises to \$17.95/hr. Employers must update pay to meet the new minimum.

3



Allowed Deductions

Lawful deductions include: income tax, Employment Insurance (EI), Canada Pension Plan (CPP), and deductions the employee has authorized in writing.

4



Prohibited Deductions

Employers cannot deduct pay for workplace mistakes, broken items, cash shortages, or poor performance. These deductions are illegal.

Hours of Work and Overtime Rules



The 44-Hour Threshold (Overtime)



Overtime begins at 44 hours in a work week, paid at 1.5x regular wage.

Mythbusters

A 10-hour shift doesn't automatically mean daily overtime.



Salary & Overtime

A fixed salary does not automatically eliminate overtime rights. Salaried employees may still be entitled to overtime pay.

Breaks and Meal Rules



Eating Period



30 minutes unpaid after every 5 consecutive hours of work.

Can be split into two shorter breaks by mutual agreement.

Coffee Breaks



Coffee breaks or rest breaks are NOT required by the ESA.

Any such breaks are provided at the employer's discretion.

Vacation and Public Holidays



01

Vacation: Under 5 Years

Employees earn 2 weeks of vacation and 4% vacation pay after each year of service.

02

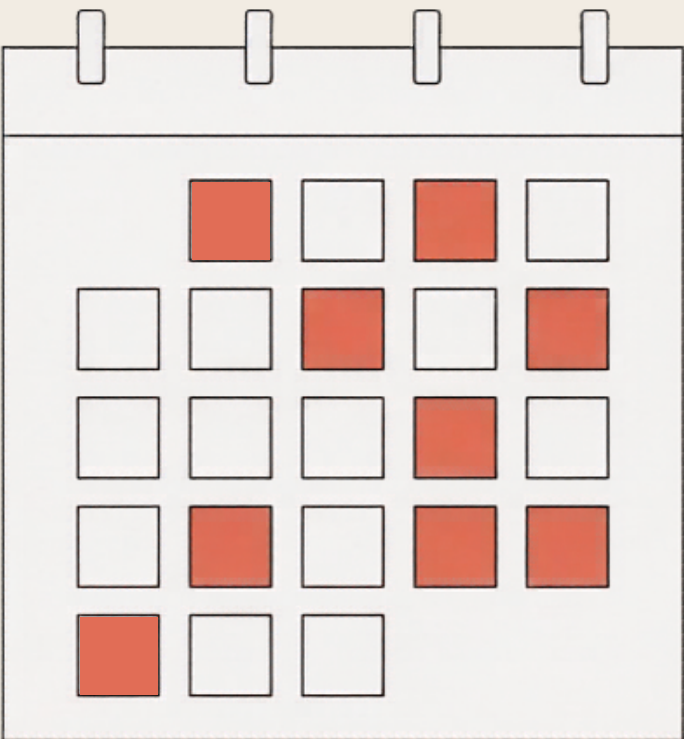
Vacation: Over 5 Years

After 5 years of service, entitlement increases to 3 weeks and 6% vacation pay.

Public Holidays

Ontario has nine public holidays. Eligible employees receive public holiday pay.

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day
- Boxing Day



Job-Protected Leaves under ESA

Leaves that protect your job even when unpaid — your right to return is guaranteed by law.



Termination vs. Severance Know the Difference.

Termination Notice / Pay in Lieu



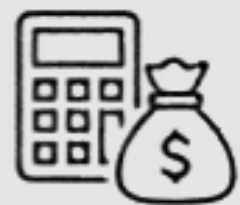
What is it?

Advance warning that the job is ending, or pay instead of warning.



Who gets it?

Most employees dismissed without cause after 3 months of continuous service.



How much?

Usually 1 week per year of service, up to a maximum of 8 weeks (ESA minimum).

Severance Pay



What is it?

A separate, additional financial compensation for long-term loyalty and lost seniority.



Who gets it?

Employees with 5+ years of service AND the employer has a global payroll of at least \$2.5 million (or mass layoff).

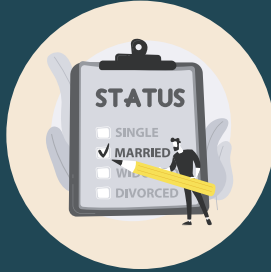


How much?

1 week per year of service, up to a maximum of 26 weeks.

Protected Grounds under the Human Rights Code



- 01  Race & Origin
- 02  Sex & Gender
- 03  Disability
- 04  Record of Offences
- 05  Family Status
- 06  Creed & Religion

Duty to Accommodate



**The Undue
Hardship Ceiling**

Pillar 1: Cost

Must be quantifiable, tied to the accommodation, and so substantial it alters the essential nature of the business.

Pillar 2: Health & Safety

The accommodation creates a severe, unmanageable health and safety risk to the worker or others.

THE DUTY TO ACCOMMODATE

Employers must accommodate Code-related needs up to the point of “undue hardship”.

The legal limit is narrow. An employer cannot claim undue hardship simply because accommodation is annoying, requires some paperwork, or causes minor scheduling shifts.

Workplace Safety

Ensuring a safe and healthy work environment through prevention, protection, and injury management.



01

OHSA Purpose

Focuses on preventing workplace injury and hazards before they occur.



02

WSIB Role

Handles workplace injury claims and supports return-to-work after an injury.



03

Prevention First

Employers must identify and eliminate hazards to keep the workplace safe.



04

Injury Management

WSIB supports injured workers with benefits and return-to-work planning.



05

Joint Duty

Both employers and workers share responsibility for a safe workplace.

Myth or Truth?



01

If my contract says I get less than the law requires, I signed it, so it must be valid.



02

If my employer calls me an independent contractor, I am automatically not an employee.



03

Ontario overtime is usually based on the weekly total and generally begins after 44 hours in a week.



04

Being paid a fixed salary does not automatically remove the right to overtime pay



05

Termination pay and severance pay are the same thing.



06

My employer cannot deduct money if I make a mistake.



Questions?



GET HELP

Connect with a qualified legal professional or a trusted community organization in Ontario.



YOU'RE NOT ALONE

Support is available. Reaching out is a strong step toward clarity and peace of mind.



STRONGER TOGETHER

Community knowledge builds confidence. We're here to help you move forward.

✉ NOUR@acctonline.ca

Bashaer Ismail

Project Lead

✉ Bashaer@acctonline.ca

☎ (437) 431-4090

Hala Nabhan Zaher

Legal Support Specialist

✉ HNabhan@acctonline.ca

☎ (437) 419-3232

