

Q&A: Your basic rights as an employee

Q: Members continue to ask: What are my rights as an employee under the *Employment Standards Act*?

A: The *Employment Standards Act, 2000*, or ESA, is a law setting out the minimum standards for workplaces in Ontario. Following are some of the highlights of the ESA, but remember, these only apply if you are an employee at your workplace.

Hours of work

Generally, employees cannot be required to work more than eight hours a day, or the number of hours in an established workday, but no more than 48 hours in a week.

After every five hours worked, employees are entitled to a 30-minute meal break free from work. If the employer and employee agree, this time can be split into two eating periods within every five consecutive hours worked. Together these must total 30 minutes. Employers are not required to give employees coffee breaks or any other kind of break other than meal breaks.

Your employer has the right to change your hours of work and can do so the morning of your scheduled day. If you attend work and are sent home, your employer is required to pay you three hours at the minimum wage of \$10.25 per hour.

Vacation pay

You are entitled to two weeks of vacation time after every 12 months of employment and at least four per cent of your total wages earned as vacation pay.

Public holidays

There are nine public holidays in Ontario. Most employees are allowed to take public holidays regardless of how long they have been working. They can be full-time, part-time, permanent, a student or on a limited-term contract.

Pregnancy leave and parental leave:

Eligible employees are entitled to take 17 weeks of pregnancy leave and 35 weeks of parental leave. All other eligible parents can take up to 37 weeks of parental leave. This is an unpaid, job-protected leave; however, you can apply for maternity and/or parental benefits under the Employment Insurance program. For more information, go to www.hrsdc.gc.ca.

Family medical leave

This is unpaid, job-protected leave of up to eight weeks in a 26-week period, available to employees who need to provide care or support to family members who have a serious illness with a significant risk of dying. In addition, six weeks

of compassionate care benefits are available to eligible employees through the Employment Insurance program. For more information, go to www.hrsdc.gc.ca.

Termination notice and pay:

An employer must give an employee advance written notice, termination pay instead of notice, or a combination of both if the employee has been working continuously for three months or more and the employee's job is terminated. The amount of notice depends on how long an employee has been working for the employer.

If you would like more information about a workplace issue, call the ODHA office at 1-800-315-6342 or talk directly to an Employment Standards Officer at 1-800-531-5551.