

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 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](#).

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 are entitled to two weeks of vacation time after each 12-month period and to be paid at least 4% of the total wages earned in that 12-month period 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 unpaid leaves of absence including pregnancy, parental, family caregiver, and personal emergency leave. Eligible employees have the right to a job-protected unpaid leave of absence whether you are a full-time, part-time, permanent, or a contract employee.

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).

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) or at select ServiceOntario Centres. To locate the Centre nearest you, please call 1-800-267-8097. **Please note that separate forms are used to file claims under the ESA and the EPFNA.**