Ontario Employment Standards

Eye Care Collective

Annual Vacation Entitlements

Two weeks per year after each of the first four years of employment and three weeks per year after five consecutive years of employment.

Averaging Agreements

By written agreement between the employer and an employee or group of employees, can agree to average work hours for a period of two or more consecutive weeks. The averaging period cannot exceed four weeks and the agreement must expire no later than two years after the start date.

Calculating Overtime

Overtime hours are calculated on any hours worked in excess of 44 hours in a week.

Employer Termination Notice

- No notice required for less than three months of employment;
- One week of notice for three months of continuous employment but less than one year;
- Two weeks of notice for one year of continuous employment but less than three years;
- Three weeks of notice for three years of continuous employment but less than four years;
- Four weeks of notice for four years of continuous employment but less than five years;
- Five weeks of notice for five years of continuous employment but less than six years;
- Six weeks of notice for six years of continuous employment but less than seven years;
- Seven weeks of notice for seven years of continuous employment but less than eight years; and
- Eight weeks of notice for eight years or more of continuous employment.

Hours Free From Work

At least 11 consecutive hours free from performing work in each day.

At least eight hours free from the performance of work between shifts unless the total time worked on successive shifts does not exceed 13 hours or unless the employer and the employee agree otherwise.

At least 24 consecutive hours free from work every work week, or at least 48 consecutive hours in every period of two consecutive work weeks.

Maximum Hours Before Overtime

44 hours per week.

Medical Certificates

Employers cannot ask for a medical certificate for:

- Job-protected sick leave (of up to three days); or
- Emergency leave for infectious disease

Minimum Daily Hours of Work

When an employee who regularly works more than three hours a day must report to work but works less than three hours, or their shift is cut short despite the employee being available to work longer, they must be paid three hours at their regular wage, or the amount earned for time worked plus what they would have earned for the remainder of the shift, whichever is higher.

Minimum Wage

$17.60 per hour.

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Overtime Rate

1.5 times the employee's regular wage rate.

Overtime Required?

No, employees are entitled to refuse overtime except in emergencies or when it is agreed upon.

Pay for Public Holidays Worked

- Paid at regular rate for hours worked on the holiday, plus a substituted day off with holiday pay, (must be taken within three months); or
- Holiday pay plus 1.5 times employee's regular wage rate for hours worked on the holiday. Public holiday pay is calculated as the total amount of regular wages earned and vacation pay payable to the employee in the four work weeks before the work week in which the public holiday occurs, divided by 20.

Pay Transparency

Under the Employment Standards Act, 2000, employers must include the expected compensation or the range of expected compensation in publicly advertised job postings unless the expected compensation or upper end of the compensation range exceeds $200,000 annually. Where a compensation range is provided, the range cannot exceed $50,000 annually.

Protected Leaves

- Pregnancy leave
- Parental leave;
- Family medical leave;
- Organ donor leave;
- Family caregiver leave;
- Critical illness leave;
- Long-term illness leave
- Child death leave;
- Crime-related child disappearance leave;
- Domestic or sexual violence leave.
- Sick leave;
- Family responsibility leave;
- Bereavement leave;
- Emergency leave: declared emergencies and infectious disease emergencies;
- Job seeking leave;
- Reservist leave;
- Jury duty leave;
- Time off for employees serving in an election; and
- Time off for voting (Ontario and federal).

Public/Statutory/General Holidays

1. New Year's Day;
2. Family Day;
3. Good Friday;
4. Easter Monday (optional);
5. Victoria Day;
6. Canada Day;
7. Civic Holiday (optional);
8. Labour Day;
9. Thanksgiving Day;
10. Remembrance Day (optional);
11. Christmas Day; and
12. December 26 (Boxing Day).

Scheduled Breaks

Employees are entitled to a 30-minute unpaid eating period for every five consecutive hours of work.

Severance Pay Entitlements

If an employee has worked for the employer for five or more years, they are entitled to receive severance pay, in addition to any owed termination pay, to a maximum of 26 weeks. This is calculated by their regular wages for a regular work week multiplied by the sum of:

- The number of completed years of employment; and
- The number of completed months of employment divided by 12 for a year that is not completed.

This applies to employers with a global payroll of at least $2.5 million or to any organization that has severed the employment of 50 or more employees in a six-month period due to all or part of a business closure.

Termination Pay in Lieu of Notice

An employee who does not receive the written notice required under the ESA must be given termination pay in lieu of notice. Termination pay is equal to the wages the employee would have earned during the notice period to a maximum of eight weeks. An employee earns vacation pay on their termination pay. Termination pay must be paid in a lump sum unless an agreement is reached to pay it in installments, and the employer must continue any applicable benefit contributions for as long as the notice period would have been.

Time off in Lieu

Employees and employers may agree for the employee to bank overtime hours. Banked overtime is to be accumulated as 1.5 hours for every hour worked and should be taken within three months of the week when the overtime was earned or, if the employee agrees electronically or in writing, the time off can be taken within 12 months.

Training Requirements

- Occupational Health and Safety Awareness
- WHMIS 2015
- Workplace Violence and Harassment
- AODA Human Rights

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