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<b>EMPLOYMENT STANDARDS HANDBOOK, THIRD EDITION</b> <b>Kimberly A. Parry, Scott D. Parry and David A. Ryan</b> <b>Release No. 1, March 2024</b>
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The *Employment Standards Handbook, Third Edition* offers a thorough explanation of the scope of the Ontario *Employment Standards Act, 2000*, a clearer understanding of the policies used by the Employment Practices Branch of the Ministry of Labour in the administration of the Act and reliable updates on this rapidly changing area of law. It includes the full text of the Act and all regulations, a discussion of the various provisions of the Act and a collection of Digests referenced to the applicable portions of the book.

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## What's New in This Update:

This release includes updates to the case law, commentary and legislation in Chapter 1 (Definitions); 3 (Application of the Act); 5 (Payment and Statement of Wages); 7 (Records); 11 (Overtime Provisions); 13 (Public Holidays), 14 (Vacation with Pay); 18 (Termination and Severance of Employment); Chapter 21 (Reprisal), 22 (Temporary Help Agencies); 24 (Liability of Directors); 25 (Who Enforces the Act and How?); 26 (Complaints and Enforcement); 27 (Reviews by the Board) and Appendices A (Employment Standards Act, 2000) and B (Regulations).

## Highlights

**REVIEWS BY THE BOARD – APPLICATIONS FOR REVIEW–SECTION 116 – HEARING** – In *Ipsos Interactive Services Limited Partnership (Re)*, E.S.C. 1389-22-ES, 1390-22-ES (September 6, 2023—McCrory), 2023 CarswellOnt 14627, the Board has described the nature of a hearing *de novo* as follows: “The Board rarely explains precisely what it means by a hearing *de novo* or the consequences, but in my view, it means that the Board is not bound by any of the findings of fact or law made by the ESO and does not need to find an error of law or fact by the ESO in order to come to a contrary conclusion. The review process is not an appeal. Typically, the Board does not stand in judgement or concern itself with the process conducted by the ESO and determines the case on the basis of the materials before it. This is why a review hearing before the Board has been said by the Board to be an adequate response to errors of fact or law or irregularities that may have been made by the ESO.”

**REVIEWS BY THE BOARD – APPLICATIONS FOR REVIEW–SECTION 116 – RES JUDICATA AND ISSUE ESTOPPEL** – In *Gogia (Amit) (Prinex Media Inc.) (Re)*, E.S.C. 2389-22-ES (March 2, 2023—McCrory), 2023 CarswellOnt 3736, the Board described the doctrine of *res judicata* as: “for the doctrine of *res judicata* to apply, a matter must involve the same parties, the same issue or cause of action, arising from the same facts, and a decision by a competent court or tribunal disposing of the matter. The doctrine of *res judicata* provides that claims that have already been adjudicated cannot be revived. The underlying principle is that parties are entitled to some confidence that matters concerning them, which have already been determined, cannot be resurrected and re-litigated”.

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages