

# Table of Contents

## CHAPTER 1. RIGHTS AND RESPONSIBILITIES UNDER THE *EMPLOYMENT STANDARDS ACT, 2000*

§ 1:1	Introduction
§ 1:2	Fundamental Provisions of the <i>ESA, 2000</i>
§ 1:3	—No Contracting Out
§ 1:4	—Greater Right or Benefit
§ 1:5	—Who is Covered by the <i>ESA, 2000</i> ?
§ 1:6	—Agreements to Vary From Certain Employment Standards
§ 1:7	Changing Workplaces and the <i>ESA, 2000</i>
§ 1:8	—Contractors
§ 1:9	—AI in the Workplace
§ 1:10	—Digital Platform Workers
§ 1:11	—Considerations for Hybrid and Remote Workplaces
§ 1:12	—Prohibition on Non-Compete Agreements
§ 1:13	Protection of Payments to Employees
§ 1:14	—Payroll Administration
§ 1:15	—Protection of Tips
§ 1:16	—Statement of Wages
§ 1:17	—Statement of Wages on Termination
§ 1:18	—Deductions from Wages
§ 1:19	—Priority of Claims
§ 1:20	Record Keeping
§ 1:21	Information Concerning Rights and Obligations
§ 1:22	Sale of Business and Continuity of Employment
§ 1:23	Associated or Related Businesses
§ 1:24	Equal Pay for Equal Work
§ 1:25	Benefit Plans
§ 1:26	Rules for Publicly Advertised Job Postings
§ 1:27	Special Rules for Retail Business Establishments
§ 1:28	Retail Business Establishments—Right to Refuse Work on a Public Holiday
§ 1:29	—Special Sunday Work Rules: Employees Hired Before September 4, 2001
§ 1:30	—Special Sunday Work Rules: Employees Hired After September 4, 2001

ONTARIO EMPLOYMENT STANDARDS ACT: QUICK REFERENCE 2025

- § 1:31 Mandatory Written Policies
- § 1:32 —Disconnecting From Work
- § 1:33 —Electronic Monitoring of Employees
- § 1:34 Scheduling and Overtime
- § 1:35 Hours of Work
- § 1:36 Scheduling and the “three-hour rule”
- § 1:37 Overtime
- § 1:38 —Overtime Averaging
- § 1:39 —Time Off in Lieu of Overtime Pay
- § 1:40 Meal Breaks and Rest Periods
- § 1:41 Special Rules and Notable Exemptions
- § 1:42 —Supervisory/Managerial Employees
- § 1:43 —Business Consultants and IT Consultants
- § 1:44 —Information Technology Professionals
- § 1:45 —Dual Role Employees
- § 1:46 —Commissioned Salespersons
- § 1:47 —Volunteers
- § 1:48 —Trainees/Students/Interns
- § 1:49 Emergency Situations
- § 1:50 Minimum Wage
- § 1:51 Calculating Hours of Work, Overtime and  
Minimum Wage: Special Considerations
- § 1:52 —Room and Board (meal) Allowances
- § 1:53 —Work Deemed to be Performed
- § 1:54 —Travel Time
- § 1:55 —Training Time
- § 1:56 Leaves of Absence
- § 1:57 —Pregnancy Leave
- § 1:58 —Parental Leave
- § 1:59 —Sick Leave
- § 1:60 —Family Responsibility Leave
- § 1:61 —Bereavement Leave
- § 1:62 —Family Medical Leave
- § 1:63 —Reservist Leave
- § 1:64 —Organ Donor Leave
- § 1:65 —Family Caregiver Leave
- § 1:66 —Critical Illness Leave
- § 1:67 —Domestic or Sexual Violence Leave
- § 1:68 —Child Death Leave and Crime-Related Child  
Disappearance Leave
- § 1:69 —Emergency Leave for Declared Emergencies and  
Infectious Disease Emergencies
- § 1:70 Rights During A Protected Leave of Absence

TABLE OF CONTENTS

§ 1:71 Interaction Between Leave and Vacation Entitlements

§ 1:72 Interaction Between Leave and Public Holiday Entitlements

§ 1:73 Interaction Between Leave and Attendance Bonus Entitlements

§ 1:74 Interaction Between Leave and Attendance Management Programs

§ 1:75 Public Holidays

§ 1:76 —Qualifying Conditions

§ 1:77 —Public Holiday Falls on a Regular Working Day

§ 1:78 —Public Holiday Falls on a Non-Working Day

§ 1:79 —Calculation of Public Holiday Pay

§ 1:80 —Public Holiday Falls During an Employee’s Vacation

§ 1:81 —Public Holiday Falls During Employee’s Leave of Absence or Lay-Off

§ 1:82 Vacation—Vacation Entitlement Periods

§ 1:83 —Vacation With Pay

§ 1:84 —When Vacation Shall Be Taken

§ 1:85 —Length of Vacation Periods

§ 1:86 —Timing and Manner of Providing Vacation Pay

§ 1:87 —Vacation Records

§ 1:88 —Provision of Vacation Statements to Employees

§ 1:89 Temporary Lay-Offs

§ 1:90 Termination and Severance of Employment— Termination

§ 1:91 —Termination and Bonus Payments

§ 1:92 —Postponing the Termination Date After Providing Notice

§ 1:93 —Mass Termination

§ 1:94 —Termination Pay Exemptions

§ 1:95 —Severance Pay

§ 1:96 —“Wilful misconduct, disobedience, or wilful neglect of duty that is not trivial and has not been condoned by the employer”

§ 1:97 —Constructive Dismissal

§ 1:98 —Quit Versus Fired

§ 1:99 —Timing of Payments Due on Termination/Severance

§ 1:100 Building Services Providers

§ 1:101 Temporary Help Agencies

§ 1:102 Notice Entitlements Where Assignments are Cut Short

ONTARIO EMPLOYMENT STANDARDS ACT: QUICK REFERENCE 2025

- § 1:103 Prohibited Conduct by Temporary Help Agencies
- § 1:104 Information Required to Be Provided to  
Assignment Employees
- § 1:105 Licensing Requirements for Temporary Help  
Agencies and Recruiters
- § 1:106 Employee Discounts
- § 1:107 Dress Codes and Personal Protective Equipment
- § 1:108 Enforcement—Complaint Procedure
- § 1:109 —Order to Pay Wages
- § 1:110 —Order for Compensation or Reinstatement
- § 1:111 —Third Party Demands
- § 1:112 —Compliance Orders
- § 1:113 —Notice of Contravention
- § 1:114 —Ticketing
- § 1:115 —Security, Warrants and Liens
- § 1:116 —Employer Recognition
- § 1:117 Liability of Directors
- § 1:118 Limitations on Recovery—Time Limits
- § 1:119 —Monetary Limits
- § 1:120 —Concurrent Proceedings
- § 1:121 Settlements
- § 1:122 Application for Review
- § 1:123 Offences and Penalties
- § 1:124 Reprisals
- § 1:125 —Enforcement by Employment Standards Officer
- § 1:126 —Remedies and Penalties Upon Conviction
- § 1:127 —Additional Penalties for Failure to Comply with  
Court Order
- § 1:128 Conclusion

## APPENDICES

Appendix A. *Employment Standards Act, 2000*

Appendix B. Regulations

**Table of Cases**

**Index**