All references are to headings of the text, unless a page reference to an Appendix is given.

ADMINISTRATION AND **ENFORCEMENT**, 25 collection, 25.7 employment standards claim, 25.2 complaint mechanism, 25.2 cases where complaint cannot be filed, 25.2 sample form, 25.2 general principles applicable to investigation and adjudication, 25.9 principles of natural justice and, 25.9 introduction, 25.1 investigation of complaints, 25.1 targeted investigations, 25.1 investigation by an employment standards officer, 25.5 compliance order, 25.5(d) general, 25.5(a) information sheet, 25.4 limitation period for issuing orders and notices, 25.5(f) notice of contravention, 25.5(e) order to hire, reinstate, or compensate, 25.5(c) order to pay wages, 25.5(b) administrative fee and, 25.5(b) powers of investigation, 25.5(a) judicial review, 25.6.1 limitation periods, 25.3 ESA, 25.3 recovery of wages and, 25.3 offences and prosecutions, 25.8 practice and procedure, 25.6(d) adjournments and, 25.6(d) information bulletin no. 24, 25.6(d) hearing, 25.6(d) making an application, 25.6(d) mediation, 25.6(d) reference chart, 25.6(d) referral by the Director, 25.6(e) review of an Employment Standard Officer's Decision, 25.6(a) practice and procedure, 25.6(a)

review of notice of contravention, 25.6(b) practice and procedure, 25.6(b) reviews by the Ontario Labour Relations Board, 25.6 application to void settlement, 25.6(c) settlements, 25.4 administrative costs, 25.4 application to void settlement, 25.4 compliance orders, 25.4 general, 25.4 notice of contravention, 25.4 payment by officer, 25.4 restrictions on settlements, 25.4 EMPLOYMENT STANDARDS ACT, 2000 administration and enforcement investigation and adjudication, 25.4 investigation by employment standards officer, 25.1 limitation periods, 25.3 penalties, 25.3 review by referee, 25.2 application of the Act, 22.1 exemptions, 22.1 policy objectives, 22.1 continuity of employment on the sale of a business, 22.6 definitions, 22.2 employee, 22.2(a) employer, 22.2(b) employment contract, 22.2(c) employment standard, 22.2(d) establishment, 22.2(e) payroll, 22.2(f) severance pay, 22.2(g) statutory notice period, 22.2(h) termination pay, 22.2(i) wages, 22.2(j) greater contractual benefit prevails, 22.4 liability of corporate officers, directors, and agents, 22.8

INDEX-1

(Employment Law)

wages, vacation pay and, 22.8 no contracting out, 22.3 related businesses may be treated as on employer, 22.7 remedies, 22.5 civil remedies preserved, 22.5(a) unionized employees, 22.5(b)

EMPLOYMENT STANDARDS OFFICER investigation, 25.1 jurisdiction, 23.13, 23.14

LEAVES OF ABSENCE complaints enforcement, 23.13, 23.14 Crime-Related Child Death or Disappearance Leave, 23.7 Critically Ill Child Care Leave, 23.6 employment standards officer's jurisdiction to enforce compliance, 23.13, 23.14 Emergency Leave for Declared Emergencies, 23.9 Family Caregiver Leave, 23.5 Family Medical Leave, 23.3 jurisdiction of employment standards officer to enforce compliance, 23.13 Organ Donor Leave, 23.4 parental leave applying for, 23.2(b) generally, 23.2(a) qualifying for, 23.2(b) termination, 23.2(c) Personal Emergency Leave, 23.8 pregnancy leave applying for, 23.1(b) generally, 23.1(a) qualifying for, 23.1(b) termination, 23.1(c) Reservist Leave, 23.10 rights during leaves of absence, 23.12 continued participation in benefit plans, 23.12(b) deferred vacation or vacation pay, 23.12(c) introduction, 23.12(a) length of employment, 23.12(e)

reinstatement after leave of absence, 23.12(f) reprisal, 23.12(g) rights and enforcement Pre-Employment Standards Act, 2000, 23.14 taking leave in weeks, 23.12(d) SARS-Related Leave, 23.11

PARENTAL LEAVE. See LEAVES OF ABSENCE

PENALTIES. See EMPLOYMENT STANDARDS ACT

PREGNANCY LEAVE. See LEAVES OF ABSENCE

REPRISALS anti-reprisal provisions, 24.1.2 by client, 24.1.2(b) court ordered payments, 24.1.2(d) generally, 24.1.2(a) leaves of absence, 24.1.2(e) lie detector tests, 24.1.2(f) pre-*Employment Standards Act, 2000*, 24.1.2(h) remedies, 24.1.2(c) retail business establishments, 24.1.2(g)

SEVERANCE PAY. See TERMINATION OF EMPLOYMENT; TERMINATION PAY; EMPLOYMENT STANDARDS ACT

TERMINATION OF EMPLOYMENT employer's payment obligations, 24.1(e)-(f), 24.5 notice election re recall rights, 24.1(g) exemptions, 24.1(f), 24.2(f) fewer than fifty employees, 24.1(c), 24.2(b) fifty or more employees, 24.1(d), 24.2(c) generally, 24.1(a) *pre-Employment Standards Act, 2000,*

INDEX-2

calculation of average weekly salary, 24.2(e) employee obligation upon receipt, 24.2(g) employer obligations upon default, 24.2(d) exceptions, 24.2(f) fewer than fifty employees, 24.2(b) fifty or more employees, 24.2(c) generally, 24.2(a) termination, 24.1(b)-(d) termination pay, 24.1(e)-(f) severance, 24.3(b) severance pay calculation of, 24.3(c) election re recall rights, 24.3(e) generally, 24.3(a) entitlement to, 24.3 (c) pre-Employment Standards Act, 2000 calculation of, 24.4(d) entitlement to, 24.4(c) generally, 24.4 (a) termination pay, 24.1(e)-(f), 24.5 termination types, 30.2

TERMINATION OR TERMINATION PAY See also TERMINATION OF **EMPLOYMENT** employee obligation to make payment upon termination pre-Employment Standards Act, 2000, 24.5, see also 24.1(e) and 24.3(c) ESA and, 24.5 notice of termination or termination pay, 24.1 construction employees, 24.1(j) definite term or specific task, 24.1(g) common law principles and, 24.1(g) election re: recall rights, 24.1(k) ESA and, 24.1(k) legislative scheme, 24.1(k) exemptions from entitlement to notice of termination or termination pay, 24.1(f) employees not entitled to notice, 24.1(f) introduction, 24.1(a) employer obligations, 24.1(a)

termination vs. severance, 24.1(a) reasonable alternative employment, 24.1(h) examples, 24.1(h) requirements for termination of fewer than 50 employees, 24.1(c) employer notice period, 24.1(c) employer obligation, 24.1(c) manner of giving notice, 24.1(c) requirements for termination of 50 employees or more, 24.1(d) ESA and, 24.1(d) termination, 24.1(b) constructive dismissal and, 24.1(b) ESA Section 56(1) and, 24.1(b) lay-off and, 24.1(b) quitting and, 24.1(b) temporary lay-off and, 24.1(b) termination pay, 24.1(e) employer obligation, 24.1(e) ESA and, 24.1(e) willful misconduct, disobedience, or willful neglect of duty that is not trivial and has not been condoned by the employer, 24.1(i) employer onus, 24.1(e) examples, 24.1(e) warning, 24.1(i) notice of termination or termination pay pre-Employment Standards Act, 2000, 24.2 advance notice required for termination of fewer than 50 employees, 24.2(b) ESA and, 24.2(b) temporary lay-off and, 24.2(b) advance notice required for termination of 50 employees or more within 4 weeks or less, 24.2(c) ESA and, 24.2(c) calculation of wages for employees paid on a basis other than time or where work hours are variable, 24.2(e) ESA and, 24.2(e) employee obligation to continue employment upon receipt of notice of termination, 24.2(g)

INDEX-3

(Employment Law)

ESA and, 24.2(g) employer obligation in default of providing advance notice, 24.2(d) exemptions from entitlement to notice of termination or termination pay, 24.2(f) conflict of interest, 24.2(f) ESA and, 24.2(f) willful misconduct and, 24.2(f) introduction, 24.2(a) ESA and, 24.2(a) severance pay, 24.3 calculation of, 24.3(h) ESA and, 24.3(h) formula for calculation, 24.3(h) construction employees, 24.3(g) definite term or specific task, 24.3(d) election re recall rights, 24.3(i) defined, 24.3(i) entitlement to severance pay, 24.3(c) defined, 24.3(c) ESA and, 24.3(c) Human Rights Code and, 24.3(c) non-entitlement, 24.3(c) introduction, 24.3(a) termination v. severance, 24.3(a) reasonable alternative employment, 24.3(e)

severance, 24.3(b) defined 24.3(b) willful misconduct, disobedience, or willful neglect of duty that is not trivial and has not been condoned by the employer, 24.3(f)examples, 24.3(f) severance pay pre-Employment Standards Act, 2000, 24.4 criteria governing entitlement to severance pay, 24.4(b) ESA and, 24.4(b) examples, 24.4(b) severe illness and, 24.4(b) introduction, 24.4(a) as distinct from termination pay, 24.4(a) defined, 24.4(a) ESA and, 24.4(a) quantum of severance pay, 24.4(c) calculating the amount of severance pay, 24.4(c)(i) ESA and, 24.4(c)(i) severance pay payable without setoff or deduction, 24.4(c)(ii) ESA and, 24.4(c)(ii) notice and, 24.4(c)(ii)