

Note: This checklist is intended only as a starting point for employers to check for compliance with the Ontario *Employment Standards Act, 2000*. Legal advice should be obtained to ensure compliance on specific points.

ESA Poster

A copy of the current ESA poster (version 6.0) is in the workplace	<input type="checkbox"/>
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Wage Statements

Each employee receives a written wage statement with his or her regular pay	<input type="checkbox"/>
Wage statement includes start and end dates of the period for which pay is being given	<input type="checkbox"/>
Wage statement includes the employee's pay rate of the employee, if applicable (e.g. \$15 per hour)	<input type="checkbox"/>
Wage statement gives gross amount (before deductions) being paid	<input type="checkbox"/>
Wage statement gives method used to calculate gross wages (unless information is given another way)	<input type="checkbox"/>
Deductions from pay are set out with explanation	<input type="checkbox"/>
Net amount being paid is set out	<input type="checkbox"/>
Deductions from employees' wages are only for statutory deductions, as a result of a court order or valid notice of garnishment or as authorized by the employee in writing?	<input type="checkbox"/>

Record Keeping

A copy of employees' wage statements is kept for three years	<input type="checkbox"/>
A record of all hours worked by employees are kept for (minimum) three years after the day or week of work	<input type="checkbox"/>
A record of all overtime/lieu time banked and taken are kept for three years	<input type="checkbox"/>
A record of all vacation time taken and vacation pay paid are kept for three years	<input type="checkbox"/>

Hours of Work

Employees receive daily meal breaks of at least 30 minutes for every 5 hours of continuous work	<input type="checkbox"/>
Meal breaks are free from work	<input type="checkbox"/>
If employees take two 15 minute breaks for meals (instead of one 30-minute period), they have agreed to this	<input type="checkbox"/>
Employees who work more than 8 hours a day or more than the regular work day have signed agreements	<input type="checkbox"/>
If employees do / may work more than 48 hours a week: <ul style="list-style-type: none"> a) Employees have signed agreements b) Employees have received Ministry of Labour Hours of Work and Overtime Information Sheet c) Employer has Ministry of Labour permit or 30 days have passed since application d) Employees do not work more than hours provided for in permit 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Employees receive at least 11 hours off between shifts each work day	<input type="checkbox"/>
Employees receive at least 8 hours off between shifts (unless sum of shifts less than 13 hours)	<input type="checkbox"/>
Employees receive 24 consecutive hours off each week	<input type="checkbox"/>
Employees receive 48 consecutive hours off every two weeks	<input type="checkbox"/>

Overtime

Employees who do not receive overtime pay fall within exemptions provided under the ESA	<input type="checkbox"/>
Non-exempt employees receive 1 ½ regular rate for hours worked in excess of 44 in a week	<input type="checkbox"/>
If employees receive time in lieu of overtime pay:	
a) Employees have signed agreements	<input type="checkbox"/>
b) Employees receive time and a half off in lieu of overtime	<input type="checkbox"/>
If overtime hours are averaged over two to four weeks:	
a) Employees have agreed in writing	<input type="checkbox"/>
b) MOL permit obtained	<input type="checkbox"/>
c) Employees have received Ministry of Labour Hours of Work and Overtime Information Sheet	<input type="checkbox"/>

Minimum wage

Employees receive at least minimum wage (currently \$11.40 per hour) unless other wage applies (<i>increases announced each April and effective each October</i>)	<input type="checkbox"/>
Student employees receive at least minimum wage (currently \$10.70 per hour) unless other wage applies	<input type="checkbox"/>

Public Holidays

If public holiday falls on what is ordinarily a working day and the employee does not work, the employee receives public holiday pay	<input type="checkbox"/>
Public holiday pay is calculated based on regular wages for preceding 4 weeks divided by 20	<input type="checkbox"/>
If public holiday falls on what is ordinarily a working day and the employee does work: <ul style="list-style-type: none"> a) Employee receives regular rate for hours worked on public holiday and substitute day within 3 months (or 12 if employee agrees), or b) Employee agrees to receive public holiday pay plus premium pay for hours worked that day 	<input type="checkbox"/> <input type="checkbox"/>
If public holiday falls on day that is not a working day: <ul style="list-style-type: none"> a) Employee receives a substitute day off with public holiday pay within 3 months (or 12 if employee agrees), or b) Employee agrees to receive public holiday pay instead of a day off 	<input type="checkbox"/> <input type="checkbox"/>

Vacations

Employees receive at least two weeks off each year	<input type="checkbox"/>
Vacation is taken in at least one week periods unless employee agrees to take shorter periods	<input type="checkbox"/>
Employees receive at least 4 per cent of total wages as vacation pay each year	<input type="checkbox"/>
Vacation pay is paid before employee starts vacation (or on each pay if employee agrees)	<input type="checkbox"/>
Employees received vacation within 10 months after completing first year of service	<input type="checkbox"/>
Earned but untaken vacation pay is paid out on termination of employment with final pay	<input type="checkbox"/>

Employee Leaves

Employees reinstated to prior jobs upon completion of leave or comparable job if it no longer exists	<input type="checkbox"/>
Benefits are continued during the leave	<input type="checkbox"/>
Seniority and service continue during the leave	<input type="checkbox"/>
If employer has 50+ employees, employees are able to take up to 10 personal emergency leave days	<input type="checkbox"/>

Termination and Severance

Employees receive notice of termination or pay in lieu according to ESA formula	<input type="checkbox"/>
Notice of termination is in writing and gives specific date of termination	<input type="checkbox"/>
Employees' full benefits are continued for ESA notice period (regardless whether working notice is provided)	<input type="checkbox"/>
Termination and severance pay (if applicable) is paid within one week of termination or next pay day, whichever is later	<input type="checkbox"/>
Employees laid off for longer than "temporary layoff" period receive termination and severance pay (if applicable)	<input type="checkbox"/>
Employees receive severance pay if a) they have 5 or more years of service and b) the employer has a payroll in Ontario of \$2.5 million per year (or has had \$2.5 million payroll in either of last two prior fiscal years)	<input type="checkbox"/>
If termination or severance is not paid, an exception applies	<input type="checkbox"/>
Mass termination rules are complied with if more than 50 employees are terminated within 4 weeks within a municipality	<input type="checkbox"/>