

Employment Standards Act: Claims

Filing a Claim

- Employees have the right to file a claim when the employer is not complying with any of the sections of the ESA
- Claims must be filed with the Ministry of Labour
- Employees must complete the Claim Form available at www.labour.gov.on.ca
- Two year time limit for filing claims by an employee except under certain circumstances
- Maximum penalty an employer may be charged for violations is \$10,000, but does not include reinstatement or compensation benefits
- Employers cannot penalize an employee for:
 - Asking the employer to comply with the ESA and its regulations
 - Asking questions about rights under the ESA
 - Filing a complaint under the ESA
 - Exercising or trying to exercise a right under the ESA
 - Providing information to an ESA investigator
 - Participating in any way in an ESA proceeding

Enforcement Role of Ministry of Labour (MOL)

- ES Officers
 - Proactive Inspections
 - Violation Investigation
 - Enforcement
- Order to pay wages or order to compensate
- Tickets
- Compliance order
- Notice of contravention

Issues for New Canadian Workers

- Temporary work & temping agencies
- Workplace issues:
 - Low wages
 - Unpaid wages and or overtime wages
 - Willful mis-classification as independent contractors
 - Public holiday benefits
 - Wrongful dismissals