UTM CAREER CENTRE TIPSHEETS:
Employment Laws
Employment Laws and Your Rights – What do You Need to Know?

The following provides some basic guidelines but is not intended to replace legal advice. If you are looking for specific legal advice, please visit the resources section at the end of the page. The following information is based on Ontario Provincial laws. Employers that are federally regulated (e.g. banks, post-office, federal government and crown corporations, airports, railways) are covered by Federal Labour Standards [https://www.canada.ca/en/services/jobs/workplace.html](https://www.canada.ca/en/services/jobs/workplace.html).

In Ontario, we are fortunate to have a number of laws that protect our rights. These include:


These laws are designed to provide consistent protection for workers including safe workplaces, discrimination free environments, fair pay and support in case of injury.

**The Ontario Human Right’s Code (OHRC) –** ([www.ohrc.on.ca](http://www.ohrc.on.ca))

The OHRC states: “Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability”.

**What does this mean for you?**

Simply stated, employers are legally required to treat everyone equally in the hiring process and on the job. They should not be asking you about any of the above information during the hiring process (you shouldn’t put this information on your resume or discuss at the interview). For more information on your rights during the interview, please review this [OHRC page](http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate/4-duty-accommodate) on interviews and hiring decisions. Employers are obligated to provide a discrimination free workplace. All employment related decisions should be based on merit.

There are some rare exceptions in the hiring process to this. For example, when hiring for someone to work in a changing room, they can ask for an exemption so that only people of the same gender can be hired. Employers can require a criminal record check for positions which work with vulnerable populations.


Another important element of the Human Right’s Code is that the employers have the Duty to Accommodate persons with a disability in the hiring process and on the job. According to the Human Right’s Code website, “the duty to accommodate persons with disabilities means accommodation must be provided in a manner that most respects the dignity of the person, if to do so does not create undue hardship. Dignity includes consideration of how accommodation is provided and the individual’s own...
participation in the process”. This means that “each person with a disability must be considered, assessed and accommodated individually”.

If you are a student with a disability, you are not legally obligated to disclose information about your health or disability to a potential employer. Revealing such sensitive information is your decision. However, there can be positive reasons (such as needing an accommodation) as well as any negative consequences associated with disclosure during the recruitment process and/or once you are hired.

Consult this guide https://www.utm.utoronto.ca/careers/know-your-rights-disclosure-and-accommodations for more information. You can also make an appointment to discuss your individual situation.

**Employment Standards Act** ([Ontario.ca/employmentstandards](http://Ontario.ca/employmentstandards))

The Employment Standards Act regulates how we are treated in workplaces in Ontario. The statute includes specifics about minimum wage, hours of work, overtime, vacation pay, public holidays, leaves of absence (pregnancy and parental leave, personal leave, medical leave), termination and severance pay.

**What does this mean for you?**

Most employees are entitled to the minimum protection under this act. An employer cannot negotiate to provide you any less than the minimum standards nor can they punish you for asking about your rights. Some of the protections include:

- **Minimum Wage Rate** (as of January 2018) – the current general minimum wage is $14.00/hour. The student minimum wage (for those under 18) is currently $13.51/hour (as of January 2018).
- **Public Holidays.** The public holidays in Ontario are New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, and Boxing Day. If you are required to work on one of these days, you could be eligible for premium pay.
- **Vacation Pay**: You are entitled to a minimum of 4% vacation pay (or time off in lieu of).
- **Internships**: According to the Ministry of Labour Website ([https://www.labour.gov.on.ca/english/es/pubs/internships.php](https://www.labour.gov.on.ca/english/es/pubs/internships.php)) “generally, if you perform work for another person or a company or other organization and you are not in business for yourself, you would be considered to be an employee, and therefore entitled to ESA rights such as the minimum wage. There are some exceptions, but they are very limited, and the fact that you are called an intern is not relevant”. What does this mean for you? In most cases, unpaid internships outside of a co-op or practicum would be in contravention of Ontario Employment Standards. Please visit the Ministry of Labour Website to learn more about regulations regarding paid and unpaid internships. [Ontario.ca/employmentstandards](http://Ontario.ca/employmentstandards) or call the Employment Standards Information Centre at 416-326-7160.


According to the Ministry of Labour Website, the OHSA gives workers three important rights:

1. The right to know about hazards in their work and get information, supervision and instruction to protect their health and safety on the job.
2. The right to participate in identifying and solving workplace health and safety problems either through a health and safety representative or a worker member of a joint health and safety committee.

3. The right to refuse work that they believe is dangerous to their health and safety or that of any other worker in the workplace.

What does this mean for you?
Essentially, this means that you should have the expectation of a safe workplace. You have the right to be trained and to ask questions without fear of reprisal. Safety includes issues related to physical hazards, violence, harassment and bullying. Its important to stay safe in the workplace! A great source of information is the Young Worker’s On the Job Page of the Ministry of Labour Website. In addition, every employer is required to have a Joint Health and Safety Committee and to provide safety training for all employees. For information on your rights and how to apply them, please visit the Ministry of Labour Website.

Workplace Safety and Insurance Act
According to the Workplace Safety and Insurance Board (WSIB) web site, “If you are ever injured or become ill because of your job, we’re here to give you the care and support you’re entitled to under Ontario’s workplace safety and insurance system. That includes benefits, as well as other support, such as return to work assistance.”

What does this mean for you?
Firstly, employers are legally obligated to report any accident or injury to the WSIB and provide the affected employee(s) with a copy of the report. If you miss work due to a reported injury and/or require medical treatment, you could be entitled to Loss of Earnings and some Health Care Benefits. Please note that there are many deadlines associated with these benefits. Please visit www.wsib.on.ca for more information.

University of Toronto Career Centres Job Posting Guidelines
The mission of the Centres is to support students and recent graduates in their career planning, employment and transition to further education. We value our collaborative relationships with employer partners who support us in these goals.

Legal & Policy Context
The Centres operate within a legislative and policy framework that safeguards the interests of the institution, students and our employer partners. Our practice is governed by adherence to:

- Ontario Employment Standards Act and Ontario Human Rights Commission
- Canadian Association of Career Educators & Employers (CACEE) Guidelines for Ethical Recruitment (http://www.cacee.com/recruitment.html)
- Ontario’s Freedom of Information and Privacy Act (FIPPA) (http://www.ontario.ca/laws/statute/90F31)
- University of Toronto’s standards for academic integrity (academicintegrity.utoronto.ca)
- All internship postings must comply with the Ontario Ministry of Labour Guidelines

Impact of COVID 19
While many of us are working from home during this time, the employment laws still apply. For tips on working at home, please review this article - https://www.brainstorm.ca/wp-content/uploads/2020/03/FINALStudent-tips-for-working-at-home-CEWIL-Canada.pdf

Questions or Concerns?
If you have concerns about any postings on the Career Centre website, please contact:
No Cost / Low Cost Legal Services

- **Arch Disability Law Centre** - [http://www.archdisabilitylaw.ca](http://www.archdisabilitylaw.ca) A specialty community legal aid clinic dedicated to defending and advancing the rights of people with disabilities in Ontario.

- **Downtown Legal Services** - [www.downtownlegalservices.ca](http://www.downtownlegalservices.ca) - Both a community legal clinic and a clinical education program, operated by the Faculty of Law at the University of Toronto (and is open to UTM students) with an Employment Law Division

- **Human Rights Legal Support Centre** - [http://www.hrlsc.on.ca](http://www.hrlsc.on.ca) - The Human Rights Legal Support Centre offers human rights legal services to individuals throughout Ontario who have experienced discrimination contrary to Ontario's Human Rights Code.


- **Pro Bono Ontario** - [https://www.probonoontario.org/work/](https://www.probonoontario.org/work/)

- **Toronto Worker’s Legal Health and Safety Clinic** - [http://www.workers-safety.ca](http://www.workers-safety.ca) - This clinic is funded by Legal Aid Ontario to provide free information, legal advice and representation to low income workers who face health and safety problems at work.

Information is subject to change. Please refer to the original sources for the most up to date information. (Updated June 2020)