

— HUMAN RIGHTS COMMISSION —  
WOMEN'S BUREAU  
ONTARIO MINISTRY OF LABOUR  
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ONTARIO LABOUR LEGISLATION OF INTEREST TO  
WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status in violation of the Code. This law also applies to men workers.

Some jobs however, cannot reasonably be performed because of sex or marital status. In such cases employers, unions or individual employees should contact the Women's Bureau of the Ontario Human Rights Commission for information concerning the possibility of an exemption.

In future, fringe benefit plans such as pensions, life and medical insurance containing differentials based on sex or marital status will be prohibited. This provision is not in effect at the present time.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Women's Bureau, Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for *the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions*, except where such payment is made pursuant to

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing the same work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. Her name will not be revealed to her employer.

In addition, field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour.

This law covers all women employees, regardless of occupation.

Wages

The minimum wage in Ontario is \$1.65 per hour. It applies to both men and women, and to both full-time and part-time employees.

There are certain exceptions to the minimum wage in some industries and occupations. Students, learners, construction workers, ambulance and taxi drivers, and certain occupations within the hotel and restaurant industry are affected by these exemptions. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount of which meals or room may be charged against the minimum wage is: \$6.50 per week for room; 65¢ each for meals up to a limit of \$13.50 per week; \$20.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$2,000 for each employee.

### Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the net amount being paid.

### Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

The overtime work of a female employee under 18 shall not exceed six hours per week.

### Overtime Pay

Employees who work more than 48 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

### Night Work

If a woman works on a shift that begins or ends between midnight and 6:00 a.m., she must be provided with private transportation from or to her home by her employer.

Nurses, dieticians and most paramedical workers are now covered by this provision.

No female employee under 18 shall work in an establishment between midnight and 6:00 a.m.

### Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of one week with pay. The amount of vacation pay must be equal to at least 2 per cent of the pay of the employee for all work done during the year.

For each year of employment after the first, the employee is entitled to an annual vacation of at least two weeks with pay. Vacation pay must equal at least 4 per cent of the pay earned by the employee during the year.

The employer has the right to determine the period when an employee may take his vacation and, in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing a full working year, they are entitled to vacation pay of 2 per cent of all their earnings during the period of employment.

Employees who do not work on a statutory holiday are not entitled to any pay.

### Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry.

Coffee breaks during a shift are not required by law, but are a matter of company policy.

## Industrial Safety

The Industrial Safety Branch of the Ministry of Labour conducts a program of inspection and consultation to eliminate unsafe working conditions.

Any person who feels that there are unsafe working conditions existing in an industrial establishment should contact the Industrial Safety Branch.

## Lifting Weights

There is no law which limits the weight which women, *in general*, may lift. The Industrial Safety Act states that *no person* (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

## Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

## First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

## Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 90 Harbour Street, Toronto 1.

## Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not employees are entitled to time off for illness. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

## Maternity Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for 12 weeks' unpaid maternity leave for employees who have worked for an employer for at least one year before the commencement of the maternity leave. All employers of 25 or more employees of both sexes are bound by the maternity leave provisions. This provision is administered by the Women's Bureau.

Pre-natal leave: On presentation of a medical certificate, an employee may initiate the leave at any time within six weeks of the expected date of birth. Or the employer can initiate the leave even earlier if he can show that she cannot perform her normal duties adequately.

Post-natal leave: This is six weeks unless the employee produces medical authorization for an earlier return to work. If management and union or an individual employee wish to negotiate a post-natal leave longer than six weeks, this is in accord with the Act.

The intent of the legislation is that the employee should return to the *same* position or a *comparable* one in terms of work setting, level of responsibility, and remuneration. If a post-natal leave of longer than six weeks has been arranged then the question of the return position is also open to negotiation.

The Act does not provide for income maintenance or accumulation of seniority and benefits during maternity leave, but an employee must not lose seniority or benefits which have accumulated up to the point of leave-taking. The provision relating to seniority and benefits provides for a minimum standard only and in no way affects more beneficial arrangements. Maternity benefits are now available under the Unemployment Insurance Act.

### Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2 - 5 years	2 weeks
5 - 10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must *either* a) continue the employment of the employee until the required period of notice has expired, *or* b) the employer may terminate the employee immediately, provided that he pays the employee what he would normally have earned, without overtime, if he had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay.

### Homework and Domestic Work

Homeworkers are covered by the legislation pertaining to minimum wage, vacations with pay and equal pay for equal work, but domestic workers in single private family residences are exempted.

### Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto 2, Ontario.

## ONTARIO MINISTRY OF LABOUR

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