

— **WELCOME!**

INTRO TO  
EMPLOYMENT LAW



[www.KimHRConsultant.com](http://www.KimHRConsultant.com)

—

"The successful person  
places more attention on  
doing the right thing rather  
than doing things right"

—



# HELLO!

# I'm Kimberley

I PROTECT BUSINESSES FROM FROM  
UNNECESSARY RISKS AND COSTLY MISTAKES  
THROUGH HUMAN RESOURCE AND BUSINESS  
CONSULTING OUTSOURCING SOLUTIONS.

04

# Herstory

HR as my second career after a workplace injury  
Passionate about doing the right thing - leads to doing things right  
Empowering people and businesses to achieve highest potential

HRPA registration #1062234  
Code of Ethics, Best Practices, Fiduciary

Wife. Mother. Professional. Entrepreneur. Coach. Mentor.

---



# Today: Intro to Employment Law

IT WILL ALL COME TOGETHER....



Strategic HR- Top it off

HR Operations- Core strength

Compliance-  
Foundation



## DISCLAIMER: NOT LEGAL ADVICE



The information provided in this webinar does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are for general informational purposes only. Information may not constitute the most up-to-date information.



Session is being recorded  
Please wait until the end for questions

# INTRO TO EMPLOYMENT LAW

1. ONTARIO HUMAN RIGHTS CODE
2. EMPLOYMENT STANDARDS ACT
3. OCCUPATIONAL HEALTH & SAFETY ACT
4. ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT
5. PAY EQUITY

START





# 1. Ontario Human Rights Code OHRC

Guarantees equality before the law and prohibits discrimination in specific social areas such as housing or employment.



# What you need to know



Age



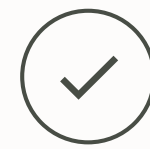
Record of offences



Ancestry, colour,  
race



Citizenship



Ethnic origin



Gender identity /  
gender expression



Sex (including  
pregnancy &  
breastfeeding)



Sexual orientation



Creed



Disability



Family status  
(including single  
status)



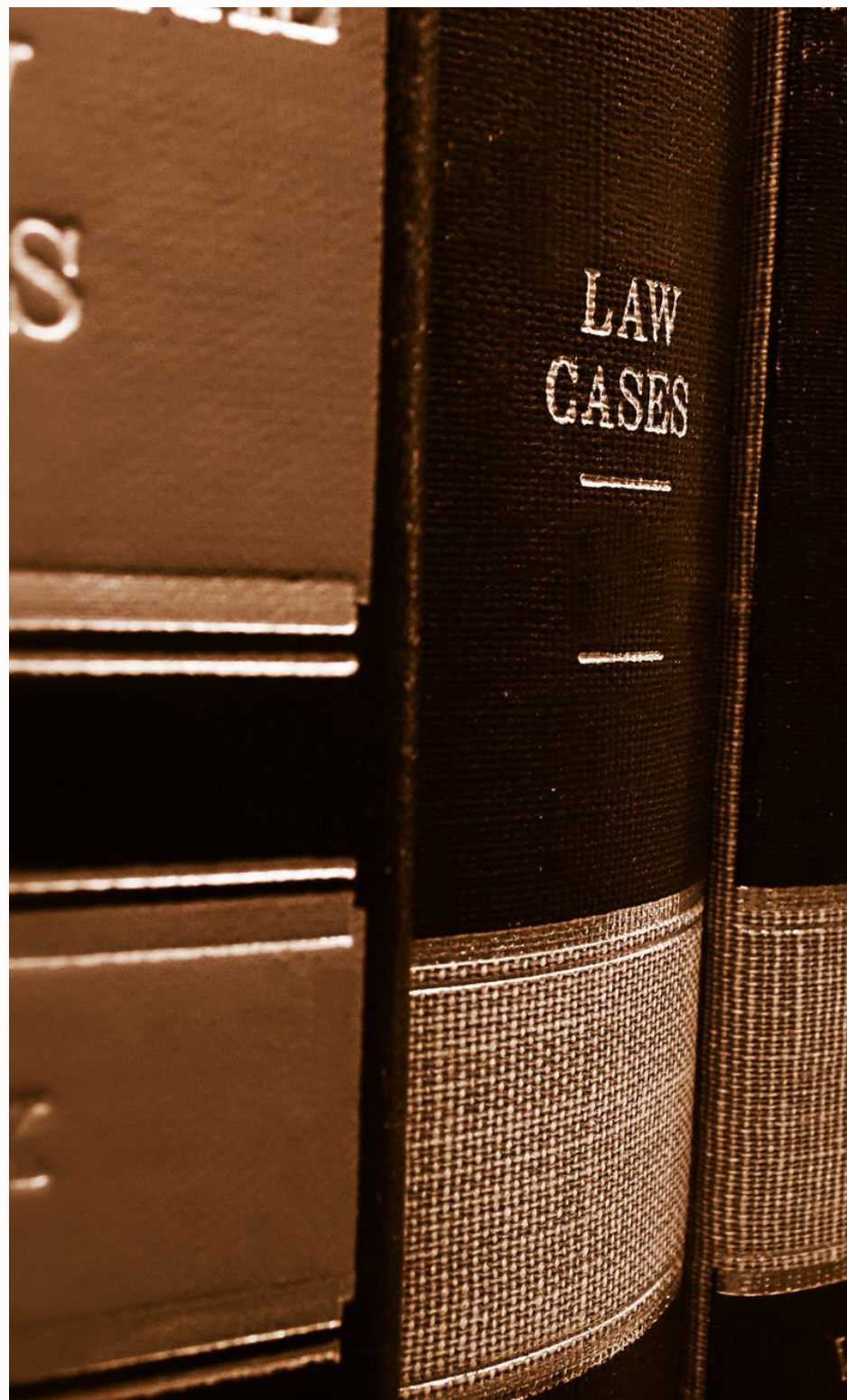
Place of origin



# What you need to know

- The Code states: that every person has a right to equal treatment with respect to employment without discrimination or harassment
- In employment, several laws may apply at the same time as the Code, with overlapping or parallel responsibilities.
- The Supreme Court of Canada has said that human rights legislation such as the Code is not like other laws; “*quasi-constitutional*.”
- Must comply with the Code before other laws, unless there is a specific exception.
- *Employees can file a complaint:* the Ontario Human Rights Tribunal, decides on violation.

[www.ohrc.on.ca](http://www.ohrc.on.ca)



## 2. Employment Standards Act ESA

Minimum requirements, known as 'standards', and are the rights of employees and responsibilities of employers in Ontario. The purpose of the ESA is to protect employees from receiving less than the minimum that is required.

# What you need to know



Employment standards Poster



Hours of work



Minimum wage



Termination notice & pay



Public holidays



Record keeping



Leaves of absences



Vacation time & pay



Equal pay for equal work

Free from reprisal



# What you need to know

- *Employees can file a complaint:* the Ministry of Labour, complaint investigated by an employment standards officer.
- *Reprisals are prohibited:* Employers are prohibited from penalizing employees in any way because the employee exercised ESA rights.
- *Greater right or benefit:* provision in an employment contract or another Act may give an employee a greater right or benefit than the ESA.
- *No waiving of rights:* No employee can agree to waive or give up their rights under the ESA. Any such agreement is null and void.
- Some occupations, independent contractors not covered; unionized employees covered by Labour Relations Act.

— [www.ontario.ca/document/your-guide-employment-standards-act](http://www.ontario.ca/document/your-guide-employment-standards-act)

# 3. Occupational Health & Safety Act OHSA

Protect workers from health and safety hazards on the job. It sets out duties for all workplace parties and rights for workers. It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily.



# What you need to know

## RIGHTS & OBLIGATIONS OF EMPLOYEES



Participate in H&S committees



Right to know about hazards



Right to refuse unsafe work



Work in compliance with OHSA



Follow workplace safety policies



Report unsafe conditions

Free from reprisal



Not circumvent safety devices or practices





# What you need to know

## DUTIES OF EMPLOYERS



Reasonable precautions for safety



Compile H&S reports



Maintain equipment



Train employees



Comply with OHSA



H&S policies



Post a copy of OHSA and relevant material



Cooperate with JHSC

### Which workplaces must have joint health and safety committees?

| No. of Workers  | Legislative requirement   |
|-----------------|---|
| <b>1 to 5</b>   | You are not required to have a <u>JHSC</u> or a health and safety representative unless a designated substance regulation applies to your workplace.  |
| <b>6 to 19</b>  | You are required to have one health and safety representative who is selected by the workers they represent. If a designated substance regulation applies to your workplace, you are required to have a <u>JHSC</u> . |
| <b>20 to 49</b> | You are required to have a <u>JHSC</u> . The committee must have at least two (2) members.  |
| <b>50 plus</b>  | You are required to have a <u>JHSC</u> . The committee must have at least four (4) members.   |

# What you need to know

- *Workplace Internal Responsibility System (IRS)*: Employers & employees takes initiative on health and safety issues and works to solve problems and make improvements
- *Includes*: every worker, supervisor, employer and workplace in Ontario, including workplace owners, constructors and suppliers of equipment or materials to workplaces
- *Excludes*: private residence or on the connected land and workplaces under federal jurisdiction
- *Inspectors*: enforcement arm of the Ministry of Labour. WSIB provides income recovery to injured workers, businesses pay a premium. WSIA is the act that regulates WSIB.
- *Penalties*: for noncompliance with OHSA and its regulations (\$100,000 for an individual person and/or up to 12 months imprisonment and \$1.5 M for a corporation).

— [www.ontario.ca/document/guide-occupational-health-and-safety-act](http://www.ontario.ca/document/guide-occupational-health-and-safety-act)



# 4. Accessibility for Ontarians with Disabilities Act AODA

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) is the law that sets out a process for developing, implementing and enforcing accessibility standards. Government, businesses, non-profits and public sector organizations must follow the standards.

# What you need to know



Create Accessibility policies



Train staff



Document your policies and training



Follow additional accessibility laws



Accessible employment practices



Accessible customer service



Accessible information



File accessibility compliance reports

— [Watch the Accessible Employment Standard video](#)

# What you need to know

- *Accessibility laws and standards:* reduce and remove barriers and make Ontario more inclusive for everyone.
- *Requirements and reporting deadlines:* depends on the type and size of your organization.
  - < 20 = policy + train + customer service + employment practices + info
  - 20 - 49 = same as above + file accessibility compliance report every 3 years
  - 49+ = same as above + compliance report every 3 years + multi year plan + website
- You are exempt if 0 employees in Ontario.

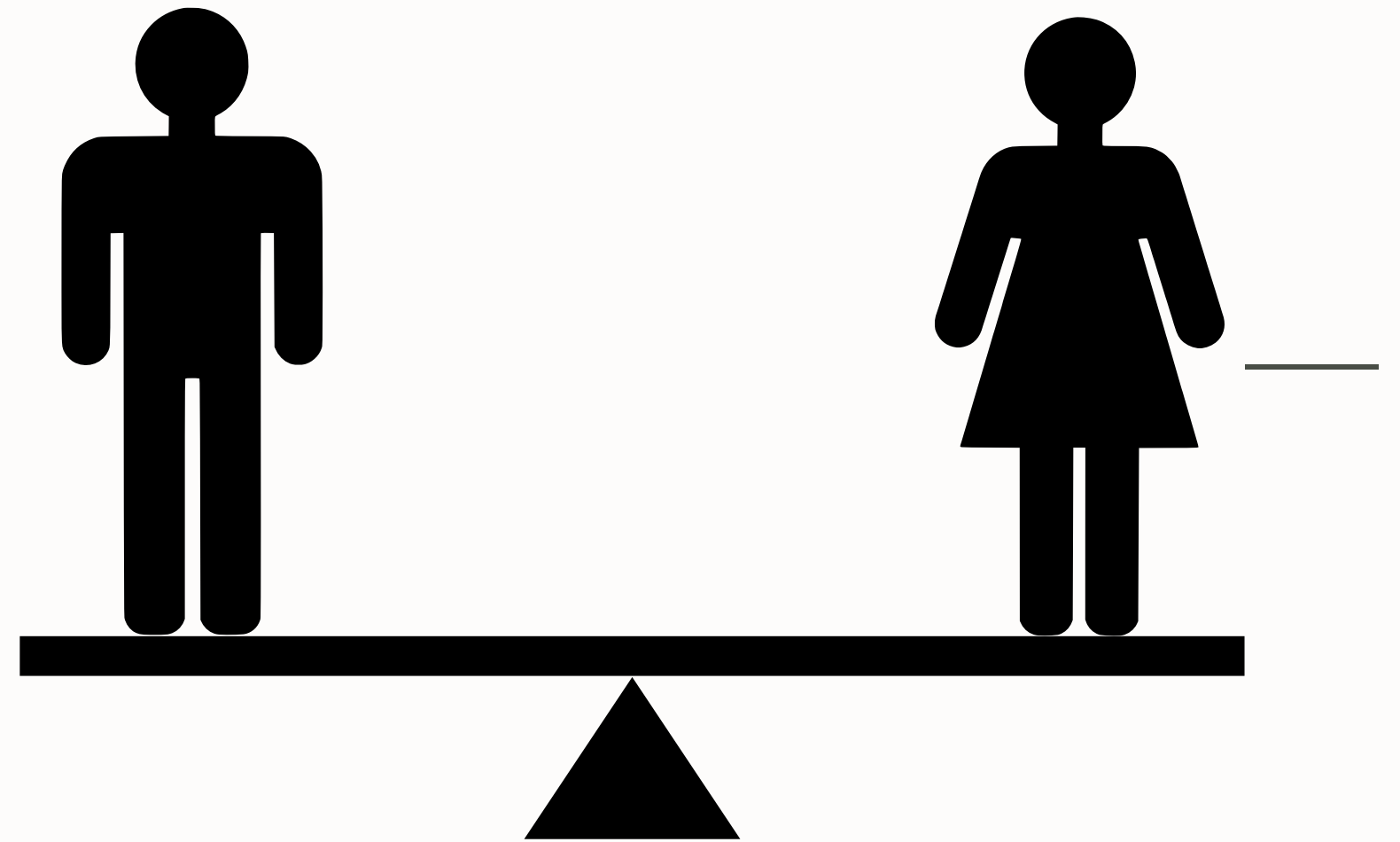
[www.ontario.ca/page/about-accessibility-laws](http://www.ontario.ca/page/about-accessibility-laws)

[www.aoda.ca](http://www.aoda.ca)

---

# 5. Pay Equity Act

All public sector employers and all private sector employers with more than 10 employees achieve pay equity by eliminating sex-based wage discrimination and by continuing to maintain discrimination-free wages into the future.



# What you need to know



Identify job classes



Assign value: skill,  
effort, responsibility  
and working  
conditions



Compare all female  
job classes



Adjust wages  
accordingly

# What you need to know

- Not the same as 'equal pay for equal work' in the ESA
- *Compares the pay for job classes in the same organization.* For example, pay of a custodian male job class to that of the pay of a daycare worker female job class.
- A “female job class” is one in which at least 60 per cent of the positions are held by women.
- Purpose is to correct systemic discrimination in compensation for female job classes only, therefore does not apply to male or gender-neutral job classes.

[www.payequity.gov.on.ca](http://www.payequity.gov.on.ca)

---

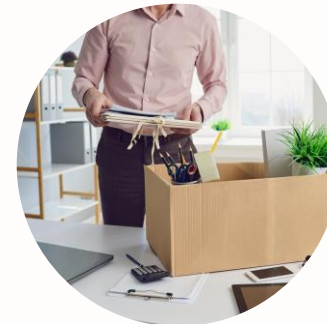


# Where do you turn?



## Family responsibility leave

Employee returns from leave, upset that his pay cheque is less than expected and he's not happy about it. Should you pay him for the leave?



## Employee notice

Business is slow, layoff is likely. How much time do you give to your employees? What are your obligations?



## The interview

Candidate with great skills, education but mentions they cannot drive due to a disability. You decide not to hire them. Are you within your right?

# Where do you turn?



## Worker refuses

Employee refuses to work due to a machine malfunction. You're not going to meet your orders for the week. What to do?



## Harassment

An employee reveals another has been harassing her through Facebook. Since it is not happening during work, it's not your problem. But, now she refuses to work with the other employee.



## Cutting the budget

Financial difficulties, new admin assistants earn less than the maintenance crew. Is that allowed?

# Where do you turn?



## Pool installation

Pool installation & maintenance company. Employees complain you are not paying them overtime or holiday pay. You tell them you don't have to. Who's right?



## Drinking on the job

Employee work quality is declining. When confronted, he confesses that he is struggling, potentially an alcoholic. You want to fire him asap.



## Servers

You reward your female servers with a bonus because they generate more alcohol sales than the male servers. Your male server questions it.



QUESTIONS?

THANK  
YOU





# Get in touch

For inquiries or anything under the sun

EMAIL

[Kim@KimHRConsultant.com](mailto:Kim@KimHRConsultant.com)

WEBSITE

[www.KimHRConsultant.com](http://www.KimHRConsultant.com)

PHONE NUMBER

**226-930-1999**