



STEPS TO JUSTICE

EMPLOYMENT LAW

An OJEN workshop demonstrating a CLEO
public legal information resource.



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



True or false?

1. I work at a restaurant where all employees are expected to wear a designated uniform, including a logoed polo shirt and black pants. My boss told me I need to purchase the uniform directly from the company and pay for it upfront. This sucks!

TRUE OR FALSE: If your job requires you to wear a uniform, your employer can make you pay for it without your consent.



True or false?

2. I really can't function without caffeine in the afternoon.

Good thing employers have to give me a paid lunch break and a coffee break!

TRUE OR FALSE: Employers have to allow employees paid lunch and coffee breaks



True or false?

3. I work at McDonalds and I accidentally ruined 6 Tiny Macs.
I'm glad they can't make me pay for those!

TRUE OR FALSE: Employers can't make you pay for product or materials you ruined by accident



True or false?

4. I'm so tired today! But at least tomorrow is Remembrance Day, so my boss has to give me the day off.

TRUE OR FALSE: Remembrance Day must be given as a day off to employees



True or false?

5. I am a teacher who wears a hijab. I overheard two of the teachers who interviewed me say that a Muslim teacher with a hijab would just scare the students and no learning would get done. Can they reject me because of that?

TRUE OR FALSE: Employers can reject you based on your religious practices if they believe that it is necessary to complete the requirements of the position.

Human Rights in Ontario



Charter of Rights and Freedoms vs. Ontario Human Rights Code

Charter of Rights and Freedoms

- All human rights legislation must align with the *Charter*
- Can only be used to challenge **governmental** decisions, actions or laws
 - i.e. cannot cite the *Charter* in a dispute against another person/organization

Ontario Human Rights Code

- All legislation must align with the *Ontario Human Rights Code* (unless legislation specifically states that the *Code* does not apply)
- Can be used for both governmental and private actions
 - i.e. can be used in a dispute against another person/organization

Human Rights in Ontario



Human Rights Laws

Deal with five important areas of life:

- **Services, goods and facilities**
- **Housing**
- **Contracts**
- **Employment**
- **Membership in vocational associations and trade unions**

Protect Ontarians against discrimination on the basis of seventeen different grounds:

- **Age**
- **Sex**
- **Gender (including gender identity and expression)**
- **Disability**
- **Race**
- **Ethnic origin**
- **Place of origin**
- **Colour**
- **Religion**
- **Creed**
- **Citizenship**
- **Ancestry**
- **Disability**
- **Family status (including pregnancy)**
- **Marital status**
- **Sexual orientation**
- **Receipt of public assistance (in housing only)**
- **Record of offences (in employment only)**



**Employment
Law in
Ontario:
*What is
covered?***

Three Major Laws Governing Employment Law

- *Employment Standards Act (ESA)*
- *Occupational Health and Safety Act (OHSA)*
- *Ontario Human Rights Code (OHRC)*

Topics in Employment Law

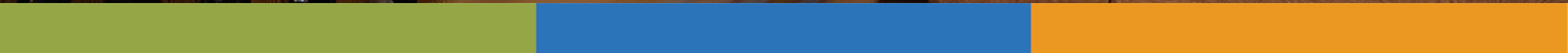
- Human rights and discrimination
- Getting hired, fired and laid off
 - e.g. Migrant workers
- Pay and Employment Insurance
- Hours of work
 - i.e. Breaks and time off work
- Workers' rights and claiming them as a worker
 - i.e. Being safe and being injured at work
 - e.g. Unions in the workplace




Real Life Legal Problems

Demonstration Scenario

My boss told me that I need to work on Good Friday. He said that because I don't celebrate Easter he doesn't have to pay me any extra for working on a holiday like he does for the staff that do celebrate Easter. This doesn't seem fair.





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Some questions:

- In general, can employers force their employees to work on public holidays?
- How much is “holiday pay”?
- What is the name of the law that covers most jobs in Ontario?
- What are some jobs that are not covered by this law?
- Is there a human rights issue in this scenario?



**Using the
Steps to Justice
Website**

Steps to Justice



Steps to Justice
Your guide to law in Ontario

HIDE THIS SITE

Français

Legal Topics About Steps to Justice Latest Updates Embed & Share

Steps to Justice

Step-by-step information about legal problems.
Reliable, practical, and easy to understand.

Tell us what you are looking for...

Legal Topics

- Abuse and Family Violence
- Criminal Law
- Debt and Consumer Rights
- Employment and Work
- Family Law
- Health and Disability
- Housing Law
- Human Rights
- Income Assistance
- Tribunals and Court

Live chat
Mon-Fri 11am-1pm



Group Work

1. Navigate to the Steps to Justice website:
<http://stepstojustice.ca>
2. Read your scenario with your group.
3. Try to identify the main legal issues.
4. Imagine that you are the person in the scenario. Use the Steps to Justice website to answer the questions on your handout.
5. As you browse, try to find out more about how the law would affect the person in your scenario. What does it say? What are their options?
6. Record your answers on the handout.

If you get stuck, ask for help!



Large Group Scenario

FOCUS AREAS:

- 1) Getting fired or laid off
- 2) Notice and compensation
- 3) Harassment and discrimination

I just got fired from a job at a garden store, where I had been working for about two months. When my boss first reviewed my work, he said I was doing a great job and I really liked working there.

After that though, he started to act differently towards me. He would often put his hands on my shoulders and hips or lean really close when he was talking to me. He said things about how he was sick of his relationship and that he wanted to be with other people. I never clearly told him to stop because I was worried he would fire me, but it made me really uncomfortable. Then he tried to kiss me and asked me to come over to his apartment after work. I refused and I said it was because I am in a serious relationship.

A few days later he fired me. He said there was no work for me, even though it was springtime and the store was really busy. I didn't get any notice or compensation, he just fired me on the spot and told me to go home. This all feels really wrong.

Can he do that? What should I do?

