

WORKSHOP RESOURCES

Employment Law & Working Rights



This workshop is one of a series of workshops that can be used to meet Civics expectations and the Socio-cultural Competence expectations under ESL and ELD components of the Ontario Curriculum.

The purpose of this workshop is to give English language learners a general introduction to the basics of employment law and provide them with a positive first interaction with professionals from the justice sector. Other objectives are to build their public speaking skills and confidence in interacting with representatives from the justice system. The materials below can be adapted to the level and background knowledge of each group of students. In addition to varying language levels students will also have had a variety of prior experiences, both good and bad, with the justice system.

This package contains:

- **Simplified definitions** of relevant legal terms and concepts
- **Vocabulary exercises** for reinforcing these legal terms and concepts
- **Plain language scenarios** for discussing topical legal issues
- A handout outlining **contact information for local legal resources** for students and their families

For each OJEN *Talking Law* workshop there are 2 packages:

- *Talking Law* Workshop Guide
- *Talking Law* Workshop Resources

For any questions/concerns about the workshop contact OJEN at: info@ojen.ca or (416) 947-5273.

For more background on OJEN and its programs visit www.ojen.ca.

Employment Law & Working Rights Workshop Outline

Below is a sample workshop outline. The teacher & justice sector volunteer may choose to adapt the length and number of topics covered, depending on the level and interests of the youth.

1. Ice-breaker Activity & Introduction of the Justice Sector Volunteer (Lawyer)

2. Introduction to Employment Law & Working Rights

- The lawyer will begin by asking students whether they have ever had a job. As a class, students will brainstorm with the lawyer a list of “good” and “bad” work situations. The lawyer will ask students to offer suggestions of what individual employment rights they think workers in Ontario have. Students will also brainstorm ways in which they think workers can exercise their rights.

3. Protecting Employment Rights in Ontario

- The lawyer will briefly explain what the *Employment Standards Act* and the *Ontario Human Rights Code* are, and will link these laws with the rights listed by students during the introduction.
- The lawyer will read aloud the attached **scenarios** and students will try to identify what rights are being violated and if there is protection under the law. The lawyer will also share examples from his/her own work to address questions. Specific areas that may be touched upon include:
 - discrimination
 - minimum wage, holiday pay, & withholding pay
 - overtime hours, vacation & rest periods
 - illegal work
 - workplace safety & harassment
 - union organizing
 - relevant interview questions
- If time permits, the lawyer will also do an “**Employment Interview Quiz**” with students. They will respond by raising their hands. As follow up, the lawyer will give explanations to the correct answers.

4. Getting Help

- The lawyer will describe the role of lawyers, community legal clinics, the Ministry of Labour, and immigrant-serving organizations which can assist youth and their families with employment-related issues.

Employment Law - Terms & Concepts

TERMS	DEFINITIONS
Contract:	A written agreement between a worker and his/her employer about the job and the expectations of the worker and the employer. They will usually state the works hours, pay, holiday time, etc.
Discrimination:	When a worker is treated differently and unfairly when compared to other workers. It can be unequal treatment based on things like: race, sex, colour, age, disability, religion, etc.
Employee:	A worker
Employment Insurance:	If you have been working for a certain amount of time and then your employment ends - you may qualify for government assistance until you find a new job.
Employment Law:	The area of the law that deals with individual workers, their employers, and employment rights and responsibilities
<i>Employment Standards Act.</i>	A set of government laws which describe the basic rights of an individual worker
Employer:	The person (or organization/business) who hires a worker and to whom the worker must report
Leave:	Allowed time away from work

Ministry of Labour:	The government department which creates laws about employment, provides information about workers' rights and responsibilities, and helps solve conflicts between workers and their employers
Minimum Wage:	The amount of money that the law says a worker must be paid for each hour worked; an employer <u>cannot</u> pay someone <u>less</u> than this amount.
(Ontario) Human Rights Code:	A set of government laws which protect workers from discrimination by employers
Overtime work:	Work that is more than 44 hours a week
Rest period:	Times during the day when the worker is allowed to take a break
Termination (or dismissal):	When a worker is fired
Union:	A workers' rights association that speaks to employers on behalf of employees. The area of the law that deals with this workers' rights association and employers is called "Labour Law".
Wage:	Money that is paid or received for work
Work permit:	An immigration document which allows a foreign national (someone who is <u>not</u> a Canadian citizen or permanent resident) to work in Canada for a temporary period of time

Learning Employment Law Terms



1. The _____ is the amount per hour that each employer must pay all employees.
2. In order to work legally in Canada as a foreign national, you have to have a _____.
3. If an employer treats you unfairly and differently from other workers and you suffer as a result, this is called _____.
4. There may be a workers' rights association or a _____ in your workplace to help with making complaints to the employer.
5. An _____ must pay you for _____ when you are required to work more than 44 hours a week.
6. Each _____ and employer should sign a _____ which describes what the work will be, how much pay the employee will get paid, the hours, etc.
7. Time away from work is called _____. Employees are also allowed to have _____ each day.
8. If you are asked to leave your job this is called _____.
9. You can look at the _____ and the _____ to find out more about your work rights.

Contract

Discrimination

Employee

Employment Standards Act

Employer

Leave

Minimum Wage

Ontario Human Rights Code

Overtime Work

Rest Periods

Termination

Union

Work Permit

Learning Employment Law Terms



TEACHER'S ANSWER KEY

1. The **MINIMUM WAGE** is the amount per hour that each employer must pay all employees.
2. In order to work legally in Canada as a foreign national, you have to have a **WORK PERMIT**.
3. If an employer treats you unfairly and differently from other workers and you suffer as a result, this is called **DISCRIMINATION**.
4. There may be a workers' rights association or a **UNION** in your workplace to help with making complaints to the employer.
5. An **EMPLOYER** must pay you for **OVERTIME WORK** when you are required to work more than 44 hours a week.
6. Each **EMPLOYEE** and employer should sign a **CONTRACT** which describes what the work will be, how much pay the employee will get, the hours, etc.
7. Time away from work is called **LEAVE**. Employees are also allowed to have **REST PERIODS** each day.
8. If you are asked to leave your job this is called **TERMINATION / DISMISSAL**.
9. You can look at **EMPLOYMENT STANDARDS ACT** and the **ONTARIO HUMAN RIGHTS CODE** to find out more about your work

Case Summary



Circle all of the employment law terms you recognize in the articles below.

Ontario workers owed tens of millions in damages for unfair treatment.

The Chronicle-Journal
April 1, 20**

TORONTO - Ontario workers are demanding fines and tougher prosecution against bad employers.

In a report released by the Workers' Action Centre, Toronto-area workers describe their experiences of lost wages, and lost opportunities. Their stories, in the 80-page report entitled "*Working on the Edge*", calls on the Ontario government to get tough on employers who break the law.

Lucya Pirapakaran, 46, states that during the last four years, she was never paid overtime or holiday pay and rarely minimum wage while working in coffee shops, restaurants and factories. She once had to sell her wedding ring to pay for rent.

Another worker describes fighting for two years for \$2,000 in unpaid wages.

Workers talk about employers giving illegal wages, failing to pay

overtime, statutory holiday pay, vacation and termination pay, and denying workers sick leave and health, pension, unemployment insurance and worker injury benefits.

The report calls for an immediate \$10 minimum wage, and review of the *Employment Standards Act* to ensure protection for all employees, including contract and temporary agency workers.

Case Summary



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Learning About Work Experiences



*Conduct an **interview** with someone in your home or community about their work experience. Record their answers to hand in to your teacher.*

- 1) How many jobs have you had?
- 2) What areas have you worked in?
- 3) Do you get paid a salary or by the hour?
- 4) Do you usually get lunch breaks or coffee breaks? If so, for how long each day?
- 5) Do you ever have to work on holidays?
- 6) Do you ever work more than 44 hours a week? If so, do you get paid for this?
- 7) How many vacation days do you get a year?
- 8) What do you like most about your job?
- 9) What do you dislike most about your job?
- 10) Do you have any advice for a young worker?



Employment Law Word Search

STUDENT HANDOUT

Highlight or circle the employment law terms below.

P	R	T	M	F	G	C	O	N	T	R	A	C	T	S	H	S	V	B	O
L	V	I	I	L	A	T	I	O	N	O	F	R	I	G	H	T	S	A	V
A	R	M	N	N	G	T	H	B	E	N	E	F	I	T	S	O	P	L	E
I	Q	S	I	Y	A	V	R	S	E	W	A	L	V	I	D	H	R	A	R
R	Y	X	M	I	B	S	A	G	R	H	J	S	H	J	J	U	O	N	T
E	R	H	U	W	O	R	K	P	E	R	M	I	T	R	G	H	H	C	I
Y	B	N	M	A	P	R	E	P	R	E	J	U	D	I	C	E	I	E	M
O	E	Q	W	N	A	L	M	D	M	R	A	H	D	G	R	H	B	O	E
L	T	Y	A	I	D	E	F	A	H	W	H	J	S	H	H	J	I	F	A
P	Y	H	G	A	E	M	P	L	O	Y	E	E	E	T	C	E	T	P	I
M	F	G	E	I	K	G	F	H	J	K	L	T	B	S	M	J	E	R	L
E	G	N	U	I	S	A	N	C	E	I	K	F	S	R	H	J	D	O	N
T	Y	S	D	C	S	G	S	G	H	Y	H	D	H	J	K	K	G	B	R
E	L	D	U	N	W	O	R	K	P	L	A	C	E	J	I	K	R	A	D
R	M	E	R	R	E	S	S	I	C	T	C	A	R	Y	N	O	C	B	A
M	P	L	K	D	E	R	E	S	T	T	I	O	N	A	K	D	U	I	M
I	N	D	G	D	J	D	T	G	H	J	G	B	F	P	G	H	N	L	A
N	Y	K	O	F	S	H	S	A	F	Y	D	O	T	S	U	C	D	I	G
A	J	U	D	G	E	D	A	R	A	S	T	S	M	N	O	I	N	U	E
T	S	T	E	R	C	O	W	O	R	K	E	R	F	R	G	Y	H	I	S
I	E	T	E	R	O	H	A	R	A	S	S	M	E	N	T	S	F	E	D
O	D	I	S	C	H	E	D	U	L	E	A	S	S	S	D	E	K	S	E
N	B	R	T	S	D	F	H	F	S	E	T	H	Y	U	H	I	K	E	X
I	E	Q	U	A	L	Y	T	L	I	T	N	A	D	N	E	V	A	E	L

CONTRACT
COWORKER
MINIMUM
WAGE PAY
EMPLOYEE
EMPLOYER

LAW
LEAVE
OVERTIME
REST
RIGHTS
SCHEDULE

TERMINATION
UNION
WORK
PERMIT
WORKPLACE
MINIMUM WAGE



Employment Law Word Search

TEACHER'S ANSWER KEY

P	R	T	M	F	G	C	O	N	T	R	A	C	T	S	H	S	V	B	O
L	V	I	I	L	A	T	I	O	N	O	F	R	I	G	H	T	S	A	V
A	R	M	N	N	G	T	H	B	E	N	E	F	I	T	S	O	P	L	E
R	Q	S	I	Y	A	V	R	S	E	W	A	L	V	I	D	H	R	A	R
E	Y	X	M	I	B	S	A	G	R	H	J	S	H	J	J	U	O	N	T
Y	R	H	U	T	W	O	R	K	P	E	R	M	I	T	G	R	H	C	I
O	B	N	M	A	P	R	E	P	R	E	J	U	D	T	C	I	I	E	M
L	E	Q	W	N	A	L	M	D	M	R	A	H	D	G	R	G	B	O	E
P	T	Y	A	I	D	E	F	A	H	W	H	J	S	H	H	H	I	F	A
M	Y	H	G	A	E	M	P	L	O	Y	E	E	E	J	C	T	T	P	I
E	F	G	E	I	K	G	F	H	J	K	L	T	B	U	M	S	E	R	L
I	G	N	U	I	S	A	N	C	E	I	K	F	S	R	H	J	D	O	N
T	Y	S	D	C	S	G	S	G	H	Y	H	D	H	J	K	K	G	B	R
E	L	D	U	N	W	O	R	K	P	L	A	C	E	J	I	K	R	A	D
R	M	E	R	R	E	S	S	I	C	T	C	A	R	Y	N	O	C	B	A
M	P	L	K	D	E	R	E	S	T	T	I	O	N	A	K	D	U	I	M
I	N	D	G	D	J	D	T	G	H	J	G	B	F	P	G	H	N	L	A
N	Y	K	O	F	S	H	S	A	F	Y	D	O	T	S	U	C	D	I	G
A	J	U	D	G	E	D	A	R	A	S	T	S	M	N	O	I	N	U	E
T	S	T	E	R	C	O	W	O	R	K	E	R	F	R	G	Y	H	I	S
I	E	T	E	R	O	H	A	R	A	S	S	M	E	N	T	S	F	E	D
O	D	I	S	C	H	E	D	U	L	E	A	S	S	S	D	E	K	S	E
N	B	R	T	S	D	F	H	F	S	E	T	H	Y	U	H	I	K	E	X
I	E	Q	U	A	L	Y	T	L	I	T	N	A	D	N	E	V	A	E	L

CONTRACT
COWORKER
MINIMUM
WAGE PAY
EMPLOYEE
EMPLOYER

LAW
LEAVE
OVERTIME
REST
RIGHTS
SCHEDULE

TERMINATION
UNION
WORK
PERMIT
WORKPLACE
MINIMUM WAGE

Discussion Scenarios

Your teacher will review the scenarios below with you; ask about any words you don't understand. The lawyer will discuss the scenarios during the workshop.

1. Ombry went for a job interview. During the interview the employer asked him a lot of questions about "where he came from" and who his friends are. Ombry explained that he is Canadian and has lived here all of his life. The employer asked more pointedly "but where do you really come from, I mean your parents then." Ombry was well qualified for the job but he was turned down.

2. Han is a university student who is not a Canadian citizen. He works on campus for the school newspaper. Another local newspaper has asked him if he would like to work "under the table" for them but his contract with the university says he can "only work on the university campus".

3. Alan works for a company that does editing and publishing. In his free time, he takes on contracts that he does at home privately. He pays taxes at work through his employer. He is thinking about not claiming the amount he makes from private contracts on his own so that he will be able to save more money.

4. Rosa is a new Canadian. She has been working in a clothing factory for six months. She works seven days a week and gets paid \$6.00 an hour. She knows that other workers who were born in Canada are getting paid more than her and they get two days off per week. She complained to her boss that she needs to have at least one day off each week. Her boss told her that if she complains again he will fire her.

5. Monica works in a pub. The Canada Day long-weekend is the pub's busiest weekend of the year. Last July 1st, she worked a 15-hour shift with no breaks. When she got her pay cheque at the end of the week the amount that she was paid was the same as every other week that she has worked.

6. Saeed is a new Canadian. He has been working in a small restaurant for two months. When he started working, the owner said he would pay him if he turned out to be a good worker. The owner keeps saying he will pay him "next week" - but he never does. Saeed needs the money and the job because he has a young family to support.

7. Eric and a few of his co-workers at a clothing factory feel like they are not getting a fair wage for the work they are doing. They plan to make a complaint to their union. When their employer heard this rumor, he began to threaten Eric and his coworkers by telling them he would cut their shift hours or fire them if they made their complaints public. When Eric got to work on Monday there was a letter waiting for him, it says that the company no longer needs his services.

8. Sara just started working at a new office three weeks ago. There are only two other women who work in the office. She has been feeling uncomfortable about the comments her boss makes about her appearance. At first she thought he was just being nice. He would complement her on what she was wearing, but in the last week he has been sending her emails which make her uncomfortable. She has been avoiding him, but yesterday he called her into his office for a meeting; as she left his office, her boss touched her backside. She has spoken to a few friends about what happened, and they say to "just let it go" or else she will be fired.

9. Anders works picking apples on a family farm. Last week he fell off an old ladder that was broken and hurt his arm. He wants to go and see a doctor, but the farm owner says Anders cannot take time off work right now because it is harvest time and he cannot be spared from work.

10. Alexis is new to Canada. She recently applied for a job working as a receptionist. After she sent in her job application the employer requested her photograph. At the interview the employer asked her a number of questions that she thought were private. He asked her how old she was, whether she had a criminal record, whether she was married and if she planned to get pregnant, and how much she weighed. She answered the questions but felt a bit strange about this afterward.

Employment Interview Quiz

What can an employer ask during an interview?

Consider conducting the quiz as a poll, asking students to raise their hands to indicate support for the three possible answers. Please note: this activity is intended for use when a lawyer is present to explain the correct answers. No answer key has been provided.

1. How old are you?	Yes	No	Depends
2. Is this your first job?	Yes	No	Depends
3. Do you have a criminal record?	Yes	No	Depends
4. Do you have a driver's license?	Yes	No	Depends
5. What are your religious beliefs?	Yes	No	Depends
6. Are you married?	Yes	No	Depends
7. Are you an immigrant?	Yes	No	Depends
8. Where do you go to school?	Yes	No	Depends
9. What is your sexual orientation?	Yes	No	Depends
10. How much do you weigh?	Yes	No	Depends



Info on Local Legal Resources

Human Rights Legal Support Centre (www.hrlsc.on.ca)

Contact the Legal Centre if you believe that you have experienced discrimination and you think that you might want legal assistance in filing an application to the Human Rights Tribunal of Ontario or legal advice in resolving an issue of discrimination.

You can contact the Human Rights Legal Support Centre by:

- visiting their Website at: www.hrlsc.on.ca
- by telephone: (416) 314-6266 or (Toll Free): 1-866-625-5179
- If you want to arrange for an in-person interview, you should contact the Centre by telephone at the numbers above. The Centre is located in Toronto at:

Human Rights Legal Support Centre
400 University Avenue, 7th Floor
Toronto, Ontario M7A 1X8

Ontario Ministry of Labour (<http://www.labour.gov.on.ca/english/>)

The Ministry of Labour's mission is to advance safe, fair and harmonious workplace practices that are essential to the social and economic well-being of the people of Ontario.

- **Worksmart Ontario**
If you're starting out in the workforce in Ontario, this site has the information you need to know about protecting your health and safety and understanding your employment rights. It also has a lot of other handy information and useful links.
<http://www.worksmartontario.gov.on.ca/scripts/default.asp>
- **Protecting your future: Information for Young Workers**
<http://www.labour.gov.on.ca/english/site/youngworkers.html>
- **Employment Standards Information Centre**
416-326-7160 (Greater Toronto Area)
1-800-531-5551 (toll free Canada-wide)

Workers' Action Centre (<http://www.workersactioncentre.org/index.htm>)

The Workers' Action Centre is a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment.

720 Spadina Avenue, Suite 223, Tel: 416-531-0778

- **Your Rights at Work – An Action Guide for Fair Employment**
<http://www.workersactioncentre.org/Documents/pdfs%20Resources/Your%20Rights%20at%20Work.pdf>

Legal Aid Office

If you cannot afford a lawyer you can apply for a Legal Aid Certificate – which you then take to a lawyer or legal aid clinic. Please refer to the legal aid website: www.legalaid.on.ca.

- **Justice for Children and Youth**

Provides legal information and advice for youth.

Ontario Toll Free: 1-866-999-JFCY (5329), info@jfcy.org

www.jfcy.org

Settlement.org (www.settlement.org)

A webportal that gives information on local legal and immigration resources.

- Click on “Close to Home” in the right hand corner and then “Find Help Close to Home” and select the Peel Region.

Community Legal Education Ontario – CLEONet (www.cleonet.ca)

A webportal that provides free access to 100s of information pamphlets and documents about the law.

(Insert info about other local NGO and settlement organizations.)



Teacher Evaluation Form

Teacher:

Class:

School:

Date:

Workshop subject area: Employment Law

What did you find most useful about this workshop?

Did you find the level was appropriate for your students?

Was the subject matter of interest to your students?

Was the workshop too short or too long?

Was there enough interaction between the lawyer and the students?

Did students have enough time to ask questions?

Did you like the exercises? Are there some that should be taken out or improved?

Do you have any suggestions for new exercises to be included in upcoming workshops?

Would you be interested in having more speakers come to your class?

What other subject areas would be of interest to your students?

Would you be interested in working with OJEN to develop more resources?

Any other suggestions?

Thank you again for your participation in this project!



Student Evaluation Form

Please fill out the form and give it to your teacher.

Class:

School:

Employment Law

What I most liked about this workshop was:

What I did not like about this workshop was:

What I wish I could have asked the lawyer but didn't:

What would be good for next time is:

I would be interested in learning more about:



Justice Sector Volunteer Evaluation Form

Please return completed form to OJEN by:
Email: info@ojen.ca or Fax: 416-947-5248

Name:

Location of *Talking Law* workshop:

Date of *Talking Law* workshop:

ESL *Talking Law* Workshop: Employment Law

What did you most enjoy about this workshop?

What did you find most challenging about this workshop?

Were the resources provided for this activity useful? Do you have any suggestions for additional resources we could include in this package?

Do you have any suggestions for new workshop topic? (i.e. What other legal subject areas would lend themselves well to this kind of workshop?)

Were the students able to understand the subject matter?

Was there an opportunity for the students to ask questions? Did they ask questions? What were they most interested in learning?

Can you think of any follow-up activities (especially ones which are experiential in nature) which would be useful for this class, now that they have completed the workshop?

Would you be interested in being involved in future workshops?

Any other comments/suggestions?

Thank you for your participation in this project!