

# GLC20: Young Workers Rights Scavenger Hunt

## The ESA

1. What is the ESA? **Employment Standards Act**
2. What does it do? **Sets out minimum standards for rights/responsibilities of employers and employees.**
3. Are young workers (full-time, part-time) covered by the ESA?  Yes  No

## Minimum Wage and Overtime

4. Is minimum wage the same for adults and students?  Yes  No
5. How much is it? Fill out the chart below:

Minimum Wage Rate	January 1, 2018
General Minimum Wage	\$14.00
Student Minimum Wage	\$13.15
Liquor Servers Minimum Wage	\$12.20
Hunting/Fishing Guides	\$70.00 for <5 consecutive hours/day OR \$140.00 > 5hrs/day (consecutive or non-consecutive)
Homeworkers Wage	\$15.40

6. In what situation does the homeworkers wage apply? Give a definition and examples. **Employees who do paid work in their home – eg. Seamstresses, telephone soliciting, writers for high tech company, etc**
7. In what situation(s) is a student entitled to the same minimum wage as an adult? **If he/she is a homemaker and therefore, would receive \$15.40**
8. When are you **not** entitled to minimum wage?  
**If you are a co-op student, doing Community Participation (Ontario Works program), doing a work experience program with a college/university, a young offender or in a rehabilitation program**
9. You already understand that there are some situations in which you work, but don't get paid. What are those situations called in high school? **Co-op programs**
10. If you are called in to work and work for two hours, how much is your employer required to pay you? **3 hours' worth**
11. When should you be paid overtime? **Every hour over 44 hours/week**
12. How much is overtime? **1 ½ times your regular rate of pay**
13. In what situations are you not eligible for overtime? **Installing pools, landscaping, sod laying, students working at a camp for children or instructing children.**

## Breaks and Religious Holidays

14. How many breaks are you entitled to if you work for 5 consecutive hours? **One 30-minute break (or two 15-min)**
15. Do you get paid for your break(s)?  Yes  No
16. There are 9 public holidays that you are entitled to take off with public holiday pay. What are they?  
**New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving, Christmas Day, Boxing Day.**
17. In general, do you have the right to refuse to work on a public holiday or Sundays?  Yes  No

*Note: According to the Ontario Human Rights Commission (<http://www.ohrc.on.ca/en/religious-rights>) you have the right to take off religious holidays. For example, many retail businesses require you to work on Good Friday; however, as a practicing Christian, you have the legal right to refuse to work on Good Friday. If you feel like you are being discriminated against in the workplace, do not hesitate to consult the Ontario Human Rights Commission and its resources.*

## Employer Relations and Employee Rights

18. Whether or not you are student, employers are required to give you a specific amount of notice before terminating your employment. Fill out the following chart to find out how much:

Time Worked at Same Employer	Notice Required
3 mths – less than 1 yr	1 week
1 yr – less than 3 yrs	2 weeks
>3 yrs	3 weeks

19. What should you do if your employer owes you wages? **File a claim with the Ontario Ministry of Labour**
20. How do you ensure that you get the most money that is owed to you? **File right away (within 6 months)**
21. List the actions that an employer **cannot** penalize you for under the ESA: **Joining a union, refusing unsafe work, asking to address a health and safety issue, following workplace health and safety laws, obeying a Ministry of Labour inspector's order, asking for pay equity**
22. What should you do if you feel like you have been penalized for any of the above? **File a complaint for unlawful reprisal with the Ontario Labour Review Board (OLRB)**

## On Filing a Claim with the Ministry of Labour

Filing a claim against your employer can seem scary and cumbersome (there are many pages and forms involved, for forms see: <http://www.labour.gov.on.ca/english/es/pubs/guide/esclaim.php>). However, it is important not to get bogged down by all the paperwork. Even as a young worker, you have rights that should be respected. Here are some things to remember:

1. **Know your rights.** Hopefully, this scavenger hunt has helped, but when in doubt: ask your parents or another respected adult; look up your situation in the Employment Standards Act; and/or contact the Ministry of Labour.
2. **If something seems wrong or unsafe, it probably is.** Again, when it doubt, look it up. Do not let yourself work in (physically, emotionally, or financially) unsafe situations.
3. **Keep a separate log of hours and wages.** Your employer is required to provide you with a pay stub that outlines how many hours you worked and how much you made. Check to make sure that they have recorded all of your hours (sometimes employers make mistakes). Create a file/binder for your pay stubs and logs and keep them together.
4. **Leave a paper trail.** If you think that you have a right or will have a right to a claim, start recording *everything*. For example, submit your requests for time off or notifications or outstanding wage payment in writing. You can do so either in hardcopy or over email – just remember to keep a copy of everything (in a file) that you send to or receive from your employer. You can also record conversations that you have with your employer in a log that records the dates and summaries of the conversations. If you are missing wages, make sure that you have a log of how much is owed (with the dates and times that you worked). This will provide lots evidence to back-up your claim and will make the filing process easier.